

**Unified Permit Amendment
Record of Decision
Jackson 64 MGI, LLC.
64 Jackson Road (Parcel ID#13-4-600)
Devens (Harvard), MA
April 30, 2019**

1. Applicant:

The Applicant and landowner are Jackson 64 MGI, LLC, 133 Pearl Street, Boston, MA 02110 (the "Applicant").

2. Premises and Proposed Project:

The Applicant is proposing to construct ten (10) new loading dock doors (adding to the existing 6 loading docks) and associated site paving, drainage and utility improvements to the rear of the existing building located at 64 Jackson Road in Devens (Harvard), MA. The proposed site improvements also include approximately 14,190 SF of additional pavement to accommodate the new loading docks, as well as entry way modifications to accommodate additional truck traffic. The property is located within the Innovation and Technology Business District, Watershed Water Resources Protection Overlay District, as well as Viewshed Overlay District.

3. Submission:

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

1. Application submittal entitled "Loading Dock Expansion, 64 Jackson Road, Devens, Massachusetts," dated January 16, 2019, prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887. This submittal included the following:
 - Completed Permit Application Form (D19-005);
 - Cover Letter from Eugene Sullivan dated January 16, 2019 (3 pages);
 - Application Fee;
 - Storm Drainage Management Report – Storm Drain Management Report prepared by ETS Inc. (63 pages);
 - Industrial Performance Standards Checklist.
2. Plans entitled "Loading Dock Expansion, 64 Jackson Road, Devens, Massachusetts" prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887; dated January 16, 2019 and containing the following sheets:
 - C.1 Existing Conditions Plan;
 - C.2 Overall Site Layout Plan;
 - C.4.1 Construction Details;
 - C.4.2 Construction Details;
3. Determination of Completeness issued by the DEC March 20, 2019.
4. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated April 5, 2019;
5. Public Hearing Legal Notice to Nashoba Publications, from Peter Lowitt, dated March 21, 2019 – to be published, April 5 and 12, 2019.
6. Copies of Legal notices from April 5 and 12, 2019 from Nashoba Publications.
7. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated April 5, 2019;
8. Memo dated March 21, 2019 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Level 2 Unified Permit Application

–64 Jackson (notification of Public Hearing on April 30, 2019 at 6:45PM), with the following attachments: complete copy of application and plans, determination of completeness;

9. Memo dated March 21, 2019 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit – 64 Jackson Road (notification of Public Hearing on April 30, 2019 at 6:45AM);
10. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated April 5, 2019.
11. Certified List of Abutters from Devens Assessor, dated January 24, 2019.
12. Certified Mail Return Receipts for application and plan deliveries to Ayer, Harvard and Shirley, received by towns on March 25, 2019; Certified Mail return receipts for public hearing notices to all abutters – various dates.
13. E-mail correspondence as follows:

Date	From	To	Subject
3/18/19	Gene Sullivan	Neil Angus	64 Jackson Road Reinstatement
4/5/19	Ed Starzec	Neil Angus	Re Design Review Letters
4/9/19	Gene Sullivan	Neil Angus	Re Design Review for 64 Jackson
4/19/19	Peter Lowitt	Neil Angus	Re 64 Jackson Entrance Truck Turning (1)
4/19/19	Neil Angus	John Marc-Aurele	Re 64 Jackson Entrance Truck Turning (2)
4/19/19	Peter Lowitt	John Marc-Aurele	Re 64 Jackson Entrance Truck Turning
4/19/19	Neil Angus	John Marc-Aurele	64 Jackson Entrance Truck Turning
4/19/19	Neil Angus	Scott Turner	FW: 64 Jackson
4/19/19	John Marc-Aurele	Neil Angus	RE 64 Jackson Entrance Truck Turning (3)
4/19/19	Dave Blazon	Neil Angus	RE 64 Jackson Entrance Truck Turning (4)
4/8/19	Neil Angus	Gene Sullivan	design review for 64 Jackson
4/8/19	Neil Angus	Gene Sullivan	RE design review for 64 Jackson (5)
4/5/19	Neil Angus	John Marc-Aurele	RE 64 Jackson Traffic Study (6)
4/5/19	Neil Angus	John Marc-Aurele	RE 64 Jackson Traffic Study (7)
4/5/19	John Marc-Aurele	Neil Angus	RE 64 Jackson Traffic Study
4/5/19	Neil Angus	John Marc-Aurele	64 Jackson Traffic Study
4/5/19	Neil Angus	Gene Sullivan	Review Comments for 64 Jackson
4/29/19	Chris Ryan	Peter Lowitt	Harvard traffic concerns regarding 64 Jackson
4/29/19	Peter Lowitt	Chris Ryan	DEC response to Harvard traffic concerns with project
4/4/19	Neil Angus	Chris Ryan	RE 64 Jackson Road

