



April 15, 2022

Burlington Town Meeting

**Re: Network Drive PDD / Planning for Future Growth  
Warrant Article Backup – Article # 37**

Dear Town Meeting Members:

It has been 15 years since we acquired our Network Drive @ Northwest Park campus from Sun Microsystems and began an evolution of the asset to a multi-tenant high-tech park. Since that time the campus has emerged as one of the leading commercial assets in the Town and region, commanding market-leading rents, and generating approximately \$5,600,000 in annual tax revenue for Burlington (2021). In addition, the success of this campus has attracted other first-class users to the Town further expanding the tax base.

The amenity package we have developed there resembles a college campus and captures most hearts and minds of technology tenants in the market. Lately, life science demand has soared as companies have run out of available space in Cambridge. Increasingly they migrate west to Rt 128, and North to Burlington.

The Burlington Planning Board recently approved special permits for The Broad Institute of MIT and Harvard and for Vericel Corporation to relocate from Cambridge to a now under-construction building at Network Drive. Taken together, these two tenants represent almost 300,000 SF of new life science facilities. As lab tenants tend to “cluster” together these users have heightened the interest in Burlington as a viable life science location.

Unfortunately, available space at the campus is now limited, and we find ourselves turning away tenants due to the square footage cap in our current zoning.

We are therefore coming before May Town Meeting to ask if the body might consider allowing Nordblom to construct additional buildings on the site. In making this request, we would offer the following thoughts:

- Comparable Class A sites in competing communities as well as other segments of the Burlington commercial corridor allow significantly more density. We feel that this 100+ acre site can readily, and efficiently, support more space.
- This would allow us to design, permit, and market 3-4 new buildings of approximately 125-150K SF each, supported by nearby structured garages.

Please see attached conceptual site plan. Final placement will be reviewed with the Planning Board through the normal site plan process.

- At the current \$5-6/SF in real estate taxes, each new building would represent approximately \$900,000 in annual Town revenue. This figure is likely conservative as life science buildings are typically assessed at a higher rate than office buildings.
- Proposed new buildings would be located within the existing “ring road” on existing parking lots located on Parcel 1 – without the loss of surrounding greenspace. A conceptual layout is attached to this letter.
- The original master-planned stormwater system will remain in place and be maintained. This master system of pipes and swales was in many ways ahead of its time when constructed in the late 1990s. The system has recently been studied by our engineers, and it is performing well. Its ‘open air’ design allows stormwater to be treated in grassy swales which are easily maintained.
- The original master-planned utilities will remain in place and be maintained. Sufficient gas, electric, and other utilities are in-place to support additional construction. Nordblom is currently working with Eversource to fund off-site upgrades which will allow more power to flow to the campus over existing, redundant, underground lines. The Town’s recent move towards MWRA water service has been of enormous marketing value in leasing to life-science and other high-tech tenants.
- Network Drive is the “right place” in Town to allow additional office/lab product. The site is a self-contained campus and removed from residential areas in Town. Traffic studies have demonstrated that most trips to the campus are via Rt 3 / Rt 62. Middlesex Turnpike has recently been upgraded with an ‘adaptive’ signal system, and traffic flows well through this commercial corridor. The site is also served via an express MBTA bus to the Alewife Red Line station.
- Sustainability - Network Drive is a LEED Gold Certified campus with a number of energy-saving systems and operations in place that are geared towards efficiency and promoting conservation. The campus is a recognized leader in environmental efficiency:
  - ✓ Each building is “Energy Star” certified,
  - ✓ The entire campus is certified as “Fitwell” (Two Star),
  - ✓ The campus should soon be “WELL” health & safety rated (application submitted, approval pending).

In order to simplify zoning compliance, and with the support of Town staff, we are proposing moving from the current Net measurement of square footage to a Gross



model. We have also requested a minor change to integrate use definitions consistent with the current Zoning Bylaws.

In summary, we would like to expand development opportunities at the campus to continue to capture expanding life science and other commercial demand and bolster the Burlington tax base - in a location that is well-suited for additional development.

Recently, we received support from the Planning Board, Land Use Committee, and Zoning Bylaw Review Committee in advancing this Zoning Amendment to Town Meeting. We look forward to seeing you at Town Meeting and ask for your support of this warrant article.

Nordblom has worked closely with the Town for more than 60 years. You know who we are, what we stand for, and we look forward to continuing this partnership going forward.

As always, should you have any questions, please feel free to reach out to me at [tfremont-smith@nordblom.com](mailto:tfremont-smith@nordblom.com).

With respect,

A handwritten signature in black ink, appearing to read "Todd Fremont-Smith".

