

April 16, 2022

Re: May 2022 Town Meeting Warrant Articles # 35 and 36/
135, 137, 137R, 139A and 139 Cambridge Street ("Premises")

Dear Town Meeting Members:

Thank you for your consideration of our proposed condominium project along Cambridge Street. For those Town Meeting Members who have not met us over the past several months, I would like to introduce myself, my team at Novaya Real Estate Ventures LLC ("Novaya"), and our development partners, Jeff Feldman and Scott Seaver. As some of you may know, we are a team comprised of local real estate partners deeply rooted in the area who are passionate about pursuing exceptional properties in unique communities like Burlington. Recently, my Novaya partners and I merged together two of our affiliated companies and we have re-branded our Novaya entity to Foxfield LLC. Over the next few months, all of our marketing materials will be transitioned to Foxfield. Please bear with us as we make this change and feel free to visit our website at www.foxfieldrealestate.com.

For the past several months, we have been working with Town Officials and the owners of 135, 137, 137R, 139A and 139 Cambridge Street on a redevelopment vision that we believe will be a positive addition to Burlington's Town Center corridor. The location of the specific properties are shown within the attached materials, and they are currently being used as showroom space for Roger's Piano, along with both vacant and occupied residential properties.

As you will see within the attached materials, we are proposing to develop 82 condominium units, 13 of which will meet the affordability requirements of Burlington's Zoning Bylaw. The project's scale, height, and overall design adheres to the Town's ByLaws. Architecturally, the building has been designed to seamlessly fit into the fabric of the other buildings nestled around the Town Common and its connecting streets, as we have stayed true to the Design Rules and Regulations for the Town Center District. Moreover, this property offers many positive attributes as a housing location due its proximity to municipal amenities (parks and municipal properties), its adjacency to public transit and commercial districts and its overall compatibility with abutting uses. In addition, a renewed investment in the Premises will facilitate a development which will embody the intent of the Town's Master Plan Center design guidelines thereby creating a more cohesive connection to other existing buildings in the area.

As part of the rezoning and development of the properties, a Development Agreement between the Town, the current owners, and Novaya (as the Developer) will be signed prior to and contingent upon Town Meeting approval. The Development Agreement will memorialize the parameters and requirements of the project and will become legally binding onto the development. A summary of the major terms and conditions of the Development Agreement include the following items:

- Condominium ownership (as opposed to apartments);
- Prohibition on Short Term Rentals as defined within the Zoning ByLaws;



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- Maximum of 82 units;
- 13 affordable units (which equates to 15.85%);
- North entrance shall be for emergency access only;
- No retail use;
- Maximum of 2,000 square feet of Professional Office space;
- Fencing along the rear and sides of the Property; and
- LEED certifiable.

If the warrant articles are approved by Town Meeting, the project will require additional approvals by the Town including (1) Site Plan Review, (2) Design Review; (3) Special Permit for the parking structure; and (4) an Order of Conditions from the Conservation Commission. As part of these approvals, a number of items will be more fully examined including the traffic to be generated by the proposed project. While a full traffic study will be prepared in connection with the aforementioned permits, based on the preliminary analysis prepared by Vanasse & Associates, our project traffic engineer, the development is not expected to result in a material increase in motorist delays or vehicle queuing at area intersections. Furthermore, lines of site at the project driveway will be improved over existing conditions by virtue of our landscape design along Cambridge Street. Further examination of Vanasse's findings will be included in a final traffic report to be prepared as part of the project's Site Plan Review process.

Included in the attached materials are the applicable sections of the Zoning Bylaw with the proposed changes shown in a lined format. This is intended to provide the full context of the language as the actual Warrant Article (Article 35) only identifies the exact words proposed to be added or deleted within the Zoning Bylaw. We hope that this lined version helps to more clearly articulate and simplify the proposed changes.

As will be discussed at Town Meeting, Article 35 is the proposed Zoning Bylaw amendment that would allow multifamily uses within a newly created district called the Town Center Multifamily ("TCM") District (in other words, Article 35 creates the TCM District). The proposed TCM Bylaw permits only properties currently located with the Central Business District to be rezoned into the TCM District, and only after a positive vote by Town Meeting. If Town Meeting approves Article 35, then the purpose of Article 36 is to rezone our properties into the TCM District.

We want to recognize all of the members of the Planning Board, Land Use Committee and Zoning Bylaw Review Committee and thank them for their efforts in their review of these articles. We are pleased to note that the Land Use Committee and Zoning Bylaw Review Committee voted to support both Articles #35 and 36. We are continuing to meet with the Planning Board and anticipate concluding discussions with them in advance of Town Meeting.

Again, thank you for your consideration of this exciting project. Please feel free to reach out to any of us listed below should you have any questions or comments. We look forward to seeing you at Town Meeting.

