

MEMORANDUM

BOARD APPROVED

AUGUST 15, 2019

TO: BOSTON REDEVELOPMENT AUTHORITY
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)*
AND BRIAN P. GOLDEN, DIRECTOR

FROM: JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW/GOVERNMENT AFFAIRS
COREY ZEHNGEBOT, SENIOR ARCHITECT/URBAN DESIGNER
PHILLIP HU, PLANNER
TIM CZERWIENSKI, SENIOR PROJECT MANAGER

SUBJECT: PUBLIC HEARING TO CONSIDER THE 1241 BOYLSTON STREET PROJECT
IN THE FENWAY NEIGHBORHOOD OF BOSTON AS A DEVELOPMENT
IMPACT PROJECT

SUMMARY: This Memorandum requests, in connection with the public hearing on the proposed 1241 Boylston Street project, proposed by 1241 Boylston, LLC (the "Proponent"), and located at 1241 Boylston Street in the Fenway neighborhood of Boston (as further described below, the "Proposed Project"), that the Boston Redevelopment Authority, d/b/a Boston Planning & Development Agency ("BPDA") Board: (1) authorize the Director to issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the "Code") for the Proposed Project; (2) authorize the Director to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (3) approve the Proposed Project as a Development Impact Project within the meaning of Section 80B-7 of the Code;

* Effective October 20, 2016, the BRA commenced doing business as BPDA.

and (4) take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering one or more Development Impact Project Agreement(s) and Cooperation Agreement(s), along with any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The project site is an approximately 21,050 square-foot parcel that is currently occupied by a Shell gas station / service station, which is also used as a 100-car parking lot. The project site is bounded by Boylston Street to the south, Ipswich Street to the west, Private Alley 938 to the north, and a multifamily residential apartment building to the east (the "Project Site").

DEVELOPMENT TEAM

The Development Team for the Proposed Project consists of:

Proponent:	<u>1241 Boylston, LLC</u> Taylor Callahan Vincent Tiberi
Architect:	<u>Group One Partners, Inc.</u> Harry Wheeler
Legal Counsel:	<u>Dain, Torpy, Le Ray, Wiest & Garner, PC</u> Don Wiest
Permitting Consultants:	<u>Epsilon Associates, Inc.</u> Cindy Schlessinger Geoff Starsiak Talya Moked
Transportation Consultant:	<u>Howard Stein Hudson</u> Elizabeth Peart

Civil Engineer: Nitsch Engineering
John Schmid
Anna Valdez

MEP Engineer: Vanderweil Engineers
Alex Vanderweil

DESCRIPTION AND PROGRAM

The Proponent proposes an approximately 105,000 square-foot hotel containing approximately 184 guest rooms and approximately 4,600 square feet of ground floor retail space. The hotel building will be eight (8) stories and approximately 90 feet tall, and will incorporate approximately 82 below-grade parking spaces. Pick-up and drop-off will occur on the Ipswich Street side of the building, and loading and access to the parking garage will take place off Private Alley 938 (collectively, "the Proposed Project").

ARTICLE 80 REVIEW PROCESS

The Proponent filed a Project Notification Form ("PNF") for the Proposed Project on December 22, 2017. Notice of the receipt by the BPDA of the PNF was published in the Boston Herald on December 22, 2017, initiating a thirty (30) day public comment period, which was extended several times until June 8, 2018. The notice and the PNF were sent to the City's public agencies, pursuant to Section 80A-2 of the Code.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on January 8, 2018, with the City's public agencies during which the Proposed Project was reviewed and discussed.

On January 29, 2018, the BPDA held a Public Meeting to discuss the PNF at the Fenway Community Center. The meeting was advertised in the *Bay State Banner*, listed on the BPDA website, and distributed to the Fenway email list. A second Public Meeting was held on February 12, 2018 at the Boston Arts Academy. The meeting was listed on the BPDA website and distributed to the Fenway email list.

Impact Advisory Group ("IAG") meetings were held on January 18, 2018; February 5, 2018; March 27, 2018; May 31, 2018; and January 31, 2019. The IAG meetings were listed on the BPDA website, and distributed to the Fenway email list.

The Proposed Project was approved by the Boston Civic Design Commission ("BCDC") on February 5, 2019, pursuant to Article 28 of the Code.

ZONING

The Proposed Project is located within the North Boylston NS-2 Neighborhood Shopping subdistrict in the Fenway Neighborhood Zoning District, Article 66 of the Code. It is also located in a Greenbelt Protection Overlay District, the Groundwater Conservation Overlay District, and the Restricted Parking Overlay District.

The Proposed Project is designed to be fully compliant with the requirements of the underlying zoning. Due to its location within the Groundwater Conservation Overlay District, it will need a conditional use permit pursuant to Article 32.

MITIGATION & COMMUNITY BENEFITS

- The Proposed Project will donate a total of \$100,000 to the Boston Parks and Recreation Department.
 - Recipient: The Fund for Parks
 - Use: Projects and programs in the Back Bay Fens
 - Amount: \$100,000
 - Timeline: These payments will be made in \$5,000 annual installments over a period of 20 years, starting upon issuance of a building permit by the Inspectional Services Department (ISD).

- The Proposed Project will donate \$25,000 for the benefit of the Fenway Victory Gardens.
 - Recipient: Fenway Garden Society, Inc.
 - Use: To support ongoing improvements in the Fenway Victory Gardens.
 - Amount: \$25,000
 - Timeline: A payment of \$25,000 will be made upon issuance of a building permit by ISD.

- The Proposed Project will contribute \$20,000 to the Fenway Community Development Corporation (“Fenway CDC”). The Proposed Project will also participate in job fairs both before opening and on an ongoing basis. Furthermore, hotel employment goals are to hire 15% of staff from within 2.5 miles of the site, and to have 30% of staff consist of Boston residents.
 - Recipient: Fenway Community Development Corporation
 - Use: To support Fenway CDC’s Walk to Work Program, which provides job training and other support to local residents.
 - Amount: \$20,000
 - Timeline: A payment of \$20,000 will be made upon issuance of a building permit by ISD.

- The Proposed Project will make 10 parking spaces in the hotel garage available to the adjacent Boston Arts Academy (“BAA”) for a period of 10 years. The spaces will be provided to BAA at a substantial discount to market rates. The total value of this subsidy is estimated to be approximately \$300,000.

- The Proposed Project will eliminate four highly active curb cuts onto Boylston and Ipswich Streets and will rebuild and significantly enhance the sidewalks, pedestrian crossings, and parking spaces along Ipswich Street. These changes will be aligned with similar improvements further up the street, adjacent to the new BAA facility. In addition, along Boylston Street, the Proposed Project will widen the sidewalk, create a pocket park, incorporate specialty pavers, and add numerous street trees. The estimated cost of this work is approximately \$250,000.

- The citywide planning efforts, Imagine Boston and Go Boston 2030, envisioned a network of neighborhood bike lanes that are separated by curbs and/or additional buffer space from motor vehicle traffic, parked cars, and people walking on sidewalks. The Proposed Project will cooperate with this initiative as it is extended to the segment of Boylston Street along the Project Site, and the Proponent will continue to coordinate with BPDA and Boston Transportation Department staff on the design of bicycle accommodations that connect the north side of Boylston Street to the Back Bay Fens path network.

- If the Proposed Project includes meeting space for hotel guests, that space may be used for meetings by community groups. Subject to availability and upon reasonable notice, the Proposed Project will make this space available up to two times per month at no charge.
- The Proposed Project will contribute approximately \$50,000 in Development Impact Project exaction payments towards the City's housing and jobs funds.

DEVELOPMENT IMPACT PROJECT EXACTION

The Proposed Project constitutes a Development Impact Project under Article 80, Section 80B-7 of the Code. Based upon the current plans for the Proposed Project, which calls for the construction of a building containing approximately 105,000 square feet of DIP Uses, the Proponent will provide a Neighborhood Housing Trust payment contribution of approximately \$45,150 and a Neighborhood Jobs Trust payment contribution of approximately \$8,900, or equivalent job and/or housing creation programs.

These estimated linkage amounts are calculated as follows:

Housing Linkage:

DIP Uses	105,000	square feet
Exclusion	<u>-100,000</u>	
	5,000	
	<u>X \$9.03</u>	/square foot
	\$45,150	

Jobs Linkage:

DIP Uses	105,000	square feet
Exclusion	<u>-100,000</u>	
	5,000	
	<u>X \$1.78</u>	/square foot
	\$8,900	

The anticipated DIP gross floor area for the Proposed Project is subject to recalculation, based upon the final design plans, and per the applicable provisions of the Development Impact Project Agreement to be entered into by the Proponent and the BPDA.

RECOMMENDATION

BPDA staff believes that the PNF adequately describes the Proposed Project's potential impacts, and provides sufficient mitigation measures to minimize those impacts, thus satisfying the criteria for the issuance of a Scoping Determination Waiving Further Review under Section 80B-5 of the Code. It is therefore recommended that the BPDA authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code for the Proposed Project; (2) issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (3) approve the Proposed Project as a Development Impact Project within the meaning of Section 80B-7 of the Code; and (4) take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering one or more Development Impact Project Agreement(s), Cooperation Agreement(s), and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director of the Boston Redevelopment Authority (the "BRA") be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Boston Zoning Code (the "Code") which (i) finds that the Project Notification Form adequately describes the potential impacts arising from the 1241 Boylston Street project, located in the Fenway neighborhood (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; and

FURTHER

VOTED: That the BRA finds, pursuant to Code Section 80B-4.3, that the Proposed Project conforms to the general plan for the City as a whole, and that nothing in such Proposed Project will be injurious to the neighborhood or otherwise detrimental to the public welfare, and that the BRA therefore approves the Proposed Project as a Development Impact Project within the meaning of Section 80B-7 of the Code; and

FURTHER

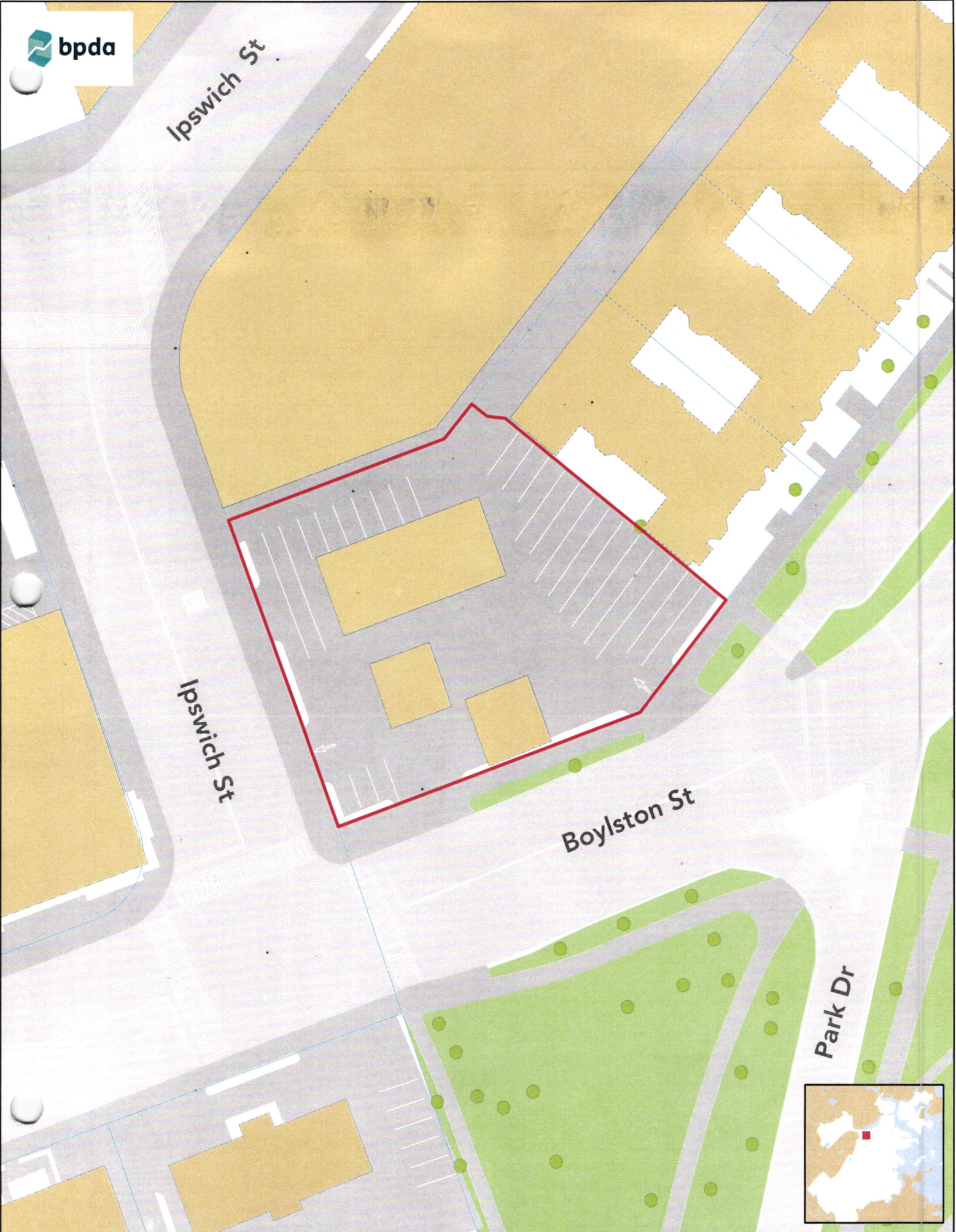
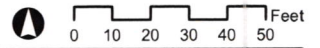
VOTED: That the Director be, and hereby is, authorized to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering one or more Development Impact Project Agreement(s), Cooperation Agreement(s), and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BRA.

1241 Boylston Street, Fenway

2017 Aerial
0 10 20 30 40 50 Feet



1241 Boylston Street, Fenway



Ipswich St

Ipswich St

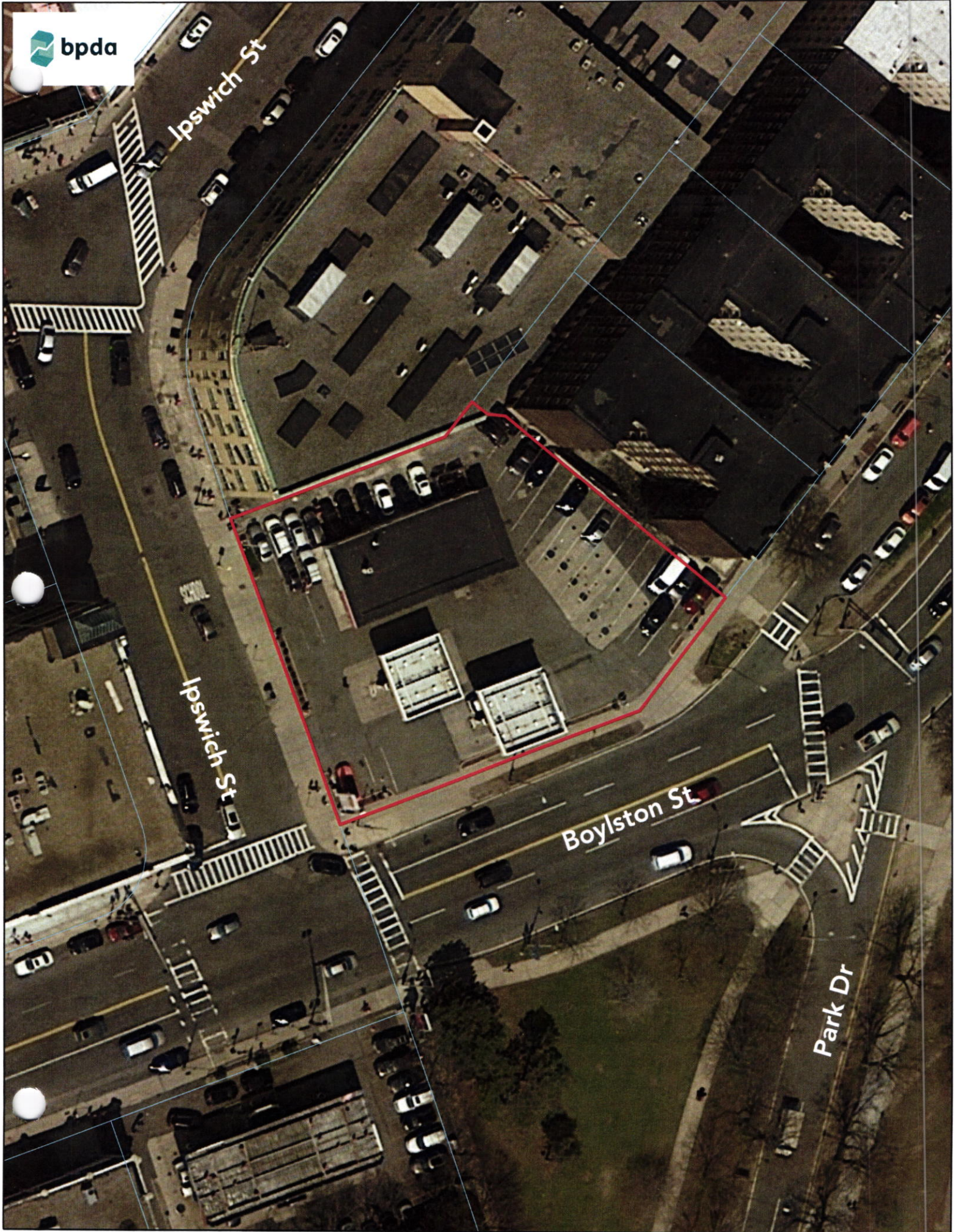
Boylston St

Park Dr



1241 Boylston Street, Fenway

2017 Aerial
0 10 20 30 40 50 Feet





Martin J. Walsh
Mayor

Article 37 Interagency Green Building Committee

January 25, 2018

Mr. Vincent Tiberi
1241 Boylston, LLC
18 Kristen Court
Matawan, NJ 07447

Re: Fenway Hotel- Article 37 Green Building Comment Letter

Dear Mr. Tiberi:

The Boston Interagency Green Building Committee (IGBC) has reviewed the Project Notification Form (PNF) and LEED checklist submitted on October 31, 2016 in conjunction with this project for compliance with Boston Zoning Article 37 Green Buildings.

The PNF indicates that the project will use the LEED v4 for BD+C rating system and commits the project to earning 50 confirmed points, with an additional 11 unconfirmed points, for a LEED Silver rating. The IGBC accepts the rating system selection and request that you pursue LEED Gold.

The IGBC requests that your project make full use of utility and state-funded energy efficiency and clean/renewable energy programs to minimize energy use and adverse environmental impacts. Please engage the utilities as soon as possible and provide the IGBC information about all assistance and support afforded to the project throughout the design process. Please provide the referenced executive summary of the whole building energy model.

