

Devens Enterprise Commission
Unified Permit Amendment Record of Decision:
Devens Village Green, LLC.
Grant Road – Devens Village Green Multi-Family Apartments
(Parcel ID#024.0-0006-0100.0, 0200.0 and 0900.0)
Devens (Harvard), MA
March 29, 2022

1. Owner/Applicant:

The landowner of the premises subject to this amendment is Massachusetts Development Finance Agency, 99 High Street, Boston, MA 02110 (Parcel ID#024.0-0006-0100.0, 0200.0 and 0900.0) and the Applicant is Devens Village Green, LLC, PO Box 1775, Concord, MA, 01742.

2. Premises and Proposed Project:

Devens Village Green, LLC. (the “Applicant”) is requesting an amendment to its May 28, 2015 Unified Permit (modified May 22, 2018) for the development of a 124-unit residential development on approximately 25.01 acres of land along portions of Grant Road (Parcel ID# Parcel ID#024.0-0006-0100.0, 0200.0 and 0900.0) in Devens (Harvard), MA (Deed Reference: Bk: 17907 Pg: 1). The amendment includes the addition of 6 units to the westernmost 20-unit multi-family building previously approved. Property located in the Residential 1 Zone and portions of the Open Space and Recreation District, in addition to the Aquifer and Watershed Water Resources Protection Overlay Districts within the Devens Regional Enterprise Zone.

3. Submission:

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

1. Completed Level 2 Unified Permit Application (#D22-014), received on February 7, 2022 (1 page)
2. Application Narrative for Statement of Proposed Work; dated February 4, 2022 (1 page);
3. Site Plan entitled “#77 Grant Plan in Devens, Massachusetts (Worcester County)” for Devens Village Green, LLC.; scale 1:20, December 15, 2021; prepared by Stamski and McNary, Inc., 1000 Main Street, Acton, MA 01720 (1 sheet);
4. Building Elevation drawings entitled: “Emerson Green Multi-Family” – Entry Perspective and Rear Perspective, dated 1/6/2022; prepared by Union Studio Architecture and Community Design (2 sheets);
5. Memo dated February 3, 2022 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Re: Level 2 Unified Permit Application – 270 Barnum Road Public Safety Building and 77 Grant Road Innovative Residential Development (application package and notification of Public Hearing on March 29, 2022), including certified mail return receipts;
6. Memo dated February 3, 2022 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – 270 Barnum Road Public Safety Building and 77 Grant Road Innovative Residential Development (incl. cert. mail return receipts);
7. Copies of Nashoba Publications legal notices from March 4 and 11, 2022.
8. Determination of Completeness Issued 2-7-22.
9. 300’ Abutters List for 77 Grant Road (certified by Devens Assessor), dated 2/4/22;
10. Public Hearing Legal Notice to Nashoba Publications, from Peter Lowitt, dated February 7, 2022 – to be published March 4 and 11, 2022.

11. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated February 3, 2022;
12. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Dawn Babcock, dated February 3, 2022;
13. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated February 3, 2022;
14. Potential Future parking sketch entitled “#77 Grant Grading Plan in Devens, Massachusetts (Worcester County)” for Devens Village Green, LLC.; scale 1:20, February 1, 2022; Progress print dated 2/16/22; prepared by Stamski and McNary, Inc., 1000 Main Street, Acton, MA 01720 (1 sheet);
- 15.
16. E-mail correspondence as follows:

Date	From	To	Subject
2/4/22	Cassandra McKenzie	Neil Angus	Devens - Emerson Green Phase 2A Revised Application
2/4/22	Robert Easton	Neil Angus	Emerson Green Residences - Level 2 Amendment Application
3/16/22	Dan Gainsboro	Neil Angus	potential additional parking for MF sketch
2/4/22	Ruby Alanoly	Dan Gainsboro	RE: Abutters list
2/4/22	Robert Easton	Neil Angus	Re: Emerson Green Residences - Level 2 Amendment Application1
3/23/22	Dan Gainsboro	Neil Angus	RE: Emerson Green Residences - Level 2 Amendment Application

4. Unified Permit Components and Actions:

The Amended Unified Permit components include approval of an updated Site Plan for 77 Grant Road and the inclusion of 6 additional residential units in the westerly multi-family apartment building in accordance with the DEC’s Innovative Residential Development R1 Regulations under 974 CMR 5.02(1).

5. Process:

Devens Village Green, LLC submitted the Unified Permit Application on February 4, 2022 and the Determination of Completeness was issued on February 7, 2022. Copies of the application were received by the surrounding Towns on February 15, 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 17, 2022. No comments were received.

6. Waivers:

The Applicant requested a waiver from the following regulation:

IRD definition of Multi-Family under 974 CMR 5.02(1)(l) (no more than 2 and less than 21 units) . The Applicant has requested a waiver from this definition that is specific to the IRD section of the DEC Rules and Regulations. The waiver would allow for up to 26 units in the west building only, as opposed to 20 units currently.

The 20-unit maximum was put in place to ensure buildings are built to scale with the surrounding development. As the footprint of the development would not change and the building height is actually decreasing by over 10 feet, the scale and density of this development is still compatible with the surrounding residential development and consistent with the intent of the IRD regulations.

The Commission voted to approve this waiver request based on the reasoning stated above.

