

Record of Decision
KING DEVENS LLC,
57 Jackson Road (Parcel ID #013.0-0021-0100.0)
Devens (Harvard), MA
(Deed Reference: Bk: 62288 Plan: 109)
August 30, 2022

1. Owner/Applicant:

King Devens LLC, 800 Boylston Street, Suite 2400, Boston MA 02199.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit including site plan and subdivision approval for the demolition of an existing building, construction of a new 145,000 gross square foot biomanufacturing building and a separate 8,300 gross square foot amenity building, including parking, stormwater management, landscaping, and utilities on an existing 7.15 acre lot that will be modified to include portions of the existing 57 Jackson Road (Parcel # 013.0-0021-0100.0 WCRD BK: 62288 PG: 109) and 75 Jackson Road (Parcel #018.0-0021-0900.0 WCRD BK: 62907 PG: 266). The parcel has frontage on Jackson Road, with access being provided via common driveways servicing 57 and 75 Jackson Road off of Jackson Road and Givry Street. It has sufficient area to comply with the Devens By-laws. The facility proposed for 57 Jackson is a core and shell building of 145,000 sf based on the needs of an as yet unidentified future bio-manufacturing use. Also included is the future development of five level parking structure housing 512 cars (shared with 75 Jackson) to be built if demand warrants it. The lot will also contain an 8,300 sf amenity building, to be constructed in the initial phase. This development is consistent with King Devens LLC conceptual Campus Master Plan for 33, 39, 45, 57, and 75 Jackson Road. The project is located within the Innovation and Technology Business District, the Open Space and Recreation District, the Viewshed Overlay District, and the Watershed Protection Overlay District.

3. Submission:

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

1. DEC Completed Application Form (D22-071);
2. 57, 59 and 75 Jackson Road Certified Abutters lists (Devens) received 5/23/2022;
3. King Devens LLP, Level II Unified Permit application package, including the cover letter dated June 7, 2022, application, filing fee, waiver request, Industrial Performance Standards Checklist, Project Narrative, Soil Suitability Tests and Analysis, Easements, Covenants, Restrictions and Institutional Controls, Compliance with Devens ReUse Plan and Bylaws, Campus Master plan, Determination of Use Decision, Viewshed Analysis, USGBC LEED v.4 for BD+C Checklist, Fire Apparatus Maneuvering study, Water Management and Landscape Maintenance Plan, a supplemental geotechnical evaluation by GZA dated December 18, 2020, Final Arsenic Soil Study dated 2005, a Unified Permit Level 2 Site Development Plan dated June 2, 2022, revised July 21, 2021 (33 sheets) including civil site drawings, landscape plans, electric and photometric plans, and architectural elevations.
4. Stormwater Management Plan: Report 57 & 75 Jackson Road- Site Development

- prepared for King Devens, LLC; dated 6/2/2022 and revised to respond to comments July 21, 2022 by Highpoint Engineering Inc. and part of the application package;
5. Traffic Impact and Access Study 57-75 Jackson Road, Devens, MA prepared for King Street Properties by VHB, Inc dated June, 2022, including Appendices.
 6. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated June 15, 2022.
 7. Public Hearing legal notice publication memo to Nashoba Publications, dated July 13, 2022 (publication dates July 15 and July 22, 2022);
 8. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated June 15, 2022, and received June 16, 2022 from Peter Lowitt, Director DEC.
 9. Determination of Completeness dated June 8, 2022.
 10. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated July 13, 2022, from Peter Lowitt/Dawn Babcock.
 11. Community Cable Advisory Committee notice, dated July 13, 2022, to run July 13 through July 26, 2022;
 12. Public Hearing Notice to the Secretary of State, dated July 13, 2022.
 13. DEC Staff Report, dated 8/1/22 (5 Pages);
 14. Plan Circulation memo dated June 15, 2022, from Neil Angus to MassDevelopment Re: Unified Permit Application – KSP 57-75 Jackson (1 page);
 15. Nitsch Peer Review Comment letter dated 6/29/22 from Paige Simmons, PE and Jennifer Johnson, PE the DEC (7 pages) and transmitted to Doug Hartnett, Highpoint Engineering Inc.
 16. Doghouse Sewer Manhole Detail submitted 6/24/22;
 17. Nitsch Engineering Traffic Report Peer Review Comments letter to Neil Angus from Nick Haven, PE dated 6/29/22 (2 pages) covering Transportation Impact Access Study and traffic;
 18. IBI Group Landscape Peer Review Comments letter dated 7/8/22 from James Kros, RLA (2 pages);
 19. Applicant's response to Traffic Comments dated July 22, 2022 prepared by Adam Prichard, PE and Robert Nagi, PE of VHB on behalf of the Applicant;
 20. 57-75 Jackson Turning Study prepared by Highpoint Engineering and dated 6-2-2022 (Turning Study WB-67);
 21. Highpoint Engineering's Response to Nitsch's June 29 Comments dated July 21, 2022 (12 pages);
 22. Highpoint Engineering's Response to DEC and MassDevelopment email comments 57 and 75 Jackson Road Level 2 Applications dated July 21, 2022 (8 pages);
 23. Letter to Neil Angus from Nick Haven, P.E., Nitsch Engineering dated 8-23-2022 regarding Transportation Impact and Access Study review comments 57-75 Jackson
 24. ROD - 57 Jackson draft 8-26-22 (11 Pages);
 25. August 4, 2022 Presentation Slide show from Highpoint Engineering (57 Jackson DEC Presentation Final);
 26. Nitsch Engineering 2nd Peer Review Letter with tracked responses in color text prepared by Highpoint dated 08/24/2022 (pdf and word docs)
 27. IBI Group Peer Review Letter with tracked responses prepared by Wagner Hodgson dated 08/24/2022

