

# Staff Report

Devens  
Enterprise  
Commission

**Date:** August 1, 2022

**To:** Devens Enterprise Commission

**From:** Peter Lowitt, FAICP DEC Director and Neil Angus, FAICP Environmental Planner

**RE:** King Street Properties – 57 Jackson Road Level 2 Unified Permit

**Applicant/ Owner:** King Devens LLC, 800 Boylston Street, Suite 1570, Boston MA 02119  
**Engineer:** Highpoint Engineering Inc.  
**Location:** 57 Jackson Road, Devens  
**Zoning:** Innovation Technology Business, Open Space and Recreation, Watershed Protection Overlay District and Viewshed Protection Overlay District

**Premises and Proposed Project:** The applicant is seeking a Level 2 Unified Permit including site plan and subdivision approval for the demolition of an existing building, construction of a new 145,000 gross square foot biomanufacturing building and a separate 8,300 gross square foot amenity building, including parking, stormwater management, landscaping, and utilities on a new 7.15 acre lot (Parcel ID # 0.13.0-0021-01000.0). The lot will have frontage on Jackson Road, with access being provided via common driveways servicing the larger site (75 as well as 57 Jackson). It has sufficient area to comply with the Devens By-laws. The facility proposed for 57 Jackson is a core and shell building of 145,000 sf based on the needs of an as yet unidentified future bio-manufacturing use. The lot will also contain an 8,300 sf amenity building. This project is being concurrently permitted along with 75 Jackson Road, a 275,000 sf facility. This lot would be accessible both from Jackson Road, as well as Givry Street and is consistent with King Devens LLC previously presented Campus Master Plan for 33, 39, 45, 57, and 75 Jackson Road:



The complete application has been circulated to MassDevelopment and the full DEC Peer Review team: Nitsch Engineering (site plan, stormwater, and traffic), IBI Group (landscaping), and Tech Environmental (light, noise, electromagnetic interference). The following is a summary of those reviews and key issues raised:

### Zoning:

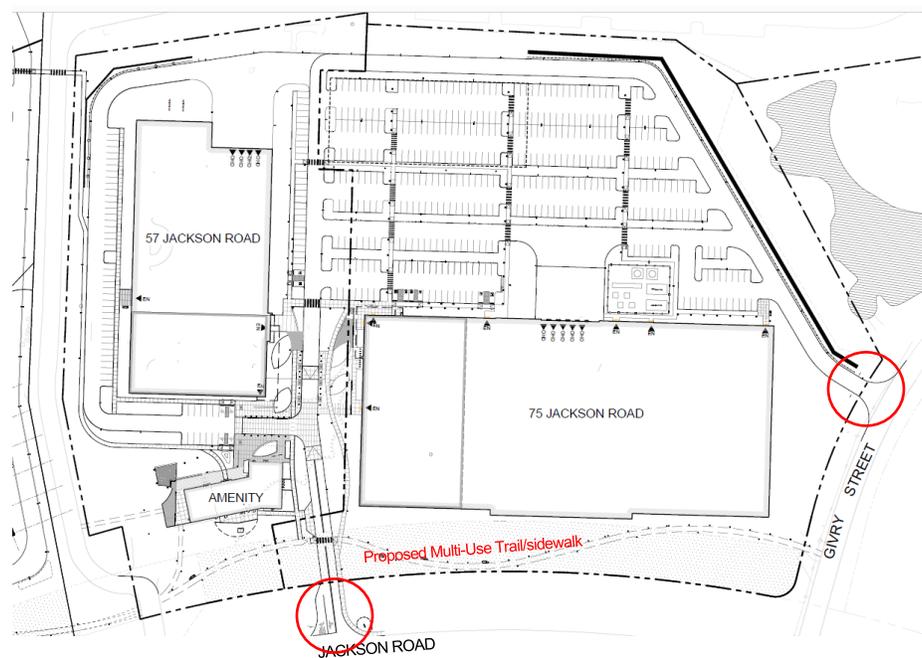
**Amenity Building:** The Commission has already addressed the amenity building, determining it is an allowed use if presented within the parameters approved the Commission, limiting the area for inside dining. This is set forth in the Amenity Building Memo dated April 5 by Commission staff and further explained in an email from Neil Angus to Tyson Reynoso dated 4/28/22. The email concludes that the amenity building must have less than 50% of its area designated for small scale retail, if they intend to have small scale retail as a use. The typical shared building program elements (restrooms, storage, utility rooms, common areas) that support both Accessory and Small Retail uses are not assigned exclusively to the small scale retail, nor should they be proportioned. Thus, for example, if the amenity building is 8000sf, a proposed café/beverage area must be less than 4000 square feet. Additionally, The Determination of less than 50% is with respect to the building only, and exempts application of the 50% zoning provision for the outdoor use component of the facility. Specifically, seasonal outdoor seating and adjacent public open space may be used by the Small-scale retail and Accessory uses without restriction or application of the zoning noted in the recommendation.

