



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

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex Officio

Subject: Environmental Design Review, 190 & 192-200 Massachusetts Avenue, Arlington, MA, Docket #3650

Date: March 31, 2021

I. Docket Summary

This is an application by 190-200 Massachusetts Ave, LLC, 455 Massachusetts Avenue, Suite 1, Arlington, MA, to open Special Permit Docket #3650 for the construction of a mixed-use building containing retail and 37 residential units, including 8 affordable units, at 190 & 192-200 Massachusetts Avenue, Arlington, MA in the B3 Village Business District. The opening of the hearing is to allow the Board to review and approve the development under Section 3.4, Environmental Design Review Special Permit of the Arlington Zoning Bylaw.

The proposed building is a five-story mixed-use structure. The 37 residential units are a mix of studios, one-bedrooms, and two-bedrooms. Eight affordable units, or 21% of the total units, are provided. The single commercial space is proposed to be 2,084 square feet. Parking is provided onsite in a garage with 15 parking spaces.

Materials submitted for consideration of this application:

- Application for EDR Special Permit, including an Environmental Impact Statement;
- Site Development Plan Set, prepared by Allen & Major Associates, Inc, dated March 10, 2021;

- Architectural Drawing Set, including floor plans, elevations, renderings and a solar studies, prepared by Market Square Architects, dated March 1, 2021;
- Updated Solar Study, prepared by Market Square Architects, dated March 18, 2021;
- Reduced Height Buffer Area Narrative, prepared by Market Square Architects;
- Figure 1, Reduced Height Buffer Area, prepared by Allen & Major Associates, dated October 28, 2020;
- Drainage Summary Letter, prepared by Allen & Major Associates, dated March 10, 2021;
- Traffic Impact Statement Memorandum, prepared by MDM Transportation Consultants, Inc, dated December 21, 2020; and
- LEED Checklist.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

Mixed-use is allowed by Special Permit in the B3 Village Business District. The Zoning Bylaw, in Section 5.5.1.D, indicates that the district's predominant uses include retail, service, and office establishments catering to both convenience and comparison-good shoppers and oriented to pedestrian traffic. Mixed-use buildings are allowed and encouraged, including in the principal business area at Lake Street and Massachusetts Avenue. Mixed-use is a combination of two or more distinct land uses, such as those proposed by this applicant, and the definition encourages such uses to be in a single, multi-story structure, such as that proposed by the applicant.

The Capitol Square area, at the intersection of Lake Street and Massachusetts Avenue, is the major shopping district in East Arlington. The B3 District stretches from Melrose Street and Marathon Street to just beyond Winter Street. To the west are single-story and three-story buildings in the B3 District; to the east are single-story buildings. Immediately adjacent to the B3 district are two high-density residential districts (R5 to the south and west and R6 to the north), including a six-story, 47-unit building and a five-story, 22-unit building. Beyond the parcels fronting on Massachusetts Avenue is the R2 district where the traditional two-family residential streetscape of East Arlington is dominant.

The Board can find that this condition is met.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

The requested use is essential and desirable. The second key finding in the Master Plan notes that *“Massachusetts Avenue has the capacity for growth. It can support mixed-use development commensurate with its function as Arlington’s primary commercial corridor. Massachusetts Avenue is accessible to neighborhoods throughout the town; it has frequent bus service, bicycle routes, and good walkability. Increased density through greater building heights and massing would benefit the corridor from an urban design perspective and benefit the town from a fiscal perspective.”*(p.8)

This proposal will bring thirty-seven (37) new two-bedroom, one-bedroom, and studio residential units, of which eight¹ will be affordable to households earning at or below 70% of the area median income, and one commercial space. The Town has clearly established affordable housing priorities described in its Housing Production Plan (adopted by the Select Board and Redevelopment Board and approved by the State in 2016). New housing opportunities, including market-rate and affordable homes, are needed in the community; this project helps address that demand.