Todd Fremont-Smith  
Senior Vice President

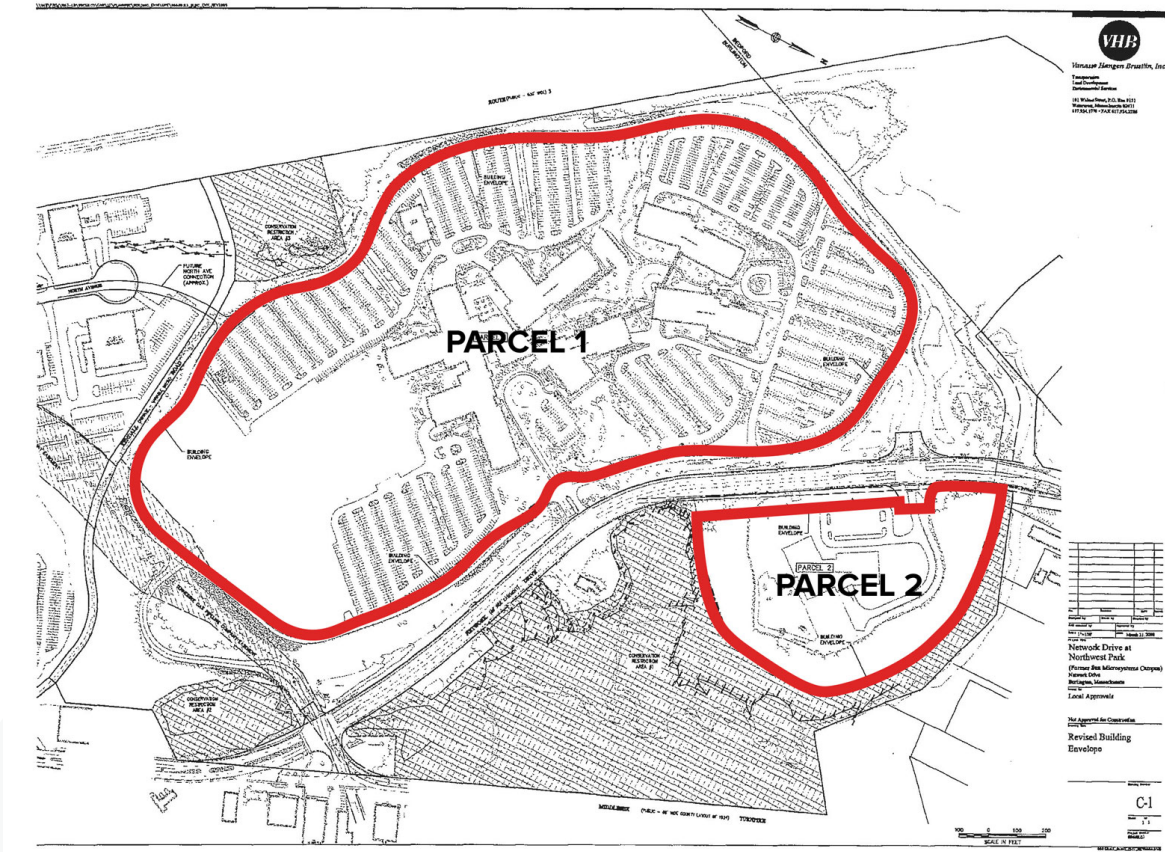


Network Drive Parcel 1: 'Room for Growth'



NETWORK DRIVE | MASTERPLAN - POTENTIAL LAYOUT





Full PDD Bylaw language

(The Warrant Article includes only the language proposed to be amended)

SECTION 12.1.4.2.C.

PLANNED DEVELOPMENT DISTRICT ZONING PROVISIONS  
NETWORK DRIVE

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

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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)~~.



and as further amended by the May 10, 2021 Town Meeting. The layout of the building envelope identified on the Concept Plan has been restated on the plan entitled “Network Drive Planned Development District Burlington, Massachusetts” dated March 14, 2022, prepared by BSC Group. In no event shall development on the entire PD Premises exceed ~~1,300,000~~2,150,000 square feet of ~~Net~~<sup>+</sup>Gross Floor Area. In no event shall there be more than 1,950,000 Square Feet of Gross Floor Area of development within the area identified as Parcel 1 on the Concept Plan.

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, 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~~May 2022 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

<sup>+</sup>~~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.~~

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.

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 ~~NetGross~~ Square Feet and the aggregate of space occupied by all ~~permitted~~ retail uses ~~under Section 1.4~~ shall not exceed 55,000 ~~NetGross~~ 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 up to 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 along with any parking garage shall be excluded from the ~~1,300,000~~2,150,000 square feet of ~~NetGross~~ Floor Area restriction governing development of the PD Premises (The Gross Floor Area calculation shall exclude any floor area constructed on the Residential Area as shown on the Concept Plan).

## **Article II – Definitions:**

The uses permitted on the PD Premises shall be defined as provided in the Zoning Bylaws unless otherwise noted below:

**Laboratory:** A designated area within a building equipped to conduct scientific experiments, tests, investigations, research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of biology, life science, chemistry, electronics, engineering, geology, medicine and physics.

**Life Science:** Research, development and prototype manufacturing utilizing: i) microorganisms or biological substances in the fields of “Life Science”, biotechnology, medical, pharmaceutical, environmental science, immunology, microbiology, virology, toxicology, rDNA, comparative medicine, genome research, cell biology; and (ii) apparatus, machines and devices for research, development, pharmaceuticals, biomedical technologies, life systems technologies, environmental and biomedical devices manufacturing and advance and practical application in any such field or areas. Life Science and Biotechnology uses are subject to all federal, state and local regulations and best management practices including but not limited to the Burlington Board of Health Regulations for the Use of Recombinant DNA Technology, the National Institute of Health Guidelines for Research Involving recombinant DNA Molecules, and the Biosafety in Microbial and Biomedical Laboratories (BMBL).

**Life Science Manufacturing:** A life science or biotechnology laboratory engaged in the manufacturing of life science technologies and medicines for commercial production to the market.

