



Lexington Technology Park

200 Patriot Way
Lexington, MA

SUBMITTED BY

SHIRE HGT, INC.
200 SHIRE WAY
LEXINGTON, MA 02421

SMMA

Symmes Maini & McKee Associates
Cambridge, Massachusetts

AUGUST 28, 2015

SMMA NO. 15056.00

SPECIAL PERMIT AMENDMENT – ENGINEERING

August 28, 2015

Ms. Martha Wood
Chair
Board of Appeals
1625 Massachusetts Avenue
Lexington, MA 02420

Re: Shire - Parking Expansion

Dear Martha:

This application is submitted on behalf of Shire Human Genetic Therapies, Inc. ("Shire"), to amend the Special Permit with Site Plan Approval (SPS) for "200 Patriot Way" (now known as 200 Shire Way) to enable expansion of two previously approved parking areas.

The application is as follows:

To amend the Special Permit with Site Plan review (the "SPS") for 200 Shire Way (previously known as 200 Patriot Way) pursuant to sections 135-7 and 135-9 of Chapter 135 of the Code of the Town of Lexington.

The SPS was approved March 25, 2010 and described Building 200 along with associated site improvements, parking and landscaping. 200 Shire Way has been constructed in substantial conformance with the approved site plan. The SPS included two future "reserve" parking lots, each consisting of 35 spaces which were not built. Because of the continued growth in Shire's business, additional parking is now required on the campus, and this application seeks to amend the SPS to increase the size of the "reserve" lots. Lot A would increase from 35 to 73 spaces and Lot B would increase from 35 to 54 spaces. Shire has implemented a successful Traffic Demand Management (TDM) plan and has leased nearby satellite parking to mitigate parking demand and thereby minimize the size of the proposed parking expansions.

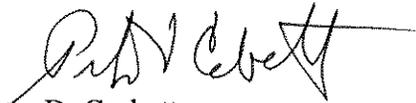
As described in the accompanying application, the Project complies with the requirements of sections 135-7 and 135-9 of the Zoning Bylaw and has been designed to maintain the landscape of the campus, to avoid impacts to neighbors and to be compatible with the surrounding area.

Ms. Martha Wood
August 28, 2015
Page 2

The Zoning By-Law allows modifications to a special permit such as the one requested by this application. Section 7.3.5(6)(d) permits revisions from the PSDUP “provided they do not conflict with the text of such plan” and further explains, in relevant part, that such “changes shall generally be limited to . . . changes in the site plan.” The changes proposed in this application to the location and number of surface parking spaces are such changes to the site plan, and do not conflict with the text of the PSDUP. In addition, Section 7.3.5(8) provides that “After the grant of a special permit, minor revisions may be made from time to time” as long as the development authorized by such special permit, as so revised, continues to conform substantially to the PSDUP. The amendment requested by the application clearly satisfied both of these standards. Finally, the modification to the site plan requested by this application is consistent with the DSDUP. It shows substantially less overall parking than is allowed under the DSDUP, and the modifications it requests are limited to minor revisions to the site plan. The Board has approved such revisions in the past, and they are customary as interim conditions during the extended development of large, phased projects for which Planned Development Districts are specifically intended.

Thank you for consideration of this application, and if you require any additional information please feel free to contact Ken Filosi at Shire (617) 482-6781, John Hart at SMMA (617)520-9430 or me.

Sincerely,



Peter D. Corbett
Attorney for and on behalf of Shire Human
Genetics Therapies, Inc.

PDC/dam

8540295

CONTENTS

SECTION ONE	Application for Hearing Certified List of Abutters Maps of Abutters Legal Notice Form
SECTION TWO	ZONING Project Description Dimensional Standards and Parking Consistency with SPS & DSDUP Figures <ul style="list-style-type: none">• Aerial Site Plan Rendering• Enlarged Aerial Site Plan Rendering• Site Lighting Photometrics - Lot A• Site Lighting Photometrics - Lot B
SECTION THREE	STORMWATER MANAGEMENT DESIGN Overview Drainage System Drainage Pipe Design Peak Discharge Summary Figures <ul style="list-style-type: none">• Pipe Design Calculations
SECTION FOUR	2010 SPECIAL PERMIT INFORMATION Cover Letter Application Decision



Town of Lexington
Zoning Board of Appeals
Application for Hearing

This application must be completed, signed and submitted with the filing fee by the applicant or his/her representative in accordance with the Rules and Regulations of the Board (see other side of this application). The applicant is advised to review the Lexington Zoning Bylaw and the Rules and Regulations of the Board of Appeals prior to filing this application.

Location of Property 200 Shire Way
 (Street and number)

Name and Address of Applicant Shire HGT, Inc, 300 Shire Way, Lexington, MA 02420

Applicant contact info - phone: day 781-482-9464 evening 781-482-9464 E-mail gmindlin@shire.com

Applicant is: Owner Tenant Agent/Attorney Prospective Purchaser

Property Owner's Name and Address (if not applicant): _____

Date Deed Recorded: June 30, 2010, Middlesex So. Registry of Deeds Book 54920 Page 208

Characteristics of Property: Lot Area 12.02 Acres Actual Lot Frontage 701.50'

Present Use of Property: Office and Research & Development Laboratory

Lexington Assessors' Map No. 18 Lot No. 15F Zoning District CD-10

Application is for:

- A variance from Section _____ of the Zoning Bylaw.
- A special permit in accordance with Zoning Bylaw Section, _____
- An appeal from a decision of the _____ dated _____
- Permit for removal or placement of fill, sand, gravel, or other materials. See General Bylaws of Town of Lexington, CH 43.
- Comprehensive Permit- M.G.L. Ch. 40B (subsidized housing)
- Other Amendment to Special Permit with Site Plan Review (SPS)

Nature and Justification of Request (please use attachments as needed):

This application is for an Amendment to the Special Permit with Site Plan Approval granted on March 25, 2010. The proposed project and request is for an additional 60 parking spaces to be constructed in conjunction with the 70 reserve parking spaces approved in 2010.

PETITIONER OR REPRESENTATIVE MUST ATTEND THE HEARING.

Signature of Applicant/Petitioner (or Representative) *[Signature]* 28 AUG 15

Schedule of Filing Fees- October 17, 1989:

	<u>Residential</u>	<u>Non-Residential</u>	
Variance	\$100	\$200	Sign: \$100
Special Permit	\$100	\$200	Special Permit with Site Plan Review (SPS) *
Appeal	\$100	\$200	Comprehensive Permit*
Renewal	\$100	\$200	*varies with size of project



Town of Lexington

Request For Certified Abutters List

Request Date

Requestor's Due Date

To Whom It May Concern:

I would like to request a Certified Abutters List for the following property:

Property Addresses: _____ Tax Map #: _____ Lot #: _____ Unit # _____

Other Related Map/Lot#: _____

Current Owner(s): _____

For the purpose of contacting abutters for:

- | | |
|---|--|
| ● Board of Appeals (Within 300') | ● Historical District Commission (Within 100') |
| ● Planning (Within 300') | ● Selectmen (Within _____') |
| ● Conservation Commission (Within 100') | ● Out of Town (Within _____') |
| ● Historical Commission (Within 100') | ● Town Engineer (Within _____') |

Other criteria as follows: _____
(Example: All condo association owners Or All properties on Elm St between Sugar St and Maple St.)

The Certified Abutters List should be Delivered as follows:

#

- Picked up *Please call when ready #* _____
Phone Number *Gz.v*
- Emailed to _____

Rtlpvgf "P co g" "Date

O cklpi "Cf ft guu" Phone Ext

RFLENT

Dept Use:

Date Processed : _____ Fee Collected: _____

17-22
95 HAYDEN LLC
C/O HOBBS BROOK MANAGEMENT LLC
225 WYMAN STREET
WALTHAM, MA 02454-9198

18-15D
SHIRE HUMAN GENETIC THERAPIES INC
SHIRE ACCOUNTS PAYABLE
725 CHESTERBROOK BLVD
WAYNE, PA 19087

18-15E
SHIRE HUMAN GENETIC THERAPIES INC
SHIRE ACCOUNTS PAYABLE
725 CHESTERBROOK BLVD
WAYNE, PA 19087

18-15F
SHIRE HUMAN GENETIC THERAPIES INC
SHIRE ACCOUNTS PAYABLE
725 CHESTERBROOK BLVD
WAYNE, PA 19087

18-15G
SHIRE HUMAN GENETIC THERAPIES INC
SHIRE ACCOUNTS PAYABLE
725 CHESTERBROOK BLVD
WAYNE, PA 19087

18-1A
PRESCILLA RANDY
112 SPRING ST
LEXINGTON, MA 02421

18-2B
ONE LEDGEMONT LLC
C/O THE BEAL COMPANIES LLP
177 MILK ST
BOSTON, MA 02110

18-4A
92 HAYDEN AVENUE TRUST
% BOSTON PROPERTIES INC TAX DEPT
800 BOYLSTON ST, STE 1900
BOSTON, MA 02199

25-112
RODLIFF MATTHEW
104 SPRING ST
LEXINGTON, MA 02421

25-113B
ZHOU QI &
DING LIN
110 SPRING ST
LEXINGTON, MA 02421

25-114A
SEAVER PROPERTIES LLC
215 LEXINGTON ST
WOBURN, MA 01801

25-114B
SEAVER PROPERTIES LLC
215 LEXINGTON STREET
WOBURN, MA 01801

25-115
LAMBIE JAMES W & LAMBIE NANCY D
C/O FREDERIC LAMBIE
2 HILLCREST DR
HARVARD, MA 01451

25-116
FLEISCHMANN RALPH E TRS RALPH E FLEISCHM
FLEISCHMANN MARJORIE S TRS MARJORIE S FL
28 SHADE ST
LEXINGTON, MA 02421

25-117
FOOHEY LAURA
34 SHADE ST
LEXINGTON, MA 02421

25-118
MANUEL DAVID &
MANUEL ANNE
40 SHADE ST
LEXINGTON, MA 02421

25-127
XU YUNKANG &
WANG YUN
21 SHADE ST
LEXINGTON, MA 02421

25-128
CHISOM LINDA G &
FERULLO MICHAEL J
SHADE ST
LEXINGTON, MA 02421

25-129
CHISOM LINDA G &
FERULLO MICHAEL J
17 SHADE ST
LEXINGTON, MA 02421

25-130
FENN JULIE E TRUSTEE
15 SHADE STREET NOMINEE TRUST
15 SHADE ST
LEXINGTON, MA 02421

25-131
PATUTO PATRICK III &
FREY LAURIE J
9 SHADE ST
LEXINGTON, MA 02421

25-132
GHOSH SANJOY &
GHOSH SRIMOYEE
107 SPRING ST
LEXINGTON, MA 02421

25-133
EDMONDS CHRISTINE
105 SPRING ST
LEXINGTON, MA 02421

25-134
MAN SIMPSON &
MAN KRISTINA Y M
101 SPRING ST
LEXINGTON, MA 02421

25-15H
SHIRE HUMAN GENETIC THERAPIES INC
SHIRE ACCOUNTS PAYABLE
725 CHESTERBROOK BLVD
WAYNE, PA 19087

25-84A
SINGH PRASHANT &
KAUR MEENAL
65 MUNROE RD
LEXINGTON, MA 02421

26-32
MARZABAL STEPHANE &
MARZABAL FABIANA
46 SHADE ST
LEXINGTON, MA 02421

26-33
JACKSON PHILIP T &
CICCOLO MICHELLE
50 SHADE ST
LEXINGTON, MA 02421

26-34
HEALY JUDITH
54 SHADE ST
LEXINGTON, MA 02421

26-35
SOWSY CRAIG F & AMY R SOWSY
56 SHADE ST
LEXINGTON, MA 02421

26-36
GRAETER ERIN SULLIVAN &
GRAETER JR PHILIP H
60 SHADE ST
LEXINGTON, MA 02421

26-37
BROWN JESSE &
ROTHENBERG REBECCA
64 SHADE ST
LEXINGTON, MA 02421

26-38A
COHEN ALISA
68 SHADE ST
LEXINGTON, MA 02421

26-39A
CHELLIAH THOMAS &
THOMAS SHANTHI
9 VINE BROOK RD
LEXINGTON, MA 02421

26-40
HARAMUNDANIS GEORGE JOHN
74 SHADE ST
LEXINGTON, MA 02421

26-41
ROBBINS JEFFREY S &
JOANNE A ROBBINS
76 SHADE STREET
LEXINGTON, MA 02421

26-42
THE A FELDMAN TRUST NO 1 ANITA FELDMAN T
80 SHADE ST
LEXINGTON, MA 02421

26-43A
NEEDHAM CHRISTOPHER E &
NEEDHAM JANET T
84 SHADE ST
LEXINGTON, MA 02421

26-43B
GO JONATHAN
82 SHADE ST
LEXINGTON, MA 02421

26-44E
SHIRE HUMAN GENETIC THERAPIES INC
SHIRE ACCOUNTS PAYABLE
725 CHESTERBROOK BLVD
WAYNE, PA 19087

26-44F
110 SHADE STREET LLC
C/O TODD CATALDO
121 MARRETT RD
LEXINGTON, MA 02421

26-44F-1
WHITFIELD IAIN C A &
WHITFIELD ELIZABETH M
6 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-10
SALTER MATTHEW &
HUA LING
28 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-11
WALSH THOMAS W &
WALSH MARIANN MOSKALICK
30 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-11
WALSH THOMAS W &
WALSH MARIANN MOSKALICK
30 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-12
DING YUN
32 JOURNEYS END LN UNIT 12
LEXINGTON, MA 02421

26-44F-13
RIEP FRITS &
RIEP GAIL
36 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-13
RIEP FRITS &
RIEP GAIL
36 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-14
NEALE JASON R &
GRIFFIN RYAN
15 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-15
BRENNAN KIMBERLY
11A JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-16
GRANT HOWARD &
REISS SUZANNE
11 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-17
ROSENTHALL LOUIS PHILLIP &
ROSENTHALL ELIZABETH W
9 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-18
CORNISH LUCILE F
7 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-19
LEAVITT KENNETH &
LEAVITT SUSAN A
5 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-2
RINGLAND DENNIS J &
LIPTON JACQUELINE
8 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-20
KANG YOUNGHAN
3 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-3
ZIMMERMAN SUSANNE E TRUSTEE
12 JOURNEYS END LANE NOMINEE TRUST
12 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-4
CAMPBELL ANDREA
10 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-5
CATALDO THOMAS J TRUSTEE
MIRZ A COKE REALTY TRUST
121 MARRETT RD
LEXINGTON, MA 02421

26-44F-6
ARANOW MARTHA C
18 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-7
YILMAZER EVREN
20 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-8
JOE DANNY C M &
YILMAZER OZLEM
22 JOURNEYS END LN
LEXINGTON, MA 02421

