

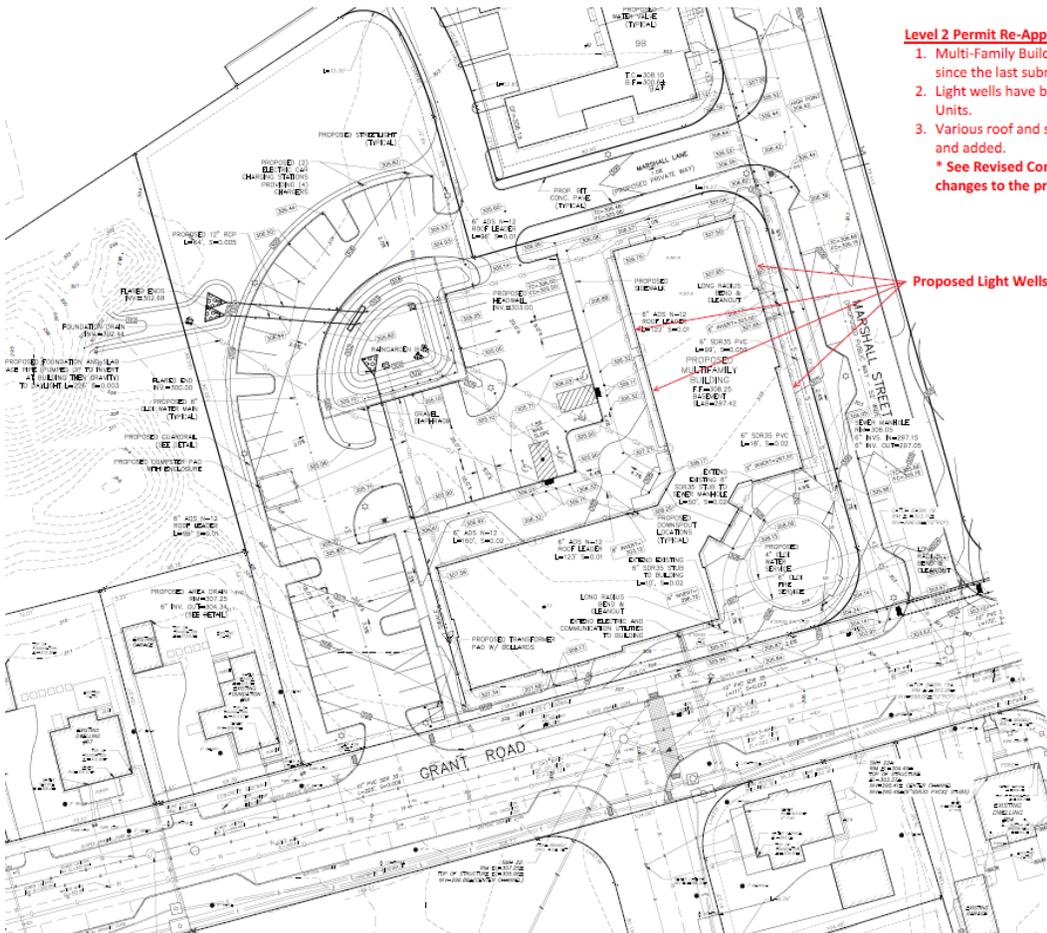
# Staff Report

Devens  
Enterprise  
Commission

**Date:** March 16, 2022  
**To:** Devens Enterprise Commission  
**Cc:**  
**From:** Peter Lowitt, DEC Director and Neil Angus, Environmental Planner  
**RE:** Devens Multi-Family Level 2 Unified Permit

**Owner/App.:** MassDevelopment/, Devens Village Green, LLC.  
**Location:** 77 Grant Road (Parcel ID#024.0-0006-0900.0)  
**Zoning:** Residential I and Watershed Water Resource Protection Overlay District

**Premises and Proposed Project:** Now Communities, LLC, on behalf of Devens Village Green, has submitted a Level 2 Unified Permit Application to amend a previously approved site plan for two (2) – 20 unit residential multi-family units. They are seeking to add six (6) units (4x 1 br and 2x 2br), including two additional deed restricted affordable units in the western-most building:



- Level 2 Permit Re-Application Notes:**
1. Multi-Family Building Footprint has NOT changed since the last submittal.
  2. Light wells have been added for the 6 Basement Units.
  3. Various roof and storm drains have been altered and added.
- \* See Revised Construction (Permit) Set for FINAL changes to the project.

Proposed Light Wells (above Item #2)

PROGRESS PRINT  
JAN. 26, 2022

#77 GRANT  
PLAN  
BY  
DEVENS, MASSACHUSETTS  
(WORCESTER COUNTY)  
FOR: DEVENS VILLAGE GREEN, LLC  
SCALE: 1"=20' DECEMBER 15, 2021  
STAMSKI AND McNARY, INC.  
1000 MAIN STREET ACTON, MASSACHUSETTS  
ENGINEERING - PLANNING - SURVEYING

The proposed units would be added to the basement of the previously approved building, so the actual footprint of the development and building would not change. This would increase the total number of residential rental apartments in the 2 x20 unit buildings to 46 units. The original approval included 124 units of housing total in the overall development. This proposed change would bring the total number of units in the Innovative Residential Development from 124 units to 130 units. The Innovative Residential Development Regulations require a minimum of 7 dwelling units per acre. This proposed modification would bring the total from 7.02 units per acre, to 7.36 units per acre – a minor increase in density that would be consistent with the sustainable development goals of the Innovative Residential Development Regulations (IRD) by increasing the density and diversity of housing. The developer maintains that this change is consistent with the Devens redevelopment goals and the IRD and the increase in project density is complementary to the IRD's stated goals to promote residential development that meets a variety of housing needs, protects the environment, furthers energy, water and resource efficiency, and complements residential development patterns and diversity of housing.

