

# Staff Report

**Date:** April 26, 2021  
**To:** **Devens Enterprise Commission**  
**From:** **Peter Lowitt, Director and Neil Angus, Environmental Planner**  
**RE:** **16 Bulge Level 2 Unified Permit Public Hearing**

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**Owner/App.:** MassDevelopment/ Scannell Properties #460.  
**Location:** 16 Bulge Road, Devens, MA  
**Zoning:** Innovation & Technology Business District (ITB), Watershed and Aquifer Water Resources Protection Overlay Districts and Slope Resource Area.

**Proposed Project:**

VHB, on behalf of Scannell Properties #460, LLC, has submitted a Level 2 Unified Permit for the development of a +/-150,843 sf pharmaceutical manufacturing facility and associated site improvements at the site of the former Davao Circle Housing off Bulge Road. The proposed project is a facility for an international pharmaceutical component manufacturer at this location, employing 311 people for this initial phase. The site has the ability to add a second, similar sized facility on site. 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 16 Bulge Road on the site of the former Davao Circle housing. It is across the street from the Red Tail Golf Club (to the south), with the golf course maintenance facility and the steep slope drop off to Open Space and Recreation zoned land containing Robbins Pond to the west, steep slopes and Open Space and Recreation zoned land containing portions of Cold Spring Brook and Patton Road to the east with additional Open Space and Recreation zoned land with steep slopes leading to Barnum Road to the north.



**Project Issues:** The complete application has been circulated to MassDevelopment, Public Safety, Devens DPW, and the full DEC Peer Review team: Nitsch Engineering (site plan, stormwater, and traffic), IBI Group (landscaping). The following is a summary of those reviews and the key issues raised:

**Screening:** MassDevelopment, in collaboration with the Applicant, has suggested they pursue a waiver from 974CMR 3.04(3)(a)1(a) to allow greater than 10% of their parking in front of the facility. The reason for this is to limit the views of the facility from the Red Tail Golf Course. The Applicant is installing berms replete with landscaping to further buffer the facility from the Golf Course and to allow the Applicant to utilize some of the soils generated by the development. Staff concurs with the granting of this waiver if the area where pavement was removed parallel to Bulge Road is bermed and landscaped to provide year round buffer to a height of 6'.

**Access:** The facility will be accessed via three driveways located off Bulge Road. The first will be one way into the site and will provide access to both the main employee parking area and to the loading docks on the northerly side of the facility. The second will handle traffic in both directions and provides access for employee parking. The third will be a left turn exit only onto Bulge and serve trucks and those needing to access the rear of the facility. It also becomes a frame for future phases of development. In the near future MassDevelopment contemplates reconfiguring the current "Y" type intersection between Bulge and Patton Roads to a "T" type intersection, this will remove the conflict with the golf cart path crossing the southerly section of the "Y" portion of Bulge Road, addressing a potential public safety issue. It should be noted until the proposed improvements are funded and constructed, the existing three intersections forming the triangular area are expected to operate at LOS B or better with queues of less than one vehicle length under the 2028 Build Conditions.

A stone dust trail system restricted to employees is proposed around the edges of the plateau. They will be designed to retain the historic World War 1 trench system found at the north by northwest portion of the top of the slope resource area. Would the Applicant allow access to the trail loop along the back of the Golf Maintenance facility to Bulge Road that traverses a small portion of their property where your property borders the Golf Course Maintenance facility? Staff has requested the Applicant consider reducing the one way truck loop from 20' to 14' and the Applicant has stated they would like to retain the wider aisle width. Staff suggests 14' of pavement with 6' reinforced turf. Consider extending public sidewalk west towards Patton to connect with trail coming from north.