26-44F-9
PENG HONG &
PENG QUN
26 JOURNEYS END LN
LEXINGTON, MA 02421

26-45A
MINTER RONALD J &
MINTER NADIA
110 SHADE ST
LEXINGTON, MA 02421

26-45B
SADOWAY STEVEN D &
DONOVAN DIANA J
112 SHADE ST
LEXINGTON, MA 02421

26-45C
CUTIE CHRISTOPHER J &
CUTIE JENNIFER KIM
116 SHADE ST
LEXINGTON, MA 02421

26-45D
MAYER HOWARD B &
MAYER MARA
118 SHADE ST
LEXINGTON, MA 02421

26-45E
JOURNEYS END CONDOMINIUM TRUST
C/O BARRINGTON MANAGEMENT
376 MASSACHUSETTS AVENUE
ARLINGTON, MA 02474

34-100
SMITH SHAWN C &
SMITH MARGARET K
133 SHADE ST
LEXINGTON, MA 02420

34-101
FLANAGAN JOHN P
131 SHADE ST
LEXINGTON, MA 02421

34-102
BONARDI EDWARD J III
129 SHADE ST
LEXINGTON, MA 02421

34-103
SUISMAN MARJORIE TRUSTEE
SHADE TREE TRUST
127 SHADE ST
LEXINGTON, MA 02421

34-104
SCHADLER EDWARD H &
SCHADLER DEIRDRE Q
125 SHADE ST
LEXINGTON, MA 02421

34-105
ADLER MICHEL F
121 SHADE ST
LEXINGTON, MA 02421

34-106
LANDIS DAVID A &
CHAMBERLAIN ELIZABETH R
117 SHADE ST
LEXINGTON, MA 02421

34-107A
SASTRI SURI A & CANDACE J
10 BICENTENNIAL DR
LEXINGTON, MA 02421

34-108
DARU DENNIS C JR &
DARU CYNTHIA L
109 SHADE STREET
LEXINGTON, MA 02421

34-109
GUDINSKI STELLA &
GUDINSKI WALTER S
107 SHADE ST
LEXINGTON, MA 02421

34-92
BIEDRZYCKI WITOLD R
2 WESTON RD
LEXINGTON, MA 02421

34-93
DAHL SUSAN L &
COHN WILLIAM H
4 WESTON STREET
LEXINGTON, MA 02421

34-94A
PINCINCE BARBARA N TRUSTEE
BARBARA N PINCINCE TRUST - 2011
159 SHADE ST
LEXINGTON, MA 02421

34-94B
BATCHELDER LORING E TRUSTEE
155 SHADE STREET REALTY TRUST
155 SHADE ST
LEXINGTON, MA 02421

34-95
SMITH PAUL D & BENSON LESLEY L
153 SHADE ST
LEXINGTON, MA 02421

34-96
EASTMAN CLAYTON E &
EASTMAN KATHY M
151 SHADE ST
LEXINGTON, MA 02421

34-97
HO CHEN &
WHU SHUMIN W
147 SHADE ST
LEXINGTON, MA 02421

34-98
KEEFE FREDERICK D & PATTI A TRS
KEEFE FAMILY TRUST
139 SHADE ST
LEXINGTON, MA 02421

34-99
KEEFE FREDERICK D &
KEEFE PATTI A
137 SHADE ST
LEXINGTON, MA 02421

35-10
TKACHUK EDWARD S L/E &
TKACHUK JEAN G
11 WESTON ST
LEXINGTON, MA 02421

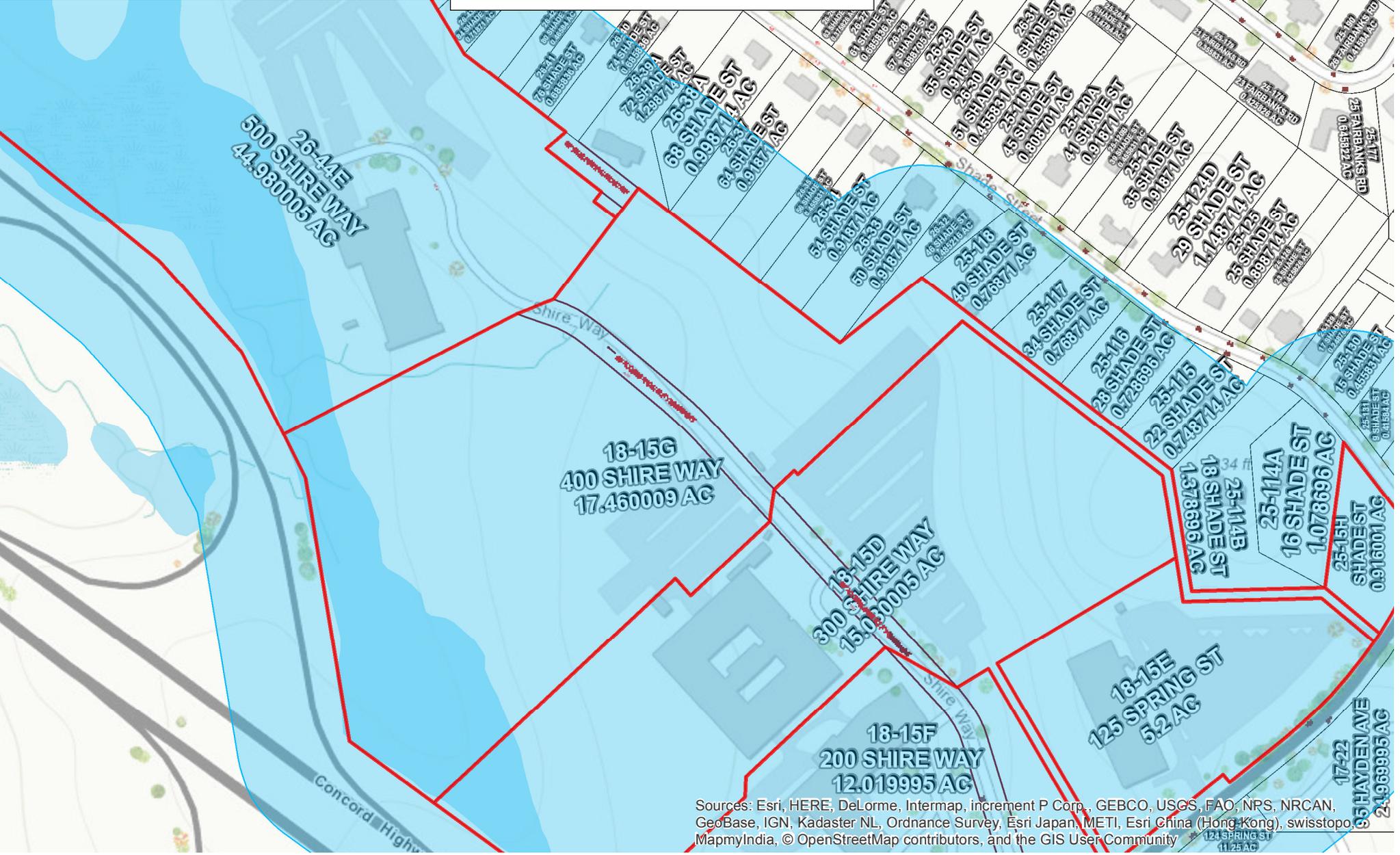
35-11
ZHOU XIANJIE &
FANG ZHIBIN
3 WESTON ST
LEXINGTON, MA 02421

35-12
MACLEOD CHARLES E REVOCABLE TRUST
C/O FRASER CHARLENE M
420 WULAMAT ROAD
BRISTOL, NH 03222

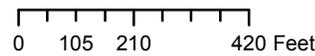
35-8
SCOTT HANNAH M
404 LINCOLN ST
LEXINGTON, MA 02421

35-9
GAJULA PARTHASARATHY &
ANNAMNEEDI MADHAVI
19 WESTON ST
LEXINGTON, MA 02421

Town of Lexington Abutters Map



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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- TAX PARCELS
- EASEMENTS
- Waterbodies

300 SHIRE WAY ABUTTERS WITHIN 300' PAGE 3

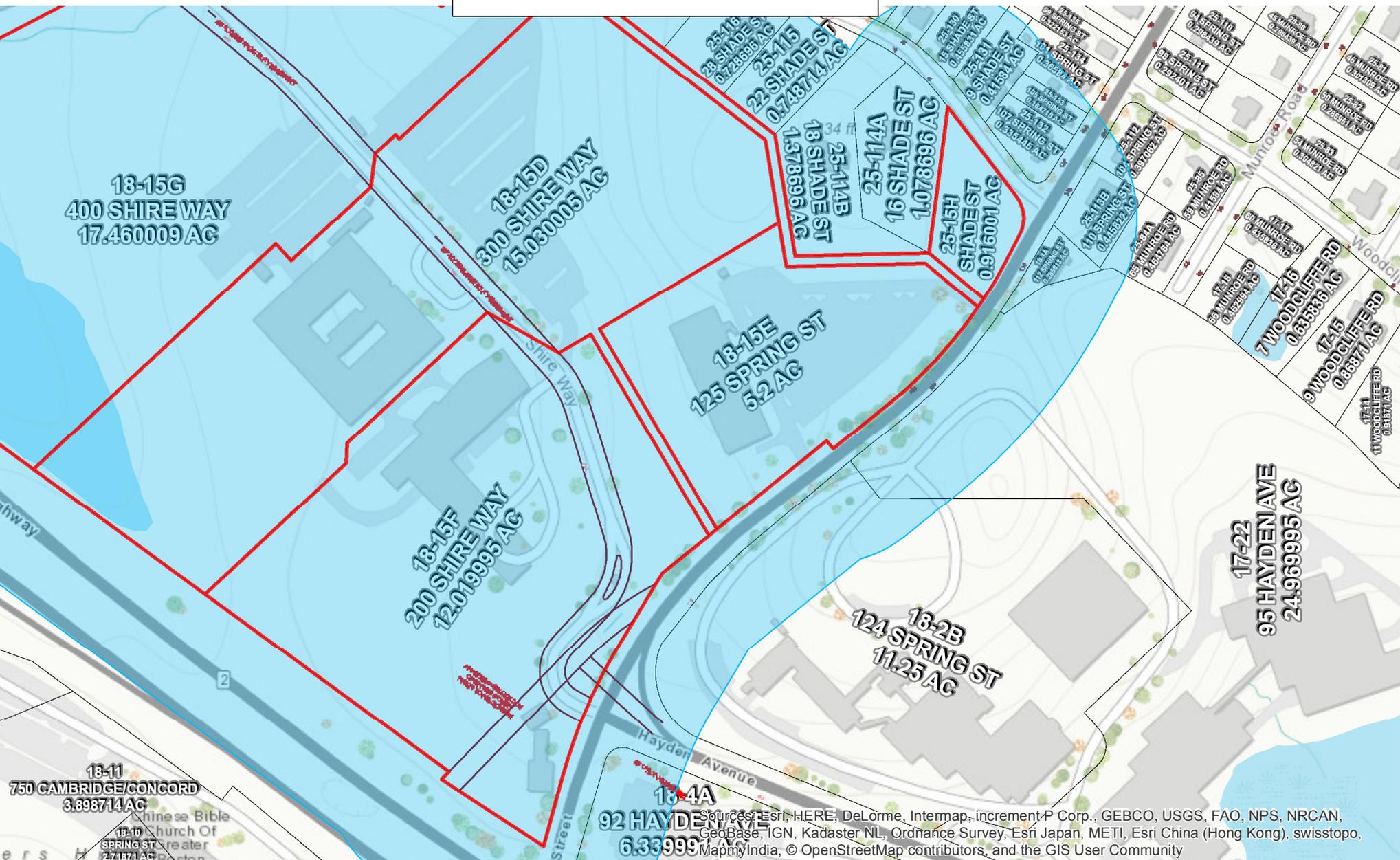
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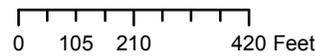


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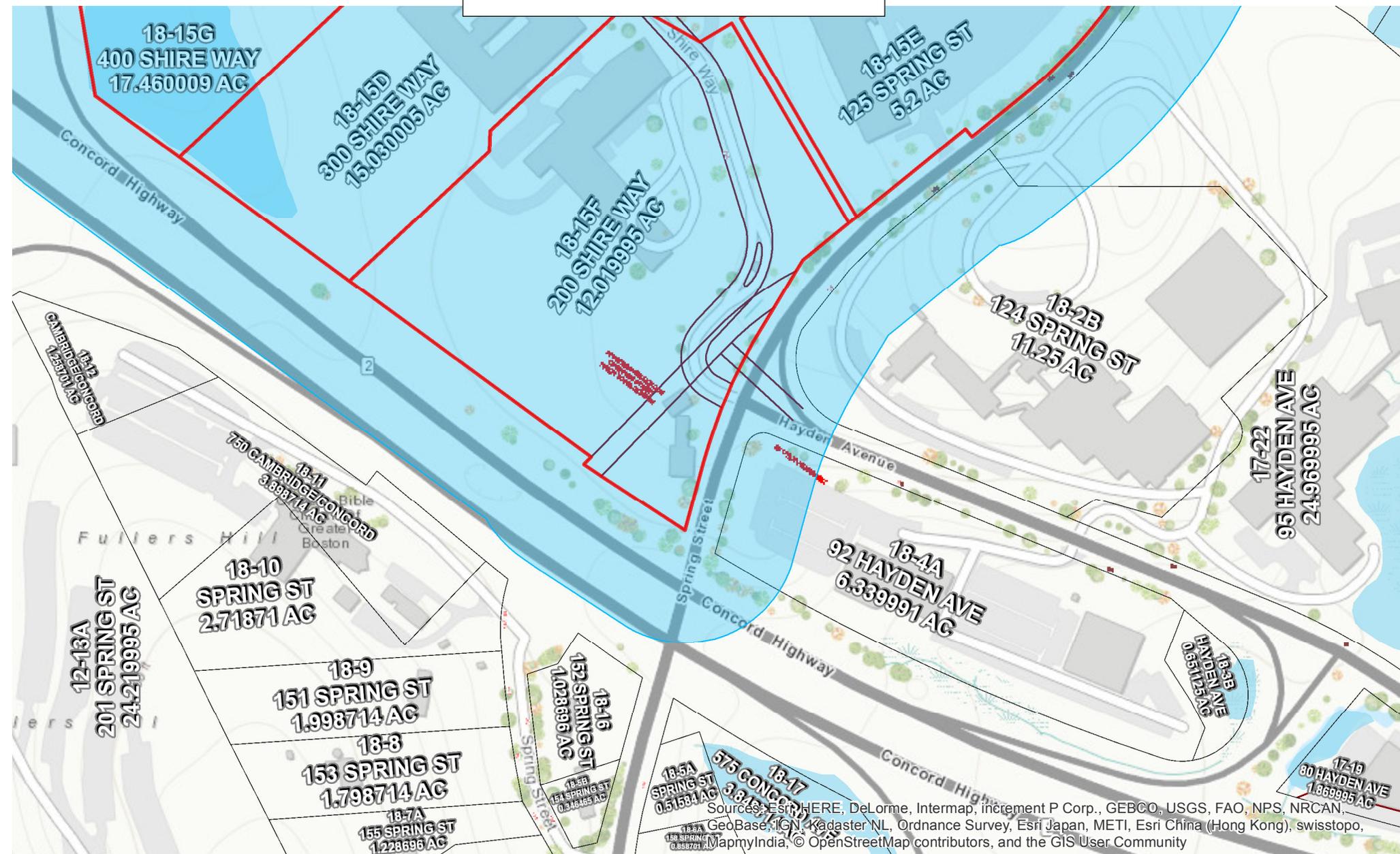
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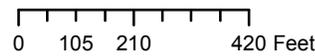
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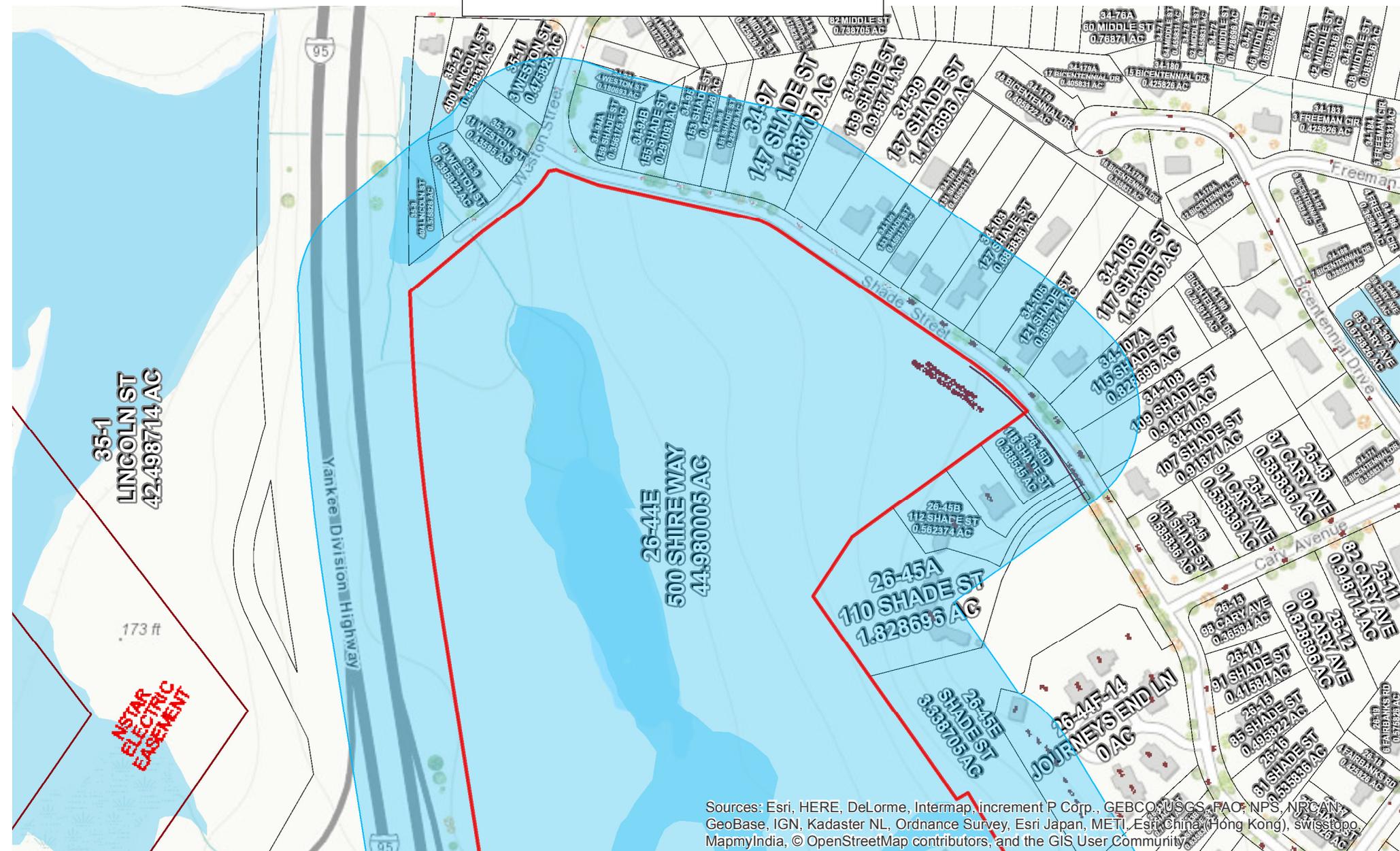
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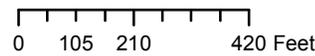
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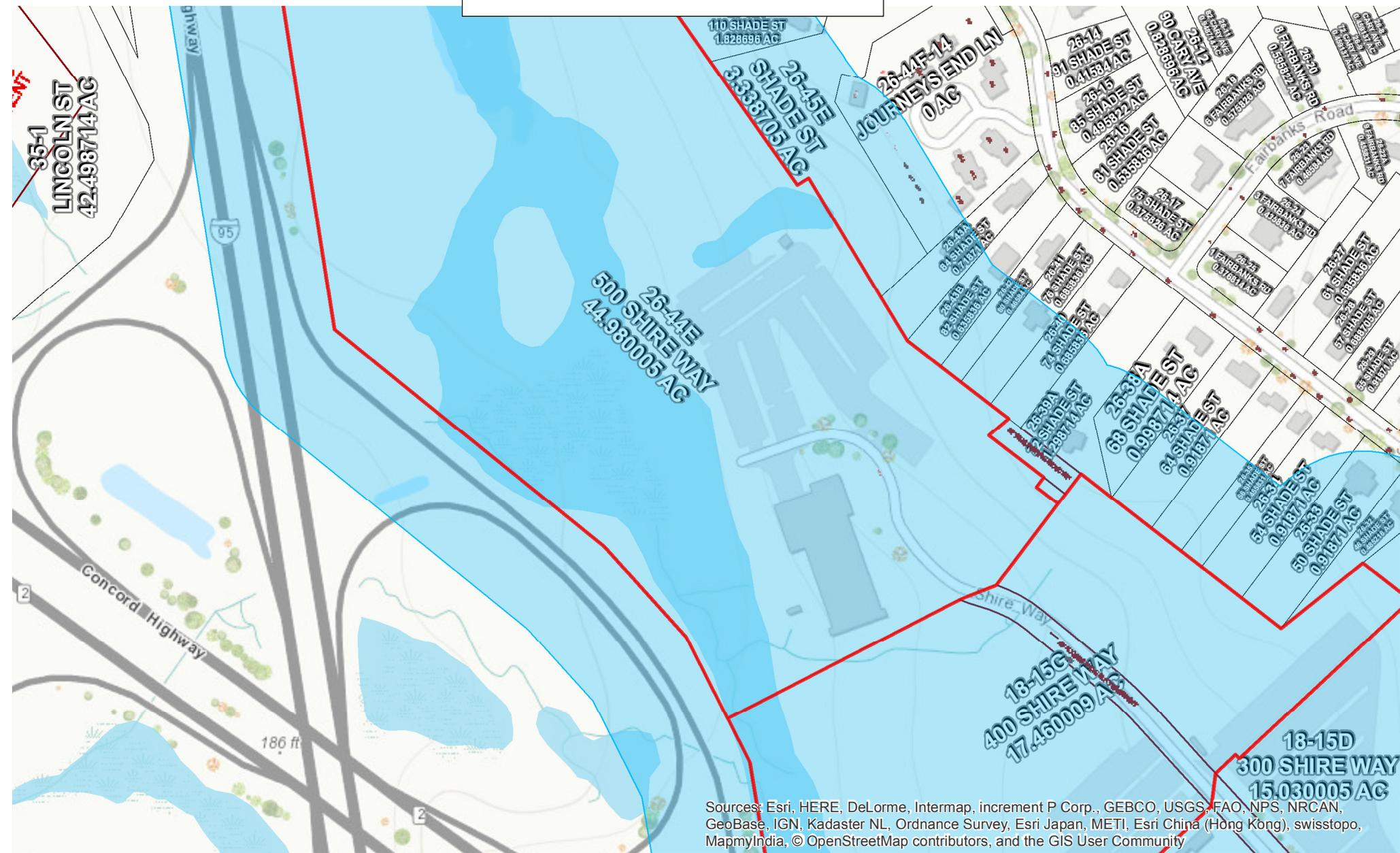
300 SHIRE WAY
ABUTTERS WITHIN 300' PAGE 1
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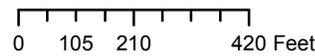
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- EASEMENTS
- Waterbodies

