

October 26, 2022

Certified Mail 7012 2210 0000 3901 2527

Eugene Sullivan
Eugene T. Sullivan, Inc.
230 Lowell St, Suite 2A
Wilmington, MA 01887

Re: 35 Saratoga Property Owner LLC. Ave., Devens, MA Unified Permit Approval

Dear Mr.Sullivan,

Please find enclosed the original signed Unified Permit Record of Decision (ROD) for the construction of a +/-154,000 sq.ft. new industrial building, with associated grading, landscaping, parking, stormwater, and utility improvements. Property located at 35 Saratoga Boulevard, Devens (Harvard), MA. This approval was granted by the Devens Enterprise Commission (DEC) at its October 25, 2022 meeting.

Please ensure the ROD is recorded in the Worcester County Registry and notify the DEC office of the Volume and Page number once the ROD has been recorded. Please also note, there is a 30-day appeal period (from the date of the Decision) that expires on November 25, 2022. No construction activity is authorized until the appeal period ends and the applicable conditions of approval in the Record of Decision have been addressed.

Feel free to contact me with any questions.

Sincerely,



Neil Angus, FAICP CEP, LEED AP, LFA
Environmental Planner

cc: Ayer Town Clerk (certified)
Harvard Town Clerk (certified)
Shirley Town Clerk (certified)
Meg Delorier, EVP Devens
Tania Hartford, EVP Real Estate, MassDevelopment
Steven Goodman, GFI Partners



DEVENS ENTERPRISE COMMISSION
33 Andrews Parkway • Devens, MA 01434 • Phone: (978) 772-8831 • Fax: (978) 772.8831

Record of Decision
35 SARATOGA PROPERTY OWNER, LLC.
35 Saratoga Boulevard (Parcel ID #021.0-0-0013-01600.0)
Devens (Harvard), MA
October 25, 2022

1. Owner/Applicant:

35 Saratoga Property Owner, LLC, 133 Pearl Street, Boston MA 02110.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit for Site Plan Approval for the construction of a +/-154,000 sq.ft. new industrial building, with associated grading, landscaping, parking, stormwater, and utility improvements. Property located at 35 Saratoga Boulevard, Devens (Harvard), MA (Deed Reference: Bk: 5040 Pg. 287) in the Rail, Industrial, Trade-Related Uses, Open Space and Recreation Zone, Zone II and Watershed WRP Overlay Districts.

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 from Gene Sullivan, dated April 7, 2022 (3 pages)
 - DEC Completed Application Form (#D22-033) submitted 4/7/22
 - Application fee
 - Industrial Performance Standards Checklist
 - Long term Pollution and Operations and Maintenance Plans
 - LEED Green Building Rating System Project Checklist
 - Certified Abutters List
2. Site Plans Entitled: "Proposed Building 35 Saratoga Boulevard, Devens, Massachusetts", prepared by Eugene T. Sullivan, Inc., Dana F. Perkins, Inc., and James K. Emmanuel Associates; dated April 6, 2022, including the following sheets:
 - Cover Sheet
 - EC.1 – Erosion and Sediment Control Plan
 - C.1 – Existing Conditions
 - C.2 – Site Layout
 - C.3 - Drainage and Utilities
 - C.4.1 - Construction Details
 - C.4.2 – Construction Details
 - SL-1 – Site Lighting Plan
3. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated April 12, 2022;
4. Public Hearing legal notice publication memo to Nashoba Publications, dated April 12, 2022 (publication dates April 29, 2022 and May 6, 2022);
5. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated April 12, 2022 (received April 19, 2022) from Peter Lowitt, Director DEC.
6. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated April 12, 2022, from Peter Lowitt/Dawn Babcock.
7. Community Cable Advisory Committee notice, dated April 12, 2022, to run April 12-May 31, 2022;
8. Public Hearing Notice to the Secretary of State, dated April 12, 2022.

