



Town of Lexington **Planning Board**

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ARTICLE 2 Amendment to Preliminary Site Development and Use Plan Lexington Technology Park

RECOMMENDATION

The Planning Board recommends that Article 2 be **APPROVED**.

BACKGROUND

Proposal - The project owner, Patriot Partners, has filed an application to amend the site's existing Planned Commercial Development zoning (CD-10) to allow for an additional 380,000 square feet of new office/research spaces and 510,000 square feet of structured parking.¹ This new growth is accomplished through an increase to the maximum allowed floor to lot area ratio (FAR). The site is referred to, and marketed as, the Lexington Technology Park (LTP).

The site is now zoned to allow five buildings for office/research and manufacturing uses, and associated surface parking. The amended zoning would allow two more office/research buildings and two structured parking facilities. Shire Human Genetic Therapies, Inc, a biopharmaceutical firm, presently occupies the greater part of the site for manufacturing, office, and research and development purposes. The bulk of the development on the site is oriented to Spring Street.

The western part of the site has been placed under a conservation restriction, permanently prohibiting any development on approximately 34 acres. Two other conservation areas on the site, one abutting Shade Street and the other along a portion of the northern perimeter, totaling just over 2 acres, have also been permanently restricted.

¹ The PSDUP and DSDUP (approved in 2004 and 2008 respectively) allow for 696,600 GFA of which approximately 465,165 gross square feet has been built.

A more complete description of the proposal can be found in the attached Zoning and Site Development Analysis.

History - The site was originally developed as the headquarters of Raytheon in the Commercial Regional Office (CRO) district, which had a maximum 0.15 FAR. The site was purchased by Patriot Partners in 2003 and zoned into CD-10 in May of 2004. In 2007, Town Meeting approved a Tax Increment Financing (TIF) agreement with the primary tenant, Shire HGT. The TIF agreement covers only the buildings at 200, 300 and 400 Patriot Way. The Board of Appeals issued a special permit for development under the CD zone in 2008. In the spring of 2009 Patriot Partners filed for an amendment to the CD-10 zone. It was placed on the warrant for the spring special Town Meeting. At the spring special Town Meeting it was referred back to the Board of Selectmen and the Planning Board for further study.

Planning Board Discussion of Issues -

Traffic There have been five updated traffic reports for the area since 2003. The latest report done for Lexington Technology Park added three intersections to the study based on a list received from concerned citizens. Citizens also expressed concern that there was no overall plan to address traffic in this area and this piecemeal approach would only make an intolerable situation worse. At the July 29 meeting the Board requested a consolidated traffic review of LTP, Cubist and Shire. This was done as part of the Cubist Traffic study and was considered in the peer review. Mr. Howard Muise of VHB reviewed both the LTP and Cubist traffic studies and concurred that appropriate standards for the calculations and proper methodology for the analysis were used.

The numbers forecasted in the reports were higher than what is actually occurring. Trip generation figures were based on ITE figures for office use even though the buildings are a mixed use of office, research and manufacturing. Questions were raised about the accuracy of the traffic counts as the data was being collected during a recession and the summer could reflect reduced numbers. In fact, the data in the original traffic study was collected in 2008, which was prior to the full impact of the recession and not during the summer months. Also the numbers were in keeping with those from the Ledgemont study done earlier, as well as with the Massachusetts Highway Department's permanent and on-going traffic counts. The report done in August showed a drop off in the peak hours and that was included in the report, which studied an additional three intersections. There did not appear to be a lot of seasonal variation.

The traffic study estimated that 60% of traffic comes from Route 2, but as there is no direct access from Route 2 to the property site there would be discharge on to the streets that do access the property. Concerns included the level of service (LOS) at the intersections now and possible mitigations for the impacts at those intersections.

At the request of the Board, the traffic engineers for the applicant provided sketches and

cost estimates of several potential intersection improvements in the August traffic study. These were provided to aid the town in future planning. Physical changes to the intersections will be discussed and implemented at the Town's discretion.

