

**Unified Permit
Record of Decision
CIP Independence Drive, LLC.
18 Independence Drive, Devens
May 31, 2016
Devens Parcel #26-13-600**

1. Applicant:

The applicant and landowner is CIP Independence Drive, LLC, 133 Pearl Street -#400, Boston, MA 02110.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit application to construct a +/- 11,000 sf parking area on the west side of the existing parking lot at 18 Independence Drive. This expanded parking area is to be used by Instrumentation Laboratory for tractor trailer maneuvering and parking that will not obstruct the existing loading docks. The Application also includes the installation of an outdoor generator and condenser pad adjacent to the existing loading docks and associated grading, drainage and utility modifications to accommodate the increase in impervious coverage. The property is located at 18 Independence Drive located on 21.6 acres in the Rail Industrial and Trade Related District and Watershed, Aquifer and Zone II Water Resources Protection Overlay Districts. The site has more than 100 feet of frontage and is in compliance with the minimum requirements of 2 acres of land area and 100 feet of frontage as per the Devens Bylaws.

3. Submission:

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

1. Application submittal entitled "Level 2 Unified Permit Application, 18 Independence Way; Devens Massachusetts, dated April 6, 2016 prepared by Eugene T. Sullivan, Inc., 230 Lowell Street – Suite 2A, Wilmington, MA 01887. This submittal included the following:
 - Cover Letter from Eugene Sullivan dated April 6, 2016 (2 pages);
 - Level II Unified Permit Application – Level 2 (D16-025)
 - Permit Fee Check
 - Industrial Performance Standards Checklist for newly Proposed Project
 - Storm Drainage Management Report.
2. Plans entitled "Trailer Storage Area, 18 Independence Drive, Devens, MA" prepared by Eugene T. Sullivan, Inc., 230 Lowell Street – Suite 2A, Wilmington, MA 01887; dated April 12, 2016, revised 5/19/16 and containing the following sheets:
 - Cover Sheet;
 - Sheet C.1: Existing Conditions Plan, scale 1"=60'
 - Sheet C.2: Site Layout Plan, scale 1"= 20'
3. Determination of Completeness issued by the DEC April 14, 2016.
4. Public Hearing Notice Fax to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated May 9, 2016;
5. Public Hearing Legal Notice Fax to Nashoba Publications, from Peter Lowitt, dated May 9, 2016 – to be published, May 13 and 20, 2016.
6. Copies of Legal notices from May 13 and 20, 2016 from Nashoba Publications.
7. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated May 9, 2016;

8. Memo dated April 15, 2016 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Level 2 Unified Permit –18 Independence Drive, Trailer Storage (notification of Public Hearing on May 31, 2016 at 6:45PM);
9. Memo dated May 9, 2016 Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit –18 Independence Drive, Trailer Storage (notification of Public Hearing on May 31, 2016 at 6:45PM);
10. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated May 9, 2016.
11. Certified List of Abutters from Devens Assessor, dated April 13, 2016.
12. Certified Mail Return Receipts for application and plan deliveries to Ayer, Harvard and Shirley, received by towns on April 19, 2016. Certified Mail return receipts for public hearing notices to all abutters – various dates.
13. Plan Circulation Memo for 18 Independence Drive, from Neil Angus to MassDevelopment dated April 19, 2016.
14. Revised stormwater report narrative, dated April 6, 2016 prepared by Eugene T. Sullivan, Inc..
15. Response to comments memo from memo from Gene Sullivan to Peter Lowitt and Neil Angus, dated May 23, 2016 (1 page).
16. Revised stormwater report entitled “Storm Drainage Management Report”; 18 Independence Way; Devens Massachusetts, dated May 23, 2016 (37 pages) prepared by Eugene T. Sullivan, Inc., 230 Lowell Street – Suite 2A, Wilmington, MA 01887.
17. 18 Independence Parking Plan (PP-1), dated 5/11/16, prepared by Highpoint Engineering, Inc., 45 Dan Road, Suite 140, Canton, MA 02021.
18. 66 Saratoga Parking Plan (PP-1), dated 5/11/16, prepared by Highpoint Engineering, Inc., 45 Dan Road, Suite 140, Canton, MA 02021.
19. Staff Report dated 5-26-16.
20. Draft Record of Decision, dated 5-31-16.
21. E-mail correspondence as follows:

Date	From	To	Subject
5/2/16	Gene Sullivan	Neil Angus	RE: Stormwater Narrative for 18 Independence
5/4/16	Chief LeBlanc	Neil Angus	18 Independence B
5/2/16	John Marc-Aurele	Neil Angus	RE: 18 Independence
5/4/16	John Marc-Aurele	Neil Angus	RE: 18 Independence
5/10/16	Neil Angus	Gene Sullivan	18 Independence Dr. Project Review

4. Unified Permit Components and Actions:

The Unified Permit request includes site plan approval in order to construct a +/- 11,000 sf expanded parking area for tractor trailer parking, an outdoor generator and condenser and associated grading, drainage and utility modifications on approximately 21.6+/- acre parcel of land located at 18 Independence Drive (Devens Parcel #26-13-600) within the Rail, Industrial and Trade Related Zone and Watershed, Aquifer, and Zone II Water Resources Protection Overlay Districts.

5. Process:

The application was submitted on April 13, 2016 and a Determination of Completeness was issued on April 14, 2016. Copies of the application were received by surrounding Towns on April 19, 2016. Legal notices were placed in Nashoba Publications on May 13 and 20, 2016. Certified Mail notices were sent to all abutters on May 9, 2016. The 30-day Town comment period expired May 20, 2016 and no comments were received. The public hearing opened on May 31, 2016 and closed that same evening.

