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WALL STREET

PLANNED DEVELOPMENT DISTRICT

MAY 16, 2001 (Original Approval)

September 25, 2017 (Amendment/15 Wall Street)

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Amy C. Worfield

TOWN CLERK
BURLINGTON, MASSACHUSETTS

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PLANNED DEVELOPMENT DISTRICT ZONING PROVISIONS **ORIGINALLY APPROVED MAY 2001 AS** **AMENDED SEPTEMBER 25, 2017**

The following Planned Development District Zoning Provisions (hereinafter, the “PDD Zoning Provisions”) shall, except as provided below, govern the development of the Planned Development District (the “PD District”) which is bounded by U.S. Route 95 (Route 128; Northern Circumfential Highway); Wall Street, Mountain Road; and Glen Avenue (a private way) with frontage on Wall Street and Mountain Road as amended on September 25, 2017 to include 15 Wall Street (hereinafter, collectively, the “PD Premises”) and shall be in accordance with the Concept Plan (of which these PDD Zoning Provisions are a part) approved at the Burlington Town Meeting originally on May 16, 2001 as amended on September 25, 2017 to include 15 Wall Street (hereinafter, these PDD Zoning Provisions including all material submitted to and approved by the Town Meeting in connection with the rezoning of the PD Premises to a PD District are collectively referred to as, the “Concept Plan”). The PD District consists in the aggregate of approximately 33.78+- acres and is divided into four (4) development areas identified as Area A; Area B; Area C; and Area D. To the extent that the Concept Plan does not address an issue of zoning, the development of the PD Premises shall be governed by the Zoning By-Laws of the Town of Burlington, Massachusetts in effect on February 23, 2001 (hereinafter, the “Zoning By-Laws”).

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Article I - Use Regulations:

The Concept Plan allows for a mixed use development of the PD Premises which may include office, retail, limited commercial, multi-family residential, senior age restricted affordable housing (a building owned or occupied by at least one (1) person who is fifty-five (55) years of age or older unless otherwise qualifying as a handicapped adult; and no more than one additional occupant who may be under fifty-five (55) years of age), open space and conservation uses. These uses are allocated among the parcels shown on the Concept Plan. Pursuant to the Concept Plan: (i) Area A shall permit the development of up to one hundred seventy thousand (170,000) square feet of office use and accessory uses associated therewith and designated areas of open space; (ii) Area B shall permit the development of up to one hundred forty-four (144)

units of multi-family housing (as determined by the owner of Area B in its sole and absolute discretion) and thirty-six (36) units of senior affordable housing and accessory uses and amenities associated therewith; (iii) Area C shall permit the development of motor vehicle sales and repair use(s); and (iv) approximately 6.41 acres shall be left as open space or designated conservation land consisting of Area D.

Until such time as the owner/developer elects to commence development (i.e., obtains the necessary permits and approvals and commences construction) of each of Area A, Area B and Area C as provided on the Concept Plan, the structures and uses in existence as of the effective date of the PDD Rezoning on each Area may be continued and such existing uses are in addition to, and not in lieu of, the uses permitted under these PDD Zoning Provisions and any existing structures located thereon may be renovated, increased or reduced in size during such period subject to the approval of the Planning Board.

The complete listing of permitted uses at the PD Premises is set forth on the Use Table annexed hereto as Exhibit "A". Uses in a Wetland District shall be subject to the normal jurisdictional review of the Burlington Conservation Commission. All permitted uses at the PD Premises are subject to the issuance by other Town agencies or boards of all required licenses and approvals normally required for such use. In the event that the respective owner of any of Area A, Area B, or Area C does not or can not develop its respective area as allowed pursuant to these PDD Zoning Provisions, the other owners may still develop their respective areas pursuant to these PDD Zoning Provisions.

Article II - Density and Dimensional Requirements:

A. Parcel A

The following dimensional requirements shall be applicable to Area A of the PD Premises:

- Minimum Frontage 50 feet
- Minimum Lot Area 20,000 s.f.

- Minimum Front Yard..... 25.0 feet¹
- Minimum Rear Yard..... 15.0 feet¹
- Minimum Side Yard 15.0 feet¹
- Maximum Building and Structure Height
(Building Height as defined in Section
2.13 of the Zoning By-Laws)..... 90.0 feet; six (6) stories
- Maximum Floor Area Ratio..... 25.0%

(Except as noted herein, the foregoing shall be calculated in accordance with the provisions of the Zoning By-Laws.)

