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Town of Belmont, Massachusetts

PLANNING BOARD
DECISION ON APPLICATION OF SMITH LEGACY PARTNERS, LLC FOR
A SPECIAL PERMIT WITH DESIGN AND SITE PLAN REVIEW AND WAIVERS
PURSUANT TO SECTION 8
(Cushing Square Overlay District)
OF THE TOWN OF BELMONT ZONING BY-LAW
July 27, 2013

I. PUBLIC HEARING

The Planning Board opened the Public Hearing on February 28, 2012, and conducted 18 public hearings, to consider the Application of Smith Legacy Partners, LLC (the "Applicant") for a mixed use development located on an assemblage of land bounded by Williston Road, Trapelo Road, Common Street and Belmont Street, commonly referred to as Cushing Village. At the end of each hearing the matter was continued, with the consent of the Applicant, for a further scheduled public hearing of the Planning Board (the "Board"). The public hearing for oral testimony was closed by unanimous vote of the Board on June 18, 2013. The public hearing for additional written submissions was left open until July 9, 2013.

Sitting as Members of the Board and present throughout the hearing process were Sami Baghdady, Chair, Michael Battista, Vice Chair, Charles Clark, and Karl Haglund. Elisabeth Allison also participated in the Public Hearing process but did not vote on the Application. During the course of the hearing, the Board was also joined by Andres T. Rojas, the Board of Selectman liaison to the Planning Board.

II. APPLICANT AND DEVELOPMENT TEAM

The Applicant utilized the following professionals as part of the presentation and testimony before the Board:

Applicant: Christopher Starr
Smith Legacy Partners, LLC
6 Littlefield Road
Acton, Massachusetts

Legal Counsel: Mark L. Donahue, Esquire
Fletcher Tilton, P.C.
370 Main Street
Worcester, Massachusetts

Architect: Peter Quinn, AIA
Peter Quinn Architects, LLC
1904 Massachusetts Avenue
Cambridge, Massachusetts

Consulting
Architect: Eric Rhodin
Line Company Architects, Inc.
760 Main Street
Waltham, Massachusetts

Civil Engineer: Robert Clark, PE
Allen & Major Associates, Inc.
250 Commercial Street
Suite 1001
Manchester, New Hampshire

Traffic: Rebecca Brown
TEC, Inc.
65 Glenn Street
Lawrence, Massachusetts

Sound: Gregory C. Tocci
Cavanaugh Tocci Associates
327F Boston Post Road
Sudbury, Massachusetts

III. TECHNICAL REVIEW CONSULTANTS

The Board retained the following consultants to assist in its review of the Application:

Architect: Steve Heikin
ICON Architecture
38 Clancy Street
Boston, MA

Traffic: Kerri Pyke
Howard/Stein – Hudson Associates, Inc.
38 Chauncy Street
9th Floor
Boston, MA 02111

Peter Briere
BSC Group
15 Elkins Street
Boston, Massachusetts

Civil Engineering/
Infrastructure: Peter Briere
BSC Group
15 Elkins Street
Boston, Massachusetts 02127

Justin Gould
Fay, Spofford & Thorndike
5 Burlington Woods
Burlington, MA 01803

IV. DEVELOPMENT PROPOSAL

The site consists of several parcels of contiguous land located in Cushing Square within the Cushing Square Overlay District. The parcels are bounded by Williston Road to the west, Trapelo Road to the south, Common Street to the east, and Belmont Street to the north. The subject parcels include 102-104 (the former S. S. Pearce Building) and 112 Trapelo Road (the Starbucks), the municipal parking lot, 495-501 (the former Tops Cleaners Building), 505 (EZ Duz-it Laundromat) and 527 Common Street (the former CVS Building) and a portion of Horne Road. The municipal parking lot will be purchased by the Applicant and the portion of Horne Road (150' from Common Street) will be discontinued by the Town upon issuance of a Special Permit by the Board. The parcel known as 527 Common Street has significant topography and rises almost 15' from Horne Road to Belmont Street.

The Application proposed three separate mixed use buildings (hereinafter referred to as the "Cushing Village Development" or the "Development"), each building of which would be comprised of a ground floor commercial (or structured parking) with residential levels above. Separate entries from the street would be provided for each commercial space. Each of the buildings would sit on a unified underground parking structure which would serve the entire Development. Each of the buildings is anticipated to have different types of retail users.

The first floor of the Winslow Building (Building 1, located on the former municipal parking lot) consisting of approximately 10,200 gross square feet would be divided into smaller spaces to be utilized by smaller commercial establishments such as a coffee shop, a restaurant or other type of local business. This area is in addition to the residential lobbies, elevators and stairway functions.

The Pomona Building (Building 2, located at the corner of Trapelo Road and Common Street) provides a singular commercial template on the first floor with approximately 20,000 gross square feet. This is in addition to a lobby area at the intersection of Trapelo Road and Common Street which provides access to the residential levels above and access to an elevator and a stairway that leads to the underground garage. The Applicant hopes that the entire commercial level of the Pomona Building will be leased to a grocery store; such use, due to its size, will require a subsequent Special Permit pursuant to the requirements of Section 8.2.1(a) of the Zoning By-Law. While a large anchor tenant is contemplated for the Pomona, nothing within this Decision precludes this space from being divided into smaller tenant spaces that are in compliance with the By-Law and that provide direct access from the outdoors.

The Hyland Building (Building 3, located at the intersection of Common and Belmont Streets) has two separate commercial areas. One is located directly off of the Horne Road Plaza and contains approximately 3,800 gross square feet. In addition, located within the Hyland Building

on the Belmont Street side will be approximately 4,200 gross square foot area that is likely to be occupied by a fitness center.

Through the course of the public hearing process and to respond to the input, comments and recommendations received from various interested parties, the Applicant made a number of revisions to the original plans for the three buildings and the Site Plan. The total commercial area for the three buildings is approximately 38,340 gross square feet. The Project Plans as herein defined show a total of 115 residential units, of which no more than 60 will be two bedroom units and the balance will be studios or one bedroom units. The Project Plans also show a total of 225 parking spaces distributed between surface and underground areas (141 standard, 9'-0" x 18'-0", 75 compact, 8'-0" x 16'-0", and 9 handicapped). This includes 50 parking spaces that were originally part of the municipal parking lot and will be provided to the Town by easement deed. In its final form, the proposed project consists of approximately 160,900 gross square feet.

