

# Staff Report

Devens  
Enterprise  
Commission

Date: September 26, 2023

To: Devens Enterprise Commission

From: Neil Angus, FAICP DEC Director and Beth Suedmeyer, Associate Planner

RE: Wetland Request for Determination of Applicability associated with King Street Properties –  
57 & 75 Jackson Road Soil Relocation

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**Applicant/ Owner:** King Devens LLC, 800 Boylston Street, Suite 1570, Boston MA 02119  
**Engineer:** Highpoint Engineering Inc.  
**Location:** 57 and 75 Jackson Road, Devens and 15 Bulge Road (Red Tail Golf Course)  
**Zoning:** Innovation Technology Business, Open Space and Recreation, Watershed Protection Overlay District and Viewshed Protection Overlay District

## Proposed Project:

A Level One Development Permit application package was submitted to the Devens Enterprise Commission (DEC) on August 31, 2023 for King Devens, LLC.'s proposal to relocate approximately 23,000 cu.yds. of material from soil stockpiles at 57 and 75 Jackson Road to the area of hole number 11 of the Red Tail Golf Course at 15 Bulge Road. As part of the application a Request for Determination of Applicability (RDA) under the Wetlands Protection Act (WPA-Form 1) was submitted as well as a copy of the MESA Project Review Checklist submitted to NHESP.

The project was the subject of a Devens Enterprise Commission meeting discussion of new business on August 29, 2023, noticed as Potential Level 1 Administrative Applications: - King Street Properties (57-75 Jackson Road) to Red Tail (15 Bulge Road) Soil Relocation Project (Phase 2), where the Commission was briefed by staff and agreed for the project to be reviewed administratively as a Level 1 Permit.

Staff have reviewed the project and find the following associated with the Level 1 Permit:

- 1) The project's proposed soil relocation may be approved with conditions.
- 2) NHESP responded to the MESA Checklist filing with a determination of No Take with Conditions.
- 3) A Negative Determination may be issued in response to the RDA, as
  - a. The project is not directly impacting the resource areas and appropriate sediment and erosion controls are proposed to ensure no adverse impacts.
  - b. No new disturbance is proposed in the buffer zone with the exception of removal of invasive species and restoration of native seed mix and repairs to the access road where erosion has occurred.
  - c. Appropriate conditions will be issued to ensure the protection of resources and restoration of buffer areas.

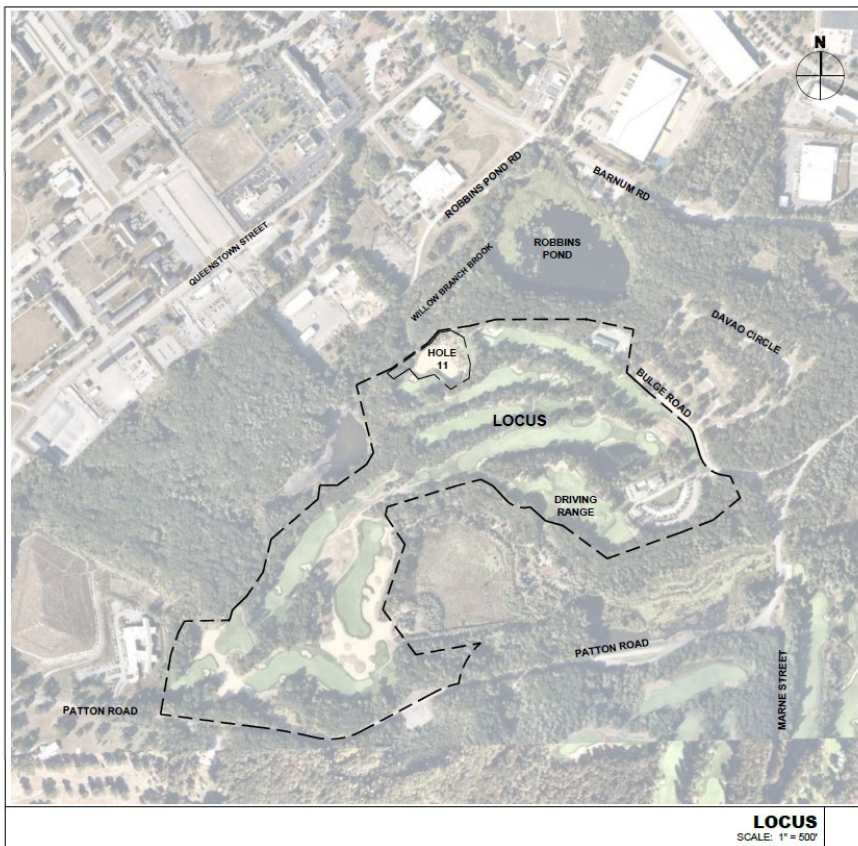
In accordance with 974 CMR 4.06(6), the Director has reviewed the project and issued a Negative Determination with the following conditions:

