

**Record of Decision**  
**KING DEVENS LLC,**  
**Portion of 45 Jackson Road (Parcel ID #013.0-0021-1000.0)**  
**Devens (Harvard), MA (Deed Reference: Bk: 62907 Pg: 267)**  
**July 15, 2021**

**1. Owner/Applicant:**

King Devens LLC, 800 Boylston Street, Suite 1570, Boston MA 02119.

**2. Premises and Proposed Project:**

The applicant is seeking a Level 2 Unified Permit including Site Plan approval for the construction of a +/- 140,000 gross square foot bio-manufacturing building and associated site improvements on a +/-6.4 acre portion of the ~24 acre parcel of land located at 45 Jackson Road (to be assigned the address of 39 Jackson Road (Parcel ID#013.0-0021-1002.0), Devens (Harvard), MA. The project is located within the Innovation and Technology Business District, the Open Space and Recreation District, the Viewshed Overlay District and the Watershed Protection Overlay District.

**3. Submission:**

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

1. DEC Completed Application Form (D21-057);
2. 45 Jackson Road Certified Abutters lists (Devens) received 5/10/2021;
3. Application package entitled “Application for Level 2 – Unified Permit Site Plan Review, Biomanufacturing facility”; Project Address: 39 Jackson Road, Devens, MA; Applicant: King Devens LLC; dated May 6, 2021, prepared by Highpoint Engineering, Inc., 45 Dan Road, Suite 140, Canton, MA 02021 (61 pages)
4. Cover Letter from Doug Hartnett, PE, Highpoint Engineering to Peter Lowitt, dated 5/6/21, Re: 39 Jackson Road – Biomanufacturing Building Level 2 Unified Permit Application (2 pages);
5. DRAFT Soil Management Plan; Project: 45 Jackson Road, Devens, Massachusetts Prepared for: King Devens, LLC, 800 Boylston Street, Suite 1570 Boston, Massachusetts, 02199; prepared by Boston Environmental Corporation (76 pages)
6. Supplemental Geotechnical Evaluation, Proposed Biotechnic Industrial/Manufacturing Development, dated November 2, 2020; prepared by GZA for King Devens, LLC. (233 pages);
7. Site Plan entitled “39 Jackson Road – Site Development Plan, Devens, Massachusetts – Level 2 – Final Endorsement Set”, dated May 6, 2021, revised 6/11/21; prepared for by King Devens LLC Highpoint Engineering, Inc., 45 Dan Road, Suite 140, Canton, MA 02021 including the following sheets:
  - T100 – Title Sheet
  - G100 – General Notes Sheet
  - G200 – Campus Master Plan
  - C100 – Context Plan
  - C200 – Existing Conditions Plan
  - C300 – Soil Erosion & Sedimentation Control/Site Preparation Plan
  - C400 – Layout and Materials Plan
  - C500 – Grading & Drainage Plan
  - C600 – Utilities Plan