Sincerely,

Peter Carbone III, Esq.
pc@foxfieldrealestate.com

Karl Trieschman, Foxfield
kt@foxfieldrealestate.com

Jeffrey Feldman, Root Development
jeff@rootdevllc.com

3120364.3

WARRANT ARTICLE # 35
PROJECT OVERVIEW AND
TEXT AMENDMENT LANGUAGE

135 - 139 Cambridge Street
Burlington, MA

Condominium Homeownership Project





PROJECT TEAM

DEVELOPMENT TEAM

Novaya Ventures
Peter Carbone, Karl Trieschman

Seaver Construction
Scott Seaver

Root Development
Jeffrey Feldman

LANDSCAPE

Michael D'Angelo Landscape Architecture LLC
Michael D'Angelo

ARCHITECT

CUBE 3
Stefanie Theall, Brian O'Connor

WETLANDS SCIENTIST

Goddard Consulting
Scott Goddard

CIVIL

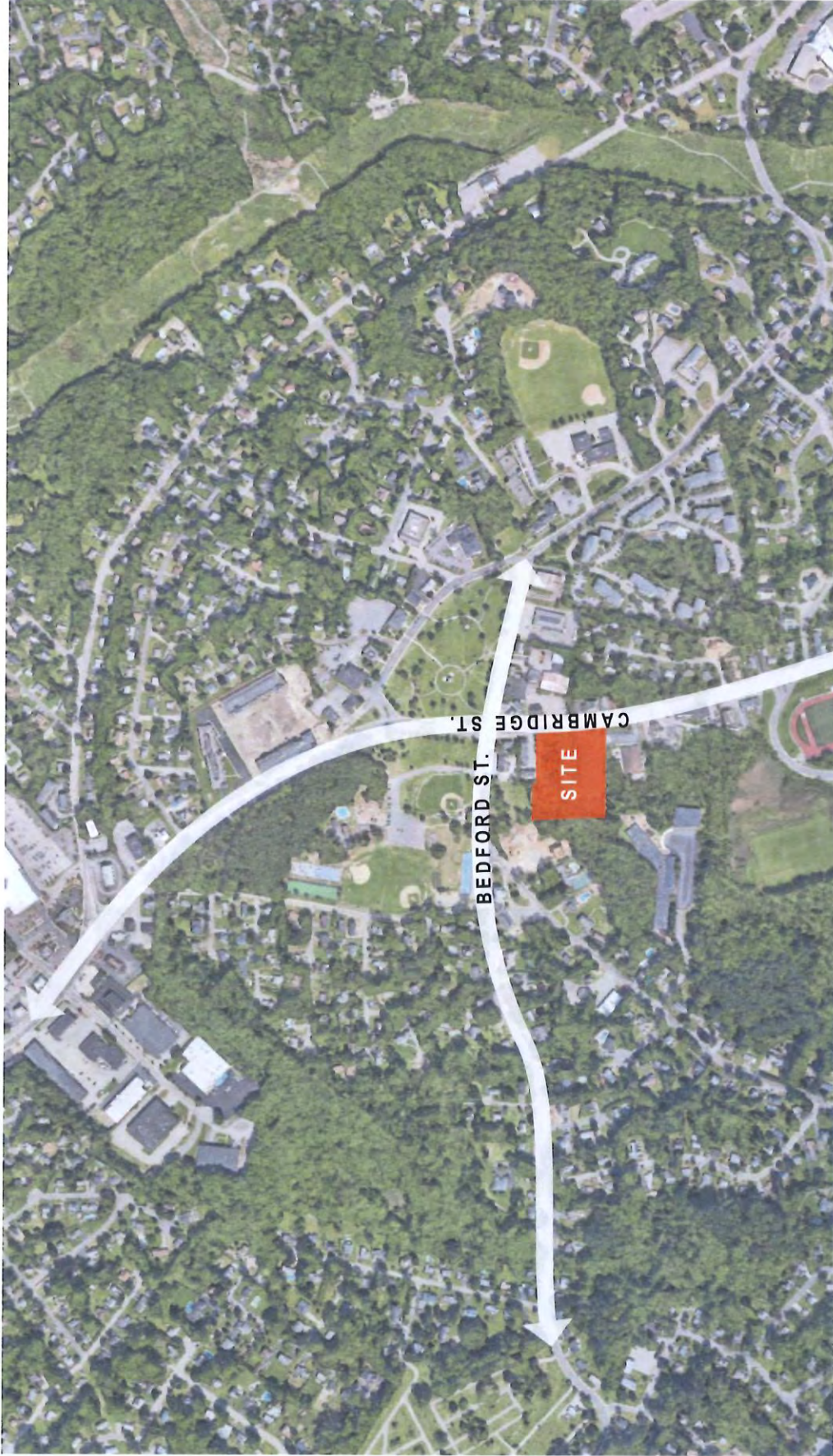
Bohler Engineering
Stephen Martorano, Zachary Richards