9. Determination of Completeness, dated April 12, 2022, signed by Peter Lowitt.
10. Plan Circulation memo dated April 14, 2022, from Neil Angus to MassDevelopment
Re: Unified Permit Application – 35 Saratoga Boulevard (1 Page);
11. Storm Drainage Management Report: 35 Saratoga Boulevard, Devens,
Massachusetts, dated April 20, 2022, prepared by Eugene T. Sullivan (130 pages);
12. Supplemental Filing cover letter from Eugene Sullivan, dated April 21, 2022;
Project: PROPOSED BUILDING, 35 Saratoga Boulevard, Devens, Massachusetts (2
pages);
13. Revised Site Plans Entitled: “Proposed Building 35 Saratoga Boulevard, Devens,
Massachusetts”, prepared by Eugene T. Sullivan, Inc., Dana F. Perkins, Inc., and
James K. Emmanuel Associates; dated April 20, 2022, including the following
sheets:
 - Cover Sheet
 - EC.1 – Erosion and Sediment Control Plan
 - C.1 – Existing Conditions
 - C.2 – Site Layout
 - C.3 - Drainage and Utilities
 - C.4.1 - Construction Details
 - C.4.2 – Construction Details
 - SL-1 – Site Lighting Plan
 - L1 – Landscape Plan
 - A.1 – Building Elevations
14. Zoning Table PDF (1 page), submitted April 27, 2022
15. Landscape Plan Peer Review comments from John Amodeo, IBI Group, to Neil
Angus, dated May 2, 2022 (4 pages);
16. Peer Review Engineering comments from Jennifer Johnson, Nitsch Engineering, to
Neil Angus, dated May 4, 2022 (7 pages);
17. Response to 5/2/22 IBI peer review comments – PDF from Gene Sullivan, submitted
on 5/26/22 (6 pages);
18. Response to 5/4/22 Nitsch Engineering comments – PDF from Gene Sullivan,
submitted 5/25/22 (9 pages);
19. DEC Staff Report, dated 5/27/22 (4 Pages);
20. Sight Distance Report – Gene Sullivan response to comments from Nitsch
Engineering on original Traffic Report for 35 Saratoga Boulevard – submitted
5/31/22 (39 pages)
21. DEC Staff Report, dated 6-6-22 (4 Pages);
22. Traffic Study Sight Line Comments from John Marc-Aurele – PDF dated 6/7/22 (1
plan sheet)
23. Notes to file regarding sight distance and access to 35 Saratoga from Barnum Road,
dated 6/8/22 (1 page);
24. Disclosure of Appearance of Conflict of Interest filed with the State Ethics
Committee by Deborah Seeley, dated 6/13/22;
25. 35 Saratoga/Barnum Road Truck Turning Movement and Access Plan (PDF
submitted 6/22/22 (1 page);
26. DEC Staff Report, dated 6-21-22 (5 Pages);
27. Revised Site Layout for 35 Saratoga (draft), prepared by Gene Sullivan, submitted
on 6/29/22 (1 plan sheet);
28. Revised Site Layout for 35 Saratoga (draft), prepared by Gene Sullivan, submitted