The mitigation package would include funds to help analyze the data so as to identify potential uses for the mitigation monies, including specific traffic improvements.

The shuttle to Alewife run by Shire was seen as very helpful. Residents suggested that the shuttle be made available to residents. The attorney for LTP, Robert Buckley, said that LTP did not want to create an auxiliary parking lot and would need to look into insurance and liability issues. It was suggested that a turnaround could be provided outside the LTP parking lots to encourage shuttle riders to be dropped off.

Traffic calming is a concern to the residents of Shade Street. The Memorandum of Agreement provides money for a study of the traffic calming needs on Shade Street and it will be up to the Town to use more of the traffic mitigation funds for traffic calming if needed.

Conservation Easements There are three conservation restriction areas. The large area on the western side of the parcel is to be made available for public use. The applicant has agreed to provide construction documents for trails that will be constructed and maintained by the Town.

Screening In order to more effectively screen the parking structure by the Building 600, the location of the building and the parking garage were flipped to allow the parking structure to be bermed and put into the hill, minimizing its presence. While the landscape buffer will be in the PSDUP as an obligation, the final articulations will be in the DSDUP to allow more input from the abutters. At the Board's suggestion, the final PSDUP incorporated a provision that the special permit granting authority (SPGA) may impose more extensive screening along the perimeter of the district to ensure that there are not adverse effects on the abutting properties.

Noise This issue has become a very sensitive one due to the noise currently coming from the renovated Building 300. This noise and the standard which will be applied to its mitigation are part of the covenant executed prior to the rezoning in 2004 and the special permit issued in 2008 and so are not a subject of this proposal. However, abutters are concerned that proper standards and baseline data be established and enforced for the new buildings that would be allowed under the Amended PSDUP. Neighbors had asked that the prohibition of noise spilling beyond the property line be required for all uses on the site, not just manufacturing uses which were addressed in the 2004 covenant and 2008 special permit. After considerable discussion, the majority of the Board felt that requiring the building, uses and activities on the property to be designed and operated to minimize, to the extent reasonably practicable, external noise from building operations and mechanicals was appropriate. This is a less restrictive standard than that used by the

SPGA in the 2008 special permit. The Board suggests that the SPGA establish an existing conditions noise baseline...

Lighting: While recognizing concerns of the abutters regarding lighting, the Board felt that the wording proposed in the PSDUP that gave the SPGA the duties of enforcement, monitoring and the ability to require changes within two years of the issuance of the special permit was not appropriate, and in fact seemed to limit enforcement to a two year period rather than for the life of the project. The final PSDUP provides that The SPGA may impose conditions on exterior and interior lighting to limit their adverse impacts on abutting properties.

Allowed uses: In the original filing there were many uses listed as permitted which seemed unlikely to ever occur on the site, and if they did, would be considered inappropriate. The final PSDUP has removed these uses.

Building locations and height: While Town Meeting votes on the provisions of the proposed zoning set out in the PSDUP the final detail provision appear only in the DSDUP approved by the SPGA. Given the height of the 100 Building and its location along Route 2 the Board wants to call attention to the importance of the design and siting of this building and asks that both the Planning Board and the Design Advisory Committee be consulted during the special permit with site plan review process.

The Memorandum of Understanding (MOU) is attached to the PSDUP as Appendix 9. It outlines the traffic mitigation funds that will be contributed, as well as traffic demand measures that the applicant is committing to take.

Overall, the Board concludes that the proposed amendments to the CD-10 zone offer considerable benefits to the town, and that the possible negative impacts will be minimized or prevented.

PUBLIC HEARING

The Planning Board held a duly advertised public hearing on July 29, 2009 with continued sessions on September 9, October 7 and October 14, 2009.