While the addition of residential units is desired, there is a net loss of 9,300 square feet of commercial space. The loss is due to the need to also provide parking on the site. A 2,084 square foot commercial space (noted as retail/restaurant on the architectural plans) would remain following the redevelopment of the site. Although several commercial spaces in the existing building are vacant due to the pandemic or other business reasons,² the loss of an entire block of commercial storefronts is difficult to balance with the applicant’s proposal to consolidate the commercial storefront to one space and to provide parking.

It should be noted that an apartment building is allowed by special permit in the B3 District, so providing any commercial space within the building remains a desirable condition. The Board can find that this condition is met.

3. Section 3.3.3.C.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

As discussed in more detail under the EDR Circulation criteria, while the Traffic Impact Analysis shows a net reduction in trips to the site, that may be the result of the loss of a substantial amount of commercial space in the building. The Traffic Impact Analysis is missing key details about how new trips will access the site to fully assess traffic congestion around the site.

¹ Eight units exceeds the requirement of Section 8.2.

² The Town tracks commercial and industrial property vacancies. This property owner has more commercial vacancies in Arlington than any other commercial property owner in Arlington.

It is not expected that the proposed project will unduly impair pedestrian safety.

4. Section 3.3.3.D.

The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

A Drainage Summary letter indicates that standards have been met with the proposed stormwater design, which includes a new connection that collects stormwater from the roof and directs into the drainage system in the street. In addition, a very modest amount of landscaped areas will be added to the site resulting in a reduction of impervious area and quantity of stormwater flowing from the site. The proposed project will improve, not overload, public utilities. The Board can find that this condition is met.

5. Section 3.3.3.E.

Any special regulations for the use as may be provided in the Bylaw are fulfilled.

As a condition of any decision for the proposed mixed-use building, the Applicant will need to fulfill the requirements of Section 8.2 which outline the affordable housing requirements. A building with thirty-seven (37) units requires six affordable units that are representative of the mix of units in the building available to eligible households making up to 70% of the area median income. In excess of the requirement, applicant materials indicate that eight units would be designated as affordable and are equitably dispersed throughout the proposed building. There are no other special regulations for the use that must be fulfilled. The Board can find that this condition is met.

6. Section 3.3.3.F.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The proposed building departs from the commercial block architecture exhibited most prominently in the structure containing the Capitol Theatre. Neither the former bank building, which was adaptively reused for restaurants for decades, nor the rest of this commercial block are not listed on the Arlington Historical Commission's Inventory. The Historic Preservation Survey Master Plan recommended including this block on a Capitol Square area form. The prominent bank entry of the bank building is proposed to be retained and gives the ground floor its brick aesthetic consistent with the Capitol Square business district. The upper floor façade is a mix of white and grey fiber cement panels. Attention should be given to better blending the bank entry into the second story through potentially the color choice of the cement panels or other building façade materials which better align with masonry on the first floor.

Further, the Applicant should clarify whether the screened views into the parking garage on Lake Street are necessary for ventilation of the garage. In general, this style is unfriendly to pedestrians and does not create an inviting streetscape. If the screened openings are not necessary for ventilation, or even if they are, the applicant should consider a different treatment that is more supportive of the pedestrian experience.

The building also includes differentiation of the upper story and variation in the façade with a common roof deck overlooking Massachusetts Avenue, which is encouraged in the Arlington Design Standards.

Bicycle parking is available throughout the building and vehicular parking is located on the ground floor of the building. Signage and wayfinding placeholders are shown on the plans, but the Applicant should provide details regarding dimensions and materials.

The Applicant is proposing a floor area ratio (FAR) of 4.1. The existing building's FAR is 0.9. The Zoning Bylaw allows a maximum FAR of 1.5 for a mixed-use building on a lot less than 20,000 square feet in this zoning district. The Capitol Theatre building at 202-218 Massachusetts Avenue, developed in the 1920s, exceeds the FAR of 1.5 at 2.6.³ If the Applicant is limited to the FAR of 1.5, the resulting building could have a maximum floor area of 16,701 square feet. This might be a single-story building with a partial second story covering the full lot, or a three-story building covering half the lot. The maximum FAR of 1.5 is at odds with the maximum story and height allowed in the Zoning Bylaw of up to 5 stories and 60 feet respectively.

