

**Record of Decision
MassDevelopment
Public Safety Facility
270 Barnum Road (Parcel ID # 020.0-003-500.0)
Devens (Harvard), MA
April 26, 2022**

1. Owner & Applicant:

The Owner is MassDevelopment, 33 Andrews Parkway, Devens, MA,01434. Brennan Consulting, 24 Ray Avenue, Burlington, MA and Winter Street Architects, 27 Congress Street, Suite 201, Salem MA 01970 on behalf of MassDevelopment is the Applicant.

2. Premises and Proposed Project:

The Applicant is seeking a Level 2 Unified Permit including Site Plan approval for the redevelopment and expansion of an existing building and associated site improvements to accommodate the new Devens Public Safety Facility. The Level 2 Unified Permit includes site plan approval for the redevelopment of a +/- 24,000 square foot existing building and associated parking, drainage and landscaping improvements. The project also includes a new 7,200 square foot apparatus bay and a 1,040 square foot sally port addition, as well as a training tower. The project is located on an existing +/-3.51 acre parcel at the intersection of Barnum Road and Queenstown Street. Property located at 270 Barnum Road, Devens (Harvard), MA in the Business and Community Services District, the Open Space and Recreation District and the Aquifer Water Resources Protection Overlay District.

3. Submission:

The application includes the following, which all become part of the record:

1. Unified Permit Application (#D22-013), dated February 3, 2022, submitted by Brennan Consulting, Inc. , and including the following:
 - Cover letter dated February 3, 2022 from Chris Emilius, P.E.;
 - Completed Application Form;
 - Certified List of Abutters and Map from Devens Assessor – dated 1/27/22
 - Stormwater Report and Supporting information;
 - Record Deeds and Easement;
 - Soil Information
 - DEC Industrial Performance Standards Checklist and Narratives;
 - Traffic Assessment/Generation, Turning Movement Plans
 - Environmental, Zoning, Open Space, Mapping
 - LEED Green Building Rating System Project Checklist
 - Landscape Maintenance and Water Management Plan.
2. Site Plan entitled: “DEC Unified Permitting Set: Devens Public Safety Building 270 Barnum Road, Worcester County, Devens, Massachusetts 01434”, dated February 3, 2022; prepared by Brennan Consulting Inc., 24 Ray Street Burlington, MA for Winter Street Architects, 27 Congress Street, Salem, MA 01970 on behalf of MassDevelopment, 33 Andrews Parkway , Devens MA 01434 (16 pages) as follows:
 - Key Sheet last revised March 15, 2022
 - Level 1 Lotting Plan dated 11/12/2020
 - EX -1 Existing Conditions Plan dated 2/3/2022
 - C-1 Demolition, Erosion and Sedimentation Control Plan last revised March 15, 2022;
 - C-2 Site Plan last revised March 15, 2022;

