I hereby certify this is a True Copy of the Decision of the Arlington Redevelopment Board as filed with the Office of the Town Clerk of the Town of Arlington, Massachusetts on August 26, 2020 and that 20 days have elapsed after the Decision and no Appeal has been filed. ATTEST: Julianna A Bregoli Town Clerk

Date of Issue September 16, 2020

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ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts
Middlesex, ss

DOCKET NO. 3602

DECISION
Special Permit Under
ENVIRONMENTAL DESIGN REVIEW

Applicant: James F. Doherty for 1211 Mass Ave Realty Trust
Property Address: 1207-1211 Massachusetts Avenue, Arlington, Massachusetts 02476

Hearing Dates: July 22, 2019, October 21, 2019, December 16, 2019, January 27, 2020, May 18, 2020, July 6, 2020, August 17, 2020

Date of Decision: August 17, 2020

20 Day Appeal Period Ends: September 15, 2020

Members Approved	Opposed
Rachel J. Zsembery	
David M. Watson	
Eugene B. Benson	
Julianna A Bregoli	

Town Clerk's Certification

9/16/2020
Date

I hereby certify this is a True Copy of the Decision of the Arlington Redevelopment Board as filed with the Office of the Town Clerk of the Town of Arlington, Massachusetts on August 26, 2020 and that 20 days have elapsed after the Decision and no Appeal has been filed. ATTEST: Juliana A Brejak

Date of Issue September 16, 2020

Town Clerk

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Town of Arlington, Massachusetts

Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

DECISION OF THE BOARD

Environmental Design Review Docket #3602
1207-1211 Massachusetts Avenue, Arlington, MA 02476
1211 Mass Ave Realty

August 17, 2020

This Decision applies to the application by James F. Doherty for 1211 Mass Ave Realty Trust to construct a mixed-use structure at 1207-1211 Massachusetts Avenue within the B2 Neighborhood Business District and the B4 Vehicular Oriented Business District. The site is comprised of two lots: 1207 Massachusetts Avenue and 1211 Massachusetts Avenue. The property owner was responsive to a Town Request for Proposals and entered into a Purchase & Sale Agreement to purchase the property at 1207 Massachusetts Avenue in order to construct a mixed-use building, which is desirable to the Town. The Board reviewed and approved an Environmental Design Review Special Permit under Section 3.4 of the Arlington Zoning Bylaw. The mixed-use building will include a hotel with 48 rooms and a restaurant on the ground floor. A public hearing was held on July 22, 2019 and continued to October 21, 2019, December 16, 2019, January 27, 2020, May 18, 2020, July 6, 2020, and August 17, 2020, when the public hearing was closed. A Decision was made on August 17, 2020.

Materials reviewed for this Decision:

- Application for EDR Special Permit and supporting materials June 20, 2019
- Plan Set June 20, 2019, updated August 21, 2019, updated November 25, 2019, updated December 12, 2019, updated June 23, 2020, updated August 6, 2020
- Environmental Design Review Public Hearing Memo from Department of Planning and Community Development (DPCD) July 16, 2019, update provided January 21, 2020, update provided May 14, 2020, update provided August 10, 2020
- Letters to J. Raitt from M. O'Connor January 21, 2020, May 11, 2020, June 24, 2020, August 10, 2020
- Memo to ARB re: Special Permit filing fees August 7, 2019
- Correspondence from D. Heim re: waiver of fees August 13, 2019
- Certified Vote on 2016 Annual Town Meeting Article 6

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- BSC Group Technical Appendix Traffic, Vehicle Crash Data, and Operations Analysis February 4, 2020
- Memo from D. Heim re: 3602 May 13, 2020
- Zoning Recodification vote and excerpts from guide May 13, 2020
- Memo from J. Doherty July 18, 2019
- Letter from C. Knight, Davidson Management, July 23, 2020
- Memo from Transportation Advisory Committee Working Group August 5, 2020
- DPCD Shadow Study and memo August 7, 2020
- Email from Disability Commission August 7, 2020
- Letter to J. Raitt from M. O'Connor regarding Transportation Advisory Committee memo August 12, 2020
- Email from M. O'Connor regarding Disability Commission comments August 13, 2020
- Written comments and related correspondence as follows from:
  - A. LeRoyer 12 Peirce Street, July 18, 2019, February 3, 2020, June 29, 2020
  - C. Loreti, 56 Adams Street, August 12, 2019, January 31, 2020, January 27, 2020, August 16, 2020
  - B. McCauley, 1184 Massachusetts Avenue, July 2, 2020
  - J.A. Preston, 42 Mystic Lake Drive, January 27, 2020
  - S. Revilak, 111 Sunnyside Ave., June 27, 2019
  - M. Sandler and S. Langelier, 18 Peirce Street, February 7, 2020
  - D. Seltzer, 104 Irving Street, January 24, 2020, March 8, 2020, March 12, 2020, May 1, 2020, May 14, 2020, May 18, 2020, August 7, 2020, August 9, 2020, August 17, 2020
  - E. Welton, 30 Peirce Street, February 25, 2020

The following criteria have been met, per Section 3.3.3, Arlington Zoning Bylaw:

1. Mixed-use, which as defined by the Zoning Bylaw includes lodging and commercial uses, requires a Special Permit in both the B2 Neighborhood Business District and the B4 Vehicular Oriented Business District. Mixed-use is additionally subject to Environmental Design Review under Section 3.4.G and due to the proposal's location on Massachusetts Avenue. Mixed-use is described as being allowed in Section 5.5.1 for both the B2 and B4 Districts, in particular in the B4 District when automotive-oriented uses close and are redeveloped.