- C700 – C704– Site Details
  - L-100 – Overall Landscape Layout and Materials Plan (prepared by Wagner Hodgson)
  - L-200 – Landscape Planting Plan East (prepared by Wagner Hodgson)
  - L-201 – Landscape Planting Plan West (prepared by Wagner Hodgson)
  - L-202 – Planting Notes (prepared by Wagner Hodgson)
  - L-400 – Irrigation Plan (prepared by Wagner Hodgson)
  - ES1.01 - Electrical Site Lighting Photometric (prepared by NAPPA Electrical Contractors)
  - ES1.02 - Electrical Site Lighting Fixture cut sheets (prepared by NAPPA Electrical Contractors)
8. Stormwater Management Plan: 39 Jackson Road - Lot 2 prepared for King Devens, LLC; dated 5/6/2021 by Highpoint Engineering Inc. (219 pages);
  9. Traffic Impact and Access Study 39 Jackson Road, Devens, MA; prepared for King Street Properties by VHB dated May 2021(61 pages), including Appendices 230 pages).
  10. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated May 20, 2021;
  11. Public Hearing legal notice publication memo to Nashoba Publications, dated May 20, 2021 (publication dates May 28 and June 4, 2021);
  12. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated May 17, 2021, from Peter Lowitt, Director DEC.
  13. Determination of Completeness, dated May 12, 2021.
  14. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated June 21, 2021, from Peter Lowitt/Kate Clisham.
  15. Community Cable Advisory Committee notice, dated June 21, 2021;
  16. Public Hearing Notice to the Secretary of State, dated June 21, 2021.
  17. Neil Initial Review Comments 5/17/21.
  18. Building Elevation Plans entitled: “Presentation – Exterior Elevation Drawings”; Sheet SD-1; Scale: 1/16”=1’; prepared by RE Dinneen Architects and Planners, 123 North Washington Street, Boston, MA.
  19. DEC Staff Report, dated 6/27/21 (5 Pages);
  20. Plan Circulation memo dated May 17, 2021, from Neil Angus to MassDevelopment Re: Unified Permit Application – KSP 39 Jackson (1 page);
  21. Nitsch Engineering Site Plan and Stormwater Peer Review Comments letter to Neil Angus from Jennifer Johnson, PE dated 5/27/21 (7 pages);
  22. Nitsch Engineering Traffic Peer Review Comments letter to Neil Angus from Adina Alpert, dated 5/27/21 (3 pages);
  23. IBI Group Landscape Peer Review Comments letter dated 5/27/21 from John Amodeo (7 pages);
  24. Highpoint Engineering 6/11/21 response to Nitsch Engineering Site Plan and Stormwater Peer Review Comments letter to Neil Angus from Jennifer Johnson, PE dated 5/27/21 (6 pages);
  25. Revised Stormwater Management Report: 39 Jackson Road - Lot 2 prepared for King Devens, LLC; dated 6/11/2021 by Highpoint Engineering Inc. (223 pages);
  26. Final Traffic Impact and Access Study 39 Jackson Road, Devens, MA; prepared for King Street Properties by VHB dated June 2021(281 pages).
  27. Wagner Hodgson 6/11/21 Response to May 27, 2021 Landscape Peer Review letter from IBI Group (8 pages).
  28. Highpoint Engineering 6/11/21 response to May 27, 2021 Traffic Peer Review

- comments from Nitsch Engineering (3 pages).
29. IBI Group Revised Landscape Peer Review Comments letter dated 6/23/21 from John Amodeo (4 pages)
  30. Compiled Review Comments to Highpoint Engineering, from Neil Angus, dated June 24, 2021 (14 pages)
  31. ROD - 39 Jackson draft 7/15/21 (10 Pages);
  32. 39 Jackson Powerpoint Presentation Deck, prepared by Highpoint Engineering presented at 6/29/21 public hearing (18 slides)
  33. Email correspondence as follows:

Date	From	To	Subject
5/20/21	Kate Clisham	Legals Advertising	Public Notice
5/26/21	Legals Advertising	Kate Clisham	Re: FW: Public Notice
5/6/21	Doug Hartnett	Neil Angus	39 Jackson Road – Level 2 Unified Permit Submission(1)
5/6/21	Doug Hartnett	Neil Angus	39 Jackson Road - Level 2 Unified Permit Submission
6/11/21	Doug Hartnett	Neil Angus	39 Jackson Road - Level 2 Unified Permit   Peer Review Response to Comments
5/19/21	Mark Cohen	Neil Angus	RE 39 Jackson - KSP Building #2 New Level 2 Unified Permit
5/26/21	Ed Starzec	Neil Angus	RE 39 Jackson - KSP Building #2 New Level 2 Unified Permit
5/21/21	Jenn Johnson	Neil Angus	RE 39 Jackson - KSP Building #2 New Level 2 Unified Permit
5/28/21	Neil Angus	Doug Hartnett	39 Jackson Review Comments
5/27/21	Jenn Johnson	Neil Angus	RE: 39 Jackson Landscape Review
5/27/21	Jenn Johnson	Neil Angus	39 Jackson Landscape Review
3/29/21	Ruth Loetterle	Neil Angus	Re 33 Jackson Review Letters
5/27/21	Jenn Johnson	Neil Angus	FW: Devens 39 Jackson Traffic Peer Review
3/31/21	John Marc Aurele	Neil Angus	RE 33 Jackson
6/23/21	Neil Angus	Adina Alpert	RE: 39 Jackson Traffic Review
5/26/21	John Marc Aurele	Neil Angus	FW 33 Jackson Road - Level 2 Permit Peer Review Response to Comments
6/23/21	Jenn Johnson	Neil Angus	39 Jackson Site/Stormwater Review
6/23/21	Ruth Loetterle	Neil Angus	Devens - 39 Jackson Road - Level 2 Unified Permit
6/23/21	Neil Angus	Ruth Loetterle	Re: Devens - 39 Jackson Road - Level 2 Unified Permit
6/24/21	Neil Angus	Doug Hartnett	39 Jackson 2nd Review
6/28/21	Doug Hartnett	Neil Angus	RE: 39 Jackson 2nd Review
6/29/21	Doug Hartnett	Neil Angus	39 Jackson Level 2 hearing - Presentation Deck
7/1/21	Doug Hartnett	Ed Starzec	39 Jackson Road - Level 2 Building Design Review
7/12/21	Doug Hartnett	Ed Starzec	King Street - 45 and 39 Jackson Road reviews
7/13/21	Jenn Johnson	Neil Angus	39 Jackson and Invoices
7/14/21	Ed Starzec	Peter Lowitt	Design Review – 39 Jackson Rd.