V. PERMITS AND RELIEF SOUGHT FOR DEVELOPMENT

1. The Applicant requests Design and Site Plan Review for the proposed construction and use of the three buildings as shown on the Project Plans pursuant to Section 8.1.3.
2. The Applicant seeks approvals from the Board pursuant to Sections 8.3 and 8.4 of the Cushing Square Overlay District Zoning By-Law to permit building heights of 36 feet and three stories and 48 feet and four stories, as shown on the Project Plans and as follows:
 - A. The Winslow Building (Building 1) will have a building height of 36 feet and three stories;
 - B. The Pomona Building (Building 2) will have a building height of 48 feet and four stories; and,
 - C. The Hyland Building (Building 3) will have three stories and an average building height of 44'-11", which includes an average of 10'-6" below grade, as shown on the Project Plans.
3. The Applicant requests the following waivers from the Zoning By-Law:
 - A. To increase the front, side, and rear setbacks, from what is required, to the setbacks as reflected on the Project Plans - Section 8.3.1(B)(1)(i), (ii), and (iii).
 - B. To reduce the projected required number of parking spaces to be provided in the Development from 219 spaces to 175 spaces (exclusive in all events of the 50 municipal parking spaces to be provided). This reduction equals 20% (44 spaces) as authorized by Section 8.3.2(B)(iii) due to the proximity of a municipal parking garage or lot. A further

reduction of 10% would also be authorized by Section 8.3.2(B)(V) for uses within 200 feet of public transportation.

4. The Applicant also requests the following waivers from the Cushing Square Overlay District Rules and Regulations:
 - A. To reduce the standard parking space dimension to nine feet in width by eighteen feet in depth and to reduce the aisle width to 22 feet - Article IV – Parking, Section 1, General Standards.
 - B. To allow compact spaces in the structured garage to be grouped generally in pairs on each side of the structural columns or in large groupings as shown on the Project Plans - Article IV – Parking, Section 2, General Standards.

VI. LIST OF FINAL PLANS SUBMITTED

This Decision is based upon plans entitled “Cushing Village, Belmont, Massachusetts” that were submitted to the Board (the “Project Plans”) containing the following sheets:

<u>LIST OF DRAWINGS</u>	<u>REVISION/DATE</u>
<u>Cover Sheet/Drawing List</u>	SP-REV #4/11 July 2013
<u>Zoning Compliance</u>	
Z-1 Zoning Compliance: FAR	SP REVS-4/11 July 2013
Z-2 Zoning Compliance: Building Ht & Dimensional Table	SP REVS-4/11 July 2013
Z-3 Zoning Compliance: Proposed Setbacks & Building Stepping 4 th Level Analysis	SP REVS-4/11 July 2013
<u>Existing Conditions Plot Plan</u>	
Topographic Plan	06/08/07 Revised: 11/11/11
<u>Civil Engineering</u>	
C-1 Abbreviation & Notes	SP REV-4/07-11-13
C.2 Layout & Materials	SP REV-4/07-11-13
C.3 Grading & Drainage	SP REV-4/07-11-13
C.4 Utility	SP REV-4/07-11-13
C.5A WB50 Truck Movement	SP REV-4/07-11-13
C.5B Ladder Truck Movement	SP REV-4/07-11-13
C.6 Erosion Control	SP REV-4/07-11-13
D.1 Details	SP REV-4/07-11-13
D.2 Details	SP REV-4/07-11-13
D.3 Details	SP REV-4/07-11-13
D.4 Details	SP REV-4/07-11-13

Landscape

L-1	Layout & Materials Plan	SP REV-#4/11 July 2013
L-2	Layout & Materials Plan	SP REV-#4/11 July 2013
L-3	Layout & Materials Plan	SP REV-#4/11 July 2013
L-4	Planting Plan	SP REV-#4/11 July 2013
L-5	Planting Plan	SP REV-#4/11 July 2013
L-6	Planting Plan	SP REV-#4/11 July 2013
L-7	Details	SP REV-#4/11 July 2013
L-8	Details	SP REV-#4/11 July 2013
L-9	Details	SP REV-#4/11 July 2013
L-10	Details	SP REV-#4/11 July 2013
LT-1	Lighting Level Calculation	SP REVS-4/11 July 2013
LT-2	Lighting Graphics and Fixtures	SP REVS-4/11 July 2013

Architectural

A1.0	Underground Parking Plan (All Cellar BLW Grade)	SP REVS-4/11 July 2013
A1.1	Site Plan/Building Plan at Grade	SP REVS-4/11 July 2013
A1.2	Second Level Plan Hyland Street Level (164.25'-170.5')	SP REVS-4/11 July 2013
A1.3	Third Level Plan Hyland First Level (175.25'-181.5')	SP REVS-4/11 July 2013
A1.4	Fourth Level Plan Hyland Second Level (Roof Plan Winslow) (186.25'-192.5')	SP REVS-4/11 July 2013
A1.5	Hyland Third Level (Roof Plan Pomona) (198.5')	SP REVS-4/11 July 2013
A1.6	Roof Plan Hyland	SP REVS-4/11 July 2013
A2.1	The Winslow: Building 1 Elevations	SP REVS-4/11 July 2013
A2.2	The Winslow: Building 1 Elevations	SP REVS-4/11 July 2013
A2.3	The Pomona: Building 2 Elevations	SP REVS-4/11 July 2013
A2.4	The Pomona: Building 2 Elevations	SP REVS-4/11 July 2013
A2.5	The Hyland: Building 3 Elevations	SP REVS-4/11 July 2013
A2.6	The Hyland: Building 3 Elevations	SP REVS-4/11 July 2013
A3.1	Site Sections	SP REVS-4/11 July 2013
A3.2	Site Sections	SP REVS-4/11 July 2013

VII. ADDITIONAL SUBMITTALS BY THE APPLICANT

In addition to a series of plans, schematics, three dimensional representations and models submitted by the Applicant's development team, the Applicant submitted the following information to the Board:

1. Correspondence of Mark L. Donahue, counsel to the Applicant, dated September 10, 2012.
2. Cushing Village Project Fiscal Impact Report, dated October 9, 2012.
3. Traffic Impact, Access and Parking Study entitled "Cushing Village Mixed Use Redevelopment", prepared by TEC, Inc., dated October 12, 2012

