

**Record of Decision**  
**CHARTER CONSTRUCTION MANAGEMENT, LLC.**  
**8 Charlestown Street (Parcel ID#0.19.0-0004-1600.0)**  
**Devens (Harvard), MA**  
**December 5, 2024**

**1. Owner/Applicant:**

The landowner is LNA NEWCO, LLC., 8 Charlestown Street, Devens, MA 01434. The Applicant is Charter Construction Management, LLC., 9 Bailey Road, Tewksbury, MA 01876

**2. Premises and Proposed Project:**

The applicant is seeking a Level 2 Unified Permit including site plan approval for the construction of a ~11,325 gross square foot addition to an existing building located at 8 Charlestown Street (Parcel ID#0.19.0-0004-1600.0), Devens (Harvard), MA in the Innovation & Technology Business and Open Space and Recreation Zoning Districts (Deed Reference: Bk: 59845 Pg. 64).

**3. Submission:**

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

1. Level 2 Unified permit Application package including the following:
  - Cover Letter dated October 1, 2024 from Kristen LaBrie of Howard Stein Hudson, to the Devens Enterprise Commission (2 pages)
  - DEC Completed Level 2 Unified Permit Application Form (#D24-022) submitted Oct 1, 2024
  - Level 2 Unified Permit Application Checklist for Determination of Completeness Narrative
  - Zoning Conformance Summary Table
  - Embodied Carbon Reduction Checklist
  - Cost Estimate
  - Supplemental Data Report: Proposed Manufacturing Expansion of YMC, Inc, 8 Charlestown Street, Devens, MA ; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824, dated October 2024.
  - Site Plans entitled: Site Plan for Expansion of manufacturing Building, 8 Charlestown Street, Devens, MA., Sheets C.1 through C.17, and Existing Conditions Plan; dated October 1, 2024, 2024; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824.
  - YMC Expansion Floor Plan Option 3, Sheet SK-3, submitted by LYF architects, One Elm Square, Andover, MA 01810.
  - YMC Expansion Building Elevations; Sheets A201 and A210; submitted by LYF architects, One Elm Square, Andover, MA 01810.
2. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated October 7, 2024;
3. Certified Abutters List from Devens Assessor, dated October 3, 2024
4. Public Hearing legal notice publication memo to Nashoba Publications, dated October 7, 2024 (publication dates October 18, 2024 and October 25, 2024);
5. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated October 7, 2024 from Neil Angus, Director DEC;
6. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated October 7, 2024, from Neil Angus/Dawn Babcock.
7. Community Cable Advisory Committee notice, dated October 7, 2024, to run October 7, 2024 through November 19, 2024;
8. Public Hearing Notice to the Secretary of State, dated October 7, 2024.

9. Determination of Completeness, dated October 4, 2024, signed by Neil Angus.
10. Application Fee cover Letter from Jon Karp to Neil Angus, dated October 1, 2024.
11. Plan Circulation memo dated October 4, 2024, from Neil Angus to MassDevelopment  
Re: Level 2 Unified Permit for 8 Charlestown Street Expansion.
12. Mullin Rule Affidavit for Commissioner Chapman, dated November 20, 2024.
13. Design Review Approval Letter from MassDevelopment, dated November 25, 2024.
14. Revised Level 2 Unified permit Application package including the following:
  - Cover Letter dated October 10, 2024 from Kristen LaBrie of Howard Stein Hudson, to the Devens Enterprise Commission (2 pages)
  - Response to Comments memo dated October 10, 2024 (5 pages)
  - DEC Completed Level 2 Unified Permit Application Form (#D24-022) submitted Oct 10, 2024
  - Level 2 Unified Permit Application Checklist for Determination of Completeness Narrative
  - Zoning Conformance Summary Table
  - Embodied Carbon Reduction Checklist
  - Supplemental Data Report: Proposed Manufacturing Expansion of YMC, Inc, 8 Charlestown Street, Devens, MA ; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824, dated October 2024, revised October 9, 2024.
  - Site Plans entitled: Site Plan for Expansion of manufacturing Building, 8 Charlestown Street, Devens, MA., Sheets C.1 through C.17, and Existing Conditions Plan; dated October 10, 2024, 2024; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824.
15. Landscape Plan Peer Review comments from James Kros, IBI Group, to Neil Angus, dated November 14, 2024 (5 pages);
16. Peer Review Engineering comments from Paige Blanchard and Sandra Brock, Nitsch Engineering, to Neil Angus, dated November 14, 2024 (16 pages);
17. Revised Level 2 Unified permit Application package including the following:
  - Response to Comments memo dated November 6, 2024 (23 pages)
  - DEC Completed Level 2 Unified Permit Application Form (#D24-022) submitted Oct 10, 2024
  - Supplemental Data Report: Proposed Manufacturing Expansion of YMC, Inc, 8 Charlestown Street, Devens, MA ; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824, dated October 2024, revised November 5, 2024.
  - Site Plans entitled: Site Plan for Expansion of manufacturing Building, 8 Charlestown Street, Devens, MA., Sheets C.1 through C.17, and Existing Conditions Plan; dated November 4, 2024; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824.
18. Draft Record of Decision, dated 12-5-24;
19. Staff Report dated 11-15-24;
20. Revised Level 2 Unified permit Application package including the following:
  - Supplemental Data Report: Proposed Manufacturing Expansion of YMC, Inc, 8 Charlestown Street, Devens, MA ; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824, dated October 2024, revised November 25, 2024.
  - Site Plans entitled: Site Plan for Expansion of manufacturing Building, 8 Charlestown Street, Devens, MA., Sheets C.1 through C.17, and Existing Conditions Plan; dated November 25, 2024; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824.
21. Email correspondence as follows:

