

**Record of Decision
Bristol-Myers Squibb
Parking Lot Expansion
38 Jackson Road (9-4-200)
Devens MA
Unified Permit
August 28, 2018**

1. Applicant:

The Applicant and landowner are Bristol-Myers Squibb Company (BMS), 38 Jackson Road, Devens, MA 01434

2. Premises and Proposed Project:

BMS is seeking Unified Permit for site plan approval for the proposed expansion of an existing surface parking lot that includes the construction of +/- 156 new surface parking spaces and associated site improvements including grading, drainage, landscaping, site lighting and associated utilities. Primary access to the Project Site will continue to be provided from Jackson Road and Queenstown Street. The project is located within the Innovation and Technology Business District, Viewshed Overlay District and Watershed Water Resources Protection Overlay District.

3. Submission:

The following is a list of exhibits included as part of the record for this Application:

1. Unified Permit Application - Level 2 (D18-061), dated July 17, 2018, received by the DEC on July 18, 2018 (2 pages);
2. Memo from Curtis Quitzau to Devens Enterprise Commission; Re: Bristol-Myers Squibb Temporary Parking Lot Expansion Unified Permit Fee Calculation; dated July 18, 2018 (1 page);
3. Memo from Jeff Black and Curtis Quitzau to Devens Enterprise Commission; Re: Bristol-Myers Squibb Company Surface Parking Expansion Drainage (13 pages);
4. Site Plan set entitled "BMS Devens Added Surface Parking"; dated July 18, 2018; prepared by Vanasee Hangen Brustlin, Inc., 101 Walnut Street, Watertown, MA 02471; including the following sheets:
 - 100-10C-003.1 Phase 2 Mater Plan, dated 12-16-2013
 - 100-10C-001.P Legend and General Notes;
 - 100-10C-700.P Compiled Existing Conditions;
 - 100-10C-100.P Layout and Materials
 - 100-10C-200.P Grading and Drainage
 - 100-10C.404.1P Lighting Plan (submitted August 8, 2018)
 - 100-10C-400.P Planting (submitted August 8, 2018)
 - 100-10C-401.P Planting Details
 - 100-10C-500.P Site Preparation, Erosion Control & Tree Protection
 - 100-10C-600.P Details
5. Determination of Completeness dated July 19, 2018
6. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated August 9, 2018;
7. Public Hearing Legal Notice Fax to Nashoba Publications, from Peter Lowitt, dated July 19, 2018 – to be published August 3 and 10, 2018.
8. Copies of Legal notices from August 3 and 10, 2018 from Nashoba Publications.

9. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated August 9, 2018;
10. Memo dated July 20, 2018 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Level 2 Unified Permit (notification of Public Hearing on August 28, 2018 at 6:45PM, including certified mail return receipts);
11. Memo dated July 25, 2018 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – BMS 38 Jackson Road (including certified mail return receipts);
12. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated August 9, 2018;
13. Plan Circulation Memo to MassDevelopment from Neil Angus; Re: BMS – Unified Permit Amendment Request – Plan Circulation; dated July 25, 2018.
14. Certified List of Abutters for 38 Jackson Road; from Devens Board of Assessors, dated July 18, 2018;
15. Plan review comment letter from Neil Angus to Curtis Quitzau, re: BMS Level II Unified Permit Application for Parking Lot Expansion (#D18-061); dated August 10, 2018;
16. VHB response to comments package submitted on August 20, 2018 with the following:
 - Response to comments letter from Curtis Quitzau to Neil Angus (4 pages);
 - Pipe Sizing Calculations (1 page)
 - Forebay Sizing Calcs (1 page)
 - Lighting Specification Sheet (AS1 LED – 3 sheets)
17. Revised Site Plan set entitled “BMS Devens Added Surface Parking”; dated July 18, 2018, revised through 8/20/18; prepared by Vanasee Hangen Brustlin, Inc., 101 Walnut Street, Watertown , MA 02471; including the following sheets:
 - Project Locus
 - 100-10C-001.P Legend and General Notes;
 - 100-10C-700.P Compiled Existing Conditions;
 - 100-10C-100.P Layout and Materials
 - 100-10C-200.P Grading and Drainage
 - 100-10C.404.1P Lighting Plan
 - 100-10C-400.P Planting
 - 100-10C-401.P Planting Details
 - 100-10C-500.P Site Preparation, Erosion Control & Tree Protection
 - 100-10C-600.P Details

