

**Record of Decision  
 Lake George Realty, LLC  
 41 Lake George Street (Parcel #013.0-0021-0600.0)  
 Devens (Harvard), MA  
 Unified Permit  
 October 24, 2023**

**1. Applicant:**

The Applicant and owner is Lake George Realty, LLC..

**2. Premises and Proposed Project:**

The Applicant, is seeking a Level 2 Unified Permit application for a License to store up to 3,000 gallons of propane within underground storage tanks. Property located at 41 Lake George Street, Devens (Harvard), MA 01434 (Deed Reference: Bk 65863 pg. 186).The property is located within the Innovation and Technology Business District, Watershed Water Resources Protection Overlay District, and Viewshed Overlay District.

**3. Submission:**

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

1. Unified Permit Application - Level 2 Submittal package for, including the following:
  - Application for License to store flammables, combustibles, or explosives (FP-002A);
  - Completed Level 2 Unified Permit Application form (D23-059) dated 8/28/23;
  - Copy of Tank permit from Devens Fire, dated 5/16/23;
  - Certified Abutters List;
  - Propane delivery operation and safety plan details from Paul DiLeo (4 pages);
  - Site plan showing storage tank locations;
2. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Neil Angus, dated September 18, 2023;
3. Public Hearing Legal Notice e-mail to Nashoba Publications, from Neil Angus and Dawn Babcock, dated September 18, 2023 – to be published October 6 and 13, 2023;
4. Copies of Legal notices from October 6 and 13, 2023 from Nashoba Valley Voice;
5. Public Hearing Notice emailed to Community Service Cable Committee, from Neil Angus/Dawn Babcock, dated April 27, 2022;
6. Memo dated September 18, 2023 from Neil Angus to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Board; Subject: Level 2 Unified Permit Application – 41 Lake George Flammable Storage Request (notification of Public Hearing on October 24, 2023 at 6:45PM), including return receipts;
7. Memo dated September 18, 2023 from Neil Angus to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – 41 Lake George Storage License for Flammables, Combustibles, and Explosives, including return receipts;
8. Public Hearing Notice to Secretary of State, from Neil Angus, dated September 18, 2023;
9. Staff Report dated 10/18/23 Re: 41 Lake George - request for license to store flammables and combustibles (2 pages);
10. E-mail correspondence as follows:

Date	From	To	Subject
9/12/23	Paul DiLeo	Neil Angus	Fw: Propane Information for Devens

**4. Unified Permit Components and Actions:**

The Unified Permit request includes a request for a license to store up to 3,000 gallons of propane within underground storage tanks at the property located at 41 Lake George Street, Devens (Harvard), MA 01434.

**5. Process:**

The application was submitted on August 28, 2023. Copies of the application were received by the surrounding Towns on September 18, 2023. Legal notices were placed in Nashoba Publications on October 6 and 13, 2023. Certified Mail notice was sent to all abutters on September 18, 2023. The 30-day Town comment period expired on October 18, 2023. No comments were received. The Public Hearing opened on October 24, 2023 and closed at that same meeting.

**6. Waivers**

No waivers were requested or granted as part of this Unified Permit Amendment.

**7. Findings**

The DEC made the following findings:

1. The Devens Fire Department has reviewed the storage requirements with the Applicant and issued permits for storage in accordance with National and State Fire Code Standards and Regulations
2. The existing manufacturing processes are an allowed use within the Innovation & Technology Business District.
3. Regarding the approval criteria listed in 974 CMR 3.03(2):
  - (a) The Plan 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", has been included.
  - (g) Connections with utility, power and communication systems available in the abutting infrastructure currently exist and were approved by Devens Utilities.
  - (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.
  - (i) The plans are in compliance with the Landscaping Design Standards 974 CMR 3.04(8).
  - (j) A Wetlands Order of Conditions is not required for this project.
  - (k) The Devens Fire Department has reviewed the application.

- (l) The project is in compliance with the Devens Industrial Performance Standards.
- (m) Sufficient parking for current needs exists.
- (n) Traffic control measures are adequate for this project.
- (o) The development is required to participate in the Devens traffic management association.
- (p) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (q) Connection to sanitary sewers has been authorized by Devens Utilities.
- (r) There are no new buildings as part of this application and therefore no requirement to meet any design standards as established by Mass Development for the district in which the lot is located.
- (s) There is no soil disturbance proposed.
- (t) The development has been designed with due consideration for public health.
- (u) Adequate climate change mitigation, adaptation and greenhouse gas emissions mitigation measures have been incorporated in accordance with 974 CMR 4.11.

**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. Once the appeal period has expired, the Applicant shall file the Record of Decision with the Registry of Deeds and proof of recordation shall be submitted to the DEC.
3. The Applicant shall comply with all MassDEP requirements for underground storage tanks under 310 CMR 80.00.
4. The existing Facility Safety Plan shall be updated to include the safe storage, handling and emergency response procedures.
5. The Applicant is responsible for submitting annual registrations to the DEC to maintain this license. Failure to do so could result in the expiration of the license.

**9. Decision:**

The DEC closed the hearing on October 24, 2023 and voted to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the License to store Flammables and Combustibles at 41 Lake George Street in Devens with conditions.

**10. Building Permit**

No building permit is required.

**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’s 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 October 25, 2023 and terminates October 24, 2023, is “at risk”.

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Neil Angus, 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 Neil Angus, Devens Land Use Administrator/Director, is empowered by the Devens Enterprise Commission to sign this Record of Decision on its behalf.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dawn Babcock, Notary  
My Commission expires \_\_\_\_\_