6. Waivers

No waivers were requested as part of this application.

7. Findings

The DEC made the following findings:

1. The proposed parking area is sufficient to meet the anticipated demands of the proposed project with conditions of approval.
2. The proposed lot size and frontage are in accordance with the minimum requirements for development in the Rail Industrial and Trade Related District in which it is located.
3. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions, 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", will be achieved with conditions of approval.
 - (g) Connections with utility, power and communication systems available in the abutting infrastructure have been shown and approved by the Mass Development Managers of Engineering and Utilities.
 - (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included on the plans.
 - (i) The plans demonstrate compliance with Landscaping Design Standards for plant materials, planting strips, screening, and preservation of existing specimen trees and wooded areas with the conditions of approval.
 - (j) A Wetlands Order of Conditions is not required for this site.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and the conditions of approval.
 - (l) Sufficient parking for current needs has been provided.
 - (m) Traffic control measures have been included on the plans.
 - (n) The proposed development will participate in the Devens traffic management association as a condition of approval.
 - (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
 - (p) Connection to sanitary sewer has been made.

- (q) Building design meets the minimum standards as established by Mass Development for the district in which the lot is located.
- (r) Soils are capable of supporting the proposed development.
- (s) The development has been designed with due consideration for public health with conditions of approval.
- (t) Adequate climate change mitigation, adaptation and greenhouse gas emissions mitigation measures have been incorporated in accordance with 974 CMR 4.11 with conditions.

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. The Applicant shall take appropriate measures to encourage all truck traffic associated with this project to use the Devens preferred truck route to the maximum degree feasible and not to park, stop or stand along any Devens public ways. The applicant shall install anti-idling signage and Devens Designated Truck Route signage on-site to alert drivers of the proper truck route. In addition, the Applicant 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.
3. 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.
4. 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.
5. Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. The Applicant shall file the Record of Decision and endorsed plans with both Worcester and Middlesex Registry of Deeds and proof of recordation shall be submitted to the DEC prior to the issuance of a building permit.
6. All applicable federal, state, and local permits necessary for the construction and operation of the facility 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.
7. All required erosion controls shall be in place prior to the commencement of construction. The best management and maintenance practices for the Site as articulated in the Applicant’s Erosion and Sediment Control Plan and Notes shall be strictly adhered to, now and in the future. Any existing trees marked for preservation that are damaged, killed or removed shall be replaced in accordance with 974 CMR

3.04(8)(d)8. Additional controls shall be implemented at the discretion of the DEC or its Staff.

8. The Applicant shall provide As-Built Plans and accompanying information for all site improvements in accordance with the DEC As Built Policy, prior to issuance of a final Certificate of Occupancy.
9. There is no approval of freestanding or building mounted business signs granted in this Unified Permit. Such signage will require subsequent approval. Signs shall be designed and erected in accordance with the Sign Regulations 974 CMR 6.00.
10. The Applicant shall file annual reports to the DEC in October of each year indicating how they are maintaining their on-site stormwater management facilities. This is an on-going condition once construction is completed.
11. A completed MA DEP Stormwater Management Standards checklist shall be submitted in addition to a signed illicit discharge statement in compliance with the MA DEP Stormwater Management Standards shall be filed with the DEC prior to commencement of construction. Final approval for connection to the Devens Stormwater System shall also be obtained prior to completion of the project.
12. As per 974 CMR 4.11(2), the Applicant is required to demonstrate compliance with EcoStar Standard #24 – Climate Change Mitigation.
13. Prior to issuance of a Certificate of Occupancy, the Applicant or Owner shall provide a Parking Covenant to protect land designated for reserved parking from having structures built on it. A coordinated parking plan is also required showing all parking for both 66 Saratoga and 18 Independence to ensure that sufficient parking exists to service both properties.
14. The existing landscape berms and vegetative screening around the parking and loading docks shall be maintained at all times.
15. All necessary controls/containment and visual/acoustic screening shall be implemented to ensure ongoing compliance with the DEC Screening Requirements (974 CMR 3.04) and Industrial Performance Standards for Noise (974 CMR 4.05)
16. Prior to endorsement the final plans shall be revised to include the following:
 - a. Street trees to be planted along Independence Drive at a rate of one shade tree every 50 feet) for the remainder of frontage along Independence Drive in compliance with 974 CMR 3.04(8)k.1.
 - b. Lighting pole and fixture details in compliance with 974 CMR 3.04;
 - c. Bike rack near the entrance of the facility.
 - d. Revised pavement details that comply with 974 CMR 3.04;
 - e. Updated locus map on cover sheet showing current road layout.

9. Decision:

The DEC voted May 31, 2016, after the Public Hearing was closed, to grant applicable waivers, 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 CIP Independence Drive LLC., 18 Independence Drive, Devens, MA (Devens Parcel #26-13-600).

10. Building Permit

The Building Commissioner, along with the Electrical and Plumbing Inspectors, must review architectural/structural drawings and specifications and approve them in writing, prior to issuance of a building permit. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and those of the Devens Fire Chief must be met. When this approval is obtained, the building permit may then be integrated with this Site Plan Record of Decision and together they will constitute the Unified Permit for CIP Independence Drive LLC., which will, in turn, allow construction to commence.

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 June 1, 2016 and terminates June 30, 2016, is "at risk". Final plans must be submitted for endorsement by the Commission by November 31, 2016.

Approved by:

Date: 6/1/16

Neil J. Angus
Neil J. Angus, Environmental Planner
Devens Enterprise Commission

Certification

Middlesex, SS

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

6/1/16
Date

Kathryn Clisham
Kathryn Clisham, Notary
My Commission expires 3/16/18