**Principle Building:** The 145,000 gsf is being marketed for bio-manufacturing and research and development uses which are allowed uses in the Innovation and Technology Business District. Open Space and Recreation Zoning District borders Jackson Road and will be used to access the property. The building is to be sited within the Watershed Protection Overlay District and the Viewshed Protection Overlay District on a lot exceeding the two acre required minimum with over 100' of frontage on Jackson Road.

The DEC's peer review engineers and landscape architects, as well as DEC and MassDevelopment staff have reviewed the plans. The following is a summary of the main issues:

### Site Plan:

**Access:** Access needs to be coordinated with MassDevelopment Engineering's plans for upgrading Jackson Road and the Jackson/Givry intersection improvements proposed as part of that upgrade. Use of Givry Street will provide an alternative access point for 75 Jackson and 57 Jackson and lessen the pressure on the Jackson Road frontage. The Devens Main Post Trails Plan identifies a potential bike and pedestrian trail or sidewalk connection along the frontage of Jackson Road.



The Applicant should continue construction of the sidewalk along the Jackson Road and Givry frontage of their properties. This should be coordinated with MassDevelopment engineering's future build out of the Jackson Road Boulevard and the Hospital/Givry intersection improvements.

*Industrial Performance Standards:* To help avoid potential nuisance conditions, the Applicant has designed the facility with due consideration for the surrounding land uses. The closest sensitive receptors include 27 Jackson Road/One Jackson Place (Mount Wachusett Community College), 122 Hospital Road (New England Studios), 53 Jackson Road (Northrup Grumman), 64 Jackson Road (Quiet Logistics), and 100 Sherman Square (MassDevelopment). The Applicant has conducted a baseline sound study for the campus. Upon securing a tenant for the building, the tenant-specific building use requirements will be evaluated with the DEC Administrator for compliance with the IPS (noise, light, air emissions, and electromagnetic interference). This will be a condition of approval. The proposed site lighting plan includes fully shielded, downward directed light fixtures and appears to comply with 974 CMR 3.04 and 4.04. Light temperature/color of 3000K or less should be specified for all lighting fixtures. Once a tenant has been identified, the mechanical fit-up of the building will need to be reviewed and any stacks or visible emissions associated with the bio-manufacturing process will need to be reviewed. Any emergency generators will need to be permitted by the MA DEP. This will also be a condition of approval.

*Greenhouse Gas Regulatory Requirements:* Due to the volume of traffic and number of parking spaces this project will create, combined with 75 Jackson Road (subject of a separate application), the Applicant will be required to join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation and comply with the MA Stretch Code (780 CMR 120AA) as amended. If this project requires a MassDEP Air Quality Permit, it will also need to have a roof for which at least thirty (30) percent shall be vegetated.

