Town of Lexington
PLANNING BOARD

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PLANNING BOARD REPORT TO TOWN MEETING

STM-3 ARTICLE 2, PROPOSAL TO CREATE PLANNED DEVELOPMENT DISTRICT TWO
45, 55, & 65 HAYDEN AVENUE

RECOMMENDATION

The Planning Board recommends that the motion under Article 2 be APPROVED.

The Board recommends this project to Town Meeting because we believe the project will be beneficial to the Town. Our reasons include:

- The proposed project is an appropriate use of the site;
- The proposed site design and architecture is of high quality;
- There is a positive fiscal benefit to the community for the foreseeable future; and
- Although there is a transportation impact on the area and throughout Town, the Town has negotiated a mitigation package.

To arrive at this conclusion the Board utilized the documents and plans listed below, as well as the testimony at the Public Hearing. The Board encourages Town Meeting Members and interested residents to review them as well – this report is not a substitute for the submitted materials. This report only discusses the issues identified during the Board's public process as significant. The documents cited below are viewable on the Town's website www.lexingtonma.gov/planning-office/pages/45-65-hayden-avenue-proposed-pdd.

- The first-submitted Preliminary Site Development and Use Plan (PSDUP), dated August 23, 2017. The PSDUP is an application for a comprehensive rezoning of a site and comprises both regulatory and non-regulatory material. The non-regulatory material is there to substantiate and justify the reasons for the rezoning and guide the Town's actions on Site Plan Review and other related matters. The regulatory material includes the proposed zoning text, the zoning map amendment, and architectural renderings that will guide the Board through the site plan review process should Town Meeting create the new zoning district.
- The revised PSDUP, dated September 29, 2017. The revised PSDUP reflects all the changes made to the proposal since the original application was filed. This version reflects the proposal that Town Meeting will be voting on.
- The Memorandum of Understanding, signed October 2, 2017 (the MOU). An MOU is a voluntary, binding contract used by the Town to refine the scope, substance, and certain

special conditions of proposed developments seeking a rezoning. It is an agreement between the Town, through the Board of Selectmen, and the applicant. The MOU was negotiated on behalf of the Town by senior staff. The MOU generally contains non-zoning items related to the redevelopment of the site, memorializing community benefit items and mitigation payments.

SITE AND DEVELOPMENT ANALYSIS

As explained by the applicant in their application, the purpose of the proposed rezoning is to permit the development of a new laboratory-office building, of approximately 219,000 gross square feet, and an associated structured parking building, of approximately 361,000 gross square feet of square feet resulting in a total of 597,000 gross floor area of lab office building gross floor area and 564,000 gross floor area in garages.

Relation to Natural Features

The Board identified on-site natural features directly impacted by this proposal; the proposed plan will uncover (called daylighting) an on-site stream and restore its banks and associated wetland resources, increasing the overall amount of green space on the site by 30,000 SF, and permanently preserve another 1.6 acres of land through a conservation restriction. A concern voiced by residents focused on the public's right to park on the site and access the Hayden Woods' trail network during business hours. This is discussed separately below.

Development Intensity

Gross Floor Area Summary	Existing	Proposed
BUILDINGS		
45/55 Hayden Ave	178,430 SF	
65 Hayden Ave	198,960 SF	
75 Hayden Ave – NEW		**219,279 SF**
TOTAL BUILDING GFA	**596,669 SF**	
GARAGES		
45 Hayden Ave	19,368 SF	
65 Hayden Ave	183,632 SF	
75 Hayden Ave - NEW		**360,883 SF**
TOTAL GARAGE GFA	**563,883 SF**	
Contingency	49,448 SF	
PROPOSED GFA ZONING CAP	**1,210,000 SF**	

Adequacy of Vehicular & Pedestrian Access, & Internal Circulation

The applicant's treatment of traffic and parking was one of the primary issues discussed by the Board, the public, and the applicant during the public hearing. It was also an area of emphasis for the Planning Office.

Given the size of the proposed project and the relatively short timeframe the Town had to review the PSDUP application, the Planning Office had a third-party peer review conducted of the Traffic Impact and Access Study. This review, conducted by Howard Stein Hudson at the applicant's expense, revealed several minor issues (subsequently addressed by the applicant and

reflected in the amended PSDUP application dated September 29, 2017) and one larger issue described in more depth below.

Staff's initial review revealed a discrepancy in the modeling of Hayden Avenue's intersections with Waltham Street and the Route 2 WB off-ramp. The applicant's traffic consultant initially modeled both locations as having a police detail during future No-Build and Build peak hour conditions, when in fact there are no plans for this. The consultant revised their model to reflect no traffic controls at either location, which resulted in significant delays during both the No-Build and Build conditions. The Board recommends that, to the maximum extent possible, the transportation mitigation payment outlined in the MOU be used by the Town to address the redesign of these intersections, and especially including safer bicycle and pedestrian access as outlined in the *South Lexington Transportation Study*.