18. Email correspondence as follows:

Date	From	To	Subject
8/7/18	Curtis Quitzau	Kate Clisham	RE: BMS parking lot expansion - DOC
7/26/18	Mark Cohen	Jim Moore	RE: BMS - Parking Lot Expansion1
7/27/18	Jim Verner	Jim Moore	RE: BMS - Parking Lot Expansion
8/20/18	Nathan Poretta	Neil Angus	RE BMS Surface Parking Expansion Plans - Response to Comments
8/20/18	Curtis Quitzau	Neil Angus	BMS Surface Parking Expansion Plans - Response to Comments
8/9/18	Scott Turner	Neil Angus	RE BMS Parking expansion comments
8/9/18	Neil Angus	Scott Turner	RE BMS Parking expansion comments (2)
8/9/18	Scott Turner	Neil Angus	RE BMS Parking expansion comments (1)
8/10/18	Neil Angus	Curt Quitzau	BMS Parking Expansion review
8/8/18	Neil Angus	Curt Quitzau	RE BMS parking lot expansion - DOC
8/8/18	Curtis Quitzau	Neil Angus	RE External RE BMS parking lot expansion - DOC
7/25/18	Neil Angus	Scott Turner	BMS Parking expansion
8/16/18	Neil Angus	Curt Quitzau	corrected landscaping citations
8/23/18	Neil Angus	John Marc-Aurele	RE BMS parking lot expansion
8/24/18	Scott Turner	NeilAngus	RE: BMS Expansion

19. Staff Report dated 8-23-18 Re: Bristol-Myers Squibb Parking Lot Expansion, prepared by Neil Angus and Peter Lowitt (2 pages);

20. Letter from Nitsch Engineering to DEC; Re: Response to Review Comments, dated August 24, 2018 (3 pages).
21. Record of Decision Draft (6 pages)

4. Unified Permit Components and Actions:

The Unified Permit components include site plan approval for the expansion of an existing surface parking lot and the construction of an additional +/-156 parking spaces on an existing +/- 89 acre parcel (9-4-200) at 38 Jackson Road.

5. Process:

The application was submitted on July 18, 2018 and the Determination of Completeness was issued on July 19, 2018. Copies of the application were received by the surrounding Towns on July 23, 2018. Legal notices were placed in Nashoba Publications on August 3 and August 10, 2018. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on August 23, 2018. No comments were received. The public hearing opened and closed on August 28, 2018.

6. Waivers

The LUA administratively waived a number of submission, survey and drafting, and administrative plan requirements as part of the Determination of Completeness Process (refer to Determination of Completeness dated July 19, 2018 – Exhibit #5). The Applicant requested a waiver from the following Design Standard:

974 CMR 3.04(6)(a)3.a. - access road/driveway and parking lot lighting shall be a minimum of 0.5 footcandles.

Minor areas around perimeter do not meet this requirement however all new parking areas still have some level of lighting and all main parking areas and drive isles have sufficient lighting levels. This waiver is consistent with previous approvals for this site and will further aid in reducing light pollution within the Viewshed Overlay District.

The Commission voted all in favor to grant this waiver request.

7. Findings

The DEC made the following findings:

1. The proposed use (lab/office and clinical manufacturing) is consistent with the development goals and permitted uses within the Innovation and Technology Business (ITB) District and the requirements of the Watershed Water Resources Protection District.
2. The project as proposed is consistent with the Viewshed Overlay Protection District as set forth in the by-laws and rules and regulations.
3. The preexisting lot and building have more than 100 feet of frontage on Jackson Road and the lot is well over 2 acres in area and is therefore in compliance with the minimum lot requirements as per the Devens Bylaws.
4. The facility operates 24 hours a day, 7 days a week and therefore, requires lighting between 11:00PM and 7:00AM for facility operations. A previously granted waiver for lower site lighting intensities will minimize the amount of light pollution created by this project.

5. Regarding the approval criteria listed in 974 CMR 3.03(2):
- (a) The Site Plan, with conditions and waivers, complies with 974 CMR 3.00 and with the applicable provisions of the By-Laws.
 - (b) The development lies on a lot that is recorded at the Registry of Deeds;
 - (c) The application is Complete.
 - (d) All drives, parking lots, loading areas, paths, sidewalks, and streets are designed to provide for safe vehicular and pedestrian travel.
 - (e) Access and site circulation will enable prompt fire, police, and emergency response.
 - (f) Adequate capture, treatment, infiltration and discharge of stormwater and surface water runoff and compliance with applicable portions of the "Devens Stormwater Pollution Prevention Plan", has been included in the design.
 - (g) Connections with Devens utility, power and communication systems exist and no new connections are proposed.
 - (h) Facilities required under the Water Resources Protection Bylaw and the DEC Stormwater Design Standards have been included.
 - (i) The plans are in compliance with the Landscaping Design Standards for plant materials, planting strips, screening, and preservation of existing specimen trees and wooded areas.
 - (j) A Wetlands Order of Conditions is not applicable for this project.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and the conditions of approval.
 - (l) Sufficient parking for current needs is being provided.
 - (m) Existing traffic control measures are adequate for this project.
 - (n) The proposed development will participate in the Devens traffic management association.
 - (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
 - (p) Connection to sanitary sewers has been authorized by Devens Utilities.
 - (q) Existing building design meets the minimum standards as established by Mass Development for the district in which the lot is located.
 - (r) Soil testing indicates that the soils are capable of supporting the proposed development;
 - (s) The development has been designed with due consideration for public health;
 - (t) Adequate climate change mitigation, adaptation and greenhouse gas emission mitigation measures have been incorporated in accordance with 974 CMR 4.11

