

PLANNED DEVELOPMENT DISTRICT ZONING PROVISIONS

Except as specifically provided in the following Planned Development District Zoning Provisions (hereinafter, the "PD Zoning Provisions"), the development of the Planned Development (PD) District property which lies north of Route 128 and South of Rita Avenue between Cambridge Street (Route 3A) and Fieldstone Drive with frontage on Cambridge Street) (hereinafter, the "PD Premises") in accordance with the Concept Plan approved by the Town at the January 25, 1988 Town Meeting (hereinafter with all other materials submitted therewith, the "Concept Plan"), shall be governed by the Zoning By-Laws of the Town of Burlington, Massachusetts in effect on November 16, 1987 (hereinafter, the "Zoning By-Laws").

ARTICLE I - USE REGULATIONS

The Concept Plan provides for the development of the PD Premises in three (3) Phases. The project will be a mixed use development consisting of general office, service retail, multifamily residential and accessory uses relating to each. Office space shall aggregate 500,000 square feet. Aggregate retail space shall not exceed 35,000 square feet. Retail uses shall include such business and services of a character which would provide a convenience to the residents and tenants of the PD Premises and not of a nature that would attract clients or customers from off the site. Three (3) parking facilities shall be constructed on the office/retail portion of the PD Premises containing approximately 157,950 square feet, 83,200 square feet and 186,900 square feet. Approximately 100,000 square feet of residential space shall be constructed which shall consist of attached and detached dwelling units in a grouped or "cluster" type development. Each residential dwelling shall contain a one (1) car garage of approximately 264 square feet. Eight (8) of the residential dwelling units to be constructed will be made available to the Burlington Housing Authority for low and moderate income persons.

The permitted uses at the PD Premises by category (office, retail, residential, institutional, industrial and wetlands and accessory uses relating to each) are set forth on the Use Table annexed hereto as Exhibit "A" with principal uses allocated to the above mentioned aggregate square foot limitations. Residential Uses set forth on Exhibit "A" shall be limited to the residential portion of the PD Premises and Office Uses, Institutional and Recreational Uses, Retail/Customer Service Uses and Industrial Uses shall be limited to the nonresidential portion of the PD Premises. Uses in a Wetland District shall be subject to the normal review procedures 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 licenses and approvals normally required for such use.

ARTICLE II - DENSITY AND DIMENSIONAL REQUIREMENTS

- (a) There shall be no density and dimensional requirements

applicable to the PD Premises except as provided in the Concept Plan and as summarized below:

- . Minimum Front Yard 15 feet
- . Minimum Rear Yard 15 feet
- . Minimum Yard Adjoining RO & RG & Residentially Zoned Land (abutting the PD Premises) 120 feet
- . Maximum Building and Structure Height (Building Height as defined in Section 2.13 of the Zoning By-Laws) - As set forth on the Descriptive Site Plans submitted with the Concept Plan but not to exceed 80 feet

- (b) The owner of the Premises shall have the right in its discretion to change the internal lot lines of the Premises in accordance with applicable provisions of Massachusetts law.

ARTICLE III - PARKING AND LOADING REGULATIONS

There shall be no requirement for off street parking to be within 200 feet of the lot served by such parking provided such off-street parking is located on the PD Premises.

Article IV - ADMINISTRATION AND PROCEDURES

(a) Any Special Permit required under the Zoning By-Laws with respect to the PD Premises shall be considered by the Planning Board in accordance with the procedures as set forth in Section 12.1.5 of Article XII of the Zoning By-Laws. 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 provisions of these PD Zoning Provisions shall supersede and take precedence over any requirements as to site plan review and approval under the Zoning By-Laws and shall exclusively govern the Development of the PD Premises in accordance with the Concept Plan.

(c) Any substantial change or amendment to the Concept Plan shall be effectuated in accordance with the provisions of Section 12.1.8 of the Zoning By-Laws.

