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Michael Leon, Associate Member

# RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD
# ARTICLE 39: AMEND ZONING BYLAW AND MAP - 475 BEDFORD STREET
# MARCH 23, 2022

## RECOMMENDATION

The Planning Board provides no recommendation to Town Meeting.

## PROJECT SUMMARY

Cresset Lexington LLC has petitioned the Town of Lexington to amend the Zoning Map to rezone the parcel at 475 Bedford Street (Map 84, Parcel 85A) into a new PD-7 (Planned Development) District. The approximately 9-acre site is currently in the RO (One Family Dwelling) zoning district. The property has been used as a tennis and fitness facility under a special permit since 1965 and has been the subject of several Town reviews and permitting processes with respect to that commercial use in the intervening years.

The proposed project includes a four-story, 63-foot tall building (81 feet high when the mechanical penthouse on top of the roof is considered) containing 180,000 sf of research and development space and approximately 5,000 sf of ancillary retail space. A new 91,000 sf, 290-space, four-level parking structure, and 174 surface parking spaces for a total of 464 spaces are also proposed on the site.

Environmental improvements proposed include an overall reduction of impervious area, restoration of the 25-ft wetland buffer zone in some places, and improved stormwater quality and stormwater Best Management Practices (BMPs).

The project proposes to fill some isolated wetlands and bordering vegetated wetlands. Replicated wetlands are proposed at a 2:1 ratio. The exact location of the proposed wetland replication will be coordinated with the Conservation Commission.

The reviewed Preliminary Site Development and Use Plan (PSDUP) dated December 15, 2021 was submitted on December 23, 2021. The PSDUP was revised February 11, 2021. Additional renderings were submitted on February 11, 2021.

## JUSTIFICATION FOR RECOMMENDATION

A majority of the Planning Board members acknowledged that the site has not been in a residential use for quite some time. However, a motion made by Mr. Schanbacher and seconded by Mr. Hornig to

recommend approval to Town Meeting did not receive three affirmative votes from the Planning Board Therefore, the Board has no recommendation to Town Meeting on the motion under Article 39.

The Select Board and Cresset have negotiated a Memorandum of Agreement addressing non-zoning issues.

**PUBLIC HEARING PROCESS**

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and January 20, 2022, the Planning Board opened its public hearing. Continued public hearings were held on February 16, 23, and March 9, 2022. The Planning Board closed the public hearing on March 9, 2022. A motion by Mr. Schanbacher to recommend approval to Town Meeting failed to obtain a second and no vote was taken on March 9, 2022. On March 16, 2022, Mr. Schanbacher again moved to recommend approval to Town Meeting. Mr. Hornig seconded this motion. The vote was 2-1-1 and the motion to recommend approval did not pass due to Planning Board policy that such a motion must garner at least three (3) affirmative votes by Board members. Mr. Peters is a direct abutter to the site and recused himself before the Public Hearing began. Associate Planning Board member Michael Leon participated in the public hearing and deliberation processes, but by Planning Board rules is not permitted to vote on this matter.

**PUBLIC HEARING MINUTES**

FEBRUARY 2, 2022

Members present were: Charles Hornig, Chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member. Mr. Robert Peters recused himself from this hearing.

Mr. Hornig opened the public hearing. Present were Mr. Ed Grant, attorney, who introduced the project team which included Mr. Ed Nardi, Mr. Andrew Castraberti and Mr. Bill Curtis from Cresset Group; Mr. John Sullivan, architect of SGA; Mr. Erik Bednarek, landscape architect from VHB; and Mr. Robert Michaud, traffic engineer from MDM. Mr. Grant gave a brief overview of the proposed project.

Mr. Nardi presented a previous Cresset Group projects overview, the current project overview, the proposed project benefits which include revenue to the Town, MOU mitigations, sustainable building design, environmental benefits, and other community public benefits.

Mr. John Sullivan explained the details of the proposed site plan, preliminary massing views from Bedford Street, and the building components.

Mr. Bednarek presented images of the proposed the landscape areas, the front patio, the promenade, the community amenity area.

Mr. Sullivan shared the studies done as this plan was put together in collaboration with the Town with regard to distances to abutters, topography of the site in determining the location of the buildings, the preliminary massing view from Drummer Boy Way, shadow studies from the winter which show the shadows cast are mostly on their site, and lab safety regulatory agencies requirements they need to meet for biosafety levels, chemical use and waste.