4. Correspondence with Smith Legacy Partners, LLC, concerning the Fiscal Impact Report, dated October 16, 2012.
5. Memorandum of TEC, Inc., with updated trip generation assessment relative to Cushing Village redevelopment project, dated October 24, 2012.
6. Correspondence of TEC, Inc., to Jeffrey Wheeler, Planning Coordinator, responding to comments of Howard/Stein/Hudson Associates, Inc., technical review consultant, dated December 7, 2012.
7. Memorandum of TEC, Inc., to Jeffrey Wheeler, Planning Coordinator, constituting a full build out analysis of Cushing Square Overlay District, dated January 17, 2013.
8. Presentation entitled "Cushing Village - a Sustainable and Green Community", dated February 5, 2013.
9. Presentation entitled "Historical Precedence and Context" presented by Peter Quinn Architects, LLC., dated February 5, 2013.
10. Correspondence of Peter Quinn Architects, LLC., relative to parking related waivers, dated February 20, 2013.
11. Correspondence to Cavanaugh Tocci Associates, Inc., relative to sound analysis, dated February 20, 2013.
12. Correspondence of Mark L. Donahue, counsel to the Applicant, relative to sound analysis, dated February 20, 2013.
13. Correspondence to Mark L. Donahue, counsel to the Applicant, concerning Cushing Village Fiscal Analysis Report, dated March 12, 2013.
14. Correspondence of Allen & Major Associates, Inc., relative to Storm Water Management Report, dated April 18, 2013.
15. Storm Water Management Report, prepared by Allen & Major Associates, Inc., dated December 22, 2011 and revised April 19, 2013.
16. Correspondence of Mark L. Donahue, counsel to the Applicant, relative to waste water management systems review, dated April 24, 2013.

VIII. SUBMISSIONS FROM OTHER TOWN DEPARTMENTS AND COMMISSIONS

The Board notified local boards and commissions of this Application and considered their comments when making this Decision. Comments or testimony were received from the Historic District Commission, Sustainable Belmont working in conjunction with the Belmont Energy

Committee, and the Belmont Housing Trust. In particular, the Board received a presentation by Roger Colton, Co-Chair of the Belmont Energy Committee entitled "Belmont Cushing Village: Proposed Sustainability Conditions", dated February 5, 2013, and a presentation by Michael Smith, Co-Chair of the Belmont Historic District Commission entitled "Cushing Village, Preservation of Historic Patterns and Character."

IX. PUBLIC COMMENT

At many of the public hearings, members of the public were invited to provide comments or testimony to the Board. The Board's technical review consultants provided additional information in order to respond to concerns raised during the public hearings. Public comments were also invaluable to the Board in working with the Applicant in the redesign of the three buildings and the site. In particular, the Cushing Square Neighborhood Association and owners and representatives of Cushing Square businesses attended a number of the public hearings and presented testimony to the Board relative to the potential impacts of Cushing Village to the existing commercial and residential components of the Cushing Square neighborhood.

X. FINDINGS – DESIGN AND SITE PLAN REVIEW AND SPECIAL PERMIT CRITERIA

Based upon the information submitted and presented to the Board by the Applicant and its development team, the comments received from other Town boards and departments, comments received from the public, and the input of the Board's technical review consultants, the Board makes the following findings relative to the Design and Site Plan Review Performance and Design Standards (Section 8.3) and the Special Permit Criteria (Section 7.4.3):

1. **General Guidelines** (Section 8.3.3 A)
 - A. The Development, as reflected on the Project Plans, meets the General Guidelines' performance and design standards articulated in Section 8.3 of the Zoning By-Law except where specific waivers of such standards have been granted by the Board as enumerated in this Decision. The design of the Development effectively utilizes the land area to create a mix of three different styles of buildings which are comprised of first floor space appropriate for retail, restaurants and services while utilizing upper levels for residential housing in a mix of studio, one bedroom and two bedroom units. The design is smaller in floor area ratio than permitted by Section 8.3.1(b)(3) of the Zoning By-Law, and such reduction in floor area ratio has permitted the design to achieve a greater sensitivity to adjoining residential properties and create adequate space between the buildings for both vehicular travel and visual integrity.
 - B. Cushing Village, as proposed, constitutes an Eligible Development Project pursuant to Section 8.4.1 of the Zoning By-Law since the lot size is greater than 15,000 square feet and the Development includes underground parking. This allows the Board to grant a Special Permit to increase the building height up to 48 feet and four stories for the Pomona Building (Building 2), as shown on the Project Plans. The Applicant provided

setbacks from the rear property line of the Development at the higher levels of the Pomona Building so as to reduce the impact of the massing of that building. Such an effort is consistent with the provisions regarding such step backs as set forth in Section 8.4.2(a) of the Zoning By-Law. The Board finds that the grant of the Special Permit to permit four stories and height up to 48 feet for the Pomona Building pursuant to Section 8.4 in accordance with the Project Plans is appropriate.

- C. The architectural and aesthetic compatibility of the proposed Development and the existing character of Cushing Square has been the subject of extensive discussion during the public hearing process. The Board benefited from the input of the technical review consultant on these matters. The scale, massing, street façades and exterior building materials meet the criteria and objectives enumerated in Section 8.3.3(A) so long as the conditions of this Decision are met.
- D. The building design as reflected in the Project Plans is consistent with a scale and details appropriate for the Cushing Square Overlay District and is responsive to the design guidelines promulgated by the Board for implementing the Cushing Square Overlay District.
- E. The size, scale and mass of the proposed Development comply with the General Guidelines of the Cushing Square Overlay District as set forth in the Zoning By-Law. Additional open space that is readily accessible from abutting public ways that will be of benefit to the public has been added to the Development. Portions of the Development have been connected by pedestrian-friendly walkways and sidewalks so as to provide safe flow of travel. A reduction in the footprint of the Pomona Building permits two way traffic to pass through the Development from Trapelo Road to Common Street and reduces any adverse impacts on traffic and pedestrian flow.
- F. Coordination between the Applicant and the Board has improved the design and scale of the Development relative to earlier proposals. The Board finds that the reduction in the scale of the buildings, the setbacks achieved in the upper floors of the buildings, the elimination of the fourth level of the Winslow and Hyland Buildings, all as reflected on the Project Plans, have reduced the height and bulk of the proposed buildings.

2. Performance Standards (Section 8.3.1)

- A. The proposed location of Cushing Village is an appropriate location for a mixed use development. The Cushing Square Overlay District seeks to encourage mixed use developments consistent with the Project Plans. Based upon the information provided to the Board by its technical review consultants, there are adequate provisions for water, sewage and storm water drainage for the proposed use and no significant additional adverse impacts will be created so long as the Conditions of Approval as set forth herein are met.