B. Parcel B

(i) The following dimensional requirements shall be applicable to Area B of the PD Premises:

- Minimum Frontage 20 feet
- Minimum Lot Area 20,000 s.f.
- Minimum Front Yard..... 25.0 feet
- Minimum Rear Yard..... 15.0 feet²
- Minimum Side Yard 15.0 feet²
- Minimum Distance Between Buildings 15.0 feet³
- Maximum Building and Structure Height (Building Height as
defined in Section 2.13 of the Zoning By-Laws)..... 45.0 feet⁴

¹ Unless its outside walls are of fireproof construction and any openings in such walls are protected by a suitable fire restrictive door or shutter or water curtain device, subject to the approval of the Inspector of Buildings, in which event the setback requirement shall be zero (0).

² Unless its outside walls are of fireproof construction and any openings in such walls are protected by a suitable fire restrictive door or shutter or water curtain device acceptable under the State Building Code as certified by the Inspector of Buildings, in which event the setback requirement shall be zero (0); further provided, however, that attached and/or detached parking structures shall have a zero (0) foot setback subject to compliance with the Massachusetts Building Code.

³ This restriction shall not apply to attached or detached parking structures which shall be subject only to the separation restrictions, if any, set forth in the Massachusetts Building Code.

(ii) The total number of residential units developed on Area B shall not exceed one hundred eighty (180) of which thirty-six (36) units shall constitute senior affordable housing units.

C. Parcel C

The following dimensional requirements shall be applicable to Area C of the PD Premises:

- Minimum Frontage 50.0 feet
- Minimum Lot Area 20,000 s.f.
- Minimum Front Yard 25.0 feet
- Minimum Rear Yard 15.0 feet
- Minimum Side Yard 15.0 feet
- Maximum Building and Structure Height
(Building Height as defined in Section 2.13 of the Zoning By-Laws) 40.0 feet;
3 stories
- Maximum Floor Area Ratio 25.0%

Article III - Lot Lines:

Lot lines shall be established pursuant to a subdivision plan to be filed in accordance with Massachusetts General Laws Chapter 41; Section 81K et seq. and these lot lines may be altered from time to time in accordance with the procedures of Section 81P of Chapter 41 of the Massachusetts General Laws for so-called “Approval Not Required Plans” and/or the applicable provisions of Sections 81K-81GG of Chapter 41 of the Massachusetts General Laws for any subdivision of the PD Premises.

⁴

Where the slope of the land permits a walk out basement, the height of the building in the area of the building where such walk-out exists may be a maximum of sixty (60) feet.

Article IV - Parking and Loading Regulations:

The following minimum ratios shall be applicable to parking at the PD Premises:

- (a) 3.3 spaces per 1,000 square feet of gross floor area office space;
- (b) 1.5 spaces per unit of residential uses;
- (c) 1.5 spaces per 1,000 square feet of automotive use; and
- (d) 1.0 spaces per three seats of restaurant use.

Typical parking space dimensions shall be as follows:

- (i) Typical parking space -- 9' x 18'⁵
- (ii) Compact parking space -- 8' x 15'
- (iii) Handicap Accessible Spaces -- 13' x 18', including 5' access aisle
- (iv) Van Accessible Spaces -- 16' x 18', including an 8' access aisle

The Planning Board, in accordance with Section 7.4.0 of the Zoning By-Laws, upon application of the owner or operator of the PD Premises or any portion thereof, shall be permitted to alter the aforementioned ratios from time to time and such change shall not be deemed a material or substantial deviation from the Concept Plan as approved by Town Meeting.

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⁵ Except that the typical parking space dimension for Area B shall be 8.5' x 18'.

Article V - Access:

No access/egress to or from the PD Premises shall be permitted on, to or from Mountain Road except for gated emergency access or from Glenn and Glenvale Avenues.

Article VI - Building Locations:

The Plans entitled “Planned Development District Property Rights & Dimensional Standards Plan” prepared by VHB, Inc. and Commonwealth Engineering, Inc. submitted as part of the Concept Plan and the concept plan amendment entitled “Proposed Modification of Wall Street PDD” dated August 23, 2017 prepared by Howard Stein Hudson defining Area C (hereinafter, the “Development Plans”) denote certain building envelopes wherein proposed structures are to be located. The Developer of the PD Premises or any portion thereof shall be permitted to locate and relocate buildings and modify building footprints within these building envelopes shown on the Development Plans subject to compliance with these PD Zoning Provisions (including, without limitation, the construction of above ground parking structures, the result of which is to relocate under building parking shown on the Development Plan, provided such construction occurs within the building envelope shown on the Development Plan) and such relocations shall not be deemed a substantial deviation of the Concept Plan.