28. 57 Jackson Road – Application for Unified Permit | Revised Plans dated 08/24/2022
29. 57-75 Jackson Road - Stormwater Management Report | Revised dated 08/24/2022
30. 57 Jackson Road – Phase 1 Amenity Building Plans dated 08/24/2022
31. Devens Fire Department – Fire access review email correspondence
32. Phase 1 Plans for Amenity Building (PH100)Layout and Materials, (PH200) Grading and Drainage, and (PH 300) Utility Plan, (3 Sheets) dated 8/24/22
33. Revised Landscape plans dated 8-24-2022 (8 pages)
34. Design Review Approval Letter from MassDevelopment, dated August 3, 2022;
35. Mullin Rule affidavit for DEC Commissioner Debra Rivera, dated 8/25/2022.
36. Email correspondence as follows:

Date	From	To	Subject
6/9/22	Doug Hartnett	Peter Lowitt	57 Jackson Road - Level 2 Application Submission
6/9/22	Doug Hartnett	Peter Lowitt	57 Jackson Road - Level 2 Traffic Impact & Access Study
6/9/22	Doug Hartnett	Neil Angus	57 Jackson Road - Unified Permit App Geotechnical Evaluation
6/24/22	Marc Cohen	Neil Angus	57 Jackson Plan Circulation Memo response comments
6/15/22	Neil Angus	MD reviewers	57 Jackson Plan Circulation
6/29/22	Paige Simmons	Neil Angus	57 Jackson Peer Review Comments
7/5/22	Julie Farrer Doug Hartnett	Peter Lowitt	57 Jackson Peer Review Letters
7/5/22	Doug Hartnett	Peter Lowitt	RE 57 Jackson receipt of Peer Review comments
7/11/22	James Kros	Neil Angus	RE 57 Jackson status of IBI Review Comments
6/28/22	Neil Angus	James Kros	RE 57 Jackson Review IBI landscape comments status
7/26/22	Hilde Karpawich	Neil Angus	Re 57 75 Jackson Response to Comments
8/4/22	James Kros	Neil Angus	RE 57/75 Jackson Road -Comments
8/4/22	Hilde Karpawich	Neil Angus	RE 57/75 DEC Presentations
8/4/22	Neil Angus	Julie Farrer	FW 57 Jackson Road extension of 75 day review request to 8/30/22 hearing
8/4/22	Neil Angus	Hilde Karpawich	Re 57/75 Jackson please send presentations
8/10/22	Neil Angus	Jenn Johnson	Re 57 Jackson Road - Level 2 Permit Peer Review Response to Comments2 question
8/10/22	Neil Angus	Peter Lowitt et al	57-75 Jackson Heavy Duty Pavement specs
8/10/22	Jenn Johnson	Neil Angus	Re 57-75 Heavy Duty Pavement spec
8/24/22	Neil Angus	Doug Hartnett	FW 57/75 Jackson Road - Level 2 Permit Peer Review Response to Comments2
8/24/22	Doug Hartnett	Peter Lowitt	August 11 Comments
8/24/22	Doug Hartnett	Neil Angus	Response to traffic comments 57-75 Jackson
8/24/22	Neil Angus	Doug Hartnett	57-75 Jackson Road – resolution of traffic comments
8/24/22	Doug Hartnett	Peter Lowitt	Re 57 Jackson Road – 2 nd Peer review response to comments
8/25/22	Neil Angus	Doug Hartnett	Receipt of comments
8/25/2022	Hilde Karpawich	Neil Angus	57 Jackson revised landscape plans response to 2 nd comments
8/29/22	Jen Johnson	Neil Angus	RE 57/75 Jackson Road – Site,,Stormwater and Landscape review#2 – IBI Comments Comments
8/30/22	Neil Angus	Doug Hartnett et al	Draft ROD
8/30/22	Peter Lowitt	Doug Hartnett	Cistern as amenity for amenity building