The proposed Travel Demand Management (TDM) policies are outlined in the amended Traffic Impact and Access Study (TIAS). Should Town Meeting approve this article, the Board will refine and finalize the TDM plan during its review of the site plan at the time building permits are sought. This site has a record of strong TDM and the new owner of the site has an excellent record with the Town at its Hartwell Avenue properties. This Plan presents an opportunity to transform twentieth century TDM policies into twenty-first TDM implementation with the increased on-site density.

On-site Environmental Effects

Should Town Meeting approve this rezoning request, the applicant will be required to file a Notice of Intent (NOI) with the Conservation Commission. As mentioned above, this approval will likely finalize the plans for the daylighting and restoration of the on-site stream and nearby resource areas, as well as the overall stormwater mitigation plan. The applicant met informally with the Commission (August 7, 2017) and identified nothing facially problematic with the scheme shown on the plans. The Commission is expected to hold the rights to the conservation restriction on the 1.6 acres of open space mentioned above.

Potential Effects on Nearby Properties

The Board's review identified the proposal's proximity to the Hayden Woods conservation area as a concern, specifically how the public's ability to park and access the trails would be affected, as well as concern with potential increased on-site noise activities that could affect the conservation area's ambience. The applicant has agreed to a noise protocol that will be developed and incorporated in the Site Plan Review stage.

Currently, the public may park on site to access the trails, but there is no formal agreement as to the number of spaces that may be used or where on the lot they may be. Per the signed MOU, there will be four dedicated spaces available to the public from dawn to dusk, seven days a week, at the trailhead, with additional parking to be made available outside of regular business hours (i.e., 9 AM – 5 PM).

The applicant has stated publically its willingness to go beyond what is stated in the MOU to allow additional parking during business hours. The Board intends to negotiate this additional parking, during regular business hours, under the site plan review process.

The applicant has also stated an intent to work with the Town to explore the possibility of establishing a transit shelter as part of an area-wide transit plan. The Board will work with the applicant to finalize the site's Parking and Transportation Demand Management measures during site plan review.

The Quality of the Proposed Design

The Board felt that the quality of the proposal was excellent and would continue to reflect well on the community; however, a final review of building elevations and site features such as landscaping should be left to the site plan review process, should it get that far. The Board principally concerned itself with the overall site design and site planning issues.

The applicant included conceptual renderings of the proposed development in the PSDUP application. There was no public comment on this point, nor did the Board recognize it as a point of concern.

Impact on Public Facilities & Services

The Board concerned itself with the essential municipal utilities of water and sewer. Other services, like police, fire, and public works were discussed under the fiscal analysis. Initially, the Board relied upon the Engineering Division's review of the proposal plans given during staff's Development Review Team meeting. As no issues were identified, the Board issued no report. However, as the process developed, concerns were raised by the abutters and the Board to revisit this issue. A request was made that the Engineering Division conduct a consolidated review of the water and sewer demands in the area. Again, Engineering did not identify any problems.

Analysis of Town Fiscal Considerations

The applicant included a detailed analysis of the fiscal impacts on the Town, prepared by Mark Fougere Associates, a private planning firm. The analysis points to a net benefit of approximately $1.8 million per year of additional tax revenue. Put another way, for every tax dollar brought in by the site, the Town will only spend 20 cents to service it. The project will also generate several hundred thousand dollars in one-time building permit fees during construction. The analysis did not include impacts on the roadway infrastructure, which are addressed elsewhere.

Policy Analysis

How this proposal fits into other published Town policies on land development, land management, and land use was not fully debated among the Board members nor was it raised by many members of the public. That said, this type of project seems to be consistent with the Comprehensive Plan's opinion that future commercial development should seek redevelopment opportunities within existing commercial zones rather than the expansion through the increase of the geographical bounds of commercial districts.

The *South Lexington Transportation Study* outlines the transportation infrastructure inadequacies in the South Lexington area. The Town has not yet developed an implementation plan to address the current deficiencies. The Board believes that the overall benefits of this proposal outweigh the increased traffic issues and recommends that the applicants financial contribution, noted above, be used towards developing such a plan. The Board urges the Town to complete a plan before any new general levels of zoning intensity are implemented in this commercial area.

The study also identified that, due to the Town's existing traffic operation standards (calling for peak hour conditions no worse than Level of Service D) the potential for additional growth would be constrained, beyond the growth already approved at the time the study was conducted. The study went on to note that if the Town desired additional development in the area it should adopt an alternative standard, for example that utilized by Massachusetts' Environmental Protection Agency (MEPA), which requires that major traffic impacts, associated with a proposed development, be no worse than "no-build" conditions without said development. As the Town is embarking on a complete revision of its Comprehensive Plan, there is an opportunity to allow residents to advocate for a new standard that balances different levels of economic development against acceptable levels of transportation impacts throughout the Town.

