

**Record of Decision
KING DEVENS LLC,
45 Jackson Road (Parcel ID #13-21-1000) &
Conceptual Campus Master Plan for 45 Jackson Road (Parcel ID #13-21-1000), 57 Jackson
Road (Parcel ID#13-21-1100), 59 Jackson Road (Parcel ID#13-21-100), and 75 Jackson
Road (Parcel ID#18-21-900),
Devens (Harvard), MA (Deed Reference: Bk: 62907 Pg: 267)
January 7, 2021**

1. Owner/Applicant:

King Devens LLC, 800 Boylston Street, Suite 1570, Boston MA 02119.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit for Site Plan Approval and a Wetland Request for Determination of Applicability for construction on future lot 1 of an up to 150,000 sf Research and Development/Manufacturing core and shell building, and associated parking, drainage improvements as well as utility connections and preparation of a building pad site for future lot 2 development. A wetlands request for determination of applicability is required to address a turnaround proposed to be installed on Lake George Street adjacent to the southerly property boundary. In addition, approval of a conceptual master plan encompassing approximately 44 acres on 45, 57, 59 and 75 Jackson Road is part of this Unified Permit. The up to 150,000sf core and shell facility is located on a 14 acre portion of the 23.9 acre 45 Jackson Road (13-21-1000) parcel and the conceptual master plan encompasses approximately 44 acres on 45 Jackson Road (13-21-1000,) 57 Jackson Road (13-21-1100), 59 Jackson Road (13-21-100), 75 Jackson Road (18-21-900), Devens (Harvard), MA. The project is located within the Innovation and Technology Business District, the Open Space and Recreation District, the Viewshed Overlay District and the Watershed Protection Overlay District.

3. Submission:

The application includes the following, which all become part of the record:

1. DEC Completed Application Form (D20-094);
2. 45, 57, 59 and 75 Jackson Road Certified Abutters lists (Devens) dated 11/16/2020;
3. King Devens LLP, submitted a Level II Unified Permit application package, including the application (resigned 11/12/2020), Industrial Performance Standards Checklist, Wetlands Request for Determination of Applicability, Stormwater Management Plan, Revised LEED v 4 checklist dated 12/3/2020, Landscape and Water Maintenance Plan dated 12/3/2020, a supplemental geotechnical evaluation by GZA, Traffic Impact Study, Final Soil Arsenic Study dated 2005, a site plan and conceptual Master Plan received on November 5 , 2020 later revised and dated 11-13-2020.
4. Level 2 Unified Permit Checklist (completed by Applicant);
5. Site Plans entitled: "45 Jackson Road – Lot 1 – Site Development Plan Devens Massachusetts consisting of the following sheets dated 11-05-2020:
 - T100 Title Sheet
 - G100 Notes Sheet

- G200 Campus Master Plan
 - C100 Site Context
 - C200 Existing Conditions Plan
 - C300 Soil Erosion & Sedimentation Control/Site Preparation Plan
 - C400 Layout and Materials Plan
 - C401 Lake George Street Off-Site Improvements
 - C500 Grading and Drainage Plan
 - C600 Utility Plan
 - C700 Construction Details
 - C701 Construction Details
 - C702 Construction Details
 - C703 Construction Details
 - L200 Overall Landscape Planting Plan
 - L201 Detailed Landscape Planting Plan
 - L202 Irrigation Plan
 - ES1.01 Site Lighting Photometric Plan
 - ES1.03 Electric Site Lighting/Photometrics
 - SD11 Schematic Exterior Elevation
6. Wetland Request for Determination of Applicability dated 11/5/2020;
 7. Stormwater Management Plan: Report prepared for King Devens, LLC; dated 11/5/202 by High Point Engineering Inc. and part of the application package;
 8. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated November 23, 2020;
 9. Public Hearing legal notice publication memo to Nashoba Publications, dated November 18, 2020 (publication dates November 27 and December 4, 2020);
 10. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated November 18, 2020, and received November 21, 2020 from Peter Lowitt, Director DEC.
 11. Determination of Completeness, dated November 18, 2020.
 12. 12/3/20 request for extension of DEC and MA DEP time limits for rendering a decision on a RDA application;
 13. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated November 23, 2020, from Peter Lowitt/Kate Clisham.
 14. Community Cable Advisory Committee notice, dated November 23, 2020, to run November 23-December 15, 2020;
 15. Public Hearing Notice to the Secretary of State, dated November 23, 2020.
 16. DEC Staff Report, dated 12/14/20 (5 Pages);
 17. Plan Circulation memo dated November 18, 2020, from Neil Angus to MassDevelopment Re: Unified Permit Application – KSP 45-75 Jackson (1 page);
 18. Revised Site Plans entitled: “45 Jackson Road – Lot 1 – Site Development Plan Devens Massachusetts revised 12/24/2020;
 19. 45 Jackson Amended Narrative DEC comments dated 12/24/2020;
 20. 45 Jackson FD turning study G-300 dated 12/24/2020;
 21. 45 Jackson Cover Letter 12-23-2020 Revision;
 22. 45 Jackson VHB 45 Jackson Road revised TIAS dated 12-22-2020 and revised TIAS