In support of the City of Boston's GHG emissions reduction goals, the IGBC requests:

- The project commit to pursuing building envelope and systems strategies to further reduce carbon emissions to 30% or more below a comparable building based on the ASHRAE 90.1-2013 performance.
- Solar PV is a cost effective clean renewable energy source that reduces adverse project impacts; solar PV should be included in the project. Please provide system(s) location, size, and output information along with any related analysis.
- Rainwater management systems can help to mitigate the building's impact on City infrastructure during extreme rainfall and other climate change enhanced weather events. Please consider pursuing the associated LEED credits for Rainwater Management.

Please check the [Article 37 Green Building and Climate Resiliency Guidelines](#) page for updated information. In order to demonstrate compliance with Zoning Article 37, the following documents must be submitted to your Boston Planning and Development Agency Project Manager and the IGBC for review and approval:

- Design / Building Permit Green Building Report, including an update LEED Checklist, final building energy model, and supporting information as need to demonstrate how each prerequisite and credit will be achieved.
- Excel version of the updated LEED Checklist in line with the accepted LEED formatting.
- Signed Design Affidavit.
- Updated Climate Change Checklist (please note that new Climate Change Checklist was approved in October 2017 and should be used for your next filing).

Please let me know if you have any questions or if I can be of any assistance.

Sincerely,
Katie Pedersen, LEED AP
On behalf of the Interagency Green Building Committee

Cc: BPDA
IGBC

Boston Groundwater Trust

229 Berkeley St, Fourth Floor, Boston, MA 02116
617.859.8439
www.bostongroundwater.org

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Executive Director

Christian Simonelli

January 26th, 2018

Tim Czerwienski, Project Manager
Boston Planning & Development Agency
One City Hall Square
Boston, MA 02201-1007

Subject: 1241 Boylston Street Project Notification Form (PNF) Comments

Dear Mr. Czerwienski:

Thank you for the opportunity to comment on the 1241 Boylston Street Project Notification Form (PNF) located in the Fenway. The Boston Groundwater Trust was established by the Boston City Council to monitor groundwater levels in sections of Boston where the integrity of building foundations is threatened by low groundwater levels and to make recommendations for solving the problem. Therefore my comments are limited to groundwater related issues.

The project is located in the Groundwater Conservation Overlay District (GCOD) established under Article 32 of the Zoning Code. As stated in the document and confirmed at the scoping session the project is proposed to be designed and constructed to comply with the requirements of Article 32.

Compliance with the GCOD requires both the installation of a recharge system and a demonstration that the project cannot cause a reduction in groundwater levels on site or on adjoining lots. As stated in the document the below grade parking level is expected to extend up to 15 feet below existing grade, and will bottom out within the fill and/or organic soil layers. The document states that the floor slab and foundation walls will be membrane waterproofed to prevent any negative effects (i.e. lowering) of the surrounding groundwater levels. In addition, the bottom floor slab/structural mat and foundation walls will be membrane waterproofed up to about a depth of approximately two feet below existing grade and damp-proofed from two feet below existing grade to the ground surface. An underdrain and sump system will not be installed beneath the bottom floor slab to relieve hydrostatic pressures because the Project is in the GCOD and adjacent to structures that are supported on timber piles. An excavation support system and groundwater cutoff likely consisting of interlocking sheetpiles will be installed to construct the below-grade garage space. The sheetpiles will extend into the impervious clay to provide groundwater cutoff, which will significantly reduce the amount of construction dewatering and potential for lowering the surrounding groundwater levels.

The document also states that in meeting the requirements of Article 32, the Proponent will coordinate with the BGWT. Before the GCOD zoning approval can be put in place, the proponent must provide the BPDA and the Trust a letter stamped by a professional engineer registered in Massachusetts that details how it will accomplish what is stated in the document and meets the GCOD requirement for no reduction in groundwater levels on site or on adjoining lots.

I look forward to continuing to work with the proponent and the Agency to assure that this project can have only positive impacts on area groundwater levels.

Very truly yours,

A handwritten signature in cursive script that reads "Christian S. Simonelli".

Christian Simonelli
Executive Director

CC: Kathleen Pederson, BPDA
Maura Zlody, EEOS



City of Boston
Public Facilities Department

Martin J. Walsh, Mayor

MEMORANDUM

Date: June 8, 2018

To: James McQueen, Senior Project Manager

From: Public Facilities Department and Perkins Eastman Reviewer

Proj: 7085 Boston Arts Academy – Hotel PNF Submission

RE: Review comments

Cc: P. Donnelly, PFD; E. Brinkman, PFD; M. Anderson, PFD; B. McLaughlin, PFD; Rob Melvin, PFD

The following additional comments, supplement our previous review of the PNF submission dated 12-22-17 for 1241 Boylston Street Hotel augmented by the additional information contained in the 05-31-18 IAG #3 PowerPoint Presentation.

General Comments

1. PFD looks forward to working closely with the 1241 Boylston Street Hotel Team to address and resolve issues of construction schedule, coordination, logistics and phasing.

Review Comments

1. TRASH & RECEIVING

- a. Request that a schedule of deliveries and trash removal be developed for review and approval, as well as vehicle protocols to address concerns of excessive noise adjacent to an educational facility.
- b. Design of loading area – this relates to schedule. They did put a trellis structure over it, but as the project develops we should be interested in what materials are selected and where door/lights are located. Will the materials be sound absorptive or reflective? Is the purpose of the trellis supposed to help with noise? If yes, how does it work/what is it made of. A trellis by itself doesn't absorb sound.

2. MECHANICALS

- a. Not clear in presentation where mechanicals are located (possibly stated in other documents submitted?), please confirm all are located on the high roof.

- b. Will thru-wall unit be in use at the guest rooms? Because of the shape of the building, if units are facing the courtyard/alley, the sound could be concentrated and bounce to the School and the residential neighbors.
- 3. EXTERIOR ELEVATIONS - The design of the wall facing the BAA 5th floor terrace is improved over previous iterations, by the addition of texture and scale. The elimination of the windows facing the School is also an improvement. The BAA Design Team looks forward to participating in a continuing review process as further refinements develop.

June 8, 2018

By Email

Tim Czerwienski, Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

1241 Boylston Street Impact Advisory Group
Comment Letter on Project Notification Form

Introduction

The 1241 Boylston Street Impact Advisory Group (“IAG”) has reviewed the Project Notification Form (“PNF”) submitted by 1241 Boylston, LLC c/o OTO Development, LLC (the “Proponent”) for the project proposed to be located at 1241 Boylston Street (the “Project”). The Impact Advisory Group met with the Proponents on January 18, 2018; February 5, 2018; March 27, 2018; and May 31, 2018 to review the PNF. The IAG provides these comments to the Boston Planning and Development Agency (“BPDA”) in order to assist the BPDA in making its scoping determination and to provide recommendations regarding mitigation for Project impacts. This comment letter reflects the collected comments of IAG members and the constituencies they represent with three exceptions: One IAG member did not attend meetings or participate in discussion, and another member participated in discussions but opted not to sign this document and to issue a separate letter. One additional member attended meetings and participated in discussion but could not be reached to officially sign this letter before the formal submission deadline; their signature is noted as pending.

Project description, design, public benefits, and zoning – Chapter 1

The Project is described as a 184-room hotel with ground-floor restaurant space and a stackable below-grade garage hosting 84 parking spaces. The proposed project has, as of May 31, 2018, been represented as zoning-compliant, conforming to Article 66 requirements regarding street wall and setback, and with a Groundwater Conservation Overlay District variance requiring a conditional use permit that will effect a payment to the City’s Linkage Program. Following the Article 80 process, the Parks Commission’s Review has the potential to further change the setback and height of the Project envelope. The IAG uniformly supports a project that is zoning compliant.

We ask for the sake of community members that ambiguity around zoning be resolved in advance of future project proposals in the Fenway. Only after public query was the IAG

introduced to possible interpretations of Article 66 and shown potential responses to those interpretations that impacted height, massing, uses, and footprint. An effective use of time would have been to view each possible interpretation of setback and street wall at the initial meeting.

The support of the IAG is contingent upon: 1) the Boston Parks Commission's review, findings, and determination that the project conforms to city ordinances regarding development near parks and parkways, and 2) the results of any review as required by the Department of Conservation and Recreation.

Setback and street wall:

The IAG supports a project that complies with zoning as determined by the ISD and as qualified above and appreciates the Project's intent to be zoning-compliant. Members support the project's improved alignment with the multifamily residential units along Boylston Street. At the January IAG meeting, IAG members expressed concern with the proposed distance from the street curb to the building line (presented at 17'-4") because of that impact on pedestrian access on Boylston Street as well as the continuity of facades along the street. At the February IAG meeting, held after design review with the Civic Design Commission, the Proponent presented options that included increased setback and, at the May IAG meeting, presented a proposed setback from the street at (28'-11") at its widest point. Incorporating curbs, planting strips, and café seating, the minimum sidewalk width is proposed at 8' and promoted as in accordance with Complete Streets standards.

To provide adequate access to pedestrians along a busy sidewalk which is traversed for Red Sox games, concerts, and other events at Fenway Park, the IAG requests that the café seating area presented on May 31, 2018 be compressed by 1', a condition to which the Proponent expressed a willingness to do. Members also request that patio fencing along the cafe be temporary and removed at the end of each season.

The IAG additionally expressed concern with design modifications that reduced distance between the Project and the Boston Arts Academy (B.A.A.) along their shared alley; we understand the distances as presented on May 31, 2018 are acceptable to the B.A.A. and are satisfied with that proposal.

Height, Size, and Massing

Compared to the Project as originally proposed, the project height was presented in the May IAG meeting as slightly reduced due to the minimization of the mechanical penthouse

requested by the Civic Design Commission. However, the IAG was not provided with the final proposed elevation inclusive of mechanicals.

The Project has aligned with the street wall of Boylston Street multifamily residences along the first 18' of the easterly-facing side. On the south side of Boylston Street, the Project now incorporates a 'superbay', which extends from floors 2-6 and projects 6' over the street level, except for a continuous edge at the corner of Boylston Street and Ipswich Street. This edge will serve as a signage area for the hotel.

Primary IAG concerns with massing involved concerns with zoning interpretations and park ordinance compliance; other concerns involved impacts to the nearby residences, including light wells in the multifamily residences abutting the Project. These concerns are detailed in the Environmental Review section.

Pedestrian Realm

The Project proposes to improve the pedestrian realm with new sidewalks, trees and landscaping, and other improvements along Boylston Street. IAG members recognize the valuable improvements to the pedestrian realm that the Project intends to implement. A question about street lighting revealed that the Proponent had no plans to provide lighting upgrades. The Proponent additionally informed the IAG that it was working with the Emerald Necklace Conservancy to create a landscape plan that was sympathetic to its neighboring parks setting. IAG members expressed a preference that street benches planned as part of public realm improvements be placed so as to minimize disturbance to residents in the nearby multifamily residential building.

Public realm comments: Development can affect an improved public realm, including sidewalks, trees and landscaping, lighting, and seating. We ask the Proponent to discuss with the City upgrading street lighting to the current city standard and to consider upgrades both directly adjacent to their Project and across the street on DCR parkland. We detail these and other suggestions for public realm improvements at the close of this letter.

Transportation – Chapter 2

The Project conducted an evaluation of transportation impacts associated with the Project, including existing and projected trip generation, and presented plans to extend a portion of the curb which would accommodate a protected curbside drop-off location along Ipswich Street. IAG members and residents voiced concern about the effects of the extension of the curb on the turn radii for public buses. At the March IAG meeting, additional studies showing inbound turns for the Route 55 bus onto Ipswich Street were presented; the planned extension of the

curb was reduced as a result of continuing concerns. IAG members felt the “real world” turn radius might not be well-represented by the Auto-Turn program used to perform the simulation. Members also expressed concern about the Ipswich Street drop-off location, which may provide convenience to the hotel but increase traffic congestion and make conditions more difficult for pedestrians and buses. Other comments included the lack of planning for bicycle lanes along the Project traffic lanes.

IAG members noted in the February IAG meeting that the traffic studies presented did not include ballgame events and, therefore, that claims of ‘usual conditions’ were disingenuous, given that the combination of ballgames, concerts, and special events at Fenway Park account for roughly 30% of the calendar year.

IAG members expressed a desire for parking to be limited to hotel guests and restaurant customers only and that no use for Fenway Park events be accommodated. The Proponent indicated no signage would be used to promote the parking garage and that valet parking would minimize such use. IAG members noted the shortage of resident parking during snow emergencies and suggested that the Proponent consider joining discounted parking programs for residents for this purpose.

IAG members discussed general traffic issues in the Project area and the importance of traffic light timing at the intersection of Boylston Street and Ipswich Street. IAG members inquired about and supported the incorporation of dedicated bicycle parking, which will be provided within the hotel garage for employees and along Boylston Street for visitors.

Transportation comments: We encourage the city to conduct a complete study of the intersection at Boylston and Ipswich Streets and how it would work most effectively for projected development. We expect the proponent to meaningfully participate in such a study and note that the removal of the gas station currently located at the Project site will increase traffic flow into and out of the Sunoco station across the street at 1250 Boylston Street.

Environmental Review – Chapter 3

Several concerns were expressed during the IAG meetings regarding environmental impacts. The representative of the multifamily residences along Boylston Street provided the IAG with a detailed report of concerns associated with the Project.

Excavation and associated groundwater fluctuation pose a significant concern for buildings with wood pilings. The engineering company engaged by the representative suggested several measures for ensuring groundwater stability and requested that the Project identify alternative

supports and design to promote such stability. Additional suggestions included preconstruction surveys and vibration monitoring.

Shadow impacts, both to the Victory Gardens and to the multifamily residences, were expressed as an additional concern by IAG members. Concerns were also voiced about increased foot traffic and impacts from dogs in the Gardens and adjacent open spaces. Noise impacts, both associated with construction and post-construction conditions, were an additional topic of concern, with IAG members requesting that fans and mechanical equipment be sited in a manner that minimized noise disturbance to residents and B.A.A. students.

Concerns were expressed regarding exhaust and venting. IAG members recommended that venting and exhaust be placed away from areas impacting residents and B.A.A. students. Several mentions during IAG and public meetings involved bird protection, and concerns regarding solar glare were submitted to the Proponent by an abutter. The May 31, 2018 Project increases the use of glass materials from the original proposal. IAG members suggested the Proponent's incorporation of bird-safe building guidelines or the employment of the LEED pilot credit 55: Bird Collision Deterrence. Given adjacency to the Back Bay Fens, attention to glazing materials and the relationship of reflective surfaces with landscaping can help minimize bird strikes.

The IAG encourages the Proponent's continued work with the abutting multifamily residences to address concerns including groundwater, noise, air quality, the minimization of disturbance to residents and students, and the evaluation of impacts to nearby historic parkland and wildlife. As much as possible, we recommend the employment of materials and designs to minimize bird strikes, given the proximity of the Project to the Back Bay Fens.

Construction

The Proponent has described expected construction period impacts and intends to develop a detailed Construction Management Plan ("CMP") for approval by the Boston Transportation Department and MassDOT prior to construction.

The IAG recommends that construction plans and schedules should be developed in collaboration with the Boston Arts Academy to ensure site coordination and that any impacts of combined construction will minimize adverse effects on conditions for residents.

Sustainable Design and Climate Change Resilience – Chapter 4

The Project intends to achieve LEED certification at the Silver level. IAG members expressed a desire for stormwater recapture to be integrated to project areas including tree planting strips and landscaped areas.

Urban Design – Chapter 5

The IAG understands that the B.A.A. has asked that the developer pay particular attention to the building's façade along the shared alley in an effort to create the best possible outcome and that it is B.A.A.'s understanding that the developer has agreed to share design concepts and continue discussions with B.A.A. in this regard. We encourage this continued dialogue.

Coordination with Other Governmental Agencies – Chapter 8

The full review of municipal codes regarding development along parks and parkways was not detailed in the original PNF. IAG members and public meeting attendees expressed demands that the Project meet conditions of the city's Municipal Code 7-4.10-12, including height conformance along parkways. Although the Parks Commission review occurs separate to the Article 80 process, IAG members are concerned that the project might not conform to these conditions.

We additionally request the Proponent to investigate the need for review from the Department of Conservation and Recreation, as the project occurs on property that may be under their purview. The Department of Conservation and Recreation was not listed as a reviewing state body in Table 1-2.

Summary of impacts and mitigation recommendations – Impact Advisory Group

The role of the Impact Advisory Group is to advise the BPDA on development impacts and to recommend appropriate mitigation. Over the course of four IAG meetings and three public meetings, the IAG heard from a range of residents and impacted organizations. We outline these by impact as follows:

Development impacts: Neighborhood employment and affordability

IAG members and residents expressed frustration with development in the Fenway that has resulted in the loss of affordable homes and quality jobs. All meetings included this topic and covered questions around job training partnerships, walk to work programs, living wage assurances, union pay for employees, and assurances for local and Boston hires. Additional comments raised the possibility of linkage funds to be channeled to a local community development corporation.

The IAG makes the following recommendations regarding these impacts: Regarding linkage funds associated with the Groundwater Conservation District Overlay, the IAG recommends the BPDA's support for the Proponent to enter into discussion with the local community development corporation to explore the prospect of doing a housing creation proposal in lieu of simple payment into the Housing Trust. The Proponent has agreed to create a local/Boston resident hire target of 30% and target of residents within a 2.5 mile radius of the project at 15%. We support these targets and additionally ask that they adopt a policy to guarantee interviews to those residents within the 2.5 mile area. We encourage the Proponent to partner with the Fenway Community Development Corporation in their Walk to Work Program and in their job fair programs. Finally, we ask the Proponent to commit to a living wage as established by MIT for its employees. These measures should be included in the Cooperation Agreement and will help to assure residents of stability in a quickly gentrifying neighborhood.

Environmental impacts: Historic parks and community gardens

IAG members voiced concerns to impacts in the Fenway Victory Gardens, a non-profit organization hosting 500 plots for use by Boston residents. Impacts include increased shadow, traffic, concerns about dog use (should the hotel be dog-friendly), and smoking. The Proponent additionally communicated that landscaping and public realm treatment was under discussion with the Emerald Necklace Conservancy to ensure the Project was sympathetic to the historic parkland. The IAG holds concern for declining state-owned parkland opposite the Project area on Boylston Street. We discussed the need for lighting improvements and upgrades in the Project area.

The IAG recommends the Proponent help realize plans by the Victory Gardens to restore central entrance planting beds which were designed and submitted to the Boston Parks Department for review. We understand the conceptual budget to be estimated at \$40,000 and believe investment in these improvements is beneficial to residents, the non-profit community garden association, as well as to the Project and its future guests. Similarly, we recommend a contribution to the Department of Conservation and Recreation to address declining conditions at the parkland opposite the Project's proposed cafe area; a contribution of \$25,000 to the public realm to be used at this location would provide improvements to the gateway and help to restore turf and plantings recently disturbed during work by gas and water companies. Finally, we respectfully request the developer work in conjunction with the city in the re-design and improvement of lighting in the area, including along the state parkland opposite the Project, to leverage mutual benefits to the community and the development. These benefits should be incorporated into the Cooperation Agreement and will benefit the parkland and the experience of Project guests.

Community/Abutter impacts

The Proponent stated at the initial PNF meeting the intent to provide a community space for local organizations to use. The Project proposed on May 31, 2018 contains two spaces consisting of a meeting room for 40-50 people and a smaller conference room.