- on 7/7/22 (1 plan sheet);
29. Revised Site Layout for 35 Saratoga - raised island added to Barnum Road Access (draft), prepared by Gene Sullivan, submitted on 7/11/22 (1 plan sheet);
 30. Proposed Warehouse – 35 Saratoga Boulevard, Devens, MA Sight Distance Plans entitled “Figure 1: Stopping Site Distance Approaching from the East” and “Figure 2: Intersection Sight Distance Driveway Looking East”; scale 1”=40’; submitted 7/25/22; Prepared by Bayside Engineering, 16 Unicorn Park Drive, Woburn, MA (2 pages);
 31. Memo to DEC from Peter Lowitt, dated 7/25/22 Re: Update on 35 Saratoga Boulevard (1 page);
 32. Revised Site Plans Entitled: “Proposed Building 35 Saratoga Boulevard, Devens, Massachusetts”, prepared by Eugene T. Sullivan, Inc., Dana F. Perkins, Inc., and James K. Emmanuel Associates; dated July 25, 2022, including the following sheets:
 - Cover Sheet
 - EC.1 – Erosion and Sediment Control Plan
 - C.1 – Existing Conditions
 - C.2 – Site Layout
 - C.3 - Drainage and Utilities
 - C.4.1 - Construction Details
 - C.4.2 – Construction Details
 - SL-1 – Site Lighting Plan
 - L1 – Landscape Plan
 - A.1 – Building Elevations
 33. Cover Letter for revised submittal and waiver request list dated 7/25/22, from Gene Sullivan (17 pages);
 34. Revised Storm Drainage Report, dated 7/25/22; prepared by Gene Sullivan (168 pages);
 35. Landscape Plan for 35 Saratoga Boulevard prepared by James K. Emmanuel Associates, 22 Carlton Road, Marblehead, MA (Sheet L.1), Dated July 28, 2022;
 36. Sight Distance Report – Gene Sullivan response to comments from Nitsch Engineering on original Traffic Report for 35 Saratoga Boulevard – submitted 5/31/22 (39 pages)
 37. Gene Sullivan response to Traffic study comments #23 and 26 from Nitsch Engineering; submitted 8-22-22 (2 pages);
 38. IBI review notes 35SB-Landscape_IBIG-REV2-2022-08-18-draft on revised plans and letter from Gene Sullivan, dated 7/25/22 requesting retaining wall waiver (28 pages)
 39. Letter from Peter Lowitt to Gene Sullivan (sent on August 24, 2022) Re: 35 Saratoga outstanding review comments (1 page);
 40. Mullin Rule Affidavit, dated 8/24/22, from Commissioner Fetterhoff re: July 26, 2022 public hearing;
 41. June 9, 2022 Public Hearing Postponement Notice (to June 16, 2022) due to insufficient public notice under MA Open meeting Law (notice posted on hearing room door, 33 Andrews Parkway building, DEC website, and sent to Ayer, Harvard and Shirley Town clerks for posting). Posted 6/8/22 at 10:00AM.
 42. Landscape Plan Peer Review comments (2nd round) from John Amodeo, IBI Group, to Neil Angus, dated August 24, 2022 (11 pages);
 43. Peer Review Engineering comments (2nd round) from Jennifer Johnson, Nitsch

- Engineering, to Neil Angus, dated August 24, 2022 (11 pages);
44. Peer Review Traffic study comments (2nd round) from Jennifer Johnson, Nitsch Engineering, to Neil Angus, dated August 26, 2022 (9 pages);
 45. August 30th Public Hearing extension and 75-Day decision period extension request from Gene Sullivan, dated August 29, 2022 (continue to September 27, 2022);
 46. Mullin Rule Affidavit, dated 8/29/22, from Commissioner Lilly re: July 26, 2022 public hearing;
 47. Updated Conceptual Site Plan dated 9-23-22 (1 page PDF from gene Sullivan);
 48. Memo to DEC from Peter Lowitt, dated 9/26/22 Re: 35 Saratoga Unified Permit update on Plan Review Status (II) (1 page);
 49. 25 Saratoga Boulevard Truck Access and Fire Access Turning Maneuver Plans (sheets C5.1 and C.5.2), dated 4/6/22, revised through 10/12/22;
 50. Nitsch and IBI review of 35 Saratoga Discussion Notes 10-20-22;
 51. Additional pavement Reduction Concept 10-23-22;
 52. Gene Sullivan response to 2nd round of Landscape Plan Peer Review comments from John Amodeo, IBI Group, dated October 11, 2022 (12 pages);
 53. Gene Sullivan response to 2nd round of Peer Review Engineering comments, dated October 11, 2022 (12 pages);
 54. Response to August 26, 2022 Peer Review Traffic study comments from Kenneth Cram, Bayside Engineering to Neil Angus, dated October 11, 2022 (29 pages);
 55. Revised Site Plans Entitled: “Proposed Building 35 Saratoga Boulevard, Devens, Massachusetts”, prepared by Eugene T. Sullivan, Inc., Dana F. Perkins, Inc., and James K. Emmanuel Associates; dated October 12, 2022, including the following sheets:
 - Cover Sheet
 - EC.1 – Erosion and Sediment Control Plan
 - C.1 – Existing Conditions
 - C.2 – Site Layout
 - C.3 - Drainage and Utilities
 - C.4.1 - Construction Details
 - C.4.2 – Construction Details
 - SL-1 – Site Lighting Plan
 - L1 – Landscape Plan
 - A.1 – Building Elevations
 56. Cover Letter for revised submittal and waiver request list dated 10/12/22, from Gene Sullivan, dated 10/12/22;
 57. Revised Storm Drainage Report, dated 10/12/22; prepared by Gene Sullivan (179 pages);
 58. Landscape Plan Peer Review comments (3rd round) from John Amodeo, IBI Group, to Neil Angus, dated October 24, 2022 (16 pages);
 59. Peer Review Engineering comments (3rd round) from Jennifer Johnson, Nitsch Engineering, to Neil Angus, dated October 20, 2022 (14 pages);
 60. Draft Record of Decision, dated 10/25/22 (9 pages);
 61. Draft Record of Decision, dated 10/25/22 revised (13 pages);
 62. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Eugene Sullivan	4/7/22	35 Saratoga Boulevard1
Neil Angus	Eugene Sullivan	4/21/22	35 Saratoga Boulevard
Peter Lowitt	Eugene Sullivan	7/25/22	35 Saratoga Boulevard
Beth Suedmeyer	Neil Angus	10/24/22	FW: Turning studies

