

# Staff Report

Devens  
Enterprise  
Commission

**Date:** February 18, 2021

**To:** **Devens Enterprise Commission**

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

**RE:** **4 MacArthur Level 2 Unified Permit Public Hearing**

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**Owner/App.:** MacArthur Avenue, LLC.

**Location:** 4 MacArthur Avenue, Devens, MA

**Zoning:** Innovation & Technology Business District, Watershed Water Resources Protection Overlay District and Viewshed Overlay District

## **Proposed Project:**

*ETS Inc. Engineering and Consulting Services, on behalf of MacArthur Avenue LLC, has submitted a Level 2 Unified Permit for the development of a +/-55,000 sf light manufacturing facility on the grounds of the former Hodges Theatre which is to be demolished as part of this project, and associated site improvements. As the proposed project is a light manufacturing facility for Nexius, a 5G distributor who proposes to conduct assembly and distribution services at this location, employing 70 people. The use is an allowed use in the ITB district and is located on a lot with sufficient area and frontage to comply with the Devens Bylaws. The Project is located at the northeast corner of MacArthur and Givry Streets on the site of the former Hodges Theatre. Quiet LP3, the former ASC is located to the south across Givry Street and the MD Utilities' BMS Substation is to the east of the site along Givry Street. New England Studios owns the parking area to the west across MacArthur Avenue.*

## **Remaining Project Issues:**

**Parking:** The Applicant has proposed a parking ration in compliance with our Bylaws of 2 spaces per 1000 sf totaling 103 space. The Application narrative indicates that the gross floor area for each use is 6,000 sf office and 49,500 manufacturing/warehouse, this would yield 119 spaces. The plans propose 63 spaces. The Applicant's narrative indicates there are only 30 employees. Staff has proposed a finding that 63 spaces are adequate and appropriate for the proposed use.

**Stormwater Management:** The DEC Peer Review Engineers have requested the Applicant look at additional opportunities to incorporate more Low-Impact Development techniques (LID) throughout the site to comply with 974 CMR 4.08 and minimize pavement/impervious areas and reduce stormwater and urban heat island impacts. The applicant introduced porous pavement for the employee parking area based on their positive experience with its use at 85 Patton. They have included shade trees as required to reduce the urban heat island impact and sent a letter arguing that they should be allowed to pave the balance of the site as shown on their plans because implementing a reserve parking concept would prove too disruptive for their tenants in the future and is more cost effective to pave with the balance of the site in this initial phase of development. The applicant has addressed all of our peer review engineer's stormwater management comments with this last round of comments.

**Coordination with MassDevelopment:** The need to coordinate with MassDevelopment Utilities, engineering and DPW regarding the site interface with Givry and MacArthur for utility, sidewalk, drainage, landscaping and curbing installation is necessary.

## **Waiver Requests:**

1. *Parking lot planting requirements under 974 CMR 3.04 (8) (h) along the parking area on the south side of the property.*

This waiver request was withdrawn by the applicant on January 29, 2021. The plans were revised to comply with the DEC landscaping requirements.

2. *A waiver from 974 CMR 3.04(1)(a) to allow a 10' front setback instead of the required 25' setback for the Givry Street frontage.*

The lot is located at the corner of Givry and MacArthur. In order to provide distance from the abutting Fort Devens military facility and to address having two frontages the Applicant requests this waiver.

**Application and Process:** On December 4, 2020 MacArthur Avenue LLC, submitted a Level II Unified Permit application package, including the application, Stormwater Management Plan, Revised LEED v 4 checklist, Landscape and Water Maintenance Plan, a certified abutters list dated 12/10/2020, and site plans.. The Determination of Completeness was issued on December 10, 2020. Copies of the application and plans were received by the surrounding Towns on December 28, 2020. Legal notices were placed in Nashoba Publications on December 25, 2020 and January 1, 2021. Certified Mail notice was sent to abutters on December 21, 2020. The 30-day public comment period expired on January 28, 2021. No public comments were received. The public hearing opened on January 26, 2021 and was continued to February 4, 2021 and continued again, at the written request of the Applicant, until February 23, 2021.

**Recommended Action:** The Town thirty day comment period has expired. Staff recommends closing the public hearing, voting on the waivers and then the draft record of decision for 4 MacArthur Avenue.