
SECTION 12.1.4.2.C.
PLANNED DEVELOPMENT DISTRICT ZONING PROVISIONS
NETWORK DRIVE

Except as specifically provided in the following Planned Development District Zoning Provisions (hereinafter, the “PDD Zoning Provisions”), the development of the Planned Development District (the “PDD District”) bounded by Route 3 and Middlesex Turnpike and Bedford Street (Route 62) with frontage on Bedford Street and Middlesex Turnpike (hereinafter, the “PD Premises”) in accordance with the Concept Plan (of which these PD Zoning Provisions are a part) approved at the Burlington Town Meeting (hereinafter, these PD 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”), shall be governed by the Zoning By-Laws of the Town of Burlington, Massachusetts in effect on March 13, 1997 (hereinafter, the “Applicable Zoning By-Laws”).

Article I - Use Regulations:

The PD Premises consists of approximately 140.61 acres. An additional 17.1 acres, consisting primarily of bordering vegetated wetlands, are located in the Town of Bedford (hereinafter, the PD Premises and the property located in Bedford are collectively referred to as, the "Property"). The Concept Plan provides for a mixed use development of the PD Premises as shown on the plan entitled “PD District Rezoning - Application for Mixed Use Development Kent Road - Burlington, Massachusetts” dated March 13, 1997 revised to May 2, 1997 as prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, Watertown, Massachusetts (hereinafter, the “Plan”), as said Plan may be supplemented, altered or amended by the plan entitled “Revised Building Envelope Network Drive at Northwest Park”, dated March 21, 2008 prepared by Vanasse Hangen Brustlin, Inc. (as approved by the May 12, 2008 Town Meeting). In

no event shall development on the entire PD Premises exceed 1,300,000 square feet of Net¹ Floor Area.

Notwithstanding anything identified on the Concept Plan, it shall not be deemed a material or significant change in the Concept Plan if the Developer elects to combine existing or proposed buildings into one building (subject to the dimensional limitations set forth herein) provided, however, that all development on any such parcel occurs within the confines of the so-called "building envelope" as shown on the Plan entitled "Revised Building Envelope Network Drive at Northwest Park", dated March 21, 2008, prepared by Vanasse Hangen ~~Brustlin~~Brustlin, Inc., and as approved by the Planning Board of the Town in connection with the issuance of a PD Special Permit and approval of the Site Development and Use Plan for each building as provided under and in accordance with the procedures of 12.1.5 of the Zoning By-Laws.

The Concept Plan also provides Open Space to be allocated amongst Parcels as shown on the Plan.

The permitted uses at the PD Premises by category ("Office", "Institutional and Recreational" "Retail", "Residential", "Commercial", "Uses in a Wetlands District" and "Accessory Uses" relating to each principal use category) are set forth on the Use Table annexed hereto as Exhibit "A", dated March 2008 and incorporated herein by reference. Uses in a Wetland District shall be subject to the normal jurisdictional review and approval (if applicable) 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. No so-called "warehouse superstores" or "box retailers" shall be permitted within the PD Premises or any part thereof.

¹ Square foot measurements for purposes of all permitted uses shall be calculated on the basis of "net leaseable square feet" which is the space leased by tenant(s) exclusive of common areas, hallways, building foyers, areas devoted to heating, air conditioning, elevators, and other utility areas.

For the purposes of the PD Premises, a “lot” shall be defined as a parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose permitted under the Concept Plan, in one (1) ownership or condominium form of ownership, and which may be divided by a public or private street. Contiguous parcels may be combined to form a single lot.

On Parcel 1, any single user of a permitted use under Section 1.4 (Retail Uses) as set forth in the Use Table annexed hereto as Exhibit A, shall not occupy more than 7,000 Net Square Feet and the aggregate of space occupied by all permitted retail uses under Section 1.4 shall not exceed 55,000 Net Square Feet. The foregoing limitation shall not apply to any cafeteria permitted in the Use Table.

Notwithstanding anything to the contrary contained herein or in the Use Table, that portion of PD Premises shown as the “Residential Development Parcel” on Exhibit B annexed hereto (the “Residential Development Parcel”) shall permit the development of nine (9) residential dwelling units in a cluster scheme (2 or more connected units) with accessory uses such as, but not limited to, residential parking garages (attached or detached), a temporary sales office and such other accessory uses customary to such principal use. In addition, the development of the Residential Development Parcel shall be excluded from the 1,300,000 square feet of Net Floor Area restriction governing development of the PD Premises.