Definitions

Except as provided below, defined terms shall have the same meanings as in the Zoning By-Laws. The following terms shall have the following meanings in the PD District and shall govern the PD Premises:

- (1) **Frontage.** For purposes of these PD Zoning Provisions “Frontage” shall mean the line adjacent to (a) any internal site drive of any length which connects to a way described in subclause (b), (c) or (d), below, approved by the Planning Board of the Town pursuant to Section 12.1.5 of the Zoning By-Laws as part of any PD Special Permit and Site Development and Use Plan; or (b) a public way which the Town Clerk certifies is maintained and used as a public way, or (c) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (d) a way in existence when the subdivision control law became effective in the Town of Burlington, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the

needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Frontage shall be measured in a single, continuous, uninterrupted line along a street or streets.

(2) Lot. A parcel of land used or set aside and available for use on the site of one or more buildings and buildings accessory thereto or for any definite purpose in one (1) ownership and may be divided by a street or way and shall include any land within the limits of a public or private way upon which such lot abuts. A lot for purposes of these PD Zoning Provisions may or may not coincide with a lot of record.

Article VII - Administration and Procedures:

(a) Any Special Permit required under the Zoning By-Laws with respect to the PD Premises shall be under the jurisdiction of the Planning Board or Special Permit Granting Authority of the Town in accordance with the then applicable special permit procedures of the Planning Board or special permit granting authority. The granting of any Special Permit under Section 12.1.5 of Article XII of the Zoning By-Laws shall be deemed to constitute compliance with the provisions of Article XII of the Zoning By-Laws.

(b) The Site Development and Use Plan required under Section 12.1.5 of the Zoning By-Law shall supersede any requirements as to site plan review and approval under the Zoning By-Laws.

(c) Any substantial changes or amendments of the Concept Plan shall be effectuated in accordance with the provisions of Section 12.1.8 of the Zoning By-Laws which would require a 2/3 vote of Town Meeting as to any and all substantial changes or amendments.

Article VIII - Signage:

Except as provided below, for purposes of signage, Parcel A and Parcel C of the PD Premises shall be governed by and subject to the signage requirements and limitations applicable to a General Industrial (IG) zoning district and Parcel B of the PD Premises shall be governed by and subject to the signage requirements and limitations applicable to a Continuing Care (RC) zoning district under the Zoning Laws of the Town of Burlington, as the same may be amended from time to time or if signage shall cease to be governed and regulated by the Zoning By-Laws then to the applicable regulations governing signage for uses of similar character as permitted at the PD Premises as determined by the zoning enforcement officer of the Town.

The general location of wall signs on the commercial office building(s) to be developed on Area A are denoted on the Development Plans. Wall signs, if illuminated, shall be done so as to not create a nuisance to residential neighborhoods or vehicular traffic and such signage facing residential areas shall be subject to the approval of the Planning Board as part of the PD Special Permit required pursuant to Section 12.1.5 of the Zoning By-Laws for any component of development on the PD Premises. It is the intent that such wall signs be located on the building near the roof line with lettering not to exceed 6.0 feet in height; provided, however, the aforementioned dimensional requirements may be varied in accordance with the provisions and procedures of Section 6.7.4 of the Zoning By-Laws governing "Special Signs".

Notwithstanding anything to the contrary contained herein or in the Zoning By-Laws, free standing and monument signage shall be permitted at the locations as shown on the Concept Plan, the size of which shall be subject to the review and approval of the Burlington Planning Board.

Article IX - Miscellaneous:

In recognition of the intent and purpose of Article XII of the Zoning By-Laws which is to permit considerable flexibility in the development of individual tracts of land, in the event of: (I)

any conflict between the provisions of these PD Zoning Provisions and the Zoning By-Laws or any other by-law or regulation of the Town; or (ii) ambiguity under the PD Zoning Provisions, such conflict or ambiguity shall be resolved or construed in a manner consistent with and to permit satisfaction of the development intent described in the Concept Plan.

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