Record of Decision
KING DEVENS LLC
SITE PLAN MODIFICATIONS
57 Jackson Road (Parcel ID #013.0-0021-0100.0)
(Deed Reference: Bk: 62288 Pg.: 109)
75 Jackson Road (Parcel ID ##018.0-0021-0900.0)
(Deed Reference: Bk: 62907 Pg.: 266)
Devens (Harvard), MA
October 29, 2024

1. **Owner/Applicant:**
   King Devens LLC, 800 Boylston Street, Suite 2400, Boston MA 02199.

2. **Premises and Proposed Project:**
   The applicant is seeking site plan modifications to Level 2 Unified Permit #D22-071 for the construction of an additional 19 parking spaces south of the building on 57 Jackson Road (Parcel ID #013.0-0021-0100.0 and Deed Reference: Bk: 62288 Pg.: 109) and site plan modifications to Level 2 Unified Permit #D22-070 for an additional 8 parking spaces south of the building at 75 Jackson Road (Parcel ID ##018.0-0021-0900.0 and Deed Reference: Bk: 62907 Pg.: 266). These spaces are being proposed to accommodate the increased demand for parking spaces at the adjacent new Canteen building and Sterling Street Brewery operations at 65 Jackson Road. All properties 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. King Devens LLP, Level II Site Plan Modification Unified Permit application package, including:
      - Cover letter dated September 5, 2024 (3 pages);
      - Completed Application Form (D24-018) and filing fee;
      - Site Plans entitled: 57 Jackson Road – Site Development Plan, Devens, Massachusetts, Level 2 – Unified Permit, Date June 2, 2022, revised September 5, 2024, (7 sheets) including:
        i. Title sheet – T100
        ii. Additional Parking Context Plan – C800
        iii. Layout and Materials – Additional Parking Plan – C801
        iv. Grading and Drainage Plan – C802
        v. Detailed Layout & Materials Plan – Additional Parking – L103
        vi. Detailed Planting Plan – Additional Parking – L204
        vii. Site Lighting – Patrial Plan – SL100
      - Site Plans entitled: 75 Jackson Road – Site Development Plan, Devens, Massachusetts, Level 2 – Unified Permit, Date June 2, 2022, revised September 5, 2024, (7 sheets) including:
        i. Title sheet – T100
        ii. Additional Parking Context Plan – C900
        iii. Layout and Materials – Additional Parking Plan – C901
        iv. Grading and Drainage Plan – C902

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v. Detailed Layout & Materials Plan – Additional Parking – L103
vi. Detailed Planting Plan – Additional Parking – L204
vii. Site Lighting – Patrial Plan – SL100

- Stormwater Technical Memorandum for additional parking, from Hilde Karpawich, Highpoint Engineering, to Neil Angus, dated September 5, 2024 (2 pages), along with pipe and hydrology calculations;

2. 57 and 75 Jackson Road Certified Abutters lists (Devens) received 9/16/24;
3. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated September 17, 2024.
4. Public Hearing legal notice publication memo to Nashoba Publications, dated September 17, 2024 from Neil Angus/Dawn Babcock (publication dates October 4 and 11, 2024), including newspaper clippings;
5. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated September 17, 2024, from Neil Angus, Director DEC.
6. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated September 17, 2024, from Neil Angus/Dawn Babcock.
7. Community Cable Advisory Committee notice, dated September 17, 2024, from Neil Angus/Dawn Babcock to run September 12 through October 29. 2024;
8. Public Hearing Notice to the Secretary of State, from Neil Angus, dated September 17, 2024;
9. Determination of Completeness dated September 16, 2024.
10. Letter/applicant response to comments from Hilde Karpawich to Neil Angus, re: 57-75 Jackson Road – Biomanufacturing Buildings and Amenity Building Level 2 Site Plan Modification for Additional Parking Revision 1, dated October 1, 2024
11. Letter from Rob Nagi, VHB, to Julie Farrer, King Street Properties, Re: 57-75 Jackson Road Parking Level 2 Permit Amendment, Devens, Massachusetts, dated September 25, 2024 (2 pages);
12. Site Plans entitled: 57 Jackson Road – Site Development Plan, Devens, Massachusetts, Level 2 – Unified Permit, Date June 2, 2022, revised through October 1, 2024, (10 sheets) including:
    i. Title sheet – T100
    ii. Additional Parking Context Plan – C800
    iii. Layout and Materials – Additional Parking Plan – C801
    iv. Grading and Drainage Plan – C802
    v. Grading and Drainage Plan - C803
    vi. Detail Sheet - C804
    vii. Detailed Layout & Materials Plan – Additional Parking – L103
    viii. Detailed Planting Plan – Additional Parking – L204
    ix. Details Additional Parking - L303
    x. Site Lighting – Patrial Plan – SL100
13. Site Plans entitled: 75 Jackson Road – Site Development Plan, Devens, Massachusetts, Level 2 – Unified Permit, Date June 2, 2022, revised through October 1, 2024, (7 sheets) including:
    i. Title sheet – T100
    ii. Additional Parking Context Plan – C900
    iii. Erosion and Sediment Control Plan – C901
    iv. Layout and Materials – Additional Parking Plan– C902
    v. Grading and Drainage Plan – C903
    vi. Detail Sheet – C904
    vii. Detailed Layout & Materials Plan – Additional Parking – L103