There is no change to the footprint of the building and therefore no additional development impacts. Architecturally the 3-story bldg. will now be built with a flat roof, reducing the overall height of the building from approximately 44 feet to approximately 33 feet:



*Architectural rendering of view from Grant Road and Chance Street.*



*Architectural rendering of view from proposed parking lot.*

If the DEC approved this requested change, the Applicant will need to provide a design review approval letter from MassDevelopment prior to issuance of a building permit. The applicant is currently working with MassDevelopment to obtain this approval.

#### **Key Project issues:**

**Delays due to COVID and financing:** Phase 2 (41 units total) is nearing completion and as per the original conditions of approval for this overall project, the multi-family apartments were required to commence construction no later than phase 2. The developer applied for and received a building permit for the multi-family apartments back in November of 2019. Within 6 months, the pandemic struck, interrupting financing and placing many projects on hold. Due to this delay, the Applicant will need to submit a new building permit application to ensure compliance with the current MA fire and building codes. With this proposed change, the developer is planning to submit a new building permit application immediately and commence construction of the multi-family apartments this spring. Once construction of the apartments begins, the Applicant will be able to also commence with Phase 3 of the development, which includes 18 single family units along Goddard Street, 2x2-unit dwellings on Powell, and 1x4-unit dwelling on Marshall Street (26 units, including 2 deed restricted affordable units).

**Affordability:** The original approval has 8 deed restricted affordable units scattered throughout the development phases, with an additional 20 affordable units in the multi-family apartments (28/124=23%). With the proposed increase in the number of units, the Applicant would be required to include 2 additional deed restricted affordable units (for a total of 22) in the multi-family apartments to meet the requirement of 974 CMR 5.02(2)(1)(j) that at least 22% of the dwelling units in the overall development remain moderate-income affordable (100% AMI or below) in perpetuity (30/130 units=23%). The Applicant is still proposing to honor their original agreement with the Harvard Affordable Housing Trust to make at least 25% (12 units vs. 10 currently) Low-Income (80% AMI) in exchange for agreed upon financial support. This is being done so that the underlying Town of Harvard will be able to count all 46 apartment units in their Subsidized Housing Inventory (as long as 25% of the units are low-income, a town can count all the units towards their inventory). The remaining required affordable units in the multi-family apartments (10) would be deed restricted to 100% AMI to comply with 974 CMR 5.02(2)(1)(j).

**Emergency Egress:** Units would be accessible via elevator and interior stairwell. Proposed light wells (escape windows) would provide natural daylight as well as a secondary emergency access. The Applicant will need to ensure these light wells are properly drained and do not collect stormwater.

**Parking:** The project was originally approved with 60 parking spaces for the 40 units (1.5 spaces per unit). The unit mix proposed is 37% 1 bedroom, 54% two bedrooms and 9% 3 bedrooms. The Applicant is not proposing to include any additional parking spaces, reducing the parking ratio to 1.3 spaces per unit. From a practical standpoint the project had always anticipated apartment residents and visitors periodically utilizing the 15 parking spaces immediately adjacent on Grant Road and Marshall Street. The red-circled area in the adjacent plan shows where an additional 13 spaces could be constructed in the future if necessary. The Applicant is required to participate in the Devens Transportation Demand Management Program so this could help reduce demand/need for additional parking. The Devens shuttle service is getting ready to start back up and it will service this area. There are also new bike lanes and sidewalks on Grant Road that connect to Jackson Road and the neighboring residential areas, and the Applicant is still planning to include bike storage in the new building design. All of these elements help make this development highly accessible by multiple modes of transportation and reflect the developers' vision that this is a project more about people than cars.



**Waiver Request:**

**IRD definition of Multi-Family under 974 CMR 5.02(1)(l) (no more than 2 and less than 21 units) .** The Applicant has requested a waiver from this definition that is specific to the IRD section of the DEC Rules and Regulations. The waiver would allow for up to 26 units in the west building only, as opposed to 20 units currently. The 20-unit maximum was put in place to ensure buildings are built to scale with the surrounding development. As the footprint of the development would not change and the building height is actually decreasing by over 10 feet, the scale and density of this development is still compatible with the surrounding residential development and consistent with the intent of the IRD regulations.

**Application and Process:** Devens Village Green, LLC submitted the Unified Permit Application on February 4, 2022 and the Determination of Completeness was issued on February 7, 2022. Copies of the application were received by the surrounding Towns on February 15, 2022. Legal notices were placed in Nashoba Publications on

March 4, 2022 and March 11, 2022. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on March 17, 2022. No comments were received. The 75 day review period for the DEC to act on this application ends on April 30, 2022.

**Recommended Action:** The 30-day town comment has expired. Once the Commission and public have had an opportunity to ask any questions and comments, the DEC may choose to either close the hearing or continue it to the April 7, 2022 meeting at 7:30AM. Staff has drafted a Record of Decision for the Commission's consideration, should the DEC decide to close the hearing and vote.

Attachments\*: Site Plan and Elevation Renderings  
Applicant's narrative

\* All attachments posted on-line at: <https://www.devensec.com/level2hearingsMar2922.html>