At these meetings a variety of issues and concerns were raised regarding the potential benefits and development impacts of the proposal including the following:

- Traffic
- Conservation Easements
- Screening
- Noise
- Lighting
- Allowed uses

- Building locations and height
- Memorandum of Understanding

The minutes from the public hearing sessions are available on the Town's website:

<http://www.lexingtonma.gov/planning/minutes.cfm>

After deliberations at their meeting of October 28th, the Board voted 3 to 1 to recommend favorable action on the rezoning petition by Town Meeting. Additionally, the Board recommended specific changes to the language in the PSDUP in the sections "Landscaping", "Lighting and Illumination", "Noise" and "Building Exterior." These changes have been made in the final PSDUP (revision date of October 29, 2009). Mr. Zurlo, Mr. Hornig and Ms. Manz voted in favor. Mr. Galaisis voted in the negative. Mr. Canale had recused himself from the deliberations as he is an abutter to the abutter.

MOTION

This is a citizens' petition and the Planning Board is not responsible for the motion.

RECORD OF VOTE

On October 28, 2009 the Planning Board voted to recommend Article 2 to Town Meeting.

Members voting in favor:

Gregory Zurlo

Charles Hornig

Wendy Manz

Members voting in opposition:

Anthony Galaitsis

ZONING AND SITE DEVELOPMENT ANALYSIS

Of the Proposed CD, Planned Commercial Development District at

LEXINGTON TECHNOLOGY PARK

125 Spring Street, 200, 300, 400 and 500 Patriot Way

(Previously known as 125, 131, & 141 Spring Street)

1. SUMMARY OF THE PROJECT & GENERAL INFORMATION

Property Location/Description: The site is located at the northern terminus of Hayden Avenue at its intersection with Spring Street in south Lexington with ready access to both Route 2 and Route 128.

Table 1: Area Description

	Area (Square Feet)	Area (Acres)
Developable site area	3,360,647 SF	77.1 AC
Area of vegetated wetland	803,950 SF	18.5 AC
Total land area	4,164,597 SF	95.6 AC

Project Description: The project owner, Patriot Partners, has filed an application to amend the site's existing Planned Commercial Development zoning (CD-10) to allow for an additional 380,000 square feet of new office/research spaces and 510,000 square feet of parking in two structures. ² While there are many aspects of zoning addressed in the PSDUP, this new growth is mainly accomplished through an increase to the maximum allowed floor to (lot) area ratio, or FAR with the addition of two buildings. The site is referred to, and marketed as, the Lexington Technology Park.

Current Land Use: The site is now occupied by office/research buildings, a manufacturing facility, and their associated surface parking. The buildings at 125 Spring Street and 300 and 500 Patriot Way exist; 400 Patriot Way is under construction and an additional office/research building is permitted under the current zoning. Shire Human Genetic Therapies, Inc, a biopharmaceutical firm, presently occupies the vast majority of the site for manufacturing, office and research and development purposes. The bulk of the development on the site is generally oriented to Spring Street.

The western part of the site has been placed under a conservation restriction, permanently prohibiting any development on approximately 34 acres. There are two other conservation areas on the site, one abutting Shade Street and the other on portions of the northern perimeter, totaling just over 2 acres that have also been permanently restricted.

Surrounding Land Use: Lexington Technology Park is bounded on the north by residential properties, mostly detached single-family homes on Shade Street; on the south by State Route 2; to the east by Spring Street and the Ledgemont commercial campus property; and to the west by State Route 128.

Prior Development History: The site was originally developed as the headquarters of Raytheon in the CRO district, which had a maximum 0.15 FAR. The site was purchased by Patriot Partners in 2003 and zoned into CD-10 in May of 2004. In 2007, Town Meeting approved a Tax Increment Financing (TIF) agreement with the primary tenant, Shire HGT. The TIF agreement covers only the buildings at 200, 300 and 400 Patriot

² The PSDUP and DSDUP (approved in 2004 and 2008 respectively) allow for 696,600 GFA of which approximately 465,165 gross square feet has been built.