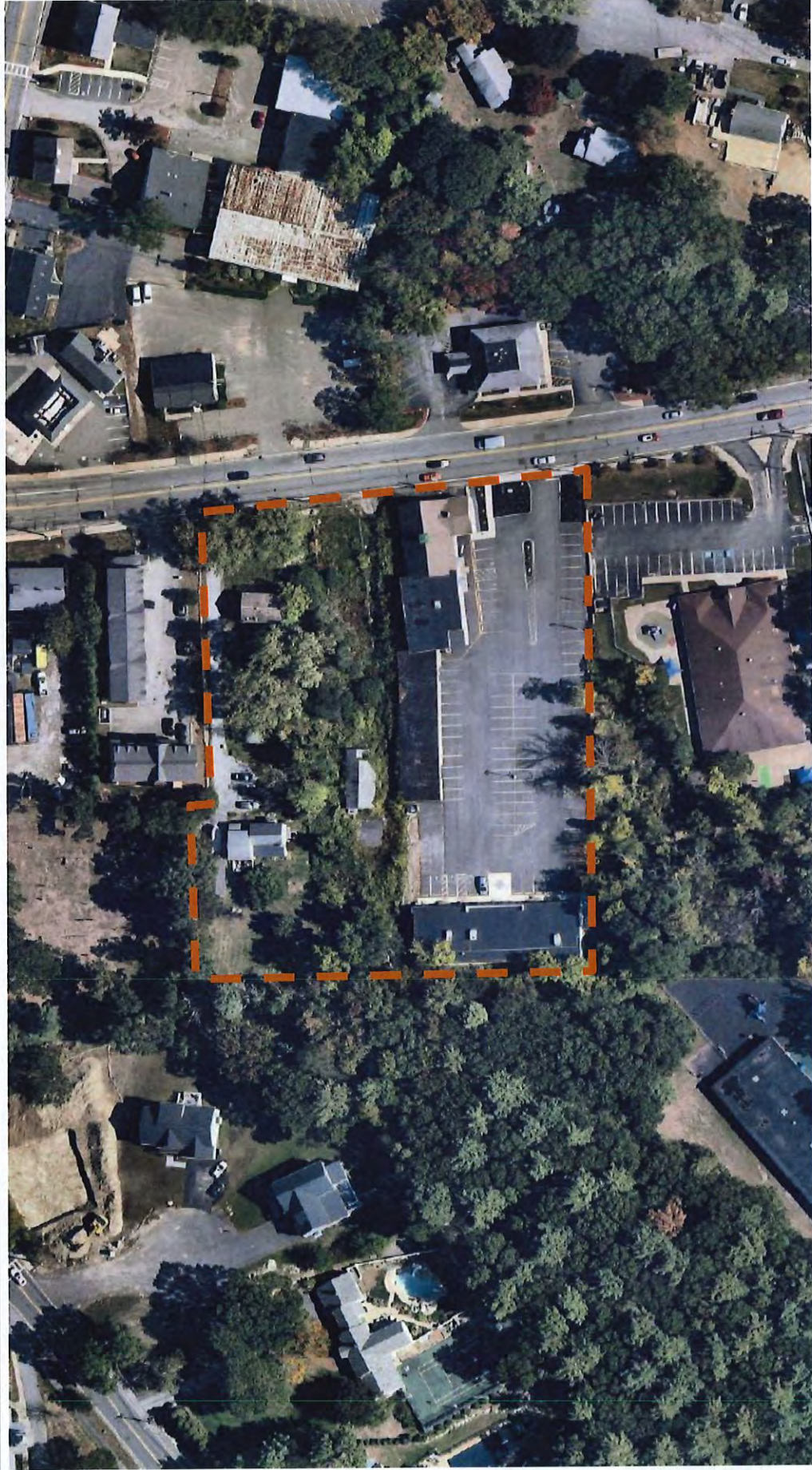
LEGAL

Riemer & Braunstein LLP
Mark Vaughan, Melissa Cushing

TRAFFIC

Vanasse & Associates
Jeffrey Dirk







Project Metrics

82 Total Units

140 Approx. Parking Spaces

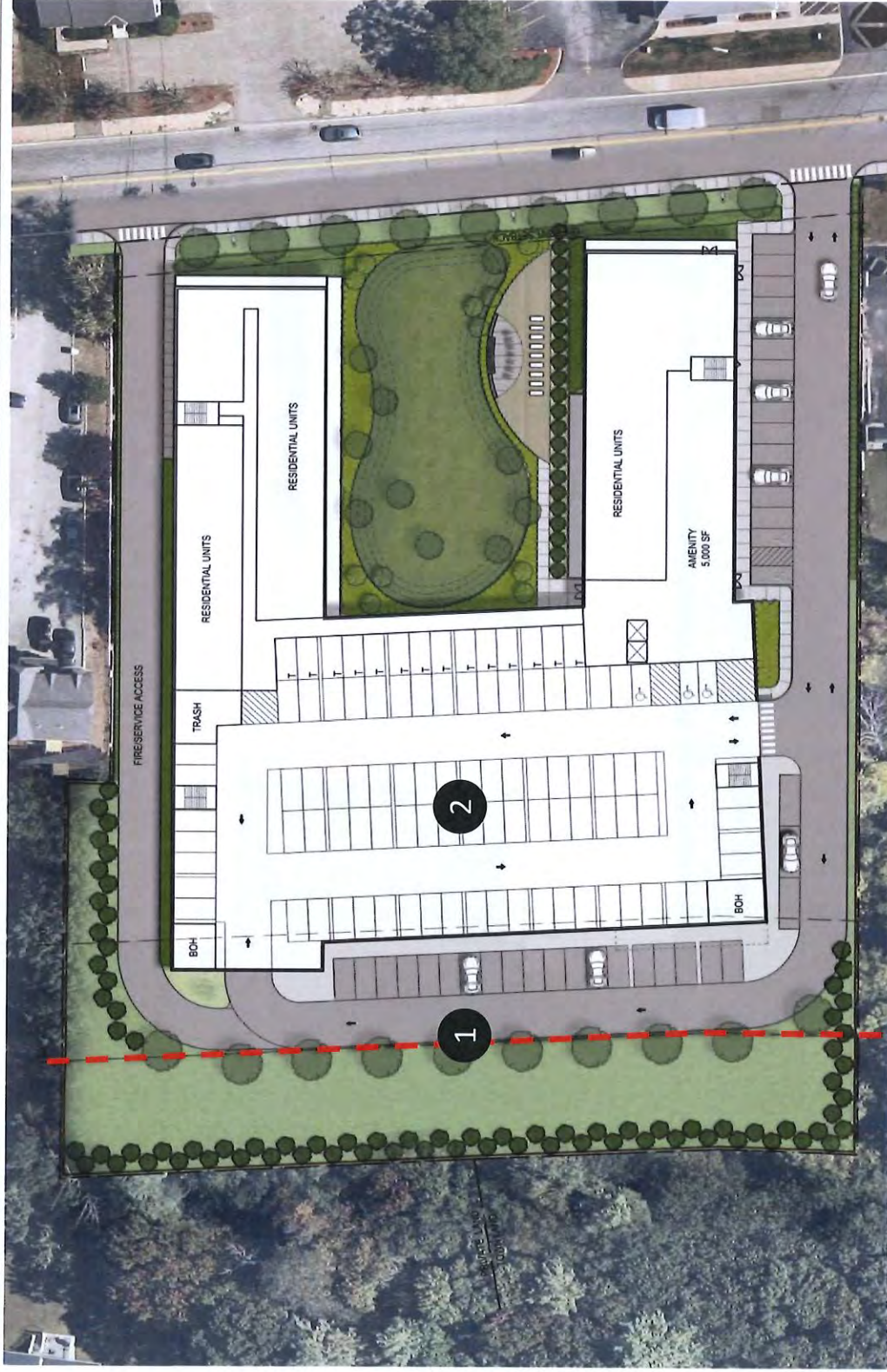


Project Metrics

82 Total Units
 140 Approx. Parking Spaces

Design Highlights

1. 50' +- buffer abutting RO- incorporates landscaping and fencing.
2. Covered single level podium parking.

