

**Unified Permit
Record of Decision
SMC Ltd.
18 Independence Drive, Devens
August 25, 2015
Devens Parcel #26-13-600**

1. Applicant:

The applicant is SMC LTD., 16 Chocksett Road, Sterling MA. 01564. The landowner is CIP Independence Drive C/O Crossharbor Capital Partners, One Boston Place, Boston, MA. 02108

2. Premises and Proposed Project:

The Applicant is seeking a Unified Permit including site plan approval and a building permit for construction of 3 new loading docks, one at-grade loading door, a recycling and dumpster loading dock, employee parking and associated landscape and utility improvements. The project also includes the addition of silo pads and silos, truck circulation improvements, mechanical upgrades to building utilities and façade upgrades to the building entrance. The property is located on 21.6 acres at 18 Independence Drive in the Rail Industrial and Trade Related District. The property is also within the Watershed, Aquifer and Zone II Water Resources Protection Overlay Districts. The site has more than 100 feet of frontage and is in compliance with the minimum parcel size of 2 acres and 100 feet of frontage as per the Devens Bylaws.

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 2 Unified Permit Application, SMC Ltd.; 18 Independence Drive; Devens Massachusetts prepared for the DEC by McCarty Engineering, Inc., 42 Jungle Road, Leominster, MA 01453 and dated July 9, 2015. This submittal included the following:
 - Cover Letter
 - Level II Unified Permit – Narrative Attachment
 - Devens Regional Enterprise Zone Permit Application – Level 2
 - Permit Fee Check #22199
 - Level 2 Unified Permit Checklist for Determination of Completeness
 - Attachment to level 2 Unified Permit Checklist for Determination of Completeness
 - Industrial Performance Standards Checklist for newly Proposed Project
 - ITE Trip Generation Calculation
 - LEED Checklist for Sustainable Sites
 - 18 Independence Drive Multi-Tenant Plan
2. Plans entitled "Site Development Plan – SMC Ltd., 18 Independence Drive, Devens, Massachusetts prepared by McCarty Engineering, Inc., Civil Engineers, 42 Jungle Road, Leominster, MA 01453. Plans are dated and stamped July 9, 2015 as follows:
 - Sheet Title Sheet dated July 9, 2015 last revised August 20, 2015
 - Sheet 1 Existing Conditions Plan ""
 - Sheet 2 General Notes"
 - Sheet 3 Overall Site Plan"
 - Sheet 4 Overall Parking Plan"
 - Sheet 5A Landscape Plan"
 - Sheet 5B Landscape Operation and Maintenance Plan dated August 20, 2015
 - Sheet 6 Site Lighting Plan"
 - Sheets 7-8 Construction Details"
 - Sheet 9 Proposed Loading Dock Detail Plan and & Elevations"
 - Sheet 10 Office 3-D Views"
 - Sheet M-1 Proposed Rooftop unit layout"

3. Determination of Completeness issued by the DEC July 10, 2015.
4. Letter from DEC to Brian Marchetti, McCarthy Engineering regarding First Review Comments, dated August 4, 2015.
5. Public Hearing Notice Fax to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated July 10, 2015;
6. Public Hearing Legal Notice Fax to Nashoba Publications, from Peter Lowitt, dated July 28, 2015 – to be published, August 7, 2015 and August 14, 2015.
7. Copies of Legal notices from August 7, 2015 and August 14, 2015 from Ayer Public Spirit.
8. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated July 23, 2015;
9. Memo dated July 10, 2015 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Level 2 Unified Permit –SMC Ltd., (notification of Public Hearing on August 25, 2015 at 6:45PM);
10. Memo dated July 23, 2015 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit –SMC, Ltd., (notification of Public Hearing on August 25, 2015 at 6:45PM);
11. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated July 10, 2015.
12. Certified Mail Return Receipts for application and plan deliveries to Ayer, Harvard and Shirley, received by towns on July 13, 2015. Certified Mail return receipts for public hearing notices to all abutters – various dates.
13. Plan Circulation Memo for SMC Ltd., from Neil Angus to MassDevelopment dated July 13, 2015.
14. Letter to DEC from Brian Marchetti, Applicant’s response to 1st Review Comments to Applicant and Response to DOC dated August 11, 2015.
15. MassDevelopment Design Review letter dated August 4, 2015.
16. Complete Stormwater Report for Proposed Site Development Plan for SMC Ltd., 18 Independence Drive, Devens, MA dated July 20, 2015 prepared by McCarty Engineering.
17. Revised Waiver List received August 4, 2015 undated.
18. Revised Submission cover letter to DEC from Brian Marchetti dated August 20, 2015 and including revised site plans (see item 2 revision dates of August 20,2015; Letter to DEC dated August 20, 2015 entitled Response to Review Comments; OSQ Series 2 Large spec; and XSPW Wall Mount Spec.
19. Staff Report dated August 21, 2015.
20. Draft Record of Decision, dated 8-21-15
21. E-mail correspondence as follows:

Date	From	To	Subject
8-12-15	Chief LeBlanc	Neil Angus	RE: Site Plans for 18 Independence
7-14-15	Neil Angus	Brian Marchetti	Digital Copy of Submission
8-14-15	Neil Angus	Brian Marchetti	18 Independence Review Comments
8-4-15	Neil Angus	Brian Marchetti	MD Design Approval
8-20-15	Neil Angus	Brian Marchetti	Revised Plans
8-20-15	Neil Angus	Brian Marchetti	copies
8-21-15	Brian Marchetti	Neil Angus	Re: SMC
7-7-15	Neil Angus	Brian Marchetti	RE: Level II Permit Checklist
7-21-15	Neil Angus	Brian Marchetti	DEC Comments – Section 2.(e) – Ties to County boundaries
8-20-15	Neil Angus	Brian Marchetti	RE: Revised Plans
8-20-15	Neil Angus	Brian Marchetti	RE: copies

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

The Unified Permit request includes amending an existing site plan approval in order to construct three new loading docks, one on grade loading door, silo pads and silos, employee parking and associated site improvements on approximately 21.6+/- acre parcel of land located at 18 Independence Drive (Devens Parcel #26-13-600) within the Rail, Industrial and Trade Related Zone and Watershed, Aquifer, and Zone II Water Resources Protection Overlay Districts.

5. **Process:**

The application was submitted on and a Determination of Completeness was issued on July 10, 2015. Copies of the application were received by the surrounding Towns on, July 14, 2015. Legal notices were placed in Nashoba Publications on August 7 and August 14, 2015. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on August 14, 2015. The public hearing opened on August 25, 2015 and closed that same evening.

6. **Waivers**

The Applicant requested waivers from the following regulations:

1. **974 CMR 3.04(6)(a)4.b. "Service areas, dumpsters, or open storage areas shall not be located to the front façade of the building."**

SMC requests that its service areas and dumpsters be allowed to locate along the front façade of the building. Such areas will be accessed internally and screened from the street.

2. **974 CMR 3.04(6)(a) 5. "Loading docks not allowed forward of the front façade of the building."**

SMC requests that its loading docks be allowed in front of the façade of the existing building as permitted for prior tenants of this facility.

3. **974 CMR 3.04(8)(h)4. - Parking area terminal, intermediate, and divider islands shall contain no more than 25% impervious surfaces... for the easternmost island in this location.**

4. **974 CMR 3.04(6)(a)3.a - Access Road/Parking lighting shall be 0.5-foot candles minimum (maintained)... within the proposed pavement area north of the loading docks.**

5. **974 CMR 3.04(8)(h)3 - Exclusive of perimeter screening plantings, parking lot landscape areas shall contain one deciduous shade tree for every 20 parking spaces....in the proposed truck parking/loading area only.**

The Commission voted to **approve waiver requests 1-4 and deny waiver request 5** for the reasons stated in the in the Staff Report dated August 21, 2015 and subject to the conditions of approval in Section 8 of this Unified Permit.

7. **Findings**

The DEC made the following findings:

1. The proposed plastics medical injection molding production facility is an allowed use within the Rail Industrial and Trade Related Zone.
2. The proposed parking area is sufficient to meet the anticipated demands of the proposed project with conditions of approval.
3. The proposed lot size and frontage are in accordance with the minimum requirements for development in the Rail Industrial and Trade Related District in which it is located.
4. The proposed plan complies with CMR 3.04(8)k.1. (street trees to be planted along Independence Drive at a rate of one shade tree every 50 feet) for the frontage along Independence that SMC Ltd. is leasing. The remainder of the street trees will be installed when at such time as a future tenant occupies the remaining space in the building.
5. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions and waivers, 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.
 - (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 Mass Development 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 with the waivers granted and proposed conditions of approval.
 - (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 needs has been provided.
 - (m) Traffic control measures have been included on the plans and as a condition of approval.
 - (n) The proposed development is required to participate in the Devens traffic management association.

- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (p) Connection to sanitary sewers is available.
- (q) Building designs will meet the minimum standards as established by Mass Development for the district in which the lots are located.
- (r) Soil testing indicates that the soils are capable of supporting the proposed development.
- (s) The development has been designed with due consideration for public health with waivers granted and conditions of approval.
- (t) Adequate climate change mitigation, adaptation and greenhouse gas emissions mitigation measures have been incorporated in accordance with 974 CMR 4.11 with conditions and waivers granted.

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” is referenced, it shall refer to the Devens Enterprise Commission, its successors and assigns.
2. The Applicant shall take appropriate measures to encourage all truck traffic associated with this project to use the Devens preferred truck route to the maximum degree feasible. The applicant shall install a Devens Designated Truck Route sign on-site to alert drivers of the proper truck route. In addition, the Applicant shall participate in the Devens Transportation Management Initiative. When transportation/ trip reduction/ public transit options become available in the future, the applicant shall be obligated to advise the building occupants to make their employees aware of such transportation alternatives and help to facilitate connections to these programs for those who are interested.
3. 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.
4. 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.
5. The waivers granted shall be listed on the plans.
6. 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 with the Registry of Deeds and proof of recordation shall be submitted to the DEC prior to the issuance of a building permit.
7. All applicable federal, state, and local permits necessary for the construction and operation of the facility must be obtained prior to the issuance of a Certificate of

Occupancy. Copies of permits issued by those other than the DEC must be filed with the DEC.