Way. The Board of Appeals issued a special permit for development under the CD zone in 2008. In the spring of 2009 Patriot Partners filed for an amendment to the CD-10 zone. It was placed on the warrant for the spring special Town Meeting. At the spring special Town Meeting it was referred back to the Board of Selectmen and the Planning Board for further study.

2. DEVELOPMENT ANALYSIS

Dimensional Standards: The following table shows the current and proposed dimensional standards. These establish the permitted maximums and required minimums. While the proposed standards do not necessarily dictate what will ultimately be built on the site, in this case, the owner is seeking to build as close to these maximums as possible. The table of development data found in the next section will outline what is actually being proposed to be constructed on the site.

Table 2: Dimensional Standards Comparison

	Existing Zoning (CD-10)	Proposed Zoning	Difference
Maximum Gross Floor Area	696,600 SF	1,586,600 SF	890,000 SF
Occupied Buildings	696,600 SF	1,076,600 SF	380,000 SF
Garage Space	-	510,000 SF	510,000 SF
Maximum Net Floor Area	505,800 SF	806,555 SF	300,755 SF
Maximum Floor Area Ratio (FAR.)	0.15	0.24	0.09
Maximum Site Coverage	25 %	25 %	-
Maximum Height of Buildings	45 – 54.5 Feet	45 – 68 Feet*	13.5 Feet
Maximum Impervious Surface Ratio	24.9	35.7 %	-
Minimum Yard Setback		50 Feet	-

*rooftop structures may exceed the maximum height provided no part of a rooftop structure is more the 25' higher the maximum building height and the total horizontal coverage does not exceed 60%, with the exception that 3% of the roof area may have structures no more than 35' above the roof line

Development Data: This table sets forth the conceptual development program proposed by Patriot Partners. The final project layout is subject to the dimensional standards shown above.

Total Land Area	4,164,597 SF
Area of Vegetated Wetland	803,950 SF
Developable Site Area	3,350,647 SF
Site Coverage of Buildings	12 %
Total proposed impervious surface area:	1,200,000 SF
Impervious surface ratio:	35.7 %
Proposed total gross floor area:	Occupied Building 1,071,270 SF
	Garage Space 504,460 SF
	Total 1,575,730 SF
Proposed net floor area:	806,555 SF
Floor area ratio (FAR):	0.24
Total number of off-street parking spaces:	2,646 (181 in reserve)
Number of loading bays:	18

Proposed Uses: CD-10 currently allows all uses permitted as of right in the Regional

Office (CRO) district as listed in Table 1 in the 2003 Zoning By-Law. The principle deviation of CD-10 from the CRO Zone in permitted uses is the allowance for the research, development, and manufacture of biopharmaceutical products. However, due to concerns expressed by residents, some the uses currently permitted will be eliminated in the amended CD-10. The uses to be permitted in the amended CD-10 are listed in appendix 8 of the PSDUP. Some of the uses that the neighbors had objected to and are proposed to be eliminated are as follows: real estate sales or rental offices; private postal services; farms; distribution center, parcel delivery or commercial mail delivery center; swimming pools, tennis courts; earth removal operations; restaurants; hotels, motels; roadside stand; landing places for helicopters; and, seasonal sale of Christmas trees. A medical clinic for out-patient services is allowed only as an accessory use.

3. PARKING & TRAFFIC

For the rezoning petition submitted to the fall Special Town Meeting Tetra Tech Rizzo prepared a study in August 2009, which analyzed the traffic impacts resulting from proposed additional density at the Lexington Technology Park. This updated the study done in February of 2009 by Tetra Tech Rizzo as part of the submission to the spring Special Town Meeting. This is a brief summary of the findings.

The buildings currently permitted at the Lexington Technology Park will provide a floor area of approximately 696,000 gross square feet. The proposed additional density will add approximately 380,000 square feet, for a total building area of approximately 1,076,600 SF.