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viii. Detailed Planting Plan – Additional Parking – L204
ix. Details – Additional Parking – L303
x. Site Lighting – Patrial Plan – SL100

14. Viewshed Analysis Plan entitled "Viewshed Corridor", Sheet VSC-1, prepared by Vivo Architecture, received October 1, 2024 (1 sheet);
15. DEC Staff Report, dated 10/25/24;
16. Plan Circulation memo dated 9/16/24, from Neil Angus to MassDevelopment Re: King Devens, LLC Level 2 Unified Permit Amendment– 57 & 75 Jackson Road – Plan Circulation (1 page);
17. Plan entitled: "Amenity Furniture Plan" (occupancy load), Sheet A-1, dated 10/2/24; prepared by Total Office Interiors, 129 Portland Street, Boston, MA 02114.
18. Draft Record of Decision for 57 and 75 Jackson Parking Modification (7 Pages);
19. Email correspondence as follows:

Date	From	To	Subject
10/22/24	Hilde Karpawich	Neil Angus	RE: [External] 57/75 L2 Parking Amendment Comments1
9/25/24	Paige Blanchard	Neil Angus	RE: 57-75 Minor Amendment
9/6/25	Hilde Karpawich	Neil Angus	57-75 Jackson Additional Parking - Level 2
9/6/24	Hilde Karpawich	Neil Angus	RE: [External] 57-75 Jackson Additional Parking - Level 2
10/1/24	Hilde Karpawich	Neil Angus	Revised L2 Parking Plans - 57 & 75 Jackson
10/23/24	Julie Farrer	Neil Angus	RE: [External] 57/75 L2 Parking Amendment Comments
9/16/24	Neil Angus	MassDevelopment	57-75 Minor Amendment
10/8/24	Julie Farrer	Neil Angus	65 Jackson Occupancy Loads

4. Unified Permit Components and Actions:

The Unified Permit for this project includes site plan modifications to Level 2 Unified Permit #D22-071 for the construction of an additional 19 parking spaces south of the building on 57 Jackson Road and site plan modifications to Level 2 Unified Permit #D22-070 for an additional 8 parking spaces south of the building at 75 Jackson Road.

5. Process:

Highpoint Engineering, on behalf of King Devens, LLC., submitted the Unified Permit Modification Application package on September 9, 2024 and the Determination of Completeness was issued on September 16, 2024. Copies of the application were received by the surrounding Towns on September 19, 2024. Legal notices were placed in Nashoba Publications on October 4 and 11, 2024. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on October 20, 2024. No comments were received. The public hearing opened at 6:45PM on October 29, 2024 and closed that same evening and voted on the draft Record of Decision.

6. Waivers:

974 CMR 3.04(3)(a)1.b –Applicants may propose up to 10% of parking for compact car parking spaces (8' wide x 16'deep). Waiver is requested to allow the construction of 25 new compact spaces within the 57 Jackson Road.

Due to the location of the property line, the proposed compact spaces comprise 20.3% of the total parking space count at 57 Jackson Road and 0.5% of the total parking space count at 75 Jackson Road. Parking for 57 & 75 Jackson Road was designed to be a shared parking facility for use by any tenant on the campus. The addition of the newly proposed compact spaces comprises 5.3% of the total parking for the entire 57 & 75 Jackson Road campus.