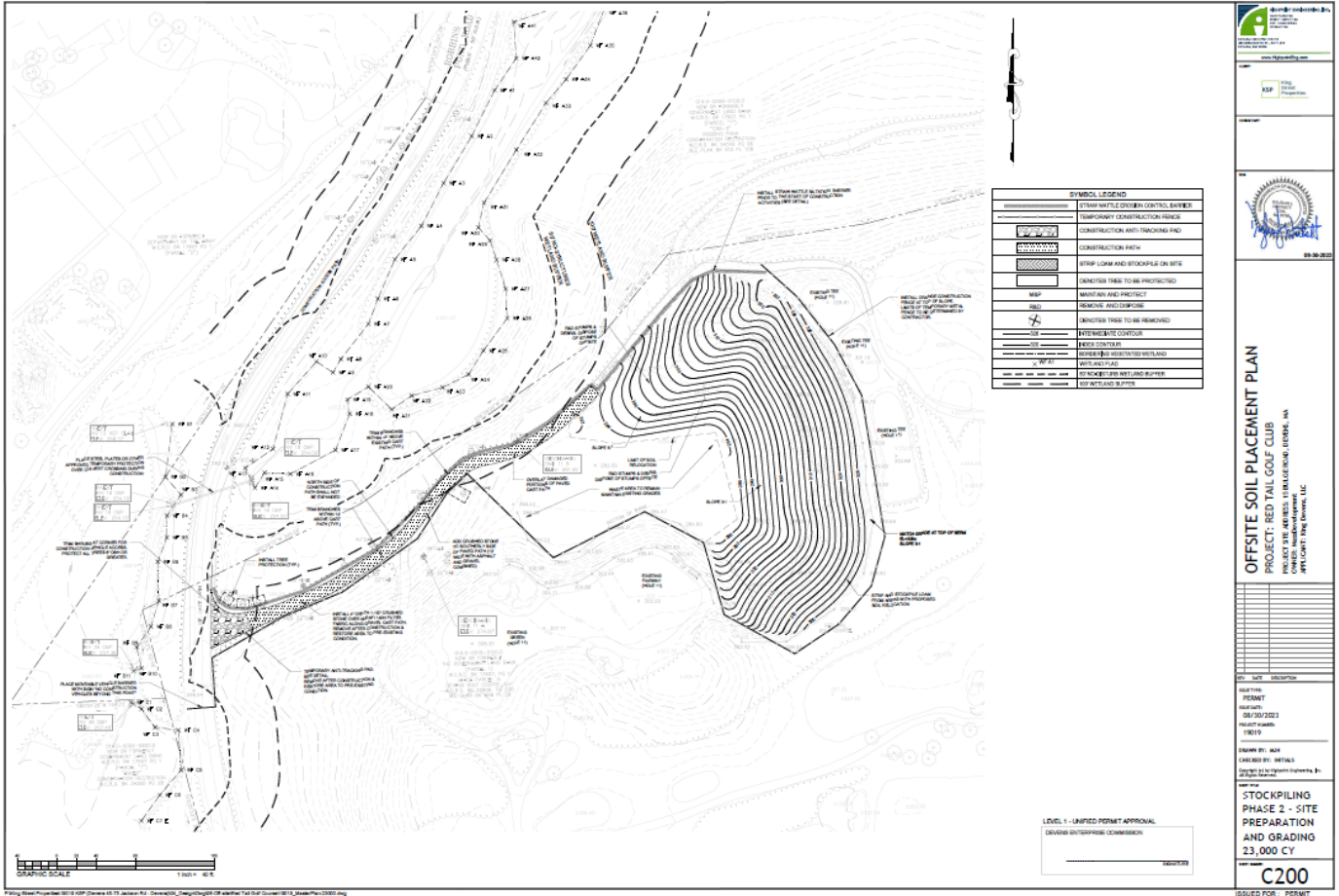
1. Prior to relocating any soil to the 15 Bulge Road site, the Applicant shall install steel plates over the existing culvert along the Robbins Pond access road, in addition to the Perimeter erosion controls and turtle protection fencing and comply with the Natural Heritage Endangered Species program approval dated September 14, 2023 (contact DEC for inspection).
2. Existing erosion along the cart path and washout materials into the wooded area shall be repaired prior to the start of the work and the roadway shall be left in an improved condition following work. Washout materials shall be hand raked and manually removed from the buffer area to prevent soil compaction from machinery and heavy equipment. All exposed areas shall be properly stabilized to prevent erosion and invasive species colonization.
3. Prior to commencing any intrusive earth work within Devens (due diligence, construction of otherwise) all personnel to be on site shall receive Unexploded Ordinance/Munitions of Explosive Concern (UXO/MEC) training provided by the Devens Fire Department.
4. All soil relocation activities shall be coordinated with Anne-Marie Dowd at MassDevelopment in accordance with the Devens Soil Management Policy.
5. Erosion, siltation, and dust shall be controlled at all times and may include temporary anti-tracking pads, slope stabilization, watering, installation of ground cover/seeding, and street sweeping of public and private ways.
