

Devens Enterprise Commission (DEC)
Unified Permit Record of Decision:
58 Barnum Rd., LLC.
58 Barnum Road
(28-17-400)
Devens MA
April 3, 2014

1. Applicant:

The Applicant and landowner are 58 Barnum Road, LLC., P.O. Box 454, Ayer, MA and the property subject to the Level 2 Unified Permit Application is located at 58 Barnum Road, Devens, MA 01434.

2. Premises and Proposed Project:

58 Barnum Road, LLC. (Maxant Industries), a company that manufactures honey processing equipment for small hobbyist and commercial bee-keeping operations (the Applicant), is seeking a Level II Unified Permit in order to construct a new +/-28,600 sq.ft. light industrial building, including parking, landscaping and associated drainage and utility improvements on a 3.2 acre undeveloped parcel off of Barnum Road. The project also includes a small 8'x 20' seasonal apiary (for beehives) in the rear yard of the property. Access to the site is proposed via an existing shared access drive that is currently in place and utilized by 56 Barnum Road (Dunkin Donuts Bakery). The Unified Permit components of this application include Site Plan and building permit. The project is located within the Rail, Industrial and Trade Related Zoning District, Watershed, Aquifer and Zone 2 Water Resources Protection Overlay District.

3. Submission:

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

1. Level 2 Unified Permit Completed Application (#D14-012), dated 2-11-14.
2. Letter dated February 11, 2014 from Paul Grasewicz to the Devens Enterprise Commission, Subject: Fifty Eight Barnum Road, LLC Level Two Site Plan Review Submittal (2 pages) with the following attachments:
 - Devens Board of Assessors Certified Abutters List dated February 3, 2014;
 - Town of Harvard Certified Abutters List, dated January 31, 2014;
 - Waiver request list, dated February 11, 2014;
 - Completed WPA Form 1 – Request for Determination of Applicability;
 - Preconference contact information sheet, dated 2-10-14;
 - Unified Permit fee control form, dated 2-10-14;
 - Fifty Eight Barnum Road LLC Site Plan Project Stormwater Summary;
 - Traffic Impact Assessment, dated February 11, 2014;
 - Fifty Eight Barnum Road LLC Compliance Statements, dated February 11, 2014;
3. Plans entitled “Proposed Site Plan Fifty Eight Barnum Road LLC, 58 Barnum Road, Devens, Massachusetts” dated February 10, 2014; prepared by Graz Engineering, LLC. 323 West Lake Road, Fitzwilliam, NH 03447, including the following sheets:
 - Sheet 1 – Cover Sheet (no scale), dated 2-10-14, revised through 3/18/14;
 - Sheet 2 – Existing Conditions Plan; Scale 1”= 30’, dated 2-10-14, revised through 3/18/14;
 - Sheet 3 – Site Layout and Parking Plan; Scale 1”= 30’, dated 2-10-14, revised through 3/18/14;
 - Sheet 4 – Grading and Utilities Plan; Scale 1”= 30’, dated 2-10-14, revised through 3/18/14;
 - Sheet 5 – Erosion and Sediment Control Plan; Scale 1”= 40’, dated 2-10-14, revised through 3/18/14;
 - Sheet 6 – Proposed Landscape Plan; Scale 1”= 30’, dated 2-10-14, revised through 3/18/14;

