

# Staff Report

Devens  
Enterprise  
Commission

**Date:** April 7, 2020

**To:** Devens Enterprise Commission

**From:** Peter Lowitt, FAICP, Director; Neil Angus AICP CEP, Environmental Planner

**RE:** Level 2 Unified Permit – BMS Cell Therapy Facility (Phase 3) – Continued Public Hearing

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## Open Issues:

**Green Roof and Green Wall Requirement:** The Applicant originally committed to 30% green roof coverage equating to 53,700sf of new vegetated green roof in order to comply with the DEC's Vegetated Roof and Greenhouse Gas Mitigation requirements. The Applicant has indicated the FDA requirements limit their ability to construct a green roof on certain parts of the buildings due to plants (pollen, organic, matter, insects). Staff has requested that BMS provide the reference to the guidance from the FDA as supporting information for any waiver request. They are proposing to construct 24,000 sf of vegetated roof over the office portion of the CTF that does not have the same FDA restrictions so they are only requesting a partial waiver *974 CMR 3,04(8)(i) 5 Green Walls and Vegetated Roofs required within the Viewshed Overlay District*. The Applicant will also be exploring solar PV installation options for the parking garage to help further reduce Greenhouse Gas Emissions. This includes, but is not limited to, direct PV connection to the Devens utility grid, electric charging station direct supply, and/or on-site battery storage.

**Viewshed:** A height variance of 120 feet was issued by the MA Legislature: Chapter 173 Section 7(b) of the Acts of 2006. The proposed CTF is 70.5 feet in height and the proposed garage is 67 feet (3 stories) – well under the height variance limit. The viewshed analysis shows that the proposed CTF will be slightly visible from the viewshed (Prospect Hill). The building will be following the same color scheme as the existing buildings (green) to blend in and all building glass, finishings and rooftop mechanicals will be non-reflective. As per the DEC Rules and Regulations, all building finishes on the CTF and parking garage cannot 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 that matches the color of the building. All elements need to match the approved colors of the existing building to avoid any potential impact to the viewshed sensitive receptors. Roofs should not be lit and lighting for the top level of the parking garage must be minimized and screened so as not to be visible from the Viewshed Sensitive receptors. MassDevelopment reached out to the Town of Harvard Administrator Tim Bragan verbally and in writing on March 11, 2020 regarding the viewshed issue and there has been no response.

**Parking Garage and Warehouse Details:** At this time, the Applicant does not have full details on the parking garage and the warehouse expansion. We know the height and massing details of the parking garage and the proposed maximum area of the warehouse and maximum number of loading docks. These details provide enough detail at the site plan stage for the DEC to understand how each structure will impact the site layout and comply with the majority of the DEC regulations. If the Commission is in agreement, they could consider deferring the full design details for the warehouse and parking garage at the time of building permit application (administrative review). Parking garage plans will need to show the required number of ADA accessible spaces, carpool spaces, electric and fuel efficient vehicle spaces that will be proposed. Any increase in number of parking spaces, expansion of building footprint, or additional loading docks over and above what is shown would require a new Level 2 Unified Permit as per the DEC Regulations. Separate Level II Unified Permit applications will be required for any expansion of the parking garage beyond 3 stories.

**Cooling Tower:** The plans show a proposed cooling tower addition near the existing Central Utilities Building. According to the Applicant, this cooling tower is not necessary to support the proposed CTF or warehouse expansion but would likely be required if the CTF was ever expanded. Therefore this cooling tower is not part of this application and should be removed from the final plans.

**Lighting:** Lighting waivers have been requested to allow for shorter – pedestrian-scale lighting poles and to allow lighting to remain on at all times during the evening and overnight hours. The Applicant should still be encouraged to implement

lighting conservation measures to reduce campus lighting levels in campus areas that are not regularly occupied using measures such as motion-sensors, timing control, photometric controls, and other energy and light-pollution reducing strategies. All lighting fixtures need to be no greater than 3000K, dark, earthtone colored, dark-sky compliant and properly shielded as per 974 CMR 4.04 (most are, but a few proposed bollards are not).

**Landscaping:** The existing plans call for landscape irrigation. The DEC Rules and Regulations require any permanent irrigation systems to be designed for rainwater harvesting to off-set potable water usage. In their April 7, 2020 correspondence, the Applicant has indicated they plan to not install permanent irrigation. The DEC Regulations provide two (2) options: they can modify the landscaping plan to include either (a) drought-tolerant landscaping that does not require permanent irrigation, or (b) install a rainwater harvesting cistern system that is sized to capture and supply irrigation water demand for this Phase. Temporary irrigation is permitted for any initial plant establishment but is required to be removed after. 974 CMR 3.04(8) also requires a half-screen perimeter screening along property boundaries when no screening exists. There will be no vegetation left between the parking garage and the westerly property boundary (Quiet Logistics – 64 Jackson). The 64 Jackson property is currently wooded in this area but should there be any future development on that portion of the site, there will be no screening on the BMS side of the property. In order to address this issue in the future, Staff has included a proposed condition that would require the Applicant to install a half-screen along the westerly portion of their property by the new parking garage and existing water tower access road, in accordance with the screening requirements of 974 CMR 3.04(8) in the event the adjacent forested property to the west is ever developed. The Applicant has proposed modifications to the landscaping plan to provide additional landscape screening between the parking garage and Givry street to help shield it from view from the street.

**Stormwater Management:** The Applicant has submitted a memo regarding compliance with the MA DEP SWM Standards however 974 CMR 4.08(2)(a) requires all projects to submit a completed and stamped MA DEP Stormwater Reporting Form and Illicit Discharge statement. This requirement has been included as a condition in the draft ROD.

**Operations Plans:** BMS has an existing campus-wide Hazardous Material Spill Response Plan and Stormwater Management Plan that will need to be updated to include the new and expanded facilities and drainage structures, a complete listing of all chemicals to be used and accompanying MSDS reports, to ensure compliance with MS4, public safety, and long-term protection of groundwater resources. A copy of the final geotechnical report should also be submitted as part of the building permit application.

**Excess Soils:** This project will have a relatively large surplus of excess materials. The Applicant is looking for places on-site to dispose of the material but has not yet finalized anything. Soil relocation typically requires a soil relocation plan in accordance with the requirements of 974 CMR 4.07 and the Devens Soil Management Policy. Staff is working with the Applicant and MassDevelopment to approve a suitable location on-site or a potential off-site location. If the Commission is comfortable, this plan could be handled administratively by Staff to make sure they comply with 974 CMR 4.07.

**Plan Revisions:** There are a number of minor changes that would be required to be made to the final plans, prior to the DEC endorsement, to ensure full compliance with the DEC Rules and Regulations. They include minor changes to the landscaping plan as discussed above, Erosion and sediment control detail updates, details for the accessible walkway route from the parking garage into the employee entrance on the north side of the CTF, and other minor administrative plan requirements.

**Process:** The application was submitted on February 14, 2020 and a Determination of Completeness was issued on February 21, 2020. Copies of the application were received by the surrounding Towns on February 27, 2020. Legal notices were placed in Nashoba Publications on March 6, and 13, 2020. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on March 29, 2020. No comments were received. The 75-day review period for the DEC to act on this application ends on May 7, 2020.

**Recommendation:** The proposed expansion is consistent with the allowed uses within the Innovation and Technology Business District and, with waivers and conditions, will comply with the DEC Rules and Regulations. The 30-day Town comment period has expired so all questions from the Commission and public have been heard, staff would recommend the Commission close the hearing. Staff has prepared a draft Record of Decision for the Commission's consideration.