

## COMMISSION STAFF:

DEC staff includes:

- Director/Land Use Administrator Peter C. Lowitt, FAICP;
- Environmental Planner Neil Angus, AICP/LEED AP;
- Administrative Assistant Kate Clisham.

Mr. Angus serves the Massachusetts Chapter of the US Green Building Council (MA-USGBC) on its Board of Directors and continues to serve on the MA-USGBC Education Committee. Mr. Lowitt, FAICP served as past president of the Massachusetts Chapter of the American Planning Association and continues to serve on the boards of the Eco Industrial Development Council, New Ecology, and as immediate past chairman of the Green Roofs for Healthy Cities, the North American Green Roof Trade Association. The Commission welcomes Administrative Assistant Kate Clisham who served her first full year as Commission staff. The Commission also employs a number of consultants:

- Building related inspectional services are provided by Gabe Vellante, Wellman Parker who retired over the summer and was replaced by Phil Horgan, and Bob Friedrich;
- BSC Group provides ongoing Development Review Services. Edith Netter & Associates continues in the Commission's legal advisor role;
- Ms. Danyelle Mottram serves as the Commission's part time accounting support person.

The DEC provides funding to the Devens Eco Efficiency Center, whose Director, Ms. Dona Neely continues her award winning work of advancing the environmental branding and achievement program known as EcoStar which embodies the DEC's commitment to sustainable development.



# Devens Enterprise Commission 2011 Annual Report

Peter Lowitt, Director

January 2012

## The Commission

The Devens Enterprise Commission (DEC) is a regulatory and permit-granting authority for the Devens Development Project. It is empowered to act as a local planning board, conservation commission, board of health, zoning board of appeals, historic district commission and, in certain instances, as a board of selectmen. 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.



The DEC consists of 12 gubernatorial appointees, six (6) of whom are nominated by the host communities of Ayer, Harvard and Shirley. Each host community and the governor also nominate an alternate member. The Commission began operating on June 22, 1995. Victor Norman was the Harvard alternate and resigned in late summer. The Ayer, Shirley and regional alternate spots are also vacant at this time.

### Current DEC Commission members:

William Marshall (Chair—Regional)  
Marty Poutry (Ayer)  
Russ Smith (Ayer)  
Jim DeZutter (Harvard)  
Eric Stoltzfus (Harvard)  
William Castro (Shirley)  
John Oelfke (Shirley)  
Dix Davis (Regional)  
Paul Routhier (Regional)  
Armen Demerjian (Regional)  
Melissa Fetterhoff (Regional)  
Christopher Lilly (Regional)

### Current Vacancies:

Regional Alternate Member  
Shirley Alternate Member  
Harvard Alternate Member

## 2011 Project Highlights

2011 saw a number of new projects come before the Commission. Laddawn Inc., a plastics manufacturer, received a unified permit to rehabilitate the former post (Davis) library at 155 Jackson Road as their corporate offices. This project was completed during the summer of 2011.



Laddawn, Inc. in the former Davis Library at 155 Jackson Road—Summer 2011

In 2011 the construction of a new 118-room Hilton Garden Inn hotel and restaurant was finally completed after over a year of sitting idle due to financing issues. It opened in early December, 2011. Pizza Bella took over from the Pizza Fort within the Devens Common retail center and the Devens Grille continued to host a number of special events at their restaurant and in the Devens Common green space.

In December of 2010, Devens Recycling amended their unified permit to include Saturday operating hours from 7AM to 1PM. The Commission initially rejected the application, later voting to reconsider their action because their decision did not and focus on the Saturday impacts of the project. Based on additional information submitted by the applicant and presented during

the hearing, the Commission voted to grant the applicant's request for a six (6) month trial period allowing Saturday operating hours.

The additional hours were granted permanently in June 2011, once the applicant demonstrated consistent compliance with the conditions of approval and was shown to be operating the

*Continued on next page....*

## 2011 Project Highlights continued (from page 1)....

facility in a manner which comports with the DEC public health and safety concerns and regulations.