- B. The Board finds that the inclusion of 50 municipal parking spaces within the structured parking proposed by the Applicant together with the close proximity of the MBTA bus stop justifies a 20% reduction in the number of parking spaces required, as authorized pursuant to Section 8.3.2(B) of the Zoning By-Law.
 - C. The Board finds that the design of the buildings would be more suitable for Cushing Square by providing setbacks that exceed the requirements set forth in the Zoning By-Law. The placement of the buildings with a setback area allows for a greater public open space to be created particularly behind the Winslow Building and, further, permits the buildings to be located further away from the abutting residential properties on Horne Road.
 - D. It is anticipated that the existing Starbucks will be maintained as a tenant and that other restaurant uses will be added. The size of the commercial spaces within the Winslow and Hyland Buildings affords the opportunity for a mix of uses that will contribute to the commercial and neighborhood atmosphere of Cushing Square. The first floor of the Pomona Building affords the Applicant the opportunity to seek out one significant commercial user for that space (which may require a Special Permit under Section 8.2 of the Zoning By-Law).
3. Design Standards (Section 8.3.3)
- A. The utilization of an underground parking facility has been determined by the Board to be beneficial to the Development and Cushing Square. With the exception of the parking required to support the residential portion of the Development, the Applicant will allow most of the remaining parking spaces to be open to all vehicles on a defined time basis whether the drivers are utilizing a Cushing Village business or not. While limited surface parking space exists in an area between the Winslow and Pomona Buildings, the majority of the parking for the proposed Development will be covered or underground parking. The Board finds that the parking layout achieves the goal of enhancing both the pedestrian and vehicular environment in Cushing Square.
 - B. The Applicant has provided open and landscaped areas around and within the proposed Development for use and access by the public. The landscape plan reflects an appropriate design of both hardscape and landscaping features. The open spaces in and around all three buildings will promote pedestrian travel both in and through the Development and Cushing Square.
 - C. While none of the buildings within the current footprint of the subject properties are capable of being preserved, the Board finds that the design standards pertaining to preservation of historical structures have been met and are sensitive to adjacent historic structures.

4. Special Permit Criteria (Section 7.4.3)

- A. The Board engaged multiple consultants to review the traffic impacts of the proposed Development and has concluded, with the assistance of that review, that traffic impacts on abutting residential neighborhoods or the businesses located within Cushing Square can be appropriately mitigated. Horne Road will not be available for traffic passing to and from the proposed Development into the abutting residential neighborhood. The two way travel lane behind the Pomona Building to allow traffic to and from Common Street and Trapelo Road through the Development benefits the traffic pattern.
- B. The proposed mixed use, having a variety of retail, restaurant and service spaces on the ground floor with residential properties above, serves the purposes of enhancing the economic opportunities within Cushing Square and broadening the diversity of housing within the Town. It is noted that 10% of the housing to be created in the proposed Development will be available as affordable housing under the Inclusionary Housing By-Law (Section 6.10) of the Zoning By-Law.
- C. The visual impact of the buildings from all angles and from abutting residential properties was reviewed by the Board. The Board finds that views from public ways and other developed properties will be respected.
- D. The Board finds that the Project Plans comport to achieving the purposes of the Cushing Square Overlay District as set forth in Section 8.1.1 of the Zoning By-Law.
- E. The Board finds that the site of Cushing Village is an existing developed site with a series of older, antiquated buildings and open lots and therefore shall not result in any loss of valuable trees or natural resources. Based upon the information provided by various Town Boards and the technical review consultants, the Board finds that the proposed use can exist without substantial adverse impacts on municipal infrastructure. As set forth in the Conditions of Approval, the Applicant will provide a monetary payment to the Town of Belmont to compensate for the Development's impact on municipal infrastructure.
- F. The mix of housing units, being studio, one-bedroom and two-bedroom units, will complement the type of housing available in the Town of Belmont and will create a diversity of housing options. The availability of 10% to the housing stock to be utilized for affordable units pursuant to Section 6.10 of the Zoning By-Law is of significant benefit to the affordable housing stock for the Town of Belmont and will be provided to Belmont residents to the maximum extent allowed by law.

XI. PLANNING BOARD DECISION

The Planning Board hereby grants the following approvals pursuant to Section 8, Cushing Square Overlay District, Town of Belmont Zoning By-Law, subject to the conditions set forth in this Decision, as follows:

1. Design Site Plan Review pursuant to Section 8.1.3 relative to the Development known as Cushing Village for the construction of a mixed use development consisting of not more than 115 residential units, of which no more than 60 shall be two bedroom units and the remainder shall be studio or one bedroom units, the construction of 38,340 square feet of commercial space, and provision of 175 parking spaces, all as shown in the Project Plans.
2. Special Permits pursuant to Sections 8.3 and 8.4 of the Cushing Square Overlay District Zoning By-Law to authorize building heights of 36 feet and three stories and 48 feet and four stories, as shown on the Project Plans and as follows:
 - A. The height of the Winslow Building (Building 1) to be 36 feet and three stories;
 - B. The height of the Pomona Building (Building 2) to be 48 feet and four stories; and,
 - C. The height of the Hyland Building (Building 3) to be 44'-11" and three stories. It is acknowledged that small portions of the Hyland Building as shown on the approved Project Plans may, due to sharp increase in topography and complying with State Building Code requirements (i.e. stairway exit, elevator penthouse), appear to be four stories.
3. Waivers from Section 8, Cushing Square Overlay District, Town of Belmont Zoning By-Law as follows:
 - A. To increase from the requirements the front, side and rear setbacks of Section 8.3.1(B)(1)(i), (ii), and (iii) all as shown on the Project Plans; and,
 - B. To reduce the required number of parking spaces to be provided in the Cushing Village Development pursuant to the provisions of Section 8.3.2(B) of the Belmont Zoning By-Law from 219 spaces to 175 spaces (exclusive in all events of the 50 municipal parking spaces to be provided). Such a reduction equals a 20% reduction that is specifically authorized by Section 8.3.2(B)(iii) due to the proximity to a municipal parking garage or lot.
4. Waivers from the Cushing Square Overlay District Rules and Regulations as follows:
 - A. To reduce parking space dimensions to nine feet in width by eighteen feet in depth and aisle width to 22 feet (Article IV – Parking, Section 1, General Standards); and,

- B. To allow compact spaces (8 feet in width by 16 feet in depth) in the structured garage to be grouped generally in pairs on each side of the structural columns or in large groupings as shown on the Project Plans (Article IV – Parking, Section 1, General Standards).

