

**Unified Permit Amendment  
Record of Decision  
CIP Saratoga Boulevard, LLC.  
66 Saratoga Blvd. (Parcel ID#26-13-300)  
Devens, MA  
January 30, 2018**

**1. Applicant:**

The Applicant and landowner are CIP Saratoga Boulevard, LLC, 133 Pearl Street, Boston, MA 02110 (the "Applicant").

**2. Premises and Proposed Project:**

The Applicant is proposing to amend the February 15, 2017 unified permit to include a new service driveway around the rear of the approved 429,173 sq.ft. building expansion, connecting the approved parking lot expansion on the north side of the building with the approved parking/loading docks on the south side of the building. The proposed modifications also include the conversion/expansion of 45 previously approved car parking spaces on the north side of the addition, into 32 truck parking spaces. Additional site amendments include modifications to stormwater management, lighting and landscaping. The proposed addition and all associated site improvements are located within the Rail Industrial and Trade Related District and Zone II Water Resources Protection Overlay District.

**3. Submission:**

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

1. Application submittal entitled "Level Two Unified Permit Application, Modification to Approved Site Plan, 66 Saratoga Boulevard; Devens, Massachusetts," dated November 8, 2017, prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887. This submittal included the following:
  - Completed Permit Application Form (D17-098)
  - Cover Letter from Eugene Sullivan dated November 8, 2017 (1 page);
  - Amendment Application Fee
  - Storm Drainage Management Report – Supplemental Report prepared by ETS Inc.
2. Plans entitled "Proposed Addition, 66 Saratoga Boulevard, Devens, MA" prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887; dated November 3, 2017 and containing the following sheets:
  - C.1 Existing Conditions Plan prepared by ETS
  - E.C.1 Erosion Control Plan prepared by ETS
  - C.2 Overall Site Plan prepared by ETS
  - C.2.1 Partial Site Layout prepared by ETS
  - C.3.1 Drainage and Utilities Plan prepared by ETS
  - L.1 Landscaping Plan prepared by ETS
3. Determination of Completeness issued by the DEC November 14, 2017.
4. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated November 27, 2017;
5. Public Hearing Legal Notice to Nashoba Publications, from Peter Lowitt, dated November 17, 2017 – to be published, November 24 and December 1, 2017.
6. Copies of Legal notices from December 1 and 8, 2017 from Nashoba Publications (publication error by Newspaper).
7. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated November 27, 2017;

8. Memo dated November 14, 2017 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Level 2 Unified Permit –66 Saratoga (notification of Public Hearing on December 18, 2017 at 6:45PM), with the following attachments: complete copy of application and plans, determination of completeness;
9. Memo dated November 27, 2017 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit – 66 Saratoga Warehouse Expansion (notification of Public Hearing on January 12, 2017 at 7:30AM);
10. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated Nov. 27, 2017.
11. Certified List of Abutters from Devens Assessor, dated November 13, 2017.
12. Certified Mail Return Receipts for application and plan deliveries to Ayer, Harvard and Shirley, received by towns on November 16, 2017; Certified Mail return receipts for public hearing notices to all abutters – various dates.
13. E-mail correspondence as follows:

Date	From	To	Subject
11/15/17	Gene Sullivan	Neil Angus	Amendment Documents
12//14/17	Gene Sullivan	Peter Lowitt	66 Saratoga Boulevard (extension request)
12/13/17	Gene Sullivan	Neil Angus	Re: 66 Saratoga Responses
1/10/18	Neil Angus	Gene Sullivan	Re: Nitsch Review
1/3/18	Neil Angus	Gene Sullivan	Re: 66 Saratoga
1/9/18	Neil Angus	Gene Sullivan	RE: SAPPI
1/9/18	Neil Angus	Gene Sullivan	RE: 66 Saratoga
1/4/18	Neil Angus	Gene Sullivan	RE: 66 Saratoga
11/29/17	Neil Angus	Gene Sullivan	RE: Paving cross section for Saratoga
11/28/17	Neil Angus	Gene Sullivan	RE: Paving cross section for Saratoga
11/14/17	Neil Angus	Gene Sullivan	RE: Stormwater Calcs
1/25/18	Neil Angus	Gene Sullivan	Waiver requests
1/23/18	Neil Angus	Gene Sullivan	75 Day extension request
1/10/18	Neil Angus	Gene Sullivan	Nitsch Review
1/9/18	Neil Angus	Gene Sullivan	What are green spaces?
1/8/18	Neil Angus	Gene Sullivan	66 Saratoga
1/5/18	Neil Angus	Gene Sullivan	66 Saratoga
12/21/17	Neil Angus	Gene Sullivan	66 Saratoga
12/13/17	Neil Angus	Gene Sullivan	66 Saratoga responses
12/4/17	Neil Angus	Gene Sullivan	66 Saratoga proposed Amendments