- final with figures dated 12-24-2020;
23. Letter from Doug Hartnett, Highpoint Engineering Inc.; project engineer to Neil Angus, DEC; Response to Comments dated 12/14/2020 nine pages;
 24. 45 Jackson Supplemental SWR December 24, 2020;
 25. Nitsch Engineering Peer Review Comments letter to Neil Angus from Anna Murphy, PE and Jennifer Johnson, PE dated December 3, 2020 (17 pages) covering stormwater and Adina Alpert, PE traffic;
 26. Combined DEC and Peer Review Comment letter dated 12/4/2020 from Neil Angus to Doug Hartnet HEI;
 27. Revised Staff Report to DEC from Peter Lowitt dated January 7, 2021;
 28. IBI Peer Review landscaping comments letter to Neil Angus, from John Amodeo, dated 12/1/2020.
 29. Site Plan review comments from Mass Development Engineering John Marc-Aurele to Peter Lowitt regarding 45 Jackson Road dated 12/4/2020;
 30. Draft Record of Decision – 45 Jackson, dated 1-7-21 (xx pages);
 31. Email correspondence as follows:

Date	From	To	Subject
12/04/20	Roy Herzig	Neil Angus	Mass Development Enviro Comments
12/13/20	Doug Hartnett	Neil Angus	45 Jackson parking discussion
12/04/20	Doug Hartnett	Neil Angus	RE: 45 Jackson DOC
12/16/20	Doug Hartnett	Neil Angus	RE: 45 Jackson Presentation Deck
11/18/20	Doug Hartnett	Neil Angus	RE: Revised permit application and abutters list
12/04/20	Doug Hartnett	Neil Angus	RE: Level 2 Revised Submission Materials
12/16/20	Doug Hartnett	Neil Angus	RE: Level 2 Peer review and DEC response to comments
11/6/2020	Doug Hartnett	Neil Angus	Submission package 45 Jackson Road
12/3/2020	Jennifer Johnson	Neil Angus	JNEI and IBI Peer review comments
12/9/2020	Doug Hartnett	Ed Starzec	45 Jackson Building Elevations
11/16/2020	Doug Hartnett	Neil Angus	Updated Cover page application
12/4/2020	Neil Angus	Doug Hartnett	Peer Review Comments compiled
11/12/2020	Teri Ford	Neil Angus	Confirmation of receipt of Application email
12/4/2020	Marc Cohen	Neil Angus	45 Jackson Unified Permit Submission
12/4/2020	Jennifer Johnson	Neil Angus	Updated Peer Review comments
11/19/2020	Neil Angus	Peter Lowitt	45 Jackson Noise Study
12/4/2020	Jennifer Johnson	Neil Angus	Upcoming Devens Reviews Task Orders
12/22/2020	Peter Lowitt	Ed Starzec	MD Design Review Letter Status
12/18/2020	Doug Hartnett	Peter Lowitt	RDA request for continuance
12/18/2020	Doug Hartnett	Neil Angus	45 Jackson, CFS1, CFS2
12/17/2020	Jennifer Johnson	Neil Angus	Response to traffic comments
12/16/2020	Neil Angus	Jennifer Johnson	Circulating applicant's response to peer review comments
12/16/2020	Doug Hartnett	Peter Lowitt	Quiet P3 Traffic study
12/14/2020	Neil Angus	Doug Hartnett	45 Jackson staff report
12/14/2020	Neil Angus	Peter Lowitt	Prep for DEC hearing
12/14/2020	Neil Angus	Peter Lowitt	Consistency with Devens Main Post Trails Plan
12/21/2020	Ed Starzec	Peter Lowitt	RE: status of MD Design Review letter
12/22/2020	Ed Starzec	Peter Lowitt	RE: MD Design Review approval letter
12/24/2020	Doug Hartnett	Peter Lowitt	RE: 45 Jackson Road Revised Level 2 Submission
12/24/2020	Neil Angus	Jennifer Johnson	FW: 45 Jackson Revised Level 2
12/24/2020	Neil Angus	John Marc-Aurele	FW: 45 Jackson Revised Level 2
12/24/20	Neil Angus	Doug Hartnett	Received Revised Submission
12/29/2020	Mark Cohen	Neil Angus	RE: 45 Jackson revised plans
12/29/2020	John MarcAurele	Neil Angus	RE: 45 Jackson revised plans comments
12/29/2020	John MarcAurele	Neil Angus	RE: 45 Jackson revised plans stormwater comments
12/29/2020	Peter Lowitt	John Marc-Aurele	RE: 45 Jackson revised plan response to stormwater concerns
12/30/2020	Neil Angus	John Marc-Aurele	RE: 45 Jackson sidewalk concerns
12/30/2020	Neil Angus	John Marc-Aurele & Peter Lowitt	45 Jackson Traffic Report
12/30/2020	Neil Angus	Jennifer Johnson	45 Jackson Peer Review Follow-up questions
12/31/2020	Jim Moore	Peter Lowitt	45 Jackson irrigation well
1/4/2021	Peter Lowitt	John Marc-Aurele	Draft findings and comments