300 SHIRE WAY ABUTTERS WITHIN 300' PAGE 2

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Compiled By:
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Town of Lexington





Town of Lexington
Board of Appeals

Fax: (781) 861-2780

Martha C. Wood, Chairman
Leo P. McSweeney, Vice Chairman
David G. Williams
Jeanne K. Krieger
Edward D. McCarthy
Dianne Cornaro, Administrative Clerk (781) 698-4516

DATE: 8/28/2015

TO: GateHouse Media New England/Community Newspaper Company
LEGAL NOTICE DEPARTMENT

I HEREBY AUTHORIZE GateHouse Media New England/Community Newspaper Company to bill me directly for the legal notice published twice in the Lexington Minuteman for a public hearing with the Lexington Zoning Board of Appeals regarding property at:

200 Shire Way

SIGNATURE: _____

Please print where to send the bill to:

Name: John Hart

Street Address: 1000 Massachusetts Avenue

City/Town: Cambridge

State: MA Zip Code 02138

Day-time Telephone Number (617) 520-9430

Revised: 03/10/2014 dc

SECTION TWO ZONING

SECTION TWO PROJECT DESCRIPTION & ZONING

PROJECT DESCRIPTION

EXISTING

The 200 Shire Way project site is within Lexington Technology Park which is zoned a Planned Commercial District (PCD), and was originally rezoned as such in 2004. The re-zoning included the approval of a Preliminary Site Development and Use Plan (PSDUP) in 2004. In November of 2009 an Amended Preliminary Site Development and Use Plan (APSDUP) was approved, which updated the zoning for the site. In 2010, Shire and Patriot Partners filed a Definitive Site Development and Use Plan (DSDUP) and a Special Permit with Site Plan Approval for the building at 200 Shire Way, which was approved in March 2010.

200 Shire Way was constructed from 2010 through 2012, and has been occupied by Shire since its completion. In June of 2010 Shire acquired the LTP campus including all land and buildings on the site.

PROPOSED

200 Shire Way was designed and permitted in 2010 with two “reserve” parking lots, each containing 35 parking spaces to be constructed in the future. This Amendment is a request to construct and expand those 2 parking lots to 73 and 54 spaces. This would increase the number of parking spaces at 200 Shire Way and LTP by 57 spaces.

Net Floor Area = 127,577 SF

200 Patriot Way	NFA	Required Parking Ratio	Parking Spaces Required
Office	58,853 SF	1/333 NFA	177
Lab	68,724 SF	1/500 NFA	137
	Total Parking Required		314

The existing parking within the 200 Shire Way parcel is 300 spaces. The two additional 35 space parking lots were designed and shown as reserve spaces to be built in the future creating a total number of approved spaces on the lot of 370. The proposed expansion is for 57 additional spaces for a total of 427 spaces. Both the existing with reserve and the proposed spaces exceed the minimum required spaces.

Compact spaces are included in the design for both 200 and 300 Patriot Way. The total amount of compact spaces is less than the maximum allowed of 33% of the total parking spaces. The 57 proposed spaces are designed to be standard size spaces, thus reducing the percentage of compact spaces on the property.

The current number of parking spaces at LTP is 1475, plus 167 reserve spaces that have been approved, but not constructed for a total of 1642 approved spaces. The construction of the 2 proposed expanded parking lots will increase the number of constructed spaces to 1602.

The total number of parking spaces in the 2010 DSDUP is 2646 spaces.

CONSISTENCY WITH SPS FINDINGS FOR 200 PATRIOT WAY (NOW SHIRE WAY) AND CONSISTENCY WITH THE DSDUP.

The 2010 decision on the Special Permit with Site Plan references Section 135-12B of the Zoning Bylaw. This consistency section follows the same order and numbering system.

Compliance with Section 135-12B(1)

a. The proposed development (amendment) complies with the criteria established for granting the SPS.

As described in this application the proposed parking expansion is consistent with the findings of the SPS, complies with the requirements of the CD Zoning District and is consistent with the DSDUP. The Project conforms both quantitatively and qualitatively.

Quantitatively the Project is consistent as follows:

- Number of parking spaces: The 127 proposed spaces is less than the approved 167 reserve spaces.
- Impervious coverage: The proposed impervious coverage is less than the approved total under the DSDUP and is less than the impervious coverage contemplated when the existing storm drainage system was designed and constructed.

Qualitatively the Project is consistent with the layout and design intent of the SPS and DSDUP. A number of locations for the parking expansions were considered by Shire and it was determined that the proposed locations are most consistent with the plan previously approved for parking in the DSDUP and for reserve parking in the SPS. All proposed construction falls within the limits of construction described in the DSDUP. The proposed modifications are entirely consistent in terms of site access, site circulation, vehicular and pedestrian connectivity to buildings, utility design, lighting design, landscape design and storm water management.

b. The Project is designed in a manner compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

The locations of the parking areas were carefully selected to work with the existing landscape, to protect existing vegetation and to minimize earthwork.

The locations were further selected to be outside of the limits of the Conservation Restriction Area and outside the limits of the buffer zone to wetlands. The closest point of construction for either lot will be approximately 400 feet from the closest Bordering Vegetated Wetlands.

LEXINGTON TECHNOLOGY PARK

The conceptual basis of planting design for Lots A and B is threefold: 1. Utilize plantings to reinforce the existing design and vegetation, 2. Provide strategic plantings for additional screening and 3. Utilize native material to transition to the existing edge vegetation.

In Lot A Sugar Maples are introduced to complement the two existing specimen Sugar Maples which the parking lot layout was designed around. American Hophornbeam and Tupelo trees are proposed on the southern edge as native material and extensive shrub plantings are proposed along the southern edge to supplement the existing vegetative buffer. These shrubs will be field located to provide optimal screening.

In Lot B Red Maples are proposed to line Shire Way as street trees and to emulate the existing street tree plantings found within the site. These trees will provide shade and a sense of scale to the street and parking lot. Honeylocust are used as a transition species framing the existing Black Locust grove and providing the contrasting interest in leaf color and texture while still allowing for views beyond to the lawn areas. Three Crab trees are introduced along Spring Street to compliment earlier plantings of flowering trees and to provide an additional layer of screening onto the site.

c. Not applicable. The Board found that the SPS was subject to ZBA jurisdiction and therefore not subject to the tree Bylaw 120-4(A).

d. The Project meets accepted design standards and criteria for the functional design of facilities, structures and site construction.

This application includes an analysis of storm drainage and hydrology. The project complies with best management practices for protection of water quality and management of flood controls as described in the hydrology summary. The design of the storm drain network is also analyzed and summarized demonstrating that the proposed system and the existing receiving pipe network have adequate capacity.

The Layout and Materials Plan and Landscape Plan demonstrate the proposed paths of pedestrian travel from both lots. A new sidewalk and stair will provide pedestrian connectivity from Lot A to 200 Shire Way. Pedestrian access from Lot B will be via crosswalk to the existing walkway on Shire Way.

Details of the site design, civil engineering and landscape architecture are shown on the accompanying site plans and details.

e. The proposed development will not create impacts on public services.

The Project will not rely on public services.

f. The proposed development will not create adverse impacts, including those that may occur off the site.

The Project will not create adverse impacts. In terms of parking, the proposed space count will be less than the total approved in the SPS for Building 200 and Building 300, and will construct 127 of the approved 167 reserve spaces and therefore will not result in any unanticipated trip generation. (The Project will result in significantly less parking and trip generation than approved in the full build-out of the DSDUP).

In addition, Shire has implemented a successful Traffic Demand Management (TDM) program which exceeds many of the requirements of the TDM plan previously approved by the town. Some of the additional features of the Shire program include MBTA passes for all employees, reimbursed parking at MBTA stations, and most notably the Local Motion Shuttle service which provides free service to the Alewife T station and between Shire Lexington and Cambridge facilities.

Shire is currently developing a program for annual monitoring of morning and afternoon trip generation in accordance with the approved TDM plan.

The Project will have minimal impact on the surrounding area. The expansion areas are located to minimize views from neighboring residences and existing and proposed plant materials will provide screening from adjacent rights of way. Further, the site lighting is designed with LED fixtures with full cut-off geometry to minimize light trespass, as shown on the attached photometric analysis.

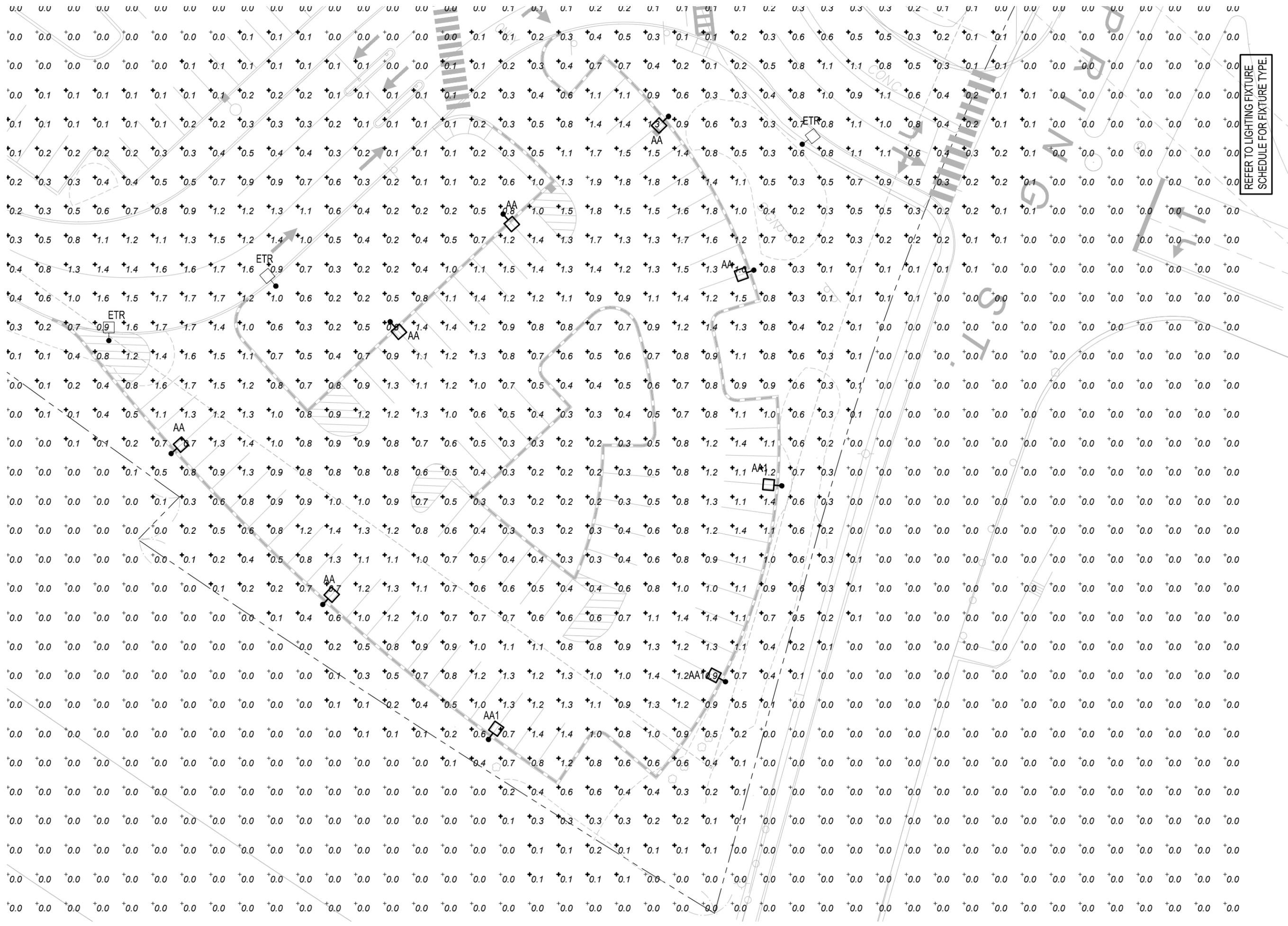
g. The Project is consistent with the general purposes of the bylaw as set forth in Section 135-1.



Aerial Site Plan Rendering
Lexington Technology Park, Lexington, MA



Enlarged Aerial Site Plan Rendering
Lexington Technology Park, Lexington, MA



SMMA

LEXINGTON
TECHNOLOGY PARK

SKE-001

SITE LIGHTING
PHOTOMETRICS - LOT A

DATE: 08/28/2015

ISSUE:

SCALE: 1" = 30'-0"

REF:

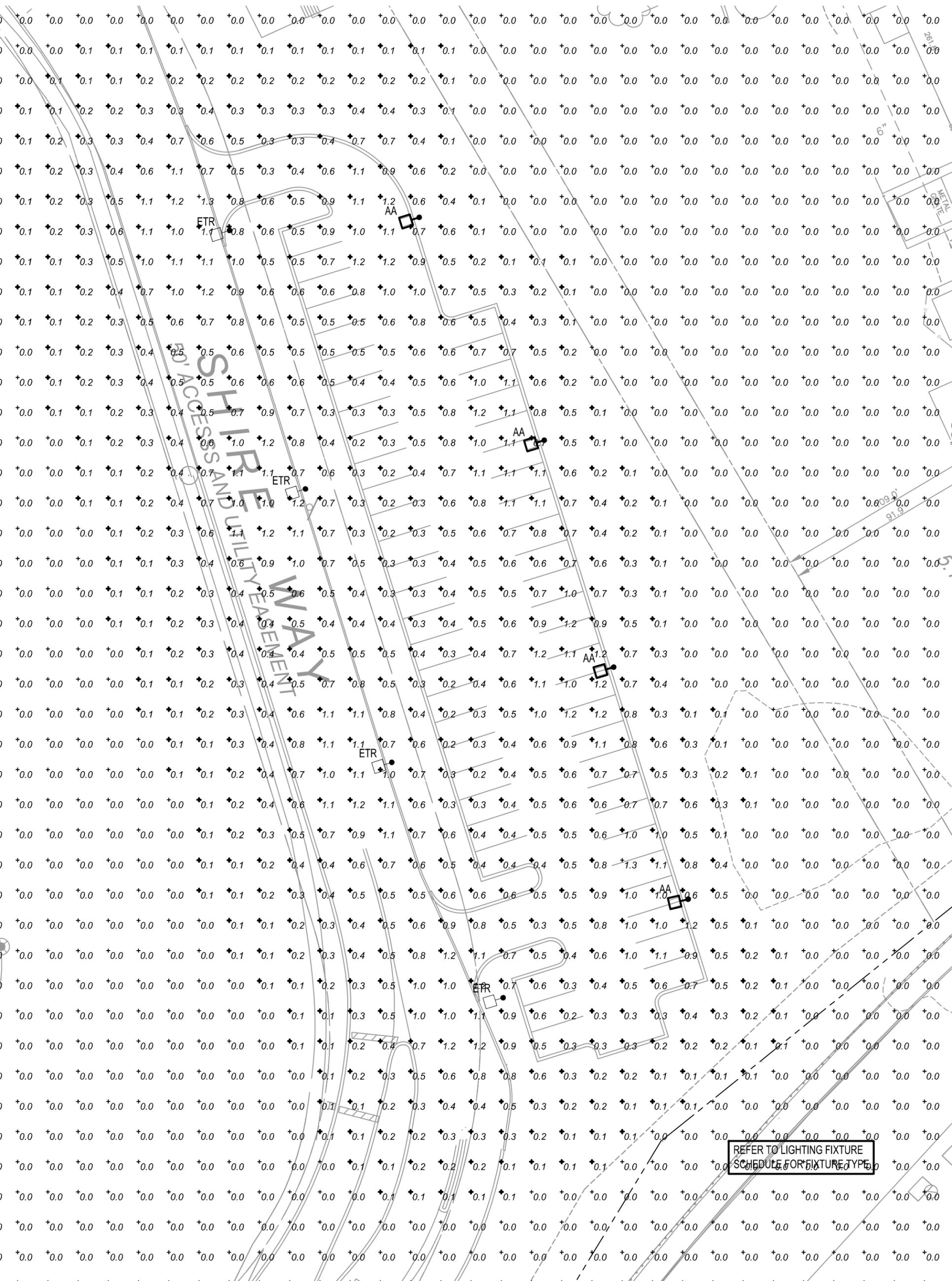
DR BY: AJ

CK BY: BTG

LEXINGTON, MA

JOB NO.: 15056

SYMMES MAINI & MCKEE ASSOCIATES
1000 Massachusetts Avenue
Cambridge, Massachusetts 02138
P: 617.547.5400 F: 617.546.4920



SKE-002

SITE LIGHTING
PHOTOMETRICS - LOT B

DATE: 08/28/2015
 ISSUE:
 SCALE: 1" = 30'-0"
 REF:
 DR BY: AJ
 CK BY: BTG

**LEXINGTON
TECHNOLOGY PARK**

LEXINGTON, MA

JOB NO.: 15056

SMMA

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SECTION THREE STORMWATER MANAGEMENT DESIGN

SECTION THREE STORMWATER MANAGEMENT DESIGN

OVERVIEW

Since the redevelopment began at LTP in 2008, the drainage system has been designed and upgraded to meet or exceed the current regulations for stormwater treatment and peak attenuation. A Notice of Intent was filed in 2007 for the development of 400 and 200 Shire Way. An Order of Conditions was issued in February 2008.