- C-3 Grading, Drainage, and Utility Plan last revised March 15, 2022;
 - C-4 Construction Details last revised March 15, 2022;
 - C-5 Construction Details last revised March 15, 2022;
 - A-1 Level 1 Plan last revised February 22, 2022;
 - A-1.5 Training Tower last revised February 22, 2022;
 - A-4.0 Exterior Elevations last revised February 22, 2022;
 - A-11.0 Perspectives last revised February 22, 2022;
 - L-1.1 Landscape Layout Plan last revised March 15, 2022;
 - L-1.2 Planting and Lighting Plan last revised March 15, 2022;
 - L- 1.3 Photometric Plan last revised March 15, 2022;
 - L-2.1 Landscape Details last revised March 15, 2022.
3. Stormwater Management Plan for Devens Public Safety Building, by Brennan Consulting Inc., last revised March 15, 2022, including the following attachments:
 - Proposed Conditions Drainage Plan
 - Proposed HydroCAD Report
 - Pipe Sizing Calculations
 - TSS Removal Sheets
 - Water Quality Unit Reports
 - PR Hydrocad Report revised
 - Illicit Discharge Statement
 4. Determination of Completeness Issued 2/7/22;
 5. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated February 3, 2022;
 6. Public Hearing Legal Notice e-mail to Nashoba Publications, from Peter Lowitt, dated February 3, 2022 – to be published March 4 and March 11, 2022 ;
 7. Copies of Legal notices published on March 4 and March 11, 2022 from the Nashoba Valley Voice;
 8. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Dawn Babcock, dated February 3, 2022, to run February 7, 2022 to March 29, 2022;
 9. Memo dated February 3, 2022 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Board; Subject: Level 2 Unified Permit Application – Devens Public Safety Building 270 Barnum Road, including return receipts;
 10. Memo dated February 3, 2022 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – 270 Barnum Road Devens Public Safety Building, including return receipts;
 11. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated February 3, 2022;
 12. Devens Public Safety 270 Barnum Road Plan Circulation memo dated 2/9/22 from Neil Angus to MassDevelopment.
 13. Letter from John Amodeo, IBI Group, to DEC, Neil Angus, dated 2/24/2022, re: Devens Public Safety Building (4 pages);
 14. Letter from Paige Simmons Nitsch Engineering to DEC, Neil Angus dated 2/ 24/ 2022 re: Devens Public Safety Building (5 pages);
 15. Public Safety Meeting Minutes with Nitsch 1-10-22 (2 pages);
 16. Letter from John Amodeo, IBI Group, to DEC, Neil Angus, dated 3/29/2022, re: Devens Public Safety Building 2nd review (4 pages);

17. Letter from Paige Simmons Nitsch Engineering to DEC, Neil Angus dated 3/ 29/ 2022 re: Devens Public Safety Building (14 pages);
18. Staff Report to DEC from Peter Lowitt and Neil Angus dated 3/24/2022 (3 pages);
19. March 18, 2022, Chris Emilius of Brennan Consulting Inc., response to Nitsch comments (8 pages);
20. March 18, 2022, Chris Emilius of Brennan Consulting, Inc., response to IBI Group comments (7 pages);
21. Revised Drainage dated 4/19/22 and including Existing and Proposed Peak Rates, Grading and Drainage Plan, PR Drainage Plan, EX HydroCAD Report, and PR HydroCAD report
22. Staff Report to DEC from Peter Lowitt and Neil Angus dated 4/25/22 (2 pages)
23. April 26, 2022, Chris Emilius of Brennan Consulting, Inc., response to comments.
24. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Ruth Lotterle	2/25/22	Public Safety Building Comments
Neil Angus	Paige Simmons	2/25/22	Public Safety Building Comments
Neil Angus	John Marc-Aurele	2/17/22	DOC Public Safety Building
Chris Emilius	Peter Lowitt	2/17/22	Traffic Assessment added PM counts; PR Grading, Drain & Utility 2; and signed Stormwater checklist
Peter Lowitt	John Marc-Aurele	3/21/22	ADT for public safety building request
Paige Simmons	Neil Angus	3/31/22	Re Public Safety Building
Neil Angus	Ruth Lotterle	3/24/22	RE: 2 nd comments
Neil Angus	Paige Simmons	3/29/22	Public Safety Building
Paige Simmons	Neil Angus	3/30/22	Public Safety Building comments
Peer Review team	Neil Angus	3/21/2022	Link to icloud for plans to review
Chris Emilius	John Marc-Aurele	2/17/2022	DOC comments with MD comments
Neil Angus	Jennifer Johnson	3/25/22	RE: acknowledge iCloud plans
Jenn Johnson	Neil Angus	3/25/22	RE: Public Safety Building Drainage
Chris Emilius	John Marc-Aurele	2/17/22	RE: Public Safety Building DOC
Jennifer Johnson	Neil Angus	3/21/22	RE: Devens Public Safety Building
Jennifer Johnson	Neil Angus	3/30/22	RE: Devens Public Safety Building
Neil Angus	Paige Simmons	3/30/22	RE: Devens Public Safety Building
Neil Angus	Ruth Lotterle	3/30/22	RE: Devens Public Safety Building
Ruth Lotterle	Neil Angus	3/30/22	RE: Devens Public Safety Building
John Marc-Aurele	Neil Angus	2/17/2022	DOC comments with MD comments
John Marc-Aurele	Neil Angus	3/25/22	Public Safety Drainage
Neil Angus	Ruth Lotterle	3/29/22	Public Safety Building – 2 nd revision
Neil Angus	Ruth Lotterle	3/29/22	Public Safety Building – 2 nd reviewJohn
John Marc-Aurele	Neil Angus	3/31/22	Peer Review Comments – Devens Public Safety Building
Jennifer Johnson	Neil Angus	2/17/22	FW: Public Safety Building DOC
Tim Kelly	Neil Angus	3/11/22	FW: DPSB - DEC Comments
Paige Simmons	Neil Angus	3/21/22	Devens Public Safety Building
Neil Angus	Ruth Loetterle	2/24/22	Devens Peer Review - Public Safety Building
Paige Simmons NEI	Neil Angus	4/19/22	Brennan revised Drainage report
Sandra Brock NEI	Neil Angus	4/19/22	Brenan revised Drainage report
John Marc-Aurele	Peter Lowitt	4/19/22	Status of project
Peter Lowitt	John Marc-Aurele	4/19/22	Status of project
Tim Kelly and JMA	Peter Lowitt	4/20/2022	Safety of intersection on Queenstown near Barnum
Peter Lowitt	John Marc-Aurele	4/20/22	Driveway intersection safety
John Marc-Aurele	Neil Angus	4/20/22	Drainage Revision and Greenfield Analysis
John Marc-Aurele	Peter Lowitt	4/25/22	Draft ROD and remaining items to address
Peter Lowitt	Paige Simmons	4/25/2022	Greenfield approach discussion
Peter Lowitt	John Marc-Aurele	4/25/22	Leading by example and preparing response to comments
John Marc-Aurele	Peter Lowitt	4/25/22	Clarification on Leading by Example versus LEED silver
Peter Lowitt	John Marc-Aurele	4/25/22	Leading by example
Peter Lowitt	John Marc-Aurele	4/26/22	Architect's response to draft ROD
Peter Lowitt	John Marc-Aurele	4/26/22	Brennan's response to comments
Peter Lowitt	John Marc-Aurele	4/26/22	Response to greenfield issues
Paige Simmons	Neil Angus	4/26/22	Requesting input on greenfield condition
Neil Angus	Paige Simmons	4/26/22	Providing input on greenfield condition