**Light Manufacturing:** Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

Solar Energy System: An active solar energy system that converts solar energy directly into electricity and/or other forms of energy, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy.

Solar Energy System, Ground-Mounted: An active Solar Energy System that is structurally mounted to the ground and is not mounted to a structure.

Solar Energy System, Roof-Mounted: An active Solar Energy System that is structurally mounted to the roof of a building or structure

**Article III - 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 feet<sup>21</sup>
- Minimum Side Yard ..... 10.0 feet<sup>1</sup>

<sup>21</sup> Unless any ~~building's~~ buildings 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.

- Maximum Building and Structure Height (Building Height as defined in Section 2.13 of the Zoning By-Laws. (Structured Parking directly under the finished floor area of a building to a maximum of two levels of parking use above the average finished grade around the building can be excluded when calculating structure height.)..... 85.0 feet
- Maximum Building and Structure Height (Residential Development Parcel) .....~~40~~ feet/3 stories
- ~~Maximum Floor Area Ratio<sup>3</sup>..... 0.25~~
- ~~Maximum Number of Stories..... 6~~
- Maximum Number of Stories (Residential Development Parcel) ..... 3
- Minimum Spacing Between Buildings..... 20.0 feet<sup>21</sup>
- Maximum Impervious Surface Ratio <sup>42</sup>..... 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.

<sup>3</sup> ~~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. ]~~

<sup>42</sup> The Maximum Impervious Surface Ratio as shown on the Plan and all other dimensional 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. ]

**Article ~~III~~IV - 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;
- 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.
- 3.5 spaces for each 1,000 square feet of Life Science uses (See Section 1.5.2 of the Use Table);

Typical parking space dimensions shall be as follows, unless modified by the Planning Board as part of a PD Special Permit/Site Development and Use plan approval or plan modification in accordance with the applicable Site Plan Rules and Regulations:

- 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~~V - 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~~VI - 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 1/4<sup>th</sup> 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 1/3<sup>rd</sup> 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 ~~VH~~VII - 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 12, 2008 Town Meeting.

**Article ~~VH~~VIII - 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.

| ~~2871779.1~~

| [2871779.6](#)

Document comparison by Workshare 10.0 on Thursday, April 14, 2022 1:45:22 PM

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Description	#2871779v6<IMAN1> - v6 PDD Zoning Provisions (Proposed Amendment/Draft)
Rendering set	Standard

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Insertions	42
Deletions	32
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Moved to	0
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Format changed	0
Total changes	74

EXHIBIT "A"  
USE TABLE



**EXHIBIT "A"**  
**USE TABLE 1**

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT  (YES = PERMITTED AS MATTER OF RIGHT  SP = SPECIAL PERMIT REQUIRED  TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES  PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive &  Parcel 2 is all the land northeast of Network Drive
<b>1.1</b>	<b>Residential Uses</b>		
1.1	Assisted living, congregate living, continuing care retirement community.	SP	2
1.1.1	Residential (as provided in Article I ( <i>up to 9 units</i> ) – Use Regulations of the Planned Development District Zoning Provisions Network Drive)	YES	2 (See reference to <a href="#">Residential Area on Concept Plan.</a> )
<b>1.2</b>	<b>Institutional and Recreational Uses</b>		
1.2.1	Places primarily used for religious purposes.	YES	1, 2

<sup>1</sup> All uses set forth in this Use Table shall be subject to the issuance of any other permits and approvals required under applicable laws, regulations and ordinances.[]

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.2.2	Places primarily used for non-profit educational corporations, museums, libraries, and/or recreational facilities.	YES	1, 2
1.2.3	Child Care and Adult Day Care facilities.	YES	1, 2
1.2.4	Municipal fire stations and sub-fire stations, municipal police stations (exclusive of fuel storage).	YES	1, 2
1.2.5	Public Parks and related facilities.	YES	1, 2
1.2.6	Public libraries, public museums, public art galleries and similar facilities.	YES	1, 2
1.2.7	Community centers, public recreation buildings and performance centers.	YES	1, 2
1.2.8	Non-profit public clubs, recreational centers and facilities.	YES	1, 2
1.2.9	Private museums and private art galleries.	YES	1, 2
1.2.10	Clinic and/or medical office (outpatient services only).	SP	1, 2
1.2.11	Buildings for public services.	SP	1, 2
1.2.12	Theater and cinemas.	SP	2

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.2.13	Public water and sewer distribution structures.	SP	1, 2
1.2.14	Health, sports and fitness clubs and related facilities.	SP	1, 2
<b>1.3</b>	<b>Office Uses</b>		
1.3.1	Professional offices such as, but not limited to, physicians, dentists, opticians, real estate brokers, lawyers, etc.	YES	1, 2
1.3.2	Administrative executive and similar offices.	YES	1, 2
1.3.3	Public Offices.	YES	1, 2
1.3.4	Office of salesmen, agents and representatives of manufacturing, distributing, insurance and wholesale companies.	YES	1, 2
1.3.5	Commercial amusement uses and activities such as, but not limited to, bowling alleys and skating rinks.	SP	1, 2
<b>1.4</b>	<b>Retail Uses</b> <sup>2</sup>		

<sup>2</sup> Any single user of a permitted use under Section 1.4 “Retail Uses” as set forth in the Use Table, located on Parcel 1 shall not occupy more than 7,000 ~~net~~gross square feet and the aggregate of space occupied by all permitted retail users on Parcel 1 shall not exceed 55,000 ~~net~~gross square feet.