1/4/2021	John MarcAurele	Peter Lowitt	RE: Draft findings and comments
12/31/2020	John MarcAurele	Neil Angus	RE: 45 Jackson approval to connect to MD system letter
1/5/2021	Ruth Loetterle	Neil Angus	RE: IBI landscape peer review letter 2
1/5/2021	Doug Hartnett	Neil Angus	RE: Follow up call with King Street
1/5/2021	Neil Angus	Doug Hartnett	45 Jackson follow up call comments
1/5/2021	Peter Lowitt	Doug Hartnett	Waiver request
1/5/2021	Neil Angus	Peter Lowitt	Revised rod 45 Jackson see colored comments
1/5/2021	Doug Hartnett	Peter Lowitt	Waiver withdrawal for irrigation system
1/5/2021	Neil Angus	Peter Lowitt	Invite MassDevelopment to comment on use of Open Space
1/5/2021	John MarcAurele	Peter Lowitt	Comments and availability for meeting on Open Space
1/5/2021	Neil Angus	Zach Greene et al	Invitation to meet on Open Space use
1/6/2021	Doug Hartnett	Peter Lowitt	Preparation for DEC meeting
1/6/2021	Neil Angus	Doug Hartnett et al	Draft ROD
1/6/2021	Doug Hartnett	Peter Lowitt	Presentation Deck attached for meeting

32. 45 Jackson Road PPT prepared by applicant and dated 12/15/2020.
33. Design Review Approval Letter from Ed Starzec, MassDevelopment, dated 12/22/20;
34. Negative Request for Determination of Applicability with conditions dated 1/7/2021.
35. Two traffic report attachments (HCM 6 Combined and Trip Gen Figures prepared by VHB and dated 12/14/2020
36. Sidewalk discussion notes by Neil Angus dated 12/30/2020
37. Response to 45 Jackson Traffic Report Comments Peer review follow-up comments dated 12/28/2020 from Adina Alpert, PE, JNEI to Neil Angus, DEC (6 pages).
38. MD Engineering connection to stormwater system approval letter with conditions dated 12/31/2020.
39. IBI 2nd Landscape Peer Review letter dated January 4, 2021 to Neil Angus from Ruth Loetterle regarding 45 Jackson Road KSP landscape review comments 3 pages.
40. Presentation Deck (ppt)prepared by Doug Hartnett for 45 Jackson Road meeting on 1/7/21.

4. Unified Permit Components and Actions:

The Unified Permit for this project includes Site Plan Approval and a Wetland Request for Determination of Applicability for the construction of a new core and shell building of up to 150,000sf, parking, driveway, drainage, utilities and associated improvements as well preparation of a pad site for a future lot 2 and a conceptual master plan of development for 45, 57, 59 and 75 Jackson Road.