To:	From:	Date:	Subject:
Peter Lowitt	Gene Sullivan	10/20/22	RE: Checking for information that test pits or borings done in the infiltration areas
Peter Lowitt	Gene Sullivan	10/20/22	RE: 35 Saratoga
Peter Lowitt	Gene Sullivan	10/20/22	RE: 35 Saratoga (geotech)
Tim Kelly	Neil Angus	10/20/22	Fwd: 35 Saratoga
Peter Lowitt	Gene Sullivan	4/19/22	RE 35 Saratoga waiver request
Neil Angus	Mark Cohen	4/15/22	RE 35 Saratoga New Building Proposal
Peter Lowitt	Gene Sullivan	4/27/22	RE 35 Saratoga
Neil Angus	John Marc-Aurele	4/28/22	RE: 35 Saratoga off-site allocation
Jenn Johnson	Neil Angus	5/4/22	RE 35 Saratoga Review - Site Stormwater and Sight Distance1
Neil Angus	Jennifer Johnson	5/5/22	RE 35 Saratoga Review - Site Stormwater and Sight Distance2
Neil Angus	Jennifer Johnson	5/4/22	RE 35 Saratoga Review - Site Stormwater and Sight Distance
Neil Angus	John Marc-Aurele	5/5/22	35 Saratoga
Jenn Johnson	Neil Angus	4/21/22	FW 35 Saratoga Boulevard
Neil Angus	John Marc-Aurele	5/6/22	RE 35 Saratoga 1
Gene Sullivan	Neil Angus	5/10/22	RE 35 Saratoga Review1
Gene Sullivan	Neil Angus	5/5/22	35 Saratoga Review
Neil Angus	Gen Sullivan	5/26/22	35 Saratoga Boulevard 2
Neil Angus	Gene Sullivan	5/26/22	RE 35 Saratoga Boulevard 1
Neil Angus	John Marc-Aurele	5/6/22	RE 35 Saratoga
Neil Angus	Gene Sullivan	5/27/22	RE 35 Saratoga Review
Peter Lowitt	Jenn Johnson	6/7/22	RE updated traffic study sight distance Nitsch response
Peter Lowitt	John Marc-Aurele	6/7/22	RE updated traffic study sight distance
Neil Angus	Gene Sullivan	6/13/22	35 Saratoga Boulevard
Peter Lowitt	Gene Sullivan	6/30/22	RE 35 Saratoga Boulevard spaces revised
Peter Lowitt	Gene Sullivan	7/7/22	RE 35 Saratoga Boulevard 6
Peter Lowitt	Gene Sullivan	6/30/22	RE 35 Saratoga Boulevard
Gene Sullivan	Neil Angus	7/18/22	RE 35 Saratoga Boulevard na
Neil Angus	Gene Sullivan	7/18/22	RE 35 Saratoga Boulevard gs
Peter Lowitt	Gene Sullivan	7/25/22	RE 35 Saratoga Boulevard725
Peter Lowitt	Gene Sullivan	7/25/22	Re 35 Saratoga Boulevard7252
Peter Lowitt	Jenn Johnson	7/25/22	RE 35 Saratoga Boulevard725jj
Peter Lowitt	Gene Sullivan	7/25/22	RE 35 Saratoga Boulevard725 sight distance
Peter Lowitt	James Kros	7/26/22	RE 35 Saratoga Boulevardjk
Peter Lowitt	Gene Sullivan	7/26/22	Re 35 Saratoga Boulevardgs
Peter Lowitt	Jenn Johnson	7/26/22	RE 35 Saratoga Boulevard revised sight distance comments Nitsch
Peter Lowitt	Gene Sullivan	7/28/22	35 Saratoga 1
Neil Angus	Peter Lowitt	8/8/22	Fwd Please send landscape plan
Peter Lowitt	Jenn Johnson	8/15/22	RE 35 Saratoga Boulevard traffic query
Peter Lowitt	Gene Sullivan	8/16/22	Please send along the revisions to the traffic study for 35 Saratoga
Peter Lowitt	Gene Sullivan	7/25/22	RE 35 Saratoga Boulevard A
Gene Sullivan	Peter Lowitt	7/25/22	RE: 35 Saratoga Boulevard
Neil Angus	Mark Cohen	7/29/22	RE 31 Independence Plan Circulation
Peter Lowitt	Gene Sullivan	8/22/22	RE Please resend extension and continuation of public hearing request for 35 Saratoga
Neil Angus	Jenn Johnson	8/18/22	35 Saratoga, review #2
Neil Angus	Paige Simmons	8/24/22	RE 35 Saratoga review #2
Neil Angus	Jenn Johnson	8/26/22	35 Saratoga - Traffic
Jenn Johnson	Neil Angus	8/26/22	RE 35 Saratoga - Traffic
Peter Lowitt	Neil Angus	8/26/22	RE 35 Saratoga - Traffic1