Additionally, the Project replaces a gas station with a long-standing agreement with the Boston Arts Academy which allowed the use of 10 parking spaces for its faculty and staff. The Project, without including a new agreement, will remove parking ability for these individuals.

The IAG requests that meeting spaces, when available, be accessible to community not-for-profit organizations and for city functions pertaining to the community; for this commitment to be incorporated into the Cooperation Agreement; and for the Proponent to work with the community to communicate their availability and conditions for use. To communicate availability, we suggest the Proponent publish information on the hotel's website to allow organizations to understand the reservation process and information that allows them to contact the operators to obtain such use. As Project impacts last as long as the development remains, we ask the BPDA and the Proponent to explore means to ensure this accessibility and use continues as long as the building functions as a hotel.

Finally, the IAG recognizes the need for parking by the B.A.A. faculty. The IAG endorses the developers' agreement to provide 10 parking spaces for B.A.A. use for 10 years with willingness to discuss continuing beyond the initial 10-year term.

We appreciate this opportunity to comment and thank you for including our recommendations in your review.

Sincerely,

Thomas Bakalars

David Eppstein

Marie Fukuda

Eduardo Gonzalez (signature pending)

Ruth E. Khowais

David Siddhartha Patel

Alex Sawczynec

CC:

Yissel Guerrero, Mayor's Office of Neighborhood Services

City Councilor Josh Zakim



Fenway Community
Development Corporation
Improving Lives and
Building Community

May 25, 2018

Tim Czerwienski, Project Manager
Boston Planning & Development Agency
One City Hall Square, Boston MA 02201

Dear Mr. Czerwienski,

Before commenting on the specifics of this particular hotels' design, we feel it is important to acknowledge the overall economic impacts of development in the Fenway. Our neighborhood has gone through a lot of change in a short period of time, and it is unclear how those changes serve to benefit long-term residents. As the neighborhood, much like Boston as a whole, becomes more attractive the pressure on our housing stock has increased and we are continuing to see increases in investor-owned units, housing prices and rents. Wages have not risen accordingly, and we fear that this hotel will mean more people coming in to work in the neighborhood from further away which increases transit and congestion impacts.

One only has to consider what the situation of high-end, luxury apartments above retail and restaurants that pay close to minimum does to a neighborhood and city. We know that 4,000 people in Boston are working homeless and as housing has become unavailable we have seen an increase in homelessness and drug addiction particularly around our parks. Additionally, it is important to note that low-wage work requires public subsidization in the form of healthcare benefits and possibly housing.

[As the Herald's Donna Goodison pointed out in an article last November](#), Fenway hotels enjoy a year-to-date occupancy rate of 84.5 percent nightly and a staggering \$245.65 average daily room rate. We therefore believe the developer will see a lot of business at their site, which is only made more attractive due to its location near to highways, transit stops and directly across from the community-maintained and managed Victory Gardens. This historic garden is a matter of great neighborhood pride that also functions as an important community space, and it will no doubt be impacted by the noise and runoffs due to construction. After the hotel is built, the studies show it will cast shadows that affect the amount of sunlight the garden's painstakingly maintained plants and flowers receive.

While this building has been proposed "as of right" the question of whether a variance, and therefore additional mitigation, is required has been a matter of debate over the last few months. It is our understanding that current zoning requires a 15-foot setback along Boylston and the first version of the project that was presented only had a 3-foot setback and a rather rough transition to the abutting buildings. The developer did take community and City feedback on this matter and at the last public meeting, three possible options were presented for the community review.



Fenway Community
Development Corporation
Improving Lives and
Building Community

As of May 25, 2018, Fenway CDC has not heard word from Inspectional Services regarding the zoning decision or seen a presentation of the latest version of the project and so it is difficult to draft a detailed comment letter. Looking online at what appears to be the latest project design (dated 4.10) there seems to be some additional landscaping and design improvements. However, we would like to echo neighborhood residents in expressing opposition to what appears to be the re-emergence of outdoor seating along Boylston St. We feel that kind of commercial activity is not appropriate for the stretch of hotel directly across from the Victory Gardens.

Overall, we believe a hotel will be an improved use over the current gas station and would like to lend our support to this project. However, we also believe a community benefits agreement or memorandum of understanding that includes a contribution to the Fenway Garden Society and/or Boston Parks Department and a written commitment to good jobs and local hire is appropriate.

Fenway CDC's Walk to Work Program is a longstanding workforce development program and we would like to partner with O.T.O Development to connect Boston residents to the permanent jobs at livable salaries. We would like to see at least 30% of the initial complement of hotel and restaurant employees be recruited from within a 2.5-mile radius of the hotel and 60% from the City of Boston. This would help offset existing social and racial inequalities that are further detailed in the attached letter that was sent via email to O.T.O. Development. Last but not least, we believe the workers at the hotel and restaurant should have the ability come together and form a union without fear of coercion or reprisal.

We hope the BPDA will give full and urgent consideration to the concerns that Fenway residents have been expressing throughout this public process and within these comment letters. We are looking forward to having a hotel at the site that provides good jobs for current residents of the neighborhood.

Sincerely,

Richard Giordano and Colleen Fitzpatrick

Fenway Community Development Corporation
Organizing and Planning Department
70 Burbank Street
Boston, MA 02115
P: 617-267-4637
www.fenwaycdc.org



Improving Lives and Building Community
Fenway Community Development Corporation

June 8, 2018

Boston Planning and Development Agency
Tim Czerwinski, Project Manager
One City Hall Square, 9th floor
Boston, MA 02201

Re: Fenway CDC comments in opposition to 1241 Boylston – OTO Hotel proposal

Fenway Community Development Corporation (Fenway CDC) is a 45 year old community based non-profit organization that builds and preserves affordable housing and promotes projects that engage our full community in enhancing the neighborhood's diversity and vitality. Upon further research, we are now submitting this letter in opposition to the proposal of OTO Development to build a hotel at 1241 Boylston Street in Boston.

The Proposed Project is an approximately 184-room hotel with a ground-floor restaurant. The site of the Proposed Project is 21,050 square feet and includes an existing Shell gas station. The Proposed Project will include approximately 105,000 square feet of building area and will be eight (8) stories with a maximum height of ninety (90) feet. There will be approximately 82 parking spaces in one below-grade level.

Numerous concerns have been raised at a number of Boston Planning and Development Agency (BPDA) Article 80 Review public meetings regarding necessary variances, and we believe that this is not truly an as of right project. We believe that the proposal does not adhere to all of the regulations of the Boston Zoning Code regarding set back from the Victory Garden and the Emerald Necklace Park. We do not think that it is in conformity with the Boylston Street set back. In addition, we believe that the project is not in compliance with Article 7-4.12 of the Boston Municipal Code that states that no building shall be erected or placed upon premises within twenty feet (20') of the Fens. Please see attached PDF for the full language.

In its 1983 report, the Boston Landmarks Commission defined the Back Bay Fens to include "that portion of Boylston Street which lies between its junction with Ipswich Street near Park Drive and Hemenway" and furthermore "all walks and paths along and approximately level with every such roadway." Since OTO development is proposing to build a hotel at Boylston Street and Ipswich Street we believe that the development falls within this description of the Code and the Landmarks Commission report. The proposed hotel is not set back 20 feet from the walks and paths along Boylston Street. Therefore, we are asking the Boston Parks Department and the Boston Planning and Development Agency to investigate this situation and make sure that the proposal is not in violation of the Boston Municipal Code and the Landmarks Commission report.

As we have said previously, rents and living costs have gone up considerably in the Fenway. We think that Fenway residents ought to have jobs that pay enough for them to remain in the neighborhood. If the hotel is developed, it is possible that people working there won't be able to live in the Fenway. What we are hoping that the OTO team can enter into an agreement with the Fenway CDC Walk to Work Program to help connect Fenway residents to the permanent restaurant and hotel jobs that will be created should the hotel be built.

We would like to see at least 30% of the initial complement of hotel and restaurant employees be recruited from within a 2.5-mile radius of the hotel and 60% from the City of Boston. This has the additional benefit of offsetting congestion and traffic impacts. However, local hire is not sufficiently meaningful without a commitment to a living wage for both restaurant and hotel employees. Good jobs, at the prevailing rate of \$22 an hour with full health coverage, would help offset existing social and racial inequalities that are further detailed in the attached letter that was sent via email to OTO Development. We would also like to see the hotel commit to using the existing hotel job training center.

We hope the BPDA and the Parks Department will give full and urgent consideration to the concerns that Fenway residents have been expressing throughout this public process and within these comment letters. There is need to ensure that the economic benefits of incoming development are shared with working people, current residents, and the neighborhood as a whole. The primary mechanism through which to achieve that is gainful employment. As we have not received sufficient commitment as to the wage levels for the incoming jobs, we are currently opposing the project. If the proponent can address all the issues raised here would certainly reconsider our position.

Sincerely yours,

Richard Giordano

Richard Giordano
Director of Policy and Community Planning

Colleen Fitzpatrick

Colleen Fitzpatrick
Community Organizer

Fenway Community Development Corporation
70 Burbank St., Lower Level
Boston MA 02115
P. 617 267 4637 x19
F. 617 267 8591
E. rgiordano@fenwaycdc.org
W. <http://www.fenwaycdc.org>



March 1, 2018

By Email

Tim Czerwienski, Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Re: 1241 Boylston Street

Dear Tim:

Fenway Civic Association (“FCA”), the Fenway's oldest volunteer organization that accepts no public or developer funds, would like to make the following comments regarding the Project Notification Form (“PNF”) filed by OTO Development, LLC/1241 Boylston, LLC (the “Proponent”) for the project located at 1241 Boylston Street (the “Project”).

FCA met with the Project Proponent in January 2018; Alex Sawczynec serves on the Impact Advisory Group (IAG) as an FCA board member. We understand that during IAG and public meetings, project design and impact, traffic concerns, and a number of suggestions for community commitments were discussed.

Project Design 1.0

Zoning 1.5

The Proponent has committed to an as-of-right project that conforms to zoning requirements. We understand the project as presented on May 31, 2018 conforms to ISD interpretations of zoning regarding setback and streetwall as expressed within Article 66, section 66-39, and Table E of the Boston Zoning Code and appreciate that the project is promoted as zoning compliant. We remain concerned with the overall height of 90’, understanding that Parks Commission review of the Project’s conformance to the Parks and Parkways Ordinances may determine further revision, and as stated later, we impress our overarching support for adherence to these requirements. To be clear, the satisfaction of zoning compliance in FCA’s view, and FCA’s support of the project, is subject to conformance to the parks and parkways ordinance as determined by the Parks Commission.

Public Realm 1.3

Because of the Parkways overlay which mirrors the turn onto Boylston Street on both the North and South sides of Boylston and the Back Bay Fens, we believe the width of the sidewalk and setback were intended to be accompanied by a treatment reflective of its designation. For this reason, we ask that the restaurant patio restrict its width to the most limited dimensions, which is one foot narrower than the presented dimensions on May 31st, 2018.

We encourage the use of permeable pavers and stormwater recapture to enhance health of street tree plantings, and are pleased that discussions with the Emerald Necklace Conservancy are helping to inform landscape design in planting areas. We request the proponent to discuss street lighting upgrades at adjacent areas of the project, similar to the upgrades performed near the Fenway Triangle project, where pendant lighting at current city standard replaced older gooseneck light posts. Development offers rare opportunities to modify and improve street lighting and is one of the few times that upgrades are performed in the Fenway. In addition to these improvements, we request consideration for installation of Big Belly waste receptacles and ample on-street bicycle parking. These amenities will serve both the large volume of pedestrians traveling to and from Fenway Park and provide bicycle parking for patrons of the hotel restaurant.

We note the Project's plan for sitting areas and public artwork, and ask that seating be placed away from multifamily units so as to minimize noise and congregation late at night. We also encourage the Proponent to seek local artists when implementing public artwork.

Anticipated Permits and Approvals 1.6

In addition to the permits listed in Table 1-2, we believe the parcel is subject to approval of the Boston Parks Commission under City Municipal Code 7-4.10, 11 and 12, including conformance to height requirements along parkways. We ask the Proponent to also discuss and incorporate any needed review requirements with the Department of Conservation and Recreation.

Traffic 2.0

Existing Vehicular Traffic Volumes 2.2.6

As a point of order, we believe that for the West Fenway, 'typical conditions' should not be interpreted to mean Red Sox event-free days. The combination of ball games, concerts, and sporting events now represents events for more than 30% of the year. These measurements provide important information about vehicular and pedestrian volume and needs. This oversight is at best negligent and at worst deliberately misleading on the part of the Proponent. FCA strongly urges the BPDA to encourage development studies that more accurately reflect the impact of this project and other local proposals on neighborhood traffic patterns vis-à-vis Fenway Park.

Proposed Infrastructure Improvements 2.3.3

The Project should be sensitive to planned improvements as part of the Boylston Street-Fenway, Longwood, Kenmore Design projects identified in the 2009 Transportation and Pedestrian Action Plan. Conceptual plans, which include bike lanes, street lighting, waste receptacles, plantings, public art, and pedestrian crosswalk enhancements, are available at https://www.cityofboston.gov/images_documents/FLKCommMtg091708FINAL_tcm3-12571.pdf. Our understanding is that the Plan is being updated; the Project lies at its terminus but includes crossings on Ipswich Street.

Project Parking, Loading, and Service Accommodations 2.4.2-3

We appreciate the limit of parking spaces to the .4 maximum. We request that placement of venting and mechanicals be designed in a manner so as to minimize vibration, noise, and exhaust to Boylston Street multifamily residential units. We also understand there to be significant community concern that hotel parking *not* be used for game or event parking for Fenway Park. This request is consistent with the Article 66 zoning intent to deny requests for new non-accessory parking. We request a commitment for no non-accessory parking to be included in the lease to the Developer, and that absolutely no advertisements for parking be part of the hotel operations.

Bicycle Accommodations 2.4.10

As in our above comments for public realm 1.3, we request the addition of on-street bicycle parking to accommodate patrons to the hotel restaurant and request that room for up to 10 bicycles be provided along the Boylston Street sidewalk. Examples of recent bike parking may be found near the Viridian, 1282 Boylston Street.

Environmental Review Component 3.0

Shadow 3.2

Shadows will be cast onto the Fenway Victory Gardens during two time periods, June 21 and September 21, and anticipate increased traffic and use of their operating area. We request that the Project work with the Fenway Victory Gardens to determine an adequate avenue of mitigation, as the project will look onto the gardens, impact the gardens, and cause increased visitor traffic.

Solar Glare 3.4

We have not reviewed final Project materials and understand the use of glass materials have increased. We request assessment of glare as well as potential risk for bird building collision.

Air Quality 3.5

We request that exhaust of all housekeeping and laundry areas occur so as to minimize venting that impacts multifamily residential housing along Boylston Street, and that garage exhaust fans similarly are placed in locations that minimize adverse air quality impacts to residents.

Geotechnical Impacts 3.8

Because adjacent multifamily residential buildings abutting the Project are built on wood pilings, we request work with engineers to consider all actions that displace or destabilize groundwater, and to incorporate strategies that address abutter concerns. We understand this request to include details regarding excavation and lateral earth support systems as well as exploration of soil mixed and slurry wall support of excavation systems. In addition, we encourage work with the abutters to conduct pre-construction assessments, vibration measurements, and agreements regarding adverse effects from construction.

Future Conditions - Overview of Potential Project Noise Sources 3.10.9

As exterior continuous exterior sound will emerge from fans, heating/cooling systems, and exhaust systems, we request these placements be made away from multifamily residences.

Construction 3.11

We encourage the Proponent to develop a construction plan and schedule in collaboration with the Boston Arts Academy to ensure site coordination and that impacts of combined construction do not disrupt expected conditions. We strongly believe that staging should be expressly prohibited on public parkland. Because the Fenway has limited parking, we ask the construction manager actively engage in strategies that reduce vehicle trips to and from the project site.

Sustainable Design and Climate Change Resiliency 4.0

We appreciate the Proponent's commitment to LEED Silver certification. We ask that special care be made to selection of glazing materials and the relationship of reflective surfaces with surrounding landscaping so as to minimize bird strikes, given the project proximity to the Back Bay Fens and position along a migratory flyway. We encourage the Proponent to employ bird-safe building design and explore participation in the LEED pilot credit 55: Bird Collision Deterrence. Given adjacency to the Back Bay Fens, a stopping point for migrating birds, bird-safe building design, which does not significantly change cost, can make big differences in bird mortality.

As mentioned in 1.3, we also encourage recapture of stormwater where available in planting strips and landscaped areas.

Coordination with other Governmental Agencies 8.0

We remind the Proponent of the need to comply with provisions of the city's Parks and Parkways Ordinances 7-4.10 through 7-4.12, and to obtain review and approval from the Boston Parks Commission. We also request the Project to determine the need for review with the Department of Conservation and Recreation.

Community Commitments

We heard several comments regarding mitigation of this project from impacted residents, largely grouped into three categories: workforce training and hiring, Boston Arts Academy (B.A.A.) impacts, and impacts to the Fenway Victory Gardens. Our position for these items is as follows:

Workforce training and hiring

Fenway Civic Association supports the Mayor's 'Boston Hires' initiative and strongly recommends the Proponent to enter into a commitment with the City as a Boston Hires Champion or Advocate. Alternatively, we understand the Proponent is in discussion with the Fenway Community Development Corporation regarding work fairs, local hiring, and living wage assurances. We ask these to be considered by the Proponent, and will push for them to be included in the Cooperation Agreement.

Boston Arts Academy

We understand that the site owner had coordinated agreements for B.A.A. parking for the gas station, and encourage the Proponent to continue discussion with the Arts Academy about these needs as part of the Cooperation Agreement.

Fenway Victory Gardens

The Victory Gardens serve as a volunteer-run organization that provides 500 plots for gardening use to Boston residents through a Memorandum of Understanding with the Boston Parks and Recreation Department. The Proponent has confirmed that the Gardens will serve as an important amenity to hotel guests, with over 7 acres of parkland directly across from the hotel, and FCA believes that the Gardens will have increased use as a result. We believe it would behoove the Proponent to consider significant contributions for planned restoration to the entryway of the gardens, currently under design, as part of the Cooperation Agreement.

Community Meeting Space

We understand the Proponent intends to provide meeting space to community groups as available. We frequently see such intentions result in inaccessibility or limited to the life of the cooperation agreement. We request a commitment for community use of conference rooms and meeting spaces to be discussed with the BPDA and coordinated to extend that use throughout the building's operation, either outlined within an expanded agreement or memorandum, or through another mechanism.

In summary, Fenway Civic Association is pleased with the overall concept and design of the project and believes the addition of a hotel for the Fenway will be a positive addition at this location. However, there are still significant hurdles to be cleared for the Project to proceed with FCA's support. We ask for comment on the outlined concerns, and ask for consideration to the mitigation suggested by the IAG and public during the project meetings. Thank you for the opportunity to comment on this project.

Fenway Civic Association – P.O. Box 230435 – Astor Station – Boston, MA 02123

Sincerely,

A handwritten signature in black ink, appearing to be 'AJ', followed by a horizontal line extending to the right.