To:	From:	Date:	Subject:
Kristen LaBrie	Neil Angus	10/18/24	RE: Filing Fee- YMC
Neil Angus	Kristen LaBrie	10/4/24	RE: Filing Fee- YMC
Beth Suedmeyer	James Kros	11/14/24	RE: YMC-Revisions - Review 2 Comments - Arcadis
Beth Suedmeyer	Paige Blanchard	11/14/24	RE: YMC-Revisions
Neil Angus	Robert Jenkins	11/25/24	YMC_ 8 Charlestown Street, Devens
Neil Angus	Kristen LaBrie	11/27/24	YMC_ Revised Submission
Neil Angus	Kristen LaBrie	11/6/24	YMC-Revisions
Neil Angus	Kristen LaBrie	10/1/24	YMC, Inc - 8 Charlestown Submission
Kristen LaBrie	Neil Angus	11/27/24	RE: YMC_ Revised Submission
Kristen LaBrie	Neil Angus	11/26/24	MD Design Review Letter
Kristen LaBrie	Neil Angus	11/21/24	RE: Truck-Turning - YMC
Kristen LaBrie	Neil Angus	11/15/24	RE: 8 Charlestown Staff Report
Kristen LaBrie	Neil Angus	11/15/24	8 Charlestown Staff Report

Kristen LaBrie	Neil Angus	10/29/24	RE: YMC, Inc - Green Field Requirement
Kristen LaBrie	Neil Angus	10/23/24	YMC Addition Unified Permit Review Comments
MassDevelopment	Beth Suedmeyer	11/27/24	RE: 8 Charlestown Street Building Expansion --Revised package
Beth Suedmeyer	Paige Blanchard	10/21/24	RE: Revisions YMC Expansion 8 Charlestown
Beth Suedmeyer	Paige Blanchard	10/22/24	RE: Revisions YMC Expansion 8 Charlestown
Neil Angus	Mark Cohen	10/10/24	RE: 8 Charlestown Street Building Expansion Unified Permit Application

**4. Unified Permit Components and Actions:**

The Unified Permit for this project includes Site Plan approval for the construction of a ~11,325 gross square foot addition to an existing building, including new loading docks, parking, stormwater management, landscaping, and utilities on an existing ~3.45 acre parcel located at 8 Charlestown Street, Devens (Harvard), MA within the Innovation & Technology Business and Open Space and Recreation Zoning Districts.

**5. Process:**

Charter Construction Management, LLC, submitted a Level II Unified Permit application package on October 2, 2024. The pre-permitting conference was completed on September 20, 2024, and the Determination of Completeness was issued on October 4, 2024. Copies of the application and plans were received by the surrounding Towns on October 7, 2024. Legal notices were placed in Nashoba Publications on October 18 and 25, 2024. Certified Mail notice was sent to all abutting property owners on October 7, 2024. The 30-day public comment period expired on November 7, 2024. No public comments were received. The public hearing opened on November 19, 2024 and was continued to December 9, 2024 and closed the same day.

**6. Waivers:**

The Applicant requested the following waivers as part of this application.

*974 CMR 3.02(3)(a) plan scale requirement 1"=40. \*  
 Waiver requested to allow for a plan scale of 1"= 20'.

*974 CMR 3.02(3)(a)(6) – 2' contour requirement on plans.*  
 Request to allow for 1' contours.

These Plan Form and Contents waivers were administratively approved by the Director as part of the Determination of Completeness in accordance with 974 CMR 1.02(4)(e)1., as they will provide more detail.

