

December 21, 2017

**VIA HAND DELIVERY**

Kristin Kassner  
Planning Board  
Town of Burlington  
Town Hall Annex  
25 Center Street  
Burlington, Massachusetts 01803

Re: Northeastern University – 145 South Bedford Street Campus  
Graduate Institute for Teaching and Research  
Application for Exempt Educational Use - Zoning Bylaw Articles 4, 5 and 9  
M.G.L. c. 40A, § 3, para. 2

Dear Kristin:

Please note that the undersigned and this firm represent Northeastern University, a nonprofit educational corporation duly organized under Massachusetts law and operated as a public charity pursuant to state and federal taxation law (hereinafter, the “University”). As part of its educational mission, the University is proposing to construct and operate a graduate teaching and innovation facility (hereinafter, the “Project”) on its property located at 145 South Bedford Street (hereinafter, the “University Land”).

As you may be aware, the University and University Land are entitled to the liberal protections of M.G.L. c. 40A, § 3, para. 2 (hereinafter, “Section 3”) afforded to land and structures used for religious or educational purposes. Under Section 3, a number of provisions of the Burlington Zoning Bylaws, Amended through September 2017 (hereinafter, the “Bylaw Regulations”), purporting to regulate the Institute, may not be applied and/or relevant to the Institute or to the University Land. Accordingly, we submit this abbreviated application pursuant to Section 3 and Burlington Zoning Bylaws, Amended through September 2017, Section 4.2.2.2, Section 5.1.4 and Section 9.3.0 – 9.3.6.

In that connection also enclosed herewith are twelve (12) copies of the following materials:

1. Executed Site Plan Application Form;
2. Check made payable in the amount of \$8,000 for the requisite filing fee;
3. Certified Abutter’s List and mailing labels; and,
4. Institute Site Plan.

For ease of review, those Bylaw Regulations that are consistent with Section 3 and so applicable to the Institute are shown on the Zoning Summary Table 1 - Dimensional Requirements appearing on the Cover Sheet of the Site Plan set. Reference to the Dimensional Tables demonstrates that the proposed building fully complies with all the permissible Bylaw Regulations.

Under Section 3 the parking associated with the Institute is subject to "reasonable regulation." The cases have determined that a regulation is reasonable under Section 3 if the regulation achieves an "accommodation between the protected use . . . and matters of critical municipal concern."

Based on the unique, leading-edge educational mission of the Institute, the Bylaw provision addressing parking requirements for educational uses, Section 7.2.4.5, does not accurately reflect the needs of the Institute. In advance of the public hearing we intend to provide a parking analysis with supporting documentation which will set forth the required parking to support the educational purpose of the Project and the existing educational use on the University Land. In addition, under separate cover we will provide a stormwater analysis and traffic memorandum.

We look forward to appearing before the Board at the next available hearing which we understand to be February 1, 2018.

Very truly yours,

Robert C. Buckley

RCB/mmc  
Enclosures  
45200/1

cc: John Petrin, Town Administrator (w/out enclosures)  
John J. Clancy, Inspector of Buildings (w/enclosures)  
Kathy Spiegelman, Northeastern University (w/enclosures)  
William Maher, Nitsch Engineering Inc. (w/out enclosures)  
Alfredo DiMauro, Jr., Pinck & Co. (w/enclosures)  
Melissa Cushing, Riemer & Braunstein LLP (w/enclosures)

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