14. Revised Plans entitled “Loading Dock Expansion, 64 Jackson Road, Devens, Massachusetts” prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887; dated January 16, 2019, Revised through 4/19/19 and containing the following sheets:
 - o C.1 Overall Site Layout Plan;
 - o C.2 Enlarged Site Plan
 - o C.3 Site Details;
 - o A.1 Rear Elevation.
15. Memo Re: 64 Jackson Road – Unified Permit – Plan Circulation, from Neil Angus to MassDevelopment dated March 20, 2019.
16. Revised Level 2 Unified Permit Application, 64 Jackson Road, Devens, Massachusetts,” dated April 1, 2019, prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887. This submittal included the following:
 - Cover Letter from Eugene Sullivan dated April 19, 2019 (2 pages);
 - Revised Storm Drainage Management Report – Storm Drain Management Report prepared by ETS Inc. (73 pages);
 - Property Operations and Maintenance Plan
 - Sign and Pavement Markings Plan and Autoturn Analysis@ Jackson Road prepared by MDM Transportation Consultants, Inc.
17. Traffic Assessment Memo from MDM Transportation Consultants, Inc., dated March 15, 2019 from Daniel J Mills, PE, PTOE, to Jackson 64 MGI, LLC; Re: Proposed Warehouse Use/Loading Dock Expansion, 64 Jackson Road, Devens, MA (62 pages);
18. Letter to the Devens Enterprise Commission from Scott Turner of Nitsch Engineering

RE: Nitsch Project #9419, Quest Logistics Site Plan Review Comments dated March 29, 2019 (3 pages).

19. DEC Staff Comment Letter to Gene Sullivan, from Neil Angus, dated April 5, 2019, RE:64 Jackson Road Request for Additional Loading Docks (1 page);
20. Letter to the Devens Enterprise Commission from Scott Turner of Nitsch Engineering RE: Nitsch Project #9419, Quest Logistics Site Plan Review Comments dated April 25, 2019 (4 pages).
21. Staff Report from Neil Angus to Devens Enterprise Commission, Re: Level 2 Unified Permit 64 Jackson Road. –Unified Permit, dated 4/24/19 (3 pages).
22. Draft Record of Decision, dated April 30, 2019.
23. Additional Proposed Condition #21 (1 page).

6. Unified Permit Components and Actions:

The Unified Permit request includes site plan amendments that include pavement modifications and modifications to the stormwater management system, as well as a building permit for ten (10) new loading docks.

5. Process:

The application was submitted on March 18, 2019 and the Determination of Completeness was issued on March 20, 2019. Copies of the application were received by the surrounding Towns on March 25, 2019. Legal notices were placed in Nashoba Publications on April 5 and 12, 2019. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on April 25, 2019. Comments received from the Town of Harvard and MassDevelopment were entered into the record and list of Exhibits. The public hearing opened on April 30, 2019 and the DEC voted to close the public hearing that same evening and vote on the Unified Permit amendment request.

6. Waivers

The Applicant requested a waiver from the following design standard:

974 CMR 3.04(8)(h)2. The Applicant shall provide shade trees around the perimeter of all parking areas at a minimum ratio of one (1) tree per 25 lineal feet of parking lot perimeter. There are no existing trees along the perimeter of the rear parking area, however, there is a steep slope and existing vegetation at the top that is being preserved.

The Commission voted unanimously to approve the above waiver request.

7. Findings

The DEC made the following findings:

1. The development is on an existing parcel that complies with the minimum lot size and frontage requirements in the Innovation and Technology Business District in which it is located.
2. There is adequate lighting to service the existing facility and associated activities (with conditions).
3. The proposed uses are consistent with the permitted uses and development goals of the Innovation and Technology Business District.
4. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions, 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) With conditions, 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 will enable prompt fire, police, and emergency response.
- (f) Adequate capture, treatment, infiltration and discharge of stormwater and surface water runoff and compliance with applicable portions of the "Devens Stormwater Pollution Prevention Plan", will be achieved with conditions of approval.
- (g) Connections with utility, power and communication systems available in the abutting infrastructure exist and approved by the MassDevelopment Managers of Engineering and Utilities.
- (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included on the plans.
- (i) No new landscaping is proposed or required.
- (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) Sufficient parking for the new use currently exists.
- (m) Traffic control measures have been included on the plans.
- (n) The proposed development will participate in the Devens traffic management association as a condition of approval.
- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (p) Connection to sanitary sewer has been shown and approved by the MassDevelopment Managers of Engineering and Utilities.
- (q) Building design meets the minimum standards as established by MassDevelopment for the district in which the lot is located.
- (r) 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:

1. Wherever "Applicant" is referenced in the Conditions set forth herein, it refers to the Applicant, its successors and assigns. Wherever "DEC" is referenced, it shall refer to the Devens Enterprise Commission, its successors and assigns.
2. The Applicant shall participate in the Devens Transportation Management (TDM) Initiative and implement additional TDM strategies in accordance with 974 CMR

- 3.04(3)(a)10. 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.
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 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. Plans shall conform to Worcester Registry recording requirements. 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 the issuance of a building permit.
 6. All applicable federal, state, and local permits necessary for the construction and operation of the facility must be obtained prior to the issuance of a Certificate of Occupancy. Copies of permits issued by those other than the DEC must be filed with the DEC.
 7. 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.
 8. There is no approval of signs implicitly or explicitly granted in this Unified Permit and any erection of signs of any type will require subsequent approval.
 9. No open or exterior storage is permitted in undesignated locations. No exterior vehicle repair/maintenance and/or refueling are permitted and no on-site disposal of hazardous waste is permitted.
 10. 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.
 11. The Applicant shall remove and properly dispose of the barbed wire fencing surrounding the facility prior to issuance of a Certificate of Occupancy.
 12. The Applicant shall relocate the existing street light pole south of the existing entrance on Jackson Road. All work associated with the light pole relocation shall be coordinated with Devens Utilities and Devens Public Works.
 13. All entry improvements, signage and pavement markings shall be installed prior to issuance of a final CO for the new loading docks.
 14. All proposed lighting fixtures shall be downward directed and properly shielded to comply with 974 CMR 3.04(6)(a)3.

15. The Tenant is required to join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard #25 in accordance with 974 CMR 4.11
16. The Tenant shall contribute to the Devens Shuttle bus service an annual amount equal to that provided by the Applicant.
17. Prior to issuance of a building permit, the Operations and Maintenance Plan shall be updated to include the stormwater Management Facilities, including the proposed trench drains.
18. Test holes shall be preformed to verify seasonal high groundwater and soil infiltration rates. Test results shall be submitted to the DEC.
19. Prior to commencement of construction of the drainage improvements, the Applicant shall preform a detail analysis to verify that a 6-foot diameter manhole can accommodate the six pipe connections.
20. Jackson Gate from Route 2 shall be the primary means of truck access to and from the site on a permanent basis, with other gates to be used only in emergency situations or during protracted construction when the Jackson gate is unavailable. The Applicant shall post signs on the exit gate of the facility that all trucks must use the designated truck route.
21. Prior to endorsement the final plans shall be revised to include the following:
 - The approved waiver added to the plan.
 - The existing entryway island shall be eliminated in its entirety in order to accommodate truck turning movements into the site. Entry way pavement markings and lighting shall be re-installed and relocated accordingly to clearly delineate the new entrance/exit lanes and layout. Pavement Marking and Signage Plan shall be updated accordingly.
 - New lighting fixture details shall be added.
 - Correct client name in title block (“Quiet”).

9. Decision:

The DEC voted April 30, 2018, after the Public Hearing was closed, to grant applicable waivers, to issue Findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose Conditions, and to approve the Unified Permit for Jackson 64 MGI, LLC., 64 Jackson Road, Devens, MA.

10. Building Permit

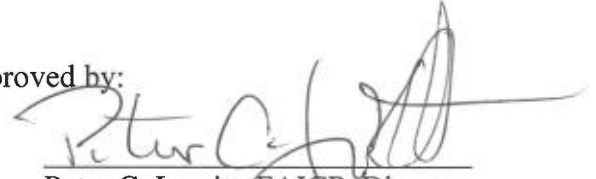
The Building Commissioner, along with the Electrical and Plumbing Inspectors, must review architectural/structural drawings and specifications and approve them in writing, prior to issuance of a building permit. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and those of the Devens Fire Chief must be met. When these approvals are obtained, the building permit may then be integrated with this Site Plan Record of Decision. Together they will constitute the Unified Permit for the Jackson 64 MGI, LLC., at 64 Jackson Road, Devens (Harvard), MA, which will, 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 completed within two years. It is further noted that a thirty-day "reconsideration period" during which the 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 May 1, 2019, and terminates May 31, 2019, is "at risk". Final plans must be submitted for endorsement by the Commission by October 30, 2019.

Date: 5-1-2019

Approved by:



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.

5/1/2019
Date

Kathryn Clisham
Kathryn Clisham, Notary
My Commission expires 2/28/2025