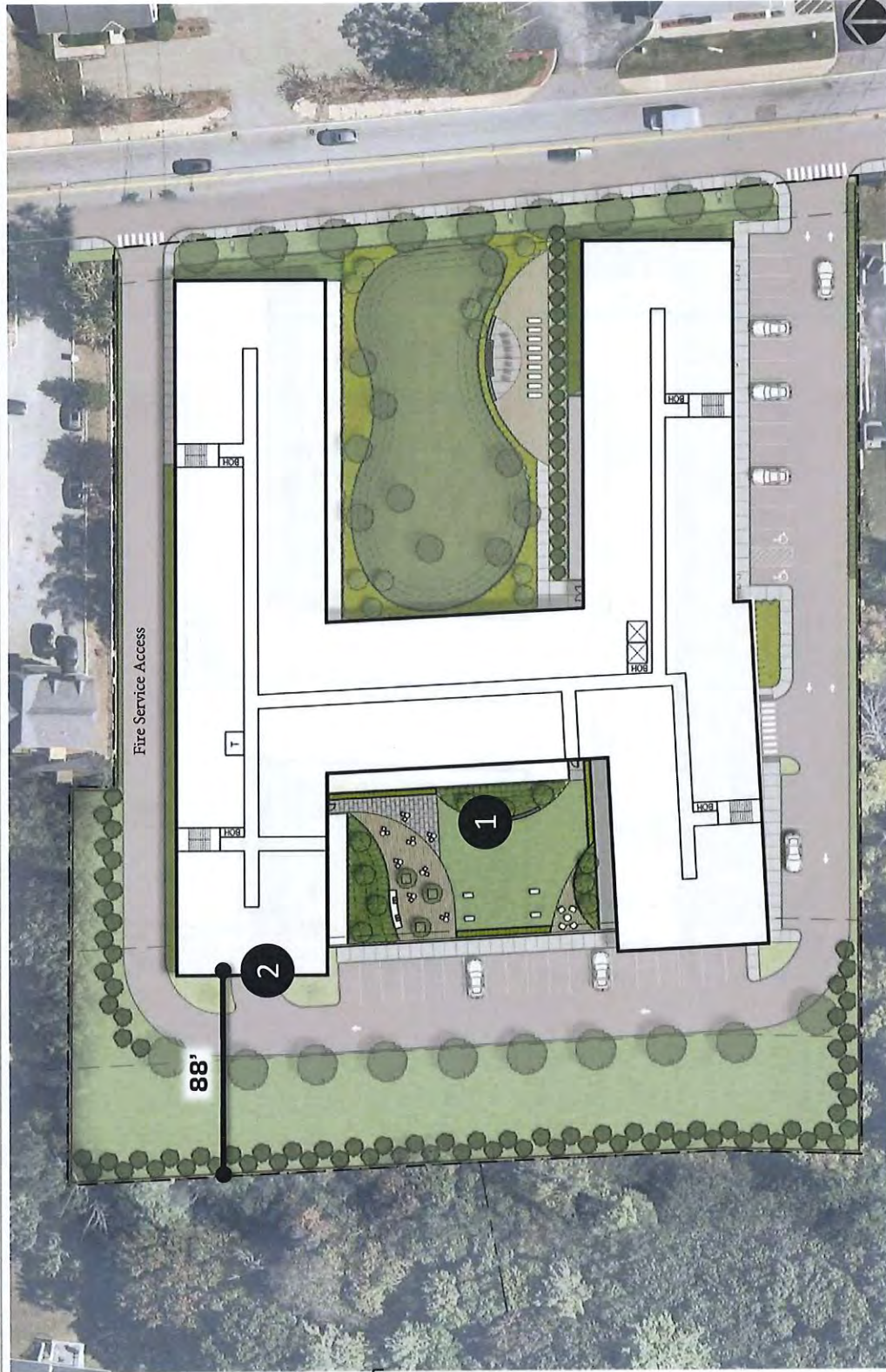


Project Metrics

82 Total Units
140 Approx. Parking Spaces

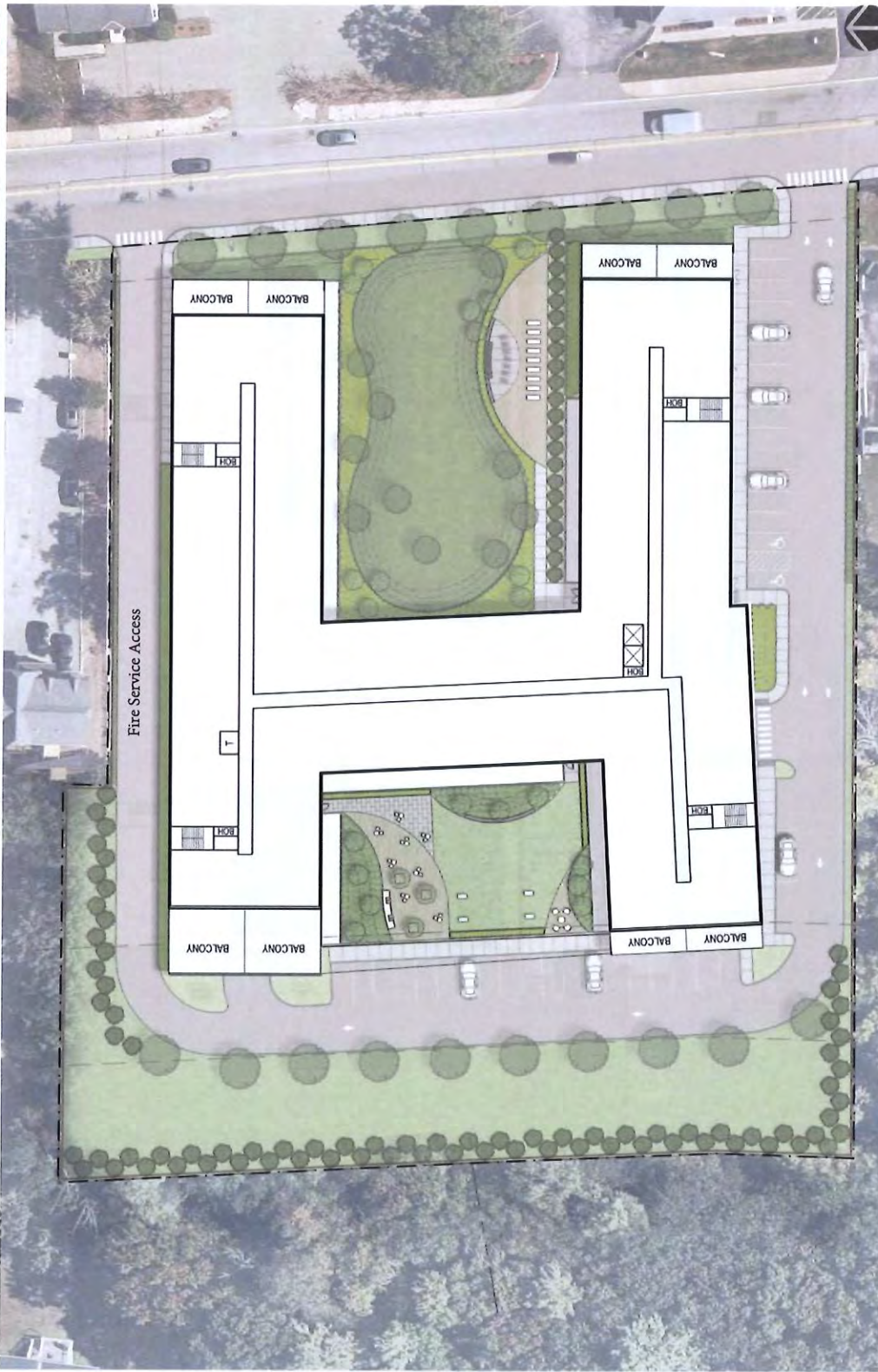
Design Highlights

1. Large, green courtyard at second level atop ground floor parking. Provides open space and shields parking structure from abutters
2. Substantial rear yard setback with overall depth of 88'



Third Floor Plan

Project Metrics
82 Total Units
140 Approx. Parking Spaces





EXISTING 135 Cambridge Street
HEIGHT: +/- 33' Height
"BEFORE"



PROPOSED
HEIGHT: 45' Height (38' MEDIAN HEIGHT)
"AFTER"



245 Cambridge Street, Burlington MA
HEIGHT: +/- 55' Height



PROPOSED
HEIGHT: 45' Height (38' MEDIAN HEIGHT)

- Proposal establishes a new Town Center Multifamily sub-district
- Only the Project Site will be included in Proposed Multifamily Sub-District
- Town Center Multifamily sub-district can only be overlaid over a parcel in Central Business by act of Town Meeting
- Existing Town Center Overlay Design Standards would continue to apply and other presently allowed commercial uses would continue to be allowed in order for mixed use development.



	Central Business
	Civic Center
	Proposed Town Center Multifamily
	Project Site

WARRANT ARTICLE # 35
TOWN CENTER OVERLAY
TEXT AMENDMENT LANGUAGE

(THE WARRANT PROVIDES ONLY THE
SPECIFIC TEXT PROPOSED TO BE
AMENDED. THE FULL TEXT OF TOWN
CENTER OVERLAY BYLAW IS ATTACHED
FOR CONTEXT.)

ARTICLE III: DISTRICTS

SECTION 3.1.0 DISTRICTS

For the purposes of this Bylaw, the Town of Burlington is hereby divided into the following types of use districts:

Residential Districts

- RO One Family Dwelling Districts
- RG Garden Apartment Districts
- RC Continuing Care Districts

Business Districts

- BN Neighborhood Business Districts
- BL Limited Business Districts
- BT Continuous Traffic Business Districts
- BG General Business Districts

Industrial Districts

- IR Retail Industrial Districts
- IG General Industrial Districts
- I Innovation Districts

Other Districts

- PD Planned Development Districts
- OS Open Space Districts

(An Abbreviation shall not be used by itself in a public notice.)

Overlay Districts

The following special districts are hereby established and are set forth in Article 8.0:

- FP 100 Year Flood Plain Districts
- WR Water Resources Districts
- W Wetlands Districts
- A Aquifer Districts
- WC Wireless Communications Districts
- CC Civic Center District
- CBD Central Business District
- TCM Town Center Multifamily District

ARTICLE IV: USE REGULATIONS

SECTION 4.1.0 APPLICABILITY OF REGULATIONS

Except as otherwise provided by the General Laws or by this Bylaw, no building or structure shall be constructed, and no building, structure or land, or part thereof shall be used for any purpose or in any manner other than for one (1) or more of the uses or accessory uses set forth in Sections 4.2.0 and 4.3.0. In each district any construction, reconstruction or alteration shall also be subject to Site Plan Approval as provided by Article IX, Sections 9.3.0 through 9.3.6. In the RO and FP Districts a Site Plan is required in some cases, as further specified herein.

4.1.1 Symbols in Use Regulation Schedules

Yes Permitted as of right

No Prohibited

SP Permitted only by a special permit, as provided by Article IX, Sections 9.2.0 through 9.2.7.

YES₁ – Permitted by right in a CC or CBD overlay district, even if prohibited or allowed only by SP in the underlying zoning district.

SP₁ – Permitted only by a special permit in a CC or CBD overlay district, even if prohibited in the underlying zoning district.