Mr. Michaud presented the Project Transportation Summary which include the Comprehensive Parking Study, Trip Generation, Traffic Operations, Parking, Corridor Improvements, and Transportation Demand Management. He also presented the Trip Generation Comparison, Parking Ratio, Concept Access Improvement Plan, and Parking and Transportation Demand Management Plan.

Board Comments and Questions:

- Ms. Thompson asked what is the size of the building since it looks a little large for the site and asked if the applicant had thought about having a campus type style with multiple smaller buildings instead. How big would the retail space be and what would go there?
- Mr. Creech presented a few slides that compare other lab developments and a suggested proposal. Mr. Creech suggested that the applicant come back with a reduced scale of the lab/office proposal from five to three stories and a smaller footprint, add multi-family housing to include 20% inclusionary units, and scale the size of the parking garage accordingly.
- Mr. Schanbacher asked that the height of the existing buildings be added in the building section.
- Mr. Hornig said list all possible uses that you may want to fit on to the property in the future and not just the things you want to do now. Convenience uses are usually permitted as principal uses instead of accessory uses especially solar energy systems. Regarding private schools you should not exclude music schools. He suggested they go through the current use table and update your language to match what is in your proposed use table. Round up the building height to give a little room. Make sure you have enough parking that will work in the future. Put the sustainability requirements in the MOU.
- Mr. Leon asked for clarification on the change to the current proposed parking ratio of 2.5 spaces per thousand square feet. He asked for clarification about the left turn in to the site from Bedford.

Audience Comments and Questions:

- A resident from Drummer Boy Community is completely opposed to this rezoning for this site. It is a massive intrusion to a residential neighborhood of modest homes. This would be a good site for moderate income housing. Please vote against this proposal.
- This proposed building does not fit into the character of this neighborhood and encourage the Board to vote against this proposal.
- A resident finds this proposal attractive, but would rather see multi-family housing on this site.
- A resident of Drummer Boy Development has an issue with the proposal for a biolab which with mechanicals will be 96 feet tall, is in a neighborhood of low-rise homes, and will be visible to the residents. He was concerned about increased traffic, noise, and the loading docks near the Drummer Boy homes and asks the Planning Board to vote against this proposal.
- A resident of Drummer Boy Community is opposed to this commercial industrial proposal which is sharply out of character with this neighborhood and ask the Board to vote against it.
- A resident likes the building, but it belongs on Hartwell Avenue and not at 475 Bedford Street. It is a residential area and this will create a totally different feel in this area. I encourage the Board to vote against it and the applicant should come back with a proposal for a multi-family housing project.
- A resident is opposed to this project for the reasons of traffic conditions, pedestrian safety, and community cohesiveness.
- The nearest neighbor is appalled to hear that a massive structure like this is being dropped into a residential neighborhood. This is not Hartwell Avenue and it will impact traffic which is already bad and there is strong opposition to this in the neighborhood. Consider other options.

Mr. Hornig said there will be other opportunities for the public to speak at the next meeting.

FEBRUARY 16, 2022

Members present were: Charles Hornig, Chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member. Mr. Robert Peters recused himself from this hearing.

Mr. Hornig opened the continued public hearing. Mr. Ed Grant, attorney, introduced the project team which included Mr. Ed Nardi, from Cresset Group; Mr. John Sullivan, architect of SGA; Mr. Erik Bednarek, landscape architect from VHB; and Mr. Robert Michaud, traffic engineer from MDM. Mr. Grant provided the updates since the last meeting. He said the Town Manager believed that the MOU would be completed by the end of February. Mr. Nardi responded to Mr. Creech's request for mixed-use development and other requests and explained the limitations, easements, and wetland restraints of the site. The plan change response to the request was to shrink the lab science building, remove the green space, move the garage toward Bedford Street, and add in a single loaded residential structure with fire access along the front of the residential building. With these changes it did not leave a lot of outdoor space which is desirable on the site. He also showed the site sections elevations, the fiscal benefits, and some of the MOU discussions that are ongoing.

Board Members and Comments:

- Ms. Thompson said that she would like to reserve her comments until after the public speaks.
- Mr. Creech said he would have to make concessions to this proposed project.
- Mr. Schanbacher asked how deep is the apartment block.
- Mr. Leon had no questions.
- Mr. Hornig said your section 9.8 (Sustainable Building Designs) has to go into the MOU and be removed from the PSDUP.