To:	From:	Date:	Subject:
Neil Angus	Jenn Johnson	8/26/22	RE 35 Saratoga - Traffic1.2
Peter Lowitt	Neil Angus	8/25/22	RE 35 Saratoga Comments
James Kros	Neil Angus	8/25/22	RE: 122047 - 35 Saratoga Project Review - IBI Group Review 2 Responses
Neil Angus	James Kros	8/25/22	122047 - 35 Saratoga Project Review - IBI Group Review 2 Responses
Jenn Johnson	Neil Angus	8/25/22	RE 35 Saratoga Comments 3
James Kros	Jenn Johnson	8/25/22	RE 35 Saratoga Comments 3.1
Peter Lowitt	Gene Sullivan	8/29/22	35 Saratoga Boulevard extension request to 92722
Peter Lowitt	Gene Sullivan	9/22/22	RE 31 Independence and 35 Saratoga continuance to 1026
Gene Sullivan	Peter Lowitt	9/28/22	Can you please send along the continuation request for 35 Saratoga to the 10-25 DEC public hearing at 645 pm
Peter Lowitt	Gene Sullivan	10/4/22	RE Plans for 35 Saratoga and 31 Independence so we can begin our reviews1
Peter Lowitt	Gene Sullivan	10/11/22	Resubmittal of 35 Saratoga Boulevard
Jenn Johnson	Neil Angus	10/12/22	Fwd Resubmittal of 35 Saratoga Boulevard
Peter Lowitt	Gene Sullivan	10/20/22	35 Saratoga
Gene Sullivan	Peter Lowitt	10/11/22	RE Plans for 35 Saratoga and 31 Independence so we can begin our reviews
Neil Angus	Gene Sullivan	10/24/22	RE Resubmittal of 35 Saratoga Boulevard
Beth Suedmeyer	Paige Simmons	10/24/22	RE 35 Saratoga
Neil Angus	Tim Kelly	10/24/22	Turning studies
Neil Angus	Paige Simmons	10/25/22	RE: 35 Saratoga - IBI Group Review 3 Comments

