

15 Wall Street - PDD Rezoning and PDD Bylaw Amendment Summary

PDD Rezoning Petition

- Rezone 15 Wall Street from General Business (BG) and General Industrial (IG) Districts to the Wall Street Planned Development (PD) District

Zoning Provision Amendments

- Introductory Paragraph: Update Development/Concept Plan reference to reflect newly defined Area C to include 15 Wall Street; Update Town Meeting Action Date to reflect text amendment date (9/25/17); and Update total acreage within PD Area (addition of 15 Wall Street)
- Article I: Update existing language to reference Area C allowing all structures and uses in existence as of the effective date in the PDD rezoning to be continued to be used and operated. Correct typo related to Area D.
- Article II: Amend maximum FAR allowed for Area C from .30 to .25. (.25 was maximum FAR originally allowed in Area C.)
- Article VI: Update Development/Concept Plan reference to reflect newly defined Area C (including 15 Wall Street)
- No changes proposed to existing dimensional limitations. All existing Area C dimensional requirements will apply to 15 Wall Street.

Exhibit "A" Use Table Amendments

- Each page to include page number and notation of original Town Meeting Approval on 5/16/01 and proposed revision date of 9/25/17.
- No new uses added to the Use Table. Certain uses currently permitted in Area C as of right are to be allowed by Special Permit only if pursued for 15 Wall Street/"Donahue" property. These changes were made at the request of the Planning Board and agreed to by the applicant. Minor text modification to section 1.5.2 are proposed (see underlined text for new language).
 - Section 1.5.1 "Motor Vehicle Repair Shops including, without limitation, establishments engaged in providing towing service and the servicing of motor vehicles"
 - Section 1.5.2 Places for (i) the sale of motor vehicles (limited to trucks only); and (ii) the sale of motor vehicle parts and accessories.
 - Section 1.5.3 "New and used truck sales"
 - Section 1.5.4 "Indoor and outdoor storage (parking) of motor vehicles"
 - Section 1.7.7 "Maintenance shops/garages, power plants, machine shops and similar structures to support permitted uses"

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- Section 1.7.15 "A machine shop and body shop and the installation of tires and other motor vehicle parts and accessories if related to the operation of a Motor Vehicle Repair Shop"
- Section 1.7.21 "Towers and antennas for generation or transmission of telecommunications signals other than radio and television transmitting sites."
- Section 1.7.22 "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"
- Section 1.7.23 "Towers, windmills and similar structures that exceed 12 feet in height measured from the ground"
- Section 1.7.24 "Satellite dish antennas that are 8 feet or less across at their greatest width and which do not exceed 12 feet in height above the ground or above the roof of a building on which they are mounted"
- Section 1.7.25 "Satellite dish antennas that are greater than 8 feet across at their greatest width and which do not exceed 12 feet in height above the ground or above the roof of a building on which they are mounted"
- New Footnote: **** Provided that if this use is extended into the portion of Area C added to the PDD by the September 25, 2017 Town Meeting (the "Donahue" property as shown on the Plan Entitled Proposed Modification of Wall Street PDD, Dated August 23, 2017 prepared by Howard Stein Hudson and constituting the "Development Plans"), this use in the added area shall be permitted only by Special Permit "SP".

Special Conditions Amendments

- Introductory Paragraph - Update Development/Concept Plan reference to reflect newly defined Area C to include 15 Wall Street
- Section II.(a) – Developer’s Responsibilities/Area C
 - (1) Developer’s Responsibilities/Area C. At such time as the Developer of Area C undertakes a redevelopment proposal of the newly defined Area C (as approved by September 2017 Town Meeting) which necessitates the issuance of a PD Special Permit/Site Development and Use Plan, the Developer shall integrate into any site plan design an enhanced landscaped area along the frontage of 15 Wall Street. The proposed landscape design shall enhance the existing landscaping bed.

WALL STREET

PLANNED DEVELOPMENT DISTRICT

MAY 16, 2001 (Original Approval)
September 25, 2017 (Amendment/15 Wall Street)

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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 ~~32.7~~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”).

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 BC 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.)

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).

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

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.

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.

- (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.

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

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