

**Amended Record of Decision
Scannell Properties #460, LLC
16 BULGE ROAD
Parcel ID # 016.0-0018-0200.0
Devens (Harvard), MA
April 7, 2022**

1. Owner/Applicant:

Scannell Properties #460, LLC, 8801 River Crossing Boulevard, Suite 300, Indianapolis, IN 46259.

2. Premises and Proposed Project:

The applicant is seeking an amendment to their May 5, 2021 Level 2 Unified Permit Site Plan Approval that was issued for the construction of a 150,843 sf biotech manufacturing facility and associated improvements. This amendment would allow for a modified heavy and light duty pavement detail for the site. Property located at 16 Bulge Road, Devens (Harvard), MA (Deed Reference: Bk: 66469 Pg: 333) in the Innovation Technology Business District, Watershed and Aquifer Water Resources Protection Overlay Districts, and Slope Resource Area.

3. Submission:

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

1. DEC Completed Application Form (D22-021);
2. Flexible Pavement Design – Updated February 22, 2022; prepared by Sanborn Head (10 Pages);
3. Site Plan entitled: “Site Details 1, Sheet Number C-6.01” and “Layout and Materilas Plan, Sheet Number C-3.00, dated 3/10/21, revised through 2/2/22; Prepared by VHB, Inc., 1 Cedar Street, Suite 400, Providence, RI 02903;
4. 16 Bulge Road Certified Abutters lists (Devens) dated 2/24/2022;
5. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated 2/28/22;
6. Public Hearing legal notice publication memo to Nashoba Publications, dated 2/28/22 (publication dates March 4 and 11, 2022);
7. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley from Peter Lowitt, Director DEC, dated 2/28/22, and received March 3, 2022.
8. Determination of Completeness, dated 2/28/22;
9. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated 2/28/22, from Peter Lowitt/Dawn Babcock;
10. Community Cable Advisory Committee notice, dated 2/28/22, to run 2/28/22-3/29/22;
11. Public Hearing Notice to the Secretary of State, dated 2/28/22;
12. DEC Staff Report prepared by Peter Lowitt, Director and Neil Angus, Environmental Planner, dated 4/26/21 (3 Pages);
13. Letter from Jonathan Stabach, VHB to Neil Angus dated 2/23/22; Re: 16 Bulge Road (1 page);
14. Devens Pavement Calculations; dated 2/28/22; prepared by Nitsch Eng.(2 pages);

15. Draft Record of Decision – 16 Bulge Road, dated 4-7-22 (3 pages);

16. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Paige Simmons	2/28/22	RE: [External] Devens- WM- Scannell Pavement Section Discussion
Neil Angus	Jonathan Stabach	2/24/22	RE: [External] Devens- WM- Scannell Pavement Section Discussion
Paige Simmons	Neil Angus	2/28/22	RE: [External] Devens- WM- Scannell Pavement Section Discussion
Neil Angus	Paige Simmons	2/28/22	RE External Devens- WM- Scannell Pavement Section Discussion1

4. Unified Permit Components and Actions:

The Unified Permit Amendment includes a modification to the previously approved site plan to allow for an alternate heavy and light duty pavement detail for the previously approved development at 16 Bulge Road, Devens, MA.

5. Process:

Scannell Properties #460 LLC, submitted a Level II Unified Permit Amendment application package on February 28, 2022. The pre-permitting conference was held on February 22, 2022, and the Determination of Completeness was issued on February 28, 2022. Copies of the application and plans were received by the surrounding Towns on March 4, 2022. Legal notices were placed in Nashoba Publications on March 4 and 11, 2022. Certified Mail notice was sent to abutters on February 28, 2022. The 30-day public comment period expired on April 3, 2022. No comments were received. The public hearing opened on March 29, 2022 and was continued to April 7, 2022, and closed on that date.

6. Waivers:

There were no waivers requested or granted as part of this amendment.

7. Findings:

The DEC finds that:

- 1) Regarding the applicable approval criteria listed in 974 CMR 3.03(2):
 - (a) The amended 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 Worcester 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.
- 2) The Applicant has demonstrated that the anticipated traffic and usage justify a lesser heavy duty and light duty pavement standard in accordance with 974 CMR 3.04(3)(a)2.c.

8. Conditions:

The DEC voted to impose the following conditions in addition to the 24 conditions of the May 5, 2021 original approval:

- 25) The liquid nitrogen tank loading area shall be modified to reinforced cement concrete or heavy duty pavement. The “Compacted subgrade” portion of each pavement detail shall be updated to include “Compacted subgrade, free of frost, roots, and debris”.

- 26) Final revised plans and the Record of Decision shall be filed with the registry prior to any site paving.
- 27) The Applicant shall provide the DEC gravel sieve analyses, compaction tests, pavement slips, and copies of any third-party inspection reports for all site paving. The DEC peer review consultant will review this information to confirm compliance with the approved pavement modification. The Applicant shall pay for all consultant costs associated with construction inspections and monitoring.
- 28) The Applicant shall include ongoing pavement monitoring and maintenance in the facility Operations and Maintenance Plan to ensure maximum long-term durability of both the modified light duty and heavy duty pavement designs as approved under this amendment. A copy of this plan shall be provided prior to a Certificate of Occupancy.

9. Decision:

The Public Hearing closed on April 7, 2022 and the DEC voted at that time to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose Conditions, and to approve the Amended Site Plan for 16 Bulge Road, including a modified heavy duty and light duty pavement detail.

10. Building Permit:

The subject amendment does not require a building permit.

11. Permit Duration:

In accordance with 974 CMR 1.10, this amended unified permit 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 April 8, 2022 and terminates May 9, 2022, is “at risk”.

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 _____