8. All required erosion controls shall be in place prior to the commencement of construction. The best management and maintenance practices for the Site as articulated in the Applicant's Erosion and Sediment Control Plan and Notes and Stormwater Pollution Prevention Plan (SWPPP), shall be strictly adhered to, now and in the future. Tree protection fences shall also be installed and maintained in areas where construction is being conducted. Any existing trees marked for preservation that are damaged, killed or removed shall be replaced in accordance with 974 CMR 3.04(8)(d)8. Additional controls shall be implemented at the discretion of the DEC or its Staff.
9. The Applicant shall notify the DEC in writing seven or more days prior to the completion of the following construction milestones:
 - completion of the site grading and site work
 - complete installation of site stormwater management facilities and other subsurface utilities
 - Installation of trees and other major landscaping features.
 - completion of all site improvements as shown on the approved site planThe LUA shall schedule a site inspection by the DEC's consultants or allow the submission of a red-lined print stamped by a RLS or PE, as appropriate.
10. 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.
11. There is no approval of freestanding or building mounted business signs granted in this Unified Permit. Such signage will require subsequent approval. Signs shall be designed and erected in accordance with the Sign Regulations 974 CMR 6.00.
12. 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.
13. As the project is disturbing greater than one acre, the Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the EPA. A copy of this permit shall be provided to the DEC prior to commencement of construction. An illicit discharge statement in compliance with the MA DEP Stormwater Management Standards is also required to be filed with the DEC prior to commencement of construction.
14. As per 974 CMR 4.11(2), the Applicant is required to demonstrate compliance with EcoStar Standard #24 – Climate Change Mitigation.
15. Prior to issuance of a Certificate of Occupancy, the Applicant or Owner shall provide a Parking Covenant to protect land designated for reserved parking from having structures built on it. A coordinated parking plan is also required showing all parking for both 66 Saratoga and 18 Independence to ensure that sufficient parking exists to service both properties. Such plan shall also include coordination during

construction for the tenant at 66 Saratoga utilizing the easterly parking lot at 18 Independence (Polartech or successor).

16. Proposed future services, silos and pads along the east side of the building may be approved by the DEC Director administratively. The Applicant shall submit final details for review as part of the building permit process. Additional screening may be required at the Director's discretion to ensure full compliance with 974 CMR 3.04(8).
17. Prior to commencement of construction of the new entrance, the Applicant shall obtain a curb cut permit from the Devens Department of Public Works.
18. All necessary controls/containment shall be implemented to ensure ongoing compliance with the DEC Industrial Performance Standards for noise (974 CMR 4.05)
19. Prior to endorsement the final plans shall be revised to include the following:
 - a. Sheet 5b requires DEC Chairman signature block
 - b. The Landscape Plan shall be revised to include 4 shade trees relocated to the perimeter of the truck parking area.
 - c. Existing burning bushes labeled "to be relocated" on Landscape Plan 5A shall be removed and replaced with a non-invasive plant species. The existing burning bushes labeled "to remain" in the parking lot islands on the east side of the building shall be removed and replaced with two 3" cal. shade tree plantings.
 - d. Water Resource Protection boundaries shall be modified to show correct Zone 2, Aquifer and Watershed districts which encompass this parcel.
 - e. Pervious paver employee break patio should be labeled correctly on Sheet 3 and reference detail on sheet 7.
 - f. Provide Note #2 label on Overall Parking Plan (Sheet 4)
 - g. A note added to the Site Lighting Plan (Sheet 6) stating that all lightpoles and fixtures shall be a dark, earthtone color.

9. Decision:

The DEC voted August 25, 2015, 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 development plan for the SMC Ltd., at Devens, 18 Independence Drive, Devens, MA (Devens Parcel #26-13-600).

10. Building Permit

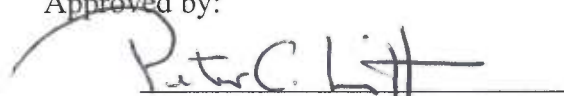
The Building Commissioner, along with the Electrical and Plumbing Inspectors, must review architectural/structural drawings and specifications and approve them in writing, prior to issuance of a building permit. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and those of the Devens Fire Chief must be met. When this approval is obtained, the building permit may then be integrated with this Site Plan Record of Decision and together they will constitute the Unified Permit for SMC Ltd., at Devens, which will, 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 completed within two years. It is further noted that 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 August 26, 2015 and terminates September 28, 2015, is "at risk". Final plans must be submitted for endorsement by the Commission by February 26, 2016.

Approved by:

Date: 8-26-2015



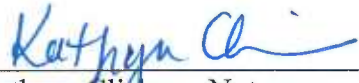
Peter C. Lowitt, FAICP, Director
Devens Enterprise Commission

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.

8-26-2015
Date


Kathryn Clisham, Notary
My Commission expires 3-16-2018

