

DJFC Matrix: Unified Permitting – Status Quo

At the March 13, 2024 Devens Jurisdictional Framework committee meeting, representatives were presented with a matrix of potential future governance options for Devens and the associated issues that need to be considered. Each disposition scenario will have similar issues that need to be considered, but how each issue is considered may depend on the disposition option and the stakeholder group. This table will allow DJFC members to keep track of potential opportunities, challenges, and questions associated with each issue under each disposition scenario for each stakeholder group. The intent is not to identify solutions for every issue, but to help document issues and what is known vs. unknown, as well as areas of alignment vs. differences between stakeholder groups and disposition scenarios. This will help document and inform the disposition process going forward and provide valuable insight for any consultant(s) selected to assist in future disposition processes and discussions.

DJFC representatives were asked to bring back the “Status Quo” option to their respective boards and focus on the “Unified Permit” process.

DEC Structure:

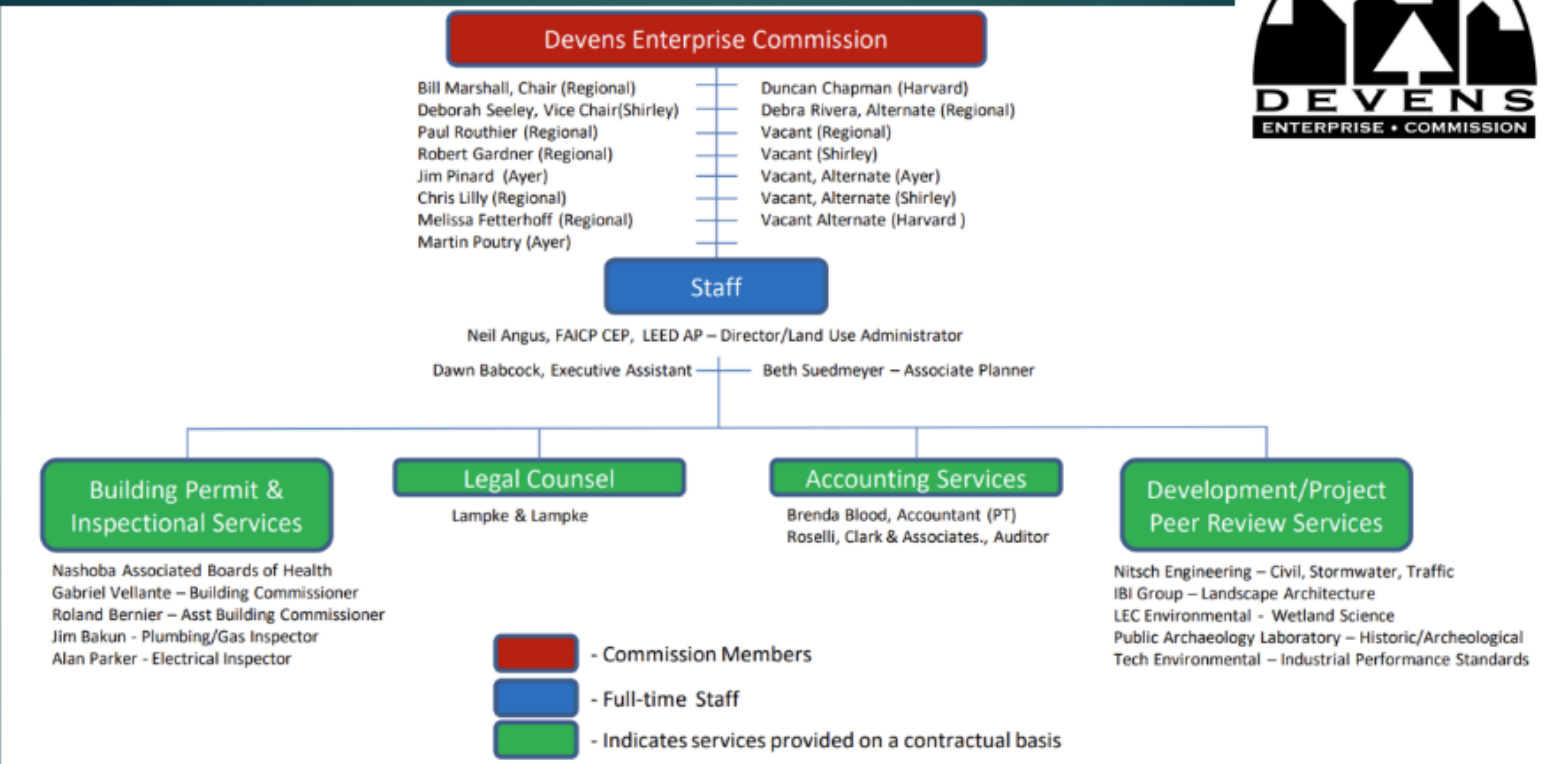
Chapter 498 of the Acts of 1993, Section 11 outlines the Devens Enterprise Commission (DEC) powers and responsibilities:

- Regional Representation (Surrounding Towns nominate reps, but all town and regional members appointed by Governor)
- Administer and enforce the Reuse Plan, Bylaws and Rules and Regulations
- Municipal Government powers
- Eminent Domain
- Hold Easement and other interest in land

The complete text of Section 11 is available at: <https://www.devensec.com/ch498/dec49811.html> . For more information on how the DEC operates, go to:

https://www.devensec.com/news/DEC_Overview_2024_short.pdf In order to carry out these responsibilities, the Commission hires professional full and part-time staff and contracts for specific services:

DEC Organizational Structure



Unified Permitting:

The (DEC) is a regional commission that operates under a Unified Permitting system that serves the combined functions of several boards and commissions:

Land Use and ZBA: Chapter 40A

Subdivision: Chapter 41(81)a-j

Conservation: Chapter 131(40) and (40)a. and Wetlands Protection Act

Board of Health: Chapter 111(26)-(32)

Historic: Chapter 40(c)

Planning Board	→ Site Plan Review
Zoning Board	→ Variances
Conservation Commission	→ Wetland Order of Conditions
Historic District Commission	→ Coordinate with MHC
Board of Health	→ Facility Siting Permits, Food Service
Licensing Authority	→ Flammables, combustibles, exp.
Building Inspection	→ Building, plumbing, gas, electric
Liquor licenses	→ 6 liquor licenses

Expedited Permitting:

Part of the Unified Permitting process includes expedited permitting to help further streamline the development review process. The combination of unified and expedited permitting helps expedite project reviews and approvals that are consistent with the Devens Reuse Plan, Devens Bylaws, and Rules and Regulations. Many policies and guidelines have been developed by the DEC to help direct this streamlined permitting process and give direction to applicants upfront so that the permitting process runs as efficiently and effectively as possible. A complete list of supporting plans, guidelines, reports and policies is available at: <https://www.devensec.com/planning-docs.html> . These policies and guidelines further support the sustainable redevelopment of Devens. Projects that are not consistent or compliant with the Devens Reuse Plan, Devens Bylaws, and Rules and Regulations do not move forward. This helps provide more certainty in the development process which in turn helps attracts development because Applicants know what to expect upfront.

Levels of Review and Timelines:

The Unified and Expedited Permitting Process has two levels of Review:

1. Level One: Minor site modifications, subdivision of land, building, plumbing, electrical, gas, sheet metal permits
2. Level Two: Site plans, new and major building, parking, or infrastructure projects.

All requirement for each level of review can be found in Section 1.00 of the DEC Rules and Regulations at: <https://www.devensec.com/rules-regs/decregstoc.html>

Time limits for reviews vary according to the type of activity being proposed, with 75 days for a full Level 2 Unified Permit, to 14 days for minor amendments. To further incentivize more sustainable approaches to development, the DEC offers 30-day permitting for building reuse projects.

State Coordination:

With Devens as a Priority Development site for the state due to its EPA Superfund and brownfield status, Section 19 of Chapter 498 of the Acts of 1993 also establishes one-stop state licenses, permits, certificates, approvals, registrations, charters and meeting other requirements of state law for the purposes of coordination and expedited permitting at the state level as well – consistent with the DEC Unified Permitting Process. Section 20 of Chapter 498 also supports the state coordination of other public agencies involved in development and financing projects within Devens to help further streamline projects in Devens

Other Key Elements for Why Unified and Expedited Permitting is Important:

1. Special Legislation: Chapter 498 (model for Chapter 43D – so other towns can do this)
2. Devens is a state priority clean-up and development site (EPA Superfund and brownfield site)
3. Maximizing reuse of existing buildings and infrastructure
4. Devens is Economic Target Investment area (due to loss of economic activity in the region due to base closure)*

5. Thoughtful, comprehensive and regional planning upfront to clean-up, protect sensitive areas, and maximize development of previous developed areas (Reuse Plan – Master Plan)
6. Upfront coordination between Applicants, DEC Staff, DEC Contractors, and MassDevelopment prior to submittal (pre-application), and throughout the application and permitting process, is an essential component.

****Economic Target and Opportunity Areas:*** *Devens is designated as economic target and opportunity areas, making certain development projects within Devens, and the towns of Shirley, Pepperell, Harvard and Ayer, and located in the town of Groton West Groton Mill, eligible for tax deductions, credits and abatements and other economic incentives. All this helps support redevelopment and the Unified Permitting process to attract businesses and redevelopment.*