*Drainage and Stormwater Management:* This project site is part of a larger watershed area that was detailed in a report entitled *Roadway, Utility and Drainage Improvements – Jackson Road – Route 2 Gate to Hospital Road* by MassDevelopment, dated February 2000. A detention pond was constructed as part of this report and is located to the northwest of this site. This detention pond was designed with the intention of mitigating runoff from the entire larger watershed area. Therefore, the stormwater management plan for 57 Jackson is only required to meet or decrease peak rates of runoff up to the 25-year storm event. Stormwater discharges exceeding the 25-year storm up to and including the 100-year storm and including the 50-year storm can be released to the off-site regional detention pond. The DEC's requirements for the use of LID and presence of high groundwater need to be taken into account in the stormwater management design. Clarification of grading, further explanation of stormwater modelling, stormwater design calculations, compliance with DEP Stormwater Standards, Devens MS4 permit requirements and other issues were raised during the initial review.

*Utilities:* Several addressable utility issues were raised by MassDevelopment utilities and should be remedied by the Applicant during the next round of review. These included water, sewer depth to groundwater, curb roundings and such. Questions about irrigation were raised.

*Parking:* The applicant has clarified that they propose to construct 85 spaces on this parcel and another 400 on the adjacent 75 Jackson property (subject of separate application), with the ability to construct up to 512 additional spaces in a future garage on 75 Jackson to be constructed if demand warrants it. Parking would be shared with the adjacent parcel (75) depending on tenant needs. The Commission is requested to make a finding that the parking ratio of 1.15/1000 square feet spread over the two lots as allowed by the By-laws is sufficient for the proposed uses, with the 512-space parking garage allowing a ratio of 2.07 if constructed. The Commission encourages the use of porous concrete for the parking spaces and asphalt for the drive aisles to better comply with the 2008 MEPA findings which limit the amount of impervious area constructed on Devens. Other minor details such as the use of reflective paint and covered bicycle parking were raised.

*Traffic:* For this project, the Applicant conducted a combined traffic study in conjunction with the proposed development on the adjacent parcel (75 Jackson) as they are sharing a driveway and parking. The

development of 57 Jackson is expected to generate 2,064 vehicle trips per day (57 Jackson plus the amenity building). Combined with 75 Jackson, the total development could result in an additional 4,900 vehicle trips (2,450 entering/ 2,450 exiting) over the course of a typical weekday, with approximately 182 vehicle trips (138 entering/44 exiting) during the weekday morning peak hour and 240 vehicle trips (48 entering/192 exiting) during the weekday evening peak hour. These numbers are adjusted to exclude pass-by traffic for the retail uses already travelling on the roadway. The breakdown of unadjusted trips generated per building are as follows:

**Table 3 Project Trip Generation – ITE Unadjusted Vehicle Trips**

	57 Jackson Road <sup>1</sup> (145 KSF)	75 Jackson Road <sup>1</sup> (275 KSF)	Amenity Building <sup>2</sup> (8.3 KSF)	Total Unadjusted Vehicle Trips
<b>Weekday Daily <sup>3</sup></b>				
Enter	742	1,509	290	2,541
Exit	<u>742</u>	<u>1,509</u>	<u>290</u>	<u>2,541</u>
Total	1,484	3,018	580	5,082
<b>Weekday Morning Peak Hour <sup>4</sup></b>				
Enter	46	87	15	148
Exit	<u>15</u>	<u>29</u>	<u>10</u>	<u>54</u>
Total	61	116	25	202
<b>Weekday Evening Peak Hour <sup>4</sup></b>				
Enter	11	20	34	65
Exit	<u>60</u>	<u>115</u>	<u>34</u>	<u>209</u>
Total	71	135	68	274

Source: Trip Generation Manual, 10th & 11th Edition; Institute of Transportation Engineers (ITE); Washington, D.C. (2017 & 2021).