14. Revised Plans entitled “Proposed Addition, 66 Saratoga Boulevard, Devens, MA” prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887; dated November 3, 2017, revised through January 4, 2018 and containing the following sheets:
  - o Cover Sheet
  - o C.1 Existing Conditions Plan prepared by ETS
  - o EC.1 Erosion Control Plan prepared by ETS
  - o C.2 Overall Site Plan prepared by ETS
  - o C.2.1 Partial Site Layout prepared by ETS
  - o C.3.1 Drainage and Utilities Plan prepared by ETS
  - o C.4.1 General Notes and Erosion Control Details
  - o C.4.2 Construction Details
  - o C.4.3 Construction Details
  - o L.1 Landscaping Plan prepared by ETS
15. Plan Circulation Memo for 66 Saratoga Blvd. –Expansion Unified Permit Proposed Revisions, from Neil Angus to MassDevelopment dated November 14, 2017.
16. Letter to the Devens Enterprise Commission from Scott Turner of Nitsch Engineering RE: Nitsch Project #9419, 66-68 Saratoga Blvd. Expansion Site Plan Review Comments dated November 28, 2017 (4 pages).
17. Letter to Gene Sullivan from Neil Angus, re: 66 Saratoga Boulevard Site Plan Modification request to original unified permit issued on February 15, 2017 dated December 4, 2017 (2 pages);
18. Revised stormwater report narrative entitled Additional Drainage 66 Saratoga Post

Development Drainage, dated January 4, 2018 prepared by Eugene T. Sullivan, Inc. (212 pages);

19. Staff Report from Neil Angus to Devens Enterprise Commission, Re: 66 Saratoga Blvd. – Unified Permit Modification Request, dated January 8, 2018 (4 pages).
20. Letter to the Devens Enterprise Commission from Scott Turner of Nitsch Engineering RE: Nitsch Project #9419, 66-68 Saratoga Blvd. Expansion Site Plan Review Comments dated January 9, 2018 (3 pages).
21. Unified Permit Time Limit extension request from Gene Sullivan.
22. Waiver request list from Gene Sullivan, dated January 26, 2018.
23. Draft Record of Decision, dated January 30, 2018.
24. Letter from Dalton & Finegold, LLP to the Devens Enterprise Commission, dated January 30, 2018 Re: parking lot and driveway easements benefiting 66 Saratoga Boulevard (26 pages);
25. Revised Plans entitled “Proposed Addition, 66 Saratoga Boulevard, Devens, MA” prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887; dated November 3, 2017, revised through January 29, 2018 and containing the following sheets:
  - o Cover Sheet
  - o C.1 Existing Conditions Plan prepared by ETS
  - o EC.1 Erosion Control Plan prepared by ETS
  - o C.2 Overall Site Plan prepared by ETS
  - o C.2.1 Partial Site Layout prepared by ETS
  - o C.3.1 Drainage and Utilities Plan prepared by ETS
  - o C.4.1 General Notes and Erosion Control Details prepared by ETS
  - o C.4.2 Construction Details prepared by ETS
  - o C.4.3 Construction Details prepared by ETS
  - o L.1 Landscaping Plan prepared by ETS
  - o A.1 Building Elevations prepared by ETS
  - o A.2 Floor Plan prepared by ETS
  - o ES.1 Photometric Plan prepared by Apex Lighting Solutions.
26. Supplemental Report entitled: “Storm Drainage Report, Proposed Addition, 66 Saratoga Boulevard, Devens, MA, Supplemental Report, dated January 29, 2018 prepared by Eugene T. Sullivan, Inc. (211 pages);
27. Draft Proposed Conditions RE: Mack Devens, LLC (1 page) submitted on January 30, 2018 (draft conditions negotiated between 18 Independence and 66 Saratoga – excluding DEC involvement).

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

The Unified Permit request includes site plan amendments to the February 15, 2017 Unified Permit (new service driveway, conversion/expansion of 45 previously approved car parking spaces, into 32 truck parking spaces, and modifications to the stormwater management, lighting and landscaping).

#### **5. Process:**

The application was submitted on November 13, 2017 and the Determination of Completeness was issued on November 14, 2017. Copies of the application were received by the surrounding Towns on November 20, 2017. Legal notices were placed in Nashoba Publications on December 1 and 8, 2017. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on December 21, 2017. No comments were received from the public or any of the surrounding towns. This hearing was originally scheduled for December 18, 2017 and continued to the January 11, 2018 meeting at the request of the Applicant. The 75 day review period for the DEC to act on this application ended on January 28, 2018 and was extended to January 30, 2018 at the request of the Applicant. The public hearing was continued from the

January 11, 2018 meeting to the January 30, 2018 meeting at 6:45 PM. At this time the DEC voted to close the public hearing and to vote on the Unified Permit amendment request.

## 6. Waivers

The Applicant requested waivers from the following design standards:

**974 CMR 4.08(4)(a) Stormwater management basins to be 5,000 square feet or less by using smaller catchment areas and/or alternative stormwater management design methods.** This waiver was granted on the original application to allow the basin north of the proposed addition to be 45,056 square feet and a 12,046 square foot basin on the east side of the addition. As part of this amendment, the basin north of the addition has been reduced to 29,750 square feet and the basin on the east side of the addition has been eliminated. The basin to the north is necessary to accommodate the onsite infiltration as required by 974 CMR 4.08 and is in excess of 5,000 square feet due to the size of the building addition and the amount of impervious area.