5. Process:

King Devens LLP, submitted a Level II Unified Permit application package, including the application, Wetlands Request for Determination of Applicability, Stormwater Management Plan, Revised LEED v 4 checklist, Landscape and Water Maintenance Plan, a supplemental geotechnical evaluation by GZA, Traffic Impact Study, Final Soil Arsenic Study dated 2005, a certified abutters list dated 11/16/2020, a site plan and conceptual Master Plan received on November 5, 2020. The pre-permitting conference was completed on September 23, 2020, and the Determination of Completeness was issued on November 18, 2020. Copies of the application and plans were received by the surrounding Towns on November 21, 2020. Legal notices were placed in Nashoba Publications on November 27 and December 4, 2020. Certified Mail notice was sent to abutters on November 18, 2020. The 30-day public comment period expires on December 21, 2020. No public comments were received. The public hearing opened on

December 15, 2020 and was continued to January 7, 2021 and closed at that time. The Commission voted on January 7, 2021.

6. Waivers:

No waivers were requested as part of this application.

7. Findings:

The DEC finds that:

1. The proposed use is a permitted use in the Innovation and Technology Business Zoning District as per Exhibit D of the Devens Bylaws.
2. The project is located within a Watershed Protection Water Resources Protection District. The final plans, with the conditions listed herein, comply with the Stormwater Management Provisions and Water Resource Protection District Regulations in 974 CMR 4.08 to protect the ground and surface water resources through the implementation of best management practices during construction as well as long-term.
3. The project is located with the Viewshed Overlay District. Based upon the Viewshed Analysis, the Applicant has undertaken all reasonable efforts to design the Project building and site to take advantage of natural screening, supplement additional screening through the construction of earthen berms and supplemental planting, and design building facade treatments and colors to blend the building into the adjacent landscape and minimize significant visual impacts with conditions.
4. The Applicant proposes 197 parking spaces for the first phase of the project, expandable to 225 depending on needs of future tenants. This 1.5 spaces per 1000 square feet for biotech manufacturing provides sufficient parking for the intended use.
5. The on-site Storm Water Management system has been designed so that there are no untreated discharges from the site— all runoff will be pretreated through an on-site treatment train that includes biofiltration, on-site infiltration, and mechanical filtration. Discharges from the site, with conditions, have been designed to meet the MA DEP SWM Standards and DEC regulations in order to satisfy EPA MS4 requirements. Discharge to the Devens Municipal Stormwater System is under the jurisdiction of and subject to the review and approval of the Devens Engineering Departments.
6. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan complies with 974 CMR 3.00 and 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 access is designed to provide for safe vehicular and pedestrian travel.
 - (e) Access and circulation enables prompt fire, police, and emergency response.
 - (f) Adequate capture and discharge of stormwater and surface water runoff and compliance with applicable portions of the "Devens Stormwater Pollution Prevention Plan" has been achieved.
 - (g) Connections with Devens utility, power and communication systems exist and new connections will be approved by MassDevelopment.
 - (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.

- (i) The plans comply with Landscaping Design Standards through the preservation of existing specimen trees and wooded areas to the maximum extent feasible with conditions.
- (j) A negative wetlands determination of applicability with Conditions has been issued by the DEC.
- (k) Industrial Performance Standards will be adhered to as per the final plans.
- (l) The proposed use provides sufficient parking for the intended use;
- (m) The project will not interfere with existing traffic patterns.
- (n) The applicant has agreed to participate in the Devens Transportation Management Initiative.
- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (p) Connection to sanitary sewers will be made for this project.
- (q) The 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 conditioned and incorporated in accordance with 974 CMR 4.11.

8. Conditions:

The DEC voted to impose the following conditions:

- 1) All applicable federal, state, and local permits necessary for construction must be obtained prior to the start of construction. Copies of permits issued by those other than the DEC must be filed with the DEC, including, but not limited to, an EPA Construction General Permit, Driveway curb cut permit from MD/Devens Public Works and MA DEP permits. Should any of these decisions require significant plan changes, the Applicant will be required to amend this unified permit.
- 2) 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, compliance with 974 CMR 407, and approval from the DEC.
- 3) 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.
- 4) 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.
- 5) The erosion and sedimentation controls required by the conditions of the negative request for determination of applicability for this project shall be complied with.