4.1.2 Pre-existing Uses and Structures

Any use or structure existing and permitted as of right at the time of establishment, and subsequently subject to a special permit or prohibited shall be considered a pre-existing lawful nonconforming use or structure. Such pre-existing use or structure, may be continued subject to the maintenance of the then existing character and extent of operations and structures. A change in use, degree of use or structure shall be subject to Article VI and shall require a special permit as provided in Article IX, Sections 9.2.0 through 9.2.7 as may be applicable under those provisions.

4.1.3 Temporary Accessory Uses

The Inspector of Buildings may grant a permit for a temporary building, structure, or use incidental to a construction project. Such permit may be issued for an initial period of not more than one (1) year and may be renewed for periods of six (6) months.

(a) Temporary tents shall be allowed in all districts for a period not to exceed four days for any given event, and shall be subject to the review of the Inspector of Buildings.

Temporary tents shall be allowed for such uses, including but not limited to: weddings, social functions, business gatherings, special promotions related to a permitted use.

Temporary tents related to retail uses or activities shall not generate additional parking demands beyond what can be accommodated by existing on-site parking or offsite parking within 300 feet of the subject property.

Applications for temporary tent permits shall be made to the Inspector of Buildings. Applicants shall provide all such information requested by the Inspector of Buildings, including but not limited to:

1. Means of ingress/egress.
2. Number of available on-site and offsite parking spaces.
3. Estimate number of cars attributable to the event or activity for which the tent is needed.

4. The presence or availability of sanitary facilities on site. Adopted 5-23-88, Art. 72.

4.1.4 Use Limitations

Any other provisions of this Bylaw notwithstanding, no use shall be permitted which would create a nuisance because of, but not limited to, noise, vibration, smoke, gas, fumes, illumination, odors, and dust; or which would create a hazard of radiation, fire, explosion or contamination of the water supply

4.2.0 PRINCIPAL USE REGULATION SCHEDULE

4.2.1	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
		RO	RG	RC	BN	BL	BG	BT	IG	I	IR	OS	A	WR	CC	CBD
4.2.1.1	One family dwellings	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.1.A	2-Family Dwellings	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.1.B	3-Family Dwellings	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.2	Garden Apartment dwelling units (see 11.3.0)	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.3	Hotel (See 10.2.0)	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.3.1	Residence hotel (See 10.2.0)	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.3.2	Motor Hotel or Motel (See 10.2.0)	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	NO	NO
4.2.1.3.3	Short-Term Rental	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.4	Garden Apartment dwelling units purchased, or erected and maintained by the Burlington Housing Authority for the purpose of providing subsidized housing.	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.5	Dormitories primarily used for nonprofit educational corporations, for religious purposes, or for public purposes.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.1.6	One family dwellings purchased or erected and maintained by the Burlington Housing Authority for the purpose of providing subsidized housing.	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.7	Garden apartment dwelling units purchased, or erected and maintained for the purpose of providing subsidized housing.	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.8	Tents, trailers, campers, and mobile homes	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.9	Dormitories other than those specified in 4.2.1.5	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.10	Open space residential	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.11	Assisted Living	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.12	Independent living facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.13	Custodial Care Facility, Group Care Facility	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.14	Congregate Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.15	Continuing Care Retirement Community	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.16	Group Care Facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.1.17	Multi-Family other than 4.2.1.2	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO**
4.2.1.18	Inn, Bed & Breakfast	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁

Use Regulation Schedule Footnotes:

* (4.3.2.9) Except permitted by Special Permit in an (IG) District only as an accessory use to a Hospital principal use at which, at a minimum (i) inpatient and outpatient care and services are provided; and (ii) such facility has not less than fifty (50) beds for inpatient treatment.

In approving a special permit for such parking structure or structures, the Planning Board may (1) limit the number of structures permitted on any site, and (2) determine the maximum number of parking spaces to be permitted and contained on or within a parking structure or structures, as the Planning Board deems appropriate. Further, in approving a special permit for parking structure or structures, the Planning Board may require that specific numbers of existing surface parking spaces, or existing paved or impervious surface areas on a site or sites, be removed and be converted to pervious surface areas, or landscaped areas. In addition, the Planning Board may require that approval of a special permit for a parking structure or structures not result in a net increase of the total number of parking spaces in existence at the time of application for such special permit.

** (4.2.1.17) Except permitted "As of Right" in a TCM District only, following Town Meeting rezoning of the subject Premises to the TCM District. See Section 8.5.0 Town Center Overlay for additional requirements.

LEGEND

Aquifer (A) and Water Resource (WR) Districts: See Article

VIII, Section 8.3.3 Interpretation and Application

Civic Center (CC) & Central Business District (CBD)

Districts : (See Section 8.5.0 Town Center Overlay for additional regulations.)

YES = Allowed use in the CC and/or CBD only if the underlying zoning permits.

SP = Allowed use in the CC and/or CBD by Special Permit only if the underlying zoning permits.

YES₁ and SP₁ = Allowed use by right or special permit in the CC and/or CBD districts superseding any underlying zoning.

NO = Is not allowed in the CC or CBD regardless of underlying zoning provisions

SECTION 8.5.0 TOWN CENTER OVERLAY DISTRICTS

8.5.1 The Town Center is hereby adopted to achieve the following purposes and objectives:

The fulfillment of goals and strategies enumerated in the 1993 Land Use Element of the Master Plan and the 2004 Community Development Plan involving aesthetic and functional improvements to the Town Center;

The enhancement and improvement of existing historic structures and properties around the Town Common;

The enhancement and improvement of existing properties and/or structures relative to pedestrian access, vehicular circulation, and signage;

The implementation of design and development standards to guide future development and re-use proposals which reflect the historic and governmental features of the neighborhood;

The implementation of design and development standards that encourage parking areas to be subordinated in relation to buildings, landscaping, and pedestrian access;

The encouragement of communication and shared redevelopment efforts among adjoining property owners to help achieve their long term goals and objectives; and,

The promotion of increased density where utility and transportation infrastructure already exist to better accommodate future growth;

The promotion of a mixture of uses to reduce vehicle trips, such that residents and area employees can walk to needed services and amenities, and to conversely provide a built-in demand for the local commercial and retail uses;

The encouragement of in-fill development;

The reutilization of properties that have reached their market or physical obsolescence;

The clustering of buildings and mixing of uses in exchange for some portion of land to be set aside as public area or green space;

The application of "Smart Growth Principles" as enumerated by the Commonwealth of Massachusetts to the future redevelopment of the Town Center including varied housing options on selected parcels within the Town Center;

The provision of incentives to accomplish the above objectives.

8.5.2 District Boundaries

The Town Center is herein incorporated as ~~two~~^{three} (2~~3~~) overlay districts, superimposed over other districts established by this Bylaw said districts to be known as: the "Civic Center" (CC) ~~and~~, the "Central Business District" (CBD) ~~and the Town Center Multifamily (TCM) District~~. The districts shall include all areas as reflected on a map titled "Town Center Overlay Map: Civic Center and Central Business Districts", prepared by Town of Burlington Planning Department, dated December 2005, revised through May 9, 2022. This map as may be amended from time to time is hereby made a part of this Bylaw. The TCM District may only be superimposed over a CBD District parcel following a Town Meeting rezoning of such CBD District parcel to the TCM District.