4. Unified Permit Components and Actions:

The Unified Permit for this project includes Site Plan Approval for construction of a 145,000 sf biomanufacturing building, a separate 8,300 sf amenity building including parking, stormwater management, landscaping and utilities on a 7.15 acre lot (Parcel ID 0.12.0-0021-0100.0 and # 0.13-0021-0100.0); plus demolition of an existing structure at 57 Jackson Road, Devens (Harvard), MA.

5. Process:

Highpoint Engineering, on behalf of King Devens, LLC., submitted the Unified Permit Application package including the application, Stormwater Management Plan, Revised LEED v 4 for BD +C New Construction and Major Renovation checklist, Landscape and Water Maintenance Plan, a supplemental geotechnical evaluation by GZA, Traffic Impact Study, Final Soil Arsenic Study dated 2005, a certified abutters list dated 5/23/2022, and a site plan on June 6, 2022 and the Determination of Completeness was issued on June 8, 2022. Copies of the application were received by the surrounding Towns on June 16, 2022. Legal notices were placed in Nashoba Publications on July 15 and July 22, 2022. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on July 18, 2022. No comments were received. The public hearing was opened at 7:30 AM on August 4 and, at the request of the Applicant, the public hearing was continued until the August 30, 2022 public hearing at 6:45PM. The DEC voted to close the public hearing and vote on the draft Record of Decision.

6. Waivers:

None requested or granted.

7. Findings:

The DEC finds that:

1. The proposed use is a permitted use in the Innovation and Technology Business Zoning District as per Exhibit D of the Devens Bylaws.
2. The project is located within a Watershed Water Resources Protection District. The final plans, with the conditions listed herein, comply with the Stormwater Management Provisions and Water Resource Protection District Regulations in 974 CMR 4.08 to protect the ground and surface water resources through the implementation of best management practices during construction as well as long-term.
3. The project is located with the Viewshed Overlay District. Based upon the Viewshed Analysis, the Applicant has undertaken all reasonable efforts to design the Project building and site to maximize existing tree preservation, provide supplemental landscape screening and building designs to minimize significant visual impacts to the viewshed receptors.
4. The proposed 98 surface parking spaces for 57 Jackson Road combined with allowed shared parking on 75 Jackson Road are sufficient based on the anticipated use (manufacturing/office/amenity building). A 5-story 512-space structured parking facility (reserve/future parking) has been included should additional parking be required to service future tenants of this master planned complex.
5. The on-site Storm Water Management system will be designed with conditions so that there are no untreated discharges from the site— all runoff will be pretreated through an on-site treatment train that includes biofiltration, on-site infiltration, and mechanical filtration. Discharges from the site will comply with MA DEP SWM Standards and DEC regulations in order to satisfy EPA MS4 requirements. Discharge to the Devens Municipal Stormwater System is under the jurisdiction of and subject to the review and approval of the Devens Engineering Departments.

6. Regarding the approval criteria listed in 974 CMR 3.03(2), with conditions:
- (a) The Site Plan complies with 974 CMR 3.00 and 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 with conditions.
 - (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.
 - (j) A Wetland Determination of Applicability is not applicable to 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 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 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, Driveway curb cut permit from MD/Devens Public Works and MA DEP permits. Should any of these decisions require significant plan changes, the Applicant will be required to amend this unified permit.

- 3) Jackson Gate from Route Two 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 an emergency situations or during protracted construction when the Jackson gate is unavailable. The Applicant shall post signs that all trucks must enter and exit Devens via the Jackson Gate at Route 2 on the exit gate of the facility. The Applicant shall take appropriate measures to encourage all automobile traffic associated with this project to use Jackson Gate to the maximum degree feasible. In addition, the Applicant and its lessees shall participate in the Devens Transportation Management Initiative.
- 4) The facility shall comply with the Massachusetts Anti-Idling law (5-minute restriction). The Applicant shall post signage at all loading docks and drop-off areas notifying drivers of this requirement.
- 5) 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.
- 6) 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.
- 7) 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.
- 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 DEC approval.
- 9) No outdoor storage is permitted other than what is shown on the plans.
- 10) 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.
- 11) 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. Tree protection fencing shall be 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.
- 12) 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.
- 13) 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.