The drainage system has been updated for the 200 Shire Way project in 2009 and the 300 Shire Way building addition in 2010. Each time the Applicant presented updated calculations and information to the ZBA and to the Conservation Commission.

The Applicant will be filing for an Amendment to the current Order of Conditions for the proposed expansion of the parking areas. The Applicant has recently met with the Conservation Commission to review the project.

The following information demonstrates that the expanded parking remains within the design parameters of the original design including impervious coverage, quality of stormwater discharges, peak flows, and the drainage system hydrology and hydraulics.

DRAINAGE SYSTEM

The proposed parking expansions will not make any substantial changes to the drainage system. The overall drainage system collects runoff from the portion of the site containing buildings and parking areas for 125 Spring Street, and 200, 300 and 400 Shire Way. This portion of the site is divided into two stormwater collection branches that discharge to one of two forebays on each side of the detention basin. The parking expansion will contribute more runoff to the east forebay from the current conditions, but is within the parameters of the original design.

The water quality of discharges will not be affected by the proposed parking expansions. All catch basins will have deep sumps and hoods. All proposed areas are then tributary to the detention pond and forebays. Additionally, since proposed Lot A will continue to be used for snow storage, all runoff discharging from Lot A will be routed through a water quality unit such as a Stormceptor for added treatment.

DRAINAGE PIPE DESIGN

The storm drainage system associated with the recent 400, 200 and 300 Shire Way developments are designed using the rational method. The pipe system extending back to the proposed southeastern lot (Lot A) was constructed with a stub for the future reserve parking area, and the pipes design for the additional runoff. The existing pipes through the proposed parking lot south of 125 Spring Street (Lot B) also had additional capacity.

We analyzed the drainage system for the expanded parking lot areas, and all pipes will remain below capacity in the 10-year storm event. Calculation sheets are provided within this Section.

IMPERVIOUS COVERAGE

The expanded reserve parking areas increase the impervious coverage by 18,784 SF, as compared to the previously designed two 35 space reserve parking lots. This results in a total impervious coverage of 1,086,384 SF, approximately 7,000 SF less than the impervious area in the original system design. The original system was designed with a total impervious coverage of 1,093,301 SF throughout LTP. The total impervious coverage indicated above includes the 400 Shire Way 85 space reserve parking area that has not been constructed.

Impervious Coverage of Reserve Parking Lots			
Lot	Approved Design (SF)	Proposed Design (SF)	Increased Area (SF)
A	13,479	27,167	13,688
B	12,564	17,660	5,096
Total	26,043	44,827	18,784

PEAK DISCHARGE SUMMARY

The following Tables summarize the stormwater runoff peak flows from the 7 design points at LTP. The 3 tables show:

- Pre-existing peak flows (prior to 400 Shire Way and the detention pond system),
- Post-development peak flows based on the design approved in 2008,
- Post-development peak flows for the 200 Shire Way re-design,
- Post-development peak flows including the 300 Shire Way building addition, and
- Proposed parking lot expansion for Lots A & B.

In each of the 3 storm events the peak flows for the current design are at or below the pre-existing condition peak flows.

Table 1.1 – 2-Year Peak Discharge Runoff Summary

	2 Year Peak Flow (CFS)				
	Pre-Existing Condition	2008 Approved Order of Cond.	200 Shire Way Re-design	300 Shire Way Addition	Lots A and B Expansions
Catchment 1	23.47	23.47	23.47	23.47	23.47
Catchment 2	0.73	0.73	0.73	0.73	0.73
Catchment 3	48.59	45.18	44.53	44.21	44.76
Catchment 4 & 8	16.64	15.85	15.82	15.85	16.03
Catchment 5	2.06	1.42	1.17	1.17	0.93
Catchment 6	2.01	2.01	2.01	2.01	2.01
Catchment 7	2.68	2.36	2.11	2.11	2.11

Table 1.2 – 10-Year Peak Discharge Runoff Summary

	10 Year Peak Flow (CFS)				
	Pre-Existing Condition	2008 Approved Order of Cond.	200 Shire Way Re-design	300 Shire Way Addition	
Catchment 1	43.31	43.31	43.31	43.31	43.31
Catchment 2	1.56	1.56	1.56	1.56	1.56
Catchment 3	86.32	79.43	79.43	80.25	80.73
Catchment 4 & 8	25.14	21.55	21.47	21.44	21.57
Catchment 5	3.67	2.48	2.02	2.02	1.60
Catchment 6	3.56	3.56	3.56	3.56	3.56
Catchment 7	4.34	3.68	3.25	3.25	3.25

Table 1.3– 100-Year Peak Discharge Runoff Summary

	100 Year Peak Flow (CFS)				
	Pre-Existing Condition	2008 Approved Order of Cond.	200 Shire Way Re-design	300 Shire Way Addition	
Catchment 1	76.16	76.16	76.16	76.16	76.16
Catchment 2	3.01	3.01	3.01	3.01	3.01
Catchment 3	149.02	147.75	146.74	147.35	148.03
Catchment 4 & 8	36.57	26.01	25.94	25.89	25.96
Catchment 5	6.28	4.18	3.37	3.37	2.67
Catchment 6	6.08	6.08	6.08	6.08	6.08
Catchment 7	6.92	5.69	4.98	4.98	4.98

SYMMES, MAINI & McKEE ASSOCIATES, INC.
CLOSED DRAINAGE SYSTEM CALCULATIONS
10-YEAR FREQUENCY

Project: LTP-B200
 Proj. #: 15056.00
 Date: 9/4/15
 By: SEB
 Ckd by: JCH

Notes: n= 0.013 for reinforced concrete pipe
 n= 0.010 for high density polyethylene pipe (smooth interior)
 c= 0.95 (impervious areas)
 c= 0.20 (for lawn/planting areas)

Line		Length (ft)	Area Imp.		Area Perv.		CA	Sum CA	Time of Concen	Rainfall I (in/hr)	Req. Cap. Qd (cfs)	Pipe (in)	Slope (ft/ft)	Flow Full		Design Vel. Vd (fps)	Rim Elev. (ft)	Inv. Elevations		Q/Qf	Pipe Cover	Time in Pipe
From	To		(sf)	(acres)	(sf)	(acres)								Qf (cfs)	Vf (fps)			Upper	Lower			
CB A-1	DMH A-1	73	7219	0.17	4329	0.10	0.18	0.18	5.00	5.40	0.96	12	0.010	4.53	5.77	3.9	260.90	256.00	255.30	0.21	3.90	0.32
CB A-2	DMH A-1	91	5655	0.13	1642	0.04	0.13	0.13	5.00	5.40	0.71	12	0.010	4.60	5.86	3.6	261.50	256.20	255.30	0.15	4.30	0.43
CB A-3	DMH A-1	31	1264	0.03	0	0.00	0.03	0.03	5.00	5.40	0.15	12	0.010	4.55	5.80	2.3	260.40	255.60	255.30	0.03	3.80	0.23
CB A-4	DMH A-1	52	3603	0.08		0.00	0.08	0.08	5.00	5.40	0.42	12	0.010	4.54	5.78	3.0	261.00	255.80	255.30	0.09	4.20	
DMH A-1	WQU A-1	59		0.00		0.00	0.41	0.41	5.00	5.40	2.24	12	0.010	4.67	5.94	5.0	260.50	255.20	254.60	0.48	4.30	0.20
CB A-5	WQU A-1	39	7352	0.17	236	0.01	0.16	0.16	5.00	5.40	0.87	12	0.010	4.69	5.97	3.8	258.10	255.00	254.60	0.19	2.10	
WQU A-1	DMH 7-2	12		0.00		0.00	0.58	0.58	5.00	5.40	3.11	12	0.010	4.63	5.90	5.5	259.20	254.50	254.38	0.67	3.70	

SYMMES, MAINI & McKEE ASSOCIATES, INC.
CLOSED DRAINAGE SYSTEM CALCULATIONS
10-YEAR FREQUENCY

Project: LTP-B200 - Reserve Parking Expansion
 Proj. #: 15056
 Date: 8-28-15
 By: SEB
 Ckd by: JCH

Notes: n= 0.013 for reinforced concrete pipe
 n= 0.010 for high density polyethylene pipe (smooth interior)
 c= 0.95 (impervious areas)
 c= 0.20 (for lawn/planting areas)

Line		Length (ft)	Area Imp. (sf)	Area Imp. (acres)	Area Perv. (sf)	Area Perv. (acres)	CA	Sum CA	Time of Concen	Rainfall I (in/hr)	Req. Cap. Qd (cfs)	Pipe (in)	Slope (ft/ft)	Flow Full		Design Vel Vd (fps)	Rim Elev (ft)	Inv. Elevations		Q/Qf	
From	To													Qf (cfs)	Vf (fps)			Upper	Lower		
Lot A	WQU A-1			0.58		0.15	0.58	0.58													
WQU A-1	DMH 7-2	12						0.58	5.00	5.40	3.13	12	0.010	4.63	5.90	5.5					0.68
CB 7-3	DMH 7-2	32	4350	0.10	5763	0.13	0.12	0.12	5.00	5.30	0.64	12	0.020	6.55	8.34	4.5	259.20	255.20	254.56		0.10
CB 7-4	DMH 7-2	31	4615	0.11	0	0.00	0.10	0.10	5.00	5.30	0.53	12	0.020	6.55	8.34	4.2	258.80	254.80	254.18		0.08
DMH 7-2	DMH 7-3	114	0	0.00	0	0.00	0.00	0.80	5.00	5.30	4.25	12	0.010	4.63	5.90	6.0	258.50	248.22	247.08		0.92
CB 7-6	DMH 7-3	19	2235	0.05	1686	0.04	0.06	0.06	5.00	5.30	0.30	12	0.020	6.55	8.34	3.6	255.60	251.60	251.22		0.05
CB 7-7	DMH 7-4	28	1988	0.05	0	0.00	0.04	0.04	5.09	5.30	0.23	12	0.020	6.55	8.34	3.3	255.75	251.75	251.19		0.04
DMH 7-3	DMH 7-4	37	0	0.00	0	0.00	0.00	0.86	5.23	5.30	4.55	12	0.010	4.63	5.90	6.1	255.20	246.98	246.61		0.98
CB 7-8	DMH 7-5	10	3743	0.09	0	0.00	0.08	0.08	5.00	5.30	0.43	12	0.020	6.55	8.34	4.0	254.50	250.50	250.30		0.07
DMH 7-4	DMH 7-5	91	0	0.00	0	0.00	0.00	0.90	5.00	5.30	4.78	15	0.010	8.40	6.85	6.1	254.60	246.51	245.60		0.57
DMH 7-5	DMH 5-7	145	0	0.00	0	0.00	0.00	0.98	5.00	5.30	5.21	15	0.010	8.40	6.85	6.2	251.10	245.50	244.05		0.62

SYMMES, MAINI & McKEE ASSOCIATES, INC.
CLOSED DRAINAGE SYSTEM CALCULATIONS
10-YEAR FREQUENCY

Project: LTP-B200 - Reserve Parking Expansion
 Proj. #: 15056
 Date: 8-28-15
 By: SEB
 Ckd by: JCH

Notes: n= 0.013 for reinforced concrete pipe
 n= 0.010 for high density polyethylene pipe (smooth interior)
 c= 0.95 (impervious areas)
 c= 0.20 (for lawn/planting areas)

Line		Length (ft)	(sf)	Area Imp. (acres)	(sf)	Area Perv. (acres)	CA	Sum CA	Time of Concen	Rainfall I (in/hr)	Req. Cap. Qd (cfs)	Pipe (in)	Slope (ft/ft)	Flow Full		Design Vel. Vd (fps)	Rim Elev. (ft)	Inv. Elevations		Q/Qf
From	To													Qf (cfs)	Vf (fps)			Upper	Lower	
CB B-1	Ex DMH B-2	48		0.148		0.503	0.24	0.24	5.00	5.30	1.28	12	0.008	4.23	5.38	4.0	261.75	256.50	256.1	0.30
CB B-2	DMH B-1	19		0.22		0.67	0.34	0.34	5.00	5.30	1.82	12	0.011	4.75	6.05	4.8	264.80	259.10	258.90	0.38
B125	EX CB	43		2.51		1.53	2.69	2.69	5.00	5.30	14.26	12	0.095	14.27	18.17	19.0	259.10	254.10	250.02	1.00
CB 5-2	DMH 1-11	98	0	0.00	16853	0.39	0.08	0.08	5.00	5.30	0.41	12	0.005	3.27	4.17	2.4	251.70	247.70	247.21	0.13
CB 5-3	DMH 1-11	15	0	0.00	21047	0.48	0.10	0.17	5.00	5.30	0.92	12	0.020	6.55	8.34	4.9	252.50	248.50	248.20	0.14
EX CB	DMH 1-11	150	0	0.00	0	0.00	0.00	3.28	5.68	5.30	17.36	24	0.060	72.14	22.96	15.9	251.70	256.00	247.01	0.24
CB 5-4	DMH 1-11	68	0	0.00	14857	0.34	0.07	0.07	5.00	5.30	0.36	12	0.005	3.27	4.17	2.3	251.70	247.70	247.36	0.11
DMH 1-11	DMH 5-2	170	0	0.00	0	0.00	0.00	3.60	5.49	5.30	19.05	24	0.010	29.47	9.38	8.7	252.50	247.01	245.31	0.65
CB 5-5	DMH 5-2	64	0	0.00	13447	0.31	0.06	0.06	5.00	5.30	0.33	12	0.029	7.94	10.10	4.2	252.50	248.50	246.62	0.04
DMH 5-2	DMH 5-3	160	0	0.00	0	0.00	0.00	3.66	5.25	5.30	19.38	24	0.010	29.47	9.38	8.7	257.30	245.21	243.61	0.66
CB 5-6	DMH 5-3	100	3532	0.08	7564	0.17	0.11	0.11	5.00	5.30	0.59	12	0.020	6.55	8.34	4.3	253.30	249.30	247.30	0.09
CB 5-7	DMH 5-3	35	6885	0.16	2355	0.05	0.16	0.27	5.00	5.30	1.45	12	0.020	6.55	8.34	5.6	253.00	249.00	248.30	0.22
CB 5-8	DMH 5-3	23	10499	0.24	21590	0.50	0.33	0.60	5.00	5.30	3.18	12	0.020	6.55	8.34	7.1	251.70	247.70	247.24	0.49
DMH 5-3	DMH 5-4	48	0	0.00	0	0.00	0.00	4.64	5.38	5.30	24.60	30	0.010	54.02	11.00	9.2	252.50	243.51	243.02	0.46
CB 5-9	DMH 5-4	22	8921	0.20	0	0.00	0.19	0.19	5.00	5.30	1.03	12	0.020	6.55	8.34	5.1	252.10	248.10	247.66	0.16
DMH 5-4	DMH 5-5	60	2400	0.06	0	0.00	0.05	4.89	5.07	5.30	25.91	30	0.010	53.47	10.89	9.2	252.50	242.92	242.32	0.48
CB 5-10	DMH 5-5	56	4614	0.11	1405	0.03	0.11	0.11	5.00	5.30	0.57	12	0.020	6.55	8.34	4.3	251.70	247.70	246.58	0.09
CB 5-11	DMH 5-5	30	14129	0.32	3758	0.09	0.33	0.43	5.00	5.30	2.29	12	0.020	6.55	8.34	6.4	252.50	248.50	247.90	0.35
DMH 5-5	DMH 5-6	73	0	0.00	0	0.00	0.00	5.43	5.22	5.30	28.77	30	0.010	53.47	10.89	9.5	251.80	242.22	241.49	0.54
CB 5-12	DMH 5-6	48	4727	0.11	0	0.00	0.10	0.10	5.00	5.30	0.55	12	0.020	6.55	8.34	4.2	251.50	247.50	246.54	0.08
DMH 5-6	DMH 5-7	105	0	0.00	0	0.00	0.00	5.53	5.19	5.30	29.32	30	0.010	53.47	10.89	9.6	252.20	241.39	240.34	0.55
DMH 5-7	DMH 5-8	72	0	0.00	0	0.00	0.00	6.52	5.37	5.30	34.53	30	0.008	47.57	9.69	9.2	249.10	240.24	239.67	0.73
CB 5-13	DMH 5-8	24	5918	0.14	1299	0.03	0.14	0.14	5.00	5.30	0.72	12	0.020	6.55	8.34	4.6	246.60	242.60	242.12	0.11
CB 5-14	DMH 5-8	10	8486	0.19	427	0.01	0.19	0.32	5.00	5.30	1.71	12	0.020	6.55	8.34	5.9	244.50	240.50	240.30	0.26
DMH 5-8	DMH 1-15	123	0	0.00	0	0.00	0.00	7.37	5.09	5.30	39.08	30	0.008	47.72	9.72	9.6	247.00	239.57	238.59	0.82

SECTION FOUR 2010 SPECIAL PERMIT INFORMATION

February 12, 2010

VIA HAND DELIVERY

Nyles Barnert, Chairman
Zoning Board of Appeals
Town of Lexington
1625 Massachusetts Avenue
Lexington, Massachusetts 02420

Re: Special Permit with Site Plan (SPS) and Definitive Site Development and Use Plan (DSDUP) application for the CD-10 District, Lexington Technology Park

Dear Mr. Chairman:

As you are aware, this office and the undersigned represent Patriot Partners Lexington, LLC, 200 Patriot Way, LLC and Shire Human Genetic Therapies, Inc. (hereinafter, individually and collectively referred to as the "Applicant" or the "Owner"), with respect to the property known as Lexington Technology Park, located at 125, 131 and 141 Spring Street (now known as 125 Spring Street and 100, 200, 300, 400, 500 and 600 Patriot Way), Lexington Massachusetts ("Premises").