Construction continued on the Armed Forces Reserve Training Center complex on Barnum Road, permitted by the DEC in 2009. This project consists of 7 new buildings covering over 275,000 sq.ft within the existing developed site on Barnum Road that will be shared by the Army National Guard, US Marine Corps and US Army Corps and used as a joint training and maintenance facility. The largest buildings include a new ~59,000 sq.ft. training building (in the footprint of former building 3713 and the large smokestacks), a ~59,000 sq.ft. organizational maintenance shop, a ~91,000 sq.ft. consolidated maintenance support shop and the reuse of an existing ~41,000 sq.ft. building.



*US Army —Training Building under construction on Barnum Rd.—July*

Although under federal jurisdiction; the Army agreed to comply with the DEC Bylaws and Rules and Regulations. As the project is within a Zone 2 Water Resources Protection District with Devens and Ayer water supplies at the adjacent Grove Pond, protection of local ground water resources has been and continues to be a key planning and regulatory issue throughout this process. The collaboration between the DEC, US Army and Massachusetts Army National Guard, the communities' of Ayer and Devens along with Mass DEP and EPA resulted in numerous design considerations being implemented to protect our water supplies. Although a very large development with almost 1.5 million square feet of impervious area, the design of the project actually reduces the existing total impervious area by over 120,000 sq.ft. The new stormwater management system for this facility includes a treatment train that consists of a combination of several structural and non-structural best management practices to ensure maximum water quality for runoff leaving the site.

Roof runoff has been separated from the pavement runoff and is being infiltrated on-site. In addition, with the US Army's new "green" initiative, two of the new buildings have been designed to meet the US Green Building Council's (USGBC) LEED-standards for high performance/energy efficient buildings. A final ground water monitoring program is being implemented as the last piece in protecting our shared water supplies.



Early in January, 2011, Transformations Inc. received approval from the DEC to build the first new single-family homes in Devens. They won a design competition conducted by MassDevelopment to build eight zero-net energy single-family homes off of Cavite and Adams Circle. These homes will generate as much energy as they consume through a combination of energy efficient design and material selection, as well as the deployment of renewable energy systems for the project. In addition, a goal of the housing was to be priced for folks making between the 80% and 120% of the area median (translating into finished housing costs of between \$280,000-\$350,000). To date, four have had building permits issued and the first single family home was sold and occupied in late 2011 and received a HERS rating of 8 – almost 92 % more efficient than a standard home built to minimum building code requirements. These homes will serve as a model for more sustainable residential development at Devens and throughout the Commonwealth and the nation.



*Transformations, Inc. finishes Construction on two of the eight single family energy efficient homes.*

Additionally, Metric Corporation of Boston won MassDevelopment's design competition for multi-family residential homes and received approval from the DEC to construct twelve multi-family units in the area at the intersection of Cavite and Bates.

The ground breaking for this project was December 20, 2011.



*Geoff Caraboolad, President of Metric Corp., addressing the audience at the energy efficient multi-family housing pilot development at Bates and Cavite Streets in December.*

USFWS Visitors Contact Station located off of Hospital Road adjacent to the Nashua River was permitted in September, 2011. Modeled as a sustainable development, this visitors station will include an educational pavilion made out of reused materials, a vegetated roof, composting toilets, porous pavement and other low-impact development features. This center will also contain interpretive panels about the natural environment in the Oxbow as well as information on how Devens is integrating the natural environment into its redevelopment efforts. The visitor center contemplates a future wildlife observation platform, riverfront canoe/kayak access and an outdoor amphitheater. The location of this visitors center will also allow for the development of additional trails that will connect into the Devens multi-purpose trail system – further connecting and integrating the natural environment into development at Devens. More information on the Refuge, including a trail map, can be found at: [http://www.fws.gov/northeast/oxbow/refuge\\_brochure.html](http://www.fws.gov/northeast/oxbow/refuge_brochure.html)