- 6) Prior to commencement of construction, limits of disturbance shall be flagged in the field and all necessary erosion controls and tree protection shall be inspected by DEC Staff. A written report documenting compliance with the approved erosion and sedimentation controls shall be maintained by the developer and made available to the DEC for review upon request. The best management and maintenance practices for the Site as articulated in the Applicant's Erosion and Sediment Control Plan and Notes and Stormwater Pollution Prevention Plan (SWPPP), shall be strictly adhered to, now and in the future. Additional controls shall be implemented at the discretion of the DEC or its Staff.
- 7) Due to the size of the Master Plan, and to minimize use of potable water for irrigation from the Devens Water System, the Proponent proposes to install an irrigation well on the Property as source water for the Project and future phases. An Irrigation system is not part of this approval. The Applicant is required to obtain administrative approval for any future proposed irrigation. Such system must comply with 974 CMR 4.08 and 8.09.
- 8) The Applicant will commission an acoustic noise study to establish existing ambient background sound pressure levels, in order to model proposed tenant equipment operating noise levels, and assess compliance with the maximum sound pressure thresholds summarized in the Regulations. Once a tenant is selected, and prior to a CO for any tenant fit-up, the Applicant shall model proposed tenant and facility equipment operating noise levels and demonstrate compliance with 974 CMR 4.05.
- 9) Any connection to the municipal stormwater system will require a letter of approval from MassDevelopment Engineering. The applicant shall provide "stormwater management easements to MassDevelopment as necessary for access for facility inspections and maintenance, and preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year s storm event."
- 10) No outdoor storage is permitted other than what is shown on the plans (refuse/recycling)
- 11) Prior to endorsement, the final plans shall be revised to include the following changes:
 - a. Remaining items identified by Nitsch Engineering in their Peer Review letter dated 1/4/21.
 - b. Limit of work/limit of clearing shall be modified to be consistent on all plan sheets, including site plans and landscaping plans.
 - c. Catch basin details shall be revised to utilize "The Eliminator" hood or approved equal.
 - d. The 76 parking spaces in the western-most parking area shall be converted to porous asphalt and a detail added.
 - e. Reserve parking (28 spaces) shown on all applicable plan sheets and labeled/differentiated from actual parking to be constructed now. Reserve parking stormwater management shall include the required 44% pretreatment prior to infiltration, if/when reserve parking is ever constructed. Update the parking table and resolve discrepancies between landscape plan and site plan

parking. Provide details for CBs and other stormwater structures required for reserved parking. (former 14)

- f. Reduce lane width to a maximum of 24' for access drives and aisles. Install traffic calming along access drive between buildings 1 and 2 (speed table, raised crosswalks or other acceptable traffic calming devices). Factor these changes into your drainage plans. Install stop sign at terminus of main entrance drive (across from building three).
 - g. Waivers granted to be included on final plans.
 - h. Comply with MD Utilities Department concerns as set forth in their 12/29/2020 comments from Mark Cohen.
 - i. DM#16 between the loading dock trench drain and infiltration system shall be converted to a water quality unit. Add to SPPC plan and O&M plan with signage identifying post indicator type valve with hand valve. Include a detail.
 - j. Provide concrete sidewalk detail.
 - k. Include a plan showing a night-time (between 11 p.m. and 7 a.m.) program of reduced illumination. This program will designate which lights may remain on overnight to ensure safety within loading areas/open areas of the site.
 - l. Comply with the recommendations of the 1/4/21 2nd peer review landscape letter from Ruth Loetterle of IBI re: KSP 45 Jackson Road.
- 12) This unified permit approval is for the conceptual master plan and detailed build-out of Building #1 core and shell and associated parking, grading, drainage, and utility work on the 45 Jackson Road Parcel only. Additional Unified permit(s) will be required for subsequent phases and the formal development of Buildings 2, 3, 4 and 5.
- 13) To comply with 974 CMR 4.11, the Applicant is required to construct all buildings to meet the Massachusetts Stretch Energy Code (780 CMR 120AA) as amended.
- 14) All building finishes shall not contain any reflective materials, including but not limited to metal flashing, mechanical enclosures, window frames/treatments, doors, roofing material or building trim. Any roof top mechanicals that are not able to be non-reflective will need to be shielded with a non-reflective barrier. Building roofs and upper tiers and trim shall not be lit.
- 15) Prior to seeking plan endorsement, the Applicant shall provide written certification that no building or structure will be placed in the 28-space reserved parking area. Such certification shall be in the form of an executed covenant that states these additional parking spaces shall be built by the Applicant when the DEC determines they are required. Approval and construction of these reserve spaces shall be handled administratively.
- 16) In order to comply with the Devens MS4 permitting requirements, this approval is subject to the 9 conditions listed in the December 31, 2020 letter from John Marc-Aurele, Director of Engineering for MassDevelopment authorizing a portion of this project to tie into the Devens Stormwater System. These are perpetual conditions.

