

**Record of Decision
MASSDEVELOPMENT
NEW SHERIDAN WELL**

**88 Sheridan Road (Parcel ID #2-99-202) and 98 Patton Road (Parcel ID# 6-99-201)
January 29, 2019**

1. Owner/Applicant:

MassDevelopment Finance Agency, 99 High Street, Boston, MA 02110.

2. Premises and Proposed Project:

The applicant is seeking Unified Permit for the construction of a new public drinking water well, control building, water main, underground utilities, and repair, upgrading, and expansion of an existing gravel road. The project also includes a pump test of the new well which will involve the pumping of over 1.2 million gallons of groundwater per day of clean pump test groundwater to the surface water of Mirror Lake via two (2) six-inch temporary waterlines, over a 10-15 day period directly into Mirror Lake. The project is located on portions of 88 Sheridan Road (Parcel ID #2-99-202) and 98 Patton Road (Parcel ID# 6-99-201) in Devens, MA. Portions of the project are located within 100 feet of wetlands within the Open Space and Recreation Zone and within a Zone 1 and Zone 2 Water Resources Protection Overlay District.

3. Submission:

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

1. DEC Completed Application Form (D18-095)
2. Request for Determination of Applicability: Installation of the Sheridan Well, Sheridan Road, Devens; prepared by Caron Environmental Consulting, 247 Bragg Hill Road, Westminster, MA 01473; including the following attachments:
 - Narrative;
 - MA DEP WPA Form 1 – Request for Determination of Applicability;
 - November 1, 2018 wetland delineation letter and MA DEP Bordering Vegetated Wetland Delineation Field Data Forms and Photographs;
 - November 13, 2018 letter to NHESP (NHESP Tracking #09-26394);
 - Representative site photos;
3. Site Plan entitled: “Sheridan Road Well, MassDevelopment, Devens, MA; Figure 2; Project No: 14083C; dated October 2018 (one sheet);
4. Site Plans entitled: “MassDevelopment Contract Drawings for Devens Massachusetts Sheridan Well Implementation, November 2018; Cover Page and Sheets C-1 through C-5,, A-1, S-1 PR-1, M-1, I-1, E-1, dated 11/8/18; Prepared by Wright-Pierce, 600 Federal Street, Andover, MA 01810;
5. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated December 4, 2018.
6. 300 foot abutter list from Devens Assessor, dated November 20, 2018;
7. Public Hearing legal notice publication memo to Nashoba Publications, dated December 7 and 14, 2018.
8. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated November 20, 2018, from Peter Lowitt, Director DEC.

9. Determination of Completeness, dated 11/19/18.
10. Notice of Project Change filing (EEA#14497), dated November 14, 2018 from Chuck Caron, Caron Environmental Consulting 247 Bragg Hill Road, Westminster, MA 01473.
11. 1/10/19 request for extension of DEC and MA DEP time limits for rendering a decision on a RDA application.
12. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated December 7, 2018, from Peter Lowitt/Kate Clisham.
13. Community Cable Advisory Committee notice, dated December 7, 2018, to run December 2, 2018 through January 10, 2019.
14. Public Hearing Notice to the Secretary of State, dated December 7, 2018.
15. DEC Staff Report, dated 1/8/19 (3 Pages).
16. 2009 Beals and Thomas Review of Pump Test Discharge to Mirror Lake, dated January 5, 2009(5 pages);
17. Plan Circulation memo dated December 7, 2018, from Neil Angus to MassDevelopment Re: Unified permit Application – MassDevelopment New Well Construction off of Sheridan Road
18. Revised Site Plans entitled: “MassDevelopment Contract Drawings for Devens Massachusetts Sheridan Well Implementation, December 2018; Cover Page (G-1) and Sheets C-1 through C-7, dated December 2018; Prepared by Wright-Pierce, 600 Federal Street, Andover, MA 01810;
19. Lumark Crosstour LED Lighting Specification sheets (XTOR4B-PC-1), dated 11/20/18 (3 pages)
20. 2009 pump test water discharge plan for Shabokin Replacement Well, Figure 01015-8, dated Jan 2009 (1 sheet); prepared by Wright-Pierce.
21. December 11, 2018 letter from MA Division of Fisheries and Wildlife, Re: Natural Heritage Endangered Species File No. 09-26394 conditional approval (2 pages);
22. DEC Staff Review Comments, dated December 14, 2018 from Neil Angus to Christine Catalini (2 pages);
23. December 19, 2018 Sheridan Well Narrative letter from Christine Catalini to Sally Naser (17 pages);
24. MA DEP Conditional Approval to Jim Moore to Construct public drinking water well, Dated October 18, 2018 (3 pages);
25. DEC Negative Determination of Applicability draft conditions, dated 1/29/19;
26. MA DEP Form WPA Form 2 – Wetland Negative Determination of Applicability (draft);
27. Draft Record of Decision – Sheridan Well, dated 1-29-19 (6 pages)
28. Email correspondence as follows:

| Date | From | To | Subject |
|----------|----------------------|--------------------|---|
| 10/23/18 | Neil Angus | Chuck Caron | RE: Shaboken Well Upgrades - Chuck |
| 10/19/18 | Chuck Caron | Neil Angus | Shaboken Well |
| 10/31/18 | Christine Catalini | Sally Naser | RE: Sheridan Well New Construction Pump |
| 11/8/18 | Richard Protasowicki | Christine Catalini | RE: Sheridan Well - Devens |
| 12/7/18 | Neil Angus | John Marc-Aurele | New Sheridan Well Plan Circulation |
| 12/7/18 | Christine Catalini | Neil Angus | RE: New Sheridan Well Plan Circulation |
| 12/11/18 | Chief LeBlanc | Christine Catalini | RE: RDA Application Devens |
| 12/19/18 | Christine Catalini | Neil Angus | 14083D Devens - TTOR Narrative |
| 12/20/18 | Neil Angus | Sally Nasser | FW 14083D Devens - TTOR Narrative |
| 12/28/18 | Christine Catalini | Neil Angus | 14083D Devens - Lighting |

| | | | |
|---------|--------------------|------------|--|
| 1/4/19 | Christine Catalini | Neil Angus | 14083D Devens - Unified Permit |
| 1/8/19 | Christine Catalini | WG | 14083D Devens - Additional Information |
| 1/20/19 | Christine Catalini | WG | RE 14083D Devens - Additional Information1 |
| 1/28/19 | Christine Catalini | Neil Angus | 14083C Devens - MassDEP Approval |
| 1/28/19 | Sally Nasser | Neil Angus | Re 14083D Devens - Additional Information2 |
| 1/28/19 | Christine Catalini | Neil Angus | RE 14083D Devens - Additional Information3 |
| 1/29/19 | Sally Nasser | Neil Angus | RE 14083D Devens - Additional Information |

29. Staff Report dated 1-28-19 Re: Sheridan Well Continued Public Hearing, prepared by Neil Angus and Peter Lowitt (1 page);

4. Unified Permit Components and Actions:

The applicant is seeking a Unified Permit including a wetland request for determination of applicability and site plan approval wetlands approval for the construction of a new public drinking water well, control building, water main, underground utilities, and repair, upgrading, and expansion of an existing gravel road. The project also includes a pump test of the new well involving the pumping of over 1.2 million gallons of groundwater per day of clean pump test groundwater to the surface water of Mirror Lake.

5. Process:

Caron Environmental Consulting and Wright-Pierce, on behalf of MassDevelopment Utilities Department, submitted a Level II Unified Permit application package, including the application, Wetland Request for Determination of Applicability, Stormwater Management Plan and site plans on November 14, 2018. The pre-permitting conference was completed on November 5, 2018 and the Determination of Completeness was issued on November 19, 2018. Copies of the application and plans were received by the surrounding Towns on November 26, 2018. Legal notices were placed in Nashoba Publications on December 7 and 14, 2018. Certified Mail notice was sent to abutters on December 7, 2018. The 30-day public comment period expired on December 26, 2018. The Unified Permit Record includes correspondence received from the Trustees of Reservations. No other public comments were received. The public hearing opened on January 10, 2019 and was continued to and closed on January 29, 2019. The Commission voted on the Permit at the January 29, 2019 meeting after the close of the public hearing.

