

CEC REPORT REBUTTAL

November 13, 2024, 4:30 PM

Produced by Olga Gutttag on behalf of LHS4ALL group of residents

1) Understates Costs of Future Bloom Expansion

“... plus the possibility of additions onto the proposed building which would accommodate yet another 256 students”

- a) These possible additions would require building on site of a newly completed school, substantially adding to the already exorbitant cost of the project. And the construction would be a wall away from school space – something that was not deemed acceptable for building on the current LHS site.

2) Missing Benefits to Holding on to Old Harrington (short and long term options)

“... the current project proposal by the SBC has the additional benefit of freeing up land at the old Harrington Elementary School site for needed athletic fields and will reduce the ongoing operational costs of running the Central Office. We remind the Town Meeting that keeping the F-grade Old Harrington plant operational will require some \$20 million in Capital costs.”

- a) The cost of renovating old Harrington is under \$500/sq. ft. and for the \$20M spent on such renovation LPS will get renovated CO space and over 20,000 additional sq. ft. of space they can use either for specialized ed. programs or rent out to cover expenses of keeping the building running. This seems like a relative bargain compared to the construction cost of the new building at LHS (roughly \$1,400 per square foot). Another option for CO location is a long-term lease for their office space. Such leases are currently much lower than what a payback would be to build new office space at LHS.
- b) Since MSBA does not reimburse for either the cost of CO space nor for the cost of any extra unfinished space, the cost of relocating CO from old Harrington to temporarily be at LHS and move again to a permanent location (very likely needed soon after the completion of Bloom) is a waste of taxpayer dollars. There is also a significant cost to outfitting the CO to again comply with the assorted rules and regulations (mostly related to special ed.), and then again converting the space back to educational space. Keeping the space unfinished until needed is a much less expensive option.
- c) The MBTA rezoning of 227 acres and the rapid submission of applications for close to 1,000 housing units already could lead to a rapid rise in population that may lead to a large enrollment increase at all LPS levels. Until the impact of the rezoning on enrollment is understood (2-4 yrs), no decisions should be made about any school properties or about demolishing any school buildings.

3) Confusion over Thrive Proposals - Need to Slow Down

“The first proposed phase is to construct a 172,000 square foot (sq. ft.) building followed by a “2 to 5” year pause while the Town examines school enrollment, and finally a second phase to renovate the remaining 200,000 sq. ft., also supposedly at least partially funded by MSBA, where we would need to build an additional 88,000 sq. ft. (to match the currently agreed upon building of 460,000 sq. ft. to meet the then-enrollment numbers.”

- a) This statement is incorrect. The THRIVE proposal does NOT advocate for renovation for STAGE 2. It leaves the determination of what Stage 2 needs to be to the architects.

4) **Confusion over Thrive Costs and Proposals**

“... a more realistic construction cost for a 172,000 sq. ft. building, based on our own retained estimators’ square footage figures, is \$243 million. Second, the SBC’s own retained experts believe it would be impossible to build a 172,000 sq. ft. building in one year with Massachusetts public construction bidding law requirements ...”

- a) COST: Though we do not have the resources to get exact estimates, we have done a comparison of spaces in BLOOM vs. THRIVE (Stage 1). Bloom has multiple multi-story open spaces and magnificent vistas that add to its architectural appeal. These architectural flourishes are not necessary for delivering the ed. program. Not paying for unnecessary cubic feet of space will produce savings in sq.ft. price. In addition, when we look at W&D comparison of Bloom’s per square foot costs to other high schools accelerated to the same time, we see that even the most expensive school is less than Bloom. We have added three even less expensive high schools and the per sq. ft. comparisons get worse. When the architects are asked to design to a budget they will find the savings to match the other schools.
- b) As this portion of THRIVE is much smaller, more bidders are capable of competitive bids (than with Bloom) as we saw with the recent police station and elementary school projects. Competition may lower price.
- c) SCHEDULE: Once the debt exclusion passes (Dec 2025, or even March 2026), bids can be accepted and evaluated in the next 4-6 months. So by Summer 2026 construction should be ready to start. Since the project is smaller it should be completed by Sept 2028, but no later than Sept 2029. This schedule makes THRIVE Stage 1 be completed no later than BLOOM’s expected occupancy and probably a year sooner.
- d) Our legislators should aid us in working with MSBA to help them develop new funding regulations that allow for STAGED proposals since Lexington is not the only community which will encounter enrollment uncertainty until MBTA units are occupied. Our communications with MSBA indicate that they are seriously looking into solving this new never-before-encountered issue.

5) **Incorrect Statement on Codes - Verified with Building Department**

“The value of the proposed new building exceeds 30% of the current assessed value of the HS which would trigger required accessibility and structural code upgrades to the existing building that will cost approximately \$100 million”

- a) This statement is incorrect. Since there is NO renovation within the remaining campus, demolishing the Foreign Language Building and building a new Stage 1 the 30% reno rule does NOT apply. Mr. Kelley confirmed this with the building department.