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive &  Parcel 2 is all the land northeast of Network Drive
1.4.1	Personal services businesses such as, but not limited to, barbers, hairdressers, etc.	YES	2
1.4.2	Drug stores with drive-thru service with no more than one vehicular access lanes, health supplies, periodicals, none with the sale of food intended for consumption on premises.	YES <sup>3</sup>	2
1.4.3	Retail stores and showrooms as follows: (i) 29,999 square feet or less (ii) 30,000 square feet to 89,999 square feet (iii) In excess of 90,000 square feet is permitted by Special Permit following a majority vote of Town Meeting approving a conceptual design plan.	YES SP TM	2 2 2
1.4.4	Retail stores and showrooms 7,000 <del>net</del> gross square feet or less located entirely within a commercial facility.	YES	1
1.4.5	Post Offices and banks, drive-thru service is permitted with no more than one vehicular access lanes. <sup>4</sup>	YES	1, 2
1.4.6	Photographers (with accessory digital/photo imaging), decorators, travel agencies and tailoring.	YES	1, 2

<sup>3</sup> Special Permit if vehicular access lane included.

<sup>4</sup> Special Permit if vehicle access lane included.

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.4.7	Fast order food establishments, drive thru service is prohibited.	SP	2
1.4.8	Restaurants, drive-thru service is prohibited.	SP	1, 2
1.4.9	Bakeries	YES	1, 2
1.4.10	Diagnostic medical laboratories appurtenant to offices of physicians and dentists.	SP	1, 2
1.4.11	Kiosks not to exceed 144 square feet.	SP	1, 2
1.4.12	Shoe repair, dry cleaning and laundry – no dry cleaning on premises.	SP	1, 2
1.4.13	Printers and similar shops or trades (provided any chemicals used are delivered in pre-packaged containers and self contained within the equipment during use and provided, further, such stored chemicals do not exceed amounts that would require registration with the Board of Health).	SP	1, 2
1.4.14	Push Carts	SP	1, 2
1.4.15	Automotive Rental Agency	SP	1, 2
1.4.16	Automatic Teller Machine	SP	1, 2

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.4.17	Acceptance from the public of products manufactured on site including but not limited to electronic products and components including, without limitation, computers and telecommunication equipment for servicing	YES	1, 2
<b>1.5</b>	<b>Commercial Uses</b>		
1.5.1	Light manufacturing or processing plants.	SP	1, 2
1.5.2	Laboratories engaged in research experimental and testing activities including, but not limited to, the fields of <u>life science (including manufacturing)</u> , biology, chemistry, electronics, engineering, geology, medicine and physics subject to the Planning Board making the findings set forth in Section 8.3.7.4 of the Zoning By-Laws <del>and</del> <u>where said use is located in the Aquifer or Water Resource Overlay District. Section 1.5.2 shall be deemed to include, as a by-right ancillary use(s), the following Sections: 1.5.1, 1.5.3, 1.5.4, 1.5.5, and 1.5.6. Owners/tenants operating under Section 1.5.2 shall be subject to the applicable rules and regulations of the Board of Health.</u>	<u>YES/Parcel 1</u> <u>SP/Parcel 2</u>	1, 2
1.5.3	Wholesale trade and warehousing (excluding commercial self-storage facilities).	SP	1, 2

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.5.4	Hazardous and toxic materials/chemical use storage, transport, disposal or discharge.	SP	1, 2
1.5.5	Generation or storage of hazardous waste limited to the volumes classified as very small quantity generator.	SP	1, 2
1.5.6	Generation or storage of hazardous waste in excess of the volumes classified as a very small quantity generator.	SP	1, 2
1.5.7	Hotel with or without amenities such as restaurants, function rooms, lounge facilities, health spa, conference center, etc. (including "Select Service" and "Boutique" hotels).  (i) Up to 225 sleeping rooms in the aggregate at the PD Premises. (ii) In excess of 225 sleeping rooms within the PD Premises permitted by Special Permit following a majority vote of Town Meeting.	YES  TM	1, 2  1, 2
1.5.8	Food processors, bakeries not operated at retail.	SP	2
1.5.9	Electronics Industries	SP	1, 2
1.5.10	Conference Center	SP	1, 2

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
<b>1.6</b>	<b>Uses in Wetlands District (as defined in Zoning By-Laws)</b>		
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.	SP	1, 2
1.6.2	Structures for essential services, which structures shall include roads, ways, sidewalks and drainage.	YES	1, 2
1.6.3	Dredging expressly for mosquito or flood control by an authorized public agency.	SP	1, 2
1.6.4	Periodic maintenance of existing water courses and maintenance for essential services.	YES	1, 2
1.6.5	Temporary, not to exceed three months, storage of materials (excluding fill materials and hazardous and toxic materials) or equipment.	YES	1, 2
1.6.6	Outdoor noncommercial recreation, including public parks, non paved playfields, tennis, paddle tennis and similar activities, walking and bike paths.	YES	1, 2
1.6.7	Discharges from manmade structures to a Wetlands District.	SP	1, 2



SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.6.8	Conservation of soil, water plants, and wildlife including wildlife management shelters.	YES	1, 2
1.6.9	Outdoor noncommercial recreation limited to nature study areas, walkways, boating, ice skating or fishing where otherwise legally permitted, and bike paths.	YES	1, 2
1.6.10	Maintenance or repair of existing structures, roadways and utilities.	YES	1, 2
<b>1.7</b>	<b>Accessory Uses</b> <sup>5</sup>		
1.7.1	Cafeterias, delicatessens, lunch counters, coffee shops, dairy or ice cream establishments, not to exceed 7,000 square feet per use (allowed as an accessory use located within a permitted facility).	<del>SP</del> YES	1, 2
1.7.2	Personal services business such as barbers and hairdressers, not to exceed 2,000 square feet (allowed as an accessory use located within a permitted facility).	YES	1

<sup>5</sup> The total combined square footage for accessory uses 1.7.2-1.7.3 shall not exceed 20,000 square feet in the aggregate unless permitted by a Special Permit granted by the Planning Board.[]

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.7.3	Accessory convenience store of a maximum of 2,000 square feet. (allowed as an accessory use located within a permitted facility).	<b>SP</b> YES	1, 2
1.7.4	Digital/photo imaging, copy center (provided any digital and/or photo imaging chemicals are self contained within the equipment and provided, further, such stored chemicals do not exceed amounts that would require registration with the Board of Health) limited to a maximum of 2,000 square feet. (allowed as an accessory use located within a permitted facility).	<b>SP</b> YES	1, 2
1.7.5	Accessory Health Club (allowed as an accessory use located within a permitted facility).	<b>SP</b> YES	1, 2
1.7.6	Shoe repair and dry cleaning (drop off and pick-up only).	YES	1, 2
1.7.7	Indoor unmanned Automatic Teller Machine not to exceed a gross floor area of 400 square feet.	YES	1, 2
1.7.8	Sales/Leasing Office; Office of Real Estate Agent.	YES	1, 2
1.7.9	Places and buildings for public assembly such as facilities and conference centers for business, recreation, educational gatherings, seminars and presentations.	YES	1, 2

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.7.10	Buildings and structures accessory to public and/or recreational uses such as, but not limited to, equipment rental, refreshment stands, etc., provided such buildings do not exceed 7,000 square feet.	YES	1, 2
1.7.11	Mail Room	YES	1, 2
1.7.12	Garage space or spaces and/or attached or detached structures (above and below ground and under buildings) for parking.	YES	1, 2
1.7.13	Maintenance shops/garages, power plants, machine shops and similar structures to support permitted uses, provided that said structure is located within the building envelope.	YES	1, 2
1.7.14	The use of roads in the PD Premises for any purposes that roads and ways in the Town of Burlington are used.	YES	1, 2
1.7.15	Commercial boarding, care and treatment of animals.	SP	1,2
1.7.16	Massage therapy, ancillary to a personal service use, health club or other similar use facility.	SP	1,2

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.7.15	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	1, 2
1.7.16	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.	YES	1, 2
1.7.17	This PDD By-Law shall not have the effect of changing or negating the Wireless Communications Overlay District or its permitted uses and such Wireless Communications Overlay District shall be applicable to the PD Premises (including any dimensional restrictions), notwithstanding anything to the contrary contained herein.	SP	1, 2
1.7.18	During construction of improvements at the premises, off-street outdoor storage of supplies and non-hazardous materials and overnight parking of freight carrying or materials handling vehicles and equipment, provided that from 7 p.m. to 7 a.m. vehicles shall not operate and/or idle.	YES	1, 2

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	PERMITTED USES PARCEL 1 & 2  Parcel 1 is all the land southwest of Network Drive & Parcel 2 is all the land northeast of Network Drive
1.7.19	Storage of oils and fuels/petroleum products including storage for on-site heating purposes and landscaping maintenance equipment (in excess of 50 gallons).	SP	1, 2
1.7.20	Accessory uses in wetlands limited to fences, flagpoles, non-commercial signs and docks.	YES	1, 2
1.7.21	Child Care and Adult Day Care facility.	YES	1, 2
1.7.22	Emergency Generators fueled by natural gas or propane.	YES	1, 2
1.7.23	Fast order food establishments located entirely within a permitted principal use, drive-thru service is prohibited.	SP	1, 2
1.7.24	Restaurant establishment located entirely within a permitted principal use, drive-thru service is prohibited.	SP	1, 2
<a href="#">1.7.25</a>	<a href="#">Solar Energy System, Roof-Mounted</a>	<a href="#">YES</a>	<a href="#">1.2</a>
<a href="#">1.7.26</a>	<a href="#">Solar Energy System, Ground-Mounted</a>	<a href="#">YES</a>	<a href="#">1.2</a>
<a href="#">1.7.27</a>	<a href="#">Electric Vehicle Charging Stations and associated mechanical systems</a>	<a href="#">YES</a>	<a href="#">1.2</a>

Water Resource District and Aquifer District

Subject to the ~~provisions~~ [findings](#) 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 and Aquifer District as set forth in the above Table of Uses. Notwithstanding anything to the contrary contained in this Use Table, a use that is prohibited in the Aquifer District shall be prohibited in any portion of the PD Premises included within the Aquifer Overlay District.