4. Unified Permit Components and Actions:

The Unified Permit for this project includes Site Plan Approval for the construction of a +/-154,000 sq.ft. new industrial building, with associated grading, landscaping, parking, stormwater, and utility improvements. Property located at 35 Saratoga Boulevard, Devens (Harvard), MA.

5. Process:

35 Saratoga Property Owner, LLC, submitted a Level II Unified Permit application package on April 7, 2022 and the Determination of Completeness was issued on April 12, 2022. Copies of the application were received by the surrounding Towns on April 19, 2022. Legal notices were placed in Nashoba Publications on April 29, 2022 and May 6, 2022. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on May 20, 2022. No public comments were received. The Commission opened the hearing on May 31, 2022 and continued it until June 9, 2022. The June 9, 2022 meeting was postponed to June 16, 2022 at which time the Commission accepted an extension request by the Applicant and continued the hearing to June 28, 2022. The Commission re-opened the hearing on June 28, 2022 and the Applicant requested another extension to the July 26, 2022 meeting. The Commission re-opened the hearing on July 26, 2022 and accepted another extension request from the Applicant and continued the hearing to August 30, 2022. The Commission re-opened the

hearing on August 30, 2022 and accepted another extension request from the Applicant and continued the hearing to September 27, 2022. The Commission re-opened the hearing on September 27, 2022 and accepted another extension request from the Applicant and continued the hearing to October 25, 2022 where the hearing was re-opened and closed.

6. Waivers:

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

- a) *974 CMR 3.04(1)(a) Side Yard Setback of 10' - waiver for the retaining walls being located within the side yard setback.*

Partial relief requested to allow for a retaining wall within the setback between this property and 29 Saratoga Boulevard only. The site topography, in combination with soil conditions, [the majority of the site contains ledge, and design to provide a balanced site to avoid soil removal and comply with Devens Soil management Policy] impacts the development of the property.

- b) *974 CMR 3.04(8)(h)2. requires one tree per 25 lineal feet of parking perimeter plus one tree per 50 feet in areas where screening is required.*

Partial relief requested from this requirement in certain locations on the eastern and western boundaries of the property due to proposed retaining wall and slope and ledge restrictions.

- c) *974 CMR 3.04(8)(g) landscape screening requirements along eastern property line.*

To provide relief from screening requirements along the Eastern property line. Applicant is proposing to provide plantings adjacent to the retaining wall on the 29 Saratoga Property and has agreed to supplement any required screening between 29 Saratoga Boulevard and 11 Saratoga Boulevard with a vegetated wall if the existing wooded buffer is developed in the future.

- d) *974 CMR 3.04(8)(g) landscape screening requirements along western property line.*

Partial relief requested from screening requirements along the eastern property line due to slope and ledge restrictions.

- e) *974 CMR 3.04(3)(a)4.d. Driveway widths no greater than 24' in width.*

Partial relief requested for the driveway apron off of Barnum Road. Additional pavement reduction will be undertaken on the final plans to reduce the portion of this drive that exceeds 24'.

The Commission voted all in favor to partially grant all waivers with corresponding conditions to reinforce the portions of the project that these partial waivers apply to.

7. Findings:

The DEC finds that:

1. The proposed general use is a permitted use in the Rail, Industrial and Trade-Related Uses District as per Exhibit D of the Devens Bylaws.

2. The project is located within a Watershed and Zone 2 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. Discharges from the site, with conditions, have been designed to meet the 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 Department.
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 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, with conditions.
 - (j) A wetlands order of conditions 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 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. Additional testing is required to confirm;
 - (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) All applicable federal, state, and local permits necessary for the construction and operation of the facility must be obtained, including, but not limited to, an EPA Construction General Permit and Driveway curb cut permit from MD/Devens Public Works. Copies of permits issued by those other than the DEC must be filed with the DEC prior to commencement of any operations.
- 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) 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.
- 8) 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 Devens Industrial Park Design Guidelines as may be amended (the “Design Guidelines”) and/or waived. The Applicant shall adhere to any comments and conditions included in the design approval letter.

