

Staff Report

Devens
Enterprise
Commission

Date: August 29, 2022

To: Devens Enterprise Commission

From: Peter Lowitt, Director/Land Use Administrator & Neil Angus, Environmental Planner

RE: Level 2 Unified Permit 31 Independence Drive – Unified Permit-Review Staff Report

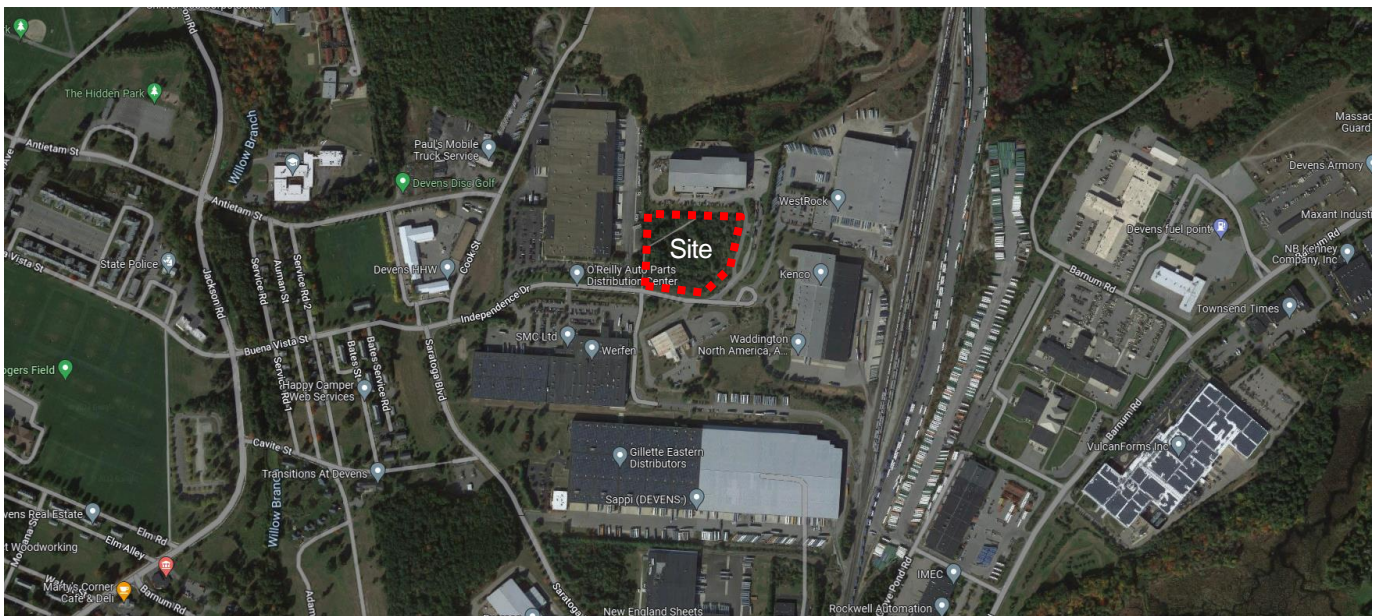
Owner/App.: 31 Independence Drive, LLC. Property Owner

Engineer: Eugene T. Sullivan, Inc.

Location: 31 Independence Drive, Devens MA. (Parcel ID#26-13-1800)

Zoning: Rail, Industrial, and Trade Related Uses District, & Aquifer and Zone 2 Water Resources Protection Overlay Districts.

Premises and Proposed Project: The Applicant has submitted a Level 2 Unified Permit application for the proposed development of a +/-111,050 sq.ft. new industrial building, with associated grading, landscaping, parking, stormwater, and utility improvements. The proposed tenant is unknown at this time. This new development would be accessed via Independence Drive.



Site Issues at a Glance:

Zoning:

Rail, Industrial and Trade Related (RIT) Uses include industrial and light industrial warehousing, distribution and manufacturing uses associated with rail and/or multi-modal distribution. A condition of approval would be that the tenant be determined an allowed use within the district. This facility will be used for warehousing, distribution and office support which is consistent with the goals of the Rail Industrial and Trade Related District. The Applicant needs to provide a description of the proposed development, including type of business, type of operation, process or activities and other information needed to clarify what will happen on the site once developed.