Audience Comments and Questions:

- A resident would recommend the Board go forward with this proposal in a favorable way since the site is not good for adding housing and not good for children with the major street corridor, power lines, and wetlands. The financial impact would be better for the town with the lab/science building and help with a potential new high school.
- A resident appreciates the effort to put housing on the site, but it is a mistake that we evaluate only on the economic promise of tax revenues. We need senior housing and this is not a commercial corridor as the last resident said that. The building height would be 98 feet and would not be appropriate zoning. This is not a gateway to Hartwell Avenue and should remain a residential zoning.
- A resident wanted to correct something he said that there would be cut through traffic from Route 3 not Route 2. He asked if the developer has seriously considered the issue of making the left turn from Bedford Street on to the site. He asked for sign onto Winter Street about children playing.
- A resident is a full supporter of this project for the financial considerations.
- A resident asked for clarification about a linkage fee for housing mitigation that is being done in Somerville that they were involved with. Have they considered that? Could you describe how you came up with the amount for the affordable/workforce housing in the MOU?

- A resident had concerns about biosafety accidents that happen more often than reported and had issues about it being within a residential area. Where will the expertise, response, notification and cost from any accident come from? How can residents report any suspected issues from a possible safety concern from a lab?
- A resident was strongly opposed to a bio/lab building being built on this site which is in the middle of a residential area. Putting a 98-foot tower in the middle of this residential area is a major concern and we have not been notified. The noise, light spill, and emissions will pollute the entire area and we are concerned with the biosafety issue.
- A resident fully supported the project; if this moves to Bedford we would lose the revenue and this would also bring some retail here.
- A resident said there is no need to impose this proposed commercial project here in this residential neighborhood. What we need mixed moderate-income housing.
- A resident is very much opposed to this rezoning from a residential area to a very busy commercial project. There is a lot of commercial and lab space available at Hartwell Avenue. This proposed project building has a very large footprint for a very small area and worried about firefighting and rescues here. Let us keep this as a residential area and not rezone it and keep the character of the area.
- A resident said this project is not a good proposal. For over five years the Town has been embarked on the Hartwell Avenue project and this site was always said by the consultants to be best to be multi-family housing for 400 units. He asked the Planning Board if we can't get housing in this particular site for mixed-use and be vibrant and if there is big financial package for multi-use with housing where will we put multi-family housing to get that funding.
- A resident said this is not really a commercial area and mostly residential and this should redirect these efforts to across the street by Hartwell Avenue and does not support this.

FEBRUARY 23, 2022

Members present were: Charles Hornig, Chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member. Mr. Robert Peters recused himself from this hearing.

Mr. Hornig opened the continued public hearing. Mr. Ed Grant, attorney, introduced the project team which included Mr. Ed Nardi from Cresset Group, and Mr. Robert Michaud, traffic engineer from MDM. Mr. Grant provided the significant updates since the last meeting which is a 20% reduction in the proposal. Mr. Nardi said the revisions included removing a floor from the building and reducing the penthouse by 2,000 square feet. He showed the before and current reduction in the presentation. He also said the building is 15 feet shorter with a 45,000 square foot reduction in the GFA, they relocated the garage entrance away from Drummer Boy Way, and removed half of a level of the parking garage with a reduction of 53 spaces of parking. He showed the new massing of the revised building along with some drone footage from different locations and provided the revised fiscal benefit.

Board Comments and Questions:

- Mr. Schanbacher had no questions.

- Ms. Thompson asked if they met with Drummer Boy since you made those changes and what were their responses? Will you set up a meeting with the Drummer Boy members to hear their thoughts on the changes?
- Mr. Creech had no comments and wants to hear from the residents.
- Mr. Leon had no comments and wants to hear from the residents.
- Mr. Hornig said this public hearing will need to be continued since we do not have all the background materials.

Audience Comments and Questions:

- A resident was opposed to this rezoning since this is a residential area and we do not want a biolab in our backyard and they should not be allowed to build this project in a residential area. The other concerns include a safety risk with spills and leaks that can go into the wetlands. The third concern is the traffic and is a high accident-prone area with 400 cars going in and out and have a concern about our safety. HVAC systems for a building this size can be very intrusive to the residents with noise.
- A resident in Drummer Boy is against the proposal and said I can see the roof of the existing building from my home and trees do not cover the roof. This giant biolab HVAC system will create a lot of noise. We need to protect the community from this harmful commercial rezoning in this residential area.
- A resident on Bedford Street for 20 years said this will have a terrible impact on traffic on this street.
- A resident had a concern with the under reporting of biolab accidents and provided some statistics and had an issue with biolab safety and possible accidents containing lethal pathogens that can accidentally be released.
- A resident voiced her disapproval of the proposed project for this site. There was a question with if the garage is solar ready. We will be looking at up at this huge building and the vegetation being shown on the drones will be cleared when the project is built. We support commercial development on Hartwell Avenue but this project on Bedford Street is not the right location and not sensitive to the area.
- A resident appreciated the changes to this project, but this is still not the right location and should not be considered part of the Hartwell Avenue commercial district. It is located between two residential areas and is zoned residential and is not an appropriate use of this site. This site should be used to provide housing that is needed.
- A resident said that considering the need for housing we will not support this project, we cannot allow this to happen, and I will do what I can to persuade my colleagues who are Town Meeting Members to not to vote for this.
- A resident supported this project based on an economic and a revenue standpoint.
- A resident since 1987 was concerned that the traffic report was not accurate, the traffic is very heavy and dangerous here, and would hate to see any traffic increase here.
- A resident bought the house 10 years ago and is opposed. To rezone it as commercial area is unacceptable. Who would want to live next to this building in a residential area?
- A resident said regarding revenue there are other places that are already zoned for commercial that can be used for this project.