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974 CMR 3.04(3)(b) – Viewshed Overlay District. Parking lots in the Viewshed Overlay District shall be located on the far side of the building from the viewshed sensitive receptor and/or along the sides of the building. Parking lots shall not be located between the building and the viewshed sensitive receptor except for a maximum of 10% of the total parking spaces.
7.8% of the previously approved parking spaces were located within the Viewshed Overlay and the addition of 19 proposed parking spaces to the south of 57 Jackson Road will comprise a total of 11.1% of the total parking space count for the entire campus. A Viewshed Corridor analysis submitted with the application demonstrates that the proposed additional spaces would be adequately screened by existing buildings and the existing and proposed tree canopy. The view of all parked vehicles will also be screened by existing buildings and the existing tree canopy.

The DEC voted _____ to approve/deny the waiver requests.

7. **Findings:**
The DEC finds that:
1. The project is located within a Watershed Water Resources Protection District. The modified plans 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.
2. The project is located with the Viewshed Overlay District. Based upon the Viewshed Analysis, the Applicant has undertaken all reasonable efforts to minimize significant visual impacts to the viewshed receptors.
3. The additional parking spaces, combined with allowed shared parking on 75 Jackson Road, are sufficient based on the existing and anticipated uses (manufacturing/office/amenity building).
4. The on-site Storm Water Management system and proposed conditions will continue to ensure that there are no untreated discharges from the site– all runoff will be pretreated through an on-site treatment train that includes porous pavement, biofiltration, sub-surface infiltration, and mechanical filtration. Discharges from the site will comply with MA DEP SWM Standards and DEC regulations in order to satisfy EPA MS4 requirements.
6. These minor modifications/additions to parking are still consistent will all review and decision criteria in 974 CMR 3.03;

8. **Conditions:**
The DEC voted to impose the following additional conditions modification to the Level 2 Unified Permit #D22-071 for 57 Jackson Road and the Level 2 Unified Permit #D22-070 for 75 Jackson Road:

1) Once the appeal period has expired, the Applicant shall submit final approved modified plans to the DEC for endorsement. The Applicant shall file the modified endorsed plans and the final Record of Decision with the Registry of Deeds for both

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properties and proof of recordation shall be submitted to the DEC prior to commencement of construction.

2) Upon completion of the permanent parking, the Applicant shall provide updated As-Built Plans for each site in accordance with the DEC As Built Policy.

3) Additional understory plantings shall be included along the southern side of the 19 compact parking spaces to provide screening from adjacent private property drive. The applicant is required to submit a letter confirming a one-year guarantee of all additional approved landscaping once installed. Any dead or damaged landscaping must be replaced promptly.

4) The Applicant shall be responsible for monitoring and enforcing the compact spaces and shall update the Property O&M Plan to address snow storage and include any notification, monitoring, and enforcement procedures to ensure proper emergency access is maintained at all times. The O&M Plan shall also be updated to include a temporary signage/management plan to direct amenity building overflow parking to the spaces behind the building at 75 Jackson Road when necessary. A Crowd Manager will be required for the brewery/amenity building when open in accordance with 527 CMR. This requirement should also be included in O&M Plan. A copy of the updated O&M Plan shall be provided to the DEC addressing these items, prior to permanent use of these spaces.

5) Prior to endorsement, the final plans shall be revised to include the following changes:
   - verify the total parking space count is compliant with MA AAB and ADA requirements for accessible parking requirements. Accessible spaces need to be closest to the facility entrance.
   - Verify EV parking requirements are still met with these additional spaces.
   - Revised layout of 8 parking spaces along the main entry drive.

These conditions are in addition to the 32 original conditions of approval in the Level 2 Unified Permit #D22-071 for 57 Jackson Road and the 29 original conditions in the Level 2 Unified Permit #D22-070 for 75 Jackson Road. All conditions remain in full effect.

9. Decision:

The Public Hearing closed on October 29, 2024 and the DEC voted on October 29, 2024, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose Conditions, and to approve the modification to Level 2 Unified Permit #D22-071 for the construction of an additional 19 parking spaces south of 57 Jackson Road and the modification to Level 2 Unified Permit #D22-070 for an additional 8 parking spaces south of 75 Jackson Road.

10. Building Permit:

No building permit is required for these modifications.**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

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begins on October 30, 2024 and terminates November 29, 2024, is “at risk”. Final plans must be submitted to the Commission for endorsement by April 28, 2024.

Approved by:

_____ _____

Date

Neil Angus, FAICP, LEED AP Director
Devens Enterprise Commission

Certification ***Middlesex, SS***

I certify the above is a true action and record of the Devens Enterprise Commission and that Neil Angus, 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_____

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