ARTICLE V - MORATORIUM ON USES REQUIRING SITE PLANS AND SPECIAL PERMITS

The provisions of these PD Zoning Provisions shall supersede and take precedence over and the PD Premises shall be exempted from any

moratorium existing under the Zoning By-Laws including, without limitation, any moratorium as to site plan review, site plan waiver or special permit for a period of eight (8) years commencing on the date of the issuance of the first occupancy permit for a nonresidential building at the PD Premises.

Article VI - 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 lawful regulation of the Town; or (ii) ambiguity under these PD Zoning Provisions, such conflict or ambiguity shall be resolved or construed in favor of the Concept Plan.

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EXHIBIT "A"
USE TABLE

Section	Use Designation	Permitted at PD District (Yes - Permitted as Matter of Right SP - Special Permit Required)	Allocation to PD Premises Use Category
1.1	Residential Uses		
1.1.1	Multifamily housing such as condominiums and attached and detached units in a "cluster" type development.	Yes	Residential
1.1.2	Grouped Garden Apartment dwelling units purchased, erected and maintained by the Burlington Housing Authority for the purpose of providing subsidized housing.	Yes	Residential
1.1.3	One family dwellings purchased or erected and maintained by the Burlington Housing Authority for the purpose of providing subsidized housing.	Yes	Residential
1.2	Institutional and Recreational Uses		
1.2.1	Places primarily used for non-profit Educational Corporations, including, related museums, libraries and recreational facilities.	Yes	Office
1.2.2	Day nursery, nursery school, private kindergarten or other agency giving day care to children.	Yes	Office
1.2.3	Community centers and public recreation buildings.	Yes	Office

Section	Use Designation	Permitted at PD District (Yes - Permitted as Matter of Right SP - Special Permit Required)	Allocation to PD Premises Use Category
1.2	Institutional and Recreational Uses (Cont'd)		
1.2.4	Recreational facilities such as health and racquet clubs.	Yes	Office
1.2.5	Non-profit private clubs.	SP	Office
1.2.6	Private museums, private art galleries (excluding sales).	Yes	Office
1.2.7	Places and buildings for public assembly such as facilities for business, cultural and educational gatherings.	Yes	Office
1.3	Office Uses		
1.3.1	Professional offices such as physicians, dentists, opticians, real estate brokers, lawyers.	Yes	Office
1.3.2	Offices of salesmen; agents and representatives of manufacturing, distributing, insurance and wholesale companies without storing of goods for sale.	Yes	Office
1.3.3	Administrative, general, executive, and similar offices of the type generally found in first-class office space in the Burlington, Massachusetts - Route 128 area.	Yes	Office
1.3.4	Diagnostic medical laboratories appurtenant to offices of physicians and dentists.	Yes	Office
1.3.5	Public Offices.	Yes	Office
1.4	Retail/Customer Service Uses		
1.4.1	Automotive rental agency.	SP	Retail

Section	Use Designation	Permitted at PD District (Yes - Permitted as Matter of Right SP - Special Permit Required)	Allocation to PD Premises Use Category
1.4	Retail/Customer Service (Cont'd)		
1.4.2	Personal services business such as barbers and hairdressers.	Yes	Retail
1.4.3	Convenience food stores, drugstores, retail stores for sale of beauty and health aids, smoking supplies, periodicals; none with the sale of food intended for consumption on the premises.	Yes	Retail
1.4.4	Photo Processing.	SP	Retail
1.4.5	Drycleaning.	SP	Retail
1.4.6	Shoe repair and laundry pick-up stations.	Yes	Retail
1.4.7	Unmanned Automated Teller Facilities not to exceed a gross floor area of 240 square feet.	SP	Retail
1.4.8	Retail uses such as restaurants, cafeterias, delicatessens, lunch counters, soda, dairy or ice cream establishments primarily for the convenience of employers and residents of the premises and only in nonresidential buildings.	Yes	Retail
1.4.9	Incidental sale at retail of the same merchandise sold at wholesale.	SP	Retail
1.4.10	Acceptance from the public of electronic products and components for servicing.	SP	Retail
1.4.11	Travel Agencies.	Yes	Retail