4. Unified Permit Components and Actions:

The Unified Permit for this project includes Site Plan approval for the redevelopment of a +/- 24,000 square foot existing building and associated parking, drainage and landscaping improvements. The project also includes a new 7,200 square foot apparatus bay and a 1,040 square foot sally port addition, as well as a training tower and associated site improvements on a +/-3.51 acre parcel. Property located at 270 Barnum Road, Devens, MA.

5. Process:

Brennan Consulting Inc., on behalf of MassDevelopment, submitted the Unified Permit Application on February 3, 2022 and the Determination of Completeness was issued on February 7, 2022. Copies of the application were received by the surrounding Towns on February 8, 2022. Legal notices were placed in Nashoba Publications on March 4, 2022 and March 11, 2022. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on March 10, 2022. No comments were received. The public hearing opened on March 29, 2022 and was continued to April 7, 2022 and continued again to April 26, 2022 at 6:45 PM and closed that evening. The Commission voted on April 26, 2022.

6. Waivers:

The Applicant request two waivers from the Devens Rules and Regulations.

974 CMR 3.04(3)(a)1.a requires that parking allowed in the front of the building shall be limited to 10% of the required parking spaces in accordance with 974 CMR 3.04(3)(a)1.f. The remainder of the parking serving the project shall not be located in front of the building facade. There are currently 17 spaces proposed at the front of the building. This is greater than 10% of the provided and/or required total parking spaces. The Applicant has requested a waiver from this requirement. The proposed 17 spaces will be for public access to the building. We note that there is very limited space to move the spaces elsewhere onsite so the Applicant would need to remove these spaces from the front lot (further reducing parking onsite) to comply.

