



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

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## 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:** Claire Ricker, Secretary Ex Officio  
**Subject:** Environmental Design Review, 190 & 192-200 Massachusetts Avenue, Arlington, MA, Docket #3650  
**Date:** January 19, 2023

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### I. Docket Summary

This is an application filed on December 20, 2022, by 190 & 192-200 Massachusetts Ave, LLC, 455 Massachusetts Avenue, Suite 1, Arlington, MA, to reopen Special Permit Docket #3650 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review. The applicant proposes to construct a mixed-use building containing retail and 30 residential units, including 5 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.

The proposed building is a four-story mixed-use structure. The 30 residential units are a mix of studios, one-bedrooms, and two-bedrooms. Five affordable units, or 16% of the total units, are provided. The proposal includes a total of 4,772 square feet of commercial space divided into two units on the ground level. Parking is provided onsite in a ground level and subterranean garage with 23 vehicular parking spaces and 43 bicycle 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 December 19, 2022;

- Architectural Drawing Set, including floor plans, elevations, renderings and a solar study, prepared by David Barsky Architect, dated October, 2022 and updated January 16, 2023;
- Architectural Drawing Set indicating location of affordable housing units, dated October 2022;
- Drainage Summary Letter, prepared by Allen & Major Associates, dated December 19, 2022;
- Soil Resource Report, prepared by the Natural Resources Conservation Service, dated August 28, 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 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 (30) new two-bedroom, one-bedroom, and studio residential units, of which five will be affordable to households earning at or below 70% of the area median income, and two commercial spaces. 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

2022). New housing opportunities, including market-rate and affordable homes, are needed in the community; this project helps address that demand.

Two commercial spaces are provided through a 1,542 square foot commercial space and a 2,730 square foot retail space suitable for use as a restaurant (4,272 square feet total). Several commercial spaces in the existing building are currently vacant due to the pandemic or other business reasons. Overall, there is a net loss of approximately 5,200 square feet of commercial space and a reduction in the number of commercial storefronts from seven to two. This loss is due to the need to also provide parking on the site, the provision of a public plaza, interior circulation, and the consolidation of small storefronts to larger leasable spaces.

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.**

The proposed project includes 23 parking spaces for cars, located on the ground level and basement level of the property, composed of eight standard parking spaces, eight tandem parking spaces, one ADA van-accessible parking space, and six EV charging spaces. Parking is to be accessed through a curb cut on Chandler Street.

Regarding bicycle parking, the project includes 32 bicycle parking spaces within the parking garage, and either six (sheet C-102) or seven (sheet A.101) bicycle parking spaces adjacent to the public plaza. The applicant should clarify whether the site plan package or architectural drawings correctly indicate the proposed short-term bicycle racks, and should note that U-racks are preferred over wave or loop racks.

The applicant proposes to reconstruct the sidewalks along the Lake Street, Chandler Street, and Mass Ave façade as part of the project. New curb cuts will include detectable warning pavers and will meet ADA slope requirements. A new bench will be provided near the MBTA bus stop. 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 modest amount of landscaped areas will be added to the site and new street trees will be provided, 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 (30) units requires five 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. Applicant materials indicate that five units would be designated as affordable and are equitably dispersed throughout the proposed building.

Under Section 6.3, Public Shade Trees, a tree is required every 25 linear feet of frontage along the public way. The project includes the preservation an existing street tree on Mass Ave, and the addition three Red Sunset Maples along Mass Ave and two Green Gable Tupelo trees along Chandler Street. Street tree species were selected from the Arlington Tree Committee list of recommendations. Planters will be provided along Lake Street, which has a narrower sidewalk.

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 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 existing building is to be demolished, and replaced by a four story red brick stone gray EFIS façade. The proposed building design borrows from the vertical brick lines on the adjacent commercial block architecture, which is exhibited most prominently in the structure containing the Capitol Theatre. The Mass Ave façade of the building is partially set back, breaking up the overall massing of the principal façade and providing

a new public space within the district. The commercial spaces feature large windows, creating visual connections between the public realm and the ground floor uses.

The use of the red brick is consistent with the Capitol Square business district, and is continued up through the third floor of the building. Recessed elements of the façade utilize dark grey EFIS, which appears to also be used for the sign band that visually separates the ground floor commercial spaces from the upper residential floors.

The building also includes differentiation of the upper story through use of fewer materials; only grey EFIS is used for the upper story. The upper story is stepped back from the principal façade on all street frontages. The applicant should clarify the depth of the step back and whether the measurement is taken from the property line or the building façade.

Both bicycle and vehicular parking are located in the parking garage; additional short-term bicycle parking is available along the Mass Ave façade. 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 2.8. The existing building's FAR is 0.9. The Zoning Bylaw allows a maximum FAR of 3.0 for a mixed-use building on a lot less than 20,000 square feet in this zoning district. In comparison, the Capitol Theatre building at 202-218 Massachusetts Avenue, developed in the 1920s, has an FAR of 2.6. A shadow study has been provided which indicates that shadows will not reach any of structures in the adjacent R2 districts.

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. The proposed structure building design is generally consistent with the Design Standards for the Town of Arlington.