As prescribed under the Zoning Bylaw Chapter 135 of the Code of the Town of Lexington, §135-12, §135-13, §135-14(C), §135-42(B), and §135-42(F), the Applicant and owner hereby submits for review and approval a Special Permit with Site Plan Review (the "SPS") with accompanying Definitive Site Development and Use Plan (the "DSDUP") showing the general location of buildings 100 and 600 Patriot Way and the specific site details for 200 Patriot Way as delineated on the DSDUP and Special Permit plans attached hereto (collectively, this Application and accompanying materials is hereinafter referred to as the "SPS/DSDUP Application"). This SPS/DSDUP Application also clarifies and confirms the authorized uses for all existing and proposed buildings within the CD-10 Zoning District as said uses are permitted pursuant to the original Special Permit with Site Plan decision issued by the ZBA on January 24, 2008 and the Amended Preliminary Site Development and Use Plan (the "APSDUP") as authorized by an act of the Special Town Meeting in November of 2009.

This SPS/DSDUP Application includes a narrative of the improvements presently existing, or proposed to be constructed at 100, 200, 500 and 600 Patriot Way and 125 Spring Street. These uses are proposed to be continued or conducted as follows:

Section 2.7 “Office of manufacturer’s representative or salesman with no sales or storage and distribution or products from the premises”

Section 2.8 “Other business, administrative or professional office, not elsewhere classified”

Section 5.1 “Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products”

Further, the properties known as 300 and 400 Patriot Way shall be permitted to continue to conduct the following uses:

Section 2.7 “Office of manufacturer’s representative or salesman with no sales or storage and distribution or products from the premises”

Section 2.8 “Other business, administrative or professional office, not elsewhere classified”

Section 5.1 “Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products”

Section 5.2 “Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including the production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative and support facilities related to any of the foregoing activities. All development proposals shall comply with applicable Federal, State and local laws, regulations and ordinances including, without limitation, laws, regulations and ordinances governing air pollution, water pollution control, noise and illumination.”

The manufacturing uses permitted under Section 5.2 of the Use Table “Permitted Uses for Lexington Technology Park” as described above shall be limited only to the properties designated as 400 Patriot Way and a portion of 300 Patriot Way (The manufacturing uses at 300 Patriot Way shall occupy less than 20,000 square feet of net floor area and are devoted to support of the operations at 400 Patriot Way), unless otherwise permitted by the ZBA pursuant to the grant of an SPS with DSDUP.

On December 23, 2009, the Applicant filed an SPS application with the ZBA for the proposed construction of a building at 200 Patriot Way with associated uses to include office and

laboratory facilities (the “200 Patriot Way SPS”). The 200 Patriot Way SPS was filed in advance of an accompanying DSDUP in an effort to commence discussions with the ZBA and interested parties in order to garner immediate feedback on the proposal during the requisite public hearing process. The ZBA commenced the public hearing on February 1, 2010 with a second hearing scheduled for March 11, 2010. Additionally, the Applicant has met on two occasions with the Design Advisory Committee and has held a meeting with the project abutters to review the 200 Patriot Way SPS. As expressed to the ZBA during the initial public hearing and described in correspondence from this office with the Building Commissioner, this SPS/DSDUP Application incorporates the 200 Patriot Way SPS filing with a proposal for the development of 100 and 600 Patriot Way. We would, therefore, respectfully request that the ZBA advertise a new public hearing reflecting the proposed additional building square footage at 100, 200 and 600 Patriot Way as well as any new use or use clarification described in the SPS/DSDUP Application.

In order to effectuate the Zoning Board of Appeals review of this SPS/DSDUP Application we have enclosed nine (9) sets of the following materials for your consideration:

- A. Executed Special Permit with Site Plan Application form (SPS/DSDUP Application form);
- B. Certified abutters list, maps and worksheet for 125 Spring Street, 100, 200, 300, 400, 500 and 600 Patriot Way;
- C. Legal Ad Authorization;
- D. The required filing fee of \$4849 was submitted to the Town of Lexington on December 23, 2009 as part of the 200 Patriot Way SPS. A copy of the check is enclosed in this section;
- E. Definitive Site Development and Use Plan. This document includes a narrative description of the proposal as well as the following documents, reports and plans:

Appendix 1 – Certified Copy of the Amended PSDUP (approved at Special Town Meeting on November 9, 2009);

- (1) Traffic Study prepared by TetraTech Rizzo dated August, 2009;
- (2) Site Utilities analysis prepared by Symmes Maini and McKee Associates dated June 19, 2009;
- (3) Fiscal Impact Analysis prepared by Connery & Associates dated July 29, 2009;

- (4) Legal Description of the CD-10 District prepared by Symmes Maini and McKee Associates dated February, 2009;
- (5) Locus Plan prepared by Symmes Maini and McKee Associates dated February 16, 2009;
- (6) Conceptual Site Plan prepared by Symmes Maini and McKee Associates dated April 16, 2009;
- (7) Conceptual Architectural Images prepared by Symmes Maini and McKee Associates dated April 23, 2009;
- (8) Table of Permitted Uses for Lexington Technology Park;
- (9) Amended and Restated Memorandum of Understanding signed by the Lexington Board of Selectmen, Patriot Partners Lexington, LLC and Shire HGT Inc. on October 30, 2009.

Appendix 2 – Updated Traffic Memorandum prepared by Tetra Tech Rizzo dated February 11, 2010

Appendix 3 – TIF Agreement signed by the Lexington Board of Selectmen, Patriot Partners Lexington, LLC, and Shire HGT, Inc. dated October 2007

Appendix 4 – Conservation Restriction and Trail Plan

- (1) Draft Conservation Restriction Plan
- (2) Draft Trail Plan entitles “Conservation Restriction Trail Map” prepared by Symmes Maini and McKee Associates dated January 20, 2010.

Appendix 5 – Architectural Images for 200 Patriot Way prepared by Kling Stubbins dated February 11, 2010

Appendix 6 – Definitive Site Development and Use Plans and Engineering Reports.

In addition to the DSDUP Plans provided in this Appendix 6 the Applicant has prepared the requisite engineering reports detailing zoning compliance data and site development information. The DSDUP Plans and Engineering Reports included in this section are as follows:

200 Patriot Way

- (1) “Lexington Technology Park, 200 Patriot Way, Lexington, MA, Special Permit” dated December 18, 2009 prepared by Symmes Maini & McKee Associates, Inc., consisting of nineteen (19) sheets;
- (2) “Special Permit – Engineering Information, Lexington Technology Park, 200 Patriot Way, Lexington, MA” prepared by Symmes Maini & McKee Associates, Inc., Kling Stubbins and Vanderweil Associates dated December 18, 2009;

Lexington Technology Park Campus

- (3) “Lexington Technology Park, Spring Street, Lexington MA, Definitive Site Development & Use Plan” dated February 12, 2010 prepared by Symmes Maini & McKee Associates, Inc., consisting of fifteen (15) sheets.
- (4) “Engineering Information – DSDUP, Lexington Technology Park, Lexington, MA” prepared by Symmes Maini & McKee Associates, Inc., dated February 12, 2010.

It is the intent of the Applicant to work diligently with the ZBA and respective municipal departments to expedite all requests for supplemental information to ensure that the review of this SPS/DSDUP Application is considered in a timely manner. We would intern request that the ZBA consider commencing the public hearing during the week of March 1st, subject to compliance with required public hearing notification and advertisement requirements, which this office would be happy to assist you with.

If you require any additional information or clarification on the requested petition please feel free to contact me.

Very truly yours,



Robert C. Buckley

RCB/mmc/blc
Enclosures
03375/18

cc: Carl Valente, Town Manager, Town of Lexington **Via Hand Delivery** (w/enclosures)
Donna Hooper, Town Clerk, Town of Lexington **Via Hand Delivery** (w/enclosures)

Nyles Barnert, Chairman

February 12, 2010

Page 6

Gregory Zurlo, Chairman, Planning Board **Via Hand Delivery** (w/enclosures)
Norman Cohen, Chairman, Board of Selectmen **Via Hand Delivery** (w/enclosures)
Susan Yanofsky, Town of Lexington **Via Hand Delivery** (w/enclosures)
John Livsey, Town Engineer, Town of Lexington **Via Hand Delivery** (w/enclosures)
Wayne Delaney, Asst. Fire Chief, Town of Lexington **Via Hand Delivery** (w/enclosures)
Karen Mullins, Conservation Administrator, **Via Hand Delivery** (w/enclosures)
Steve Rice, Patriot Partners Lexington LLC (w/enclosures)
Joseph Zink, Patriot Partners Lexington LLC (w/enclosures)
Jim Winiarski, Shire Pharmaceuticals, Inc. (w/enclosures)
Peter Corbett, Goulston and Storrs (w/enclosures)
Brian Lawlor, SMMA (w/enclosures)
John Hart, SMMA (w/enclosures)
Richard Bryant, Tetra Tech Rizzo (w/enclosures)
John Connery, Connery and Associates (w/enclosures)
Karen Modzelewski, Kling Stubbins (w/enclosures)
Melissa Cushing, Riemer & Braunstein (w/enclosures)
Ethan Solomon, Riemer & Braunstein (w/enclosures)

1200158.2

Riemer & Braunstein LLP

BOSTON

NEW YORK

CHICAGO

BURLINGTON



Town of Lexington
BOARD OF APPEALS
Application for Hearing

This application must be completed, signed and submitted with the application fee by the applicant or his/her representative in accordance with the Rules and Regulations of the Board. The applicant is advised to review the Lexington Zoning Bylaw and the Rules and Regulations of the Board of Appeals prior to filing this application.

Location of Property 100, 200, 300, 400, 500 & 600 Patriot Way and 125 Spring Street
(street and number)

Name, Address, Tel.No.(daytime and evening) of Applicant See attached #2

Applicant is: Owner Tenant Agent/Attorney Prospective Purchaser

Property Owner's Name, Address, Tel. No. (if not Applicant): See attached #3

See attached #4
Date Deed recorded: _____ Middlesex So. Registry of Deeds: Book _____ Page _____

Characteristics of Property: Lot Area _____ Actual Lot Frontage _____

Lexington Assessors' Map No. _____ Lot No. _____ Zoning District _____

Present Use: _____

Application is for: See attached #5

_____ A variance from _____ of the Zoning Bylaw.

_____ A special permit in accordance with Zoning Bylaw Section _____

_____ An appeal of a decision of the _____ dated _____

_____ Permit for removal or placement of fill, sand, gravel, or other materials. See General Bylaws of Town of Lexington, Article XXX

_____ Comprehensive Permit – Ch. 40B, G.L. (subsidized housing)

_____ Other _____

Nature and justification of request:

See attached #6

PETITIONER OR REPRESENTATIVE MUST ATTEND THE HEARING.

Signature of Applicant/Petitioner (or representative) M.F. Quinn

Schedule of Filing Fees – October 17, 1989:

	<u>Residential</u>	<u>Non-residential</u>		
Variance	\$100	\$200	Sign	\$100
Special Permit	100	200	(Comprehensive Permit and	
Appeal	100	200	Special Permit varies with size of	
Renewal	100	200	Project)	

Zoning Board of Appeals Application

Town of Lexington
 BOARD OF APPEALS
 Application for Hearing

This application must be completed, signed and submitted with the application fee by the applicant or his/her representative in accordance with the Rules and Regulations of the Board. The applicant is advised to review the Lexington Zoning Bylaw and the Rules and Regulations of the Board of Appeals prior to filing this application.

Location of Property 100, 200, 300, 400, 500 & 600 Patriot Way and 125 Spring Street
(street and number)

Name, Address, Tel.No.(daytime and evening) of Applicant See attached #2

Applicant is: Owner ___ Tenant ___ Agent/Attorney ___ Prospective Purchaser ___

Property Owner's Name, Address, Tel. No. (if not Applicant): See attached #3

See attached #4
 Date Deed recorded: _____ Middlesex So. Registry of Deeds: Book _____ Page _____

Characteristics of Property: Lot Area _____ Actual Lot Frontage _____

Lexington Assessors' Map No. _____ Lot No. _____ Zoning District _____

Present Use: _____

Application is for: See attached #5

_____ A variance from _____ of the Zoning Bylaw.

_____ A special permit in accordance with Zoning Bylaw Section _____

_____ An appeal of a decision of the _____ dated _____

_____ Permit for removal or placement of fill, sand, gravel, or other materials. See General Bylaws of Town of Lexington, Article XXX

_____ Comprehensive Permit – Ch. 40B, G.L. (subsidized housing)

_____ Other _____

Nature and justification of request:

See attached #6

PETITIONER OR REPRESENTATIVE MUST ATTEND THE HEARING.

Signature of Applicant/Petitioner (or representative) _____

[Signature]
 Attorney for Patriot Partners Lexington, LLC
 and 200 Patriot Way, LLC

Schedule of Filing Fees – October 17, 1989:

	<u>Residential</u>	<u>Non-residential</u>	
Variance	\$100	\$200	Sign \$100
Special Permit	100	200	(Comprehensive Permit and
Appeal	100	200	Special Permit varies with size of
Renewal	100	200	Project)

2. Name, Address, Telephone number (daytime and evening) of Applicant

Shire Human Genetic Therapies, Inc.

c/o Bill Ciambone

700 Main Street

Cambridge, MA 02139

(978) 835-7958

Applicant is: Tenant – 125 Spring Street, 200, 300, 400 & 500 Patriot Way

Owner – 400 Patriot Way

Patriot Partners Lexington, LLC

c/o Joseph Zink

205 Newbury Street

Framingham, MA 01701

(508) 665-6380

Applicant is: Owner – 125 Spring Street, 100, 200, 300, 500 & 600 Patriot Way

3. Property Owner's Name, Address, Telephone Number (daytime and evening) of Applicant

125 Spring Street, 100, 300, 500 and 600 Patriot Way

Patriot Partners Lexington, LLC

c/o Joseph Zink

205 Newbury Street

Framingham, MA 01701

(508) 665-6380

200 Patriot Way

200 Patriot Way, LLC

c/o Joseph Zink

205 Newbury Street

Framingham, MA 01701

(508) 665-6380

400 Patriot Way

Shire Human Genetic Therapies, Inc.

c/o Bill Ciambone

700 Main Street

Cambridge, MA 02139

(978) 835-7958

4. Property information

125 Spring Street

Date Deed Recorded: April 20, 2005

Middlesex South Registry of Deeds: Book: 45231 Page: 304

Lot Area: 5.20 acres

Actual Lot Frontage: 694.02'

Lexington Assessors Map Number: 18 Lot Number: 15E

Zoning District: CD-10

Present Use: Lab/Office (per sections 2.7, 2.8 and 5.1 of the "Permitted Uses for Lexington Technology Park" which is incorporated into the Amended PSDUP, attached hereto.

200 Patriot Way (this lot will be the site of future buildings at 100 and 200 Patriot Way)

Date Deed Recorded: August 26, 2008

Middlesex South Registry of Deeds: Book: 51642 Page: 96

Lot Area: 12.02 acres

Actual Lot Frontage: 701.50'

Lexington Assessors Map Number: 18 Lot Number: 15F

Zoning District: CD-10

Present Use: Undeveloped

300 Patriot Way

Date Deed Recorded: April 20, 2005

Middlesex South Registry of Deeds: Book: 45231 Page: 304

Lot Area: 15.03 acres

Actual Lot Frontage: 20.21'

Lexington Assessors Map Number: 18 Lot Number: 15D

Zoning District: CD-10

Present Use: Manufacturing – Biotech, Lab/Office (per sections 2.7, 2.8, 5.1 and 5.2 of the "Permitted Uses for Lexington Technology Park" which is incorporated into the Amended PSDUP, attached hereto.

400 Patriot Way

Date Deed Recorded: July 3, 2008

Middlesex South Registry of Deeds: Book: 51406 Page: 560

Lot Area: 17.46 acres

Actual Lot Frontage: 20.10'

Lexington Assessors Map Number: 18 Lot Number: 15G

Zoning District: CD-10

Present Use: Manufacturing – Biotech, Lab/Office (per sections 2.7, 2.8, 5.1 and 5.2 of the "Permitted Uses for Lexington Technology Park" which is incorporated into the Amended PSDUP, attached hereto.

500 Patriot Way (this lot currently contains a building at 500 Patriot Way and will also be the future site of building 600)

Date Deed Recorded: April 20, 2005

Middlesex South Registry of Deeds: Book: 45231 Page: 304

Lot Area: 44.98 Acres

Actual Lot Frontage: 1,441'+

Lexington Assessors Map Number: 26 Lot Number: 44E

Zoning District: CD-10

Present Use: Lab/Office (per sections 2.7, 2.8 and 5.1 of the “Permitted Uses for Lexington Technology Park” which is incorporated into the Amended PSDUP, attached hereto.

5. Application is for:

Other: As prescribed under the Zoning Bylaw Chapter 135 of the Code of the Town of Lexington, §135-12, §135-13, §135-14(C), §135-42(B), and §135-42(F), the Applicant and owner hereby submits for review and approval a Special Permit with Site Plan Review (the “SPS”) with accompanying Definitive Site Development and Use Plan (the “DSDUP”) showing the general location of buildings 100 and 600 Patriot Way and the specific site details for 200 Patriot Way as delineated on the DSDUP and Special Permit plans attached hereto (collectively, this Application and accompanying materials is hereinafter referred to as the “SPS/DSDUP Application”). In addition, the applicant is requesting a clarification of uses for all existing and proposed buildings within the CD-10 Zoning District in accordance with the approved use table (attached to the DSDUP Filing as Appendix 1(Section 8));

6. Nature and Justification of Request:

Through this SPS and accompanying DSDUP filing, the applicant is proposing the construction of a new office/research and development buildings 200 Patriot Way and showing the future location of buildings at 100 and 600 Patriot Way. In addition, the applicant is requesting that the uses for all buildings existing and proposed be clarified as follows.

The principal and accessory uses permitted within this CD-10 Zoning District are identified within the approved Use Table entitled Permitted Uses for Lexington Technology Park which is incorporated into the Amended PSDUP and is attached hereto as Appendix 1, Section 8.

The improvements presently existing, or to be constructed at 100, 200, 500 and 600 Patriot Way and 125 Spring Street shall be permitted as provided in the Amended PSDUP to conduct the following uses.