The Devens Household Hazardous Products Collection Center, a regional effort spearheaded by the Devens Eco-Efficiency Center's Dona Neely with the support of MassDevelopment and the participant communities, was permitted by the DEC in early 2011. The Center opened on the grounds of the Devens DPW on July 26, 2011 and provides a regional service that makes it easier for small businesses and residents of Ayer, Bolton, Devens, Groton, Harvard, Lancaster, Littleton, Lunenburg, and Townsend to properly dispose of toxic waste such as unused floor cleaners, leftover pool chemicals, and button batteries, providing additional protection to



*2011 Project Highlights continued (from page 2)....*

drinking water supplies, and delivering operational and financial savings to the participating towns. The Center is already being recognized as a premier example of regional cooperation. More details, including hours and items that are accepted, can be found at [www.devensshw.com](http://www.devensshw.com).



*Senator Eldridge addressing the audience in front of the new Haz. Mat. Storage cabinets at the Devens Regional Household Hazardous Products Collection Center Groundbreaking in July.*

Congratulations to all involved for getting this regional project off to a successful start!

During 2011, the DEC also permitted additional loading docks for 18 Independence Drive to assist the owners of the former Sonoco Packaging plant to better market their property. The additional loading docks will enable the property to be leased to separate tenants. Quiet Logistics also took over space in the adjacent Saratoga Boulevard Proctor and Gamble/Gillette distribution center, helping to fill some of the space left when P&G left Devens last winter. The Commission granted a license for storage of flammable materials to American Superconductor (AMSC) in order to facilitate improvements to their manufacturing process at their Devens facility.

Throughout the past few years, the Town of Shirley and MassDevelopment, along with Mass Audubon and the Natural Heritage and Endangered Species Program (NHESP) of the Commonwealth have been working together to identify potential development and preservation areas within the Environmental Business Zone. In November 2011, Rivermoor- Citizens, LLC, a solar photovoltaic generating facility, was permitted off Walker Road in the Environmental Business Zone (EBZ). This 28 acre 2 + MWV project was constrained by an archeological site, vernal pools, varying topography, the concerns of nearby residents and shading imposed by the heavily

forested area surrounding it. After numerous revisions to address issues of concern, Rivermoor-Citizens developed a site plan that avoided significant impacts to the natural resources and nearby residents and subsequently secured DEC approval as well as approval from NHESP. This project develops one of the two potential development parcels within the EBZ with minimal traffic and other impacts on the neighboring residents. The remaining balance lands (200 acres +) will be permanently protected from development and help achieve a goal of the 2008-2013 Devens Open Space and Recreation Plan (permanent protection of environmentally sensitive areas).

2011 saw work continue on the implementation of the 2008-2013 Devens Open Space and Recreation Plan (the "Plan"). In addition to the proposed preservation of lands within the EBZ, MassDevelopment finalized expansions of the Mirror Lake and Esker Conservation Restriction (CR) parcels held by the Trustees of Reservations to include permanent protection of additional environmentally sensitive lands adjacent to these existing CR's. MassDevelopment has also initiated work with the Trustees of Reservations to finalize permanent protection for the ASP Bog, Cold Spring Brook and Robbins Pond areas – three additional priority preservation areas within the Plan. MassDevelopment also worked with the DEC to help secure permanent protection of portions of Shepley's Hill and Grant Road escarpments. Although a number of these protection measures have yet to be finalized, they are noteworthy efforts that should materialize within 2012 and help ensure the protection of these important natural resource areas as redevelopment of Devens continues.

In late 2011, MJM Development submitted an application for New England Studios at Devens – a 126,000 square foot project proposed on 15.73 acres of land off of Hospital Road in the former Locust housing area. The project is currently under review and the Commission expects to act on this Unified Permit request in early 2012.