Section	Use Designation	Permitted at PD District (Yes - Permitted as Matter of Right SP - Special Permit Required)	Allocation to PD Premises Use Category
1.5	Industrial Uses		
1.5.1	Light manufacturing, assembly, servicing or processing.	SP	Office
1.5.2(a)	Laboratories engaged in research, development, experimental and testing activities in such fields as biology, chemistry and medicine.	SP	Office
1.5.2(b)	Laboratories engaged in research, development, experimental and testing activities in such fields as electronics, engineering, geology, physics, aerospace, automotive, ceramics and general scientific.	Yes	Office
1.5.3	Warehousing (except toxic and hazardous materials and salts) including the receiving, storing, shipping and selling of (other than retail) products, materials and merchandise arising out of permitted uses or which are incidental to such permitted uses.	SP	Office
1.5.4	Electronics Industries such as computer related industries and (i) the display and demonstration (including training) of electronic products and components; (ii) the servicing of electronic products and components; and (iii) the ancillary storage of electronic products and components.	Yes	Office

Section	Use Designation	Permitted at PD District (Yes - Permitted as Matter of Right SP - Special Permit Required)	Allocation to PD Premises Use Category
1.6	Wetlands District		
1.6.1	Creation of a pond or pool or other changes in water courses for swimming, fishing or other recreational uses, agricultural uses, scenic features, drainage improvements.	SP	Not Applicable
1.6.2	Structures for essential services which structure shall include roads and ways.	SP	"
1.6.3	Dredging expressly for mosquito or flood control by an authorized public agency.	SP	"
1.6.4	Periodic maintenance of existing water courses and maintenance for essential services.	SP	"
1.6.5	Temporary, not to exceed three months, storage of materials (excluding fill materials and hazardous and toxic materials) or equipment.	SP	"
1.6.6	Outdoor noncommercial recreation not specifically permitted by right in 4.7.10, below, including public parks, nonpaved playfields, tennis, paddle tennis and similar activities.	SP	"
1.6.7	Discharges from manmade structures into the wetlands.	SP	"
1.6.8	Structures for radio or television transmission by participants in emergency broadcast system.	SP	"
1.6.9	Conservation of soil, water plants, and wildlife including wildlife management shelters.	Yes	"

Section	Use Designation	Permitted at PD District (Yes - Permitted as Matter of Right SP - Special Permit Required)	Allocation to PD Premises Use Category
1.6	Wetlands District (Cont'd)		
1.6.10	Outdoor noncommercial recreation limited to nature study areas, walkways, boating, ice skating or fishing where otherwise legally permitted.	Yes	Not Applicable
1.6.11	Maintenance or repair of existing structures, roadways and utilities.	Yes	"
1.7	Accessory Uses	Permitted at PD District (Yes- Permitted as Matter of Right-SP Special Permit Required)	Accessory Uses shall not be allocated to the square footage limitations unless specifically provided
1.7.1	Towers and antennas for generation or transmission of telecommunication signals other than radio and television transmitting sites.	SP	
1.7.2	Antennas, other than satellite dish antennas, for the purpose of private reception of telecommunication signals, which antennas do not exceed 12 feet in height above the ground or 12 feet above the roof of a building on which they are mounted.	Yes	