Section 2.7 “Office of manufacturer’s representative or salesman with no sales or storage and distribution of products from the premises”

Section 2.8 “Other business, administrative or professional office, not elsewhere classified”

Section 5.1 “Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products”

Further, the properties known as 300 and 400 Patriot Way shall be permitted to continue to conduct the following uses:

Section 2.7 “Office of manufacturer’s representative or salesman with no sales or storage and distribution of products from the premises”

Section 2.8 “Other business, administrative or professional office, not elsewhere classified”

Section 5.1 “Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products”

Section 5.2 “Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including the production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative and support facilities related to any of the foregoing activities. All development proposals shall comply with applicable Federal, State and local laws, regulations and ordinances including, without limitation, laws, regulations and ordinances governing air pollution, water pollution control, noise and illumination.”

The manufacturing uses permitted under Section 5.2 of the Use Table “Permitted Uses for Lexington Technology Park” as described above shall be limited only to the properties designated as 400 Patriot Way and a portion of 300 Patriot Way (The manufacturing uses at 300 Patriot Way shall occupy less than 20,000 square feet of net floor area), unless otherwise permitted by the Zoning Board of Appeals pursuant to a Special Permit with Site Plan Approval (“SPS”) and DSDUP decision.

1197903.1



Town of Lexington
Board of Appeals

RECEIVED
2010 APR 13 10:12

Nyles Barnert, Chairman
John J. McWeeney, Vice-Chairman
Arthur C. Smith
Carolyn C. Wilson, Clerk
Martha C. Wood

Tel: (781) 862-0500 x207
Fax: (781) 861-2780

April 9, 2010

Ms. Donna Hooper
Town Clerk
Lexington, MA. 02420

RE: 100, 200, 300, 400, 500, 600 Patriot Way and 125 Spring Street
Shire HGT, Inc.
Special Permit with Site Plan Review

Dear Ms. Hooper,

Attached please find the decision of the Board of Appeals made after a public hearing on Thursday, March 11, 2010.

The Board of Appeals, voted to approve the Special Permit with Site Plan Review for 100, 200, 300, 400, 500, 600 Patriot Way and 125 Spring Street.

Very truly yours,


Dianne Cornaro
Clerk, Board of Appeals

Enc.

cc: Shire HGT, Inc.
700 Main Street
Cambridge, MA 02139

Attorney Robert Buckley
Riemer/Braunstein
Three Center Plaza
Boston, MA 02108-2003

RECEIVED

2010 APR -9 2:17:12



Town of Lexington
Board of Appeals

Tel: (781) 862-0500 x207
Fax: (781) 861-2780

April 9, 2010

TO: Shire HGT, Inc.
700 Main Street
Cambridge, MA 02139

FROM: Dianne Cornaro, Zoning Board of Appeals Clerk

RE: RECORDING OF DECISION(S) for 100, 200, 300, 400, 500, 600 Patriot Way,
125 Spring Street

This is to notify you that a Special Permit with Site Plan Review in accordance with the Code of the Town of Lexington (Zoning By-Law) was approved at a hearing held on Thursday, March 11, 2010.

The decision was filed with the Town Clerk on April 9, 2010.

In accordance with M.G.L. c. 40A sec. 11, when twenty days have elapsed from the time of filing the decision in the Office of the Town Clerk, and no appeal has been filed with the Town Clerk, you are required to obtain a 21-day letter to record the CERTIFIED decision at the Registry of Deeds. The special permit and/or variance IS NOT EFFECTIVE until the decision has been recorded at:

Registry of Deeds
Southern Middlesex District
208 Cambridge Street
Cambridge, MA 02141
Tel.: (617) 679-6300

In order to facilitate this process please call the Town Clerk's office at (781) 862-0500 x270 with your request for this document at least 48 hours in advance of the date you wish to obtain the letter.

Zoning Board of Appeals
Town of Lexington

TOWN OF LEXINGTON, MASSACHUSETTS



RECEIVED
2010 APR -9 PM 10:12

**SPECIAL PERMIT WITH SITE PLAN REVIEW-
FINDINGS OF FACT AND DECISION**

Subject Property: 100, 200, 300, 400, 500, and 600 Patriot Way and
125 Spring Street

Property Owners: Patriot Partners Lexington, LLC (125 Spring Street,
100, 300, 500, and 600 Patriot Way); 200 Patriot
Way, LLC (200 Patriot Way); and Shire Human
Genetic Therapies, Inc. (400 Patriot Way)

Applicants: Patriot Partners Lexington, LLC, 200 Patriot Way,
LLC and Shire Human Genetic Therapies, Inc.

Meeting Dates: February 1, 2010, March 11, 2010, and March 25,
2010

Town of Lexington Assessor
Map and Lot Numbers: Map No.18, Lot No.15E (125 Spring St.)
Map No.18, Lot No.15F (100 and 200 Patriot Way)
Map No.18, Lot No.15D (300 Patriot Way)
Map No.18, Lot No.15G (400 Patriot Way)
Map No. 26, Lot No. 44E (500 and 600 Patriot Way)

Town of Lexington Zoning Board of Appeals
1625 Massachusetts Avenue, Room G-5
Lexington, Massachusetts 02420
Telephone: 781-862-0500 x 207
Fax: 781-861-2780

Administrative History:

RECEIVED

On December 23, 2009, the Town of Lexington Zoning Board of Appeals (the "ZBA" or the "Board" or the "Special Permit Granting Authority" or the "SPGA") received an application for a hearing on property located at 200 Patriot Way in Lexington Massachusetts from Shire Human Genetic Therapies, Inc., requesting a Special Permit with Site Plan Review (SPS). This application was submitted expressly pending the submission of a later application for the Definitive Site Development and Use Plan ("DSDUP") for 125 Spring St., 100, 200, 300, 400, 500, and 600 Patriot Way in Lexington Massachusetts to complete required submissions. On February 12, 2010, the Board received the application for a DSDUP for 125 Spring St., 100, 200, 300, 400, 500, and 600 Patriot Way in Lexington Massachusetts from Patriot Partners Lexington, LLC, 200 Patriot Way, LLC and Shire Human Genetic Therapies, Inc., requesting approval of the DSDUP and expressly incorporating the previously submitted application for a SPS for 200 Patriot Way.

Notices of a public hearing were sent by mail, postage pre-paid, to individuals listed on the Town of Lexington Certified Abutter's list for the property located at the project site.

On January 14, 2010, January 21, 2010, February 25, 2010 and March 4, 2010 notices of the hearing and its continuance thereto were duly advertised in the *Lexington Minuteman*, a newspaper of general circulation in the Town of Lexington.

On February 1, 2010, the hearing was called to order by Nyles Barnert, Chair. The Board members sitting for the hearing were: Chairman Nyles N. Barnert, Arthur C. Smith, Carolyn C. Wilson, Martha C. Wood and Associate Member John T. Gilbert. The Associate Members in attendance were: Leo P. McSweeney and David G. Williams.

On March 11, 2010, the hearing was continued. The Board members sitting for the hearing were: Chairman Nyles N. Barnert, Arthur C. Smith, Carolyn C. Wilson, Martha C. Wood and Associate Member John T. Gilbert. The Associate Members in attendance were: Leo P. McSweeney and David G. Williams.

On March 25, 2010, the hearing was continued. The Board members sitting for the hearing were: Chairman Nyles N. Barnert, Arthur C. Smith, Carolyn C. Wilson, Martha C. Wood and Associate Member John T. Gilbert. The Associate Members in attendance were: Leo P. McSweeney.

On March 25, 2010, the hearing was closed. The Board made the findings of fact and decisions as recorded in this Decision.

Staff present for all of the above listed dates were: Garry Rhodes, Building Commissioner, David L. George, Zoning Administrator, and Dianne Cornaro, Administrative Clerk.

Attorney Robert Buckley presented the petition for the applicant, Shire HGT, Inc. Also

attending were: Jim Winiarski of Shire Pharmaceuticals, Attorney Peter Corbett of Goulston & Storrs, John Hart, Civil Engineer with Symes Maini & McKee Associates, Michael Giardina, Design Principal with Kling-Stubbins and Charles Hager, Landscape Designer.

Prior to the hearing, the application and supporting data were reviewed by the Fire Department, Building Commissioner, Conservation Administrator, Town Engineer, Health Director, Planning Board, Historic District Commission, Development Review Team, Board of Selectmen and the Design Advisory Committee.

Zoning Requests:

The applicant seeks a permit and approval under Chapter 135 of the Code of the Town of Lexington (the "Bylaw"), as amended through September 2009, for the following:

- (a) a Special Permit with Site Plan Review (the "SPS") for Building 200 pursuant to section 135-12 (in accordance with sections 135-13 and 14C) and the Amended Preliminary Site Development and Use Plan approved for the CD-10 zoning district by November 2009 Special Town Meeting (the "Amended PSDUP");
- (b) approval of the the DSDUP) as consistent with the Amended PSDUP, pursuant to sections 135-42(B) and 42(F); and
- (c) clarification of uses for all existing and proposed buildings.

Material Submitted for Review and Approval:

See Attachment A

Audience Comment:

See Attachment B

Material Submitted by Town Boards and staff:

See Attachment C

Findings:

General

1. Patriot Partners Lexington, LLC, 200 Patriot Way, LLC and Shire Human Genetic Therapies, Inc. are the applicants (collectively, the Applicant) for DSDUP approval of certain land situated at 125 Spring Street, 200, 300, 400, and 500 Patriot Way in the Town of Lexington and more particularly described in deeds recorded in the Middlesex South Registry of Deeds as follows:

RECEIVED
2011 MAR 29 10:12 AM

RECEIVED
2010 APR -9 PM 12:10

- a. Book 45231, Page 304 (125 Spring St.), owned by Patriot Properties, LLP;
 - b. Book 51642, Page 96 (200 Patriot Way - including proposed buildings at 100 and 200 Patriot Way), owned by 200 Patriot Way, LLC;
 - c. Book 45231, Page 304 (300 Patriot Way), owned by Patriot Properties, LLP;
 - d. Book 51406, Page 560 (400 Patriot Way), owned by Shire Human Genetic Therapies, Inc.;
 - e. Book 45231, Page 304 (500 Patriot Way- including proposed building at 600 Patriot Way, owned by Patriot Properties, LLP.
2. Said land known as 125 Spring St., 100, 200, 300, 400, 500, and 600 Patriot Way is located in a zoning district classified under the Town of Lexington Zoning Bylaw as CD-10 (Planned Commercial Development).
 3. Said land was rezoned from CRO to CD-10 by Town Meeting action in 2004.
 4. On January 24, 2008, the ZBA granted a SPS for 400 Patriot Way and determined that the DSDUP, submitted on December 20, 2007, substantially conformed to the April 10, 2004 PSDUP for the project site.
 5. The 2004 PSDUP, which approved for CD-10 zoning district, was amended by November 2009 Special Town Meeting action (the "Amended PSDUP").
 6. The DSDUP approved in this Decision is intended to supercede any prior DSDUP, except as hereinafter noted.
 7. Presently located at the project site are four office/research and development buildings consisting of 505,663 sq. ft. of gross floor area located on a parcel of approximately 96 acres. The site contains an existing roadway, parking, and infrastructure network.
 8. The project site, as approved in the Amended PSDUP, contains existing buildings, wetlands and restricted open space, and developable land. The abutting districts are RS to the north, RO to the northwest, restricted open space and a wetland protection district to the west, RO and CRO to the south, CRO to the southeast, and RO to the east. The site is adjacent to Routes 2 and 128.
 9. Pursuant to the application before the Board, the Applicant seeks to further develop the site by constructing one new building at 200 Patriot Way. The building would have a gross floor area of 186,472 sq. ft. of office and research and development buildings. The site as proposed, under the Amended PSDUP, includes additional parking, roads, lighting, and related improvements at the site.
 10. The development proposed by the Applicant requires a SPS for Building 200 pursuant to § 135-12 (in accordance with §§ 135-13 and 14C) and the Amended PSDUP and approval of the DSDUP (based on the Amended PSDUP), pursuant

DECISION
2016-122-3
to §§135-42(B) and 42(F). This Decision permits only the new construction of Building 200. Any new construction and development of Buildings 100 and 600 or other new buildings under the DSDUP approved by this Decision requires the submission of a new application for Special Permit with Site Plan Review.

11. The variance granted on January 24, 2008 under § 135-39B(2) remains in effect to the extent the said variance may still be required.

Special Permit with Site Plan Review § 135-42F Findings (Consistency of the DSDUP with the PSDUP)

Note: The text of certain applicable sections of the Code of the Town of Lexington Zoning Bylaw is set forth below in italics. The basis for each finding and determination with respect to the proposed project is set forth following each subsection of the Bylaw in non-italicized type.

12. *Special permit application. The application for a SPS under this section (§ 135-42F(1), in accordance with § 135-42B) shall comply with § 135-12 (See section below) and shall be accompanied by:*

- a. *A copy, certified by the Town Clerk, of the (Amended) PSDUP plan approved by Town Meeting.*

The Board finds the Applicant submitted with its filing a Certified Copy of the Amended PSDUP. See Attachment A.

- b. *DSDUP as described in § 135-14.*

The Board finds the applicant submitted with its filing a copy of the DSDUP developed in accordance with § 135-14. See Attachment A.

13. *Special permit provisions. The Board may grant a SPS (pursuant to § 135-42F(2)) for the development of a tract of land in the CD District subject to the following provisions:*

- a. *The ZBA makes a determination that the development conforms substantially to the PSDUP approved by Town Meeting and is consistent with the considerations set forth in § 135-12.*

Based on a site view, testimony taken at the hearing, and evaluation of the plans submitted, the Board finds the DSDUP, including its applicable drawings, and related material, is consistent with the considerations set forth in §135-12 of the Bylaws (see § 135-12 Findings section below) and further finds the DSDUP, including any revisions, conforms substantially to the Amended PSDUP, as approved by Special Town Meeting.

- b. *The SPS incorporates by reference, the DSDUP filed with the application*

for the SPS.

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Based on the submittal materials in Attachment A, the Board duly incorporates, by reference, the DSDUP plan filed with the application into the SPS.

- c. *The ZBA may allow any or all of the uses specified in the plan approved by Town Meeting but no others.*

The Board finds the authorized uses on the premises shall consist of those permitted uses as specified within the Amended PSDUP, Appendix 8- Permitted Uses for Lexington Technology Park and as further refined in the DSDUP text, Section II- Types of Uses Permitted.

The Board further finds, the improvements presently existing, or to be constructed at 125 Spring Street, 100, 200, 500, and 600 Patriot Way shall be permitted, as provided in the Amended PSDUP, to conduct the following uses:

Section 2.7 "Office of manufacturer's representative or salesman with no sales or storage and distribution of products from the premises"

Section 2.8 "Other business, administrative or professional office, not elsewhere classified"

Section 5.1 "Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products"

And further, the Board finds the property known as 300 and 400 Patriot Way shall be permitted to continue to conduct the following uses:

Section 2.7 "Office of manufacturer's representative or salesman with no sales or storage and distribution or products from the premises"

Section 2.8 "Other business, administrative or professional office, not elsewhere classified"

Section 5.1 "Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products"

Section 5.2 "Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including the production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and

practical application in any such field or area, and including, office, administrative and support facilities related to any of the foregoing activities. All development proposals shall comply with applicable Federal, State and local laws, regulations and ordinances including, without limitation, laws, regulations and ordinances governing air pollution, water pollution control, noise and illumination."

The manufacturing uses permitted under Section 5.2 of the Use Table "Permitted Uses for Lexington Technology Park" as described above shall be limited only to the properties designated as 400 Patriot Way and a portion of 300 Patriot Way (The manufacturing uses at 300 Patriot Way shall occupy less than 20,000 net square feet), unless otherwise permitted by the Zoning Board of Appeals pursuant to a SPS and DSDUP decision.

- d. *The Board may, in its discretion, permit revisions from the Amended PSDUP approved by Special Town Meeting provided they do not conflict with the provisions of the text of such plan. Such revisions shall generally be limited to the location of the building(s) and changes in the site plan.*

The Applicant has submitted revisions in the SPS set of plans for 200 Patriot Way, dated December 18, 2009 and revised March 17, 2010, as follows:

1. the Site Preparation Plan, Sheet C2.0
2. the Layout and Materials Plan, Sheet C3.0
3. the Grading and Drainage Plan, Sheet C4.0
4. the Utilities Plan, Sheet C5.0
5. the Landscape Plan, Sheet L1.0
6. the Site Lighting Plan, Sheet E1.1
7. The Architectural Floor Plans and Elevations

After evaluating the revisions, the Board finds the revisions to be minor in nature because the revisions do not represent a significant modification of the project site as approved through the Amended PSDUP.

- e. *The SPS shall require that any land designated as common open space on the approved plan shall be either conveyed to the Town or protected by an easement granted to the Town.*

The Board finds the land subject to the DSDUP includes "Conservation

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Restriction Area[s].” The owners of the Property shall preserve such areas as described on the Plans titled, “Locus Context Map,” Sheet C1.1 and “Site Analysis Map,” Sheet C1.2 of the DSDUP plans, dated 2/12/10 as “Conservation Restriction Area[s]” as open and non-developed (except for required infrastructure i.e., roads, utilities) and/or the owner(s) shall grant to the Conservation Commission of the Town of Lexington a Conservation Restriction pursuant to Massachusetts General Law, Chapter 184, Sections 31, 32, and 33 for that area designated as “Conservation Restriction Area[s]” as shown on the above referenced plans. The owner(s) shall submit any proposed Conservation Restriction for state and local approval. If approved, the Conservation Restriction shall be recorded with the Middlesex South Registry of Deeds. A draft Conservation Restriction has been submitted under the DSDUP. See Attachment A.

- f. *The Special Permit with Site Plan Review decision may contain such additional conditions as the Board of Appeals finds will serve the public interest*

See Conditions section, below.

Special Permit with Site Plan Review § 135-12 Findings (SPS for 200 Patriot Way)

14. *Pursuant to § 135-42F(1) the SPS, as referenced above, may be granted provided the SPS application complies with § 135-12B (in accordance with § 135-13 and § 135-14C).*

The Board finds the SPS application for Building 200 (200 Patriot Way) and the accompanying DSDUP is in compliance with § 135-12B(1) and (2) of the By-Law as follows:

§ 135-12B(1): Prior to granting a SPS, the ZBA shall make a finding and determination that the proposed development of the site, under § 135-12B(1):

- a. *Complies with such criteria or standards as may be set forth in the section of this bylaw which refers to the granting of the requested special permit with site plan review.*

The Board finds the subject application complies with §135-42(F) of the Lexington Zoning Bylaw which refers to the granting of a SPS review for the CD zoning districts. The Development conforms substantially to the Amended PSDUP approved by a vote of Town Meeting in November 2009 and is consistent with the conditions set forth in §135-12.