- 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) 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) 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.
- 12) Any proposed tenant will need to be reviewed and approved by the DEC and the Devens Public Safety Officer to ensure compliance with the Devens Bylaws and allowable uses in the Rail, Industrial and Trade Related Uses District.
- 13) Prior to a Certificate of Occupancy, the Long-Term Stormwater Operations and Maintenance Plan shall be updated to ensure compliance with the Devens Stormwater Pollution Prevention Plan and Devens Water Resources Protection Report. The Applicant shall file a Spill Prevention Control and Countermeasures Plan that includes a complete listing of all chemicals to be used and accompanying MSDS reports. This plan shall be submitted for review and approval by the DEC and the Devens Fire Chief prior to issuance of a Certificate of Occupancy. The Applicant shall obtain all necessary permits from the Devens Fire Department for the storage of gasses, flammables and combustibles. Storage of flammables and combustibles shall comply with 527 CMR 14.03 and 974 CMR 4.09.
- 14) To help reduce single occupancy vehicle use and parking, The Applicant shall become members of the Devens Transportation Management Association [TMA] and implement additional traffic mitigation measures.
- 15) 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.
- 16) Prior to DEC endorsement, the final plans shall be revised to include the following:
 - a) All roof leaders shall be shown as tying into the proposed 24" HDPE drainage pipe along the east side of the building.
 - b) phosphorus removal calculations shall be updated to be consistent with the methodology from the Massachusetts Small MS4 Permit requirements.
 - c) The Applicant shall perform a minimum of two (2) additional test pits in the locations of the proposed underground infiltration system and each of the porous pavement areas to confirm drainage design assumptions. Should the test pits reveal different materials, the Applicant will be required to re-design the system(s) to ensure full compliance with 974 CMR 4.08. Overblasting may be required for any proposed porous pavement areas over existing ledge that do not have sufficient depth and required permeability.
 - d) ADA parking details, including striping and signage, shall be added to the plans.

- e) Guardrail locations shall be clarified and details added to the plans.
- f) Tree protection details shall be added to the plans.
- g) Provide indication on the plans where bare rock is expected to occur in relation to where screening is required.
- h) The parking table shall be updated and in accordance with 974 CMR 304(3)(a)10., include a minimum of 5% of total parking spaces (including reserve) for EV charging, 5% of the total spaces (including reserve) for carpooling/rideshare, and 5% of the total parking spaces (including reserve) for hybrid/low-emitting vehicle parking.
- i) Include an updated turning movement plans using the Devens Fire Department Engine 4 and Tower ladder truck turning templates. The Barnum Road access drive and adjacent paved areas shall be reduced in size to eliminate unnecessary/excessive pavement. Porous pavement or reinforced turf may be used for any extra pavement areas required only for emergency access. The paved triangle at the Barnum Road entrance shall be constructed of pervious pavement as well.
- j) Include notes and details to ensure all slopes with a grade of 3:1 (H:V, 33.3%) or steeper, with the exception of stable exposed ledge areas, shall be reinforced with biodegradable jute mesh for stabilization control (include detail on final plans), in addition to hydroseeding with a variety of grasses that will form a strong fibrous root system as indicated in 3.04 (8) (f) 3 to hold soil in place, in addition to required understory landscape plantings that include nut caches, seedlings, saplings, and live stakes (including but not limited to a plant palette includes 1” whip native trees and shrub species appropriate to early and future successional growth for the naturally wooded slopes at Devens such as the shrub species of blueberry, rhododendron, winterberry, bayberry, shrub dogwoods, cranberry bush, spicebush, and native viburnums.
- k) Provide additional shade tree plantings along the westerly boundary where feasible. Include a note on the plans that the Applicant will work with the adjacent property owner to the north to obtain permission to plant and maintain additional shade trees. Should the required plantings not be able to be installed, the Applicant will plant the equivalent of the additional required shade trees in another location in Devens to the satisfaction of the Commission.
- l) Pipe length/slope on plan shall match the HydroCAD report
- m) All existing trees and woodland to remain shall be shown on ALL site plan sheets.
- n) Site lighting plan shall be revised to reduce lumen levels around all SL1 lighting fixtures. Typical light levels are 0.5 fc and maximum light levels should be no greater than 2.0-2.5 fc.
- o) Landscape plans shall be revised to include native grasses, straight species (vs. hybrids and cultivars), and evergreen species appropriate to this horticultural zone.
- p) A space for the DEC Chair signature and date to endorse shall be included on all plans
- q) Approved waivers shall be added to the plan cover sheet.
- r) All remaining comments from Devens Utilities and Devens Engineering shall be addressed.