8.5.3 General Requirements and Applicability

All land located within the Civic Center ~~and~~, Central Business Districts and Town Center Multifamily District shall be subject to the use restrictions or prohibitions as identified in Sections 4.2.0, 4.3.0 and 4.4.0 of these Zoning Bylaws. Uses not specifically permitted in these schedules shall be prohibited. Where land falls within the 100-Year Flood Plain District, Wetlands Districts, Aquifer or Water Resource Districts, such land shall be governed by the additional requirements or prohibitions of such districts.

8.5.4 Permitted Uses

~~8.5.4.1~~ Uses permitted by Site Plan and Special Permit

A Site Plan for all uses and activities proposed in the Town Center, except for single family dwellings, shall be required to be submitted in accordance with Section 9.3.0 of this Bylaw and the Site Plan Rules and Regulations of the Planning Board.

In the use regulations schedules of Sections 4.2.0, 4.3.0 and 4.4.0 of these Zoning Bylaws:

Where a use is designated as “YES” in the CC and CBD Districts, such use shall be permitted only if said use is permitted in the underlying zoning district, and any requirement for a special permit in the underlying zoning district shall govern.

Where a use is designated as “YES1” in the CC or CBD Districts, such use shall be permitted by right, even where the underlying zoning district may prohibit such use or require a special permit for such use.

Where a use is designated as “SP” in the CC or CBD Districts, such use shall require a Special Permit in accordance with the procedures specified in Section 9.2.0 of this Bylaw, even where the underlying zoning district may permit such use by right. Such designation shall not supersede a prohibition of an underlying zoning district.

Where a use is designated as “SP1” in the CC or CBD Districts, such use may be permitted by a Special Permit, even where the underlying zoning district may prohibit such use.

Where a use is designated as “NO” in the CC or CBD Districts, such use shall be prohibited regardless of the provisions of the underlying zoning district, [unless otherwise noted in the Use Regulations.](#)

~~8.5.4.2 Housing Production and Residential Uses in the Town Center~~

~~8.5.4.2.1 (This section deleted in its entirety at the Town Meeting of September 2010)~~

~~8.5.4.2.2 Maximum Residential Component:~~

~~No additional Multiple Family Dwellings shall be permitted beyond those units already permitted or applied for as of June 8, 2010~~

[TCM District Allowed Uses: All uses permitted by right or by special permit in the CBD are permitted by right or by special permit in the TCM District. Multi-Family uses \(Section 4.2.1.17\) are permitted by right in a TCM \(See Use Regulation Schedule Footnotes\).](#)

8.5.5 Dimensional Requirements

8.5.5.1 Minimum Lot area

Lot area requirements shall be as required in the underlying zoning district pursuant to Section 5.2.0 of this Bylaw.

8.5.5.2 Minimum Lot Frontage

Frontage requirements shall be as required in the underlying zoning district pursuant to Section 5.2.0 of this Bylaw.

8.5.5.3 Minimum Front Yard

Front yard setback may be zero, subject to inclusion of minimum 10 feet wide pedestrian area along the front face of any structure, where such area may include walkways and other pedestrian amenities

including seating areas, benches, landscaping, lighting, awnings, trash receptacles, and similar features as may be approved by the Planning Board pursuant to a Site Plan.

8.5.5.4 Minimum Side Yard and Rear Yard

Side yard setback may be zero, except where abutting use is a one family dwelling, in which case a minimum 15' landscaped buffer is required.

8.5.5.5 Minimum Buffer to Adjoining RO Districts

The minimum buffer to adjoining residentially zoned property shall be 20% of the average depth and/or width of the lot as applicable, with a minimum of 25' and a maximum requirement of 50'. Abutting residentially zoned property shall include lots that are adjacent to a private or public way, connecting said residential property and the CC or CBD Districts. This buffer is not applicable to front yard setbacks on Cambridge Street, Center Street, and Winn Street. The buffer shall consist of natural vegetation and/or landscaping designed and constructed to mitigate the impact of any commercial use within the CC or CBD Districts on the abutting residential district. The buffer shall be designed and constructed to minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights, or signs, and shall be kept free of encroachment by all buildings, structures, storage areas, and parking, except that bicycle paths and fences may be sited within such buffer area if approved pursuant to a site plan review by the Planning Board but subject to a minimum 20' setback for bicycle paths.

8.5.5.6 Maximum Aggregate Building-to-Ground Area Percentage

33 1/3 %, except that the Planning Board pursuant to a Site Plan or Special Permit may permit the Maximum Aggregate Building to Ground Area Percentage to increase to 40% where such application is consistent with the purposes of the Town Center and meets one or more of the following criteria:

- a) Pedestrian and bicycle amenities are provided that are distinctly separated from drive aisles and parking, that provide active public spaces to foster social interaction, that encourage walking between businesses, that offer ease of access to public transit systems, and that enhance safety and access to adjoining properties and streets;
- b) Landscaping is provided of a density, diversity, and maturity that fosters the creation of public spaces, and that promotes connections to landscaped spaces on adjoining properties;
- c) Any housing component where at least 15% of the units are set aside as permanently affordable housing units.
- d) Offsite mitigation is implemented within the Town Center that substantially advances the purposes and objectives of the Town Center.

Pursuant to a special permit granted under Section 8.5.9 Transfer of Development Rights, the Planning Board may permit a Maximum Aggregate Building to Ground Area Percentage to increase to 50% where such application is consistent with the purposes of the Town Center and meets the criteria of any design review guidelines established by the Planning Board.

8.5.5.7 Maximum Building & Structure Height

For nonresidential and mixed use structures within 100' of abutting residential districts, including measurement across public or private ways = 30'.

For nonresidential and mixed use structures greater than 100' but less than 200' from abutting residential districts, including measurement across public or private ways = 35'.

For nonresidential and mixed use structures greater than 200' from abutting residential districts, including measurement across public ways = 40'.

For multi-family structures within 100' of abutting residential district = 30'

For multi-family structures greater than 100' from abutting residential district = 40'.

For one family dwellings = 30'.

8.5.5.8 Minimum Feet between Buildings

Not less than required by the State Building Code.

8.5.5.9 Maximum Floor Area Ratio

For properties whose underlying zoning designation is General Industrial, the Floor Area Ratio may be increased to 0.50 pursuant to a special permit granted by the Planning Board in accordance with the provisions of Section 8.5.5.6. Floor Area Ratio shall not apply to other properties in the ~~CC or CBD~~ or TCM.

8.5.6 Nonconforming Uses, buildings, structures and premises

In addition to the criteria of Sections 6.1.1 and 6.1.2 of this Bylaw, proposed alteration, expansion, and/or change of nonconforming uses, buildings, structures or premises shall be subject to site plan review and aesthetic criteria of any design review regulations adopted by the Planning Board.

8.5.7 Parking Requirements

Parking requirements shall be as specified in Article VII of this Bylaw.

8.5.8 Multifamily Housing Dimensional Waiver

In order to advance municipal initiatives related to the creation of diverse infill housing opportunities in the Town Center Overlay, the Planning Board may vary the dimensional standards imposed under Section 8.5.3 and 8.5.5 of the Town Center Overlay District for multi-family and mixed-use/multi-family developments in a TCM District. Waivers may be granted with a majority vote of the Planning Board subject to a finding that the proposed development is consistent with the purposes of the Town Center and where the Application for Site Plan and/or Special Permit approval demonstrates that the project meets or exceeds one or more of the criteria outlined in this section below.