- Sheet 7 – Site Details; (not to scale); dated 2-10-14, revised through 3/18/14;
 - Sheet 8 – Drainage Details; (not to scale); dated 2-10-14, revised through 3/18/14;
 - Sheet 9 – Proposed Landscape Management Plan; (not to scale); dated 2-10-14, revised through 3/18/14;
 - Sheet 10 – Proposed Lighting Plan; (not to scale); dated 2-10-14, revised through 3/18/14;
 - Sheet 11 – Floor Plan; prepared by McKenzie Engineering Company, Inc., 305 Whitney Street, Leominster, MA 01453; scale 3/32"= 1'-0"; dated 1/31/14, revised through 2/10/14;
 - Sheet 11 – Exterior Elevations; prepared by McKenzie Engineering Company, Inc., 305 Whitney Street, Leominster, MA 01453; scale 3/32"= 1'-0"; dated 1/31/14, revised through 2/10/14.
4. Determination of Completeness Issued February 12, 2014.
 5. Memo dated February 12, 2014 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Level 2 Unified Permit Application – 58 Barnum Road LLC. (notification of Public Hearing on March 25, 2014 at 6:45PM), including certified mail return receipts;
 6. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated March 6, 2014;
 7. Public Hearing Legal Notice Fax to Nashoba Publications, from Peter Lowitt, dated February 24, 2014 – to be published February 28, 2014 and March 7, 2014.
 8. Copies of Legal notices from February 28, 2014 and March 7, 2014 Ayer Public Spirit.
 9. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated March 6, 2014;
 10. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated March 6, 2014;
 11. Memo dated February 25, 2014 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – 58 Barnum Road, LLC., including certified mail return receipts;
 12. Stormwater Operation and Maintenance Manual; dated February 11, 2014, (18 pages); prepared by Graz Engineering, LLC;
 13. Stormwater Report for Fifty Eight Barnum Road, LLC, Maxant Industries Site Plan, 58 Barnum Road, Devens, MA; dated February 10, 2014, revised March 14, 2014; prepared by Graz Engineering, LLC;
 14. Letter dated March 21, 2014 from Nitsch Engineering to Neil Angus, re: Nitsch Project #9419, Maxant Steel Level 2 Site Plan Review: Stormwater Review, Devens, MA (6 pages);
 15. Memo from Devens Fire Chief Joseph LeBlanc to Peter Lowitt/Neil Angus re: 58 Barnum Road parcel # 28-1-400 formally Lot 6B (received March 12, 2014);
 16. March 10, 2014 letter from Neil Angus to Paul Grasewicz, PE, re: Maxant Industries – 58 Barnum Road Level 2 Unified Permit Application (D14-012) project review comments (17 pages);
 17. Letter dated February 28, 2014 from Nitsch Engineering to Neil Angus, re: Nitsch Project #9419, Maxant Steel Level 2 Site Plan Review: Stormwater Review, Devens, MA (4 pages)
 18. March 5, 2014 letter from John Marc-Aurele, Devens Engineering Manager, re: Lot 6B, 58 Barnum road, Devens – Site Plan Review (1 page);
 19. 58 Barnum road Plan Circulation Memo from Neil Angus, dated February 25, 2014;
 20. March 18, 2014 letter from Paul Grasewicz to Jennifer Johnson re: Fifty Eight Barnum Road, LLC Response to 2-28-14 Nitsch Review letter (3 pages);
 21. March 18, 2014 letter from Paul Grasewicz to Neil Angus re: Fifty Eight Barnum Road, LLC Response to level 2 unified permit application comments 3/10/14 (3 pages);
 22. March 18, 2014 letter from Paul Grasewicz to the Devens Enterprise Commission – additional waiver request (1 page);

23. March 18, 2014 letter from Paul Grasewicz to Neil Angus, re: Fifty Eight Barnum Road, LLC Response to Comments on DOC Checklist (38 pages);
24. Negative Wetland Determination of Applicability, issued on March 26, 2014.
25. Staff Report dated 3-20-14 Re: 58 Barnum Road – level 2 Unified Permit Application, prepared by Peter Lowitt (5 pages);
26. March 20, 2014 letter from Paul Grasewicz to Neil Angus re: Fifty Eight Barnum Road, LLC Rail, Industrial, and Trade-Related Zone Development Goals (1 page);
27. DEC Unified Permit Record of Decision Draft, dated April 3, 2013;
28. March 26, 2014 memo from Peter Lowitt to the DEC RE: Enforcing the Barnum Road Master Plan (1 page);
29. E-mail correspondence as follows:

Date	From	To	Subject
3/13/14	Paul Grasewicz	Neil Angus	RE: Maxant Comments(3)
3/18/14	Paul Grasewicz	Neil Angus	RE: Maxant Comments(2)
3/18/14	Paul Grasewicz	Neil Angus	RE: Maxant Comments(1)
3/19/14	Paul Grasewicz	Neil Angus	RE: Maxant Comments
3/13/14	Neil Angus	Paul Grasewicz	RE: Maxant Comments(3)
2/18/14	Paul Grasewicz	Kate Clisham	RE: Devens – 58 Barnum Road
3/3/14	John Marc-Aurele	Peter Lowitt	RE: 58 Barnum Road Review JMA 1
3/3/14	John Marc-Aurele	Peter Lowitt	RE: 58 Barnum Road Review
3/3/14	John Marc-Aurele	Peter Lowitt	58 Barnum Road Review
3/10/14	Neil Angus	Paul Grasewicz	58 Barnum Road
3/18/14	Paul Grasewicz	Neil Angus	RE: Maxant Comments
3/18/14	Neil Angus	John Marc-Aurele	FW: Maxant Comments
3/18/14	Neil Angus	Scott Turner	RE: 58 Barnum Road Stormwater review
3/18/14	Neil Angus	Scott Turner	58 Barnum Road Stormwater review
3/20/14	Paul Grasewicz	Neil Angus	Maxant – 58 Barnum Road; Devens
3/20/14	Paul Grasewicz	Neil Angus	58 Barnum Road; Devens
3/25/14	Paul Grasewicz	Neil Angus	RE: Maxant wall mounted fixture (1)
3/24/14	Paul Grasewicz	Neil Angus	FW: Maxant wall mounted fixture
3/24/14	Paul Grasewicz	Neil Angus	RE: Final Peer Review Comments
3/26/14	Peter Lowitt	Ed Starzec	58 Barnum Road
3/25/14	Paul Grasewicz	Neil Angus	RE: Maxant wall mounted fixture
3/11/14	Neil Angus	Paul Grasewicz	RE: 58 Barnum Road
3/20/14	Neil Angus	Paul Grasewicz	Staff Report 58 Barnum
3/21/14	Neil Angus	Paul Grasewicz	Final Peer Review Comments
3/11/14	Neil Angus	Paul Grasewicz	RE: 58 Barnum Road
4/1/14	Neil Angus	Paul Grasewicz	58 Barnum Waiver requests
4/1/14	Neil Angus	Paul Grasewicz	Re: 58 Barnum Waiver requests

4. Unified Permit Components and Actions:

The Unified Permit components include site plan approval and a building permit for the construction of a new +/-28,600 sq.ft. light industrial building, including parking, landscaping and associated drainage and utility improvements and a 8’x 20’ seasonal apiary on a 3.2 acre undeveloped parcel located at 58 Barnum Road (parcel ID# 28-17-400), Devens, MA.

5. Process:

The application was submitted on February 11, 2014 and a Determination of Completeness was issued on February 12, 2014. Copies of the application were received by the surrounding Towns on February 13, 2014. Legal notices were placed in Nashoba Publications on February 28 and March 7, 2014. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on March 14, 2014. No comments were received. The public hearing opened on March 25, 2014 and was continued to and closed at the April 3, 2014 meeting.

6. Waivers:

The Applicant requested waivers from the following design standards:

974 CMR 3.04(6)(a)2. – to allow for sloped granite curbing in lieu of vertical granite at the islands and entrances from the common drive.

The proposed curbing adjacent to sidewalks is vertical. There are no concerns with sloped granite curbing in the specified areas.

974 CMR 3.04(6)(a)3. – to allow for less than 0.5 footcandles on specific areas as shown on the lighting plan.

The DEC promotes energy efficiency and sustainable design however the proposed lighting plan contains inadequate lighting levels for safe pedestrian walkways along the side of the building. This waiver is subject to the addition of one (1) pedestrian-scale light fixture to be added in the vicinity of the proposed walkway along the northeast side of the building.

974 CMR 3.04(8)(d)2. – to allow removal of trees in excess of 12” diameter to allow for the installation of site utilities (water, electric and gas).

3 white pines at the entrance will need to be removed for utility connections. Replacement plantings proposed shall meet the screening requirements of 974 CMR 3.04(8) to the maximum extent feasible.

974 CMR 3.04(8)(h)2. – to allow for fewer shade trees around the parking lot perimeter than required due to the minimal area available between the front/side of the building.

A portion of the parking lot between the building and the access road will be shaded by the building, thereby reducing the potential urban heat island impacts of the pavement however, larger caliper plantings are required in the landscape Islands to provide shading as well as stormwater management and screening.

974 CMR 3.04(8)(l)1. - Landscape bed adjacent to foundation must be a minimum of 20’ in width.

The proposed landscape bed is only 5’ in width. This design standard also requires the perimeter of all buildings to have continuous screening within 50 feet of the face of the building (min. of one shade tree or 3 evergreen trees/50 feet of building). The proposed plans would leave 10 existing white pines. The regulations require at least 14. The Applicant shall add additional screening to the front of the lot where feasible.