974 CMR 3.04(4)a. requires any portion of any entrance or exit driveway shall not be located closer than 150 feet to the curb/gutter line of an intersecting street. For residential projects, this requirement may be reduced by the DEC as long as the DEC determines that the Applicant has adequately addressed safety concerns.

The Commission voted to XX the waivers requested and that they be shown on the approved plans.

7. Findings:

The DEC finds that:

1. The proposed use is a permitted use in the Business and Community Services Zoning District as per Exhibit D of the Devens Bylaws.
2. The Storm Water Management system has been designed so that there are no untreated discharges from the site– all runoff will be pretreated through an on-site and off-site treatment trains that includes biofiltration, on-site infiltration, off-site detention and mechanical filtration. The project has been designed to meet the MA DEP SWM Standards

and DEC regulations in order to satisfy MS4 requirements, Water Resource Protection District Regulations, and Low-Impact Development requirements.

3. Intersection and driveway separation safety is sufficient based on the infrequent use of the area, the retention of existing landscaping the use of this location allows, the ability to manage access through invitations to the UXO trainings which would use the lot, and retention of sufficient sight distances along Barnum Road.
4. The Applicant has proposed that the facility meet the Commonwealth's Leading by Example construction standards.
5. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site 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 access is designed to provide for safe vehicular and pedestrian travel.
 - (e) Access and circulation enables prompt fire, police, and emergency response.
 - (f) Adequate capture and discharge of stormwater and surface water runoff and compliance with applicable portions of the "Devens Stormwater Pollution Prevention Plan" has been achieved.
 - (g) Connections with Devens utility, power and communication systems exist and new connections will be approved by MassDevelopment.
 - (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.
 - (i) The plans comply with Landscaping Design Standards through the preservation of existing specimen trees and wooded areas to the maximum extent feasible with conditions.
 - (j) A wetlands order of conditions is not required for this project.
 - (k) Industrial Performance Standards will be adhered to as per the final plans.
 - (l) The proposed use provides sufficient parking for the intended use.
 - (m) The project will not interfere with existing traffic patterns.
 - (n) The applicant has agreed to participate in the Devens Transportation Management Initiative.
 - (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
 - (p) Connection to sanitary sewers will be made for this project.
 - (q) The building design will meet the minimum standards as established by Mass Development for the district in which the lot is located.
 - (r) Soil testing indicates that the soils are capable of supporting the proposed development;
 - (s) The development has been designed with due consideration for public health;
 - (t) Adequate climate change mitigation, adaptation and greenhouse gas emission mitigation measures have been conditioned and 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.
- 2) All applicable federal, state, and local permits necessary for construction must be obtained prior to the start of construction. Copies of permits issued by those other than the DEC must be filed with the DEC, including, but not limited to, an EPA Construction General Permit, and

Driveway curb cut permit from MD/Devens Public Works. Any on-site generators will require MA DEP approval.