- b. *Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.*

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The Board finds the subject property has been designed in a manner that is compatible with the existing natural features of the site and is compatible with the surrounding area. The proposed building is a component of a larger existing biotech campus development. The new building is of similar character and scale as the other buildings on site. The site was formerly the Raytheon headquarters and contained active office and research & development uses.

The Site Plan for Building 200 included with this application provides an extensive network of pedestrian paths and landscaping providing connectivity to other campus buildings and attractive outdoor meeting areas. Additionally, the applicant is working with the conservation commission to place over thirty-six (36) acres of land in a conservation restriction easement for public use/recreation and to serve as a buffer area to residential abutters on Shade Street. The conservation area contains significant natural features including steep slopes and wetland areas.

- c. *Does not result in the removal of protected trees when the subject of the special permit with site plan review meets any of the circumstances of §120-4, or where such protected trees are proposed to be removed, that the removal is mitigated through replanting or other means.*

The Board finds the proposal is subject to the ZBA jurisdiction and is therefore not subject to the tree bylaw §120-4(A) and this by-law is not-applicable based on §120-4(B)3 which states: "This bylaw shall not apply in any instance where the Planning Board, the Zoning Board of Appeals or the Conservation Commission has established jurisdiction" - The Zoning Board of Appeals regulates planting, retention and/or replacement of on-lot trees on private nonresidential land, where said property is subject to a special permit under the Zoning Bylaw.

- d. *Meets accepted design standards and criteria for the functional design of facilities, structures and site construction.*

The Board finds the subject proposal meets the accepted design standards and criteria for the functional design of facilities, structures and site construction. The SPS/DSDUP application includes plans that detail: site preparation, layout, materials, grading and drainage, utilities, lighting, and landscaping that were designed to meet the standards and criteria of the Town.

- e. *Will not create impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the street system for vehicular traffic, the sidewalks and footpaths for pedestrian traffic, and, in addition, for residential developments, the recreational facilities, which cannot be*

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accommodated by such services and facilities, or where there is insufficient capacity in such services and facilities, improvements will be made to provide sufficient capacity.

The Board finds the proposed project will not create any additional adverse impacts on the public services and facilities serving the development. The current water supply is capable of accommodating the proposed building with both the daily water requirements and emergency fire protection loads. The building is served by a gravity sewer line that has adequate hydraulic capacity for the anticipated demand resulting from the construction of this building. A new service connection to the existing gravity sewer is proposed in this SPS/DSDUP filing. A storm water design was completed for building 200 and a Notice of Intent was filed with the Town in 2007 and an Order of Conditions was issued by the Town's Conservation Commission in February 2008. The site is serviced by an internal road system with access from Spring Street. Spring Street was recently improved by the Town of Lexington to include sidewalks for pedestrian access. Traffic impacts will be mitigated via a financial contribution by the Applicant for the anticipated increase in traffic resulting from the proposed development. An Amended and Restated Memorandum of Understanding between the applicant and the Lexington Board of Selectmen was signed on October 30, 2009 (amended and restated from the original May, 2009 MOU) to this effect.

- f. *Will not create adverse impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the approved development, so that the development will be compatible with the surrounding area.*

The Board finds the subject proposal is located within the Lexington Technology Park campus. The overall campus has been the subject of a 2004 rezoning from the CRO to the CD-10 zoning district and a recent amendment to the zoning (which was approved at town meeting in November 2009). The applicant has committed to several traffic mitigation improvements resulting from prior approvals and Shire's commitment to providing alternative transportation options to its employees. These include among other things, designation of a transportation coordinator, provision of bicycle facilities on site, membership in the Route 128 Business Council and the Alewife shuttle. To mitigate the impacts of the increased density permitted through the rezoning process, the applicant entered into an Amended and Restated Memorandum of Understanding with the Town of Lexington on October 30 2009 (see Section E, Appendix1(9) of the approved APSDUP). Among other things, the MOU provides financial contributions of up to \$1.6 million (in 2009 dollars) to mitigate the impact of increased traffic on site. The contribution is based on the overall number of parking spaces constructed on site. This contribution includes funds to prepare a traffic plan for the Spring

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Street/Hayden Avenue Corridor as well as providing money towards the operation of LexPRESS service.

In addition, the applicant has committed to design the building to a LEED-NC "Silver Standard", and minimize external noise and reflectivity of materials as part of the approved APSDUP. This SPS/DSDUP application is in accordance of the LEED-NC criteria described in the APSDUP and has been designed accordingly.

- g. *Is consistent with the general purposes of this bylaw as set forth in §135-1 and the more specific objectives and purposes applicable to the requested special permit with site plan review which may be set forth elsewhere in this bylaw, such as, but not limited to, those at the beginning of the various sections.*

The Board finds this SPS/DSDUP application is consistent with the general purposes of the Bylaw, as set forth in §135-1, and the more specific applicable purposes set forth elsewhere in the Bylaw.

§ 135-12B(2): Where the Board determines that one or more of the following objectives are applicable to the particular application for a SPS, the Board shall make a finding and determination that the following objectives will be met:

- a. *That the proposed development will not present a demonstrable adverse impact on the surrounding area resulting from: 1) Excessive noise, level of illumination, glare, dust, smoke or vibration which is higher than levels now experienced from uses permitted in the surrounding area; 2) Emission or discharge of noxious or hazardous materials or substances; 3) Pollution of waterways or groundwater; or 4) Transmission of signals that interfere with radio or television reception.*

The Board finds the subject property will not present a demonstrable adverse impact on the surrounding area resulting from: excessive noise, level of illumination, glare, dust, smoke or vibration which is higher than levels now experienced from uses permitted in the surrounding area; Emission or discharge of noxious or hazardous materials or substances; or Pollution of waterways or groundwater; or transmission of signals that interfere with radio or television reception.

The building has been designed to limit glare from buildings on abutting residential properties and has chosen building materials and operating procedures to limit light migration. The exterior of Building 200 is composed of brick, curtain wall and aluminum panels. The design of the curtain wall is glass which is designed to maximize light transmittance (light coming into the building) and limit light reflectance.

- b. *That the existing land form is preserved in its natural state insofar as*

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practicable, by minimizing grading and the erosion or stripping of vegetation that may result therefrom, particularly from development on steep slopes; by preserving mature trees; and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption.

The Board finds that the existing land form is preserved in its natural state insofar as practicable. The proposed building construction is to be located outside of the restricted open space areas. The applicant is providing a conservation restriction to leave a large portion of the property in a natural state in perpetuity pursuant to MGL Chapter 184 §31-33. At the time of these findings, a draft Conservation Restriction has been submitted to the Conservation Commission and the applicant is working with the Town to seek approval of the Conservation Restriction.

The applicant has made an effort to preserve existing vegetation surrounding the buildings, including mature trees near the entrance to the campus. There are no existing stone walls or other man made features located at the site.

- c. *That buildings are located: harmoniously with the land form, vegetation and other natural features of the site; effectively for solar and wind orientation for energy conservation; and advantageously for views from the building while minimizing the intrusion on views from other buildings.*

The Board finds the subject building has been designed to the LEED-NC Version 2.2 Silver Standard for Energy and Environmental Design. The applicant has made its best efforts to limit glare from the proposed building onto abutting residential properties through operating process and choice of building materials. Extensive landscaping has been proposed for the site and a landscaping plan has been provided as part of this application.

- d. *That a system of routes for pedestrians, including bicycles with minimal conflicts with vehicles is provided.*

The Board finds the circulation system for the parking lot for the campus is located on the perimeter of the spaces furthest from the building to minimize any pedestrian/automobile conflicts. There is a concrete sidewalk that connects Spring Street to the Campus and connects to building 200. Twelve post and ring bicycle racks have been provided on site to accommodate 24 bicycles at building 200. Additional bicycle parking facilities are provided elsewhere on campus. Shower facilities are currently provided at 400 Patriot Way, are included in the plans for 200 Patriot Way, and are contemplated in future construction of buildings at 100 and 600 Patriot Way. The site contains a series of landscaped pedestrian paths that have been designed for easy access between

buildings.

In addition, as part of the proposed Conservation Restriction, a trail network has been conceived for access spanning from Spring Street across the site to Weston Street to the West.

- e. *That all measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area of a proposed development are taken, such as, but not limited to, minimizing the velocities of water runoff, maximizing protection of disturbed areas from stormwater runoff, and retaining sediment within the development site as early as possible following disturbances.*

The Board finds the proposed building has been designed to contain several measures to control sedimentation, erosion and runoff. The design will include a rainwater harvesting system that will store up to 20,000 gallons of rainwater from the roof and will be reused in the building for a variety of use. The proposed drainage design includes sustainable features like bio-retention areas and bio-swales that are not required by stormwater hydrology design.

A drainage system for Building 200 was proposed and approved in prior applications in 2007 and 2008. There have been no changes to the site layout or building that requires substantial changes to the drainage system. The goals of the stormwater management system are to protect the adjacent and on-site wetland resources during both the construction and operation of Building 200. Some of these goals include: keeping all proposed construction located outside of the resource areas, creating detention and infiltration systems to maintain or reduce proposed runoff volume for the 1-year storm event and providing 80%+ TSS removal for paved areas both existing and proposed. A full list of goals is contained in Section 2.2 of the Engineering report of the Special Permit Application (Section E, Appendix 6(2)).

- f. *The removal or substantial alteration of buildings of historic or architectural significance is minimized and that new uses or the erection of new buildings is compatible with buildings or places of historic or architectural significance.*

The Board finds that there are no buildings of historic or architectural significance on site. The proposed location of construction at 200 Patriot Way is currently vacant/unoccupied land.

- g. *That the natural character and appearance of the Town is enhanced. Awareness of the existence of a development, particularly a nonresidential development or a higher density residential development, should be minimized by screening views of the development from nearby*

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streets, single family neighborhoods or Town property by the effective use of existing land forms, or alterations thereto, such as berms, and by existing vegetation or supplemental planting.

The Board finds the applicant has held several meetings with the abutters throughout the rezoning and SPS/DSDUP process. Additionally, the applicant has had multiple meetings with the Town's Design Advisory Committee to discuss architectural and site plan issues and gather feedback from this group. A landscaping plan has been proposed for Building 200 and is included as part of this application. The plan provides for a mix of deciduous, evergreen and ornamental trees to screen the project. Accordingly, the Board finds this criteria satisfied.

- h. *That open space on the site, particularly such common open space and usable open space as may be required by this bylaw, is located and designed so as to increase the visual amenities for the surrounding area as well as for the occupants of the development.*

The Board finds the applicant has designed a comprehensive open space network surrounding the proposed building at 200 Patriot Way. The design includes passive as well as programmable open space. A large area of pervious concrete pavers is proposed to the northeast of the building and is designed to serve as a common open area for barbecues and other informal gatherings. Additionally, a series of trails and landscaped passive open space have been designed in the area between building 200 and 300 Patriot Way.

- i. *That the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area, without specifying any particular architectural style.*

The Board finds that the height scale, massing and orientation of the building are compatible with the rest of the Lexington Technology Park Campus.

- j. *That construction on the site conforms to good design practice for features such as parking and loading, grading, landscaping, drainage, utilities, and lighting.*

The Board finds that the site conforms to good design practice for parking and loading, grading, landscaping, drainage, utilities and lighting.

- k. *That there is easy access to buildings and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipmen.*

The Board finds the applicant has had several meetings with the

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Lexington Fire Chief and it has been determined that the building and grounds will be suitably designed for emergency equipment per Lexington Fire Department regulations and conditions contained in this decision.

- i. *That there is improved access to, or the development of additional links and connections to, a Town system of public facilities such as conservation areas, recreation facilities, footpaths or bicycle paths, streets or utility systems.*

The Board finds the applicant is currently in the process of refining and approving a Conservation Restriction with the Town of Lexington's Conservation Commission. A draft version of this document is currently under review by the town and is attached as Section E, Appendix 4 of the SPS/DSDUP application. Several versions of the trail plan are being discussed including one which spans the length of the campus from Weston Street to Spring Street. All designs will provide access for employees to the trail system and conservation land from the campus itself.

- m. *That the location of intersections of access drives with the Town's arterial or collector streets minimize traffic congestion.*

The Board finds the access drive for Lexington Technology Park campus was developed as part of the original Raytheon campus. The applicant has entered into an Amended and Restated Memorandum of Understanding with the Town of Lexington on October 30, 2009 (attached as Section E, Appendix 1(9) of the SPS/DSDUP application) to agree to provide financial contributions to address traffic mitigation for impacts caused by the project site.

- n. *That electric, telephone, cable TV and other such lines and equipment are either placed underground or are as inconspicuous as possible; that support facilities such as storage, refuse disposal, utility buildings and structures for recreational activities are located and screened, to form as effective a visual screen of them as possible.*

The Board finds the electric, telephone, cable and other lines are below ground for the building at 200 Patriot Way. It is anticipated that when the applicant is ready to construct buildings at 100 and 600 Patriot Way, the lines for those buildings will be installed underground.

- o. *That no development shall cause downstream properties, watercourses, channels, or conduits to receive stormwater runoff from a proposed development at a higher peak flow rate, or to receive other unreasonable impacts, than would have resulted from the same storm event occurring over the site of the proposed development in its natural undeveloped condition.*

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The Board finds the applicant has provided a Storm Water Pollution Prevention Plan for construction and post-construction stormwater management as part of the engineering report. The plan calls for a sequencing plan, operating procedures and control measures that will minimize impacts during construction.

- p. *That adequate water quality standards are promoted giving due regard to the conservation of surface and ground waters for the protection of fish and wildlife, recreational purposes and the use of such water for public water supply in communities which are downstream, by requiring that adequate pollution abatement controls be incorporated into the drainage design of the proposed development.*

The Board finds the project has been designed to meet water quality standards and adequate pollution abatement controls have been incorporated into the drainage design of the proposed development.

Decisions

The hearing was duly closed at 9:51PM.

On a motion by Arthur Smith and seconded by John Gilbert, the Board of Appeals voted 5-0 to approve the conditions, as listed in the Condition Section below, subject to review of the written decision by Town of Lexington Town Counsel, on its petition for A Special Permit with Site Plan Review in accordance with § 135-42F(2)(f) and § 135-12C for property located at 125 Spring St., 100, 200, 300, 400, 500, and 600 Patriot Way.

On a motion by Arthur Smith and seconded by Carolyn Wilson, the Board of Appeals voted 5-0 to accept, subject to review of the written decision by Lexington Town Counsel, the Applicant's findings of fact relative to its petition for A Special Permit with Site Plan Review approval of the DSDUP based on the Amended PSDUP in accordance with § 135-12B and § 135-42F(1) and (2) for property located at 125 Spring St., 100, 200, 300, 400, 500, and 600 Patriot Way.

On a motion by Arthur Smith and seconded by Carolyn Wilson, the Board of Appeals voted 5-0 to approve, subject to review of the written decision by Lexington Town Counsel, the DSDUP as being in significant conformance with the Amended PSDUP relative to its petition for A Special Permit with Site Plan Review in accordance with § 135-42F(2)(a) and § 135-42B for property located at 125 Spring St., 100, 200, 300, 400, 500, and 600 Patriot Way, subject to conditions as listed below.

On a motion by Carolyn Wilson and seconded by Arthur Smith, the Board of Appeals voted 5-0 to approve, subject to review of the written decision by Lexington Town Counsel, the Special Permit with Site Plan Review in accordance with § 135-12, 13, and 14 for 200 Patriot Way, subject to conditions as listed below.

Conditions:

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Applicable to DSDUP for site, including 200 Patriot Way

1. The project shall be constructed according to the DSDUP and its plans entitled "Lexington Technology Park, 200 Patriot Way, Lexington MA, Special Permit ", dated December 18, 2009, portions revised to March 17, 2010, prepared by SMMA, Kling Stubbins and Vanderweil, as well as the materials submitted for review and approval by the Applicant that are referenced herein, as such materials may be specifically amended or approved conditionally by the terms hereof.
2. The authorized uses on the premises shall consist of those permitted uses as specified within the Amended PSDUP, Appendix 8- Permitted Uses for Lexington Technology Park and as further refined in the DSDUP text, Section II- Types of Uses Permitted.
3. The project shall be constructed in accordance with applicable federal, state, and local law and regulations.
4. Applicable Zoning By-Law: The land and development in this CD-10 Zoning District is subject to the provisions of the 2009 Zoning By-Law and approved only for the specific uses and provisions of such By-Law as noted within the Amended PSDUP.
5. Transfer: Any sale or transfer of rights and interests in the Property in this Planned Commercial District shall include a condition that successors and assigns are bound to the terms and conditions of the DSDUP, or any SPS decision granted by the Zoning Board of Appeals for this Planned Commercial District.
6. The applicant shall comply with the Traffic Demand Management Plan and Traffic Mitigation Plan incorporated into the Amended PSDUP referenced in Appendix 1, Sections 1, "Traffic Study" and 9 "Amended and Restated MOU" of the DSDUP.
7. Grant Application Assistance: The Applicant shall also cooperate with and support the Town in its application(s) to obtain grant financing or public monies for public infrastructure improvements in South Lexington, which may include applications to the Massachusetts Opportunity Relocation and Expansion (MORE) Program, Public Works and Economic Development (PWED) Program, Infrastructure Investment Incentive (I-Cubed) Program, and other programs offered by the Commonwealth.
8. Conservation Restriction: The owner(s) of the Property shall preserve those portions of the Property labeled "Conservation Restriction Area "A", "Conservation Restriction Area "B", and "Conservation Restriction Area "C" on the plan entitled "Conservation Restriction Trail Map", dated February 16, 2009, prepared by Symmes Maini & McKee Associates, (copy attached as Appendix 4, Section 1) as open and non-developed (except for maintenance and repairs of the existing gravel road, sewers, drainage infrastructure and utilities and installation of public access trails) and shall

grant to the Conservation Commission of the Town a Conservation Restriction pursuant to Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 for those areas designated as "Conservation Restriction Area A, B, and C" as shown on the Plan. The owner(s) shall submit a Grant of Conservation Restriction in a form acceptable to the Commission, Town Counsel, and the Commonwealth's Executive Office of Environmental Affairs, Division of Conservation Services. Upon approval and no later than February 20, 2011 (unless extended by the Conservation Commission), the Conservation Restriction shall be recorded with the Middlesex South Registry of Deeds.