6. All earth removal activities shall comply with the reclamation standards in 974 CMR 4.07(12). If permanent stabilization is not achieved prior to winter, all exposed areas shall be seeded with a winter rye or approved equal. All erosion and sediment controls shall remain in place until all exposed areas are permanently stabilized (contact DEC for inspection prior to removal).
7. 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.
8. Hours of earthwork shall be limited and no work shall take place prior to 7:00a.m. after 7:00p.m., or on Sundays or Federal and State holidays, unless prior authorization is granted by the DEC Director.
9. Existing irrigation at the receiving site shall be properly capped and abandoned. Any new irrigation system details will need to comply with 974 CMR 8.09 and be approved by the DEC prior to installation.
10. Invasive species shall be removed within work area prior to work.
11. Upon completion of the project the temporary construction entrance shall be removed and the area restored with native New England seed mix. Seed mix to be approved by DEC staff.
12. The application included plans entitled "Red Tail Golf Club – Offsite Soil Placement Plan, 15 Bulge Road, Devens, MA", Sheets Title Sheet (T100), Existing Conditions Survey Hole – 11 Red Tail Gold Clube Site, Stockpiling Phase 2 – Site Preparation and Grading (C200), Detail & Notes Sheet (C300), dated August 30, 2023, prepared by Highpoint Engineering, Inc. Any changes must be reviewed and approved by the DEC prior to implementation.

Source site: 57 & 75 Jackson Road



Destination site: 15 Bulge Road





**OFFSITE SOIL PLACEMENT PLAN**  
**PROJECT: BED TAIL GOLF CLUB**  
 PROJECT NO: 2023-001  
 SHEET NO: C200

**STOCKPILING PHASE 2 - SITE PREPARATION AND GRADING 23,000 CY**

**C200**

ISSUED FOR: PERMIT