**974 CMR 3.04(6)(a)3.a. Access Road/Parking lighting shall be 0.5-footcandles minimum (maintained), with 30' maximum height posts.** A small portion of the expanded access drive and the additional truck parking on the north side of the building do not meet this requirement. Due to limited pedestrian activity, no public access, and open exposure of this area, the proposed lighting provides sufficient balance between safety/security and excess light pollution.

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

## 7. Findings

The DEC made the following findings:

1. The lot size is in accordance with the minimum requirements for development in the Rail Industrial and Trade Related District in which it is located.
2. The frontage for 66 Saratoga is in accordance with the minimum requirements for development in the Rail Industrial and Trade Related District.
3. There is adequate lighting to service the facility and associated activities.
4. Sappi Paper Company's proposed uses are consistent with the permitted uses and development goals of the RIT District.
5. 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 drives, parking lots, loading areas, paths, sidewalks, and streets are designed to provide for safe vehicular and pedestrian travel.
  - (e) Access and site circulation will enable prompt fire, police, and emergency response, with conditions of approval.
  - (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", will be achieved with conditions of approval.

- (g) Connections with utility, power and communication systems available in the abutting infrastructure have been shown and approved by the MassDevelopment Managers of Engineering and Utilities.
- (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included on the plans.
- (i) The plans demonstrate compliance with Landscaping Design Standards for plant materials, planting strips, screening, and preservation of existing specimen trees and wooded areas.
- (j) A Wetlands Order of Conditions is not required for this site.
- (k) Industrial Performance Standards will be adhered to as per the final plans and the conditions of approval.
- (l) Sufficient parking for current and anticipated future needs has been provided in the form of 157 new vehicle parking spaces, 79 new truck parking spaces, and 303 reserve parking spaces that will be protected through a covenant to be filed on the land records.
- (m) Traffic control measures have been included on the plans.
- (n) The proposed development will participate in the Devens traffic management association as a condition of the previous approval.
- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (p) Connection to sanitary sewer has been shown and approved by the MassDevelopment Managers of Engineering and Utilities.
- (q) Building design meets the minimum standards as established by MassDevelopment for the district in which the lot is located.
- (r) 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 conditioned and incorporated in accordance with 974 CMR 4.11.

**8. Conditions:**

The DEC voted to impose the following conditions, in addition to the twenty-one (21) conditions of approval as listed in the February 15, 2017 unified permit:

- 22. Once the appeal period has expired, the Applicant shall submit final approved amended plans to the DEC for endorsement. The Applicant shall file the Amended Record of Decision and endorsed plans with both Worcester and Middlesex Registry of Deeds and proof of recordation shall be submitted to the DEC prior to issuance of a final Certificate of Occupancy for the building addition.
- 23. The Applicant shall include all approved amendments on the final 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.
- 24. If the DEC determines that the existing parking is insufficient, the Applicant will be required to construct all or a portion of the additional parking identified as "Future Parking

Area (303 Spaces)” and “87 Additional Parking Spaces” as depicted on the approved plan entitled: entitled “Overall Site Layout Plan” Sheet C.2, prepared by Eugene T. Sullivan, Inc. (ETS), 230 Lowell Street – Suite 2A, Wilmington, MA 01887; dated November 3, 2017, revised through January 4, 2018.

25. Prior to endorsement the final plans shall be revised to include the following:
- Landscape plan(s) shall be stamped by a Registered Landscape Architect;
  - Remaining engineering comments in Nitsch Engineering letter dated 1/9/18.
  - The required number of ADA accessible spaces as per 974 CMR 3.04(3)(A)1.c. and 521 CMR, closest to an ADA compliant building access point.
  - Photometric plan with all compliant fixture details shall be added to the plan set.
  - Additional shade trees along the easterly perimeter of the new service driveway to comply with the DEC’s Landscaping requirements under 974 CMR 3.04(8).

**9. Decision:**

The DEC voted January 30, 2018, after the Public Hearing was closed, to grant applicable waivers, 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 plan amendments to the February 15, 2017 Unified Permit for CIP Independence Drive LLC., 66 Saratoga Boulevard, Devens, MA.

**10. Building Permit**

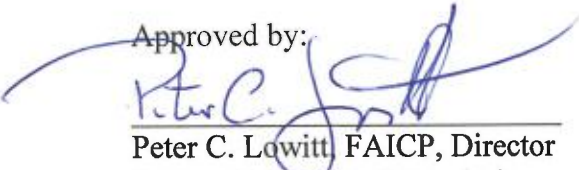
The proposed amendments do not impact the existing building permit for the previously approved addition.

**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 the 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 January 31, 2018 and terminates March 2, 2018, is “at risk”. Final plans must be submitted for endorsement by the Commission by July 31, 2018.

Date: February 1, 2018

Approved by:

  
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

2/1/2018

  
Kathryn Clisham, Notary

My Commission expires 3/16/2018

6 of 6