Development activity within Devens in 2011 saw a doubling of the number of Level 2 Unified Permits issued, compared to 2010, while Level 1 permits remained constant. Building related permits remained relatively consistent with last year's numbers, with the exception of a reduction in the number of



*Aerial showing the proposed site of the Rivermoor-Citizens Energy ground-mounted Solar PV farm in the EBZ off of Walker and Hazen Roads.*

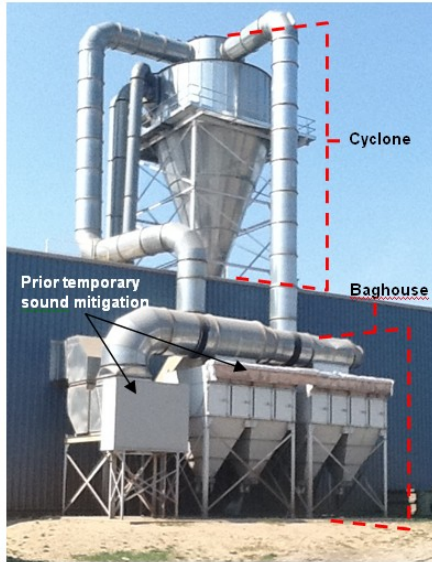
electrical permits (54 in 2010 vs. 35 in 2011), likely due to the winding down of the new hotel and the Army facility on Barnum Road. The number of demolition permits also decreased from 14 in 2010 to 5 as most of the former army buildings scheduled for demolition as part of the Base closure process have been removed and more existing buildings are being maintained and reused. The following chart provides an overview of the various permits, licenses and approvals issued by the DEC in 2011:

**2011 Permit Summary**

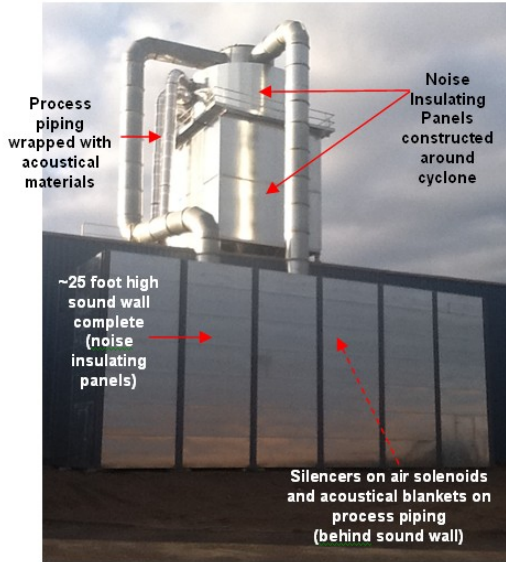
Level 2 Permits	16
Reconsideration	0
Level 1 Permits	46
Wetland RDA	2
Wetland NOI (Order of Cond.)	1
Wetland Cert. of Compliance	2
Sign Permits	9
Tent/Event Permits	14
Demolition Permits	5
Level 1 Lotting Plans	2
Septage Hauling Permits	7
Certificates of Occupancy	12
Electrical Permits	35
Plumbing Permits	15
Gas Permits	10
Sheet Metal Permits (new in 2011)	1
Victualler Licenses	12
Flammables License	5
Liquor Permits	6
Pledge of Liquor License	0
1 Day Liquor Licenses	2
Violation Notices	5
Schools – Cert. of Inspection	3

## Violations/Enforcement

2011 saw a slight increase in the number of nuisance complaints (noise, odor, truck traffic) and a few minor residential violations for unpermitted accessory structures. Truck traffic cutting through residential streets to access the Industrial Park was a recurring issue that was successfully mitigated thanks to the combined efforts of Devens residents, the DEC, State Police and MassDevelopment. Increased promotion of the designated truck route on web sites as well as increased signage appears to have greatly reduced the number of trucks cutting through residential areas. Notifications were also sent out to all businesses in the industrial park with maps of the designated truck route to pass along to their employees and drivers. Increased monitoring by the State police, Devens Recycling and DEC Staff has also helped improve the situation. These coordinated efforts are continuing into 2012.