1. The proposed use is proximate to public transit options and incorporates, where needed, enhanced pedestrian accommodations in the form of, for example but not limited to, sidewalk extensions, benches or bus shelters, etc. to facilitate access to public transit in the area.
2. The proposed development will result in improvements to certain pre-existing non-conforming conditions, which may include uses, structures and/or premises through the improvements to the pre-existing nonconformity.
3. The proposed development project will result in improvements to stormwater design and water quality. Stormwater designs may include infiltration systems and Low Impact Development (LID) components to enhance groundwater recharge (where environmental conditions allow), these improvements shall be over and above that which are required by applicable local and state requirements relating to stormwater.
4. The petitioner shall demonstrate how the redevelopment advances the purposes and objectives of the Town Center Overlay Districts outlined in Section 8.5.9 and/or other Town published studies.
5. The proposed development will enhance and/or provide for improved outdoor recreational space for residents and/or other community benefit.

8.5.9 ~~8.5.8~~ Design Requirements

The Planning Board shall adopt and maintain design review regulations to govern the future construction and reuse of properties in the Town Center. Adoption and amendment to such regulations shall require a public hearing in accordance with Section 9.6.0 of this Bylaw, and with notice to Town Meeting Members. Such regulations shall address:

1. Facade and exterior building treatment, including the style and sizes of all signage affixed to buildings;
2. A minimum percentage of landscaped surface area; All open space, landscaped and usable, shall be designed to add to the visual amenities of the area by maximizing, in so far as practical, its visibility for persons passing the site or overlooking it from nearby properties.
3. A reduction in the number of existing curb openings that exist on the premises;
4. The placement of utilities and wiring underground to the extent possible;
5. The placement of HVAC equipment, fans, generators, and other site related structures and items so that they are not visible on roofs or building frontage areas, or that such features are suitably screened from view;
6. The layout & design of parking and loading spaces;
7. Other design standards and conditions deemed appropriate by the Planning Board; and,
8. Pedestrian amenities - sidewalks to provide access between parking areas and uses, and between properties.
9. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance or neighboring developed area.
10. Relation of buildings to the environment. The proposed development shall be related harmoniously to the terrain and to the design, scale, and architecture of existing buildings in the surrounding area that have visual relationship to the proposed buildings, insofar as practical. Proposed buildings shall be related to their surroundings with respect to:
 - a) Street facade and exterior walls visible from public ways.
 - b) Variations and breaks in wall and/or roof planes.
 - c) Materials, textures and color
 - d) Roof slopes and materials
 - e) Domestic scale should be produced through massing devices such as breaks in wall and roof planes and through design of architectural features.
 - f) The building should not be made, in effect, a sign, through painting with bold patterns, checks, logos or other graphic devices, use of lighting or use of unconventional building form.
 - g) External lighting
 - h) External windows
11. Heritage. Proposals to remove or disrupt historic or traditional structures, or architectural elements shall be minimized.

12. Cost. The Planning Board shall be obligated to be sensitive to potential financial burden to the applicant, where the applicant is only making improvements to comply with the Americans with Disabilities Act requirements.

8.5.10 ~~8.5.9~~ Transfer of Development Rights

The Planning Board may, by Special Permit, consider requests to transfer development capacity between parcels of land in the Town Center. The Planning Board shall base its decision on the purposes and objectives criteria of Section 8.5.1. A major purpose of this provision is to provide a buffer between the adjoining established neighborhoods and the Town Center where no such buffer currently exists. Transferred development rights may be used for residential or nonresidential uses.

Development rights may not be transferred from land which may not be otherwise developed because of deed restrictions, easements, prior transfer of development rights, or other reasons that render the land not developable, including land with conservation restrictions, land owned by a government agency or a nonprofit corporation or other entity for park, open space, agricultural, historical, or conservation purposes.

Transfer of development rights is contingent upon placing a permanent deed restriction and recording such restriction at the South Middlesex Registry of Deeds, the form of which is subject to approval by Town Counsel, on the land from which the development rights are being transferred and restricting the use of the land to agriculture, forestry, open space, passive or active recreation, or deeding the land to the Town of Burlington as permanent open space or parkland.

Development rights may be transferred from a sending parcel with the accompanying deed restriction and held indefinitely by the owner of the parcel before being transferred to a receiving parcel. Development rights may be transferred by sale or other means and may subsequently be transferred to any owner of receiving parcels in the Town Center allowed pursuant to this bylaw.

8.5.11 ~~8.5.10~~ Criteria for approval

The Planning Board shall not approve any application for approval of a site plan or special permit in the Town Center District unless it finds that all the following conditions are met:

1. The use or uses as proposed to be developed, and as reflected on the Site Plan and/or Special Permit application, will further the goals enumerated in the 1993 Land Use Element of the Master Plan and 2004 Community Development Plan for the Town Center, and the objectives listed in this section;
2. The use or uses proposed to be developed will enhance and improve pedestrian access, vehicular circulation, and the aesthetic appearance and function of the property and the area; and,
3. All criteria for approval listed in Sections 9.2.4 and 9.3.4 of this Bylaw.

~~2897861.1~~

2897861.4

WARRANT ARTICLE #36
MAP IDENTIFYING PARCELS
TO BE REZONED
AND
AMENDED TOWN CENTER OVERLAY MAP

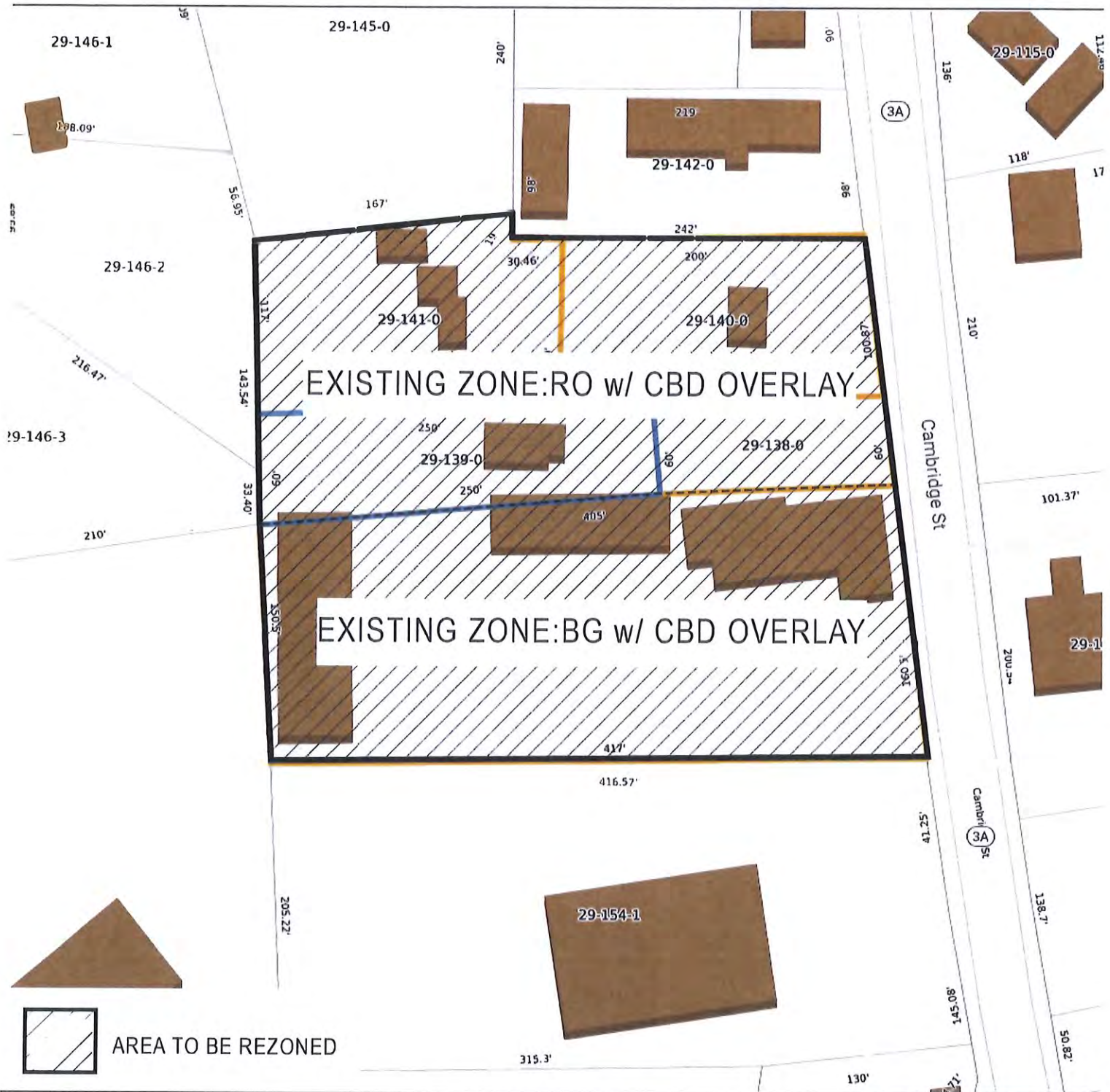
The following maps depict the parcels proposed to be rezoned to the Town Center Multifamily (TCM) District and how the Town Center Overlay District Map is proposed to be amended.