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[2871780.6](#)

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SECTION 12.1.4.2.D.  
SPECIAL CONDITIONS  
FOR  
PLANNED DEVELOPMENT DISTRICT

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SECTION 12.1.4.2.D.  
SPECIAL CONDITIONS  
FOR  
PLANNED DEVELOPMENT DISTRICT

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Pursuant to Section 12.1.4.2.d. of Article XII of the Zoning By-Laws of the Town of Burlington, Massachusetts (hereinafter, the "PDD By-Law") these Special Conditions shall be applicable to the development of the property located off of Route 62 and Middlesex Turnpike, Burlington, Massachusetts and shown as Parcel 3, Map 32 on the Tax Assessor's Map of the Town of Burlington (hereinafter, the "Premises") in accordance with the Concept Plan (hereinafter, together with all other materials submitted herewith pursuant to Section 12.1.4 of the PDD By-Law, the "Concept Plan") filed by Lockheed Martin Corporation and Sun Microsystems, Inc. (hereinafter, with any successor in interest to the Premises, individually and collectively, the "Developer").

I. Development of the Project

The Concept Plan provides for the development and use of a maximum of 1,300,000 square feet of Net Floor Area and 1,430,000 square feet of Gross Floor Area (as each is defined in the PDD Zoning Provisions of the Concept Plan) at the Premises (hereinafter, the "Project"). The Project shall be a mixed use development consisting of office, research and development, hotel and retail principal uses and accessory uses relating to each principal use. Uses shall be limited to those uses set forth in the Planned Development District Zoning Provisions submitted as part of the Concept Plan.

The Project shall be developed in substantial conformity with the Concept Plan as approved by the Town of Burlington at the May, 1997 Town Meeting. The Concept Plan shows in a general manner, among other things, the location of the buildings comprising the Premises, number of stories, maximum Gross Floor Area and maximum height of each building and the approximate distance between buildings. Consistent with the intent of the PDD By-Law, it shall not be deemed a substantial deviation from the Concept Plan if as a result of more definite engineering and other data there occurs a relocation of any building on the Premises within the development envelopes depicted on the Plans entitled "PDD District Rezoning Application for Mixed Use Development, Kent Road, Burlington, Massachusetts" prepared by Vanasse Hangen Brustlin, Inc., dated March 13, 1997 revised to \_\_\_\_\_, 1997 or changes in design or layout of the parking, provided that there shall not occur any change in minimum setbacks, maximum building height,

maximum total Gross Floor Area (as defined in the PDD Zoning Provisions) of development or uses as provided in the Concept Plan without the approval by Town Meeting as provided in Section 12.1.8 of the Zoning By-Laws.

II. Developer Responsibilities

(a) The Developer shall undertake or cause to be undertaken and assist the Town in arranging for the preparation of design plans for certain off-site improvements, subject to the provisions of this Paragraph II to mitigate certain off-site impacts of the Project. The Developer's obligations with respect to the preparation of design plans shall relate to the following off-site improvements:

1. **Kent Road (the "Kent Road Improvements"):** The complete reconstruction of Kent Road to provide for four travel lanes plus left turn lanes at major intersections. At the intersection of Kent Road with Route 62, add a second northbound left-turn lane. Route 62, at the intersection with Kent Road, will also be widened to provide for two eastbound right-turn lanes and an exclusive westbound left-turn lane. The intersection of Kent Road with Middlesex Turnpike will be realigned and provide for through and turning lanes. Install traffic signals at both ends of Kent Road and Route 62 and Middlesex Turnpike and coordinate with adjacent signals.

2. **Route 62 Improvements (the "Route 62 Improvements"):**

- **Route 62 Corridor:** Widen Route 62 to provide a four-lane roadway between the Route 3 Southbound ramps and Kent Road. Between Kent Road and Middlesex Turnpike, widen Route 62 and provide one lane eastbound and two lanes westbound. Provide exclusive turning lanes at major intersections. Coordinate traffic signals.

- **Route 62/Route 3 Southbound Ramps:** Widen Route 62 to provide a second eastbound and westbound through lane, exclusive eastbound left-lane, and westbound right-turn lane. Widen the Route 3 southbound off-ramp for a second exclusive

left-turn lane. Install traffic signal and coordinate with adjacent signals.

- **Route 62/Route 3 Northbound Ramps/ Crosby Drive:**

Widen Route 62 for an exclusive westbound right-turn lane and an exclusive eastbound left-turn lane. Widen Route 3 northbound off-ramp for an exclusive right-turn lane. Widen Crosby Drive to provide a second southbound right-turn lane. Upgrade traffic signal and coordinate with adjacent signals.

3. **Middlesex Turnpike Improvements (the "Middlesex Turnpike Improvements")**

- **Middlesex Turnpike Corridor:**

Widen Middlesex Turnpike to a standard four-lane cross-section from north of Mall Road to the proposed Kent Road intersection south. Provide turning lanes at major intersections. Coordinate traffic signals.

- **Middlesex Turnpike/ Fourth Avenue:**

Widen Middlesex Turnpike for a second northbound and southbound travel lane and exclusive northbound left-turn lane. Widen Fourth Avenue for exclusive left and right-turn lanes. Install traffic signal.

- **Middlesex Turnpike/ Third Avenue:**

Widen Middlesex Turnpike for a second northbound and southbound travel lane and exclusive northbound left-turn lane.

- **Middlesex Turnpike/  
Terrace Hall  
Avenue:**

Widen Middlesex Turnpike for an exclusive southbound left-turn lane. Widen Terrace Hall Avenue to provide an exclusive westbound left-turn lane and a combined left and right-turn lane. Upgrade traffic signal and coordinate with adjacent signalized intersections.