Fenway Civic Association

cc. Fenway Civic Association Board
Don Wiest, *Dain, Torpy, Le Ray, Wiest & Garner, P.C.*
Josh Zakim, *Boston City Council*
Yissel Guerrero, *Mayor's Office of Neighborhood Services*



Tim Czerwienski <tim.czerwienski@boston.gov>

Fwd: "Additional Comment" Draft - 1241 Boylston Street

Elizabeth Bertolozzi [REDACTED]

Fri, Mar 9, 2018 at 6:16 PM

To: tim.czerwienski@boston.gov

Cc: Rick Richter [REDACTED]

March 9, 2018

Mr. Tim Czerwienski, Project Manager
Boston Planning & Development Agency
One City Hall Square
Boston, MA 02201

RE: [1241 Boylston Street \(Fenway Hotel\)](#) - Project Comments

Dear Mr. Czerwienski:

This is a supplement to our earlier letter dated March 1, 2018 regarding the above Project. We wish to add the following comment in connection with the developer's December 22, 2017 "Project Notification Form":

In section 3.0 "Environmental Review Component" under sub-heading 3.13 "Wildlife Habitat" [page 3-46 attached], we noted the developer indicated "*The Project is located in an established neighborhood. There are no wildlife habitats on or adjacent to the Project.*" We would ask that the record be revised to recognize that the proposed Project is directly across the street from the Fenway Garden Society "Victory Gardens", the site of the Back Bay Fens, a part of the Emerald Necklace.

Following is a map showing our location on the Emerald Necklace: <https://www.emeraldnecklace.org/wp-content/uploads/2015/09/Back-Bay-Fens.pdf>.

We would be happy to share additional information on the extensive flora and fauna throughout the Emerald Necklace. As one example, following is the Bird List from The Friends of Jamaica Pond detailing the many bird species identified in the area: <http://www.friendsofjamaicapond.org/images/EmeraldBird/ENBirdClubList.pdf>.

We are concerned what ramifications, if any, the Project will have on the local wildlife (eg, possible bird strikes), and are interested in knowing that the developer has incorporated this wildlife information relative to the Back Bay Fens/Emerald Necklace into their Environmental Review.

Thank you, again, for the opportunity to share these comments. Please do not hesitate to contact us for additional information.

Regards,

Elizabeth Bertolozzi, President
Fenway Garden Society, Inc. (501c3), (1942-2018)

Address:
P.O. Box 230038, Astor Station, Boston MA 02123-0038

Looking forward to the next 75 years!

bostonplans.org



4942 Fenway Hotel

3-45

Environmental Review
Epsilon Associates, Inc.

the commencement of specific utility installations. Specific methods for constructing proposed utilities where they are near to, or connect with, existing water, sewer and drain facilities will be reviewed by the BWSC as part of its Site Plan Review process.

3.12 Rodent Control

A rodent extermination certificate will be filed with the building permit application for the Project. Rodent inspection monitoring and treatment will be carried out before, during and at the completion of all construction work for each phase of the Project, in compliance with the City's requirements.

3.13 Wildlife Habitat

The Project is located in an established neighborhood. There are no wildlife habitats on or adjacent to the Project.

4942 Fenway Hotel

3-46

*Environmental Review
Epsilon Associates, Inc.*



Tim Czerwienski <tim.czerwienski@boston.gov>

1241 Boylston Street (Fenway Hotel) - Project Comments

Elizabeth Bertolozzi [REDACTED]

Fri, Mar 2, 2018 at 7:34 AM

To: "tim.czerwienski@boston.gov" <tim.czerwienski@boston.gov>

March 1, 2018

Mr. Tim Czerwienski, Project Manager
Boston Planning & Development Agency
One City Hall Square
Boston, MA 02201

RE: [1241 Boylston Street \(Fenway Hotel\) - Project Comments](#)

Dear Mr. Czerwienski:

The Fenway Victory Gardens is the oldest continuously-run Victory Gardens in the US, and we are located on Boylston Street, directly across from the above-referenced proposed project. Our membership numbers nearly 500--all-in-all, a very diverse group: all ages, many cultures, all experience levels, and representing many different occupations and professions. It is a phenomenal mix of Boston gardeners who enjoy investing in our community and who feel privileged to be part of the rich history of our 75-year-old organization.

We are supportive of projects that enhance and contribute to the revitalization of the Fenway neighborhood to the extent our Gardens and parkland continue to thrive, and that our experience--as well as the experience of our community members and visitors in enjoying these green spaces--is not diminished.

In particular, we are pleased that the developer recognizes the appeal and importance of the Victory Gardens and its attractive green space, and that it intends to introduce visual cues relating to this parkland. We believe it's hotel and restaurant guests' experiences will be greatly enhanced given their views of our Gardens from their rooms and restaurant and given our proximity for relaxation and leisure.

After review of all the available documents submitted by the developer, following are our comments relative to the project's impact on the Fenway Victory Gardens (FGS):

1. [Shadows cast near FGS garden entrance, entrance beds and member gardens surrounding the entrance.](#)

We are concerned about both the aesthetic and environmental impact of these shadows.

The FGS entrance on Boylston Street is our primary entrance to the Gardens, and we have worked hard over the years to make this area appealing to members as well as to our visitors and the greater community. We recently invested a significant amount of time and resources to establish and maintain our award-winning Herb Garden just steps away from that entrance. This entrance area is a central location—it is home to our Richard D. Parker Memorial, a flagpole, community bulletin board, emergency call box and is a common area used for community and events.

Aesthetically, open areas with natural sunlight are more visible, more inviting, and provide people with a greater sense of safety. Shadows in this area will have an effect on these important intangible aspects of park usage.

Additionally, we are currently in the process of a significant FGS project evaluating and implementing needed enhancements to the entrance and entrance beds. Existing trees and plantings, as well as our choice of future plantings, will be affected by shade and shadows (eg, less sunlight will affect soil surface temperatures, impacting seed and plant growth, soil moisture, and there is a possible increased risk of disease); plantings in several gardens near the entrance, belonging to long-term members, will similarly be affected. In a changing environment, the investment of time and resources currently being dedicated to our FGS project involving the entrance and entrance beds will likely need to be altered.

Given the developer's interest in providing visual cues relating to the Victory Gardens, we are interested in knowing whether the developer would provide FGS with needed support to evaluate and implement needed enhancements to our Garden entrance area.

2. Shadows and winter conditions on pedestrian walkways.

In the off-season, sunlight currently helps melt snow and ice in the entrance area and on the surrounding sidewalks. The asphalt road leading into the Gardens, used by City of Boston emergency and maintenance personnel, is not typically plowed or shoveled. Foot traffic along with sunlight serves to help clear the surface area here fairly quickly; shade or shadow in these areas will likely create additional risk for pedestrians with lingering ice and compacted snow.

We are interested in learning whether snow removal services could be provided to address lingering ice and snow in the affected areas.

3. Smoking.

We are concerned the Gardens' close proximity to the hotel will lead to smoking activity by hotel employees and visitors in the Gardens and parkland.

Smoking is prohibited in the Gardens and surrounding parkland and is punishable by a fine. Our dried leaves and other vegetation, the phragmites bordering the Muddy River to our east and south, and woody materials in our 3 compost areas are a tinder box. Carelessly discarded smoking materials in member gardens, common areas, in our trash barrels and on our periphery have resulted in significant fire damage to trees and other plantings, and discarded smoking materials in and around member gardens contribute to our litter problem.

Over the years, City of Boston Fire, Police and Parks department resources used to respond to fires and fire emergencies have been significant. FGS is a wholly volunteer-run non-profit organization, and neither the City nor FGS has the resources to keep staff members on site all day to monitor and stop smoking activity; with no personnel on site continuously, delays in reporting and responding to fires may also contribute to fire-related damage.

We are interested in learning whether the hotel will designate a smoking area on site as well as what signage and education they will provide to staff and guests in communicating the "No Smoking" policy in the Gardens.

4. Dogs.

We understand the hotel may offer accommodations for guests' pets. We are concerned that guests walking their pets in the Gardens are diligent about following the leash law and cleaning up after their pets.

Although dogs are allowed in the Gardens on leash, this is not a primary use of the park; also, there are no areas in the parkland where dogs are allowed off leash. FGS does not have the resources to install, monitor and maintain a "dog litter" dispenser, although trash barrels are available for disposal of waste.

We are interested in learning whether the hotel will provide and maintain "dog litter" dispensers on their grounds. We are also interested in learning whether the hotel will provide appropriate signage and education on our leash and clean-up policies for hotel guests accompanied by their pets.

5. Parking.

There is no parking in the Gardens. Roads and paths in the Gardens are used by City of Boston personnel for emergencies, patrolling and maintenance. FGS members are afforded access only to drop off gardening materials. There is no parking or standing for any other vehicles.

We are interested in learning whether the hotel will provide appropriate notice to hotel guests of our "No Parking or Standing" policy.

6. Meeting Space.

We are interested in knowing whether the hotel will make its conference or meeting rooms available for community use by non-profits in the neighborhood such as FGS. We would be happy to share FGS' brochures and materials to help inform and educate hotel staff and guests about the Fenway Victory Gardens and our place in the Emerald Necklace.

In closing, we would ask that the project meet all conditions deemed by the Parks Commission to be required under the City's parkways ordinance. The Back Bay Fens is a Boston Landmark and on the National Register of Historic Places. We have a responsibility to meet the standards for this historic landscape in the Gardens.

We appreciate the opportunity to submit comments on behalf of our Board, our membership and all of our community that enjoys this magical space. We would be delighted to provide additional information relative to these comments and are interested in exploring those ways these impacts can be mitigated.

Regards,

Elizabeth Bertolozzi, President
Fenway Garden Society, Inc. (501c3), (1942-2018)

Address:
P.O. Box 230038, Astor Station, Boston MA 02123-0038

Looking forward to the next 75 years!

B

Tim Czerwienski <tim.czerwienski@boston.gov>

RE 1241 Boylston Street BPDA Article 80 Meeting 1/29

Susan [REDACTED]

Fri, Jan 26, 2018 at 3:29 PM

To: Tim.Czerwienski@boston.gov

Good Day Mr. Czerwienski:

While taken the time to read Article 80 BPDA I am wondering why there is a meeting ?

As you know, there are new high-rises now up and down Boylston,. Target alone has engulfed an entire corner, the other larger high rises that have been built to accommodate the wealthy have already placed a major change in this area.

Who cares about a hotel that most likely will break ground this spring.

...the folks who REALLY care and love this area, are working professionals, (NOT students whose parents are paying their rent, OR wealthy that are living in these over priced condos) are being pushed out by increasingly high rents, thanks to the so called rental "value" in the area--

Why isn't Boston.gov looking into the landlords (**one FM** who owns half of Boylston and good portion of Brighton's rental real-estate) to challenge their practices? Help people out who live and need to stay here-- set up a program to assist folks with this outrageous increase of rents yearly due to this new idea of putting billion dollar buildings in this area.

And of course not touched in years the old issue with off campus students renting apartment along Boylston and adjacent streets- another reason causing rents to skyrocket, while students take advantage with over-loaded crowded students in one apartment to lessen the rent ; others like myself pay my full rent.

Who cares about a hotel proposal?? **This WILL BE built...**

This is not the issue at hand...

Boston is going into an abyss with a NYC city mentality; and it's all about \$\$\$\$. It's big business while the the big people prosper from.

A Fenway Resident of 20 yrs.

Gina.



Tim Czerwienski <tim.czerwienski@boston.gov>

Fenway Hotel Project

David Eppstein [REDACTED]
To: Tim Czerwienski <tim.czerwienski@boston.gov>

Wed, Feb 14, 2018 at 7:19 PM

Tim...

In my capacity as a member of the IAG reviewing the Fenway Hotel Project, I want to take this opportunity to submit my written comments regarding the proposed project.

I have read the Proponent's PNF, and attended all of the IAG and Community meetings scheduled to date, so I am familiar with the proposal as originally presented and modified.

At this time, I am writing to express my support for design Option 1 that was presented at the Community Meeting on Monday February 12th. I strongly believe that this design does the best job of addressing the concerns raised by myself and other IAG members with regard to the primary issues of traffic at the corner of Boylston and Ipswich (by decreasing the originally proposed width of the "bump out" for pedestrian landing), the treatment of the building corner as it transitions to the adjacent residential building (by pulling it back further than originally proposed and establishing a variegated facade), and keeping an adequate building-to-building width with the proposed Boston Arts Academy Project across the public alley (by only extending the building line one foot in that direction from what was originally proposed).

I cannot emphasize enough my sense that Option 1 is infinitely more desirable than either the original design or Option 2 (as presented at the meeting on February 12th). And, I hasten to add, I would not be able to support Option 2 as it is currently configured. In particular, the overhang of the building into the alley as shown in the developers' presentation is wholly unacceptable from an abutter's (BAA) perspective. If it is determined that a 15-foot set back from the property line is indeed mandated, then I respectfully request that the developers be required to revise their plans--including, if necessary, a reduction in the number of hotel rooms proposed, in order to make their project more compatible with its surroundings.

I am aware of the issues surrounding current discussion of the 15-foot set back requirement, and, in my role as a member of the Fenway Planning and Zoning Advisory Committee (PZAC) that worked to establish the development guidelines, I would like to go on record to state that I believe the setback proposed by the developers in Option 1 is consistent with our intentions for zoning of this particular parcel. The 15-foot set back along Boylston Street was intended to provide a consistent street wall along the straight section of Boylston Street from Ipswich Street down to the Park Drive/Brookline Avenue Triangle in an effort to create an attractive pedestrian corridor with ample roadway and sidewalk capacity--including the potential for designated bike lanes. The parcel we are talking about here was considered by us to be a gateway parcel, and thus, viewed more flexibly. It is not on the same straight plane as the rest of the street, and we never envisioned a bike lane in front of this parcel (a bike lane to or from the Boker Overpass on this side of the street did not make sense). Therefore, I would support a ruling by ISD that the set back proposed in Option 1 is consistent with the intent of the zoning developed for the area.

In closing, I want to acknowledge the developers' stated commitment to continuing to work with the community and abutters on mitigation issues pertaining to noise, parkland impacts, traffic, parking, building facade treatment, Green Building development, neighborhood hiring, and sustainable employment practices. And, I strongly urge the City to help us ensure that these discussions move forward via Cooperation Agreements or other appropriate mechanisms.

If you have any questions, or would like to discuss any of these things in more detail, please feel free to contact me.

Regards,

David Eppstein
cell [REDACTED]



Tim Czerwienski <tim.czerwienski@boston.gov>

1241 Boylston Street Comments

Brenda Lew [REDACTED]
To: tim.czerwienski@boston.gov

Fri, Mar 2, 2018 at 9:10 PM

To: Tim Czerwienski
Project Manager
Boston Planning & Development Agency (BPDA)

Re: [1241 Boylston Street](#), OTO Hotel
Comments March 2, 2018

I was about to send in my comments when I received your email extending the comment period. These are my comments as of March 2.
Meanwhile will await any news and updates on the project.

At the last community meeting 3 different options were presented that were not entirely clear, in particular the setbacks. Any setbacks should allow the widest pedestrian way. With the hotel and outdoor dining, there will be more pedestrian traffic than when it was a gas station. The pedestrian zone varies 8' to 10'. "Option 2" shows the widest pedestrian zone @10 feet. The sidewalks should be wide and similar in width to those in front of other buildings on the other side of Boylston Street such as the Harlo.

The "Option 1" façade and setback is better than in Original" with its alignment more in line with the abutting apartment buildings and lawns. The façade is more interesting.

There is concern about shadows on the Emerald Necklace and especially the Fenway Victory Garden.

We share concerns expressed by others at the community meetings about the amount of traffic and maintaining access for the [55 Queensberry Street](#) bus to turn onto Ipswich Street and also access to the bus stop near the hotel for residents and Arts Academy students.

The developer and OTO Hotel should work with Community groups in supporting our parks, affordable housing and Walk to Work programs.

At the meeting, it was noted that the project was rated at LEED Silver. They were going to aim for additional Silver points.
We urge the project to aim higher –Gold, even Platinum.

Thank you,
Brenda Lew
West Fenway Resident

May 10, 2018

VIA HAND DELIVERY & ELECTRONIC MAIL

Tim Czerwienski, Project Manager
Boston Planning & Development Agency
One City Hall, Ninth Floor
Boston, MA 02201
tim.czerwienski@boston.gov

Re: Boylston Street LLC's Public Comment Letter for Proposed Fenway Hotel Project at 1241 Boylston Street

Dear Mr. Czerwienski:

As you know, this firm represents Boylston Street LLC ("Boylston Street"), which is an abutter to the proposed Fenway Hotel Project at 1241 Boylston Street (the "Project") currently undergoing Article 80 review before the Boston Planning and Development Agency (the "BPDA"). Boylston Street owns three buildings located at 1197, 1203, and 1209 Boylston Street that are primarily used for residential purposes and contain a total of 129 residential units, along with one commercial unit. Based upon the Project Notification Form ("PNF") and related submissions to BPDA, it appears that the Project would include, among other things, two vehicle elevators, a parking garage entrance, and an eight-story exterior wall (excluding roof mechanicals) all within a few feet of the Project's shared property line with Boylston Street's building at 1209 Boylston Street.

Not surprisingly, Boylston Street has serious concerns about this large Project located in close proximity to Boylston Street's existing residential buildings. Despite the obvious need to involve Boylston Street in the Article 80 review process, the Project's developer failed to notify Boylston Street or its principals, George and Arthur Sakellaris, when it commenced the Article 80 review process for the Project in November 2017 or any point thereafter. For this reason, Boylston Street only recently became aware that the Project is undergoing BPDA review and promptly engaged appropriate experts from Thornton Tomasetti, Inc. ("Thornton Tomasetti") to evaluate the Project's substantial impacts on Boylston Street's abutting properties. Attached to this letter, Boylston Street submits five reports from Thornton Tomasetti's team of experts identifying areas in which the PNF fails to sufficiently account for the Project's impacts and other areas in which the Project fails to comply with applicable zoning and regulatory requirements.

For the reasons provided below and in the attached reports, Boylston Street respectfully requests that the BPDA suspend the current Article 80 review process and require the developer to submit a revised PNF to reflect the significant modifications the developer has made to the

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

Project in recent weeks and to cure the deficiencies identified by Thornton Tomasetti's team of experts.

Lack of Notice/Engagement by the Project's Developer

As referenced above, the Project's developer failed to meaningfully engage Boylston Street and its principals regarding the Project throughout the Article 80 review process. Instead, the developer contacted a property manager for Boylston Street's buildings in August – September 2017 and provided some rough conceptual plans for the Fenway Hotel Project, noting that the “plans are still preliminary and will likely continue to evolve.”^{1/} The developer further stated in this communication that it hopes to “continue the conversation” with Boylston Street and that the developer would “absolutely make sure that there is a relationship between our General Manager and [Boylston Street's] team.”