2. The requested use is essential and desirable. The redevelopment of 1207 Massachusetts Avenue an undersized, non-conforming lot with a vacant, dilapidated building and the adjacent 1211 Massachusetts Avenue site with an automotive use occupying the entire corner lot is desirable for the public convenience and welfare. The mixed-use building of a small hotel and restaurant is well-positioned to take advantage of tourism opportunities along the Battle Road Scenic Byway. A hotel and restaurant in the immediate area is desirable to tourist groups seeking accommodations. The economic benefit gained through the hotel/motel tax and

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meals tax will also generate revenue, a stated goal of the Town of Arlington and the Redevelopment Board. Additionally, residents have voiced the critical importance of adding more restaurants and mixed-use development along this corridor which, according to the Arlington Master Plan, has the capacity for growth.

3. The development will not create undue traffic congestion or unduly impair pedestrian safety. The development will limit congestion along Massachusetts Avenue by way of a semi-circular driveway limited to pick-up and drop-off and valet service. Valets will park vehicles for hotel guests in the lot provided. The hotel will assure that its guests do not park cars overnight in Arlington. Off-site parking will be provided for hotel and restaurant staff. Signage will direct and restrict traffic. Tour buses for hotel guests will not park in Arlington and will not traverse Clark Street. Restaurant patrons arriving by car will use available on street parking.

4. The development introduces uses that differ from those presently on the sites that will not create hazards affecting health, safety, or the general welfare of the immediate area or in any other area of the Town. A stormwater system will be installed to control roof and surface stormwater runoff, and there will not be an impact on public utilities. Review by the Town Engineer will ensure that the development will not overload any public water, drainage, or sewer system, or other municipal system.

5. No special regulations are applicable to the proposed development.

6. The uses do not impair the integrity or character of the neighborhood. The mixed-use building is in keeping with adjacent land uses, particularly along Massachusetts Avenue. A new restaurant and hotel will not impair the integrity or character of the district or the adjoining districts and it will not be detrimental to health or welfare. The new building will provide connections between the Arlington Heights business district and other segments of the corridor. The hotel use in particular will provide greater access for tourists to Arlington's historic resources that make it part of the Battle Road Scenic Byway, including nearby historic and cultural amenities.

7. The use will not be in excess or detrimental to the character of the neighborhood.

The following criteria have been met, per Section 3.4.4, Arlington Zoning Bylaw:

A. **EDR-1 Preservation of Landscape**

The existing site condition is primarily impervious, although a tree will need to be removed due to its location within the rear parking area. A 5-foot buffer is provided along the rear property line that will be planted with flowering pear trees and blue spruce. Planters along Massachusetts Avenue will provide screening and some relief from the roadway. There will be 1,581 square feet of landscaped open space and 3,384 square feet of usable open space.

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B. EDR-2 Relation of the Building to the Environment

The development straddles a B2 Neighborhood Business District and a B4 Vehicular Oriented Business District. The new building will be taller than most of the buildings in the immediate vicinity. However, on the opposite side of Massachusetts Avenue, the terrain quickly gains elevation and buildings appear much taller due to the elevation change.

The first story is set back beneath the second and third floors and an upper-story step back at the top of the third floor with roof deck and garden provides relief from the mass of the building and adds visual interest to the building. A shadow study completed by the owner and one completed by the Department of Planning and Community Development confirmed that extent of shadows on adjacent properties is limited from the new building. Although one tree will be removed from the rear of the property, the remaining mature trees provide some buffer between the adjacent residential properties and the development. A six-foot privacy fence will be installed to provide screening of the parking area.

C. EDR-3 Open Space

The development will provide open space on the existing primarily impervious site and will add usable and landscaped open space. A front patio along Massachusetts Avenue includes more than 256 square feet publicly usable open space.

D. EDR-4 Circulation

The development includes 24 parking spaces for vehicles, including one HC vehicle space, either under the building or at the rear of the property in a garage or at surface level respectively. Parking is accessed via Clark Street. A parking reduction under Section 6.1.5 has been granted. A semi-circular driveway on Massachusetts Avenue will serve as a pickup and drop-off zone. A Transportation Management Plan has been provided. Parking for bicycles has been provided. Signage related to turns, parking, and valet service will be installed. The development improves on-site infrastructure and proposes improvements to abutting public infrastructure along sidewalks, curb cuts, and curb treatments.

E. EDR-5 Surface Water Drainage

The development will include a subsurface infiltration system under the parking lot to control surface runoff. Roof drains will connect into the system to carry runoff from the roof. The size and location of the subsurface infiltration system will be confirmed by the Town Engineer. In addition to this structural solution, the developer will include the installation of previous pavers within the patio areas along Massachusetts Avenue.