**Parking:** The Applicant has proposed 299 parking spaces. The total area of the facility is 150,843 square-feet for the purpose of manufacturing allowing a maximum of 302 parking spaces. The Applicant states that "The 299 parking spaces provided is required for normal operation of the facility. The facility includes 48,000 square-feet of office space that will be occupied by 48 employees. The general manufacturing area in the facility will be 68,960 square-feet and staffed by 138 employees. The facility will also include a 15,000 square-feet molding manufacturing area staffed by 85 employees and a 12,300 square-foot pump assembly area staffed by 40 employees. The 299 parking spaces accounts for 12 staff using ride sharing or alternative transportation to travel to and from the facility." Staff has recommended reducing pavement and the Applicant has responded positively to these comments. The Applicant is also seeking a waiver from 974CMR 3.04(3)(a)1(a) to allow greater than 10% of parking to be located in front of the building. See Screening above. Solar parking canopies are under consideration by the Applicant and staff would like to encourage their deployment. Bike racks and a bus stop are shown on the plans.

**Traffic:** Based upon the ITE Trip Generation Manual [10th Edition], this site would be expected to generate approximately 94 new vehicle trips (72 entering/22 exiting) during the weekday morning peak hour and 101 new vehicle trips (31 entering/70 exiting) during the weekday evening peak hour. ADT is on the order of 592 trips based on a Manufacturing Use Code #140, Capacity analyses were conducted for each of the study area intersections under 2021 Existing conditions, 2028 No-Build conditions (without the proposed redevelopment), and 2028 Build conditions (with the proposed redevelopment). Based on the results of these Traffic Impact and Access Study analyses by VHB and the anticipated site-generated traffic, the proponent will implement the following measures:

- › Site Access Improvements
- › Transportation Demand Management Program
- › Traffic Monitoring Program
- › Signal timing adjustments at the intersection of Jackson Road at Patton Road / Lake George Street

Overall, VHB concludes that the proposed project with the mitigation measures in place will have minimal impacts to traffic operations at the study area intersections. Are sidewalks connecting to the trail system at the intersection of Patton and Bulge and/or bike lanes contemplated? Bike racks are shown on the plans and a future stop for the Devens Shuttle is contemplated. Patton Road is a truck route and portions of it are constrained by wetlands.

**Public Safety:** A Hazardous Materials Spill Response Plan and Spill Pollution Prevention Control and Countermeasures Plan will be required as a condition of approval and will need to specify the materials, types, quantities, location and method of storage/containment, handling and disposal as per 974 CMR 4.09. The storage of Hazardous Materials is not anticipated in quantities that require a Hazardous Material Spill Response Plan. The building tenant will provide Material Safety Data Sheets required for specific products by United States Federal Law and typical quantities, locations and method of storage on site to the DEC prior to occupancy. A condition to this effect will be created to assure this is done. The tenant will be required to secure any licenses and permits required for the storage of fuel, combustible liquids and flammable liquids will be in accordance with Massachusetts Fire Code 527 CMR 1.00.

**Industrial Performance Standards:** To help avoid potential nuisance conditions, the Applicant has designed the facility with due consideration for the surrounding land uses.

**Noise:** To ensure compliance with 974 CMR 4.05 (IPS standards for Noise), the Applicant has undertaken a Noise Study and directed all rooftop mechanicals and any exhaust fans be directed away from residential areas in Harvard and Devens. Mechanical equipment selection should include low or ultra-low noise fans and or sound enclosures to reduce any potential nuisance conditions. Air gas deliveries are infrequent and have been scheduled to avoid conflicts with abutters.

**Lighting:** DEC Regulation require 0.5 footcandles for walkways and driveways. Staff has worked with the Applicant to review the lighting plan to ensure compliance with 974 CMR 3.04 and 4.04. They propose to keep all exterior lighting on overnight. Staff would recommend justifying the need for all lighting all night long and would welcome a more nuanced appraisal.

**Greenhouse Gas Emissions:** The application does trigger the requirement for a high performance building with their initial proposed 299 spaces plus expansion will trigger 974 CMR 4.11(2) c. This shouldn't be an issue as the Applicant is striving to secure a USGBC LEED Gold rating for their building. The tenant shall join the Devens EcoStar program and work with the Devens Eco Efficiency Center to develop a greenhouse gas mitigation plan for the facility. The deployment of low impact development stormwater management techniques is to be commended. We encourage the Applicant to consider deploying the solar parking canopies in a manner that balances the need for landscaping with the use of renewable technologies.

**Devens Engineering and Utilities:** Devens Engineering and Utilities have a small number of comments regarding proposed utility connections, maintaining service to the Golf Course Maintenance facility, removing abandoned utilities drainage.