Setbacks:

The property has 25' front and rear setbacks and two sides (10' setbacks). The applicant is seeking a waiver to allow parking and loading docks in front of the building without the required 60 landscape buffer required in the RIT district. 974 CMR 3.03 (a) (1).

Access:

The Applicant is utilizing an access drive off of Independence Drive. A separate fire access drive is proposed to provide access to the north and west sides of the property. The required third means of access is from the front parking area. The Applicant has sought an easement from their neighbor, Republic to allow emergency access or egress to the rear of the property. This has not been granted. Our counsel spoke with GFI Partners (31 Independence LLC) counsel and suggested that the fire access drive be continued around the entire facility. Another option would be to locate a hammerhead turnaround capable of allowing a fire truck to turn around in the northeast corner of the building. Both options would result in a reduced building size more in compliance with our Regulations. The submitted plans show access from the abutter. Our counsel has opined that "generally, one cannot do work, such as creating a fire lane, on the property of another without clear evidence of a right to do such as an easement."

Parking:

The Applicant is proposing 63 parking spaces for this project. There is 6400 square feet of Business Office Use and 104,600 sf of manufacturing and industrial uses which would create a parking maximum of 215 spaces. The Applicant is requesting that the DEC make a finding that the spaces proposed are sufficient for the proposed use. The RIT district allows parking and loading docks in front of the building if a 60' landscaped buffer is provided, and the building is more than 150' from the road right of way. Only 15'+/- of buffer is provided without the required planting of 60' of landscaped buffer. Most of this area is proposed to be used for snow storage, not landscaped buffer.

Traffic:

Based upon the ITE Trip Generation Manual (10th Edition), this site would be expected to generate approximately 16 trips during the peak hour for the office personnel (2.54 trips per 1,000gsf) and 70 trips during the peak hour for manufacturing areas (.67 trips per 1000 GSF). Based upon similar projects of this type, the Applicant expects about 60 employees. The existing Devens street network has sufficient capacity to accommodate this increase. To help reduce single occupancy vehicle use and parking, the Applicant and its future tenant through a condition of approval, should commit to become members of the Devens Transportation Management Association [TMA] and to implement the following traffic mitigation measures:

- Encourage the use of bicycles by providing and maintaining bicycle parking areas
- Encourage the use of Electric vehicles by providing the required spaces;
- Encourage and ensure the use of public transportation opportunities utilizing high occupancy vehicles [HOV]
- Preferential carpool/vanpool parking spaces have been provided near the main building entrance.

In accordance with 974 CMR 3.04(3)(a)10., additional traffic mitigation measures the Applicant should consider include:

- Providing ride-matching services;
- Providing flexible work schedules;
- Guaranteed ride home program and incentives for using public transit.

Provide ADT for the record.

Greenhouse Gas Emissions:

As this project is currently proposing less than 300 parking spaces, the building would not need to be built to meet the MA Stretch Energy Code as required by 974 CMR 4.11. The Applicant's future tenant will join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24- Climate Change Mitigation. Applicant to provide information on how they will comply with applicable climate mitigation requirements.

Urban Heat Island: The roof should be either a white roof or a vegetated roof and facilities maintenance plans updated to address their care and upkeep.

Utilities:

There is adequate capacity in all utilities to service the anticipated needs of this project. Devens Utilities has reviewed the proposed project and provided a number of comments regarding water, sewer, gas and electrical communications that will need to be resolved as part of any plan revisions. There is an 8" PVC sewer line running along the westerly side of the property under the proposed fire access easement area. There is a 4" gas line running along the Republic property line as well.

Public Safety:

There are two hydrants proposed on the property. The Applicant will need to provide a letter from the Fire Department confirming that all safety issues have been addressed.

Devens Industrial Performance Standard (IPS) Requirements:

Noise: The proposed facility will need to comply with the DEC Industrial Performance Standards for noise. Depending on the proposed building and operations, a sound study may be required.

Lighting: There are a few spots where light levels go up to 6.2 and 7.3 fc. There is a careful balance between too much light and not enough. The Applicant should ensure there is a minimum of 0.5 fc consistently across the site, with no areas above 2.0-2.5 fc. Lights should be properly directed and shielded to avoid any spillover onto adjacent properties.