- (b) Schedule: Subject to the provisions of Section VII, below, the Developer shall have completed the design plans for the Kent Road Improvements, Route 62 Improvements and Middlesex Turnpike Improvements in accordance with the following schedule:

	<u>Improvements</u>	<u>Completion Date for Design</u>
1.	Kent Road Improvements	8/97
2.	Route 62 Improvements	2/98
3.	Middlesex Turnpike Improvements	2/98

### III. Traffic Analysis

The Developer has provided the Town, at the sole cost of the Developer, with a traffic analysis prepared by Vanasse, Hangen Brustlin, Inc., a copy of which has been delivered to the Planning Board as part of the Concept Plan.

### IV. Effective Date of PDD Zoning

The granting and recording of any Special Permit within the time periods specified in Section 12.1.2 of the Zoning By-Laws shall constitute full compliance with Section 12.1.2 of the Zoning By-Laws notwithstanding that Special Permits for future aspects of the Project have not been applied for by the Developer at the time of the issuance of such final Special Permit. The issuance of any Special Permit under Section 12.1.5 of the Zoning By-Laws shall be deemed to constitute, and be conclusive of, the Developer's compliance with all provisions of the Zoning By-Laws at the time of the issuance thereof. Thereafter, the Premises shall be developed in accordance with the Concept Plan and the requirements of Section 12.1.5 of the PDD By-Law. In the event of any amendment to the PDD By-Law, the PD Premises shall continue to be governed by the Concept Plan approved by the May, 1997 Town Meeting and the applicable provisions of the PDD

By-Law in effect on March 13, 1997, the date of the submission of the Concept Plan unless specifically waived by the Owner of the Premises.

#### V. Lot Lines

Lot lines shall be established by the Developer and may be altered from time to time at the discretion of the Developer in accordance with the procedures of Section 81P of Chapter 41 of the Massachusetts General Laws for so-called "Approval Not Required Plans" and the applicable provisions of Sections 81K-81GG of Chapter 41 of the Massachusetts General Laws for any subdivision of the PD Premises.

#### VI. Applicable Zoning By-Laws

Except as provided in the Planned Development District Zoning Provisions submitted by the Developer pursuant to Section 12.1.4(c)(2) of the Zoning By-Laws, the Development of the Project shall be governed by the Zoning By-Laws in effect on March 13, 1997.

#### VII. Conservation Restriction

The Developer shall grant to the Burlington Conservation Commission a conservation restriction on certain designated resource areas under the jurisdiction of the Conservation Commission. The areas to be subject to restriction shall be agreed upon by Developer and the Burlington Conservation Commission and shall include, at a minimum, those areas identified as "Open Space" on the Concept Plan. The form and substance of such restrictions shall be satisfactory to the Burlington Conservation Commission and Developer and shall permit such activities as passive recreation (including, without limitation, hiking trails), flood control and water quality management. To the extent that the Burlington Conservation Commission desires passive recreation activities to be permissible in such areas, the Town shall, to the extent permitted by law, indemnify and hold harmless the Developer from any loss, claim or action arising out of the use of such restricted areas by third parties pursuant to the terms of the agreed upon restrictions. Any such restrictions shall be subject to approval by the applicable state authorities and shall be recorded with the Middlesex (South) Registry of Deeds and shall run with the land in perpetuity. The Developer shall be responsible for the costs associated with the preparation and recording of such restrictions.

#### VIII. Approval Contingencies

The obligations of the Developer to complete the Developer Responsibilities set forth in Article II, above are expressly contingent upon the Planning Board and/or the Town having granted all Special Permits, subject to all work required under Article II being completed, required under the PDD By-Law and the issuance of all other permits,

approvals, licenses and consents (governmental or private) required for development of the Project.

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**SECTION 12.1.4.2.D.**  
**SPECIAL CONDITIONS**  
**FOR**  
**PLANNED DEVELOPMENT DISTRICT**  
**AS OF MAY \_\_, 2022**

IX Special Conditions Applicable to Development on Parcel 1.

**General Infrastructure Assessment:** The Developer, within 24 months of the approval of this May 2022 Amendment, shall, working with the Planning Department of the Town and its consultants and as necessary Town departments, assess potential impacts of the potential build-out of the additional authorized development square footage to various public infrastructure, such as water, sewer, traffic, pedestrian circulation, and identify potential community benefits/enhancements or improvement projects as the Developer and the Town identify (the "Impact Report"). The Impact Report shall also include potential additional projects that have been identified, both public and private, in the general area of the PD Premises. The reasonable cost of the preparation of the Impact Report shall be paid by the Developer.

The Impact Report shall set forth a schedule to govern the timing of the implementation of recommendations (i.e., schedule of implementation based upon development execution/project phasing). This Impact Report shall be consulted by the Developer in connection with individual PD Special Permit applications for components of the future development of new floor area at the PD Premises. The Planning Board shall identify appropriate mitigation with reference to this Impact Report and include as appropriate, such mitigation necessary to address the identified impacts of the proposed components of the project at the PD Premises and the cost obligation attributable to the Developer.

Any PD Special Permit granted for new floor area shall include a condition, that the agreed upon mitigation based on the Impact Report shall include a timeline for the implementation of such mitigation.

In addition, the Town may use the Impact Report to pursue both state and federal funding beyond the scope of Developer's obligations, for certain public infrastructure projects that have a nexus to the development and the Developer shall cooperate with the Town with such funding efforts.