**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 798 square feet of impervious material will be replaced with a 7.5 foot wide landscaped buffer at the rear of the site. Along the street, perennial plantings, trees, 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. At the intersection of Mass Ave and Lake Street, 607 square feet of usable open space is proposed through the creation of a public plaza. 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. The ground floor and upper stories present a cohesive façade.

The building height does not trigger the reduced height buffer requirement. Shadow studies provided on Sheet AS indicate that adjacent properties in the R2 district are not affected by the proposal.

The proposal largely meets the standards for transparency and access as defined in Section 5.5.2(B)(4). The Lake Street, Chandler Street, and Mass Ave façades feature an appropriate level of architectural detailing, and include large commercial windows to provide ground floor transparency. The ground floor storefront on Mass Ave has a clearly defined primary entrance, however the entry to the restaurant storefront on Lake Street could be more improved or relocated to Mass Ave. The lobby entrance for the office and residential uses on the upper floors is also located on Mass Ave, however it is distinct from the retail entries. The prominence of the residential lobby entrance

could be reduced to give greater priority to the commercial storefront entries. The Board can find that this condition is met.

**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 798 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. And additional 78 square feet of landscaped open space is provided throughout the proposal. Together, these spaces total 6.3% of the 10% landscaped open space requirement, which is calculated based on residential floor area. The usable open space is located in the public plaza at the corner of Mass Ave and Lake Street (607 square feet); the application indicates that 1,483 square feet of usable open space are provided. The applicant should clarify the location of the additional 876 square feet of usable open space is located. The total amount of usable open space is 10.6% of the requirement and does not meet all the requirements for usable open space. Overall, relief is requested from the 10% landscaped and 20% usable open space requirements.

The setback for the proposed building is on a corner lot meaning that the setbacks on Lake and Chandler Streets should be the same those on adjacent lots. 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. The 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.**

As described above, the proposed project includes 23 spaces for vehicles located on the ground floor and below-grade garage, including one HP van-accessible space and

six EV charger spaces. The parking garage provides the 24-foot aisle necessary for two-way traffic. 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 30 parking spaces, and while the commercial space would typically require 15 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 23 spaces per Section 6.1.5 of the Zoning Bylaw.

Regarding meeting the long-term bicycle parking requirements, 32 spaces are provided, which is less than the requirement by 16 spaces. It is possible that some long-term bicycle storage will occur inside the residential units, the applicant is encouraged to consider other locations in which the long-term bicycle parking requirement could be satisfied, particularly due to the property's proximity to the Minuteman Bikeway and Alewife Station. The applicant should also indicate the type of bicycle rack proposed for long-term storage.

The required short-term bicycle parking is provided near the entrance to the residential lobby and commercial spaces, and is visible from Mass Ave. The applicant should clarify whether six or seven spaces are to be provided, and whether an inverted U-rack or a wave-style bicycle rack are proposed.

<b>Vehicle Parking Requirements*</b>			
<b>Use</b>	<b># of Units / total SF</b>	<b>Zoning Requirement</b>	<b>Total Parking Required</b>
Apartment Use	30	1 / unit	30
Commercial*	1,272	1 / 300sf	5
<b>Total Required Vehicle Parking</b>			<b>35</b>
<b>Total Proposed Vehicle Parking after Section 6.1.5 Reduction</b>			<b>23</b>
* First 3,000sf of non-residential space in mixed-use buildings is exempt.			
<b>Bicycle Parking Requirements</b>			
<b>Use</b>	<b>Short-Term Parking</b>		<b>Long-Term Parking</b>
Residential	3 spaces		45 spaces
Retail	1 space		3 spaces
<b>Total Required Bicycle Parking</b>	<b>4</b>		<b>48</b>
<b>Total Proposed Bicycle Parking</b>	<b>6 or 7</b>		<b>32</b>



The applicant has requested a parking reduction under Section 6.1.5, but has not specified proposed TDM measures. The application indicates that a significant number of EV charging stations are provided, and the applicant has approached car share companies as another method for satisfying one of the TDM requirements. The applicant may wish to consider providing additional hanging bike racks above the vehicular parking, and/or requesting a slightly larger parking reduction in order to increase the number of provided bicycle parking spaces.

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.

The proposed project is highly accessible by transit, bike, and walking, and since there is a reduction in commercial space, it is likely that the aggregate number of trips to this location will be reduced as the Traffic Impact Analysis for the 2021 proposal claimed. 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 garage will be introduced to the site, many of the remaining trips estimated will directly come on-site to park. As the sole entry to the parking garage is on Chandler Street, which is one-way northeast-bound, trips generated will travel via Chandler Street to access the parking garage, and will exit nearly directly onto Mass Ave. 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.

**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. Any future signage would be subject to review by the Department of Planning and Community Development, and possibly the Redevelopment Board, prior to the issuance of a sign permit. 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. An enclosed trash and recycling area is 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.**

Neither the former bank building nor the rest of this commercial block are listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* nor are they 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 tenants for the commercial spaces have not been identified, application materials indicate that appropriate steps will be taken to minimize the impact of any machinery or equipment that would emit heat, vapors, or fumes should a restaurant occupy either of the commercial spaces. 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.

Solar panels are provided on the roof; however, information about the total roof area and solar panel area should be provided to ascertain compliance with the requirements of Section 6.4, Solar Energy Systems.

#### 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 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.