Unfortunately, those promised communications and involvement did not happen, as the developer provided no substantive updates to Boylston Street or its principals following the attached email exchange in September 2017. Alarming, the developer did not even contact Boylston Street when it commenced the Article 80 review process for the Project in November 2017. Indeed, Boylston Street only learned of the pending Article 80 review in March 2018 when the daughter of one of its principals happened to see information regarding the Project on the BPDA's website. While Boylston Street was extremely fortunate to have learned of the Article 80 process before the close of the public comment period, the developer's failure to sufficiently notify and involve Boylston Street has significantly diminished Boylston Street's ability to provide meaningful and timely comments on the proposed Project in the manner contemplated by Article 80.

Notwithstanding these communication/notice failures by the Project's developers, Boylston Street and its team of experts from Thornton Tomasetti have identified several concerns related to the Project, as described in more detail below and in the attached reports. Boylston Street welcomes the opportunity to speak with the BPDA in more detail regarding its concerns and potential mitigation measures the BPDA may require to minimize the Project's impacts on surrounding areas.

Areas of Deficiency and Non-Compliance Identified by Experts

With assistance from its team of experts, Boylston Street has identified five primary areas in which the PNF provides an insufficient basis for the BPDA to evaluate the Project's impacts on surrounding areas and/or in which the Project does not comply with applicable zoning and regulatory requirements. In the documents attached hereto, Boylston Street submits the following reports from its team of experts at Thornton Tomasetti:

^{1/} See September 7, 2017 Email from Taylor Callahan of OTO Development to Jeff Wilson of Delphi Properties, attached hereto as **Exhibit A**.

- Zoning Analysis provided by architect Alberto Cardenas, which details how the Project violates the 15-foot setback requirements set forth in Article 66, Table B, FN5 as well as the 100-foot setback requirement provided for in Section 7.4 of the Boston Municipal Code for buildings near the Boston Fens parkland;^{2/}
- Geotechnical Engineering Analysis provided by engineer Michael Oakland, which details the PNF's significant deficiencies with respect to the following geotechnical impacts: sheet pile installation; sheet pile support; odors during excavation; rodent control; overexcavation; vibrations during foundation installation; dewatering during construction; and heave and settlement during excavation and construction;^{3/}
- Transportation Analysis provided by engineer William Farrell, which identifies deficiencies in the PNF's analysis of traffic impacts for a project of this size located on Ipswich Street near Fenway Park;^{4/}
- Environmental Analysis provided by engineer Gunnar Hubbard, which details several areas in which the PNF fails to meet minimum applicable regulatory requirements and/or insufficiently accounts for impacts related to: shadows (for which the PNF fails to meet BPDA time study and net new shadow requirements), daylight and views (for which the PNF fails to meet industry best practices), solar glare (for which the PNF fails to meet BPDA requirements), wind (for which the PNF fails to meet BPDA requirements and/or standard industry practices), and air quality (for which the PNF fails to meet BPDA requirements);^{5/} and
- Noise Analysis provided by acoustic consultant Galen Wong, which identifies deficiencies in the PNF's sound analysis and areas of potential non-compliance with applicable regulations related to noise sources, noise modeling methodology (including reflection of sound from nearby buildings and the project itself), future nighttime sound levels, and construction noise levels.^{6/}

^{2/} See May 8, 2018 Memorandum from Alberto Cardenas to Shawn Leary of Thornton Tomasetti, attached hereto as **Exhibit B.**

^{3/} See May 8, 2018 Memorandum from Michael Oakland to Shawn Leary of Thornton Tomasetti, attached hereto as **Exhibit C.**

^{4/} See May 8, 2018 Memorandum from William Farrell to Shawn Leary of Thornton Tomasetti, attached hereto as **Exhibit D.**

^{5/} See May 8, 2018 Memorandum from Gunnar Hubbard to Shawn Leary of Thornton Tomasetti, attached hereto as **Exhibit E.**

^{6/} See May 8, 2018 Memorandum from Galen Wong to Shawn Leary of Thornton Tomasetti, attached hereto as **Exhibit F.**

Critical Modifications to the Project During Article 80 Review Process

On top of the extensive issues identified by its experts, Boylston Street is also concerned that the developer's filings with the BPDA do not account for several significant changes that the developer has made to the Project after the original PNF was filed in December 2017. For instance, at a recent subcommittee meeting of the Boston Civic Design Commission ("BCDC") on April 10, 2018, the Project's development team unveiled for the first time a new proposal for the Project that would significantly alter the footprint of the Fenway Hotel building. As part of its new proposal, the developer indicated that it would shift the Project's eight-story exterior wall abutting Boylston Street's properties such that the wall would now extend deeper into the courtyard area located along the Project's shared property line with 1209 Boylston Street. This shift of the Project's eight-story exterior will undoubtedly create greater light, shadow, and view impacts on Boylston Street's abutting properties, and might also amplify other impacts, such as increased noise and vibration. None of these new impacts have been evaluated in the developer's submissions to the BPDA or the BCDC.

Moreover, there is a significant likelihood that the Project will undergo further meaningful changes before the Article 80 review process concludes. At the April 10, 2018 BCDC meeting, the BCDC requested that the developer further amend its current proposal and submit new plans for the Project at a subsequent BCDC meeting in May 2018. Additionally, the Boston Inspectional Services Department ("ISD") is currently reviewing the Project to determine whether the setback requirements provided in Article 66 may require the developer to make additional changes to the Project. As a result of such feedback from the City's agencies, the Project will likely undergo further modifications in the coming weeks/months that will, in turn, create additional new impacts beyond those evaluated in the developer's current impact analyses.

For these reasons, Boylston Street respectfully requests that the BPDA require the Project's developer to submit a revised PNF that describes the Project in its revised/final form and adequately evaluates the extent to which the developer's recent, post-PNF amendments to the Project will affect abutting properties. Boylston Street respectfully suggests that such supplemental filings are critical in order to provide the BPDA, abutters, and the general public with a complete understanding of how the Project will impact the surrounding area.

Conclusion and Request for Suspension of Current Article 80 Review Process

Boylston Street expresses its deep regret that the Project's developer elected not to contact Boylston Street or its principals at the outset of the Article 80 review process. If the developer had provided such notice – as the developer promised to do in September 2017 – Boylston Street would have raised these concerns to the BPDA at a much earlier time and actively participated in the Article 80 review process from its outset. Unfortunately, however, Boylston Street was stripped of this opportunity because of the developer decided to forgo any notification to or communication with Boylston Street until Boylston Street happened to learn of the pending Article 80 review process on its own.

May 10, 2018

Page 5

While Boylston Street could credibly advocate for denial of the Project, instead it respectfully requests that the BPDA suspend the current Article 80 review process until such time that the developer can submit a new PNF for a revised version of the Project that complies with applicable zoning requirements and adequately accounts for the deficiencies identified herein and in the attached expert reports. Indeed, many of the City's departments and commissions, including the BCDC and the ISD, are currently reviewing the Project and may require the developer to make further significant modifications to its proposals in the coming weeks and months. In light of such likely future modifications to the Project, Boylston Street respectfully urges the BPDA to suspend the current Article 80 process and allow the developer to submit a new PNF that reflects the Project in its current form, rather than the form initially contemplated in the original PNF and subsequently superseded by the developer's extensive modifications in recent weeks. Additionally, a revised, updated PNF with appropriate impact analyses would place the BPDA in a better position to explore any impact mitigation efforts that might be appropriate for the Project.

Boylston Street, of course, welcomes the opportunity to discuss these concerns with the BPDA and the Project's developers in more detail. In the meantime, however, Boylston Street reserves, and does not waive, all rights in connection with this matter, including without limitation the right to identify, study, and oppose the Project on the basis of impacts not identified in this Comment Letter.

Very truly yours,



Scott C. Ford

Enclosure

cc: George P. Sakellaris (*via electronic mail*)
Arthur Sakellaris (*via electronic mail*)
Kelly L. Frey, Esq. (*via electronic mail*)
Peter J. Quigley, Principal, Thornton Tomasetti (*via electronic mail*)
Shawn Leary, Associate Principal, Thornton Tomasetti (*via electronic mail*)

EXHIBIT A

REDACTED

From: Taylor Callaham <tcallaham@otodevelopment.com>
Date: March 16, 2018 at 10:07:56 AM EDT
To: "jwilson@delphiproperties.com" <jwilson@delphiproperties.com>
Cc: Vince Tiberi <vtiberi@otodevelopment.com>
Subject: RE: 1241 Boylston

Jeff,

I hope all is well. As you are likely aware, we continue to make progress on our hotel project at 1241 Boylston. I enjoyed the opportunity to discuss our project with you on several occasions in the fall and hope that we can continue to discuss questions and comments that you and your firm have on the project directly.

We were forwarded a comment letter from our BPDA planner that they received from Arthur Sakellaris representing your property. We've not had the benefit of meeting anyone else on your team, but would certainly appreciate the opportunity to meet Arthur and address any concerns that he may have.

I will be in Boston on 3/27. Would your team have availability to meet that morning to discuss the project?

Thanks and I look forward to catching up again soon.

Best,

Taylor Callaham

Senior Director of Real Estate
OTO Development
M. 410.274.8272

From: Taylor Callaham
Sent: Thursday, September 7, 2017 10:24 AM
To: Jeff Wilson <jwilson@delphiproperties.com>
Cc: Vince Tiberi <vtiberi@otodevelopment.com>
Subject: RE: 1241 Boylston

Jeff,

Thanks for your time to discuss our project. The attached is extremely early and is CONFIDENTIAL. The plans are still preliminary and will likely continue to evolve. Your feedback was helpful and I hope to continue the conversation.

I've copied Vince Tiberi, OTO's Development Manager that will direct the project. Vince is finishing a project in New York this fall, but transition fully to the Boston project next year and will be your primary contact prior to hotel opening. As we near the hotel's opening, we'll absolutely make sure that there is a relationship between our General Manager and your team.

Please let me know if you have additional questions and look forward to catching up again soon.

Best,

Taylor Callaham
Senior Director of Real Estate
OTO Development
Mobile: 410.274.8272
www.otodevelopment.com

From: Jeff Wilson [<mailto:jwilson@delphiproperties.com>]
Sent: Thursday, September 07, 2017 8:18 AM
To: Taylor Callaham <tcallaham@otodevelopment.com>
Subject: RE: 1241 Boylston

Good Morning Taylor,

It was nice meeting you the other day. Can you email over the conceptual plans for the property you were going over with me as the owners of these buildings would like to see.

Thanks,
Jeff

JEFFREY D. WILSON, ARM®, CPMC®
DELPHI PROPERTIES, LLC
1203 Boylston Street, Suite 102
BOSTON MA 02215
O- 617-437-7800
F- 617-421-9024
www.delphiproperties.com

From: Taylor Callaham [<mailto:tcallaham@otodevelopment.com>]
Sent: Monday, August 28, 2017 3:11 PM
To: jwilson@delphiproperties.com
Cc: Vince Tiberi
Subject: 1241 Boylston

Jeff,

Thanks for your time earlier today and look forward to meeting on the 6th. Would you be able to grab an early cup of coffee at 7:30 AM down at Pavement Coffeehouse (1334 Boylston)?

In the interim, please see the attached presentation on OTO that provides a sense for the type of projects we develop. We're very comfortable with urban development, and as we discussed, know that proper communication and strong relationships with our neighbors are a big part of successful construction. We also operate our hotels, meaning that you'll have a consistent voice through construction and upon the hotel's opening.

We'll plan to bring preliminary conceptual plans with us to our meeting.

Thanks,

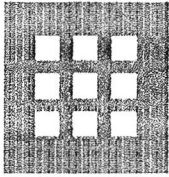
Taylor Callaham
Senior Director of Real Estate
OTO Development
Mobile: 410.274.8272
www.otodevelopment.com

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EXHIBIT B



DHK

ARCHITECTS

54 Canal Street
Suite 200
Boston, MA 02114
T: 617.267.6408
F: 617.267.1990
www.dhkinc.com

Memorandum

Re: Zoning Impact Review Comments
Page 1

TO	Shawn Leary	FROM	Alberto Cárdenas
COMPANY	Thornton Tomasetti	DATE	May 8, 2018
RE	Zoning Impact Review Comments	PROJECT NO	Q18043.00
CC		PROJECT NAME	Fenway Hotel Project PNF

General

In response to your request we are pleased to submit this memorandum report with the findings of our zoning analysis of the above-referenced project. Our review comprised a comparison of the applicable zoning requirements included in Article 66 Fenway Neighborhood District of the Boston Zoning Code and the information presented in the Project Notification Form submitted to the Boston Planning and Development Agency by the developer, dated December 22, 2017. We have also consulted modified drawings presented by the developer to the Boston Civic Design Commission dated April 10 of this year.

Findings

We concluded that the project as presented in the PNF complies with many but not all of the applicable zoning regulations regarding allowable uses, dimensional controls for the site and the proposed building and parking requirements. The attached table summarizes the specific zoning requirements, the project characteristics and the compliance status.

Setbacks

The non-compliance noted above refers to the required front yard setback along Boylston Street of 15 feet that is stipulated by footnote 5 of Table B of Article 66. The project PNF plans show a setback of about 3 feet on one portion of the Boylston Street frontage and no setback on the other part of the frontage. The setbacks on the drawings are not dimensioned, so the 3 foot setback is just an estimate based on the graphic scale.

Additional drawings presented to the BCDC dated April 10, 2018 show modifications to the building setback along Boylston Street. However the setback proposed for the building frontage occupied by the restaurant and the hotel rooms on the floors above does not meet the 15 foot requirement either.

Memorandum

Re: Zoning Impact Review Comments
Page 2

In addition to the tabulated requirements of Article 66, the project will be subject to compliance with Article 37- Green Buildings and Article 85 – Demolition Review by the Landmarks Commission. The project was filed under Article 80 – Large Projects Review and is subject to all of Article 80's respective requirements.

Boston Municipal Code Setback

Another issue that has not been addressed is the potential non-compliance with a 100 foot setback from public parks required by the Boston Municipal Code, Section 7.4. In this case the Boston Fens parkland is located across Boylston Street from the subject property. A portion of the subject site falls within the 100 foot setback line as measured from the curb on the south side of Boylston Street.

Other Considerations

We have also been asked to comment on whether the report properly addresses the issues from the perspective of your client who is a direct abutter to the subject property. With the exception of the setback question, in our opinion the report does properly address all of the issues related to compliance with the existing zoning regulations, which is what we have analyzed. The report does address many other non-zoning related issues about which the abutter may be properly interested, including transportation, environmental, historic and infrastructure impacts, but these are beyond the scope of our assignment.

We were also asked whether there are other considerations not addressed in the PNF that we would recommend are addressed. I think that the PNF report does address all of the relevant issues related to zoning compliance except for the front yard setback requirement. However, the abutter may or may not be satisfied with the applicable zoning regulations that allow uses, density and building volume that differ significantly from the abutting property.

Memorandum

Re: Zoning Impact Review Comments
Page 3

TABULATION OF ZONING REQUIREMENTS - ARTICLE 66 FENWAY NEIGHBORHOOD DISTRICT

Project Address: 1241 Boylston Street	Current Zoning Article 66	Proposed Development	Compliance Status
Zoning Sub-District	NS-2 - North Boylston Neighborhood Shopping Sub District		
Primary Use	Hotel	Hotel	Allowed- Table B
Primary Use	Restaurant	Restaurant	Allowed- Table B
Accessory Use	Accessory Parking	Accessory Parking	Allowed- Table B
Maximum Floor Area Ratio - FAR	5.00	5.00	Complies - Table E
Max Building Height, feet	95 feet	90 feet	Complies - Table E
Max Building Height, number of stories	8	8	Complies - Table E
Street Wall Height (Lesser of Ft./Stories)	75/6	66/6	Complies - Table E
Minimum lot size	none	n/a	Complies - Table E
Minimum usable Open Space, SF/Dwelling Unit	n/a	n/a	n/a
Minimum lot width	none	n/a	Complies - Table E
Min Lot Frontage	none	n/a	Complies - Table E
Min Front Yard	15 feet	n/a	Non-compliant per footnote 5, Table E
Min Side Yard	none	n/a	Complies - Table E, Footnote 7 and Table C
Min Rear Yard	none	n/a	Complies - Table E
Off Street Parking Spaces, Minimum No./Maximum No.	none/.75 spaces per 1000GSF	82	Complies - Table F
Off Street Loading Spaces	TBD by Article 80 Large Project Review	TBD	TBD -Table G does not apply per footnote 1

EXHIBIT C

TO	Shawn Leary	FROM	Michael Oakland
COMPANY	Thornton Tomasetti	DATE	May 8, 2018
RE	Geotechnical Engineering Review Comments	PROJECT NO	Q18043.00
CC		PROJECT NAME	Fenway Hotel Project PNF

Introduction

This memorandum provides our geotechnical engineering comments of potential impacts of earthwork and other geotechnical construction of a new hotel adjacent to existing structures at 1197-1209 Boylston Street in Boston. The new hotel with 8 stories above grade and one level below grade, is planned to be constructed on the site of an existing gas station at the northeastern corner of Boylston Street and Ipswich Street. The planning and proposed construction of the new hotel are described in a Project Notification Form prepared by Epsilon dated December 22, 2017.

Subsurface Soil Conditions

Subsurface conditions at the site, based on a summary of the borings drilled for the project, are described as 14 to 17 ft. of fill overlying 5 to 9 ft. of organic silt that is underlain by a layer of sand 7 to 11 ft. in thickness. The bottom of the sand is at a depth of about 34 ft. below existing grade. The entire site is underlain by a deep layer of marine clay believe to be about 90 ft. in thickness with bedrock at a depth of about 140 ft. Groundwater was encountered at depths ranging from 10.4 to 10.7 ft. below existing grade. Contamination from operating a gas station for more than 60 years at this site is anticipated as part of the site description.

It should be noted that the PNF does not indicate the Geotechnical Engineer for the project. The language and details provided in the PNF indicate that a Geotechnical Engineer has been engaged in the design and review of available information, but this should be confirmed.

Proposed Hotel Foundation Construction

The new hotel basement will extend to a depth of about 15 ft., which is at about the bottom of the existing fill but above the existing organic soils. The bottom of the foundation will be about 5 ft. below the groundwater level encountered in the field. The organic soils, in their current condition, are not suitable for support of the new structure. The new hotel is anticipated to be supported on the sand or clays below the site on one of the following systems:

- Shallow spread footings after ground improvement
- Shallow foundations or a mat foundation after excavation and replacement of the organic soils
- Pressure injected footings bearing in the sand layer below the site
- Drill shafts bearing in the upper clay deposits below the sand.

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The drawings in Section 1 of the Project Notification Form show the new construction a slight distance away from the abutting structures on Boylston Street. However the plan views in Section 2 of the Project Notification Form show the new structures in direct contact with the adjacent buildings and even show the property line going through the adjacent structures.

The foundation design is based on the assumption that the weight of the soil being excavated is more than the then weight of the new structure so that there will be no net settlement at the site. The design also assumes that a pressure slab will be used to resist hydrostatic pressures to avoid pumping of groundwater or lowering the groundwater level under the permanent condition.