XII. CONDITIONS

1. General

- A. Each condition in this Decision shall run with the land and shall, in accordance with its terms, be applicable to and binding on the Applicant. The term “Applicant” shall be deemed to include the Applicant’s successors, including a condominium association should components of the project be converted to condominiums. These conditions shall be enforced by the Building Inspector, and lack of compliance with these conditions by the Applicant or its successors shall be subject to enforcement action to the maximum extent authorized by law.
- B. This Decision is based upon and specifically incorporates the Project Plans (as listed in Section VI of this Decision). No modification of the Project Plans may be made without the approval of the Board, or a determination in writing by the Building Inspector that the modification is so minor that the approval of the Board is not required.
- C. If the Applicant must revise any of the Project Plans to comply with any other local or state or federal approvals or permits, it shall present the revised plans to the Board for a review of those changes.
- D. The residential units within the Development shall not be converted to a hotel, extended stay facility or college/university housing.
- E. The commercial space contained within the three buildings as shown on the Project Plans shall not be converted to residential use.
- F. This Decision does not authorize specific commercial uses, which may require a separate permit(s), including a Special Permit from the Board. Additionally, with respect to potential restaurants at Cushing Village, exhaust vents/fans, odor suppressant systems, HVAC units, and trash disposal shall be subject to review and approval of the Board, in addition to the usual permitting, if any, required for a restaurant.
- G. Access to all commercial spaces shall be directly from the outdoors. Malls created within the buildings or corridors simulating a mall-like shopping facility will not be allowed.
- H. To insure that it remains an integrated project, the Development shall remain as a whole and no subdivision shall be allowed. This condition shall not preclude the creation of a condominium form of ownership for the Development.

- I. Trash and recycling pick-up for all tenants of Cushing Village (commercial and residential) shall be at the Applicant's expense.

2. Building

- A. Only high quality exterior materials shall be used for each of the buildings. Stucco shall be high quality, minimal two-coat on a solid substrate and shall not be "Dryvit" EFIS-type application. Full bricks, made of fired clay, shall be used on the exterior of the buildings. Brick panels or materials that mimic brick, such as colored stucco or imitation brick veneer, shall not be acceptable where brick is indicated. Stone shall be dimensionally substantial and shall be actual stone. Stone substitutes, such as tile or imitation stone veneer, shall not be acceptable where stone is indicated. Prior to installation, samples of the materials and mock ups of the exterior finishes shall be reviewed and approved by the Board.
- B. Cellular antennae and satellite dishes shall not be visible below the roof line of the building(s). Any cellular antennae and/or satellite dishes installed on the roof shall not project above the screen walls of the building(s) as shown on the approved Project Plans. Screen walls (or other architectural elements) used to screen the antennae and/or dishes shall not exceed the height of the screening as shown on the Project Plans.
- C. Rules and regulations regarding the use of balconies and roof decks shall be reviewed and approved by the Board, prior to the issuance of the first Certificate of Occupancy for the residential units.
- D. The Development shall be a LEED 'Certifiable' development that shall follow the United States Green Building Council ('USGBC') guidelines to provide a broad approach to producing a green development. Such approaches may include such green building components, but not be limited to, providing a variety of commercial uses to supplement the existing uses in Cushing Square, providing more than 50 bicycle parking spaces, providing parking spaces for short-term rental cars (such as "Zipcars") and for electrical vehicular charging stations, utilizing sustainable products and materials as outlined in the USGBC LEED Guidelines, installing high efficiency water fixtures in bathrooms and kitchens, installing high efficiency mechanical systems that exceed the Stretch Code where practical and economically feasible, providing sufficient space to allow for recycling (both during construction and once the buildings are occupied) and installing a green roof on the courtyard of the Hyland Building.

3. Noise/Sound

- A. Acoustical Analysis:
 - (i) Prior to the issuance of a building permit, and before demolition of existing buildings, background sound levels shall be established near the property lines of the properties abutting the Development along Trapelo Road, Common Street, Horne Road and

Belmont Street. The background sound level shall be determined utilizing an appropriate number of unattended sound monitors that would simultaneously and continuously measure A-weighted and C-weighted ambient sound levels to document existing conditions for a period of not less than seven days. The number, location, timing and methods of the sound monitoring shall be subject to the approval of the Town's acoustical engineering consultant. Said baseline measurements and monitoring shall be conducted at the Applicant's expense. From the data collected in the manner set forth herein, two criteria shall be established as base line or existing conditions, one for daytime use and one for nighttime use. Daytime conditions will be from 7:00 AM to 11:00 PM and nighttime conditions will be 11:00 PM to 7:00 AM. The baseline ambient sound levels will be determined by the average of the ambient sound levels measured each hour during daytime and nighttime hours.

- (ii) Not less than 60 days prior to issuance of a building permit, the Applicant will submit an acoustical analysis demonstrating the roof mounted mechanicals and other ventilation equipment for all three buildings will not (1) increase sound levels more than 5dBA of the daytime and nighttime background ambient sound levels, or (2) produce a "pure tone" condition (when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 dB or more), as determined in accordance with Section 3A(i) above. This demonstration will be on the basis of sound level data available from building systems equipment manufacturers. Roof mounted mechanicals and other ventilation equipment will be evaluated on both an A-weighted and C-weighted basis. The Applicant will submit the acoustical analysis and model for review by the Town's acoustical engineering consultant at the Applicant's expense. A building permit shall not be issued until the analysis provided by the Applicant and as reviewed by the Town's consultant reasonably demonstrates that operation of the mechanical units will be in compliance with this condition.
- (iii) Upon substantial completion of construction of all three buildings of Cushing Village at a time when all initial mechanical equipment can be operating prior to occupancy the Applicant will complete the sound measurements to demonstrate compliance with section 3A(ii) above and the conditions of this Decision. The acoustical analysis shall be varied in the event that there are specific conditions which are created within Cushing Square but not related to the Development that cause a material increase to background sound levels. The first Certificate of Occupancy shall not be issued and no commercial or residential tenant shall occupy the premises if the Development fails to comply with the noise standard adopted by this Decision.
- (iv) In the event that the Applicant seeks occupancy of a building without having tested all three buildings as required under 3A(iii) above, the Applicant shall provide evidence to the satisfaction of the Board that the Development will not exceed the standard established under 3A(ii) when all three buildings are tested cumulatively.

- B. Screening of the roof mounted mechanical equipment shall not exceed the height of the screening of the mechanical equipment as shown on the Project Plans.
- C. All emergency generators shall be housed indoors.
- D. Subsequent uses within the Development, including restaurants, that require additions or modifications to the roof mounted mechanicals and other ventilation equipment shall cumulatively be held to the same standard as set forth in Section 3(A)(ii) above and the conditions of this Decision. Any violations of this standard shall be subject to enforcement action to the maximum extent authorized by law.