- 14) Prior to commencement of construction, the Applicant shall submit a copy of their Construction Stormwater Pollution Prevention Plan (SWPPP). Additional controls shall be implemented at the discretion of the DEC or its Staff.
- 15) The Applicant shall file a Level One Lotting Plan with the DEC in order to subdivide the lot (boundary adjustment). Once endorsed, this plan shall be recorded with the Worcester Registry. Proof of recording shall be provided to the DEC prior to commencement of construction.
- 16) Prior to issuance of a Certificate of Occupancy all required off-site improvements along Jackson Road as identified in the Traffic Impact and Access Study and Appendix for 57-75 Jackson Road, Devens, MA, prepared for King Street Properties by VHB, Inc., dated June 2022 shall be completed. Final details for these improvements shall be added to the final plan set. Offsite improvements shall also include a minimum 5' wide sidewalk along Givry Street. These improvements shall be coordinated with the DEC, Devens Utilities, Engineering, and Public Works.
- 17) The Applicant is required to implement the Transportation Demand Management Program and Post-Occupancy Traffic Monitoring Program requirements as outlined in the "Mitigation" section of the Traffic Impact Study.
- 18) An Irrigation system is not part of this approval. The Applicant is required to obtain administrative approval for any future proposed irrigation. Such system shall include a rainwater harvesting component and comply with 974 CMR 4.08 and 8.09.
- 19) All uses/tenants proposed for this building shall be in accordance with permitted uses as listed in the (Innovation Technology Business Zoning District). Each new tenant will be required to obtain written approval from the DEC/LUA prior to occupancy.
- 20) A baseline sound study has been completed. Once a tenant is selected, and prior to a CO for any tenant fit-up, the Applicant shall model proposed tenant and facility equipment operating noise levels and demonstrate compliance with 974 CMR 4.05.
- 21) An Operations and Maintenance Plan including stormwater management (including but not limited to how deep sump catch basins will be maintained and if any special equipment will be required) and a Hazardous Materials Spill Response Plan or Spill Pollution Prevention Control and Countermeasures Plan (depending on the tenants and actual uses) for the facility shall be prepared and submitted to the Fire Chief and DEC prior to issuance of a Certificate of Occupancy. This plan will need to specify the materials, types, quantities, location and method of storage/containment, handling, and disposal as per 974 CMR 4.09.
- 22) Prior to endorsement, the final plans shall be revised to include the following changes and comments related to Highpoint Engineering response to Nitsch peer review comment letter of 8/23/22:
 - Heavy-duty pavement shall be provided on any paved areas subject to truck traffic unless the Applicant can provide sufficient supporting geotechnical information to justify a lesser standard.

- Additional rain garden(s) shall be incorporated around the Amenity Building to comply with 974 CMR 4.08.
- All Curb types shall reference the appropriate requirements of 974 CMR 3.04(6)(a)2.
- Provide confirmation that potential surcharge from the Stormwater Management systems will not adversely impact the upstream system (including Water Quality Units) as noted in Nitsch response 8/11/2022
- Include a note indicating more refined grading will be submitted with Construction Document set.
- Review manhole sizing and details to ensure accuracy (manholes with 5 pipes that are shown as 4 ft diameters) and that all structures are included in the schedule (DMH26 is missing).
- Remove Lake George label from internal driveway.

23) Prior to endorsement, the final plans shall be revised to include the following changes and comments related to Landscaping comments from IBI (part of 8/29 email from Jennifer Johnson 57/75 Site, Stormwater and Landscape Review #2-IBI Group Comments to be addressed):

- Existing trees to be persevered, along with tree protection, shall be clearly shown on all plans. Tree protection details shall also be included.
- Snow storage areas need to be separated from screening planting areas. If not enough area to store snow and still meet screening requirements, include note that excess snow will need to be hauled off-site to an approved location (not in a Zone 1 or 2 Water Resource Protection Area).
- The landscape berm and screening plantings in front of the property and along the perimeter access drives shall be extended towards the access drive to better screen the parking areas from those travelling roadways
- Clarify location of setbacks, tree protection and conservation zones on the plans; including adding a tree protection detail.
- Provide contour labels for the proposed grades and annotative text.
- Provide greater clarity and detail for all callouts.
- Provide materials and details for site amenities and materials for items not addressed by the civil plans, such as the board formed wall, fencing, benches, stairs, etc. If the item, or the material is to be addressed by the civil, provide a legend showing the details cross-referenced to the civil documents.
- Include note indicating that details shall be carried through as the project moves into Construction Drawings, and shall share continuity with 39 and 45 Jackson parcels.