The Developer, in connection with each permit application, shall specifically provide the following:

### **Traffic Analysis**

Prior to the submission of any PD Site Development and Use Plan for the development of new useable floor area, the Applicant shall meet with the Planning Director to review the project and to obtain a determination as to whether a traffic memorandum or full traffic impact analysis is required. A full traffic analysis shall assess the adequacy of the existing or future transportation infrastructure to accommodate the additional trips generated by the new floor area and proposed use. The traffic impact analysis shall detail, if deemed warranted based on the resultant findings, appropriate signalization enhancements, intersection or roadway geometrical improvements and/or preparation of further studies.

### **Water and Sewer**

All PD Site Development and Use Plan filings shall include an infrastructure analysis which calculates the projected sewer and water usage associated with the proposed development.

### **Zoning Compliance**

Following the issuance of a PD Site Development and Use Plan the Applicant shall provide to the Planning Department a current campus wide site layout plan with corresponding zoning and parking compliance charts.



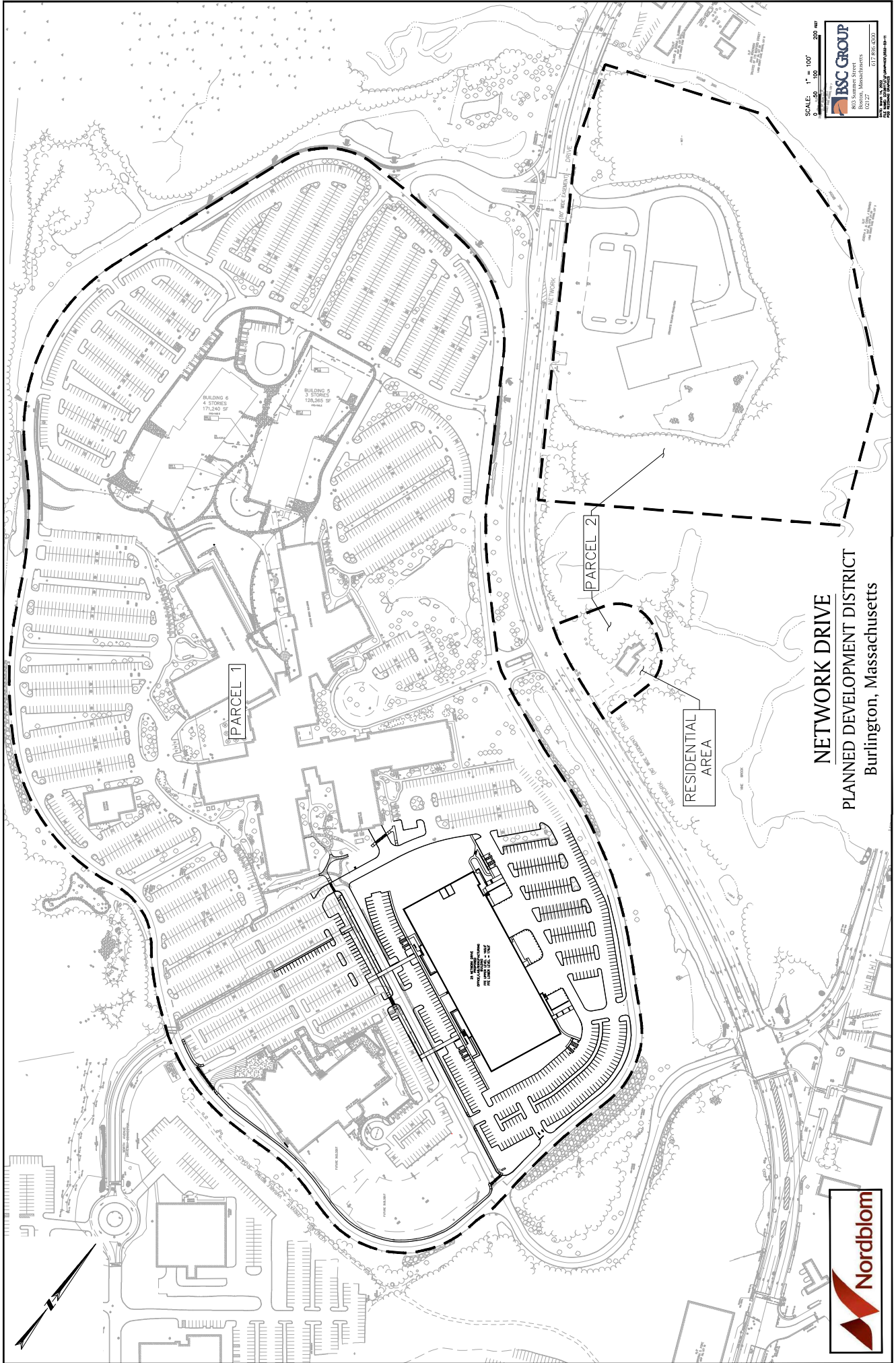
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<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	19
Deletions	1
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	20

NETWORK DRIVE PDD  
ORIGINAL CONCEPT PLAN  
(FOR REFERENCE - NO PROPOSED CHANGES)



SCALE: 1" = 100'  
0 50 100 200 FT

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**NETWORK DRIVE  
PLANNED DEVELOPMENT DISTRICT**  
Burlington, Massachusetts