6. Waivers:

No waivers were requested or issued as part of this application.

7. Findings:

The DEC finds that:

1. The proposed use is a permitted municipal use in the Open Space and Recreation Zoning District as per Exhibit D of the Devens Bylaws.
2. The project is located within a Zone I 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 Massachusetts Department of Environmental Protection has conditionally approved this new drinking water well (October 18, 2018 approval letter) and it does not increase the total amount of water that can be withdrawn for Devens.
4. The project site is located within an ACEC, however NHESP has reviewed and conditionally approved the project.
5. The project meets the intent the MA DEP Stormwater Management Standards.
6. 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.
 - (j) A Conditional Negative Determination of Applicability has been issued by the DEC and a Wetland Order of Conditions is not required.
 - (k) Industrial Performance Standards will be adhered to as per the final plans.
 - (l) The proposed use does not require any parking;
 - (m) The project will not interfere with existing traffic patterns.
 - (n) The project will not generate any additional vehicular traffic.
 - (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
 - (p) Connection to sanitary sewers is not required 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 incorporated in accordance with 974 CMR 4.11.

8. Conditions:

The DEC voted to impose the following conditions:

- 1) All applicable federal, state, and local permits necessary for the 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, the MEPA Notice of Project Change approval and a copy of the NHESP Turtle Protection Plan.
- 2) The Applicant shall notify the DEC in writing seven or more days prior to the completion of the following construction milestones:
 - a. completion of the site grading and site work;
 - b. completion of all site improvements as shown on the approved site plan;
 - c. final site stabilization.
- 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. 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) The Wetland Negative Determination of Applicability conditions shall be adhered to and become part of this approval.
- 7) All construction material stockpile and laydown areas shall be located on level areas away from existing mature vegetation and the wetland areas. With the exception of the pump test water, no dewatering is permitted within 100 feet of any wetland areas.
- 8) All erosion and sedimentation controls shall be removed and properly disposed of after the project is completed and as soon as surrounding areas are stabilized.
- 9) Prior to DEC endorsement, the following revisions shall be made to the plans:
 - i. add the signature and date block on the cover sheet (first line under the Commissioner endorsement)
 - ii. add the 25' setback line to the rounded property line on Sheet C-2 and C-7
 - iii. add the gravel access drive detail and confirm with the Fire Chief that the proposed turnaround and detail are compliant with NFPA 2015.
 - iv. Exterior lighting details shall be added to the plans and be full-cutoff, photocontrolled, down lit and no greater than 3000K.

- v. A hydrant shall be added to the plans or provide confirmation from the Devens Fire Chief that one is not required.
- vi. Plans to be stamped and signed by appropriate disciplines and include all requirements for recording at the Registry.

10. Decision:

The Public Hearing was closed on January 29, 2019 and the DEC voted on January 29, 2019, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose Conditions, and to approve the Application Request to construct a new public drinking water well, control building, water main, underground utilities, and repair, upgrading, and expansion of an existing gravel road within 100 feet of wetlands.

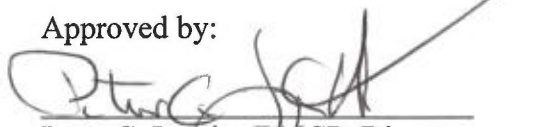
11. Building Permit:

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 the new Sheridan Drinking Water Well, which will, in turn, allow construction to commence.

12. 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 January 30, 2019 and terminates February 29, 2019, is "at risk".

Date: 1-30-2019

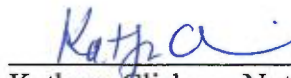
Approved by: 
 Peter C. Lowitt, FAICP, Director
 Devens Enterprise Commission

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.

Date: 1/30/2019


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