**7. Findings:**

The DEC finds that:

1. The proposed use is an expansion of an allowed in the Innovation and Technology Business 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 on-site Storm Water Management system has been designed so that there are no untreated discharges from the site— all runoff will be pretreated through an on-site treatment train that includes on-site infiltration, and mechanical filtration.
4. The project is located within the Viewshed Overlay District and meets the maximum height requirement and non-reflective building finish materials.
5. The applicant has provided a reserve parking plan that demonstrates how the site could accommodate an additional 21 parking with existing/proposed limits of disturbance.
6. 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 will be 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 are included.
  - (i) The plans comply with Landscaping Design Standards.
  - (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 and conditions of approval.
  - (l) The proposed use provides sufficient parking for the intended use;
  - (m) The project will not interfere with existing traffic patterns;
  - (n) The applicant will 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, with conditions, will meet 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, with conditions, 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. Wherever “DEC” or “Commission” is referenced, it shall refer to the Devens Enterprise Commission, its successors and assigns.
- 2) 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.
- 3) 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.
- 4) 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, along with the 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. Plans shall conform to Worcester Registry recording requirements.
- 5) Prior to commencement of construction, the Applicant shall submit a copy of all applicable federal, state, and local permits necessary for the construction and operation of the facility must be obtained, including, but not limited to, their Construction Stormwater Pollution Prevention Plan (SWPPP), EPA Construction General Permit, and Driveway curb cut authorization from MD/Devens Public Works. The SWPPP shall be implemented and enforced throughout construction. Copies of permits issued by those other than the DEC must also be filed with the DEC prior to commencement of any construction.
- 6) 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.
- 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) The Applicant shall join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation.
- 9) 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.
- 10) 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. An Irrigation system is not part of this approval. The Applicant is required to obtain administrative approval for any future proposed irrigation. Such system must comply with 974 CMR 4.08 and 8.09.

- 11) 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 an emergency situations or during protracted construction when the Jackson gate is unavailable. The Applicant shall post signs that all trucks must turn left (no right turns) when exiting the facility and use Jackson Gate. The Applicant shall take appropriate measures to encourage all automobile traffic associated with this project to use Jackson Gate to the maximum degree feasible. The Applicant shall participate in the Devens Transportation Demand Management Initiatives as they become available.
- 12) The proposed rooftop screen wall shall be raised to sufficiently screen the proposed RTU's from all public ways.
- 13) All existing trees greater than 6" caliper within or adjacent to the limit of work shall be protected with orange construction fencing around the dripline of the tree to prevent physical intrusion into the root system. All necessary erosion controls and tree protection shall be inspected by DEC Staff. Additional controls shall be implemented at the discretion of the DEC or its 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.
- 14) All building finishes shall be non-reflective to comply with the Viewshed Overlay District requirements. Light poles and fixtures shall be bronze/and or black (non-reflective) and no greater than 3000K.
- 15) The facility shall comply with the Massachusetts Anti-Idling law (5-minute restriction). The Applicant shall post signage at all loading docks notifying drivers of this requirement. To minimize truck idling, Shore power units shall be provided at loading docks for any trailers requiring power, as well as auxiliary power units for truck cabs if necessary.
- 16) All utility connections, including fire alarm, electric, and water/sewer connections to be coordinated with the Devens Fire Department, Devens Utilities, and Public Works. Further investigations will be needed to ensure the applicant can tie the addition into the existing sewer service on Peggy Street.
- 17) The reserve parking plan (expansion of parking) is not part of this approval. Any additional parking on-site will require review and approval by the DEC.
- 18) Prior to issuance of a Certificate of Occupancy for the addition, the existing tent structure on the property shall be removed and the disturbed area properly stabilized.
- 19) Prior to final construction of the basins, a falling head soil permeability test shall be performed by the Applicant to confirm the infiltration rate of 2.41.
- 20) Prior to issuance of a final certificate of occupancy for the addition, the Operations and Maintenance Plan shall be updated to include maintenance requirements for all stormwater infrastructure on-site, as well as winter site maintenance requirements such as treatment and removal of snow. Such plan should include the prohibition on 100% salt applications. Any Hazardous Materials shall also be noted in the O&M Plan, along with their storage and handling requirements. A Spill Response Plan or Spill Pollution Prevention Control and Countermeasures Plan shall be provided depending on the quantities of hazardous materials being stored (refer to 974CMR

4.08). Such a plan will need to specify the materials, types, quantities, location and method of storage/containment, handling and disposal as per 974 CMR 4.09

21) Prior to DEC endorsement, the final plans shall be revised to include the following:

- a) “Waivers Requested” shall be changed to “Administratively Approved Waivers” on the cover sheet.
- b) The updated Zoning Conformance Table in Appendix 1 shall be added to the cover sheet to replace the existing Dimensional Requirements and Parking Requirements.
- c) All details, including bike racks, PIV valve, dumpster screening, crosswalk and sidewalk ramp details (ADA compliant), stairs and railings, and directional signage shall be added to the detail sheets.

22) All outstanding peer review fees shall be paid prior to issuance of a building permit.

**9. Decision:**

The Public Hearing closed on December 5, 2024 and the DEC voted to grant the requested waivers, issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the Site Plan for the proposed construction of a ~11,325 gross square foot addition to an existing building located at 8 Charlestown Street (Parcel ID#0.19.0-0004-1600.0), Devens (Harvard), MA in the Innovation & Technology Business and Open Space and Recreation Zoning Districts.

**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 building 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 December 6, 2024 and terminates January 5, 2025, is “at risk”. Final plans must be submitted to the Commission for endorsement by June 5, 2025.

Approved by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Neil Angus, 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 Neil Angus, 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