- 17) An Operations and Maintenance Plan, including a spill prevention control and countermeasure plan for the facility shall be prepared and submitted to the Fire Chief and DEC prior to issuance of a certificate of occupancy.
- 18) 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.
- 19) Landscaping shall be maintained in good condition in accordance with the approved landscape plan and 974 CMR 3.04(m). The applicant is required to submit a letter confirming a one-year guarantee of all approved landscaping once installed. Any dead or damaged landscaping must be replaced promptly. Tree protection fences shall be installed prior to the commencement of any construction activities on site and maintained in areas where construction is being conducted. 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.
- 20) There is no approval of signs implicitly or explicitly granted in this Unified Permit and any erection of signs of any type will require subsequent DEC approval.
- 21) 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.
- 22) All uses/tenants proposed for this building shall be in accordance with permitted uses as listed in the (Innovation Technology Business Zoning District). Each new tenant will be required to obtain written approval from the DEC/LUA prior to occupancy.
- 23) The Applicant shall file an approved Level One Lotting Plan with the DEC in order to subdivide the lot. Once endorsed, this plan shall be recorded with the Registry. Proof of recording shall be provided to the DEC prior to commencement of construction.
- 24) Prior to a Certificate of Occupancy for Building 1, the Applicant shall post a performance guarantee for the multi-purpose trail within the Open Space and Recreation District parallel to Jackson Road from 57 Jackson Road, to the common driveway of 27 Jackson Road. Such guarantee shall include all proposed grading and landscaping work. All other trail improvements (8' wide bituminous paved trail, Crosswalks and ADA sidewalk/walkway ramps, with transition curbing on both sides of the driveway at both 57 and 27 Jackson Road, as well as across the new entrance into 45 Jackson Road, in addition to required signage and lighting) shall be completed prior to additional campus development on 57 and 75 Jackson Road. A site/construction logistics plan will be required at such time to show how this trail will be completed and how construction of the next phase will safely operate with an occupied building on-site (separation of active construction areas from occupied building/parking areas).
- 25) The open space and recreation zone in front of the property shall only be used for temporary material stockpiling as a last resort. Any stockpiling/activity in this area shall be fully contained, temporarily stabilized and screened from Jackson Road in the form of fencing and shaped/temporarily stabilized stockpiles to screen construction laydown areas from Jackson Road. Such screening shall be maintained until the multi-purpose trail is complete.
- 26) The Traffic Impact Study shall be revised to address the remaining comments from Nitsch Engineering in their letter dated December 28, 2020. A copy of the updated report shall be

provided to the DEC prior to issuance of a building permit. The Applicant is required to implement the Transportation Demand Management Program and Post-Occupancy Traffic Monitoring Program requirements as outlined in the "Mitigation" section of the Traffic Impact Study.

- 27) Wherever "Applicant" is referenced in the Conditions set forth herein, it refers to the Applicant, its successors and assigns.

9. Decision:

The Public Hearing closed on January 7, 2021 and the DEC voted on January 7, 2021, 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 Plan to construct a new core and shell building of up to 150,000sf, parking, driveway, drainage, utilities and associated improvements as well as a conceptual master plan of development for 45, 57, 59 and 75 Jackson Road.

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 the Devens Fire Chief must be met. When this approval is obtained, the building permit may then be integrated with this Record of Decision; together they will constitute the Unified Permit for this project and 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 approved activities are completed within two years. It is further noted that there is 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 January 7, 2021 and terminates February 8, 2021, is "at risk".

1-13-2021
Date

Approved by:



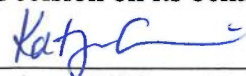
Peter C. Lowitt, FAICP, Director
Devens Enterprise Commission

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.

1/13/2021
Date


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