Dust Collector – April 2011



Dust Collector – December 2011

Two violations of the Devens Industrial Performance Standards also occurred in 2011 – Bristol-Myers Squibb (BMS) steam venting from their central utilities building and Rock Tenn’s dust collector on the rear of their facility. BMS mitigated their violation in mid-July through a combination of internal process modifications and noise mitigation. Rock Tenn was issued a Notice of Violation by the DEC as well as the MA Department of Environmental Protection in April. Rock Tenn took interim steps to reduce their noise levels temporarily, however progress was slow and the violation remained so the DEC began issuing fines in June. Rock Tenn completed installation of their noise mitigation sound enclosures in early December and the DEC issued a Notice of Compliance in late December, after confirming the mitigation brought the facility into compliance on a consistent basis.

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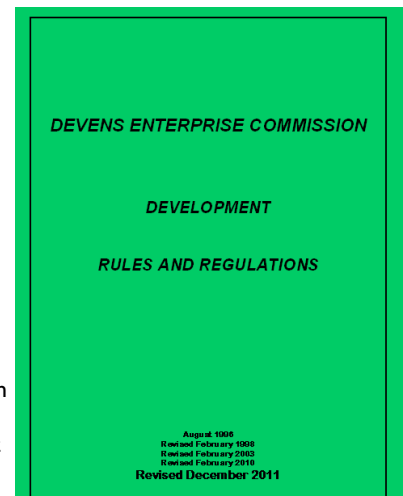
## Regulations

Throughout 2011, the DEC worked on numerous regulation amendments to further the sustainable redevelopment goals and objectives of the Reuse Plan and on Friday, December 9, 2011, the newly revised DEC Rules and Regulations were published and went into effect. The approved regulation updates include:

- 974 CMR 3.00 – Site Plan** – the addition of vegetated roof requirements for buildings with the Viewshed Overlay District that are visible from the viewshed sensitive receptors.
- 974 CMR 4.00 – General Regulations** – Include DEP well protection requirements, including map changes to reflect expanded Zone 2’s for Grove Pond, Shebokin and the new Sheridan well, updated stormwater and low-impact development standards, renewable energy standards and greenhouse gas mitigation standards.
- 974 CMR 8.00 – Public Health** – Include DEP WPA well protection requirements – floor drains, water use restrictions, water efficiency (required as a condition of MassDev. Water Management Act Permit), UXO references, recycling, event permits, anti-idling updates.

Commission staff had been working on revising these Regulations for the past two years and their job is not yet completed. Revisions are underway to update the housing regulations for the Grant Road area and to revise our Site Plan Regulations to better incorporate Leadership in Energy and Environmental Design (LEED) Green Building Rating requirements so that development at Devens continues to be as sustainable as possible in order to better implement the Reuse Plan.

Mr. Lowitt presented on the Commission’s recently adopted vegetated roof (Green Roof) Regulations and construction standards at the 2011 Cities Alive Conference, December 1, 2011 in Philadelphia, PA. The talk was well received and the Commission’s work is being used as a model by the District of Columbia for their vegetated roof construction standards.



## Transportation

The DEC continues to work with MassDevelopment, local businesses and the State Police to promote the designated/preferred truck route to reduce potential impacts on local and surrounding area roads. Signs and postings to the various Devens websites direct truck traffic away from residential areas and State Police enforcement furthers this effort.