The Project Notification Form indicates that sheet piling driven to into the clay layer below the site will be used during construction to provide lateral earth support around the site and to limit dewatering during construction that would lower groundwater levels outside of the site boundaries.

Existing Structures at 1197 to 1209 Boylston

The five story residential structures identified as 1197, 1203 and 1209 Boylston Street are typical of Boston brownstone structures. Constructed with a half basement level, the structures have masonry foundation walls and were constructed on timber piles bearing in the sands and upper desiccated clay layer below the site. The structures are very sensitive to vibrations. The timber piles supporting the structures are only attached by gravity and are susceptible to rotting if the groundwater level is lowered below the top of the pile. It should also be anticipated that some section loss due to rotting may have already occurred within the timber piles making the structures even more susceptible to impacts from adjacent construction.

The basement excavation for the new hotel will extend below the lowest level of the adjacent structures. With or without the small separation shown in the plan and section view in Section 1 of the PNF, the proposed excavation, foundation construction and sheetpiling will be within the zone of influence of soils supporting these structures both vertically and laterally. In addition, vibration and changes in groundwater levels from the new construction could be detrimental to the existing sensitive structures and their foundations. Finally, the contaminated soils and their remediation at the site have potential impacts during construction that need to be addressed as part of the planning.

Our Detailed Comments follow:

Sheet pile installation – The Project Notification Form indicates that sheeting will be installed into the clay layer below the site. This will require sheeting to be driven or vibrated to a depth of at least 34 ft. We have not seen the detailed logs, but fills often include obstructions and there is always potential to encounter old piles or other foundations which could result in difficult installation. Sheeting must be installed in very close proximity to the adjacent properties

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between 1197-1209 Boylston Street. Driving or vibrating in sheeting has potential to create vibrations that could either settle the sand supporting the timber piles below the adjacent properties or directly damaging the masonry structure. Given the proximity of the proposed excavation and the depth of cutoff required, it is difficult to see how steel sheeting is a viable option for this project. The PNF should identify alternative support of excavation and groundwater cutoff systems that would avoid impact on the adjacent structures at 1197-1209 Boylston during installation. Both soil mixed and slurry wall support of excavation systems which can be installed without imposing vibrations should be considered as options.

Sheet pile support – Excavation of about 15 ft. will require at least one level of bracing to support the lateral earth support system. The type of bracing or discussion of allowable movements has not been addressed in this report. The vertical support of 1197-1209 Boylston Streets is through timber piles. Both the vertical and lateral support of these structures is dependent on this lateral bracing. If not designed and installed in a coordinated manner, unanticipated lateral displacement could occur, potentially impacting 1197-1209 Boylston. The PNF should identify the what type of bracing is proposed and provide proposed limiting movement criteria for the lateral earth support bracing systems, specifically considering the potential impacts on the lateral stability of 1197-1209 Boylston.

Odors during excavation – The existing site is believed to be contaminated by operation of the gas station. The Project Notification Form addresses the collection and discharge of volatiles under the final condition. However, volatiles during construction must also be considered. Odors from gasoline continuation could be a nuisance or even a health hazard to the residents of the adjacent buildings. Foam or “tented” encapsulation have been used on similar projects. The PNF should discuss how the potential for odors will be investigated and indicate measures that will be taken to mitigate and limit ambient odors during excavation.

Rodent control – During demolition of existing structures and subsequent excavation, rodents are often displaced to the surrounding areas. The PNF indicates that an extermination certificate will be filed and that inspection monitoring and treatment will be carried out on the site in compliance with City of Boston requirements. The PNF does not, however, indicate who will be the responsible party for rodent control and monitoring, nor how this process will be implemented. The need for rodent control measures is often reported by neighboring entities, once there is a rodent problem. The PNF should indicate how the project team plans to prevent a rodent problem for the neighboring properties and should define the entity responsible for controlling and mitigating the problem.

Overexcavation – the report indicates that one option would be to overexcavate the organic soils and replace them with structural fill. In addition, the existing tanks on the site are to be removed and the depth of the tanks may also extend below the normal excavation depth for the project. This could result in excavation depth of more than 20 ft. and require additional bracing. At this depth, the excavation is approaching the potential tip elevation of the piles supporting

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1197-1209 Boylston Street structures and could result in loss of bearing capacity and potential settlement. The PNF should provide a detailed support of excavation and lateral earth support system that fully defines how the adjacent structures within the zone of influence of excavation will be supported and protected.

Vibrations during foundation installation – Pressure Injected Foundations are formed by installing a drive tube and expelling a plug of concrete using a large drop hammer. Vibrations from this operation can be very significant. In addition, some types of ground improvement also rely on vibratory installation. The vibrations from these operations, if used to support the new structure could be cause similar distress as was described for the sheet pile installation above. Although the PNF defines foundation types that are feasible for the project, it does not discuss the impacts on 1197-1209 Boylston during the installation of these foundation systems. A further study should be performed to determine the most appropriate foundation system for this project that also considers installation vibrations and how they will impact adjacent structures.

Dewatering during construction – steel sheet piling does not form a water tight cutoff and there is also potential that cracks and sand seams in the clay can also result in water entering the site from the surrounding areas. The Project Notification Form does not specify exactly what is required to form the cutoff, however any lowering of the groundwater level could result in settlements or rotting of the piles supporting 1197-1209 Boylston Street. The PNF should elaborate on how the project team will achieve proper groundwater cutoff and provide details plans to mitigate groundwater lowering in the case that water does enter the site.

Obstruction of normal groundwater movement – the steel sheeting installed to form a groundwater cutoff into the site will also create a barrier to normal groundwater flows in the area. This could result in mounding or depleting groundwater at 1197 to 1209 Boylston Street depending on the normal groundwater direction. This may occur during the construction duration or even as a permanent condition if the sheeting is left, intact, in place after the project is constructed. The PNF should indicate what impacts on groundwater flow are anticipated due to the inclusion of this structure on this site. A further study should be performed to determine any detrimental impacts on 1197-1209 Boylston caused by the new groundwater flow barrier formed by this project.

Heave and settlement during excavation and building loading – While the designers anticipate that there will be a net zero settlement at the site under the weight of the building, during excavation, the site will heave and then recompress as the building is constructed. There is potential that some of this heave and recompression could occur in the zone of influence outside of the site. While the amount of movement is normally insignificant outside of the building footprint, it should at least be acknowledged that this phenomenon does occur so that monitoring can be conducted during times that potential impact may occur.

EXHIBIT D

TO	Shawn Leary	FROM	William Farrell
COMPANY	Thornton Tomasetti	DATE	May 8, 2018
RE	Transportation Review Comments	PROJECT NO	Q18043.00
CC		PROJECT NAME	Fenway Hotel Project PNF

Introduction

This memorandum provides our transportation review comments related to the potential impacts of a new hotel adjacent to existing structures at 1197-1209 Boylston Street in Boston. The new hotel, with 8 stories above grade and one level below grade, is planned to be constructed on the site of an existing gas station at the northeastern corner of Boylston Street and Ipswich Street. The planning and proposed construction of the new hotel are described in a Project Notification Form (PNF) prepared by Epsilon Associates, Inc. dated December 22, 2017. The following are our comments as the PNF relates to the transportation considerations outlines in the report.

- Private Alley 938 Access:** Based on the provided scale drawings (and confirmed through Google Maps satellite view), the existing width of Private Alley 938 is 30 feet from building line to building line at the existing gas station, however 15' of that width is currently occupied by perpendicular parking, leaving approximately 15' of clearance for egress on Private Alley 938. The alley behind the adjacent 1197-1209 Boylston Street building measures 20' in width. The proposed site plan shows the alley with approximately 20' of vehicle egress and a 7' sidewalk. Since the proposed egress width is greater than the existing egress width, the ability of sanitation, emergency, and other services to access the alley should not be adversely impacted by the new development. It is conceivable that vehicles could queue or be parallel parked along the proposed alley curb when the valet capacity on Ipswich Street is exceeded. The proposed development indicates space for six cars in the valet queue and there are two elevators to transport cars to the garage. Without knowing the rate at which cars can be transferred to the garage, it is difficult to say if a queue will form. However, if we take the total number of arrivals plus departures in the peak hour (since both arrivals and departures must access the Ipswich Street curb due to valet service), there are expected to be 27 trips. This also includes taxi trips, which will not need access to the garage, but will briefly occupy curb space as they load and unload guests. If the dwell time per vehicle is kept below 2.2 minutes, then no additional queue should form. Further, in the event that vehicles are queued along the alley curb, the width of egress would be approximately 12', sufficient for one direction of travel, but not two. However, it is also the case that the existing 15' width of egress is insufficient for two-way travel when cars occupy the existing parking spaces in the alley. 1197-1209

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Boylston Street could consider seeking assurances from Fenway Hotel that no parking or queuing would be permitted along the alley curb in order to maintain a width of 20'.

- As per the existing combined inbound and outbound traffic counts, 5 vehicles/hour access the alley during the AM peak period and 8 vehicles/hour access during the PM peak period. Project generated trips are estimated to be 9 vehicles/hour during the AM peak period and 11 vehicles/hour during the PM peak period. However, this projected volume does not account for every private vehicle (excluding taxis) projected to access the site, where they would presumably need to use the alley to access the garage. These peak period trips are 17 vehicles/hour in the AM peak hour and 19 vehicles/hour in the PM peak hour. This leaves 8 vehicles/hour unaccounted for during both peak periods. It is possible that there is an unstated assumption that some vehicles will seek street parking rather than accessing the garage. If every PM peak trip generated by the hotel plus existing trips attempted to access the alley, that would result in 30 vehicles/hour, or an average of one vehicle every two minutes. While this would be substantially higher than existing conditions, it is still a relatively low number of vehicles that should not adversely impact sanitation and emergency services on Private Alley 938.
- **Trip Generation:** The net trip generation of this project is done by using direct observation of existing trips generated by the gas station and parking lot and by utilizing the ITE Trip Generation Manual for the proposed urban hotel and restaurant. The travel mode shares provided in the PNF are drawn from a number of sources, including BTS, CTPS, and NHTS. Neither links nor detailed source information are provided for the specific datasets used, however the modal share and occupancy rates are reasonable considering the urban location and land use. The data summary in the PNF shows that peak hour trips generated by the proposed land use are projected to be only 28% of the current observed conditions. Additionally, the existing parking lot has a capacity of 78 vehicles and the proposed parking garage has a capacity of 82 vehicles. During game-days, when presumably the demand for parking is and the supply is saturated, one would not expect the proposed garage to induce noticeably more vehicle trips than the existing parking lot already does.
- **Game-Day Conditions:** The PNF provides little information about game-day pedestrian and vehicle circulation. Although it is common practice to model typical weekday peak vehicular traffic conditions, the unique location of this site could warrant additional analysis of peak pedestrian conditions, likely following the conclusion of a baseball game at Fenway Park. In order to facilitate the large number of pedestrians, streets adjacent to the ballpark, Jersey Street, Lansdown Street, and Van Ness Street

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are closed to vehicle traffic in the hours preceding a game until crowds have dissipated following the game. However, Ipswich Street currently remains open to vehicular traffic and is the most direct path between the ballpark and the site. From the PNF, there are three parking lots and garages, totaling 384 spaces, which would require access to this Ipswich Street in the vicinity of the ballpark. Some percentage of these will necessarily pass through the intersection of the proposed site during peak pedestrian conditions. A capacity study should be conducted in order to determine if the sidewalks are sufficiently wide for expected peak pedestrian volume conditions. Further, the same analyses conducted for the AM and PM peak for a typical weekday could be repeated for the "game-day" peak period.

- In the existing condition, one consideration is that the existing gas station and parking lot has two points of vehicular egress on Boylston Street and another three points of vehicular egress on Ipswich Street, including the alley, which is also accessible directly from the parking lot. Multiple driveways and numerous vehicles maneuvering to leave the parking lot do create pedestrian hazards. The proposed condition has only the alley presenting a conflict with pedestrians and no pedestrians walking through the parking area, thus eliminating those hazards.

EXHIBIT E

TO	Shawn Leary	FROM	Gunnar Hubbard
COMPANY	Thornton Tomasetti	DATE	May 8, 2018
RE	Environmental Impact Review Comments	PROJECT NO	Q18043.00
CC		PROJECT NAME	Fenway Hotel Project PNF

TT has reviewed the Project Notification Form (PNF) for the Fenway Hotel, and has evaluated the proposed development's impact on the 1197-1209 Boylston Street property. Based on the information provided, TT has provided a thorough review of the environmental aspects of the PNF and provided commentary on the following points, outlined below by category:

1. Does the report meet all requirements of the MA Building code and Boston? i.e. does it cover the bare minimum?
2. Does the report properly address the issues from the perspective of the Boylston Street properties, which are directly impacted with the new building directly adjacent?
3. Are there considerations not addressed in the report that TT recommends be addressed?

Solar Impacts:

Due to its proximity, relative location, and height, the proposed Fenway Hotel will certainly impact the 1197-1209 Boylston Street property from a daylight and views perspective. 1197-1209 Boylston Street is a 5 story building, and the proposed Fenway Hotel development is an 8 story building to the Southwest. The Fenway Hotel will overshadow 1197-1209 Boylston Street, impacting existing views and daylight.

1197-1209 Boylston Street is comprised of residential units that currently have unobstructed views. The Fenway Hotel would be located only feet away from the southwest façade, impeding views and daylight. Not only has daylight been proven to have positive effects on health and well-being, but daylight and views are fundamental rights, and healthy and sustainable buildings and cities carefully consider this in design and planning. Detailed solar studies are required to fully understand the implications, and overall, the studies provided in the PNF may meet bare minimum code requirements, but they do not provide the full picture.

Shadows:

In Section 3.1, the PNF report shows the shadow impact analysis that was conducted. The study was performed for three key dates at three to four times of day, and seems to be focused on the ground level sidewalks, bus stops, and open spaces. While this is a good practice and can be helpful in early stage planning as a preliminary analysis, it does not fully capture the impacts on 1197-1209 Boylston. First, a more comprehensive

data set would be ideal, to ensure no adverse impacts throughout the year. Note that the Boston Planning & Development Agency (BPDA) requirements indicate that other times may be studied on a case-by-case basis. In addition, BPDA requires that the net new shadows "have a clear graphic distinction;" this does not appear to be the case in the shadows studies provided.

Additionally (or alternately), an overshadowing study could be performed to supplement the shadow analysis, which would focus on specific points of the 1197-1209 Boylston southwest façade and roof. This study would provide an annual understanding of when 1197-1209 Boylston is in sun or shadow, before and after the development. The impact of when 1197-1209 Boylston has access to sun can impact the following:

1. Thermal or heat gain impacts: The existing Boylston building is currently exposed to unobstructed sunlight throughout the year on the southwest facade. The Fenway Hotel would entirely overshadow this façade. Potential impacts include thermal comfort and hygrothermal performance of the Boylston wall assemblies.

Daylight & Views:

In Section 3.3, the daylight methodology and results are provided. The Introduction in Section 3.3.1 clearly indicates that the primary focus of the analysis was on the impacts of the streets and sidewalks, not on the adjacent 1197-1209 Boylston.

The analysis was conducted according to the Boston Redevelopment Authority Daylight Analysis (BRADA), which requires a sky-dome analysis with selected center points. This results in a location-dependent analysis, which can be limiting. The results indicate that "the resulting conditions will be consistent with the daylight obstruction values within the surrounding area and typical of densely built urban areas" (Section 3-23, page 98). However, the right to daylight should not be a comparative concept, and the impact of obstructions should be carefully considered building-by-building. The way in which the Fenway Hotel impacts adjacent buildings should be more carefully evaluated. In particular to Boylston Street, there is no representative viewpoint located from the perspective of 1197-1209 Boylston: a viewpoint from the southwest façade facing towards the new development would be critical.

Furthermore, while the analysis may meet BPDA standards, it does not meet industry best practice. Daylight should be evaluated in both quantity and quality, and a variety of metrics should be used. Illuminance metrics (light levels, simulated / measured at a grid located at desk level) are the current standard set out by the Illuminating Engineering Society (IES) for daylight, and luminance is most closely correlated with what the eye sees (typically represented in renderings and falsecolor images), and is essential as

well. It is best practice to evaluate interior daylight with point-in-time and annual illuminance and luminance metrics. However, if only one metric is chosen, current industry standards are climate-based daylight metrics (CBDM), or annual illuminance metrics. The PNF report evaluated daylight only from a point-specific sky-dome, which is not sufficient in understanding the full picture, as daylight is transient and dynamic.

Overall, this sky-dome daylight methodology in theory would prove useful for understanding both daylight and views. However, the analysis does not consider 1197-1209 Boylston. Moreover, even without an analysis, it is clear that at a fundamental level the Fenway Hotel obstructs the southwest façade of 1197-1209 Boylston, eliminating a sense of the outdoors and natural light, which are essential to health and well-being.

Solar Glare:

Solar glare is a requirement of the Boston Planning & Development Agency (BPDA), both for public outdoor spaces from a visual comfort perspective as well as heat buildup in nearby buildings. However, the PNF report indicates that a solar glare analysis has not yet been performed as material and glazing selections are still in progress. It also indicates that impacts are unlikely. While this may be true, it is a BPDA requirement as well as good practice to analyze this at a detailed level.

The elevations indicate that the building has a significant amount of glass, particularly on the west façade. This could have an impact on neighboring buildings. Specifically of interest to Boylston Street, the east elevation that directly faces 1197-1209 Boylston Street appears to have less glass (and all planar), and reflected glare would therefore likely be fleeting, but this is a potential concern that should be studied.

Wind Impacts:

In Section 3.1 Wind, the PNF report indicated that there will be no impact on wind due to the proposed development. However, wind is complex and should be analyzed in due diligence.

While it is true that the project is at a similar height to adjacent properties and it is unlikely to have a significant impact, a Computational Fluid Dynamics (CFD) and/or wind tunnel study is recommended both to understand the impact at the pedestrian level and potential impact of wakes or vortices onto 1197-1209 Boylston Street, which could have structural and thermal comfort impacts. These analyses introduce a wind source based on the location's prevailing wind direction, and allow the wind to travel through the site. This shows the way in which wind would travel throughout the site, providing an understanding of the microclimate of the winds with the surrounding context. Depending on any changes in wind climate, this could impact

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access to natural ventilation for residents who rely on operable windows and who may not use air conditioning.

Note that the Boston Planning & Development Agency (BPDA) requires a qualitative or quantitative (wind tunnel) analysis. The proposed Fenway Hotel is not higher than 150 feet or two times the height of adjacent buildings, but the BPDA also indicates that "Any other building which falls below these thresholds but because of its context and particular circumstances would require wind tunnel testing." Standard practice would be to perform the analysis without and with the new proposed development to understand any potential impacts.

Air Quality:

The BPDA has specific air quality requirements for a microscale analysis for carbon monoxide and a mesoscale analysis for VOCs. The PNF report shows that air quality impacts were analyzed and that the impact would be negligible from stationary sources and vehicular traffic. However the BPDA also requires estimation of parking facility emissions.