Article II - Density and Dimensional Requirements:

(a) There shall be no density and dimensional requirements applicable to the PD Premises except as summarized below:

- Minimum Frontage..... 20.0 feet
- Minimum Front Yard..... 20.0 feet

- Minimum Rear Yard 10.0 feet²
- Minimum Side Yard 10.0 feet¹
- Maximum Building and Structure Height (Building Height as defined in Section 2.13 of the Zoning By-Laws) 85.0 feet
- Maximum Building and Structure Height (Residential Development Parcel)..... 40 feet/3 stories
- Maximum Floor Area Ratio ³ 0.25
- Maximum Number of Stories 6
- Maximum Number of Stories (Residential Development Parcel)..... 3
- Minimum Spacing Between Buildings..... 20.0 feet^{1,2}
- Maximum Impervious Surface Ratio ⁴ Not to Exceed 60.0%

(Except as specifically provided to the contrary herein, the foregoing shall be calculated in accordance with the provisions of the Applicable Zoning By-Laws.)

(b) The owner of the PD Premises shall have the right in its discretion from time to time to change the internal lot lines of the PD Premises in accordance with applicable provisions of the laws of the Commonwealth of Massachusetts.

² Unless any building's 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 Building Inspector in which event the minimum side yard and rear yard shall be 0 feet.

³ For purposes of the Property, the term "Floor Area Ratio" shall mean the ratio of Floor Area, Gross (as defined in the Zoning By-Laws) of all buildings on the Property to the total land area of the Property and not on a lot by lot or parcel by parcel basis. Floor Area Ratio shall not apply to the Residential Development Parcel. ¹

⁴ The Maximum Impervious Surface Ratio as shown on the Plan and all other dimensional ~~ratios~~ratios under the Zoning By-Laws to the extent applicable shall be calculated based upon the Property as a whole and not on a lot by lot or parcel by parcel basis. ¹

Article III - Parking and Land Regulations:

The maximum parking requirements applicable to the various use categories permitted at the PD Premises shall be as follows. Any use not identified below shall be regulated by the Zoning By-Law relative to parking requirements:

- 4.0 spaces per 1,000 square feet of gross floor area of office use;
- 6.0 spaces for each 1,000 square feet of retail use located on Parcel 2;
- 5.5 spaces for each 1,000 square feet of retail use located on Parcel 1;
- 1.0 space per each keyed hotel room;
- 1.0 space per each 2.5 seats of restaurant use; ~~and~~
- 1.0 space per each 3.0 seats of general assembly/conference space; ~~and~~
- 2.0 spaces per residential dwelling unit (plus visitor parking spaces) located on the Residential Development Parcel.

Typical parking space dimensions shall be as follows:

- Typical parking space -- 9' x 18'
- Compact parking space -- 8' x 15'
- Handicap Accessible Spaces -- 13' x 18', including 5' access aisle
- Handicap Van Accessible Spaces -- 16' x 18', including an 8' access aisle

Upon application of the owner or operator of the PD Premises or any portion thereof to the Planning Board and in accordance with the issuance of a Special Permit by the Planning Board in accordance with the procedures of Section 7.4.0 of the Zoning By-Laws, the Planning Board, in its discretion and subject to such conditions as the Planning Board may impose, shall be permitted to increase the maximum parking ratios aforementioned in Article III 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.

Article IV - Administration and Procedures:

(a) As provided in Article 12.1.5 of the Zoning By-Laws, development of any of the improvements at the PD Premises is subject to the issuance of a PD Special Permit in each instance. Any Special Permit required under the Applicable Zoning By-Laws or PDD Zoning Provisions 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 Applicable Zoning By-Laws shall be deemed to constitute compliance with the provisions of Article XII of the Applicable 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 Applicable Zoning By-Laws and shall exclusively govern the development of the PD Premises in accordance with the Concept Plan. Any non-substantial modification (as determined by the Planning Board) of any Site Development and Use Plan approved for the PD Premises by the Planning Board in accordance with Section 12.1.5 of the Zoning By-Laws shall be governed by the procedures for minor engineering changes and modifications of site plans as set forth in the Site Plan Rules and Regulations of the Town as then in effect.

(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 Applicable Zoning By-Laws.

