



TOWN OF BURLINGTON
Planning Department

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TO: **Town Meeting Members**
FROM: **Elizabeth Bonventure, Planning Director**
DATE: **July 10, 2024**
RE: **Rezoning 43 Middlesex Turnpike (Middlesex Commons Shopping Center)
from IR to BG**

The purpose of this memo is to provide backup information regarding rezoning the Middlesex Commons Shopping Center, where Market Basket is located (43 Middlesex Turnpike), from the Retail Industrial (IR) district into the General Business (BG) zoning district. This article came about due to the property owner's (EDENS) inability to lease space to fast order-food establishments. According to the zoning use table, fast-order food is not allowed in the IR zoning district. The other caveat is that this parcel is the ONLY parcel in town zoned IR.

Curious as to how this district was established and why it's the only parcel zoned this way, I reached out to former Planning Director Tony Fields, who is now the Planning Director in Bedford. He provided the following information in an email.

I believe the IR District was created specifically for the development of the Middlesex Mall in the mid-1970s. Some long-time residents will also refer to it as the "Caldor Mall". At the time, I think the town was afraid of having BG districts south of the highway, so the

hybrid was created to allow some retail development while still allowing for the permissible industrial uses. It was still a mall when I arrived in 1991, anchored by Caldor, with a very small Market Basket and York Steak House and Papa Gino's. Also bear in mind that the zoning bylaw definition of restaurant and fast food used to be different. Restaurant was any eating establishment with at least 50 seats, so the York and Papa Gino's inside the Middlesex Mall, plus McDonald's, Burger King, and D'Angelo's on Middlesex Turnpike were originally permitted as restaurants because they provided 50 seats. The conversion of the "mall" to Middlesex Commons occurred in the late 1990's, and that may be around the same time as we successfully pursued allowing fast food in the BG District since so many examples had bypassed the intended restrictions. We changed the definitions so the distinction was based on style of service rather than seating capacity, but we only amended the use table to allow fast food in the BG District, and not the IR district.

It is a different world today, and I think you could pursue a rezoning to BG since the site is clearly a retail destination. The elimination of possible industrial uses might be seen as a positive outcome.

During our due diligence process with the property owner, we analyzed the dimensional requirements (i.e. minimum lot size, setback requirements etc.) and found that the parcel conforms with all the requirements of the BG zoning district.