MARCH 9, 2022

Members present were: Charles Hornig, Chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member. Mr. Robert Peters recused himself from this hearing.

Mr. Hornig opened the continued public hearing. Mr. Ed Grant, attorney, introduced the project team which included Mr. Ed Nardi from Cresset Group Mr. Grant explained the changes regarding the applicant's updated filing with a significant reduction in the proposed building that based on feedback from the public and Board at the last meeting and the fiscal impacts to the Town that would change. Mr. Nardi gave a brief presentation on the highlights of the revisions made to the plans submitted for this proposal as well as the reduced traffic analysis.

Board Comments and Questions:

- Mr. Schanbacher had no questions.
- Ms. Thompson asked for clarification on what deferred the meeting meant for the meeting with Drummer Boy. She asked for clarification if there were any further changes since the last presentation.
- Mr. Creech asked for clarification on the setback for the penthouse west facing wall.
- Mr. Leon asked for clarification on the garage 4 corners elevation. He asked if there were any changes to the landscaping for screening on the side of the garage facing Drummer Boy Way.

Audience Comments and Questions:

- A resident and Town Meeting member said he is voting no on Article 39. In 2017 three different consultants have recommended housing including affordable housing said it was critical component of the Hartwell Avenue Innovation District. We were told housing would be brought back for Hartwell Avenue and still have not been done. One more Biolab is not a critical need, but the housing is. This site should be kept for lower cost housing.
- A resident said while commercial development brings in more revenues for the Town, but the values of the town needing more affordable housing and we already have 5 Biolabs that are in commercial zones in town. We do not need another one that is in a residential zoned site.
- A resident strongly recommended that this property should remain residential and should not approve this rezoning for this parcel and this site should remain residential and be used for affordable housing. They can go to Hartwell Avenue for this commercial use.
- A resident asked where are the student going to go if they make this more residential housing. Should we consider adding more schools to accommodate the additional children. How will the Biolevel 1 and 2 be secured and what measures will prevent it from going to Biolevel 3 and 4?
- A resident agreed with others that is opposed to making this a commercial use site. What will protect other sites from being changed from residential to commercial which are next to resident s who own their homes.
- A resident said the proposal destroys the sense of place for the residential community the surrounds and enclose this property. This project does not belong here and there should be moderate and low-income housing here.
- A resident said this site for this project is lined with single family homes and is unsafe for children and will increase traffic at a very dangerous location. Consider housing since it is zoned residential or if it is being rezoned require the building to remain in the existing building

footprint.