24) Site lighting shall be revised to reduce lighting intensities along the sidewalks in the rear of the facility and ensure sufficient lighting levels for all crosswalk areas. Prior to occupancy, the Applicant will need to identify any lighting required to remain on overnight (11PM-7AM), how it can be minimized, and any lighting controls (timers, photocells, etc.).

25) Applicant shall join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation and comply with the MA Stretch Code

(780 CMR 120AA) as amended. If this project requires a MassDEP Air Quality Permit, it will also need to have a roof for which at least thirty (30) percent shall be vegetated.

- 26) All building finishes shall not contain any reflective materials, including but not limited to metal flashing, mechanical enclosures, window frames/treatments, doors, roofing material or building trim. Any roof top mechanicals that are not able to be non-reflective will need to be shielded with a non-reflective barrier. Building roofs and upper tiers and trim shall not be lit.
 - 27) The proposed 512-space parking garage will require DEC Administrative approval prior to construction. The Applicant will need to provide proof that the parking expansion is warranted based on the current and near-term occupancy of the campus. The Parking garage shall not be a substitute for implementing the Transportation Demand Management Programs as listed in the Traffic Impact Study. Parking garage lighting will also need to be reviewed and approved to ensure no negative impacts to the Viewshed receptor locations.
 - 28) Prior to any connection to the Devens system, the Applicant shall confirm that:
 - a. No discharges from temporary sedimentation basins are connected to the municipal storm water system.
 - b. All stormwater recharge requirements are addressed on site.
 - c. Stormwater runoff from areas of higher potential pollutant loading such as loading docks, shall be passed through a proprietary water quality unit before entering and component of the on-site system which has a direct connection to the municipal stormwater system.
 - d. All systems connected to the Devens stormwater facilities are subject to periodic inspection and sampling.
 - e. Required water quality management and treatment for the 25 year storm event shall be provided on-site, will be maintained at a level equal to or greater than that currently provided and shall be upgraded as necessary to maintain compliance with the remaining conditions below.
 - f. Any and all discharges to the Devens stormwater facilities shall consist solely of uncontaminated and unpolluted stormwater runoff; and will not consist of or be a source of contaminants or pollutants that would violate the Devens authorization to discharge under the 2016 EPA NPDES general permit for discharges from MS4s in Massachusetts and any subsequent revisions or amendments.
 - g. Prior to commencement of any work, a CAD file showing existing and proposed work, in a format acceptable to the MassDevelopment Engineering Department, shall be provided.
 - h. Upon completion of work but prior to occupancy of the approved addition, a updated CAD file will be provided showing the as-constructed location of all site features.
 - i. The Project reduces Phosphorous (P) and other stormwater impairment constituents prior to discharge to the Nashua River.
- MassDevelopment/DEC may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. This is a perpetual condition.
- 29) Any relocated and reconstructed existing public water and sewer utilities that run through the site shall be coordinated with Devens Utilities. The Applicant shall coordinate a

permanent easement with MassDevelopment for access to the stormwater management basin to the west of the property.

- 30) Prior to construction of the pedestrian walkway connecting 45 Jackson and 57 Jackson, the Applicant shall obtain written permission from the owner of 53 Jackson Road and provide a copy to the DEC.
- 31) Prior to demolition of the existing 57 Jackson Road building, the Applicant shall obtain a demolition permit from the DEC. All demolition materials shall be recycled as required by law.
- 32) This project is approved in two phases – the first phase includes the amenity building and access road as shown on the plans entitled: “Levels 2 – Unified Permit Phase 1- Amenity Building, 57 Jackson Road, Devens MA; Phase 1 Layout & Materials Plan” Sheet PH100, dated 8/24/22, prepared by Highpoint Engineering. All exterior site improvements, including offsite driveway access as shown, and any required temporary secondary emergency egress, shall be completed prior issuance of a Certificate of Occupancy.

9. Decision:

The Public Hearing closed on August 30, 2022 and the DEC voted on August 30, 2022, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose Conditions, and to approve the development of a +/- 145,000 gross square foot bio-manufacturing building, a 8,300 sf amenity building, and associated site improvements on a +/- 7.15 acre lot located at 57 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 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 August 31, 2022 and terminates October 3, 2022, is “at risk”. Final plans must be submitted to the Commission for endorsement by March 3, 2023

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