9. The owner(s) of the Property shall agree that unless required for access to 400 Patriot Way that the area abutting the residential properties on Shade Street and which is that portion of 400 Patriot Way that is 20 feet wide shall remain in an undisturbed state except for walking or hiking pedestrian trails that may be developed in accordance with plans approved by the Owner and the Town.
10. Open Space and Trails: The Applicant shall work with the Lexington Conservation Commission and Shade Street residents directly abutting the Property to design a series of nature trails for passive recreation related activities within the Conservation Restriction Areas including the provision of construction level plans and specifications to allow for the Town to construct the trail in the future. The locations of any future trails beyond Conservation Restriction Area A shall be subject to the security requirements of any tenant(s) of the Property. The trails created as a result of this condition shall be built and maintained by the Town.
11. Trail: Details of the trail layout and or construction plans shall be provided by the time the application for a SPS for Building 600 is filed or alternatively that a different timeline be established as agreed upon by the Town for submission of Details of the trail layout and or construction plans.
12. Building 600 Landscaping Buffer: In order to reduce visual impacts on the abutters to Building 600 and its associated garage, the Applicant shall construct an earthen berm with vegetated screening adjacent to structures constructed on Lot 5 as shown on the DSDUP Plans. The proposed vegetated screening shall substantially reduce residential views of said structure to the extent reasonably possible.
13. The Building 600 landscaping buffer shall be completed prior to issuance of any occupancy permit for Building 600.
14. The Applicant/Property Owner and tenant/user shall comply with all the requirements of the Lexington Noise Control Bylaw (Code of Lexington, Chapter 80, §§ 80-1 through 80-11, inclusive) (hereinafter, the "Noise Bylaw").
15. Noise:

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- a. Subject to the approval of a qualified noise engineer (hereinafter, the "Consultant") selected by the Building Commissioner in conformance with Massachusetts General Laws Chapter 44 Section 53G and as provided in Chapter 138 §138-29 of the Code of Lexington, the Zoning Board of Appeals accepts the recommendation of approval by the Noise Advisory Committee relative to the methodology to be used by the Applicant/Property Owner to determine the ambient noise levels for Lexington Technology Park ("Premises") as well as the standards for determining compliance of the Premises under future buildout conditions in accordance with any Special Permit with Site Plan and Definitive Site Development and Use Plan Decision issued for the premises. This accepted methodology is detailed in a report entitled "Shire HGT Ambient Sound Level Assessment Protocols" dated March 11, 2010, prepared by Noise Control Engineering, Inc ("LTP Noise Methodology").
- b. Within the earlier of: (i) sixty (60) days from the expiration of the appeal period related to this Decision, without the filing of any appeals, or (ii) sixty (60) days from the installation of the noise abatement systems for 300 Patriot Way, the Applicant/Property Owner shall submit to the Building Commissioner and Zoning Administrator a supplemental analysis prepared by a qualified noise engineer measuring the decrease in dBA from the conditions that existed prior to the installation of the noise abatement structures.
- c. Within thirty (30) days after this Decision becomes final or within thirty (30) days after the consultant has been selected, whichever occurs later, the Applicant/Property Owner shall provide the Town with funds adequate to meet the anticipated cost of the Consultant.
- d. Prior to the issuance of a final occupancy permit for 200 Patriot Way, the Applicant shall provide to the Building Commissioner the results of the approved methodology showing the ambient noise level at various points along the north and west property lines, for review by the Consultant to determine if said results were prepared in conformity with the approved methodology. All reports by the Consultant shall be provided to the Applicant.
- e. Prior to the issuance of a final occupancy permit for 200 Patriot Way, the Applicant/Property Owner shall submit to the Building Commissioner a supplemental analysis prepared by a qualified noise engineer in a form reasonably satisfactory to the Building Commissioner which measures any increase in dBA related to the operations at 200 Patriot Way over the ambient noise levels previously calculated, to confirm compliance with the Noise Bylaw. Any increase in dBA over what is permissible within the Noise Bylaw shall necessitate the installation of appropriate noise mitigation measures.
- f. Noise requirements imposed by the superseded DSDUP are rescinded and replaced by the above conditions.

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2018 11 27 16. Fire Department Access: Prior to the issuance of any occupancy permit for Building 200, the emergency access road shall be brought to a standard satisfactory to the Town of Lexington Fire Department including:

- a. The emergency access road shall be maintained for use at ALL times (emphasis added). This shall mean the mowing of grass along the road and its shoulder during the growing season and plowing of snow in the winter months.
- b. The two gates shall be redesigned or replaced to allow for automatic opening with appropriate clearances. .
- c. An Opticom Infrared Gate Opening Device shall be installed at each end of the gate to allow for Lexington and/or out-of-town mutual aid fire apparatus rapid access to the emergency access road, with a minimum width of 12-feet.
- d. One of the two gates at the Shade Street end shall be removed, with the gate to be removed at the election of the Applicant.
- e. Each end of the emergency access road shall have a sign stating, "EMERGENCY ACCESS ROAD- NO PARKING ALLOWED" on the gate facing both Shade Street and the parking lot of 500 Patriot Way.
- f. The area in front of the emergency access road from the parking lot of 500 Patriot Way shall be marked "FIRE LANE-NO PARKING."
- g. The emergency access road shall be maintained to a minimum of 12-foot width with a vertical height of 14-feet in clearance.

17. Sustainable Design and Construction shall apply to buildings proposed for 100, 200, and 600 Patriot Way.

Conditions applicable to Building 200 SPS

18. Prior to the issuance of a building permit for construction of Building 200, the Applicant shall submit to the Building Commissioner a construction management plan detailing, among other things, parking, material storage, traffic circulation, utility installations during construction of the project, and any other information the Building Commissioner deems appropriate. Said plan shall be in a form suitable to the Building Commissioner.

19. During construction of Building 200, Chapter 80, § 80-4(A) (Construction/private service maintenance power equipment) of the Code of Lexington shall be adhered to. In addition, the prohibition shall extend to 8:00 AM on weekends.

20. Construction vehicles shall not utilize Shade Street when traveling to or from the site.

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21. The trailers and related construction equipment currently being utilized for the construction of Building 400 may be permitted to remain at their present at its present location during the construction of Building 200, subject to the Construction Management plan referenced in Condition 18, above.

22. The landscape vegetation depicted on the plan entitled "Landscaping Schedule, Lexington Technology Park Campus", dated March 23, 2010 shall, subject to weather conditions, be installed by June 30, 2010. All plantings referenced on this plan shall be guaranteed for one year by the supplier and if the plantings fail to survive the first planting season the Applicant shall re-plant said vegetation in the Spring of 2011. If weather conditions do not permit the completion of the installation of said plantings pursuant to the timing specified in this condition, the Applicant shall provide the Town with a bond to cover the full amount of the landscaping materials. Once the landscaping installation is complete the bond shall be returned to the Applicant.

23. All remaining landscaping depicted on the plan entitled "Lexington Technology Park, 200 Patriot Way, Lexington, MA, Special Permit", Landscape Plan – sheet L1.0, dated December 18, 2009, revised to March 17, 2010, prepared by SMMA shall be installed prior to the issuance of a final occupancy permit for 200 Patriot Way. If weather conditions do not permit the completion of the installation of said plantings pursuant to the timing specified in this condition, the Applicant shall provide the Town with a bond to cover the full amount of the landscaping materials. Once the landscaping installation is complete the bond shall be returned to the Applicant.

24. Sustainable Design and Construction: The additional floor area (beyond that authorized in the Original PSDUP) permitted pursuant to this Decision shall be constructed, at a minimum, to the "Silver Standard" of The Leadership in Energy and Environmental Design (LEED-NC) Green Building System in effect as of the date of filing of this DSDUP. Notwithstanding the foregoing, this condition shall be expressly contingent upon LEED standards for a given use or building type having been issued. Upon request, the Board of Appeals may waive this requirement if the Applicant demonstrates that satisfaction of this condition would impose a commercially unreasonable burden on any user of the proposed building. The Applicant shall provide the Building Inspector with evidence of compliance with this commitment that shall include certifications from the Applicant's consultants.

25. Building Exterior: The Applicant shall attempt to limit glare from buildings onto abutting residential properties through the choice of building materials and the implementation of operating procedures to limit light migration. Building Exterior: Building 200 shall be limited to light reflectivity and light transmittance levels as referenced in the report titled, "Special Permit Engineering Information" dated December 18, 2009 to the following: Transmittance- Ultra Violet 6%, Visible 64% and; Reflectance- Visible Light 12, Total Solar Energy 52.

Attachment A: Material Submitted for Review and Approval by Applicant

Consistent with the filing requirements for projects requiring a SPS, the applicant, on December 23, 2009, submitted the following materials:

1. Special Permit with Site Plan Application Form;
2. Special Permit Drawings Prepared by Symmes Maini & McKee Associates, Kling Stubbins and R.G. Vanderweil Engineers, LLP December 18, 2009:

- C1.0 Existing conditions plan
- C2.0 Site Preparations plan
- C3.0 Layout and Materials Plan
- C4.0 Grading and Drainage Plan
- C5.0 Utilities Plan
- C6.1 Site Details I
- C6.2 Site Details II
- C6.3 Site Details III
- L1.0 Landscape – Planting Plan
- E1.1 Site Lighting Plan
- A1.0 Level 0 Floor Plan
- A1.1 Level 1 Floor Plan
- A1.2 Level 2 Floor Plan
- A1.3 Level 3 Floor Plan
- A1.4 Penthouse Plan
- A1.5 Roof Plan
- A2.1 Lab Elevations
- A2.2 Office Elevations

3. Special Permit Engineering Information Package Prepared by Symmes Maini & McKee Associates, Kling Stubbins and R.G. Vanderweil Engineers, LLP December 18, 2009;
4. Traffic Study Prepared by Tetra Tech Rizzo, Dated August 2009- (originally submitted as part of the Amended PSDUP application approved at town meeting on November 9, 2009).

Consistent with the requirements of § 135-42F, the applicant submitted on February 12, 2010, as part of its SPS filing, the DSDUP related information listed below:

- A. Executed Special Permit with Site Plan Application form (SPS/DSDUP Application form);
- B. Definitive Site Development and Use Plan. This document includes a narrative description of the proposal as well as the following documents, reports and plans:

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Kling Stubbins
December 23, 2009

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Appendix 1 – Certified Copy of the Amended PSDUP (approved at Special Town Meeting on November 9, 2009);

1. Traffic Study prepared by TetraTech Rizzo dated August, 2009;
2. Site Utilities analysis prepared by Symmes Maini and McKee Associates dated June 19, 2009;
3. Fiscal Impact Analysis prepared by Connery & Associates dated July 29, 2009;
4. Legal Description of the CD-10 District prepared by Symmes Maini and McKee Associates dated February, 2009;
5. Locus Plan prepared by Symmes Maini and McKee Associates dated February 16, 2009;
6. Conceptual Site Plan prepared by Symmes Maini and McKee Associates dated April 16, 2009;
7. Conceptual Architectural Images prepared by Symmes Maini and McKee Associates dated April 23, 2009;
8. Table of Permitted Uses for Lexington Technology Park;
9. Amended and Restated Memorandum of Understanding signed by the Lexington Board of Selectmen, Patriot Partners Lexington, LLC and Shire HGT Inc. on October 30, 2009.

Appendix 2 – Updated Traffic Memorandum prepared by Tetra Tech Rizzo dated February 11, 2010

Appendix 3 – TIF Agreement signed by the Lexington Board of Selectmen, Patriot Partners Lexington, LLC, and Shire HGT, Inc. dated October 2007

Appendix 4 – Conservation Restriction and Trail Plan

(1) Draft Conservation Restriction Plan

(2) Draft Trail Plan entitled “Conservation Restriction Trail Map” prepared by Symmes Maini and McKee Associates dated January 20, 2010.

Appendix 5 – Architectural Images for 200 Patriot Way prepared by Kling Stubbins dated February 11, 2010

Appendix 6 – Definitive Site Development and Use Plans and Engineering Reports.

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In addition to the DSDUP Plans provided in this Appendix 6 the Applicant has prepared the requisite engineering reports detailing zoning compliance data and site development information. The DSDUP Plans and Engineering Reports included in this section are as follows:

200 Patriot Way

(1) "Lexington Technology Park, 200 Patriot Way, Lexington, MA, Special Permit" dated December 18, 2009 prepared by Symmes Maini & McKee Associates, Inc., consisting of nineteen (19) sheets;

(2) "Special Permit – Engineering Information, Lexington Technology Park, 200 Patriot Way, Lexington, MA" prepared by Symmes Maini & McKee Associates, Inc., Kling Stubbins and Vanderweil Associates dated December 18, 2009;

Lexington Technology Park Campus

(3) "Lexington Technology Park, Spring Street, Lexington MA, Definitive Site Development & Use Plan" dated February 12, 2010 prepared by Symmes Maini & McKee Associates, Inc., consisting of fifteen (15) sheets.

(4) "Engineering Information – DSDUP, Lexington Technology Park, Lexington, MA" prepared by Symmes Maini & McKee Associates, Inc., dated February 12, 2010.

The Applicant submitted a letter dated March 9, 2010, from John C. Hart, PE to Robert Buckley, regarding "Responses to Comment Letters from Town Departments."

On March 11, 2010, the Applicant submitted a report entitled "Shire HGT Ambient Sound Level Assessment Protocols" , prepared by Noise Control Engineering, Inc

On March 17, 2010, the applicant submitted a letter responding to certain issues raised at the March 11, 2010 continued hearing. See letter Buckley to Barnert, dated March 17, 2010.

On March 18, 2010, the applicant submitted the following revised plans:

1. the Site Preparation Plan, Sheet C2.0
2. the Layout and Materials Plan, Sheet C3.0
3. the Grading and Drainage Plan, Sheet C4.0
4. the Utilities Plan, Sheet C5.0

5. the Landscape Plan, Sheet L1.0
6. the Site Lighting Plan, Sheet E1.1
7. The Architectural Floor Plans and Elevation

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Attachment B- Public Comment

The following abutters addressed the Board with questions and concerns:

1. Richard Canale of 29 Shade Street
2. Vickie Blier of 41 Shade Street
3. Michelle Ciccolo of 50 Shade Street
4. Philip Jackson of 50 Shade Street
5. David Manuel of 40 Shade Street
6. Yunkang Xu of 21 Shade Street
7. Rolf French of 28 Shade Street
8. Edward Neidorf of 34 Shade Street

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The following persons provided testimony on behalf of their Committees:

1. Jean Krieger of the Noise Committee clarified noise by-law questions for the Board.
2. Gregory Zurlo, Chairman of the Planning Board, highlighted items recommended by the Planning Board.
3. Tom Whelan, resident of 23 Shade St, requested site plans for a proposed trail.

For specific further details, see meeting minutes of the proceedings.

The following materials were submitted by members of the public:

Memo dated March 11, 2010 from Richard Canale to the Board entitled: "Draft Proposal for Determining Acceptability and Violations for Lexington Noise Bylaw..."

Deven's Noise Bylaw

Town of Belmont, MA Noise Bylaw

Letter dated March 19, 2010 from Richard Canale to Board regarding noise restrictions.

Email dated March 22, 2010 from Michelle Ciccolo to Board subject- "Draft- Letter for ZBA Members regarding LTP/Shire Permit.

Letter dated March 23, 2010 from Richard Canale to Board, regarding LTP DSDUP vs. PSDUP.

Letter dated March 23, 2010 from Richard Canale to Board, regarding light trespass.

Letter dated March 23, 2010 from Michelle and Phil Jackson and others to Board, regarding neighbor's concerns.

Undated letter from Jeanne P. Canale to Board regarding, "LTP DSDUP Conservation Issues."

Letter dated March 25, 2010 from Richard Canale to Board, regarding traffic and transportation issues.

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Attachment C – Submittals by Town Boards and staff

1. Memo from Zoning Administrator, dated January 29, 2010.
2. Memo from Zoning Administrator, dated March 8, 2010
3. Memo from Building Commissioner, dated January 29, 2010
4. Memo from Engineering, dated January 28, 2010
5. Email from DAC, dated January 13, 2010
6. Email from Planning Director, dated January 27, 2010
7. Minutes of Development Review Team, dated January 14, 2010
8. Draft Minutes of Board of Selectmen, dated January 25, 2010
9. Interdepartmental recommendations from Conservation Administrator, dated January 21, 2010 and revised January 28, 2010
10. Interdepartmental recommendations from Conservation Administrator, dated March 1, 2010
11. Letter from Fire Department, dated January 2010
12. Memo from Engineering, dated February 23, 2010
13. Letter from Design Advisory Committee, dated February 3, 2010
14. Draft Conditions from Conservation Administrator, dated March 25, 2010
15. Noise Advisory Committee Minutes, March 2 and March 9, 2010.

This constitutes the record of the decision of the Lexington Board of Appeals relative to:

Subject Property: 100, 200, 300, 400, 500, 600 Patriot Way, 125 Spring Street

Petitioner/s: Shire HGT, Inc.

BOARD OF APPEALS OF LEXINGTON (acting under the Lexington Zoning Bylaw, Lexington General Town Bylaws, and Massachusetts General Laws, Chapter 40A)

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LEXINGTON BOARD OF APPEALS

[Signature]

[Signature]

Matthew C. Wood

[Signature]

[Signature]
Nyles N. Barnert, Chairman

I, Dianne Cornaro, Department Clerk of the Board of Appeals, certify that copies of the decision have been filed with the Lexington Town Clerk.

[Signature]

No variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city or town clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, or that if it is a variance which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the petition for the variance accompanied by the certification of the city or town clerk stating the fact that the permit granting authority failed to act within the time prescribed, and no appeal has been filed, and that the grant of the petition resulting from such failure to act has become final, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located 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.

A special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the city or town clerk and either that no appeal has been filed or the appeal has been filed within such time, or if it is a special permit which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the application for the special permit-accompanied by the certification of the city or town clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the application resulting from the failure to act has become final, is recorded in the registry of deeds for the county and district in which the land is located 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 person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This section shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the 6 month periods provided under the second paragraph of section 6. The fee for recording or registering shall be paid by the owner or applicant.