



## OVERVIEW OF DEVENS ENTERPRISE COMMISSION PERMITTING PROCESS

### Role of the Devens Enterprise Commission (DEC):

The DEC acts as the regulatory and permitting authority for the Devens Regional Enterprise Zone. It functions as a board of health, conservation commission, zoning board of adjustment, and planning board. It carries out these duties in the context of a unique and innovative one-stop, or unified permitting system, which greatly streamlines the local regulatory process. Section 9 of Chapter 498 lists the complete roles and responsibilities of the Commission <http://www.devensec.com/devserv.html>. There are twelve DEC Commissioners. Six commissioners are nominated by Ayer, Harvard, and Shirley. Six additional regional Commissioners are appointed by the Governor. The Governor appoints the Chairperson.

### Meeting Schedule and Application Timelines:

The DEC holds regular monthly meetings on the first Thursday after the first Tuesday of each month. Public hearings are generally held on the last Tuesday of each month. Most development permit applications are acted on within 75 days. No other permitting process can match the project flexibility and approval speed that Devens has to offer.

### Application Review Process:

The Devens By-laws and DEC's Development Rules and Regulations provide for Level One and Level Two permit application review processes. Level One actions allow rapid approval at the Administrative level (generally within 14 days) for relatively minor adjustments to site plans, lot lines, and architectural modifications in historic areas, as well as wetland certificates of compliance. Level Two actions require a full public hearing, and generally involve larger scale undertakings such as most new construction, adaptive reuse of existing buildings and any major private and/or public infrastructure improvements. Anything not specifically identified as a Level One action requires Level Two review.

### The application review process for Level Two permits typically consists of the following:

1. **Scoping Session:** A preliminary meeting between the Applicant and the Director to determine the components of the Permit, the timing of the Submission and permitting process, and general scope of the project submittal items.
2. **Determination of Zoning Compliance:** An Applicant may seek Determination from the DEC that the proposed uses and activities are permitted within the zoning district in which the development site is located and the proposed uses comply with the development goals of that zoning district. Such determination is made by the Commission at a public meeting. The Applicant must submit a statement indicating how the proposed use and development comply with the applicable zoning district (as per the By-Laws and Reuse Plan).
3. **Pre-Permitting and Final Conferences:** Pre-Permitting Conferences with the Director are required to review which development issues are critical, Submission and Plan Form and Contents requirements, Waivers of Design Standards and preliminary time schedules.
4. **Determination of Completeness (DOC):** Upon completion of the Final Pre-Permitting Conference, the Director shall render a written DOC within 14 calendar days. "Complete" means that a Submission complies with the Plan Form and Contents and Submission requirements of all applicable DEC Rules and Regulations (see 974 CMR 3.02 for requirements). Submissions can be determined conditionally complete, however a schedule for the submission of deficient or additional items shall be attached to the DOC.
5. **Town Comment Period:** The DEC provides surrounding towns (Ayer, Harvard and Shirley) 30 days to render comments to the DEC on the Submission. The public hearing shall not be closed until the thirty-day town comment period is concluded.
6. **Public Hearing Requirement and Abutter Notices:** The DEC provides notice of public hearings to the general public and to abutting property owners.
7. **Public Hearing Continuances:** The DEC may, with the consent of the Applicant, agree to one or more continuances of public hearings of up to 30 days each.
8. **The Voting Process:** All DEC votes are by a majority of a quorum (seven DEC members). Seven votes are required for a Variance and Reconsideration. Eight votes are required to adopt or amend Regulations.

9. **Record of Decision (ROD).** The ROD is issued within 10 days from the date of the DEC's vote. The Applicant shall record the ROD with the Registry of Deeds for both Worcester and Middlesex Counties and provide proof thereof to the DEC prior to the issuance of a building permit.
10. **Endorsement.** After the appeal period has expired (30-days), the Applicant submits plans for endorsement by the DEC. Plans are recorded with the Registry of Deeds for both Worcester and Middlesex Counties and proof of recordation submitted to the DEC prior to the issuance of a building permit.
11. **Permit Duration.** Site Plan approvals are valid for 2 years. Work must commence within 6 months of approval or the approval expires. Extension of these timeframes is possible.

**Application Fees:**

**Unified Permit** fees cover all DEC activities from the Pre Permitting Conference through the Building Permit. The fee is based on the total value of all construction and improvements, including site preparation, construction, engineering and site testing, roads, paving, parking lots, landscaping, and other improvements. The cost of the building must be included in the total value of all construction for the purposes of calculating the fee. The fee consists of a base fee and a value increment based on the gross value of the project.

**UNIFIED PERMIT FEE**

Gross value of project (inclusive of the buildings and all site development work and infrastructure improvements)	Base fee	Plus value increment (if any)
\$1,000,000 or less	\$1,300	Plus \$13 per \$1000 of work above \$100,000
\$1,000,000 and above	\$13,000	\$11.00 for each additional \$1000 in work above \$1,000,000

**Peer Review Fees.** The DEC may seek review and analysis from outside consultants (peer review). Applicants are required to pay 100% of the consultants' fees. Outside consultants employed by the DEC for plan review routinely include civil engineers, landscape architects, wetlands scientists, and attorneys and may include additional specialists, depending on level of complexities of a Submission or "special environmental conditions". Peer review deposits are retained until the project is completed.

The complete Devens Bylaws and Rules and Regulations are available on-line at [www.devensec.com](http://www.devensec.com)

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