Purposes of Rezoning

The applicant submitted a narrative explaining why they are seeking to increase the intensity of their development (see the cover letter of the PSDUP). This statement is consistent with the purposes of zoning as expressed in the Massachusetts Act of 1975, Chapter 808, §2A. Beyond that, the Board feels that this project maintains an appropriate balance between land use, transportation impacts, and the scenic and aesthetic qualities of the Hayden Avenue corridor. The importance of this point was not commented on generally but was the focus of specific issues noted elsewhere in this report.

Comparison of Existing versus Proposed Zoning

Generally, the uses proposed do not significantly differ from those in the existing CD District; the rezoning is principally to allow for the two new structures. Further expansion is not possible under the current zoning. The allowable uses are proposed to broaden slightly in response to market demands that campuses like this provide a small amount of amenity space to employees, such as cafes, workout spaces, locker rooms, etc. The proposed zoning text that would control both the dimensional standards and uses allowed in the district can be found in the PSDUP text, Section 6.

The Board believes that the applicant envisions at least 50 % of the net floor area in the new building to be first-class lab space including associated office space.

Other Planning Considerations

There were few if any other issues raised during the Board's review of this proposal, including the informal meetings with the Board over the summer, unrelated to those discussed above. There are several non-zoning related items being addressed in the MOU, which is an agreement between the applicant and the Board of Selectmen. The MOU, which was endorsed by the applicant and the Board of Selectmen on October 2, secures funds for off-site transportation

impacts, annual payments to the Lexington Nature Trust Fund, and a one-time lump sum payment to the Cary Memorial Library Foundation. Again, the Board recommends that the transportation mitigation payment be dedicated to further develop the recommendations identified in the *South Lexington Transportation Study*. In addition, the MOU references travel demand management policies that will be finalized during Site Plan Review, provides for the additions to the conservation area and related access improvements, and limited access to the facility for community meetings.

SUMMARY OF PUBLIC HEARING

The public hearing on this application opened on September 13, 2017, and continued to September 27, 2017. The minutes of these meetings are on file with the Planning Office and summarized below.

September 13, 2017

The hearing was opened at approximately 7:45 p.m., with approximately six people in the audience. Present from the applicant team was Mr. Thomas Ragno, principal and CEO of King Street Properties, Mr. Robert Albro, King Street's Managing Director, Doug Hartnett of Highpoint Engineering, and Rick Cue and Derek Johnson of Perkins and Will, the project architects.

The new building (which they call 75 Hayden) is to be a multiple tenant building and to help transform the site into a premier life science campus. An associated parking garage will be built on top of the existing surface parking lot. The team presented the plans, demonstrating how the scale of the new buildings is consistent with the existing structures. The new lab/office building will be about 57 feet tall.

Mr. Albro concluded by describing the project's benefits, including fiscal and environmental, noting the addition of 1.65 acres to the existing conservation restriction, and a strong PTDM proposal.

The Board then asked a number of questions about the proposal, touching on transportation, public access to the trailhead, the height of the proposed garage, the proposed community space, the landscaping. The public in attendance raised questions about the parking for the trail, and traffic issues in the area, particularly at the Waltham Street and Hayden Avenue intersection.

September 27, 2017

The hearing was opened at approximately 7:15 p.m., with approximately five people in the audience. Present from the applicant team was Mr. Thomas Ragno, principal and CEO of King Street Properties, Mr. Robert Albro, King Street's Managing Director, Doug Hartnett of Highpoint Engineering, Christian Lemon and Brooke Whiting Cash of Lemon Brooke LLC, the landscape architects, and Robert Michaud of MDM Transportation Consultants.

The applicant refined their PSDUP submission based on feedback received during the September 13 Planning Board meeting. The project team reviewed the updates made to the submission, which included identifying maximum dimensions and parking spaces, an update on the traffic analysis, landscaping plans, and provided an update on the status of the MOU.

There was discussion between the Board and the applicant on the specifics of what Zoning Regulations would govern the review of the site plan, if Town Meeting approves the project. There was also further conversation about the details on the public access and parking for the trailhead to Hayden Woods.

It is expected that the applicant will file a formal amendment to its PSDUP application by September 29, in order to allow the Planning Board to see all the comments that have been discussed throughout the hearing, including the MOU for its meeting of October 4, at which time the Board is expected to take a position on this article.

RECORD OF VOTE

On October 4, 2017, the Planning Board, by a vote of 4 to 0, recommends approval of Article 2 to Town Meeting.[1]

Members in Favor of the Recommendation:

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[1] Please note that the Planning Board was missing a member on the evening of October 4, and intends to revote its recommendation before the article is taken up by Town Meeting (anticipated on October 18). At the close of the public hearing on September 27, this member had informally voted in support of the motion.