Stormwater Management: The Applicant is proposing to use porous pavement for the areas near each of the two offices. A large underground vault located under the parking lot will be used to treat and store stormwater runoff. The DEC's Peer Review Engineers, in their letter of 8/9/22, have reviewed the proposed design and have requested a number of modifications and additional details from the Applicant to confirm that the proposed design complies fully with the MA DEP Stormwater Management Standards, DEC Rules and Regulations, and MS4 permitting requirements. A long-term stormwater pollution prevention plan has been included as part of the submittal. Construction stormwater pollution prevention plan details are included on the erosion and sediment control plan sheet however, the applicant is disturbing greater than one acre, they will need to file an EPA NPDES Construction General Permit. A copy of this permit will need to be provided to the DEC as well prior to commencement of construction.

Landscaping: Applicant is requesting waiver from 974CMR304(3)(a)1 to allow parking in front of building. This is allowed in the RIT zone, but the required 60' front landscaped area required is not provided. A waiver from 974CMR 304(8)(h) perimeter parking lot landscaping along the southerly property is being sought as well. Applicant should note that the perimeter landscaping is deficient along all property boundaries. The fire access runs around the perimeter of the property, leaving no room along the property perimeter to provide the required screening and plantings. There is a required 15' setback between the fire access road and the building. There might be opportunities to install plantings in this area.

The Applicant included an Operations and Maintenance which includes a Landscape Maintenance and Water Management Plan, Invasive species control plan and pollution prevention plan. The application of 100% salt for de-icing should also be prohibited in this plan to comply with the Zone 2 requirements.

Design Approval: MassDevelopment Design Approval letter has not been submitted and would become a condition of approval.

Proposed Waiver Requests: The Applicant has requested the following waivers:

974 CMR 3.04 (3)(a) (1) - waiver for loading docks and parking in front of the building without the required 60' of landscaping in front of the building.

974 CMR 3.04(8)(h). requires perimeter screening and parking lot plantings. One tree per 25 lineal feet of parking perimeter plus one tree per 50 feet in areas where screening is required and a half screen along the rear and sides of the property.

Waiver Request Narrative from Applicant:

“We are requesting a waiver from 974 CMR 3.03 (a) (1) to allow loading and parking in the front of the building. We are requesting a waiver from the parking lot planting requirements under 974 CMR 3.04 (8) (h) along the parking area on the south property line adjacent to Independence Drive.”

The Applicant’s submittal does not contain any reasoning or justification for these waiver requests. 974 CMR 3.04(6(a)5. requires loading docks be located on the side or rear of the building. Parking and loading docks in the front of the building have been allowed in the past with the required setback and screening but this project does not have the 60’ landscape area or any of the required screening in front of the building. If the landscaping area and screening can be added, Staff would recommend granting the first waiver request. However, the Applicant would also need to request a waiver from 974 CMR 3.04(6(a)5. for the loading docks in front. There are numerous other deficiencies in the landscape plans, the perimeter fire access drive and its interplay with our landscaping requirements is a major issue.

Process: The application was submitted on July 12, 2022 and the Determination of Completeness was issued on July 18, 2022. Copies of the application were received by the surrounding Towns on July 20, 2022. Legal notices were placed in Nashoba Publications on August 5 and 12, 2022, 2022. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on August 22, 2022. No public comments were received. The 75 day review period for the DEC to act on this application ends on October 1, 2022. The Commission opened the hearing on August 30, 2022.

Comments and Recommendations: The proposed use will require review prior to any occupancy but as long as it is consistent with the development goals of the Rail, Industrial and Trade Related Uses District, it will be allowed. As presented, the site plan contains a number of deficiencies that do not comply with the DEC Rules and Regulations. Access and perimeter landscaping and screening remain the focus of our review. A smaller structure might allow compliance with all regulations. Staff has relayed these issues to the Applicant.

Once the Applicant has presented the project and all questions from the Commission and public have been heard, staff would recommend the Commission continue the public hearing to 6:45PM on September 27, 2022 to allow the applicant additional time to revise the plans to sufficiently address the issues raised.

Attachments:

1. All Site Plan and supporting application information is available at:
<https://www.devensec.com/level2hearingsAugust30.html>