

# Staff Report

Devens  
Enterprise  
Commission

**Date:** June 6, 2022

**To:** Devens Enterprise Commission

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

**RE:** Level 2 Unified Permit – 35 Saratoga Blvd. – Unified Permit-Review

**Owner/App.:** 35 Saratoga Property Owner, LLC.

**Engineer:** Eugene T. Sullivan, Inc.

**Location:** 35 Saratoga Blvd. (Parcel ID#21-13-1600)

**Zoning:** Rail, Industrial, and Trade Related Uses District, Open Space and Recreation & Watershed 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 +/-154,000 sq.ft. new industrial building, with associated grading, landscaping, parking, stormwater, and utility improvements. The proposed tenant is Avantor who currently owns and occupies the adjacent facility at 29 Saratoga Boulevard. This new development would be accessed via Barnum Road and Saratoga Boulevard, with the principal entry to the site off of Saratoga Boulevard via a shared driveway with Ryerson:



## 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. The proposed tenant, Avantor, would be conducting the same activities that are occurring at the neighboring 29 Saratoga building which they currently occupy. Avantor provides design, manufacturing, and logistics to support the biomedical process. This facility will be used for warehousing, light manufacturing and office support which is consistent with the goals of the Rail Industrial and Trade Related District.

### Setbacks:

As this property has frontage on both Barnum Road and Saratoga Boulevard, it has two frontages (25' setbacks) and two sides (10' setbacks). There are a number of retaining walls proposed along the northeast and southeast property lines that range in height from 2 feet to 7 feet tall. Under the MA Building code, retaining walls are

considered structures and must meet setback requirements – this includes the footings of the walls. This project, as currently proposed, does not meet these setback requirements. The proposed height of some of these walls poses safety concerns as well. The Applicant is requesting a setback waiver.

**Access:**

The property is somewhat narrow and has frontage on both Barnum Road and Saratoga Boulevard. The Applicant is proposing access to the site from the existing driveway that provides access to the Ryerson facility. This is required due to the narrow frontage of this parcel. The parcel is located near the crest of a hill along Barnum Road and there are some safety concerns with sight line distances for trucks and vehicles entering and exiting this property from the proposed Barnum driveway. A sight line study was prepared as part of the application. DEC's peer review engineers and MassDevelopment engineering reviewed the report and had a number of concerns that will need to be addressed, including stopping sight distance measurements (need to be based on a 45 MPH speed, not 30, 35, and 40), sight distances need to be measured at truck heights and car heights, speed data and sight distance calculations were not included. These and other issues raised should be addressed prior to acting on this application. The Applicant has indicated they will restrict the Barnum Road driveway to trucks and right turns out only but it is not clear how this would be enforced. In addition, the designated truck route for Devens is Patton Road which would require trucks leaving to turn left.

**Parking:**

Avantor expects approximately 450 employees between this property and 29 Saratoga. It is unclear if this is "total employees at one time" or if it is the total over multiple shifts. Currently 29 Saratoga has 89 parking spaces, and this project proposes to construct 339 spaces. The proposed parking calculations incorrectly classify the office uses as professional office use. Professional office uses are defined as medical care and other service industry uses and therefore have a higher parking allowance up to 4 spaces per 1000sf. Regular business office uses only allow 1 space per 1000 sf. Based on these requirements, the maximum number of spaces allowed for this project would be 280. The Applicant will need to revisit the number of parking spaces proposed.

Driveway widths also exceed the 24' maximum in some areas and there appears to be a few opportunities to reduce the large expanses of pavement in other areas based on the turning movements of trucks and extra parking. If there are smaller trucks, there may be the possibility of designating the dock(s) closest to Barnum for those vehicles and reduce the truck turning movements. This, coupled with a reduction in the number of spaces and reduced driveway widths could free up additional land area to help pull the retaining walls away from the property lines to meet setback and landscaping requirements as well.

**Traffic:**

Based upon the intended use by Avantor, it is estimated that approximately 1,718 daily trips will be generated by this site, including 182 trips in the AM peak hour [131 in, 42 out] and 213 trips in the PM peak hour [77 in, 136 out]. The existing Devens street network has sufficient capacity to accommodate this increase. To help reduce single occupancy vehicle use and parking, Avantor has committed to become members of the Devens Transportation Management Association [TMA] and will implement the following traffic mitigation measures:

- Encourage the use of bicycles by providing and maintaining bicycle parking areas
- 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.
- Line of sight and slope/utility pole conflicts?

