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By Town Clerk's Office at 12:39 pm, Jun 17, 2019

TOWN OF BURLINGTON

CERTIFICATE OF DECISION ON SPECIAL PERMIT APPLICATIONS

1. It is hereby certified by the Planning Board of the Town of Burlington, Massachusetts, that on **January 23, 2019**, an application for approval of a Special Permit was filed by **Iconic Capital LLC** regarding land owned by **328 Cambridge Street LLC**, said land being located at **328-330 Cambridge Street, Burlington, MA**, shown on Assessor's **Map 11 as Parcels 57-0 and 57-1**.
2. The Applicant sought approval of a Special Permit Pursuant to **Section 7.2.6 "Special Permit for increasing the maximum parking space requirements" and Section 4.4.1.11 "Discharge from Manmade Structures to wetlands"** of the Zoning Bylaw, for property located in the **General Industrial (IG) District**.
3. After notice and hearing, at a duly called and properly posted meeting of the Planning Board held on **March 7, 2019, April 18, 2019 (no testimony taken), and May 2, 2019** the Planning Board found the following:
 - A. The specific site is an appropriate location for an office use because such use is permitted by Special Permit in the General Industrial (IG) and conditions imposed as part of this Special Permit and associated Site Plan approvals shall ensure that this use will be operated in a manner that is considerate of the neighborhood.
 - B. The use as implemented will not adversely affect the neighborhood because the conditions imposed as part of this approval shall ensure that this use will be operated in a manner that is considerate of the neighborhood, and persons utilizing the premises.
 - C. There will be no nuisance or hazard to vehicles or pedestrians because the proposed parking and circulation pattern provides sufficient parking and circulation for the safety of vehicles and pedestrians utilizing the premises. Further the Applicant has agreed to construct a new sidewalk along the frontage of this site, down Chestnut to Wilmington Road with vertical granite curbing and cement concrete, as more specifically described in the Decision – Application for Approval of a Site Plan, simultaneously and duly granted by the Planning Board (Site Plan approval).
 - D. Social, economic, or community needs will be substantially served because the proposed additional parking will provide supplemental parking spaces to existing businesses.
 - E. The use as implemented will not adversely affect the environment because the proposed use reflects drainage improvements and conditions imposed as part of this Special Permit and associated Site Plan approval shall ensure that this use will be operated in a manner that is considerate of the environment.
 - F. Adequate utilities and public services exist to accommodate the proposed use, and therefore the use as implemented will not have a detrimental effect on services.

- G. Potential fiscal impact, including impact on town services, tax base, and employment, will be favorable or unchanged or improved over current impacts.
4. Based on the foregoing findings, the Planning Board voted to approve the requested Special Permit application.
5. The approval of this Special Permit is based upon the following terms and conditions, any violation of which may result in the Town undertaking any measures allowed by law to ensure that the terms and conditions of this Decision are met:
- A. The Special Permit shall be permitted as a use on the Site Plan submitted herewith, said plan entitled “Proposed Office Building 328-330 Cambridge Street Burlington, Massachusetts,” prepared by BSC Group, dated January 23, 2019, revised to April 25, 2019, consisting of thirteen (13) sheets. All conditions of the associated Site Plan decision shall be incorporated herein including all required revisions to the Site Plan.
- B. The Site Plan referenced above, is incorporated herein by reference and made a part hereof.
- C. The Special Permit is granted for increasing the maximum parking space requirements for the office use at the property, 328-330 Cambridge Street. The Applicant and/or Property Owner is seeking to permit eighty-five (85) total parking spaces. Of those, eighty-five (85) spaces permitted, seventy-one (71) will be constructed initially and fourteen (14) will be considered the Reserve Parking spaces for potential future use. Construction of the fourteen (14) Reserve Parking spaces will be permitted only after the following has been submitted, reviewed and reasonably approved by the Planning Director.
1. The Reserve Parking spaces in the adjacent northerly parking area shall be marked as “Reserve Parking Area.” These Reserve Parking spaces shall not be permitted or constructed for at least one (1) year from the date of issuance of the final occupancy permit for the office building.
 2. The Applicant shall submit a report detailing (for at least a one month stretch of time) how the site has been overburdened respecting parking capacity; including staffing, appointment and visitor data. Photos and weekly logs are also suggested to evidence the need for the Reserve Parking spaces.
 3. The Applicant shall also submit data on TDM measures that have been implemented for occupants/employees to reduce trips and parking need.
- D. The Applicant and/or Property Owner shall follow all health and safety standards and regulations established by federal, state, and local authorities, including the Environmental Protection Agency, the Massachusetts Water Resource Authority, and the Massachusetts Department of Environmental Protection Agency.
- E. Temporary signs are not permitted except as expressly permitted though Town Departments.

- F. The Applicant shall provide the Planning Board and Building Department with the recording data upon recording of this Decision with the registry of deeds.
6. The granting of this Special Permit shall in no way constitute approval for any other licenses or permits which may be required by the Town of Burlington, the Commonwealth of Massachusetts, or any other public agency.
 7. A copy of this Certificate of Decision shall be filed with the Town Clerk, and a copy of this decision together with copies of all plans referred to in the decision shall be filed with the Planning Board. A copy of this Certificate of Decision shall be issued to the Owner and to the Applicant, if other than the Owner.

8. This Special Permit shall not be in effect until a copy of this Certificate of Decision, bearing the certification of the Town Clerk that twenty days have elapsed and no appeal has been filed, or, that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Middlesex South Registry of Deeds and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's Certificate of Title. The owner or applicant shall pay the fee for recording or registering.

Bascom L. Keese

Joseph

John D. Kelly

Paul Raymond

St. C. ...

Will ...

being at least two-thirds of the Burlington Planning Board

A true copy, attest: *Kathleen Lawrence - Planning Director*
Clerk, Burlington Planning Board