

Staff Report

**Devens
Enterprise
Commission**

Date: June 13, 2022
To: **Devens Enterprise Commission**
Cc:
From: Peter Lowitt, DEC Director and Neil Angus, Environmental Planner
RE: **38 Jackson Road BMS Cooling tower Amended Level 2 Unified Permit**

Owner/App.: Bristol Myers-Squibb, 38 Jackson Road, Devens, MA 01434/VHB
Location: 38 Jackson Road (Parcel ID# 09.0-004-0200.0)
Zoning: Innovation & Technology Business District, Watershed Protection Overlay District and Viewshed Protection Overlay District.

Premises and Proposed Project: BMS is seeking to construct a cooling tower and related infrastructure on a previously approved and constructed tower pad. They are seeking an amendment to the Level 2 Unified Permit for the Cell Therapy Facility to construct the cooling tower in compliance with the Devens Industrial Performance Standards for Noise, 974 CMR 4.05.

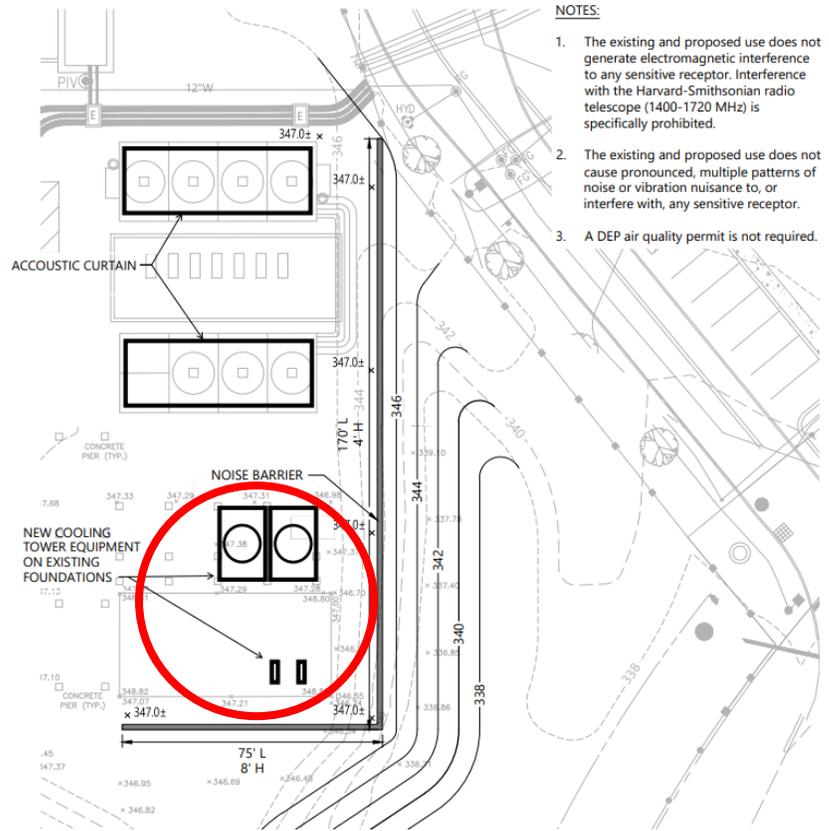


Key Project issues:

The complete application has been circulated to MassDevelopment, the towns and Tech Environmental of the DEC Peer Review team who handles industrial performance standards to review for compliance with our noise regulations 974CMR4.05. The tower pad and infrastructure were shown on the previously approved CTF site plan. The foundation was constructed previously but the tower was not built at that time. Tech and DEC staff met with the Applicant and VHB to discuss an approach to addressing the noise study and to assess means to bring the facility into full compliance with our regulations in the event of a complaint. TECH was authorized to accompany VHB during the noise data collection process and to provide input into the Noise Assessment and compliance design. The following is a summary of the reviews and the key issues raised:

Industrial Performance Standards:

Noise: This permit is all about compliance with our Noise Regulations. The baseline study (Bristol Myers-Squibb Central Utility Building Equipment Expansion, Devens Massachusetts dated May 2022) (hereinafter Noise Assessment) prepared by VHB, (101 Walnut Street, Watertown, MA 02472) identified potential exceedance of the 10db noise standard to the east of the property on the landfill. The DEC requested that BMS show a plan (sound barrier plan) that they could put into place to bring the property into compliance in the event of a noise complaint. The study undertaken by VHB on behalf of BMS also establishes a clear noise baseline and provides a starting point for assuring that future development on the site can be accommodated within the noise budget for the property. Each project has a sound budget and this study allows BMS and the DEC greater understand of the budget for the entire campus so that future expansion can go forward in compliance with our performance standards for noise. Tech Environmental worked closely with the Applicant and their consultants to identify some minor technical issues and a pathway for addressing them. These have been discussed with the Applicant and will be made conditions of approval (updated sound study to document baseline and compliance path). A condition should also be added to require the Applicant to install the necessary noise control measures, or approved equal noise mitigation, should there ever be a valid noise complaint.



Staff recommends that the Commission make findings that although the plan shows exceedance, no sensitive receptors are located on the capped landfill across Queenstown, and that the Applicant has devised a plan to bring the facilities into compliance with the DEC's Regulations should a valid noise complaint be received.

Viewshed: This project is located within the Viewshed Overlay District. The Applicant has is locating the cooling tower on a previously approved site within the viewshed which has been shown to have not impact on the Viewshed.

Waiver Requests:
The Applicant has not requested any waivers.

Application and Process: BMS, as the owner and applicant, submitted the Unified Permit Application and supporting plans and Cooling Tower Noise Assessment on May 9, 2022 and the Determination of Completeness was

issued on May 9, 2022. Copies of the application were received by the surrounding Towns on May 9, 2022. Legal notices were placed in Nashoba Publications on May 13, 2022 and May 20, 2022. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on June 8, 2022. No comments were received. The 75 day review period for the DEC to act on this application ends on July 25, 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 should close the hearing and vote on the draft a Record of Decision prepared for the Commission's consideration.

Attachments*: Site Plans
BMS Cooling Tower Noise Assessment, revised through 5/20/22
Sound barrier plan
Approval of Proposed BMS Cooling Towers Memo from Tech Environmental dated 5-20-2022

* All attachments to be posted on-line at: <https://www.devencsec.com/level2hearingsJune16.html>