- 17) To comply with 974 CMR 4.11 Greenhouse Gas Mitigation regulations, the Applicant shall:
 - a) Join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard #24
 - b) Design the building to comply with the MA Stretch Energy Code (780CMR 120AA)
 - c) Install a vegetated roof, in accordance with the Devens Enterprise Commission's Vegetated Roof Policy, or a white/high albedo roof, to reduce urban heat island impacts associated with the proposed development.
- 18) Prior to issuance of a Certificate of Occupancy, the Applicant shall update the Long-Term Operations and Maintenance Plan to include details on how the proposed seeding and plantings will be established and maintained. Include temporary irrigation, required soil amendments, and additional measures to ensure successful establishment, growth, and ongoing care. This plan should also address how stabilization and maintenance of 2:1 slopes that are not ledge will be maintained (not mowable at this grade).
- 19) The Applicant shall survey locate and mark all property boundaries in the field and maintain the approved limits of disturbance. There shall be no encroachment on any adjacent properties without written permission from the property owner. Copies of any easement agreements must be filed with the DEC prior to commencement of any construction.
- 20) Should the existing landscape screening along the adjacent property line with parcel 021.0-0013-0100.0 (11 Saratoga Boulevard) ever be removed, within 12 months of such removal, the Applicant will be required to install and maintain a vegetated wall to cover that portion of the proposed easterly building façade that is exposed. Such vegetated wall will need to be included in the facility/property operations and maintenance plan to ensure ongoing success.
- 21) Prior to any construction work or planting on 29 Saratoga, the Applicant shall provide copy of a formal binding agreement for installation and long-term maintenance for all proposed landscaping plantings.
- 22) Prior to commencement of any blasting operations, the Applicant shall obtain the necessary permits from the Devens Fire Department and comply with MGL 148 and 527 CMR requirements. Prior to issuance of a Certificate of Occupancy, all blasted ledge areas shall be stabilized to ensure there are no loose rock areas that could create hazards.
- 23) All outstanding peer review fees shall be paid prior to issuance of a building permit.
- 24) The applicant shall update soils data and stormwater calculations to resolve outstanding DEC peer review comments and ensure stormwater management modeling for the site, along with the steep grades, and vegetation treatments at the property boundaries, comply with the Stormwater Management Standards, 974 CMR 4.08 - ensuring the project is not directing excess runoff onto adjacent properties.
- 25) A complete revised Traffic Report shall be submitted that addresses all Nitsch comments through August 26, 2022.

9. Decision:

The Public Hearing closed on October 25, 2022 and the DEC voted on October 25, 2022, 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 construction of a +/-154,000 sq.ft. new industrial building, with associated grading, landscaping, parking, stormwater, and utility improvements at 35 Saratoga Boulevard, Devens (Harvard), 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 October 26, 2022 and terminates November 26, 2022, is "at risk". Final plans must be submitted to the Commission for endorsement by April 25, 2023.

Approved by:

10.26.2022
Date

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.

10/26/2022
Date

Dawn M Babcock
Dawn Babcock, Notary
My Commission expires 3-2-2029



DAWN M BABCOCK
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 2, 2029