The PNF document indicates that garage exhaust fans exist at the first floor level (Section 3-37, page 112), but the location is not clear. These garage exhaust fans could potentially entrain into the building. As it is not clear at which façade this will be occurring, it could negatively impact the Boylston Street properties with vehicular emissions from the Fenway Hotel garage, preventing residents from opening windows and having access to natural ventilation. A CFD analysis would show the way in which air will flow throughout the site, depending on the location of these fans, and could be used to assess the particulate matter and gases entraining into the residents' units. Alternately, specific air quality assessments could be used, and should be carefully considered and evaluated for potential impacts on the 1197-1209 Boylston Street.

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REFERENCE

<http://www.bostonplans.org/getattachment/65dba1c1-0947-4dac-9309-23b395849bb0>

B. Environmental Protection

1. Wind

- a. A qualitative or quantitative (wind tunnel) analysis of pedestrian level winds may be required for existing (no-build) and build conditions. Wind tunnel testing shall be required for:
 - Any building higher than 150 feet
 - Any building 100 feet high and at least two times higher than the adjacent buildings
 - Any other building which falls below these thresholds but because of its context and particular circumstances would require wind tunnel testing
- b. The analysis shall determine potential pedestrian level winds adjacent to and in the vicinity of the project site and shall identify any areas where wind velocities are expected to exceed acceptable levels, including the Authority's guideline of an effective gust velocity of 31 miles per hour (mph) not to be exceeded more than 1% of the time
- c. The analysis also shall determine the suitability of particular locations for various activities (e.g., walking, sitting, eating, etc.) as appropriate
- d. Particular attention shall be given to public and other areas of pedestrian use, including, but not limited to, entrances to the project and adjacent buildings, sidewalk adjacent to and in the vicinity of the project buildings, and parks, plazas, and other open spaces and pedestrian areas near the project development
- e. Wind speeds shall be measured in miles per hour
- f. For areas where wind speeds are projected to be dangerous or to exceed acceptable levels, measures to reduce wind speeds and to mitigate potential adverse impact shall be identified and, if appropriate, tested
- g. Should a qualitative analysis indicate the possibility of excessive or dangerous pedestrian level winds, additional analyses, including wind tunnel testing may be required
- h. Wind tunnel testing shall be conducted in accordance with the Protocol for Quantitative Pedestrian Level Wind Impact Analysis (Appendix 5)

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2. Shadow
 - a. Shadow analysis may be required for existing (no-build) and build conditions for the hours of 9:00 a.m., 12:00 noon, and 3:00 p.m. for the vernal equinox, summer solstice, autumnal equinox, and winter solstice and for 6:00 p.m. in the summer and fall. In addition, on a case-by-case basis, analysis for other times of day (e.g., 10:00 a.m.) may be required
 - b. Shadow analysis shall be conducted using the Sun Altitude/Azimuth Table (see Appendix 6)
 - c. The shadow impact analysis must include net new shadows as well as existing shadows; net new shadows shall have a clear graphic distinction. For purposes of clarity, new shadows should be shown in a dark, contrasting tone distinguishable from existing shadows
 - d. Shadow analysis must show the incremental effects of the proposed development on existing and proposed public open spaces and pedestrian areas (including transit stops), including, but not limited to, sidewalks and pedestrian walkways adjacent to and in the vicinity of the proposed project and parks, plazas, and other open space areas. The analysis must clearly label all streets, vehicular paths, public open spaces, and pedestrian areas adjacent to and in the vicinity of the proposed project area. A North arrow shall be provided on all figures.
 - e. Additional shadow analysis may be required depending on the particular circumstances or physical characteristics of the project site, including its
3. Daylight
 - a. Daylight analysis may be required for no-build, build, and as-of-right conditions (as well as examples from the broader context) and shall be conducted by measuring the percentage of skydome that is obstructed by the proposed project
 - b. Daylight analysis, if required, shall be taken for each major building façade fronting public ways or passages
 - c. The daylight analysis shall be conducted by use of the Boston Redevelopment Authority Daylight Analysis ("BRADA") computer program
 - d. The analysis shall treat three elements as controls for data comparison: 1) existing conditions; 2) the context of the area; and, 3) the as-of-right zoning envelope
4. Solar Glare
 - a. Analysis of solar glare impact on potentially affected streets and public open spaces and pedestrian areas is required, if applicable, to determine the potential for visual impairment or discomfort due to reflective spot glare
 - b. Analysis of the potential for solar heat buildup in any nearby buildings receiving reflective sunlight from the proposed project is required, if applicable

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5. Air Quality

- a. An evaluation of the impact on local and regional air quality from a significant stationary source may be required
- b. A microscale analysis predicting localized carbon monoxide concentrations should be performed, including identification of any locations projected to exceed the National or Massachusetts Ambient Air Quality Standards, for projects in which: 1) project traffic would impact intersections or roadway links currently operating at Level of Service ("LOS") D, E, or F or would cause LOS to decline to D, E, or F; 2) project traffic would increase traffic volumes on nearby roadways by 10% or more (unless the increase in traffic volume is less than 100 vehicles per hour); or, 3) the project will generate 3,000 or more new average daily trips on roadways providing access to a single location.
- c. A mesoscale analysis predicting the change in regional emissions of volatile organic compounds ("VOCs") and nitrogen oxides ("NOx") should be performed for projects that generate more than 10,000 vehicle trips per day. The above analyses shall be conducted in accordance with the modeling protocols established by the Massachusetts Department of Environmental Protection ("DEP") and the U.S. Environmental Protection Agency ("EPA").
- d. Emissions from any parking facility constructed as part of the project and from the project's heating and mechanical systems must be estimated. In addition, carbon monoxide monitors shall be installed in all enclosed parking facilities and a description of the proposed ventilation system must be provided
- e. Building/garage air intake and exhaust systems and specifications and an analysis of the impact of exhausts on pedestrians and any sensitive receptors must be identified and described
- f. Mitigation measures required to minimize or avoid any violation of state or federal ambient air quality standards must be described

EXHIBIT F



May 8, 2018

Shawn Leary
Thornton Tomasetti
27 Wormwood Street, Suite 200
Boston, MA 02210
sleary@thorntontomasetti.com

Re: Fenway Hotel, 1241 Boylston Street, Boston – Project Notification Letter – Noise Study Review

1. Introduction

At the request of Thornton Tomasetti, Swallow Acoustic Consultants Ltd. (SACL) is pleased to present this review of the Project Notification Form (PNF) by Epsilon Associates Inc., dated December 22, 2017, for the proposed Fenway Hotel, located at 1241 Boylston Street in Boston, Massachusetts (the Project). The PNF outlines the proposed Project details including the site and surrounding area and provides details on the transportation and environmental impacts, and other issues. The purpose of this review is on the noise impact study and construction noise sections of the PNF.

2. SACL Review Comments

Section 3.10.9 Future Conditions – Overview of Potential Project Noise Sources

Locations of the noise sources (or assumed locations, if final layouts have not yet been decided) have not been given in the report, including the sides of the building on which the garage exhaust fan louvres are located and the below-grade parking makeup fans location on the low roof. The locations of the equipment greatly affect the noise radiation and directivity from the Project site to the nearby property lines.

Section 3.10.10 Noise Modeling Methodology

While several modeling parameters are presented as being considered, the actual parameters of number of reflections, ground attenuation levels, atmospheric conditions, screening, etc. have not been presented in the report.

Reflection of sound from the nearby buildings, in particular the Project itself, the 1197-1209 Boylston residential building, and the Boston Arts Academy building should be included in the noise modeling due to the proximity of these buildings to the Project. Location D is screened by the building represented by Location C and it is unclear whether it has been included as an obstruction. Ground conditions between the Project noise sources and the receptor locations are largely reflective and should be modeled as such. The triangular green space at the southwest corner of Boylston Street and Park Drive should be modeled as absorptive ground.



Section 3.10.11 Future Sound Levels – Nighttime

The Boston Air Pollution Control Commission (BAPCC) Regulations for the Control of Noise in the City of Boston state that the assessment of noise levels is at the lot line (or property line) of the receiving property. The assessment Locations A and B are at the northwest and southeast corners of the Project; however, the adjacent properties abut the Project along the entire north and east boundaries of the Project. Thus the future sound levels (both daytime and nighttime) should be confirmed to meet the noise limits along the entire property line on the north and east sides.

The assessed receptor heights in the model have not been outlined in the PNF and should be clarified. Since many of the Project noise sources are located on the rooftop, sound levels should be assessed at several floor heights of the nearby impacted buildings in order to determine the potential noise impact on the nearby upper-storey residences.

An outdoor courtyard is located on the west side of the 1197-1209 Boylston Street residential building at ground level and will be exposed to the Project noise sources. The PNF does not confirm that noise levels due to the Project meet the sound level limits at this location. As noted above, the nearby building reflections may play a large role in the sound level calculations at this location and should be included in the modeling.

Section 3.11.9 Construction Noise

While it is stated that construction work at the Project will comply with the requirements of the City of Boston Noise Ordinance, the BAPCC regulations also include construction noise limits, *Regulation 3: Restrictions on Noise Emitted from Construction Sites* which are required to be met and should be included as part of the Construction Noise mitigation program for the Project. As detailed in the regulation, the limit includes a maximum L_{10} of 75 dBA and maximum L_{max} of 86 dBA at a Residential or Institutional property, measured at the lot line. Details on how the noise emissions from equipment are to be measured for compliance are also included in the BAPCC regulations.

The residents of the 1997-1209 Boylston Street building and occupants of the Boston Arts Academy buildings are located directly adjacent to the Project and will be the closest exposed receptors to the construction noise sources. While it is understood that construction noise is temporary in nature, it is also typically louder than under non-construction conditions, and special consideration should be made to reduce the construction noise impact on these receptors due to their proximity to the Project site.

3. Concluding Remarks

Section 3.10 Noise Impacts of the PNF provides a high level overview of the noise measurements performed at the proposed Project site, as well as the calculation of noise expected at the nearby residential zones based on the preliminary proposed equipment and noise sources at the site.



However, technical details of the noise modeling conditions and results were not provided in the PNF and the noise model results do not include assessment of the sound levels along the entire abutting residential zone property line to the Project, at which it is required that the sound levels from the Project meet. It is expected that the noise from the Project can be mitigated such that the BAPCC regulations are met at the property lines of all nearby residential zones; however, the PNF does not currently provide sufficient information to demonstrate such compliance nor the mitigation that may be required for the Project to meet sound level limits along the entire property line. Construction noise has been partially addressed in the PNF but the BAPCC construction noise limits should be considered as part of the program for construction noise control.

We trust that these general recommendations meet the needs of the current phase of the Project.

Please do not hesitate to contact us if there are any questions.

Yours Truly,

Swallow Acoustic Consultants Ltd.

Galen Wong, M.A.Sc.,

Senior Project Director

VIA EMAIL

8 June 2018

Tim Czerwienski, Project Manager
Boston Planning & Development Agency
One City Hall Square
Boston, MA 02201

Dear Mr. Czerwienski:

Re: Comment Letter on 1241 Boylston Street Project as Member of Impact Advisory Group (IAG)

While I support a hotel as an improved use over the gas station currently at the site, I do not believe that the developer who has proposed this particular hotel should be approved. Therefore, I am opposed to this project.

Although I agree in principle with some of the points made in the letter from the majority of IAG members as I participated in the process of drafting that letter, my chief concern about this project is the flawed process by which this proposed development has evolved as directed by the BPDA with respect to (1) initial public review of a project that was proposed as an as-of-right project but with setback not compliant with Article 66, (2) community benefits and mitigation via the IAG, and (3) the developer having demonstrated a lack of commitment to the requests made at public meetings. In addition, the sequencing of the process in terms of the comment deadline is flawed because the Parks Commission review of whether or not the development is in compliance with Municipal Code Section 7 has not been completed.

Here are the main reasons for my opposition:

1. Lack of commitment by the developer to support union wages and union benefits

At every public meeting I attended (I missed only one in February as I had to be out of town) there were individuals in the room who explicitly spoke up in support of union jobs paying union wages and union benefits for residents of Boston within a 2.5-mile radius. Also requested was access to a training center to support residents looking for jobs at the hotel. After hearing the public comments, I would like to have heard the developer commit to local housekeeping pre-apprenticeship programs, at the very least. They made no such commitment. The developer was asked if he would commit to union jobs and benefits, and he refused, later expressing unease with the cost of health care. I have no doubt that these developers are wealthy men who have access to high-quality health care. In my view they are motivated by nothing more than simple greed, as I see no compelling reason why they cannot commit to union wages and benefits at this hotel.

I don't know why the other IAG members are not supporting this request by the community, as they attended the same meetings I did. A "living wage" is not sufficient in my view. The developer should work with Local 26 to hire union employees at the hotel. Given that the Commonwealth of Massachusetts is an employee-at-will state, I believe that the employees of this hotel ought to have the support and advocacy of a union.

The Fenway neighborhood is changing, and although I understand that change is inevitable, like death and taxes, change for the sake of change is not by definition always positive. With the proliferation of high-end luxury apartments in the neighborhood, there is an increasingly widening gap between the haves and have-nots in the Fenway, and this change is not a positive one as it represents decreasing socioeconomic diversity. Moreover, the Fenway is experiencing an increase in investor-owned units and Airbnb rentals, both of which result in rising rents and housing prices. Wages have not risen accordingly. In fact, according to the *Resilient Boston* report from the Office of Resilience and Racial Equity, "...Boston's economic growth has been disproportionately enjoyed by non-Boston residents who work in Boston. The earnings of Boston residents lag significantly behind nonresidents, even when accounting for educational attainment."

2. IAG process of determining community benefits and mitigation

In general, I am averse to the process of IAG members vying for position for their respective organizations and favored projects. The chief function of an IAG member is to represent the expressed wishes of the community as they relate to community benefits and mitigation. As stated earlier, there were many consistent and articulate statements made by members of the community, at every public meeting, that the developer ought to commit to union wages and benefits, which they have not done. The letter from the majority of IAG members suggests that the developer commit to a "living wage," which is insufficient to meet the request for union jobs.

New construction of luxury housing in the Fenway has created a "perfect storm" for Airbnb, HomeAway, and other such short-term rental companies. In an article in *The Boston Globe* on 5 June 2018 ("As city grapples with Airbnb rules, workers worry about jobs"), it states, "Boston's hotel workers union—Unite Here Local 26—has sent members to public hearings to testify that the population of short-term rentals could hurt traditional hotels and their employees. Union housekeepers in city hotels earn more than \$21 an hour, with good benefits and a pension, said Jaimie McNeil, a general agent with the union. They also are often priced out of the city by rising rents, fueled in part by short-term rentals." The article addresses housekeepers who work for short-term rental companies, at \$10-15/hour, as second jobs. We should provide employees with decent pay and benefits so as not to require them to work two jobs in the first place!

The notion that the IAG would not explicitly support union jobs at 1241 Boylston is beyond my comprehension, particularly in light of the fact that **at every public meeting someone in the community spoke out about the importance of union jobs at this hotel.**

3. Parks Commission Ruling

Because any construction within 100 feet of a park or parkway requires the approval of the Boston Parks and Recreation Commission, the project must meet the conditions of Municipal Code Sections 7-4.10, 7-4.11, and 7-4.12, including height conformance along parkways. The Parks Commission ruling should be made before the end of the comment period, not after. It is unfair to the neighborhood impacted by this project to conclude the comment period before the Parks Commission ruling.

4. Proximity to Fenway Victory Gardens

This 7.5-acre historic garden also serves as a vital community space in the neighborhood, which will no doubt be negatively affected by construction noise and other impacts in the short-term and by additional noise, shadows, and environmental impacts in the long-term. I do not believe that the developer made a good-faith effort to

Tim Czerwienski
8 June 2018
Page Three

work with the Fenway Garden Society to address these issues. This historic garden already has been severely impacted by homelessness and drug use as housing has become increasingly expensive and the opioid epidemic surges. Although certainly not the fault of the proposed developer, in my view there will never be adequate mitigation to sufficiently preserve this community space.

The developer should have done far more outreach to address the needs of the Victory Gardens without having to be consistently asked to do so.

5. Redesign of roadway intersection and improved lighting

A new development at this site should include appropriate infrastructure improvements to the existing intersection to enhance pedestrian movement and accommodate the automobile traffic that will undoubtedly increase at the site, since more parking than currently exists will be provided at the site. In addition, the developer has not proposed any lighting upgrades at this intersection or the area adjacent to the park. Improved traffic light timing at the intersection of Boylston and Ipswich Streets also should be required. Automobiles driving westbound from the Bowker Overpass cause a flow problem at this intersection in current conditions, and there is every reason to believe that there will be more foot traffic and increased automobile traffic at that intersection should the project be built.

6. BPDA review of zoning prior to public presentation

Finally, the proposed developers initially presented a project that was not compliant with zoning per Article 66, yet they made it clear that they did not wish to seek a variance. When I stated at the first public meeting that the project setback did not comply with current zoning and I explained why, the proposed developer appeared surprised. Why didn't the BPDA resolve the issue beforehand? Isn't understanding zoning compliance part and parcel of what they do for a living? Clearly the interpretation of Article 66 had important implications for height, massing, uses, and footprint. Instead, the neighborhood was faced with ambiguity, more meetings, and a lack of clarity over a long period of time, waiting for ISD review and approval. Unlike the BPDA employee in charge of the project and the proposed developers, community residents are volunteering their precious time to attend these public meetings and participate in the community review process.

Sincerely,



Lauren Dewey Platt, PhD
Member, IAG

cc: City Councilor Josh Zakim
Yissel Guerrero, Office of Neighborhood Services

Boston Parks Department:
Make sure out-of-state developers don't violate our Municipal Code!

Article 7-4.12 of the Boston Municipal Code states:
No building shall be erected or placed upon premises within twenty feet (20') of the Fens.

In its 1983 Report, the Boston Landmarks Commission defined the "Back bay Fens" to include "that portion of Boylston Street which lies between its junction with Ipswich Street near Park Drive and Hemenway" and furthermore "all walks and paths along, and approximately level with, every such roadway"

South Carolina based OTO Development is proposing a hotel at Boylston Street and Ipswich Street.

Is the hotel set back 20 feet from the walks and paths along Boylston Street?

Please sign below to ask the Boston Parks Department to ensure this out-of-state developer doesn't violate our code!

Name

Address

Madison White

1203 Boylston St

Doug Pagani

1203 Boylston St.

Stephanie Peter

255 Newbury St

Gonzalo Cabello

350 Cambridge St.

William Coats

216 Lowell St., Waltham

Melody Morrow

1197 Boylston St

David Clark

142 Corn Ave

Christina Li

1622 Mass Ave #14

Andrew Kodani

1203 Boylston St.

Ricardo Amaya

25 County Rd.

Edwin Contreras

25 County Rd

Galina Ionova

1203 Boylston St.

Jeff Wilson

1203 Boylston St.

June 7, 2018

Dear Tim Czerwienski:

I live at 36 Peterborough Street and am writing to OPPOSE the hotel at 1241 Boylston Street. The development in my neighborhood is too dense and the hotel will create a wall that will take away light from the park and add shadows.

Please listen to the community and build a smaller, less dense and set back building.