- 3) In accordance with the Devens By-Laws, Article III, Section K 1. a., no soil, loam, sand, gravel, or other earth materials shall be permanently removed from any lot within Devens, except in accordance with the Devens Soil Management Policy, compliance with 974 CMR 407, and approval from the DEC.
- 4) Prior to commencing any intrusive earth work within Devens (due diligence, construction of otherwise) all personnel to be on site shall view an Unexploded Ordinance/Munitions of Explosive Concern (UXO/MEC) video briefing provided by the Devens Fire Department.
- 5) Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. The Applicant shall file the endorsed plans and the final Record of Decision with the Registry of Deeds and proof of recordation shall be submitted to the DEC prior to commencement of construction.
- 6) Prior to commencement of construction, limits of disturbance shall be flagged in the field and all necessary erosion controls and tree protection shall be inspected by DEC Staff. A written report documenting compliance with the approved erosion and sedimentation controls shall be maintained by the developer and made available to the DEC for review upon request. The best management and maintenance practices for the Site as articulated in the Applicant's Erosion and Sediment Control Plan and Notes and Stormwater Pollution Prevention Plan (SWPPP), shall be strictly adhered to, now and in the future. A copy of the final SWPPP shall be submitted prior to commencement of construction. Additional controls shall be implemented at the discretion of the DEC or its Staff.
- 7) No outdoor storage is permitted other than what is shown on the plans.
- 8) The Applicant shall file annual reports to the DEC in October of each year indicating how they are maintaining their on-site stormwater management facilities. This is an on-going condition once construction is completed.
- 9) Landscaping shall be maintained in good condition in accordance with the approved landscape plan and 974 CMR 3.04(m). The applicant is required to submit a letter confirming a one-year guarantee of all approved landscaping once installed. Any dead or damaged landscaping must be replaced promptly. Tree protection fences shall be installed prior to the commencement of any construction activities on site and maintained in areas where construction is being conducted. Any existing trees marked for preservation that are damaged, killed or removed shall be replaced in accordance with 974 CMR 3.04(8)(d)8.
- 10) The Applicant shall participate in the Devens Transportation Management Initiative. When transportation/ trip reduction/ public transit options become available in the future, the applicant shall be obligated to advise the building occupants to make their employees aware of such transportation alternatives and help to facilitate connections to these programs for those who are interested.
- 11) There is no approval of signs implicitly or explicitly granted in this Unified Permit and any erection of signs will require subsequent DEC approval.
- 12) The Applicant shall provide As-Built Plans and accompanying information for all site improvements in accordance with the DEC As Built Policy, prior to issuance of a final Certificate of Occupancy.

- 13) Prior to the issuance of a building permit, the Applicant shall provide a Design Review Approval letter from MassDevelopment demonstrating conformance with the applicable MassDevelopment Design Guidelines.
- 14) As a State Project –the applicant shall comply with the Governor’s Executive Order to construct the facility meeting the Leading by Example requirements at a minimum. The project is being designed in pursuit of the USGBC LEED Silver Level Certification.
- 15) Fire Tower not to be illuminated. All site lighting shall comply with 974 CMR 3.04 and 4.04.
- 16) Prior to endorsement, the final plans shall be revised to include the following changes:
 - a. Modifications to address all remaining response to comments from Nitsch Engineering in their letter dated March 29, 2022 and all remaining responses to comments from IBI Group dated March 29, 2022, including providing required parking lot perimeter landscaping.
 - b. Sidewalk added along Queenstown to connect existing sidewalks on Queenstown and Barnum.
 - c. Additional porous pavement shall be added to the visitor parking drive isle (with the exception of the driveway apron area. The proposed drywell shall be re-sized to accommodate additional capacity and the overflow pipe shall be changed to pervious pipe surrounded by stone and filter fabric.
- 17) Drainage calculations shall be revised to include all on-site infiltration measures and proper type, and sizing to demonstrate compliance with DEC greenfield requirements for the limit of work area only.

9. Decision:

The Public Hearing closed on April 26, 2022 and the DEC voted on April 26, 2022, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to grant the waivers requested, to impose Conditions, and to approve the Site Plan for the redevelopment of a +/- 24,000 square foot existing building and associated parking, drainage and landscaping improvements. +/-3.51 acre parcel. Property located at 270 Barnum Road, Devens, MA.

10. Building Permit:

The Building Commissioner, along with the Electrical and Plumbing Inspectors, must review architectural/structural drawings and specifications and approve them in writing, prior to issuance of a building permit. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and the Devens Fire Chief must be met. When this approval is obtained, the building permit may then be integrated with this Record of Decision; together they will constitute the Unified Permit for this project and in turn, allow construction to commence.

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 or the LUA produces a written decision and approved activities are completed within two years. It is further noted that there is 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 April 27, 2022 and terminates May 27, 2022, is “at risk”.

Approved by:

Date

Peter C. Lowitt, 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 Peter C. Lowitt, 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 _____

DRAFT