		Permitted at PD District (Yes- Permitted as Matter of Right-SP Special Permit Required)	Accessory Uses shall not be allocated to the square footage limitations unless specifically provided
1.7	Accessory Uses (Cont'd)		
1.7.3	Towers, windmills and similar structures that do not exceed 12 feet in height measured from the ground.	Yes	
1.7.4	Towers, windmills and similar structures that exceed 12 feet feet in height measured from the ground.	SP	
1.7.5	Satellite disk antennas that are 8 feet or less across at their their greatest width <u>and</u> which do not exceed 12 feet in height above the ground or above the roof of a building on which they are mounted or which are at least 120 feet away from property that is zoned RO-One Family Dwelling.	Yes	
1.7.6	Satellite disk antennas that are greater than 8 feet across at their greatest width or which exceed 12 feet in height above the ground or the roof of a building on which they are mounted <u>or</u> which are located on or within 120 feet of property zoned RO-One Family Dwelling.	SP	

		Permitted at PD District (Yes- Permitted as Matter of Right-SP Special Permit Required)	Accessory Uses shall not be allocated to the square footage limitations unless specifically provided
1.7	Accessory Uses (Cont'd)		
1.7.7	Garage space and/or structures for parking of not more than one automobile (residential zone) as set forth on Concept Plan.	Yes	
1.7.8	Outdoor parking of not more than one unregistered motor vehicle, trailer or one boat per residential dwelling unit.	Yes	
1.7.9	Swimming Pool as shown on Concept Plan.	Yes	
1.7.10	Swimming Pool not shown on Concept Plan.	SP	
1.7.11	Attached greenhouses with a ground area of 100 square feet or less, not intended and not used for commercial purposes.	Yes	
1.7.12	Outdoor tennis courts shown on the Concept Plan.	Yes	
1.7.13	Outdoor tennis courts <u>not</u> shown on the Concept Plan.	SP	

		Permitted at PD District (Yes- Permitted as Matter of Right-SP Special Permit Required)	Accessory Uses shall not be allocated to the square footage limitations unless specifically provided
1.7	Accessory Uses (Cont'd)		
1.7.14	During construction of improve- ments at the premises off-street outdoor storage of supplies and materials and overnight parking of freight carrying or materials handling vehicles and equipment.	SP	
1.7.15	Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground only as provided in the Concept Plan.	Yes	
1.7.16	Parking area for more than 200 spaces as shown on Concept Plan.	Yes	
1.7.17	Parking area for more than 200 spaces <u>not</u> shown on Concept Plan.	SP	
1.7.18	The use of roads in the PD Premises for any purposes that roads and ways in the Town of Burlington are used except as provided in 1.7.19, below.	Yes	

		Permitted at PD District (Yes- Permitted as Matter of Right-SP Special Permit Required)	Accessory Uses shall not be allocated to the square footage limitations unless specifically provided
1.7	Accessory Uses (Cont'd)		
1.7.19	The uses of roads in the PD Premises to access nonresidential property adjoining the PD Premises.	SP	
1.7.20	Off-street outdoor overnight parking of freight carrying or material handling vehicles and equipment or buses.	SP	
1.7.21	Storage and disposal of oils and fuels/petroleum products including storage for on-site heating purposes.	SP	
1.7.22	Accessory uses in wetland limited to fences, flagpoles, non- commercial signs and docks.	Yes	

Water Resource District

Subject to the provisions of Section 8.3.0 of the Zoning By-Laws, the foregoing uses shall be permitted as a matter of right or with a Special Permit in a Water Resource District as set forth in the above Table of Uses except (i) Special Permits shall be required for the uses described in Sections: 1.3.4, 1.4.2, 1.5.2(b), 1.5.4 and 1.7.16; and (ii) the use described in 1.4.4 shall not be permitted.

Acquifer District

Subject to the provisions of Section 8.3.0 of the Zoning By-Laws, the foregoing uses shall be permitted as a matter of right or with a Special Permit in an Aquifer District as set forth in the above Table of Uses except (i) a Special Permit shall be required for the uses described in Sections 1.5.4 and 1.7.16; and (ii) the uses described in Sections 1.4.2, 1.4.4, 1.4.5, 1.5.2(a), 1.5.2(b), 1.6.1 and 1.7.21 shall not be permitted.

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