Thank you,

Yue He Tan
36 Peterborough Street

Yue He Tan 6-8-18

June 7, 2018

Tim Czerwiński, Project Manager
Boston Planning and Development Agency
1 City Hall Square
Boston, MA 02201

Mr. Czerwiński,

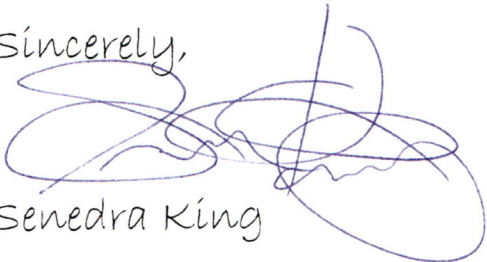
I OPPOSE the hotel at 1241 Boylston Street.

My neighborhood is "the Fens", and I love the Parks that make up "the Fens."

Please do not wall "the Fens" off from the city by approving this project. Please ask the developer to propose a smaller, less dense project. This project will just block natural light and cast shadow on the park.

There should be a city regulation that would require the developer to set the project back 20 feet from the sidewalk on Boylston street.

Sincerely,


Senedra King

108 Peterborough Street

Hello,

I oppose the proposed hotel at 1241 Boylston. Why do we need to build such a large building next to a park? It is too big, is not set back enough from the street and provides no community benefit. Whether or not this is within the zoning code I want to make it clear I am a Fenway resident and OPPOSE this hotel.

Please listen to the people who live here,

Signed:

Deborah Thompson

**Deborah Thompson
110 Peterbrough St**

June 6, 2018

Tim Czerwienski, Project Manager
Boston Planning and Development Agency
1 City Hall Square, Boston, MA 02201

Mr. Czerwienski,

I LIVE IN FENWAY AND OPPOSE THE HOTEL AT 1241
BOYLSTON. We need a much smaller, residential building there NOT
A HOTEL. I enjoy the park and do not want to see a large wall next
to it blocking light and casting shadow. How is this building zoning
compliant? Is there a setback requirement for such a large building
next to a park? Please listen to the residents and DO NOT
APPROVE this hotel.

Sincerely,



Elba Bautista

46 Petersborough Street

Boston Parks Department:
Make sure out-of-state developers don't violate our Municipal Code!

Article 7-4.12 of the Boston Municipal Code states:

No building shall be erected or placed upon premises within twenty feet (20') of the Fens.

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South Carolina based OTO Development is proposing a hotel at Boylston Street and Ipswich Street.

Is the hotel set back 20 feet from the walks and paths along Boylston Street?

Please sign below to ask the Boston Parks Department to ensure this out-of-state developer doesn't violate our code!

Name

Address

Robert Case

149 MASS. Ave #3 02115

Rosario Salerno

149 Mass. Ave #6 02115

Alice Harwood

149 MASS Ave #1 02115

Joseph Borden

143 Mass. Ave #3 02115

Patricia Harney

143 Mass Ave #3 02115

John Peter

149 MASS Ave #2 02115

Stephen Jordan

149 Mass. Ave 02115

Paula Lydeout

149 Mass. Ave 02115

Janine Miller

149 Mass. Ave. 02115

Dora Case

149 MASS Ave #3 02115

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
1/14/2018	Leslie	Good	Homeowner	Support	When you build this, please do your best to get the city to change the street light at the intersection of Ipswich and Boylston. Crossing Boylston from the corner where you propose to build is currently an absolute nightmare. Not only is it an EXTREMELY long wait to cross, but it is also a dangerous intersection because of how the intersection is set up, people making a left off of Ipswich onto Boylston for some reason consistently fail to yield when the pedestrians make the right of way. If you could get the city to change that light to be more pedestrian friendly, and somehow make it safer for pedestrians (some of which will be hotel guests), that would be much appreciated. As first a renter for 8 years and then an owner for 4 years in the Fenway, I welcome any improvement such as this hotel with open arms. Don't let the naysayers get you down. The vocal opponents of all of these improvements are old-fashioned, anti-capitalist, bleeding hearts, who fight anything that isn't a building for the destitute. Feel free to reach out to me if you have any need for support on this. And, while I have you here, you may also be interested in Boston Parcel 0401478000 on the other side of the Fenway. It has been sitting barren for at least 15 years, and the prior owners have done nothing to make it something. Consider investigating that for future condo space.
1/17/2018	Cyrus	Tehrani		Support	I support this project as proposed. With low vacancy rates in the short term stay market, hotels are able to charge high rates. This pushes visitors to more affordable options such as Airbnb. These Airbnb units are taking up housing stock. The short term stay and housing market are blended with services like Airbnb, and we need to be building enough supply for both.

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
1/20/2018	Thomas	Jones		Support	<p>Dear Mr. Czerwienski: We welcome this project as an important link between the ongoing West Fenway development and the stretch of Boylston Street that abuts the Back Bay Fens and Victory Gardens. In terms of public benefits from this project, I would like to suggest that the developer adopt and then maintain the tract of land directly across Boylston Street from the site. As you know, this is DCR land and it is in desperate need of attention. Even before its current condition due to the pipework project in process, it was a bit of a disaster. The trees are dead or dying, the grass is nothing more than patches of weeds and the sidewalks are ignored for more direct pathways. It is dark and uninviting. It would be a plus for the neighborhood as well as for the curb appeal of this project if that land were to be a well-maintained gateway to the developed West Fenway. The park could be landscaped in a way that would minimize the need for a lot of lawn maintenance (a plus due to the ongoing issue of the Canada Geese) . This would make the developers responsibilities simpler, as well. Perhaps a mix of trees, ground cover low shrubs and fencing similar to the small parks that are central to South End streets such as Union Park and Rutland Square. The objective, of course, would be attractiveness along with affordable maintenance and public safety. This is the perfect opportunity for the neighborhood and the developer to get it right. I would be happy to discuss these ideas in detail. Most sincerely, Thomas M. Jones</p>
2/12/2018	Robert	Roppolo	Fenway Civic	Oppose	<p>As a Long Time Fenway Resident...Since 1975..I think ..and Hope that of All the Newly Built Buildings in the area....That a Project with this height....so Close to the Fenway Gardens...will cast some type of Shadow on the Gardens. I am also a Gardener. Please lower the Height. Also I like going to that Service Station for my Car. We need to keep Business"s that support us in the Fenway OPEN. Thanks Bob Roppolo</p>

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
3/1/2018	Arthur	Sakellaris	Boylston Street LLC	Oppose	<p>I, Arthur Sakellaris, am the representative of the owner of properties adjacent to the proposed construction of an eight story hotel and restaurant at 1241 Boylston Street. The properties in question are three buildings to the east of the proposed construction, their addresses are 1197, 1203 and 1209 Boylston Street. They are owned by Boylston Street LLC (?the LLC?). For the reasons set forth below the LLC opposes the proposed construction project in its present form. The LLC's three buildings in total contain 129 residential rental units and one commercial unit for a total of 130 units. The building located at 1209 Boylston Street directly abuts, to the east, the proposed construction site. It appears that the proposed construction will be built directly up to the property line and thus directly to the western edge of the building at 1209 Boylston Street. The Project will therefore have a substantial and negative impact on the seventeen rental units on the western side of 1209 Boylston Street by cutting off views and sunlight. In fact, because the proposed structure is eight stories high it will cast a shadow on all the LLC's three buildings and negatively affect all of their 130 units. The Project Notification Form includes sections on both Shadow and Sunlight which demonstrate the negative effect of the proposed construction on the LLC's buildings in terms of both increased shadow and reduced sunlight. However the Project's analysis does not include a specific discussion of the negative effect on the buildings because it is limited to public open spaces (See Section 3.2.1 of the Form as to Shadow and Section 3.3.1 as to Sunlight). The LLC has a number of other concerns regarding construction of such a substantial building so close to the property line. It is concerned about potential damage to and negative effects on the structural integrity of the LLC's buildings during excavation and subsequent construction. Section 3.9 discusses the clean-up of Solid and Hazardous Waste. The LLC also has a particular concern about this clean-up in that construction will require the removal of underground petroleum storage tanks, clean up of an existing spill and groundwater contamination, and the location of possible venting of</p>

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
3/2/2018	Eric	Daniel		Oppose	<p>Despite the second meeting, it seems that the original questions about the project have been not been answered satisfactorily yet. The approval process has been slowed considerably by the developer?s preference for working through lawyers and the developer?s plans to rely on an as-yet-undermined operator to run the hotel. Community groups have suggested (a) that at least 50% of hotel employees be recruited from within a 3-mile radius of the hotel (b) that they be trained by a local housekeeping pre-apprentice program and (c) that the workers at the hotel and restaurant should be able to form a union without fear of retaliation. The applicant has not engaged in any kind of useful back-and-forth on these issues. The operation mode has been presented as something of an insuperable obstacle. It is really hard to see the ownership of this hotel functioning well at this site, with its proximity to Fenway Park, a high school, and the Victory Gardens. Back-and-forth discussion are going be needed, and the applicant is off to a bad start when it comes to communication and balancing interests. Any approval of this project would have to be contingent on getting satisfactory answers to these questions and concerns. Thank you for considering these comments.</p>

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
3/9/2018	Arthur	Sakellaris	Boylston Street LLC	Oppose	The goals of Article 66 concerning the Fenway Neighborhood District could not be more clear: ?The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to encourage the presence of families of all types in the neighborhood; to retain and develop a range of housing options, including home ownership and affordable opportunities, compatible with adjacent areas; to promote a viable neighborhood economy; to preserve, maintain, and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Fenway.? 1. The proposed hotel project appears to be located directly next to the building at 1209 Boylston Street. This location of the building would compromise the light and air of the building at 1209, including views by residents through their windows. The Boston Zoning enabling act specifically recognized, (in the third paragraph of Section 2) that one of the purposes of the act is ?to provide adequate light and air?..? In a case involving the effect of proposed new construction on an abutting building in the Fenway area, the Massachusetts Appeals Court has recognized the loss of light and air as an aggrievement under the Act. See, Epstein v. Board of Appeal of Boston, 77 Mass.App.Ct. 752 (2010). 2. In addition, as described in Article 66 of the Boston Zoning Code, certain provisions govern the location of the proposed hotel and its side setback from 1209 Boylston Street. 3. 1209 Boylston Street is located in an ?MFR-2 Residential Subdistrict.? 4. Directly contiguous to the building and lot located at 1209 Boylston Street is the proposed hotel project, located in a Neighborhood Business Subdistrict named ?North Boylston Street NS-2 Subdistrict.? 5. Article 66, Table E, Fenway Business Subdistricts Dimensional Requirements, at footnote 7, provides, in part, the following: ?In a Neighborhood Business Subdistrict, no Side Yard is required except in the case of a Lot with a side Lot line abutting a Residential Subdistrict, which shall have Side Yards as if it were in such abutting
3/20/2018	Gary	Duncan		Neutral	The Hotel seems fine & garage for hotel guests. But ANOTHER restaurant in the Fenway!?? Come on.Surely the developer could come up with something more original! As this proposal nearly abuts a new Arts Academy School building (and I DO wonder how both side by side can be built at same time making for a real mess in the area), how about the Developer getting together with his neighbor, the School, and offer the space as a Student Radio Station with a 99 year lease. That idea would bring something new to the school, and the area, would attract more students, as Radio & Communications are part of the Arts, and might even interest the Boston Conservatory/Berklee right down the road!

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
3/23/2018	Mary	Hickie	Emerald Necklace Conservancy	Support	<p>The Emerald Necklace Conservancy is a non-profit organization with a mission to restore, protect and improve the Emerald Necklace Parks. We are glad to have an opportunity to submit comments on this proposed project for your consideration. We are pleased that the project proponent is aware of the proximity of the Necklace parks to the site and the advantages these important parks will lend to the proposed project. We hope that the location, adjacent to the amenities of such a beautiful and historic landscape will benefit the proposed project and result in support and collaboration with the park, the work of Conservancy and our programs. We support the comments submitted by our park Overseer and partner, the Fenway Garden Society, especially as they relate to additional shadows cast by the Development on the Gardens and the sharing of planned amenities at the hotel that would benefit park users such as meeting space. Recently, a hotel constructed in Brookline alongside the Necklace included some public amenities in the hotel that could serve park patrons, and we believe provide additional customers to their café. These included a restroom, water fountain/bottle filler, and bicycle repair stand. We believe such amenities would help to serve existing and new park users due to the new hotel and retail facility. Thank you for the opportunity to submit comments based on our review of the February 12th public presentation documents. We did not receive a notice for that meeting in advance, and request notice for future meetings on this topic. Proposed projects adjacent to the Necklace present their proposal to our Project Review Committee. We look forward to this meeting being confirmed. We hope a meeting in early to mid-April will be confirmed at the convenience of your design team. This Committee of the Conservancy uses 4 criteria to review developments around the Necklace; Historic Character, Visitor Experience, Environmental Effects and Benefits to the Park System and will forward a copy</p>
					<p>of the criteria to the design team for reference Thank you for your time and consideration of these comments.</p>

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
4/17/2018	Dolores	Boogdanian		Oppose	<p>The scale of the building is too big. As presented, it is a hulking structure completely out of character with the adjacent residential structures, as well as the adjacent moderate-scale commercial buildings on Boylston Street. This conflict in architecture, dimension and use is apparent in much of the development going on throughout the City that perhaps it is no surprise to see it here. But there was a hope that some special effort would be made at this site to account for the value and beauty of the adjacent Fenway Gardens and emerald necklace parkland, along with the stately buildings that face them. There is, however, nothing stately about the proposed building. While the owners and occupants will benefit from the beauty of the adjacent parkland, in return it will have a negative impact on that public amenity and the adjacent neighborhood - from its very look, size, intensive activities and traffic, down to the trash that will blow from its outdoor cafe. Just like the Pierce Building at the other end of Boylston, the proposed building is a poke in the eye. While the existing gas station does nothing to enhance the area (as rare as downtown gas stations have become, and which are very likely to be missed), at least its mark on the streetscape is low and unobtrusive. The proposed structure, however, rather than using the opportunity to beautify this important corner parcel, will simply serve to overpower the pedestrian and adjacent open space, and add another brick in the window to the sky, the sun, and any sense of space that such buildings obliterate. Boylston Street, Brookline Avenue and its connecting streets are fast becoming the dark, windy canyons these huge development projects promised, and traffic is unbearable. The bright, pretty architectural renderings cannot erase the reality on the ground that Fenway residents (as well as those simply trying to get through) know is the reality and are expected to endure. This project is an example of the full-speed-ahead opportunistic development rampant here</p>
					<p>in Boston. As such, the City's approval of the size and proposed uses for this project, with the attendant impacts, would represent an apparent disregard if not outright antagonism for the the architectural values that make Boston unique, and a further dismissal of the impacts these large projects and intensive uses impose on the overwhelmed transportation infrastructure of this City and the people who use it or live near it. While the transient,hotel population may not see it, such disregard and dismissal do a grave disservice to the City and to those who call Boston home.</p>

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
6/1/2018	Karen	Mauney-Brodek	Emerald Necklace Conservancy	Neutral	<p>Tim Czerwienski, AICP Project Manager Boston Planning & Development Agency (BPDA) One City Hall Square, Boston, MA 02201 Re: 1241 Boylston St, Boston May 25, 2018 Dear Mr. Czerwienski: We are writing to provide additional comment on the above-referenced project based on a meeting of our Project Review Committee with OTO development representatives Taylor Calaham and Vince Tiberi on May 8th, 2018. The Emerald Necklace Conservancy is a non-profit organization with a mission to restore, protect and improve the Emerald Necklace Parks. We are pleased that the project proponent is aware of the Emerald Necklace Parks and the importance of their preservation and support. We trust that this development and investment will provide amenities that are supportive to the neighborhood and the park, the needs of the community as well as the work of the Conservancy and its programs. The Project Review Committee of the Conservancy uses four criteria to evaluate projects that abut the Emerald Necklace park system for potential impacts and benefits to the park. The criteria consider a) historic character, b) the visitor experience, c) potential environmental effects of adjacent development and d) benefits to the park system. Using these criteria we submit the following comments for your review: Historic character: We are pleased and grateful that the proposal appears to be in accordance with existing zoning massing requirements. We applaud the effort that has been made to align the front edge of the building with the adjacent historic residential buildings and develop an approach to unite the façade with that on the other side of Ipswich Street. This is a challenge and the design team provided a workable strategy. The proposed green space/sidewalk/outdoor seating area was less resolved and we all agreed to a future meeting with the developer's Landscape Architect and will use that opportunity to discuss ways in which the building's exterior spaces could mesh successfully with the</p>

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
					<p>landscape of the Necklace. We have some outstanding questions regarding the Parkway Ordinance and building setbacks and would like to see an interpretation by our partners at BPRD before commenting on those issues. Visitor experience: The closest park entry for hotel guests leads to the Fenway Victory Gardens and we are excited that more visitors will have the opportunity to experience the parks and this little-known landscape jewel. We also reiterate the Fenway Garden Society request to accommodate the extra anticipated traffic at that entry point with support for improvements to the Garden entrance area. Again, we acknowledge and appreciate that in an area of now much taller buildings the design remains within the zoning guidelines for height. We would encourage the design team to consider their choice of materials and colors in accordance with the adjacent residential buildings to the greatest degree possible. Environmental effects: Shadows: We support the comments of our Park Overseer and partner, the Fenway Garden Society, as they relate to shadows. We would like all shadows to be minimized as much as possible. Lighting: We ask that any night lighting be kept to a minimum to retain night-sky darkness; this also pertains to building signage. Trees and Green Space: Given the setback from the street we appreciate that the developer is willing to provide trees and green space at street level. We look forward to meeting with the design team at a later date to look at the layout of the green space. Bird Safety: We suggested that the developer look at the bird-safe guidelines adopted by the City of San Francisco and developed by the City's Planning Department. Although the greater area of the building is not exclusively glass, the 7th and 8th floors are currently anticipated to be mostly glazed. Impacts to birds is therefore an important consideration. Benefits: The sharing of planned amenities at both the interior and exterior of the hotel is of great benefit to park users. We have</p>
					<p>asked the developer to consider providing a restroom with public access, a water fountain/bottle filler, a bicycle repair stand as well as the inclusion of a bicycle-share dock, e.g. Blue Bikes. Such amenities will help to serve existing and new park users, community members and restaurant and hotel patrons alike. Thank you. Sincerely Yours, Karen Mauney-Brodek, President, Emerald Necklace Conservancy and the ENC Project Review Committee</p>
6/6/2018	Andrew	Olivo	Fenway CDC	Oppose	<p>I oppose this proposed development. The Fenway area already houses enough luxury hotels, and it does not need another pricey hotel. In addition, OTO Development has not given enough of a commitment on jobs, wages, or union neutrality for me to support this project.</p>
6/6/2018	Steve	Sullivan		Oppose	<p>I live in the neighborhood and strongly OPPOSE this hotel.</p>
6/8/2018	Robert	Case	First Fenway Cooperative	Oppose	<p>I am opposed until we have a full discussion of impact on the fens (setback) as well as community benefits. Thank you. Robert Case, Ph.D. 149 Mass.</p>