

Staff Report

Devens
Enterprise
Commission

Date: January 26, 2024

To: Devens Enterprise Commission

From: Neil Angus, Director/Land Use Administrator and Beth Suedmeyer, Associate Planner

RE: Devens-Harvard Water System Interconnection Project (D23-095)

Owner: MassDevelopment

Applicant: Town of Harvard Public Works Department

Location: 39 Sheridan Road (003.0-0099-0203.0) and 3 Marne Street (011.0-0019-0200.0) (Deed Reference: Bk: 17907 Pg: 1) Devens (Harvard), MA

Zoning: Special Use I and Open Space and Recreation Zoning Districts

- 1. Proposed Project:** The Town of Harvard Public Works Department is seeking a Level Two Unified Permit for Site Plan Approval and a Wetland Notice of Intent for the construction of a water line extension, new Booster Pump Station, and associated site improvements for the interconnection of the Devens water system to the Town of Harvard, MA. The water line extension in Devens will extend from an existing waterline along Marne Street, across the golf course property to a small booster pump station that is proposed to be constructed at the base of Salerno Circle adjacent to the railroad right-of-way and the Town of Harvard.



The project is adjacent to a small, isolated wetland resource area however the applicant has modified the project to reduce impacts and pre-treat and infiltrate stormwater runoff. No direct impacts to wetlands are proposed.

2. Site issues:

Resource Area Impacts: The project is located at the base of Salerno Circle and adjacent to a Slope Resource Area and jurisdictional isolated wetland that borders the railway. The Applicant has designed the project to minimize impacts to steep slopes and stay outside of the 25-foot wetland buffer, utilizing an existing previously disturbed and cleared level area. The Applicant is working on revised plans to contain the majority of work within the existing cleared area. Currently, a portion of the limits of work extend into the Railroad ROW. This work will require authorization from CSX prior to start of construction (applicant has submitted a request to CSX). Revised plans are expected to be submitted to address emergency access. Additional plan review will be required to ensure there are no negative impacts to the wetland resource areas. A portion of the Booster pump station property access drive is within an Estimated Priority Habitat Area for the Blanding's Turtle, so the project will also need to consult with the Natural Heritage Endangered Species Program

to ensure they implement the proper controls and timing of activity to avoid any negative impacts to endangered species and their habitat. This could be addressed in a condition of any approval.

Emergency Access: The building itself is within the Devens Regional Enterprise Zone. The railroad ROW makes direct access to this site difficult for Harvard so, the Devens Fire Department would be responsible for fire service and response. The Devens Fire Chief has visited the site and because the access path is an old narrow tank trail “sandwiched” between the steep slopes of Salerno Circle and the railroad tracks, Devens Fire would need adequate area to turn their fire truck around in order to get back out of this site. The Applicant is currently in the process of revising the plans to address this issue, avoiding impacts to the steep slopes and wetland resource areas. Revised plans were submitted on January 25th showing an improved gravel access road from Sheridan Road to the site. The Applicant will need to ensure the access drive/old tank trail is stable enough to accommodate the largest emergency vehicle that will need to access this site, while avoiding any impacts to adjacent resource areas. Devens regulations require a sprinkler system and fire alarms to be installed in the building and the applicant is complying with this requirement.

Parking and lighting: No parking is provided. The Applicant initially requested a waiver for providing any parking as the facility will not be regularly occupied. As long as there is emergency access, there is no need for additional parking so the DEC could simply make a finding that no parking is required. This will help minimize pavement and potential impacts to adjacent resource areas. Proposed lighting is minimal and includes full cut-off building-mounted fixtures (3000K color/temp) to reduce any potential impacts for light pollution.

Devens Utilities: As the project is tying into the Devens water system, Devens Utilities has reviewed the plans and provided some technical comments on the design of the facility. The project will need to be fully coordinated with Devens Utilities. This would be a condition of any approval.

Drainage Design and MA DEP Stormwater Management Standards: The DEC’s peer review engineers have reviewed the proposed plans submitted with the application. Their complete comments, along with the Applicant’s responses are on-line at: <https://devensec.com/level2hearingsJan30.html>. The revised plans and response to comments submitted on January 25th have been sent to Nitsch for review. Revised site plans will be sent as soon as they are received. This review is necessary prior to the commission acting on this application.

Construction controls: Plans have been revised to include additional erosion controls and construction management details. These will be important to adhere to, to avoid any negative impacts to adjacent resource areas since the site is so constricted and workspace is limited. The Applicant should be aware of the Devens soil management policy and that no excavated soil is permitted to leave Devens without prior approval from MassDevelopment and MA DEP.

Operations and Maintenance: While the pump station is within Devens, this is a Town of Harvard project. The Applicant has indicated that the responsibility for ongoing operations and maintenance will be the Town of Harvard. A copy of any agreement and the Operations and Maintenance Plan for the facility should be provided to ensure activities at the site do not negatively impacts wetlands, steep slopes, or priority habitat area. This can be addressed as a condition of any approval.

3. **Application and Process:** Town of Harvard submitted a Level 2 Permit application package, including the application, Wetland Notice of Intent, project description, stormwater report, and plans on December 14, 2023. A Determination of Completeness was issued on December 26, 2023. Copies of the application were received by the surrounding Towns on December 28, 2023. Legal notices were placed in Nashoba Valley Voice on January 5 and 12, 2024. Certified Mail notice was sent to all abutters on December 26, 2023. The 30-day Town comment period will expire on January 28, 2024. To date, no comments have been received.
4. **Recommended Action:** The Applicant has requested that the public hearing be continued to January 8th to allow for additional time to revise the site plans and stormwater design to address emergency access. Staff would recommend the DEC continue this hearing until February 8, 2024, at 7:30AM. Once updated plans are submitted, staff will then prepare a draft Record of Decision and Wetland Order of Conditions for the commission’s consideration.

Attachments: All Site Plans, peer review comments, and supporting application information is available at: <https://www.devensec.com/level2hearingsJan30.html>