The Fitchburg Line Reverse Commute working group, chaired by DEC Director Peter Lowitt, continued its work to connect Route 2 and Fitchburg Line Commuter Rail issues through regular meetings of community representatives to discuss transportation issues. Construction is underway with a goal of bringing the improvements on line early in 2013. The improvements are designed to meet the goal of improving commute times from Fitchburg to Porter Square from 1 hour and 29 minutes to 1 hour. Continued thanks goes out to our hard working state legislative delegation for securing the required state matching monies to complement the Federal Small Starts funding obtained for the program by our Congressional delegation, especially Congressman Olver. He deserves our thanks for his work on this project which is of great importance to the entire region.

American Renewal and Recovery Act funds were deployed to double track the line from South Acton to Ayer and the line's schedule was changed in December 2009 to authorize an early train to Boston which should allow an early train to Fitchburg making a

reverse commute to Devens possible in the near future. A ground breaking was held in Littleton this fall to celebrate acquisition of additional parking spaces and the commencement of work to improve that station and South Acton station. The Fitchburg Commuter Rail Line improvements will play a key role in providing increased commuter service to Devens and the surrounding region,



Congressman Olver addressing crowd at Littleton Train Station - October

thereby contributing to the sustainability initiatives at Devens. The DEC plans to work with Montachusets Area Regional Transit (MART) and Devens' businesses to deploy a shuttle to the area commuter rail stops.

## Communications

The DEC's main means of communicating with the public remains its web site, [www.devensec.com](http://www.devensec.com), where its meeting and hearing dates are listed, as are the agendas and minutes from recent meetings. Quarterly staff reports and Records of Decisions from the most recent Unified Permit applications are also listed for informational purposes and to illustrate the permitting process through concrete examples. Recent policies adopted by the DEC, such as our vegetated roof construction policy, are also placed on the web site. Board of Health issues, trail maps, and various maps and documents regarding Devens and the Regional Enterprise Zone can also be found on the Commission's web site. Updates to the Development Services section of the website include a section on Frequently Asked Questions (FAQs) for Devens Homeowners, an overview of the unified permitting process, and information on Mosquito control efforts. The DEC also assists the Devens Eco-Efficiency Center by updating their website [www.ecostardevens.com](http://www.ecostardevens.com).



The DEC continues to provide notice of all meetings, proposed projects and pertinent information on its website, as well as to abutting property owners, Devens residents and all three surrounding towns, in accordance with the DEC Rules and Regulations, prior to public hearings and subsequent DEC permitting. At the behest of the Joint Boards of Selectmen and recommendation of DEC staff, the Commission, along with MassDevelopment, funded the installation of cable tv broadcasting equipment to enable the recording and distribution of DEC public hearing and meetings to the host communities. JBOS meetings will also be available for viewing. The host communities cable volunteers received training on the new equipment and are now recording the meetings for airing on local cable. This is a good collaborative effort, with DEC and MassDevelopment providing the funding and the communities supplying the volunteers to record the meetings.

Devens role as an eco-industrial park was communicated to visiting planners as part of the American Planning Association's National Conference in Boston through the medium of a mobile workshop tour. Twenty planners from across the nation visited Devens over the course of a five hour tour conducted by DEC staff and the Director of the Devens Eco-Efficiency Center, as part of the national conference, which Mr. Lowitt co-chaired. The DEC and the Devens Eco-Efficiency Center also hosted visits from the Port of Portland, Oregon, business executives from Japan, French academics and others over the course of the year. Mr. Lowitt presented a poster session on Devens at the International Society of Industrial Ecology Conference in Berkeley, California in June and Mr. Angus presented on Devens Sustainable redevelopment efforts at the 2011 Build Boston Conference and the 2011 Southern New England Planning Conference in Providence, Rhode Island.

The By-Laws (Article 2A.14.) and Chapter 498 require the DEC to conduct progress reviews of the status of Devens redevelopment every five years. These include an analysis of District by District development over the past five years and comparing actual development with the goals set forth in the Reuse Plan and By-Laws. In December of 2011, the Commission completed a draft of its third Five-Year Review, covering the period between 2006 and 2011. The Commission is expected to approve the draft in early 2012. Once approved, it will be sent to the host communities, posted on the DEC web site and distributed to the legislative delegation.