Article V - Signage:

For purposes of signage, the PD Premises shall be governed by and subject to the following signage requirements and limitations:

- (a) General Administration. All signage permits and applications shall comply with Article XIV Environment, Section 3.2 “Administration” of the General Bylaw of the Town (as the same may be amended from time to time).
- (b) Special Sign Permit. The Zoning Board of Appeals may vary the dimensions of these sign provisions in specific cases which appear to them not to have been contemplated by these PDD Zoning Provisions and in cases where enforcement of the PDD Zoning Provisions would involve practical difficulties or unnecessary hardship, if in each instance desirable relief may be granted without substantially derogating from the intent and purpose of this section of the PDD Zoning Provisions but not otherwise. Any decision to vary the provisions of this section of the PDD Zoning Provisions shall be pursuant to a Special Sign Permit decision issued by the Zoning Board of Appeals after a properly noticed public hearing and shall specify any sign alteration allowed and the reasons therefore. Each decision of the Zoning Board of Appeals shall be filed with the Office of the Town Clerk within fourteen (14) days after the hearing and a copy of the decision shall be sent by mail or delivered to the applicant and any other persons appearing at the hearing or so requested in writing.
- (c) Temporary Signage. Temporary Signage shall be permitted pursuant to Section 6.7.3.6.2 of the Zoning Bylaw (as the same may be amended from time to time) or the temporary signage permitted within the underlying zoning designation of the PD Premises existing immediately prior to the adoption of these PDD Zoning Provisions.
- (d) Route 3 Sign Corridor. The Route 3 Corridor is designated as any area or building in the PD Premises with Parcel 1 as delineated on the plan entitled “Network Drive at Northwest Park, Signage Corridor”, dated April 15, 2008, prepared by Vanasse Hangen Brustlin, Inc.

- (e) Allowed Signage. All allowed signage within the PD Premises shall be as defined pursuant to Section 3.1 of the General Bylaw, except as otherwise noted below. All existing signage within the PD Premises shall continue to be permitted until such signage is deemed to be abandoned as determined by the Inspector of Buildings.
- i. Wall Signs - Any sign attached to, erected against, or painted onto a wall or a building with the exposed face of the sign in a plane parallel to said wall. A Wall Sign shall not exceed four (4) feet in height and six (6) feet in length at the first floor. At any floor above the first floor Wall Signs shall not exceed six (6) feet in height by ten (10) feet in length. Wall Signs within the Route 3 Sign Corridor shall not exceed six (6) feet in height by ten (10) feet in length.
 - ii. Sign Band - In multiple storefront buildings, including retail uses, signs of similar size, proportion and materials shall be used for each store, defined within a sign band. The sign band is defined vertically as the space between the first floor transom and the upper floor windowsill or first floor eave or cornice. The length of the sign band shall be equal to or less than the length of the tenant space. The lettering used within the sign band shall not exceed two (2) feet in height.
 - iii. Projecting Signs - Any sign suspended from or supported by a building or structure and projecting out at any angle to the plane of the wall or structure. Projecting signs shall not project more than six (6) feet from the face of the building. The sign shall be seven (7) feet or more above the ground. The top of the sign shall be located below the upper floor windowsill or first floor eave or cornice, or the eave or cornice of the uppermost floor occupied by the tenant. Projecting signs shall be spaced

apart by at least a distance equal to the floor-to-floor height of the building floor they are located at.

- iv. Window Signs - Any sign, picture, symbol, or combination thereof, designed to communicate information about a business or tenant that is placed inside a window or upon the window, so as to be visible from the outside. The lettering on first floor windows should cover no more than ten percent (10%) of the glass area. The lettering and graphics on the second floor windows should cover no more than thirty percent (30%) of the glass area. Any increase in coverage of lettering on the first and second floors shall require the issuance of a Special Sign Permit from the Board of Appeals.
- v. Awning Signs - Any sign located on the front or side of an awning. Awnings shall not project more than ten (10) feet from the face of the building. The bottom of the awning shall be seven (7) feet or more above the ground and the top of the awning shall be located below the upper floor windowsill or first floor eave or cornice. The length of the awning shall be equal to or less than the length of the tenant space.
- vi. Marquee Signs - Any sign attached to, in any manner, or made a part of a marquee. A marquee is defined as any permanent roof-like structure projecting beyond the face of the building. Marquees shall not project more than ten (10) feet from the face of the building. The bottom of the marquee shall be seven (7) feet or more above the ground. The top of the marquee sign shall be located below the upper floor windowsill or first floor eave or cornice. The length of the marquee shall be equal to or less than the length of the tenant space. The lettering used shall not exceed two (2) feet in height.