- A resident said Town Meeting had an opportunity to rezone this site as part of the Hartwell Innovation Area and turned it down and kept it residential. That should remain residential.
- A resident said a parking garage must remain illuminated for safety reasons so how will they do that and keep it screened from the residents?
- A resident felt this Biolab is completely out of place here in the middle of this residential community and completely out of character and context with the residents of this area.
- A resident is opposed to this proposal and the site should remain residential. Consider other concerns with this proposed Biolab if the building caught fire it would impact the taxpayers.
- A resident said the only reason for this is for fiscal reasons and does not address the housing needs. The massing of this building is huge and inappropriate for this site and asks that Board members turn it down.
- A resident moved here 10 years ago with their family and this is a residential neighborhood and strongly opposes this proposal.
- A resident said this should remain a residential zone and then we can put several hundred units here for multi-family housing and oppose this being rezoned commercial.
- A resident said this sets a dangerous precedent that because it was a health club before it naturally sets a way for a Biolab or commercial use and you do not want to open that door. There was concern expressed about oversite that would be done by health department and are not sure staff is qualified to monitor another Biolab.
- A resident who is a Town Meeting Member and will be voting it down if it comes to Town Meeting. This would be ideal for low-rise housing due to its location which is zoned residential and on a bus route. This would be a missed opportunity for dense housing that will be needed.
- A resident a Town Meeting member and is opposed to this and is contradictory to proposed state MBTA Guideline for Community Housing.
- A resident asked why the housing payments would be going to LexHab and not to the Town's Affordable Housing Stabilization fund. Check if the monies can be directed there instead in the MOU. We need to see housing impact and mitigation to be addressed in the fiscal analysis impact in the final version for Town Meeting. In the fiscal Impact analysis any reference to schools should be removed since it cannot be considered. He was not in support of this proposal.
- A resident sent a letter and hoped the Board got it. She had a hard time understanding the Fiscal Impact Analysis.
- A resident is against this and does not see who really profits from this and it does not seem to be enough for the amount that would be collected.
- A resident was strongly opposed to this rezoning. This corner/intersection is a very dangerous street for the children and residents in this neighborhood. Put this Biolab somewhere else where it would belong in commercial zoning.
- A resident said the benefit for the Town for tax revenue would be reduced for the lost housing values around this proposed building.

The Planning Board voted to close the public hearing.

The Board discussed the proposal for Article 39: 475 Bedford Street.

- Mr. Schanbacher said he believed this is an appropriate use and building mass for this location.
- Ms. Thompson was really torn about this matter and the abutters are not in favor of changing the rezoning from residential to commercial. She was surprised that this was not proposed on the

Hartwell Avenue. She was leaning towards not changing the zoning.

- Mr. Creech presented some suggestions that would need to be done if residents allowed it, for this to move forward: narrowing the Drummer Boy Entrance, posting signs for resident vehicles only, planting trees on the Drummer Boy Property if they want it, installing a stabilized raised berm with tree plantings, penthouse tree. This is about rezoning and not mass of the building, but in good conscience I cannot recommend to approve it. It is a good project but not at this site.
- Mr. Leon said for as long as he can remember it has been used for commercial development and it would be challenging site to be used for residential housing and agrees with Mr. Schanbacher.
- Mr. Hornig believed that this is a challenging location for dense housing next to power lines and gas lines and the impact of traffic would be more significant than the Biolab and the massing would be the same and this site would not qualify for the draft MBTA Community Housing Guidelines. The Biolab would help with the financing for the new high school that will need to be built.
- Ms. Thompson said she notes that it has been commercial use for many years and that it was turned down by Town Meeting to add to the CM Zone in 2020.
- Mr. Creech said with mitigation he did not see a negative impact, however the same footprint could accommodate housing.

Michael Schanbacher moved that the Planning Board recommend approval of Article 39 to Town Meeting. The motion failed for the lack of a second.

Mr. Hornig said that he will let the moderator know that the Planning Board is choosing not to make a recommendation on Article 39, but could reconsider that if circumstances change. Town Meeting can take this up after 21 days. There will be an informational report made for this Article.

MARCH 16, 2022

Mr. Hornig asked that the Planning Board take a formal vote on a recommendation for Article 39. Mr. Peter's recused himself for this matter.

***Mr. Schanbacher moved that the Planning Board close the public hearing for Article 39. Charles Horning seconded the motion. The Planning Board voted in favor to close the public hearing 4-0 (roll call: Bob Creech – yes; Michael Schanbacker – yes; Melanie Thompson – yes, Charles Horning – yes).***

***On March 16, 2022, Michael Schanbacher moved that the Planning Board recommend Town Meeting approve Article 39, amend Zoning Bylaw and Zoning Map – 475 Bedford Street. Charles Hornig seconded the motion. The Planning Board voted 2-1-1 (roll call: Michael Schanbacher – yes; Melanie Thompson – no; Bob Creech – abstain; Charles Hornig – yes) MOTION FAILS***

Charles Hornig. . . . . yes

Michael Schanbacher . . . . . .yes

Robert Creech. . . . . yes

Melanie Thompson. . . . . yes

**March 23, 2022 Planning Board Vote:**

***Mr. Schanbacker moved that the Planning Board submit this report substantially as written. Charles Horning seconded the motion. The Planning Board 4-0 to submit this report (roll call: Bob Creech – yes; Michael Schanbacker – yes; Melanie Thompson – yes, Charles Horning – yes).***

Charles Hornig. . . . . yes

Michael Schanbacher . . . . . .yes

Robert Creech. . . . . yes

Melanie Thompson. . . . . yes

For the Planning Board,

Charles Hornig, Chair