7. Findings:

The DEC made the following findings:

1. The project remains consistent with the Devens Reuse plan and complies with the Devens By-Laws and is an allowed use in the Residential 1 zoning district and with the Innovative Residential Development By-law and Regulations (974CMR5.02(1)) with the original and amended conditions and waiver granted.
2. The parcel complies with the lot area, minimum lot frontage, and minimum and maximum setbacks found in Table 1: Lot Development Area Frontage and Setback Design Standards of 974CMR5.02(1)(f).
3. The project remains superior to a conventional plan in the way it preserves open space, minimizes environmental disruption and allows for more efficient provision of services to the residents of the development than a conventional development approach. The project utilizes the ability to create smaller lots and a mix of housing types, in exchange for the developer agreeing to build energy and water efficient, deed restricted moderate income housing in a compact, walkable neighborhood form while maintaining allowed density and creating usable open space.
4. With the addition of 2 of the 6 new units as deed restricted affordable units, the project remains in compliance with the Devens affordable housing requirements under 974 CMR 5.02(1)(j).
5. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Amended Site Plan, with conditions and waiver, complies with the applicable provisions of 974 CMR 3.00 and with the applicable provisions of the By-Laws.
 - (b) The development lies on lots that will be 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 enables prompt fire, police, and emergency response.
 - (f) Adequate capture, treatment, infiltration and discharge of stormwater and surface water runoff in compliance with 974 CMR 4.08 and the applicable portions of the "Devens Stormwater Pollution Prevention Plan", has been achieved.
 - (g) Connections with utility, power and communication systems available in the abutting infrastructure have been approved by the Mass Development Managers of Engineering and Utilities.
 - (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.
 - (i) The proposed plantings, with conditions, are sufficient to meet the Landscaping Design Standards for plant materials, planting strips, screening, and preservation of existing specimen trees and wooded areas.
 - (j) A Wetland Order of Conditions is not required for this project. A Negative Determination of Applicability was issued by the DEC on 3/31/15.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and conditions of approval.
 - (l) The Applicant has provided sufficient parking for the project utilizing on and off-street parking as well as separate bicycle storage inside the multi-family

buildings. Additional land is available on the multi-family building lot should additional parking be required in the future.

- (m) Adequate traffic mitigation and control measures have been proposed.
- (n) The proposed development will participate in the Devens traffic management association.
- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (p) Connection to sanitary sewer will be made and authorized by Devens Utilities.
- (q) Building design meets 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 emissions mitigation measures have been incorporated in accordance with 974 CMR 4.11.

8. **Conditions:**

The DEC voted to impose the following conditions in addition to those in the original Devens Village Green Unified Permit dated May 28, 2015 and modified May 22, 2018.

- 46. The total number of moderate-income (MIDU) deed-restricted units will increase by two (2) in the multi-family buildings, for a total of 22 affordable units (30 in the overall Grant Road development) . All of the MIDUS shall still comply with condition #14 of the May 28, 2015 Devens Village Green LLC. Unified Permit and the Regulation's requirements for having the same type, number of bedrooms, architectural styles and/or varied exterior architectural features, and interior amenities as the market rate dwelling units.
- 47. Once the appeal period has expired, the Applicant shall submit final amended and approved plans to the DEC for endorsement. All waivers granted shall be included on the final plans which shall all conform to Worcester Registry recording requirements. The Applicant shall file the amended endorsed plans and the final Amended Record of Decision with the Registry of Deeds and proof of recordation shall be submitted to the DEC prior to the issuance of a building permit.
- 48. Prior to seeking plan endorsement, the Applicant shall provide written certification that no building or structure will be placed in a reserved parking area and an executed covenant that additional parking spaces shall be built by the Applicant if the DEC determines this is required. Any use of the reserved parking areas, even if paved areas are not proposed to be expanded, will be interpreted by the DEC to involve the "construction or expansion of a parking lot, structure or loading dock" requiring site plan approval from the DEC pursuant to 974 CMR 3.02(1)(c). Alternative/multi-use pavement surfaces with a high SRI will be encouraged.
- 49. Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. The Applicant shall file the record of decision and endorsed plans with the Registry of Deeds for Worcester County and proof of recordation shall be submitted to the DEC prior to the issuance of a building permit.
- 50. Prior to issuance of a building permit, the Applicant shall submit a design review approval letter from Mass Development for the project. The Applicant shall adhere to any comments and conditions included in the design approval letter.

- 51. 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.
- 52. Outdoor Storage is only permitted in areas designated on the approved plans. No open or exterior storage is permitted in undesignated locations.

9. Decision:

The DEC opened the public hearing on March 29, 2022 and closed that same date. The DEC voted on March 29, 2022, approve the requested waiver, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2) and 974CMR 5.02, to impose conditions, and to approve the Devens Village Green, LLC. Multi-Family Apartment unified permit amendment for the property located off of Grant Road in 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 any building permits. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and those of the Devens Fire Chief must be met. When these approvals are obtained, the building permit may then be integrated with this Record of Decision and the original Record of Decision and previous phasing modifications approvals. Together they will constitute the Amended Unified Permit for Devens Village Green, LLC..

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 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 March 30, 2022 and terminates on April 30, 2022, is “at risk”. Final plans must be submitted for endorsement by the Commission by Sept. 30, 2022.

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

 Karen Davis, Notary
 My Commission expires _____