A comprehensive traffic count program was conducted for much of the study area in February 2009. Three intersections were counted in June 2009 as they were added to the study after February. These counts were consistent with data from the December 2008 Ledgemont Corporate Center traffic impact study that addressed a proposed development directly across Spring Street from the Lexington Technology Park and thus allowed some data from the Ledgemont study to be utilized as well.

Existing Conditions: During weekday commuter peak traffic hours, some delays are experienced on the roadway system. The study area addressed 11 intersections along Spring Street, Hayden Avenue, Marrett Road and Concord Avenue, including Route 2 interchanges with Concord Avenue and Hayden Avenue. These intersections include all intersections of Town roads expected to carry at least ten percent of the site traffic. At present, at least one turning movement experiences LOS E or F during peak conditions at six of the nine unsignalized intersections.

As far as traffic safety, four of the 11 intersections in the study area (Marrett at Waltham, Hayden at Waltham, Concord at Spring and Marrett at Middle Street) were found to have crash rates in excess of the statewide and district averages. The most common accident type was “rear-end”. The intersection of Spring and Patriot Way had a crash rate higher than the district average, but less than the statewide average rate.

Future Conditions: A future No-Build scenario was generated for the year 2014 assuming 1.0% annual growth, in addition to growth from the other active development proposals in the vicinity. Under the No Build conditions calculated peak hour travel delays on the roadway system increase. Similar to existing conditions, six of the nine unsignalized intersections will have at least one turning movement operating at Level of Service E or F.

Anticipated traffic volumes associated with an assumed 380,000 square feet of new office space at the site were assigned to the roadway system to determine 2014 Build traffic conditions. This amounts to 395 new trips during AM and PM peak hours and 2485 new daily vehicle trips. This added traffic will result in long delays (LOS E or F) during peak hours at seven of the nine unsignalized intersections, one more intersection than under No Build. Delays at the two signalized intersections will marginally increase relative to No Build conditions. (Note that the anticipated mix of office, lab and manufacturing use would generate fewer trips, based on ITE numbers and actual counts).

Traffic Mitigation: A Traffic Mitigation Plan is proposed in consideration of the requested zoning change that is consistent with the mitigation agreement approved during the 2003/2004 rezoning process for the subject site. At the time, a Traffic Mitigation Plan was agreed upon which included two components. First, the plan provided Transportation Demand Management (TDM) measures and funding aimed at reducing single occupant vehicle trips to/from the project site and on Lexington roadways in general. Second, the plan allowed mitigation funds to be spent on physical improvements to area roadways at the discretion of the Town.

The current mitigation commitment extends the TDM program to the potential additional building floor area at the project site and offers additional funding for Lexington's transit operations and/or physical roadway improvements. The level of additional funding offered is in proportion to the additional trip generation associated with the proposed new development.

A third component has been added to the new Memorandum of Understanding that will be entered into with the Town, and that is a traffic calming study in the Shade Street neighborhood and implementation if warranted.

The particulars of the mitigations offered are outlined in the Memorandum of Understanding, which is Appendix 9 of the PSDUP.

Potential Roadway Improvements: At the request of the Board, the traffic engineers for the applicant provided sketches and cost estimates of several potential intersection improvements. These were provided to aid the town in future planning and are not a commitment by either side to implement these improvements.

Parking: Provisions are made for 2,646 off-street parking spaces, including 181 parking spaces held in reserve. Common parking lots are allowed as of right. There will be two parking structures as well as surface parking lots. The required parking ratios (parking spaces per square feet of net floor area of use) for all the permitted uses are the same as those required in the current Zoning Bylaw. The total number of spaces provided was calculated based on a mix of office, lab and manufacturing uses.

4. ANALYSIS OF TOWN FISCAL CONSIDERATIONS

The project proponents assert that the proposed expansion will, if approved, generate approximately \$2,550,000 in gross revenue annually, with a net fiscal benefit of approximately \$2,218,999, a number six and a half times greater than the estimated costs of municipal services. The project will also generate one-time permit revenue of approximately \$1.5 million. In addition, the project will provide new local employment opportunities for Lexington residents.