4. Stormwater/Sewer Issues

- A. The Development shall comply with the Stormwater Management and Erosion Control By-Law, of the General By-Law, as adopted by the 2013 Annual Town Meeting. Prior to the issuance of a demolition permit, the Applicant must secure approval of its Stormwater Management Plan from the Office of Community Development.
- B. A National Pollutant Discharge Elimination System (NPDES) Permit is required for the Development. Prior to the beginning of site work, except for the foundation, the Applicant shall provide verification that the NPDES Permit has been secured from the Massachusetts Department of Environmental Protection.
- C. In order to mitigate the increase sewage flow generated by the Development, the Applicant will pay an Infiltration Contribution of \$179,825.00 to a designated fund created by the Town of Belmont for reduction of inflow and infiltration into the Town's sewer system. This Contribution shall be paid by the Applicant over a three year period in equal payments. The first payment of the Contribution shall be due upon the issuance of the building permit, exclusive of commencement of construction for utility and foundation, for the first building within Cushing Village. The second and third payments shall be due on the respective anniversary of the issuance of said building permit.
- D. The Applicant shall provide an Operations and Maintenance Plan (O&M Plan) for the Stormwater Drainage System to the Board for its review and approval prior to the issuance of the first Certificate of Occupancy. The O&M Plan shall include: semi-annual inspections and quarterly cleanings of catch basins, area drains, and drop inlets, and monitoring the depth of water in the infiltration /detention systems as part of the semi-annual maintenance program.
- E. The catch basins on grade shall be designed to capture fully the 100-year storm event (6.6 inches of rainfall in a 24 hour period). Manholes for maintenance will be constructed as part of each chamber and underground detention basin. A clean out shall be installed at the location where grit chambers connect to the system.

- F. The Belmont Water Department shall inspect the water main installation during construction. Approval of installation by the Water Department is required prior to issuance of the first Certificate of Occupancy.

5. Lighting

- A. The lighting for Cushing Village shall comply with Section 5.4.3, Light and Glare, of the Zoning By-Law, and the lighting plan as shown as made part of the Project Plans.
- B. Details as to the type of fixtures to be utilized within the Development and the manner in which both vehicular and pedestrian paths of travel will be lit shall be part of the Definitive Site and Building Plans (see condition 12 (A)) to be submitted to the Board for its review and approval.
- C. Exterior signs shall have lights for visibility at night.
- D. Lights fixtures shall be required to be appropriately screened so as to prevent light from reflecting in the eyes of people on the sidewalks, in buildings, or in cars, or spilling over onto neighboring properties.
- E. Exterior light fixtures shall be shielded from view or blended into the building's lines. Decorative fixtures may be exposed as a design element.
- F. Electrical conduit shall be concealed within the moldings and lines of the building.
- G. There shall be no neon or flashing signs.

6. Signage and Awnings

- A. Signs and awnings shall be reviewed and approved by the Board.
- B. All signs shall comply with Sections 5.2.4(b)(1) and 5.2.4(b)(4) of the Zoning By-Law.
- C. Standing and/or project signs shall not be permitted within the Development. This condition shall not preclude temporary standing signs that conform to the Sign By-Law (Section 5.2.3) to be utilized during construction or initial marketing of the Development.
- D. Sign hardware should be hidden from view to the extent feasible. Supports should be located on walls or window frames, and painted to complement the building's color scheme.
- E. Periodic maintenance is required for awnings, in addition to full replacement every ten years, depending on the color, exposure to the sun, and fabric.

- F. All awnings should have a similar design, function (fixed or retractable), material, shape, color, and appearance for the particular building of which it is a part. This condition shall not preclude each of the buildings from having a different sign or awning design concept.
- G. The preferred materials for awnings are canvas, acrylics or metals.
- H. Awnings should be practical, durable, and not impede other building functions.

7. Landscaping to be provided by the Applicant

- A. Low lying shrubs shall be planted on the Development's side of the discontinued portion of Horne Road to prevent travel by motor vehicles between the Horne Road Plaza and Horne Road, except by authorized emergency vehicles.
- B. Deciduous trees shall be a minimum of 4-1/2" – 5" caliper at time of planting.
- C. Plant materials used throughout the Development shall be drought resistant, native species.
- D. Mature landscaping and sound absorbing fencing shall be installed along the property line shared with 16 Horne Road, and within the side yard of 16 Horne Road, so as to minimize the impacts of the truck delivery turnout.
- E. Landscaping shall be installed to properly screen dumpsters, transformers, air conditioning equipment, and other similar building equipment. The adequacy of any screening landscaping shall be reviewed by the Board one year after the occupancy of the respective buildings.
- F. The Applicant shall be responsible for maintaining the landscaping. All failed landscaping shall be replaced within seven days, or as soon as reasonably practical, with comparable plant species and size. If failure is discovered between November 1 and March 30, replacement of the landscaping shall be made by April 7.
- G. Landscaping and plantings shall be maintained so as not to interfere with entry to stores or block visibility of signs.
- H. Prior to issuance of a building permit, the Applicant shall provide the Board with a written Operation and Landscape Maintenance Plan relative to all landscaping, hardscaping and open space areas within the Development. The landscaping maintenance plan shall outline the manner in which the landscaping within Cushing Village and in the public right of way will be inspected, maintained and, when necessary, replaced by the Applicant. It shall also address any regular maintenance required for hardscaping or other amenities within the Development or on adjoining public ways.

- I. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall provide a performance guarantee (which may include a covenant, bond, surety, or tripartite agreement) to the Board or its designee for completion of all on-site and off-site improvements specified in this Decision (excluding buildings) not then completed, in a form acceptable to the Board. The Board shall approve both the type and amount of the performance guarantee. The amount of the performance guarantee shall be based on the costs of any improvements not then completed, as determined by the Project Engineer plus a ten percent (10%) contingency. Any such security instrument shall provide for reduction in the secured amount as the work is satisfactorily completed as indicated by the Building Inspector.