The subject premises is comprised of the following properties:

135 Cambridge Street
137 Cambridge Street
137 R Cambridge Street
139 A Cambridge Street
139 Cambridge Street

PROPOSED REZONING TO TOWN CENTER MULTIFAMILY DISTRICT (TCM)

EXISTING ZONING IDENTIFIED ON PARCEL MAP



SUBJECT PREMISES:

- 135 Cambridge St/Map 29-137-0
- 137 Cambridge St/Map 29-138-0
- 137R Cambridge St/Map 29-139-0
- 139A Cambridge St/Map 29-140-0
- 139 Cambridge St/Map 29-141-0

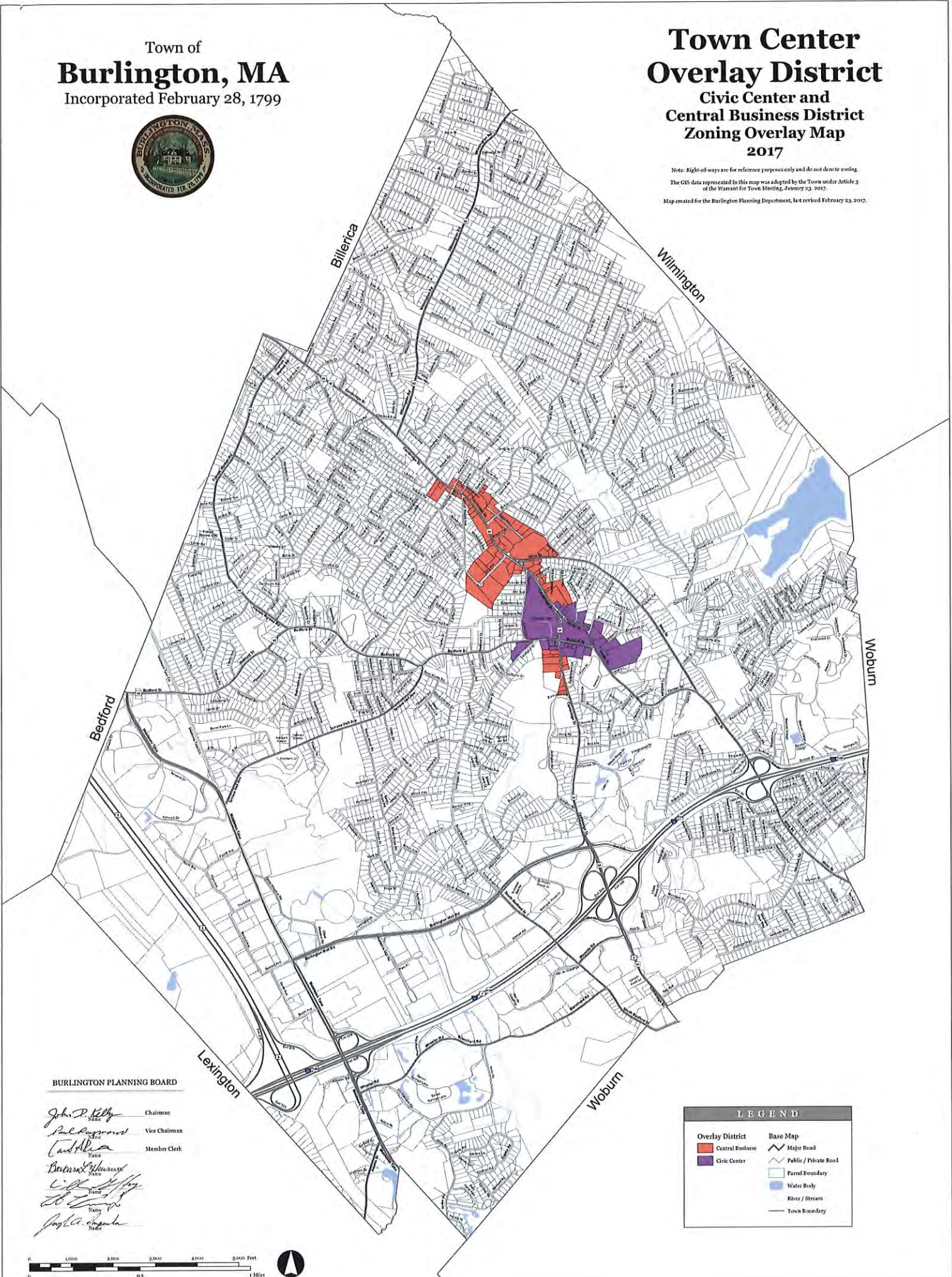
NOVAYA - Cambridge Street
Burlington MA
01.27.22

Town of
Burlington, MA
 Incorporated February 28, 1799



**Town Center
 Overlay District**
 Civic Center and
 Central Business District
 Zoning Overlay Map
 2017

Note: Right-of-ways are for reference purposes only and do not denote zoning.
 The GIS data represented in this map was adopted by the Town under Article 3
 of the Warrant for Town Meeting, January 23, 2017.
 Map created for the Burlington Planning Department, last revised February 23, 2017.



BURLINGTON PLANNING BOARD

John P. Kelly Chairman
Paul Raymond Vice Chairman
Tim Allen Member Clerk
Bernard Gillman
William [unclear]
[unclear]
[unclear]

LEGEND	
■ Central Business	Major Road
■ Civic Center	Public / Private Road
	Parcel Boundary
	Water Body
	River / Stream
	Town Boundary



