

Staff Report

Devens
Enterprise
Commission

Date: December 1, 2020

To: Devens Enterprise Commission

Cc: Peter Lowitt, DEC Director;

From: Neil Angus, Environmental Planner

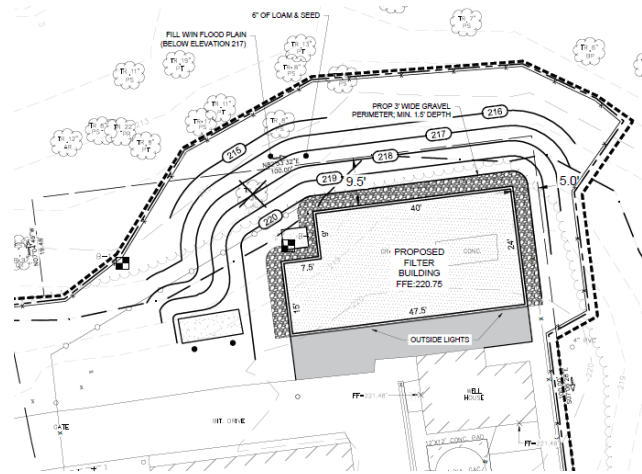
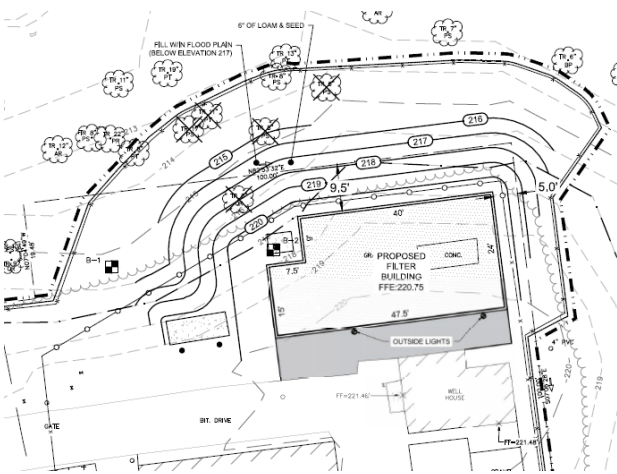
RE: MacPherson Well Permanent Water Treatment Upgrades – Continued Public Hearing

Remaining Project issues:

Alternatives: Since the November 17th public hearing, the applicant has revised the site plans to reduce the amount of grading required around the base of the building:

Original Plan

Revised Plans 12/2/20



This reduction results in the limits of clearing being able to be pulled back and eliminate most of the proposed tree removal. This change in grading eliminated the need for a retaining wall but still achieved the desired impact of reduced floodplain filling, and reduced tree removal. This also reduces the amount of temporary encroachment into the US Fish and Wildlife Service land. MassDevelopment has obtained conditional approval from USFWS for this proposed activity (SUP approval #53512-20-04). The conditions require specific actions to prevent invasive species from colonizing the site (clean equipment and clean fill) and replacement trees for those that need to be removed. The SUP approval will be referenced in the draft Record of Decision (ROD).

Wetlands: the revised plans pull disturbance further back from the wetland resource areas and preserve more of the naturally vegetated buffer. The Applicant will still need to replace any trees that are being removed. The name of the professional Wetland Scientist who completed the wetland delineation data forms also needs to be provided. These have been included as draft conditions in the ROD for the Commission's consideration. A draft Wetland Order of Conditions has been prepared for the DEC's consideration.

Endangered Species: The project is located within mapped Priority and Estimated Habitat for the Wood Turtle, Blue-Spotted Salamander, and Blanding's Turtle. The revised grading plan reduces the area of habitat disturbance. LEC Environmental Consultants prepared a Turtle Protection Plan to limit temporary and long-term impacts to these listed species. This plan was conditionally approved by MA Division of Fisheries and Wildlife Natural Heritage Endangered Species Program (NHESP). This plan and the NHESP authorization letter have been included in the Draft ROD.

Stormwater Management: The Applicant has proposed a small area of pervious pavement for the entrance to the new building. The MA DEP has concerns with porous pavement in a Zone 1 Water Resource Protection District so the Applicant will need to ensure vehicles do not park on this area to avoid potential contamination from vehicles. The roof runoff from the new building will be infiltrated on-site (relatively clean). The Applicant has proposed gutters and downspouts however to avoid erosion, the gutters should be eliminated and a stone drip edge be installed around the building to stabilize and infiltrate roof runoff. This has been included as a condition in the draft ROD.

Lighting and Utilities: The new building will have two new building-mounted lights that will be fully shielded to prevent off-site glare. Wedge-2 LED light fixture color temperature should be specified to be 3000K and have photocell and motion sensor capabilities to reduce potential light pollution. This has also been included as a condition in the draft ROD.

Waiver Requests:

The Applicant has requested the following waivers for this project:

974 CMR 3.04(1)(a) 25ft Rear Yard Setback and 10ft Side Yard Setback. A 20ft waiver from rear yard setback and a 0.5ft waiver from the side yard setback are being requested to minimize disturbance in these sensitive resource areas and avoid additional tree clearing and floodplain impacts by locating the new filter building adjacent to the existing building and only 5ft from the rear property boundary and 9.5ft from the side property boundary. Additionally, the adjacent land is permanently protected open space. No building will occur on the adjacent property because it is protected USFWS Property as part of the Oxbow Refuge.

974 CMR 3.04(3)(a)(1)(h) Bicycle Storage Facilities. This proposed project is an extension of an existing facility that is not open to the public, and will not require full time on site staff. The facility will only be accessed by emergency and maintenance crews who require maintenance vehicles to service the facility.

Application and Process: Weston and Sampson, on behalf of MassDevelopment Utilities Department, submitted the Unified Permit Application on October 19, 2020 and the Determination of Completeness was issued on October 21, 2020. Copies of the application were received by the surrounding Towns on October 22, 2020. Legal notices were placed in Nashoba Publications on October 23 and 30, 2020. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on November 21, 2020. No comments were received. The public hearing opened on November 17, 2020 and was continued to December 3, 2020. 75 day review period for the DEC to act on this application ends on January 5, 2021.

Recommended Action: The 30-day town comment period has expired. Once the Commission and public have had an opportunity to ask any questions and comments, the public hearing can be closed. The Commission should then vote on the Wetland Order of Conditions, then the waiver requests, and finally the Record of Decision.