F. EDR-6 Utilities Service

All new utility connections will be underground.

G. EDR-7 Advertising Features

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The development includes conceptual signage consistent with the sign bylaw in terms of placement, location, and size. Final review of any signage remains with the Arlington Redevelopment Board.

H. EDR-8 Special Features

All special features are appropriately set back and screened.

I. EDR-9 Safety

The development meets all relevant health and safety codes.

J. EDR-10 Heritage

The one story garage building at 1211 Massachusetts Avenue and one story building at 1207 Massachusetts Avenue will be removed from the site. Neither structure has been deemed as being historic, traditional, or significant uses, structures, or architectural elements. Two properties on the opposite side of Massachusetts Avenue (1210 Massachusetts Avenue and 1218-1222 Massachusetts Avenue) are under the jurisdiction of the Historical Commission. The redevelopment of the subject property will not disrupt historic, traditional, or significant uses, structures, or architectural elements that exist on the adjacent properties.

K. EDR-11 Microclimate

There will be no adverse impacts on air and water resources or on temperature levels of the immediate environment.

L. EDR-12 Sustainable Building and Site Design

The proposed building will meet the Massachusetts Energy Stretch Code as required for all new buildings.

The project must adhere to the following General Conditions:

1. The final design, sign, exterior material, landscaping, screening, bicycle racks, and exterior lighting plans shall be subject to the approval of the Arlington Redevelopment Board at the time when future operators are identified. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board. At the time of the final design submission, there will be no changes that will adversely affect the adjacent residential properties and no changes or modification to the proposed massing of the building will be permitted.

2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.

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3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.

4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the Owner and shall be accomplished in accordance with Town Bylaws.

5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws.

6. The Owner shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The Owner shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.

7. Upon installation of landscaping materials and other site improvements, the Owner shall remain responsible for such materials and improvements and shall replace and repair as necessary to remain in compliance with the approved site plan.

8. Upon the issuance of the building permit the Owner shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

The project must adhere to the following Special Conditions:

1. The rear parking lot shall be operated by a valet service only. The hotel spaces shall be available only for hotel overnight guests. Rear parking will not be used for or by restaurant patrons, hotel or restaurant staff, or persons other than the hotel's overnight guests via valet. Signage to that effect shall be conspicuously posted in the rear parking area. This shall be required of any future hotel and restaurant operators.

2. The Owner shall install a sign that prohibits right turns onto Clark Street from the rear parking lot. Future operators of the hotel and restaurant must enforce this policy with the valet operators.

3. A complete Transportation Demand Management Plan shall be submitted to the Department of Planning and Community Development for review and approval, including furnishing the Department with any final lease or other such agreements for parking off-site. The TDM Plan shall finalize all available off-site parking for employees and tour buses, and overflow guest valet parking, as well as identify

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ways the restaurant and hotel operators will incentivize employees to utilize other modes of transportation besides a personal vehicle.

4. The Owner is responsible for repairing the sidewalk between Massachusetts Avenue and the project driveway along the site frontage of Clark Street. The Owner is also responsible for installing ADA-compliant curb ramps and detectable warning panels at the intersection of Massachusetts Avenue and Clark Street adjacent to the property and at the project's driveway on Massachusetts Avenue. The design and construction of which shall be reviewed and approved by the Engineering Department.

5. The Owner is responsible for executing a Memorandum of Understanding (MOU) with the Select Board, to run concurrent with the 40-year mixed-use restriction to ensure that public access during daylight hours is afforded on the site for not less than seven (7) days per week and scheduled events not less than two (2) days per week in exchange for an increase in the floor area ratio. The Owner shall work with the Department of Planning and Community Development to identify a reasonable scheduling and signage plan to be included in the MOU.

6. The Owner shall limit deliveries to the site between 8:30 AM and 2:00 PM and shall require that the delivery vehicles accessing the site can utilize the front or rear driveways for loading and unloading thereby preventing the need for loading and unloading on Massachusetts Avenue or Clark Street. Service and trash removal trucks accessing the rear parking area shall not exceed 38 feet in length.

7. The Owner shall ensure full compliance with Architectural Access Board and Americans with Disabilities requirements for all program and building components and all outdoor areas, including parking.

8. The required building setback for the building in relation to Clark Street is reduced based on specific conditions unique to the proposal. There are no residences on the same block and side of Clark Street that face Clark Street. Further, the residence facing Peirce Street at the corner of Clark Street and Pierce Street has a side yard on Clark Street of only a few feet in depth. In addition, the plans show that the building position will provide adequate sight lines at that corner.

9. The Owner shall provide a sidewalk connection on the east side of the semi-circle driveway to the main hotel entrance on Massachusetts Avenue.

10. The Owner will provide a chamfer planting bed on the sidewalk at the corner of Massachusetts Avenue and Clark Street to create additional space for accessibility and maneuvering around plantings and utilities.

11. The Owner shall ensure that tour buses will not be allowed to turn onto Clark Street in order to travel through the neighborhood.