974 CMR 4.08 4. (g) - Requirement for a falling head soil permeability test in detention basins. Justification for this waiver includes the Rawls number in lieu of the test; previous on-site testing to confirm soil types, conservative infiltration rate (2.4 inches/hour vs. 8.4 used for the existing basin behind NB Kenney).

The Applicant has submitted reduced assumed infiltration rates to the satisfaction of the DEC Peer Review Engineers, therefore there are no concerns with this waiver.

The Commission voted to approve the above waiver requests subject to the conditions of approval in Section 8 of this Unified Permit.

7. Findings

The DEC made the following findings:

1. The proposed light manufacturing, warehousing and distribution operations are consistent with the Rail or Trade Related permitted uses within the Devens Bylaws.

2. The preexisting lot has more than 100 feet of frontage on Barnum Road and the lot is well over 2 acres in area and is therefore in compliance with the minimum lot requirements as per the Devens Bylaws.
3. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions and waivers, 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 drives, parking lots, loading areas, paths, sidewalks, and streets are designed to provide for safe vehicular and pedestrian travel.
 - (e) Access and site circulation still enables 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", has been achieved.
 - (g) Connections with utility, power and communication systems available in the abutting infrastructure will be 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 existing 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 Negative Wetland Determination of Applicability has been issued by the DEC and 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 proposed use has been provided.
 - (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. The use of potable water for irrigation has been minimized to the maximum extent feasible.
 - (p) Connection to sanitary sewers will be made and authorized by Devens Utilities.
 - (q) 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 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. 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 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 enter and exit Devens via Jackson Gate at Route 2.
3. 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. 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.
4. 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.
5. 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.
6. Waivers granted shall be included on the final plans.
7. 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.
8. 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.
9. 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.
10. 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.

11. Outdoor Storage is only permitted in areas designated on the approved plans. 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.
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.
13. 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.
14. 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 the submission of a new application for site plan approval pursuant to 974 CMR 3.02(1)(c). The Applicant shall execute a reserve parking covenant
15. Prior to the issuance of a building permit, the Applicant shall submit the completed USGBC LEED for new Construction Checklist, in addition to soil testing results for landscaping in accordance with 974 CMR 3.04(8)(e).
16. Prior to issuance of a Certificate of Occupancy, the oil/debris trap shall be field inspected and if not installed properly, will need to be repaired or replaced;
17. Landscape plantings used for screening shall be modified to include a species, quantity and size that will provide screening to the maximum extent feasible as required by 974 CMR 3.08 along the front of the property, in addition to the transformer and dumpster areas. Shade trees (min 3" cal.) are also required in the landscape island between the building and access drive to provide climatic relief and stormwater management.
18. Additional landscaping/screening between existing multi-purpose trail and rear of property shall be included. Such screening may be a combination of landscape berms and plantings that comply with 974 CMR 3.04(8).
19. The proposed apiary is approved up to 8' x 20'. Any expansion of the Apiary will require DEC review and approval.
20. All proposed lighting fixture cut sheets shall be provided. All light sources shall comply with 974 CMR 4.04. An additional fixture shall be installed along the sidewalk at the northeast corner of the building to ensure safe lighting levels for walkways.
21. Use of potable water for irrigation shall be minimized to the maximum extent feasible. The Applicant is encouraged to utilize harvested roof runoff to supplement any on-site irrigation needs.
22. All municipal utility connections shall be approved by Devens Utilities prior to issuance of building permit.
23. Prior to issuance of a building permit, the Applicant shall submit a design review approval letter from Mass Development for the project. The Project shall remain in

compliance with the Barnum Road Master Plan, dated October 21, 2001 as amended (the "Design Guidelines").

9. Decision:

The public hearing closed on April 3, 2014. The DEC voted on April 3, 2014, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the site development plan for 58 Barnum Road, LLC., Inc. at 58 Barnum Road (parcel ID# 28-17-400), 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 58 Barnum Road, LLC. at 58 Barnum Road, 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 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 April 4, 2014 and terminates May 4, 2014, is "at risk". Final plans must be submitted for endorsement by the Commission by October 4, 2014.

Approved by:

Date: 4-3-2014

Peter C. Lowitt
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.

4-3-2014
Date

Kathryn Clisham
Kathryn Clisham, Notary
My Commission expires 3/16/2018