A revised Sight Distance assessment was submitted by the Applicant's Traffic engineer on 5-31-2022 to better address access and traffic concerns.

**Greenhouse Gas Emissions:**

As this project is currently proposing more than 300 parking spaces, the building would need to be built to meet the MA Stretch Energy Code as required by 974 CMR 4.11. Additionally, the Applicant will be required

to join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24- Climate Change Mitigation.

**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, and electrical communications that will need to be resolved as part of any plan revisions.

**Public Safety:**

There are no 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. There is a considerable amount of exposed and shallow bedrock outcrops on this parcel that will require blasting in order to create a level area for development. All blasting operations will need to comply with Massachusetts General Laws Chapter 148 and 527 Board of Fire Prevention Regulations including pre-blast surveys and fire details. Permits will be required from the Devens Fire Department prior to the commencement of any blasting.

*Lighting:* Site lighting levels are insufficient along some pedestrian walkway areas (less than 0.5 fc) and there is some spill-over onto adjacent properties. There are a few spots where lights levels go up to 4.0 and 5.0 fc. These contrasting light levels can create safety and visibility issues. 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 DEC's Peer Review Engineers have reviewed the proposed design and have requested a few 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:**

The existing property is a mature wooded site and the majority of the site is proposed to be clear cut. The DEC's peer review landscape architects have reviewed the plans and pointed out a number of deficiencies in the landscape plan. The Applicant has indicated they will address most of these issues on the revised plans and request waivers for those that they cannot meet, however given the proposed layout offers little to no room on-site to meet many of these requirements. As proposed, the parking lot and perimeter landscape screening does not comply with 974 CMR 3.04. Retaining walls are proposed right up to the edge of the north and south property lines, leaving little to no room for any of the required screening. These planting requirements offer multiple co-benefits – from reduced urban heat island, to additional stormwater management, improved air quality, and visual screening. The DEC landscape requirements help soften the visual impacts of large-scale projects and provide a buffer between businesses to help improve aesthetics and reduce potential nuisance conditions between adjacent property owners. Granting these types of waivers would set a negative precedent for future projects. Past projects have attempted similar layouts and the commission has been consistent in its application of the landscaping regulations and not granted such waivers. Reducing the scale of the building and paved areas would provide the additional land area needed

to meet these requirements and could help reduce the amount of blasting required and even help preserve some existing mature vegetation that could reduce planting requirements.

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 included in this plan to comply with the Zone 2 requirements.

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

*974 CMR 3.04(1)(a) Side Yard Setback of 10' - waiver for the retaining walls being located within the side yard setback.*

Waiver Request Narrative from Applicant:

It is our opinion, that the site topography in combination with soil conditions [the majority of the site contains ledge, and we are designing the site to have a balanced soils condition] affect our property development significantly. Furthermore, we believe that the requested waiver does not substantially derogate from the intent of the bylaw.

*974 CMR 3.04(8)(h)2. requires one tree per 25 lineal feet of parking perimeter plus one tree per 50 feet in areas where screening is required.*

Waiver Request Narrative from Applicant:

We are requesting a waiver from this requirement in certain locations.

As discussed in this staff report, there are numerous deficiencies in the landscape plans. The Applicant has indicated they will address them in the revised landscape plans but without revisiting the scale of the development, it will be extremely difficult to meet many of the landscape regulations.

**Process:** The application was submitted on April 7, 2022 and the Determination of Completeness was issued on April 12, 2022. Copies of the application were received by the surrounding Towns on April 15, 2022. Legal notices were placed in Nashoba Publications on April 29, 2022 and May 6, 2022. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on May 16, 2022. No public comments were received. The 75 day review period for the DEC to act on this application ends on June 27, 2022. The Commission opened the hearing on May 31, 2022 and continued it until June 9, 2022.

**Comments and Recommendations:** Overall, the proposed development and use is consistent with the development goals of the Rail, Industrial and Trade Related Uses District. As presented, the site plan contains a number of deficiencies that do not comply with the DEC Rules and Regulations. This raises questions and concerns as to the suitability of this scale development on this lot. The location and situation of the parcel presents some unique and physical challenges that could be overcome by reducing the size of the building and scaling back the overall design to provide additional land area to satisfy the building setbacks, landscape planting and screening requirements. Staff has relayed these recommendations 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 request the Applicant provide a written request to continue the public hearing to its June 28, 2022 meeting at 6:45PM 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/level2hearingsMay31.html>