- vii. Business Directory - A Business Directory shall be either mounted on the face of a building or permanently affixed to the ground through the means of a stonewall, foundation or other decorative device and shall consist of more than 1 tenant or user located within said building or group of buildings. Each business or tenant listed on the Business Directory sign shall not exceed ten (10) square feet in sign area per side/face of sign. Further, no freestanding business directory shall be permitted within ten (10) feet of a public or private way and shall not be permitted to impede vehicle sight distance.

- viii. Freestanding Signs - Freestanding Signs shall be permanently affixed to the ground through the means of a stone wall, foundation or other decorative device. The total square footage of the Freestanding Sign shall not exceed thirty square feet per side. This maximum sign area shall not include the sign foundation or other decorative or architectural feature. Further, no Freestanding Sign shall be permitted within ten (10) feet of a public or private way nor shall be permitted to impede vehicle sight distance. Any sign foundation shall not exceed six (6) feet in height unless a Sign Special Permit is issued by the Board of Appeals.

- ix. Route 3 Signage - Route 3 Signage shall be permitted on the face of any structure within the Route 3 Sign Corridor subject to the following limitations: The height of the signage shall be: (i) at the first floor, limited to a maximum of six (6) feet or less in height and the length shall not exceed 1/4th of the face of the building upon which the sign is attached; and (ii) if located above the first floor be limited to eight (8) feet or less in height and the length shall not exceed 1/3rd of the face of the building upon which the sign is attached. Any sign exceeding the aforementioned dimensional limitations shall require a Special Sign Permit issued by the

Board of Appeals. The specific face of said structure designated for sign installation shall be fifty percent (50.0%) or more visible from Route 3 at a point perpendicular to the center of the building. Qualification for Route 3 Signage shall be determined by the Building Inspector.

- x. Street Banners - Street Banners advertising public entertainment or advertising a charitable, religious, municipal or educational event may be displayed in locations designated by the Building Inspector (which shall be, at a minimum of thirty (30) feet between banners) for a period of time not to exceed fourteen (14) consecutive days, the first of which shall occur not more than thirteen (13) days prior to such entertainment or event. All Street Banners shall be removed within twenty-four (24) hours after such entertainment or event. The Developer shall obtain approval from the Building Inspector to designate the location for the installation of said Street Banners.
- xi. Directional and Traffic Safety Signs - Signs indicating “Entrance”, “Exit”, “Parking”, street names or similar traffic directional information as well as their location shall be approved by the Building Inspector in consultation with the Police Department, as applicable.
- xii. Gateway Signage - The Developer shall be permitted to construct and maintain signage along Network Drive which is intended to identify the project to be developed at the PD Premises as well as individual tenants identities, which signage shall: (i) be limited to the major access roadways to the PD Premises; (ii) may be attached to structures or free standing; and (iii) each identified entity shall be limited to five (5) feet in height per side of said sign. The location of such signage structure(s) shall be setback ten (10’) feet from any public way.

- (f) Maximum Number of Signs. (a) Each individual tenant or user shall not be permitted more than three signs advertising said individual tenant. (b) With respect to any building containing more than one tenant/user located within the Route 3 Corridor, up to three signs attached to any building side (either Wall Signs or Route 3 Signs or combination thereof) shall be permitted in compliance with applicable dimensional requirements.
- (g) Signage Lighting – All signage lighting shall be in compliance with the provisions of the General By-Laws of the Town.

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 ambiguity between the provisions of these PD Zoning Provisions and the Applicable 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 full development intent described in the Concept Plan. These Zoning Provisions supersede and replace the Zoning Provisions adopted at the May ~~1997~~12, 2008 Town Meeting.

Article VII - Kendall Road Easement:

In the event that the Town develops Kendall Road to access the Town's property on the southwest side of Route 3, upon the request of the Town, the Developer shall provide the Town with a right of way easement over the portion of the PD Premises which abuts Kendall Road of sufficient width to permit vehicular traffic over Kendall Road provided that (1) in the event of such easement the land of the Developer encumbered by such easement shall be continued to be counted as area attributable to the PD Premises for any zoning area and compliance calculations;

and (2) such easement layout shall not adversely impact the use and development of the PD Premises by the Developer.

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