Regarding the maximum number of stories, the Applicant seeks relief from the Reduced Height Buffer area of Section 5.3.19 to allow the maximum 5 stories and 60 feet. The Applicant states that since the lower density R2 district is not immediately adjacent to the property, the affect of the greater height is limited. A shadow study has been provided which indicates that only in the winter months will shadows from the building extend across Massachusetts Avenue to the R2 district on Cleveland Street.

The proposed mixed-use building is in keeping with adjacent land uses, particularly along Massachusetts Avenue. While it is desired to maintain or increase the amount of commercial space, new residential units will not impair the integrity or character of the district or the adjoining districts and it will not be detrimental to health or welfare. While the proposed structure building design is generally consistent with the Design Standards for the Town of Arlington, it is lacking active ground floor uses which are encouraged along Massachusetts Avenue per the Design Standards.

³ In fact, because the lot at 202-218 Massachusetts Avenue is more than 20,000 square feet, the FAR for a mixed-use building is 1.4 per the Zoning Bylaw.

7. Section 3.3.3.G.

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The use will not be in excess or detrimental to the character of the neighborhood. The Board can find this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The existing property is entirely impervious and there is no natural landscape to preserve with the building fully saturating the building lot. As part of the project, approximately 1,125 square feet of impervious material will be replaced with grassed areas and arborvitae along the rear property line. Along the street, perennial plantings and shrubs will be planted. The new landscaping will provide a buffer from the property at 8 Lake Street, which includes a rear parking lot and drive aisle. The Board can find that this condition is met.

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

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

There are a range of architectural styles in the vicinity. The proposed development is in the B3 Village Business District which is the dominant zoning district in Capitol Square. Building heights in the vicinity range from single-story to six-story. As the Town's Design Standards indicate, greater height in certain locations can be beneficial. The proposed building step-back helps to diminish the impact of overall building height. While the ground floor storefront has a compatible aesthetic for the business district, it does not relate well to the upper floors. More could be done to improve the human scale at the ground floor. An overall improved building façade treatment that relates to the building's prominent location and an active street level use would improve the relationship of the building to the environment.

3. EDR-3 Open Space

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open

space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

As noted above, the proposed project will add areas of landscaping to an existing impervious site. The proposal includes approximately 1,125 square feet of landscaped open space along the rear of the building, which also provides a buffer with the adjacent building at 8 Lake Street. This is about half of the 10% landscaped open space requirement. The usable open space is located on the roof deck and is approximately 2,140 square feet. This is only 9% of the usable open space requirement and does not meet all the requirements for usable open space.

Additionally, the setback for the proposed building is on a corner lot meaning that the setback should be the same as an adjacent lot. On the Lake Street and Chandler Street frontage, the adjoining lot is an apartment building in the R5 Zoning District which would be approximately 16.5 ft. (10 ft + (65 ft/10 ft)). The Board can adjust this requirement per Section 5.3.16.

Lastly, a 15-foot buffer is required along the parking lot adjacent to the R5 lot to the rear of the building. This proposed buffer would be planted and a vinyl fence will be installed allowing the buffer to be reduced to 7.5 feet, which is seen on the plans.

4. EDR-4 Circulation

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The proposed project includes 15 spaces for vehicles located in the ground floor garage, including one HP vehicle space and an EV charger space. Short-term and long-term bicycle parking is provided. Improved sidewalks, curb cuts, and curb treatments are also proposed. Any such proposed improvements in the public right-of-way will require additional review and approval by the Engineering Division.