8. Conditions:

The DEC voted to impose the following conditions:

1. Wherever "Applicant" is referenced in the Conditions set forth herein, it refers to the Applicant, its successors and assigns. Wherever "DEC" is referenced, it shall refer to the Devens Enterprise Commission, its successors and assigns.
2. Jackson Gate from Route Two shall be the primary means of truck access to and from the site on a permanent basis, with other gates to be used only in emergency situations or during protracted construction when the Jackson gate is unavailable. The Applicant shall post signs that all trucks must enter and exit Devens via the Jackson Gate at Route 2 on the exit gate of the facility.
3. The Applicant shall take appropriate measures to encourage all automobile traffic associated with this project to use Jackson Gate to the maximum degree feasible. In addition, the Applicant and its lessees shall participate in the Devens Transportation Management Initiative. When transportation/ trip reduction/ public transit options become available in the future, the applicant shall be obligated to advise the building occupants to make their employees aware of such transportation alternatives and help to facilitate connections to these programs for those who are interested.
4. In accordance with the Devens By-Laws, Article III, Section K 1. a., no soil, loam, sand, gravel, or other earth materials shall be permanently removed from any lot within Devens, except in accordance with the Devens Soil Management Policy and approval from the DEC.
5. Prior to commencing any intrusive earth work within Devens (due diligence, construction of otherwise) all personnel to be on site shall view an Unexploded Ordinance/Munitions of Explosive Concern (UXO/MEC) video briefing provided by the Devens Fire Department.
6. Prior to endorsement, the waiver granted shall be listed on the plans and a detail of the new 'depressed biofiltration islands' shall be included consistent with the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Standards.
7. Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. The Applicant shall file the endorsed plans and the final Record of Decision with the Registry of Deeds and proof of recordation shall be submitted to the DEC prior to commencement of construction.
8. All applicable federal, state, and local permits necessary for the construction and operation of the facility (including, but not limited to a NPDES Construction General Permit) must be obtained prior to the issuance of a Certificate of Occupancy. Copies of permits issued by those other than the DEC must be filed with the DEC.
9. The Applicant shall provide updated As-Built Plans and accompanying information for all site improvements in accordance with the DEC As Built Policy.
10. The BMS Operations and Maintenance Plan for the campus shall be updated to include the new parking area and all associated drainage structures, landscaping and biofiltration landscape islands. A copy of the updated portion of the plan shall be provided to the DEC prior to commencement of construction. Annual stormwater operations and

maintenance reporting forms that are submitted to the DEC shall also be updated to include these new areas.

11. Preferential carpool/vanpool spaces and fuel efficient/electric car parking spaces shall be included within the new parking area.
12. New LED lighting shall be no greater than 3000K (color temperature).
13. Prior to endorsement, final plans shall be stamped and signed by the appropriate surveyor, engineer, landscape architect that prepared the plans.
14. Prior to commencement of construction/clearing, the limits of disturbance shall be marked in the field and required tree protection fencing shall be installed. Contact DEC staff for inspection.

9. Decision:

The public hearing closed on August 28, 2018. The DEC voted on August 28, 2018, to grant the waiver requested, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the site development plan for a +/-156 space parking lot expansion at BMS, located at 38 Jackson Road, Devens, MA (9-4-200).

10. Building Permit

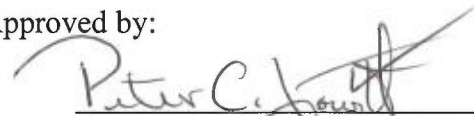
There is no building permit required for this Unified Permit.

11. Permit Duration

In accordance with 974 CMR 1.10, unified permits shall remain in effect so long as the approved activities are commenced within six months of the date of the DEC or the LUA produces a written decision and completed within two years. It is further noted that a thirty-day "reconsideration period" during which an applicant, a Town, or an aggrieved person may request the DEC reconsider its action (By-Laws, Article IV, Sections C through F). Work performed during this period, which begins on August 29, 2018 and terminates September 28, 2018, is "at risk". Final plans must be submitted for endorsement by the Commission by February 28, 2019.

Approved by:

Date: 8-29-2018

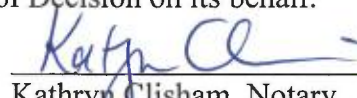

Peter C. Lowitt, FAICP, Director
Devens Enterprise Commission

Certification

Middlesex, SS

I certify the above is a true action and record of the Devens Enterprise Commission and that Peter C. Lowitt, Devens Land Use Administrator/Director, is empowered by the Devens Enterprise Commission to sign this Record of Decision on its behalf.

Date 8/29/2018


Kathryn Clisham, Notary
My Commission expires 2/28/2025