8. Public Amenities

- A. The Applicant shall be responsible for maintenance of the new public street trees, planters and all hardscaping placed within public ways such as benches or other amenities being installed along Common Street, Trapelo Road and Williston Road. Such maintenance shall be coordinated with the Town of Belmont Department of Public Works.
- B. Street furniture, planters, and sidewalk materials shall be reviewed and approved by the Board and should be made of solid wood, recycled plastic lumber or similar durable material as reflected in the Project Plans to ease maintenance.
- C. Trash and recycling receptacles, reviewed and approved by the Board, shall be provided at all gathering places and be properly maintained by the Applicant.
- D. Installation of street trees and street furniture (and other public amenities) and other construction activities within the public right of way shall be reviewed and approved by the Police Department and the Department of Public Works.

9. Parking and Traffic

- A. Prior to the issuance of the first Certificate of Occupancy, the 50 municipal parking spaces to be provided to the Town of Belmont shall be located as shown on the Project Plans. The manner in which such spaces are to be utilized by the public and the policing of same shall be under the control and supervision of the Belmont Board of Selectman and Belmont Police Department. These spaces and parking meters (or parking station) for these spaces, if any, will be provided and maintained at the Applicant's expense.
- B. On-site delivery trucks shall be limited to a maximum size WB-50 in order to conform to the design parameters for the loading dock at the rear of the Pomona Building in the manner shown on the Project Plans.

- C. Traffic shall not be allowed to travel between the “Horne Road Plaza” and Horne Road, except authorized emergency vehicles. Appropriate landscaping and signage shall be installed between these two areas to deter such occurrence.
 - D. Delivery or trash disposal trucks associated with Cushing Village shall not travel on Horne Road or Poplar Street to access the site. It shall be incumbent upon the Applicant to notify vendors of such restriction.
 - E. Vehicles shall be prohibited from making left turns when exiting the Development onto Trapelo Road. Appropriate directional signage shall be installed at the expense of the Applicant to provide vehicular drivers with visual cues.
 - F. The Applicant shall continue to work with the BSC Group, or any other party designated by the Planning Board, to coordinate the design of the public right-of-way improvements associated with the Trapelo Road/Belmont Street reconstruction project and Cushing Village.
 - G. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall submit to the Planning Board a brochure that it shall develop to encourage the occupants of the Development to utilize public transportation. The brochure shall be given to all prospective tenants and shall be posted on the Development’s website.
 - H. The Applicant shall advise all tenants regarding restrictions on parking on abutting residential streets and within the 50 municipal parking spaces within the garage.
10. Operation and Maintenance Plan Relative to Parking and Deliveries

Prior to the issuance of a building permit, the Applicant shall submit to the Board for review and approval a written Operation and Parking Control Plan which will address the following:

- (i) The manner in which snow removal and storage will occur upon the site. Snow will not be piled or allowed to accumulate on site in a manner that would impede in any manner the vehicular and pedestrian travel in and around Cushing Village site or any of the parking areas. Snow shall not be stored or piled in unreasonable quantities along the perimeter boundary of any of the buildings within, or on the streets adjacent to, Cushing Village. Any damage occurring to landscaped areas due to snow storage shall be replaced or repaired as necessary by the Applicant.
- (ii) The surface parking spaces located between the Winslow (Building 1) and the Pomona Buildings (Building 2) shall be reserved for short term parking (up to one hour). No more than 40% of the parking spaces within this area may be designated for one or more commercial uses within Cushing Village. All of the remaining spaces will be utilized by patrons or visitors to other properties within Cushing Square and shall not be designated (except for the 40% of the designated spaces) to uses within Cushing Village. The

operation and traffic control plan shall identify in reasonable detail the manner in which the time limits within all parking areas will be enforced by the Applicant.

- (iii) The hours for commercial deliveries and trash pick-up which restriction shall become a condition of this permit, as follows: Monday through Friday from 7:00 AM to 6:00 PM, and on Saturday from 8:00 AM to 5:00 PM. There shall be no trash pick-up on Sundays or federal legal holidays. Only on-street deliveries from Trapelo Road and Common Street shall be permitted on Sundays. There shall be no deliveries on federal legal holidays.
- (iv) The procedures and times to be utilized by the Applicant relative to move in/move out conditions for both the residential units and the commercial units. The Applicant, at its expense, shall designate a "Move Coordinator" to coordinate all commercial and residential move-in and move-out activities.
- (v) The manner in which the parking spaces open to the public in and around Cushing Village will be maintained at the expense of the Applicant so as to be available for general public utilization in a safe and clean setting.
- (vi) The procedures to be implemented by the Applicant for groups or other community organizations to utilize on a periodic basis that portion of the outdoor parking area located between the Winslow Building and the Pomona Building for special events on specific days and under certain specific conditions.
- (vii) The terms by which the Applicant shall enforce fire lane requirements.
- (viii) The manner in which the Applicant will encourage tenants of the Development to utilize public transportation.

11. Affordable Housing Requirements

- A. This Development shall comply with Section 6.10, Inclusionary Housing, of the Zoning By-Law, as adopted by the 2013 Special Town Meeting.
- B. 10% of each the five types of residential units (studio, one bedroom, one bedroom plus study, two bedroom and two bedroom with study) shall be designated as affordable units. The mix of two bedroom units with and without studies, one bedroom units with and without studies and studios which shall be utilized as affordable housing shall be consistent with the number of such sized within the Development.
- C. The proposed Marketing Plan for the affordable units must be approved by the Board. The Marketing Plan must detail the property's targeted population, marketing strategy, and an outreach strategy to organizations serving low and moderate income individuals in the area, including but not limited to, local housing authorities, community action agencies, and local social and community service organizations.

- D. An affordable unit shall be rented only to a household with total annual income that does not exceed 80% of the median income of households in the Boston Standard Metropolitan Statistical Area, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development (as amended).
- E. Prior to the issuance of the first Certificate of Occupancy for any of the residential units, the Applicant shall provide to the Board a proposed Deed Restriction (as defined in Section 6.10.2) relative to the affordable units which deed restriction shall be subject to review and approval of the Board and Town Counsel. The Deed Restriction shall be recorded at the Middlesex Registry of Deeds and evidence of said recording shall be provided to the Board and the Inspector of Buildings prior to the occupation of any of the residential units.
- F. Local Preference shall be provided to Belmont Residents (as defined in Section 6.10.2).
- G. Monitoring Services Agreement:
 - (i) The Applicant shall provide the qualifications of the monitoring agent for the Board's review and approval.
 - (ii) The Monitoring Services Agreement must be reviewed and approved by the Board.
 - (iii) Prior to the issuance of a building permit, a Monitoring Services Agreement will be entered into between the Applicant, the Town of Belmont and a private monitoring agency.
 - (iv) The monitoring agent shall submit an annual independent compliance audit to the Board as long as the residential component of the Development remains rental housing. The audit shall insure compliance with Section 6.10.
 - (v) If for any reason the designated monitoring agency shall fail or refuse to administer the affordable units or shall cease to exist, the Applicant shall notify the Board and within 60 days the Board and the Applicant shall agree upon a suitable replacement monitoring agent.