The parking requirement is for mixed-use which calculates the parking required for each individual use; the parking required for the residential use totals 45 parking spaces, and while the commercial space would typically require seven parking spaces, the first 3,000 square feet of non-residential space in mixed-use buildings is exempt from the parking requirements per Section 6.1.10.C. The applicant is requesting a reduction in the number of parking spaces provided to 15 spaces per Section 6.1.5 of the Zoning Bylaw. If the parking requirement is further reduced to eliminate four more parking spaces, the retail/restaurant space could increase.

Regarding meeting the long-term bicycle parking requirements, 60 spaces are provided, which exceeds the requirement by three spaces. While it is appreciated that the long-term bicycle storage is provided on the residential floors, it is not provided on all residential floors and there is not any indication that the required long-term bicycle parking for the retail/restaurant space is provided. Additionally, the applicant should clarify the size of the elevator and whether a bicycle could fit in the elevator without having to lift the bike. If the elevator is too small and people to use the stairs with their bikes, that will make the bike parking unusable for most people. The required short-term bicycle parking is provided near the entrance to the garage and residential lobby. This is not an ideal location for short-term parking for visitors to the retail/restaurant space. While the space along Massachusetts Avenue is limited, effort should be made to identify a location for short-term bicycle parking.

Vehicle Parking Requirements*			
<u>Number of Bedrooms/ Apartment Use</u>	<u>Number of Units</u>	<u>Zoning Requirement</u>	<u>Total Parking Required</u>
2-bedroom	4	2	8
1-bedroom	23	1.15	27
Studio	10	1	10
Total Required Vehicle Parking			45
Total Proposed Vehicle Parking after Section 6.1.5 Reduction			15
* First 3,000sf of non-residential space in mixed-use buildings is exempt.			
Bicycle Parking Requirements			
<u>Use</u>	<u>Short-Term Parking</u>		<u>Long-Term Parking</u>
Residential	4 spaces		56 spaces
Retail	1 space		1 space
Total Required Bicycle Parking	5		57
Total Proposed Bicycle Parking	8		60

The TDM measures that are proposed include unbundling parking (although clarification on how the parking spaces will be assigned is necessary), providing bicycle parking exceeding the requirement, improving walking conditions by reconstructing the sidewalk, providing an EV charging space, and including a car-sharing parking space. The applicant should provide an update on whether a car sharing company is interested in having a garage space. Comments regarding the bicycle parking are provided above. The suggestion to reconstruct the sidewalks and ramps on Lake Street and Massachusetts Avenue seems unnecessary as the area was reconstructed as part of the Massachusetts Avenue reconstruction. The sidewalk on Chandler Street should be reconstructed. Additionally, the bench proposed for replacement is new and may not need to be replaced. The inclusion of planters is a nice addition, but additional

consideration needs to be given to the human scale elements of the ground floor space.

The proposed project is highly accessible by transit, bike, and walking, and since there is a significant reduction in commercial space, it is likely that the aggregate number of trips to this location will be reduced as the Traffic Impact Analysis claims. However, in the Capitol Square business district there is no existing on-site public parking for these buildings, and it is assumed that the provided parking would be for residential tenants not for patrons of the commercial space. Currently, it is likely that most trips to this location are parking on-street on Massachusetts Avenue, Chandler Street, or another public street. As such, the actual impact of the current trips is dispersed across Massachusetts Ave and other streets.

Since a parking lot will be introduced to the site, many of the remaining trips estimated will directly come on-site to park. The Traffic Impact Analysis does not provide any traffic count data, but it is likely that more trips will happen via Chandler Street since that is how the parking lot will be accessed. While the total number of new trips on Chandler Street may not be very large in real terms, it may be perceived to be many in comparison to the existing traffic. Without any traffic data for Chandler Street, it is difficult to discern the impact.