The Applicant has proposed to implement the following measures to address expected traffic impacts:

1. Become a member of the Devens Transportation Demand Initiative (the Devens TDM Program) which will seek to implement a series of Travel Demand Management strategies that will reduce single occupant vehicles arriving and departing from the site and encourage use of transit and ped/bike resources in the area;
2. Design the site driveways in a manner that allows for the safe and efficient movement of motor vehicles into and out of the site off Jackson Road which includes:
  - a. Creation of an exclusive left-turn lane into the primary project driveway for 57/75 Jackson Road;
  - b. Creation of separate left - and right-turn lanes exiting both the Jackson Road driveway (subject to DEC review and acceptance).
3. Conduct a post-occupancy monitoring of traffic conditions to identify differences between the forecasted traffic generation of the development and any critical off-site locations. This will allow the future phases of development to be well planned to address both future impacts and those of the current project.

*Public safety:* With access from both Jackson and Givry, along with drive isles around all sides of the building, there are few safety concerns at this point. A letter of approval is required from the public safety officer/fire chief, we expect it to be forthcoming once his review comments are addressed. A Hazardous Materials Spill Response Plan or Spill Pollution Prevention Control and Countermeasures Plan will be required, depending on the quantities of hazardous materials being stored (refer to 974CMR 4.08). This plan will need to specify the materials, types, quantities, location and method of storage/containment, handling and disposal as per 974 CMR 4.09. These will be required as a condition of approval for the building permit once a specific use has been identified for this facility.

*Landscaping:* IBI notes the need to modify the submitted plans to address the use of non-native species, grading clarifications, screening borders and shade trees around parking areas, landscape and water maintenance plans, the use of salt tolerant species near roadways and other addressable comments.

*Viewshed:* This project is located within the Viewshed Overlay District. The Applicant submitted photos from the appointed viewshed viewing points along Prospect Hill and Fruitland's Museum which indicate that the building should not be visible because of the intervening terrain. Rooftop mechanicals and building finishes will need to comply with our nonreflective material requirements for facilities within the viewshed. This should be a condition of approval.

*Devens Open Space and Recreation:* The Devens Main Post Trails Plan identifies this area of Jackson Road as a future multi-purpose trail connection area. While there are sidewalks on the east side of Jackson Road, the Applicant has constructed portions of the multi-purpose trail as part of their prior developments at 39, and 45 Jackson Road. Trail connections are important here for recreation, as well as safe, alternative access to businesses, including Mount Wachusett Community College. Future sidewalk access along the Givry Street frontage is required to provide safe pedestrian access to Hospital Road. Coordination with MassDevelopment Engineering around future improvements within the Jackson Road and Givry Street Rights of Way is necessary.

**Waivers:**

*No waivers are currently proposed.*

**Process:**

King Devens LLC, submitted a Level II Unified Permit application package, including the application, Stormwater Management Plan, Revised LEED v 4 for BD +C New Construction and Major Renovation checklist, Landscape and Water Maintenance Plan, a supplemental geotechnical evaluation by GZA, Traffic Impact Study, Final Soil Arsenic Study dated 2005, a certified abutters list dated 5/23/2022, and a site plan received on June 6, 2022. The pre-permitting conference was completed on May 23, 2022, and the Determination of Completeness was issued on June 8, 2022. Copies of the application and plans were received by the surrounding Towns on June 16, 2022. Legal notices were placed in Nashoba Publications on July 15 and July 22, 2022. Certified Mail notice was sent to abutters on June 15, 2022. The 30-day public comment period expired on July 15, 2022. No public comments were received. The public hearing opened on August 4, 2022. The 75-day review period ends August 22, 2022.

**Recommended Action:**

As there are still open issues, staff recommends that the hearing be continued until the evening of August 30, 2022 at 6:45 PM. In accordance with 974 CMR 1.08, the Applicant will need to submit a written request to extend the 75-day review period for the Commission to continue this application past August 22, 2022.

**Attachments:**

[Application Package](#)  
[Site Plan](#)  
[Peer Review Comments](#)  
[Responses to Comments](#)  
[Revised Site Plans](#)