12. Construction Management

- A. Prior to the issuance of a demolition permit, the Applicant shall submit a demolition plan and rodent/pest control/extermination plan to the Health Department for its review and approval. The rodent/pest/extermination control plan shall be prepared by a Certified Pest Control Company detailing how rodents and other pests will be controlled/contained at the Applicant's expense during demolition, clearing of the site, and construction;
- B. At least 45 days prior to the issuance of a foundation permit issued at the Applicant's own risk, the Applicant shall deliver to the Board detailed plans that are of a quality and

level of detail sufficient for the Board and its consultants to review an erosion control plan that includes limit of work proposed, a dust management plan, phasing plan, and a temporary stormwater management plan. The plans shall be stamped by a Registered Massachusetts Professional Civil Engineer. The foundation permit shall not be issued until the Board has reviewed the plans and provided written approval.

C. Definitive Site and Building Plans:

- (i) At least 60 days prior to the submission of an application for a building permit(s), the Applicant shall deliver to the Board detailed Definitive Site and Building Plans that are of a quality and level of detail sufficient to allow the Board and its consultants to review the plans for compliance with the terms of this Decision. The Definitive Site Plan shall be stamped by a Registered Massachusetts Professional Engineer, architect, or landscape architect as appropriate and include, but not be limited to: a lighting plan, a grading plan, a landscaping plan, any revised architectural plans, utility plan, phase plan, and stormwater management plan and all associated hydrologic/hydraulic calculations. The Definitive Building Plans shall be stamped by a Registered Massachusetts Professional Architect and shall include, but not be limited to, such plans necessary to demonstrate that the final design plans are consistent with regard to size, scale and mass of the buildings which are part of the Development as shown in the Project Plans, exterior materials including colors and samples, exterior elevations and details (windows and other exterior openings) and other exterior architectural details.
- (ii) A building permit(s) shall not be issued until the Definitive Plans are reviewed and a written decision of approval is issued by the Board. The Board will have the right to request additional information from the Applicant that is necessary to determine compliance with this Decision. At the Applicant's expense, the Board may require a third party review of the Definitive Plans for compliance with this Decision. The Board shall review the Definitive Plans in the course of a public meeting but no public hearing shall be conducted unless a majority of the Board determines that the Definitive Plans are materially different from the Project Plans. The foregoing shall not preclude the Applicant from applying for, obtaining and commencing operation and construction pursuant to a demolition permit.
- (iii) If there is a discrepancy between the approved Project Plans and the Definitive Plans, the discrepancy shall be corrected prior to issuance of a building permit.

D. Before the issuance of a building permit and before commencement of any site work (but excluding demolition), the Applicant shall certify to the Board or its designee that all local, state and federal approvals and permits required to obtain a building permit or commence site work have been obtained. This certification shall include final signoff that environmental contamination has been addressed as required by state and federal laws. Notice of construction activity shall be provided to the Office of Community Development at least three days prior to the commencement of such activity.

- E. Prior to the issuance of a building permit, the Applicant shall prepare and present to the Board or its designee, for its approval, a Construction Mitigation Plan that shall include, but not be limited to, a phasing plan, a description of staging and storage areas, traffic impacts, limitations on hours of work, a description of proposed earth removal, planned blasting, types and numbers of vehicles and vehicle trips involved with construction, a construction parking plan (including use of the 50 municipal parking spaces), street opening and occupancy, and general site mitigation measures. Construction vehicles approaching or leaving the site shall use, in the Town of Belmont, Pleasant Street (Route 60), Trapelo Road, Belmont Street, Common Street, Winter Street, and Mill Street.
- F. All blasting shall occur pursuant to the State Fire Code, 527 CMR 13, including review and approval of a Blast Analysis, Blast Design Plan, and Preblast Inspection Surveys as required to be prepared by a person who holds a Certificate of Competency issued by the State Fire Marshall. Evidence of approval from the State Fire Marshall and of financial ability to cover liability claims associated with any blasting shall be submitted to the Board.
- G. Decorum Standards shall be drafted and distributed to any worker involved with the construction of Cushing Village – such Standards shall be reviewed and approved by the Board.
- H. At least 48 hours prior to any initial site work a pre-construction meeting shall be held with the Applicant, the Applicant's contractor, a representative of the Office of Community Development and a representative of the Town Departments having an interest in the plan. Said meeting shall be for the purpose of familiarization with the Development, the conditions of approval, the construction sequence and to ensure that all erosion and traffic control measures are properly in place. The Applicant shall provide an emergency contact person with 24 hour contact information to the Office of Community Development.
- I. The Applicant shall be responsible to ensure that nuisance conditions do not exist in and around the site during construction operations. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- J. During construction of the Development all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of any Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Hours of operation for all construction activities are Monday to Friday from 7:00 AM to 6:00 PM, and on Saturday from 8:00 AM to 5:00 p.m. No work shall be permitted on any Sunday or state or federal legal holiday.
- K. The Office of Community Development shall monitor the construction of the Development to ensure compliance with this Decision and the Project Plans.

13. As Built Plans

- A. Prior to the issuance of a final Certificate of Occupancy for the Development, the Applicant, shall submit to the Town's Office of Community Development an "As Built Plan", showing all as-built utility plans and profiles, pavement, buildings, drainage structures, and other infrastructure as they exist on the Site, including appropriate grades and elevations. The plans shall be signed by a registered land surveyor or civil engineer, certifying that the as-built conditions conform and comply with the Definitive Plans.
- B. The Office of Community Development and the Board and other appropriate staff and Committees will review the As Built Plans to ensure the Project is built as approved.

The Planning Board signatures to follow:

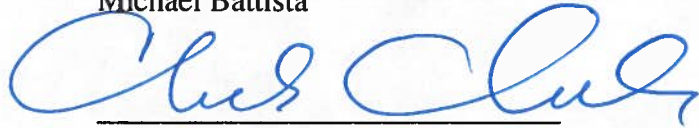
Town of Belmont Planning Board,



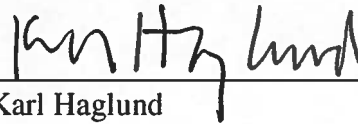
Sami Baghdady, Chair



Michael Battista



Charles Clark



Karl Haglund

Date: July 27, 2013