The parking garage does provide the 24-foot aisle necessary for two-way traffic. One-way traffic through the property would be ideal, but an ingress or an egress on Lake Street is extremely close to the Lake Street and Massachusetts Avenue intersection where it might cause congestion and crashes at any already busy intersection. The Traffic Impact Analysis also fails to address the various ways to access Chandler Street. Due to the network of one-way streets and various turn restrictions, the only way to access the parking lot from Lake Street is from Brooks Avenue. There are a few options from Massachusetts Avenue, but each requires making a circuitous route driving down to Herbert Road and back up Chandler Street. It may be appropriate for the ARB to request a trip distribution analysis to assess how people will access this site. The Applicant may also want to report on how communication with the adjacent property owner to gain access rights to use the alleyway between the project site and 8 Lake Street.

Overall, the ARB may want more detailed information regarding circulation around the site to adequately assess the proposal.

5. EDR-5 Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens,

native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas. In accordance with Section 3.3.4., the Board may require from any Applicant, after consultation with the Director of Public Works, security satisfactory to the Board to ensure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the Applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

The application materials, drainage summary letter, and site development plan show a new connection to carry roof runoff to the drainage system in the street. This is an improvement over the existing conditions. The proposed design complies with the Town's current stormwater bylaw. Final design materials must be submitted for review and approval by the Town Engineer.

6. EDR-6 Utilities Service

Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

All new utility service will be underground. The Board can find that this condition is met.

7. EDR-7 Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

The application materials show representative signs on the commercial storefront. The applicant should submit specifications of this signage for the Board to assess. Additionally, lighting and any other potential outdoor features relative to the building should be provided.

8. EDR-8 Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

The roofing plan provided indicates that roof structures are appropriately set back and that a parapet and additional screening will provide screening of said structures. The site plan shows an enclosed dumpster and recycling area located in the garage parking. The existing businesses currently utilize on-street parking for truck loading and unloading and for service deliveries. The Board can find that this condition is met.

9. EDR-9 Safety

With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

The proposed building has been designed to meet all relevant health and safety codes. A lighting plan was not provided as part of the plan set. These details are needed to assess safety criteria.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The existing structure is not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* nor is it under the jurisdiction of the Arlington Historical Commission. As such, the site contains no historic, traditional, or significant uses, structures, or architectural elements. The Board can find this condition is met.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

Based upon materials provided in the application, there will be no adverse impacts on air and water resources or on temperature levels of the immediate environment. While the owner states that they do not contemplate installation of machinery that emits heat, vapors, or fumes in connection with the proposed building, additional plan details are needed regarding lighting and emissions from machinery located on the roof to determine any impacts on the immediate environment. Mechanical specifications for the HVAC equipment should also be provided.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

The proposed building generates a LEED score that demonstrates the building could be LEED certified. We recommend that the proposed building aim to achieve higher LEED performance standards where possible, particularly in energy and atmosphere category. The Board can find that this condition is met.

IV. Findings

The following findings are for the Board's consideration:

1. The ARB finds that the project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw.
2. The ARB finds that the setbacks on Lake Street and Chandler Street are appropriate per Section 5.3.16.
3. The ARB finds that the five-story building will not adversely affect the adjacent R2 zoning districts per Section 5.3.19.
4. The ARB finds that the parking reduction and TDM measures justify the parking reduction per Section 6.1.5.

V. Conditions

A. General

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board or administratively approved by the Department of Planning and Community Development. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.

4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.
7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.
9. Upon the issuance of the building permit the Applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
10. Building signage will be filed with and reviewed and approved by the Department of Planning and Community Development and Inspectional Services.

B. Special Conditions

1. The owner will work with the Department of Planning and Community Development to comply with all requirements of Section 8.2, Affordable Housing Requirements.
2. The affordable units must be equitably dispersed throughout the building and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms, and external appearance.
3. An Affordable Housing Deed Restriction shall be executed with the Town prior to issuance of an Occupancy Permit for the eight affordable units.

4. No condominium conversion of said affordable rental units shall be permitted without the express permission of this Board. In the case of a proposed condominium conversion, Applicant shall work with the Department of Planning and Community Development to ensure that the units continue to meet the requirements of Section 8.2.