34. Mullin Rule Affidavit from Commissioner Paul Routhier, dated 7/14/21.
35. MassDevelopment Design Review Approval letter from Ed Starzec to Peter Lowitt, dated 7/14/21.

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

The Unified Permit for this project includes Site Plan Approval for the construction of a +/- 140,000 gross square foot bio-manufacturing building and associated site improvements on a +/-6.4 acre portion of the ~24 acre parcel of land located at 45 Jackson Road (to be assigned the address of 39 Jackson Road (Parcel ID#013.0-0021-1002.0), Devens (Harvard), MA.

**5. Process:**

Highpoint Engineering, on behalf of King Street Properties Acquisitions, LLC submitted the Unified Permit Application on May 10, 2021 and the Determination of Completeness was issued on May 17, 2021. Copies of the application were received by the surrounding

Towns on May 19, 2021. Legal notices were placed in Nashoba Publications on May 28, June 4 and June 11, 2021. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on June 17, 2021. No comments were received.

**6. Waivers:**

The Applicant requested the following waiver:

*974 CMR 3.04(3)(b) – Viewshed Overlay District.* The Applicant seeks a waiver to increase maximum allowable percentage of parking spaces to be constructed between the principal building and street that provides frontage from 10% to 30%....

The parking is not visible from the Prospect Hill/Fruitland’s Museum sensitive receptor site due to the presence of mature tree canopy and the Johnson Pharma Life Science facility located within the sightline, resulting in no visual impacts to the viewshed. The setback provided between the parking and the frontage allows for the creation of earthen berms and a robust landscape buffer that provides a natural screen between the parking area and Jackson Road. This natural screen buffer provides sufficient mitigation so the majority of the parking will not be visible when viewed from the Jackson Road frontage, meeting the objectives of the regulations to minimize visual impacts from parking in front of the building as viewed from the street and sensitive receptor.

The DEC voted eight (8) in favor and one (1) abstention to approve the waiver request subject to specific conditions (see “Conditions” section of this decision).

**7. Findings:**

The DEC finds that:

1. The proposed use is a permitted use in the Innovation and Technology Business Zoning 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 project is located with the Viewshed Overlay District. Based upon the Viewshed Analysis, the Applicant has undertaken all reasonable efforts to design the Project building and site to maximize existing tree preservation, provide supplemental landscape screening and building designs to minimize significant visual impacts to the viewshed receptors.
4. The proposed 157 surface parking spaces are sufficient based on the anticipated use (manufacturing/office). A 5-story 700-space structured parking facility (reserve/future parking) has been included should additional parking be required for this and other future tenants of this master planned complex.
5. 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 biofiltration, on-site infiltration, and mechanical filtration. With conditions, discharges from the site will comply with MA DEP SWM Standards