## Sustainability Initiatives

The Devens Enterprise Commission continued to provide funding to the Devens Eco-Efficiency Center. This non-profit, founded in 2008, has a mission to help establishments reduce operating costs and environmental impacts by making more efficient use of resources. The DEC's support of this organization ensures its continued progress in furthering the sustainable development goals of the Commission and the Devens Reuse Plan. The Devens Eco-Efficiency Center provides technical assistance to help businesses and service providers make resources – economical, material and ecological – last longer. It offers a range of services specifically designed to reduce energy consumption and minimize waste generation. The Center has had a tremendous impact on sustainable development in Devens. An estimated 50 tons of materials were diverted from the landfill to reuse opportunities amongst 37 businesses, non-profits and municipal entities during 2011 through The Great Exchange. This program has repurposed over 400 tons of “waste” since its launch in 2008. The Center also provided numerous educational opportunities that benefited local business professionals via the Compliance University, monthly EHS (Environmental, Health and Safety) Roundtable, and the quarterly Green Building Roundtable. The Center's annual Earth Day celebration attracted volunteers from local establishments that tackled several community betterment projects. Teams picked up bags of trash on a nature trail, cleared a mile-long hiking trail, and spruced up the garden areas around Verbeck Gate, Sweetheart Rock, and Sherman Circle.



The Devens Eco-Efficiency Center also played a lead role in the development and establishment of the Devens Regional Household Hazardous Products Collection Center. The Center benefits residents and small businesses of Devens and eight other towns and provides 20 annual collections of toxic materials, versus the traditional once per year event. State government leaders have described the service as a model for towns across the state because of the economic and environmental benefits it provides to member towns.

EcoStar, the environmental achievement and branding program launched by the DEC in 2005, also continues to serve as a value-added component to business and industry located in and around Devens. Updates on both of these award-winning programs and details on the green business initiatives they offer can be found at [www.ecostardevens.com](http://www.ecostardevens.com). The Devens Eco-Efficiency Center and the EcoStar program continue to serve as a model for eco-industrial parks throughout the world.

### *Twinning Agreement*

In 2008, the DEC entered into an agreement with the entity responsible for the redevelopment of the former Debert Air Force base in Truro, Nova Scotia (the Colchester Redevelopment Authority) to share sustainable base redevelopment techniques and knowledge along with programs such as the DEC's EcoStar environmental branding and achievement program. The Commission maintained communications with our Canadian colleagues through staff conference calls on a quarterly basis in 2011 and looks forward to continuing this relationship to share resources, services and techniques that will help further the sustainable redevelopment of Devens as an eco-industrial park.

## Financial Audit

2011 was another fiscally responsible and sustainable year for the DEC. Our financial audit was completed posted on the DEC web site.

## Outlook for 2012

The Commission expects a flurry of development as 2012 commences and as pent up demand for leased space produces long awaited activity in the light industrial marketplace. MJM Development's New England Studios at Devens is currently before the Commission and should be acted on early in 2012. Devens Solar, LLC is discussing a 6 proposed MW project on the airfield for early in the year as well.

Another industrial prospect is seeking to build a new facility on Jackson Road in Devens early in 2012 as well. In addition to unified permitting, finalizing and adopting Innovative Housing Regulation updates will be a key priority for the DEC in 2012 as well as continuing to support and expand the services of EcoStar and the Devens Eco-Efficiency Center.

**Respectfully submitted,  
William P. Marshall, Chairman  
Devens Enterprise Commission**



*The Devens Enterprise Commission acts as the regulatory and permitting authority for development within the Devens Regional Enterprise Zone. The DEC holds regular monthly meetings on the first Thursday after the first Tuesday of each month and Public hearings are generally held on the last Tuesday of each month.*



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