6) **Misunderstanding of Thrive Proposals - No Specifics Stated for Stage 2**

“Inherent design issues of the renovation portion, like (a) too low floor-to-floor elevations. (also known as “Deck Heights”) to allow for modern mechanical system installation; (b) inefficient classroom configurations due to existing structural bay dimensions; (c) failure to address and correct any overcrowding issues with common spaces like the cafeteria and gym, and (d) awkward connectivity between new construction and old construction requiring ramps to match floor heights and channeling students through old, narrower paths at the ground level to get from upper levels of disconnected new structures”

- a) Stage 1 of THRIVE can have a new large cafeteria on the ground floor with the remaining three floors having educational spaces. These can be science labs, special-purpose rooms, or any other spaces needed to deliver the ed. program. Dr. Hackett and her team should determine what programs should be relocated to the new space.
- b) Stage 1 offers enough new space to allow the worst classrooms or areas of old LHS to be relocated to Stage 1 and taken off-line. This should make maintaining the old LHS a bit less of a challenge.

7) Potential Changes to MSBA Grant

“The MSBA is a grant provider, and to be eligible for their grants, the proposed project must first and foremost meet the Educational Plan established for it.”

- a) Under current MSBA regulations only projects with reliable enrollment projections will be funded. Due to the unpredictability of LHS enrollment for another 2-4 yrs, as per MSBA guidelines, the current Bloom should NOT be funded at all. This is why MSBA needs to be asked to adapt its rules to the new world of MBTA rezoning implications on enrollment.
- b) Though Dr. Hackett and several SC and SB members have dealt with MSBA in the past, MSBA has never needed to fund STAGED projects for which enrollment projections could not be relied upon. Once MSBA examined Mr. Mehr’s presentation about the enrollment uncertainty (that cannot be resolved until new units are occupied in 2-4 yrs), MSBA must now look toward new funding solutions for projects that need to be staged. The Governor along with the various departments want the new MBTA Zoning to relieve our housing crisis and they want communities to succeed. We therefore expect that all agencies within the executive branch will cooperate and help Lexington in funding and building the right size school.

8) Misinformation on Article 97 - Wetlands Protection:

“This kind of proposed swap is allowable under the state Constitution, and again, has been achieved routinely by other municipalities in similar projects. In the same breath, the proponents have suggested that Article 97 relief is “not likely to happen”. This Committee disagrees: Article 97 swaps have been successfully accomplished many times before by other municipalities. It is a relatively well-understood and routine process, albeit lengthy.”

- a) In order to get relief from Art. 97 protections Lexington must demonstrate that there are no alternatives to the project except by using the site in question. This is clearly not the case here since renewed LHS can be built on the existing LHS site

“Assuming the proponents are referring to the wetlands between the football field and the practice field, the SBC’s selected “on-field” massing plan has been located such that only a minimal amount of those wetlands need to be mitigated. Nevertheless, the wetlands have been surveyed and their presence and mitigation have been considered in the current costing estimates.”

- b) There are complicated wetlands issues which the SBC believes they avoid by having shifted the footprint of Bloom. They expect that Bloom will now impact only 4,500 square feet of protected land; avoiding the more stringent Federal rules that kick in if 5,000 square feet are involved. What’s missed in this analysis however are the planned parking lots surrounding Bloom that will impact wider wetlands, triggering the 5,000 sq.ft. wetlands size’s more stringent rules.
- c) Different environmental law firms when consulted opined that there is a strong court case against these protections being lifted. Without arguing these merits here, if a legal challenge is lodged (with three court levels involved) this will significantly delay legal proceedings to lift Art. 97 protections, possibly three years or more (legal precedents exist in the state).
- d) One might ask why has the SBC waited this long to start the process of removal of Art. 97 protections? Why have they not done this at least a year ago? That would have sped up time to construction and eliminated the uncertainty of securing a building site. How can SBC gamble 2+ years of design time and over \$12M in architectural fees and other expenses without knowing that they will succeed in getting Art. 97 protections lifted?
- e) If they do not succeed because the environmental issues are deemed impossible to resolve, they lose the MSBA funding and have to start from scratch on a different site. Just resolving Art 97. issues could take till 2028-2030, longer than when Stage 1 of THRIVE will be ready to be opened.

Summary:

We are happy to explain other points the CEC is making about problems with our design where we can suggest solutions for overcoming their objections but we believe that the above rebuttal of their main points should be sufficient.

“Their proposal was not one that was studied in the same level of detail as the SBC approved option. However, Dore+Whittier (the Owner’s Project Manager), SMMA (the selected designer), and the Director of DPF have examined the proponents’ proposed two-phase approach. “

The fundamental problem with the CEC report is that CEC members were not given enough time to carefully learn about our proposal, nor were they presented information about THRIVE by impartial evaluators (all three evaluators are members of SBC who are advocating for Bloom). This alone argues for everyone taking additional time (1-2 months) to come up with Plan B – our THRIVE 2-stage concept.

Based on Dr. Hackett’s explanation of how the MSBA schedule works, the 11/12/2024 deadline is there so for the next three weeks the SBC and MSBA can work on any small issues that would slow down prompt approval. The real deadline for full submittal is mid-

December 2024, with an approval to proceed to the next step expected in Feb. 2025. If extra two months are added now, we can expect the MSBA approval in April 2025. Though this makes meeting the deadline for fall 2025 special TM very tight, the risk of not getting Art. 97 protections lifted from the fields is not worth the risk of charging forth with Bloom now.

We also need to bring NEW perspectives and options into the decision process so that we can get a new LHS that we can afford and which preserves our community.

Thank you for considering our request for slowing down the process by a month or two so the SBC can instruct the architects to develop a serious staged proposal. We cannot gamble either on not being able to build on the fields nor on getting the single HUGE debt exclusion defeated in fall 2025.