**Slope Resource Area:** There is no encroachment on the slope resource area shown on the revised plans. A stone dust path is shown along the perimeter of the plateau and located so as to avoid the removal of any trees, thus protecting the slope from potential erosion issues.

**Stormwater Management:** The Applicant is seeking to retain their Post Indicator Valve in the open position while the DEC recommends it be kept closed. *We request to leave the PIV in the open position to allow stormwater to flow through the oil/water separator as designed. This system will be inspected on a regular basis as required by the stormwater operations and maintenance plan and would be closed by the tenant in the event of a spill.* Signage needs to be deployed to educate maintenance people about the proper operation of the PIV. A SWPPP should be submitted to the DEC before land disturbance begins. This will become a condition of approval. The required notations and references under the Devens MS4 permit have been provided by the Applicant. A stormwater connection approval letter from MassDevelopment is required as a condition of approval.

**Erosion and Sedimentation Control Plan:** As drawn this is an unbalanced site, generating more soil than can be utilized on the property. The Applicant continues to work with MassDevelopment to locate potential sites to transfer the excess materials. Doing so will allow the retention of more trees on site within the future expansion area. Future

coordination with DEC staff around soil pile locations and logistics should be a condition of approval. Concentrate Stockpiles to preserve specimen trees in the open area set aside for future expansion.

**Environmental Issues:** *The requirements of the 2017 AUL will be met through the submittal of a Soil Management Plan (SMP), Health and Safety Plan (HASP), and a Release Abatement Measure (RAM) to Mass Development/Devens Enterprise Commission (DEC), and MassDEP (RAM only). The SMP will adhere to the requirements of both the Mass Development and H&A (2000) Devens-specific SMP provisions. This project complies with the Activities and Uses Consistent with Maintaining No Significant Risk Conditions.*

- (iii) *“Uses of the Portion of the Property for...recreational area....so long as uses are incidental to commercial uses and in the Opinion of a Licensed Site Professional, the exposed soil are either a) not contaminated based on the results of a Risk Characterization or post-analytical data; or b) soil exposure is restricted through pavement, three feet of clean soil, or other suitable barrier.”*

*Although the Site underwent pesticide soil removal. The proposed development will undergo soil sampling to assess for remaining pesticide impacts. The data will be used to manage soil stockpiles, assess a proposed outdoor picnic area, and review soil conditions for a walking trail to be used solely for the future site occupants. All of these tasks are incidental to the development of a commercial site under the AUL.*

As requested by MassDevelopment, a condition of approval shall be that the AUL shall be referenced on the Level 1 Lot plan for this site.

This site is listed as an endangered species habitat. A NHESP turtle protection plan has been drafted for this site. Approval by NHESP and compliance with the approved plan shall be a condition of approval.

**Design Review:** The Applicant has requested a design approval letter from MassDevelopment. We should receive it prior to our vote on May 6, or make it a condition of approval to be secured prior to the issuance of a building permit.

**Details:** A condition shall be that details of the mechanical equipment pads, smoking shelter and alternate solar parking canopies (if selected) be prepared as part of the construction documents provided for the building permit and shown on the final approved site plans.

**Landscaping:** The DEC’s peer review Landscape Architects have reviewed the plans for compliance with 974 CMR 3.04(8). They have worked with the Applicant to bring the site into compliance with our requirements with a few minor issues remaining which can be made conditions of approval, such as the following. Showing trees with a minimum caliper of 12” within 100’ of the site perimeter shall be a condition of approval.

#### **Waiver Requests:**

The Applicant has requested the following design waivers:

1. Parking greater than 10% located in front of the facility requirements under 974 CMR 3.04 (3) (a)(1) (a) as discussed under screening and access.

The Land Use Administrator granted the following Administrative Plans, Form and Content waiver from 974 CMR 3.02(3)(a) to allow 1”=30’ scale rather than 1”=40’.

**Process:** Scannell Properties #460 LLC, submitted a Level II Unified Permit application package on March 10, 2021. The pre-permitting conference was completed on March 3, 2021, and the Determination of Completeness was issued on March 18, 2021. Copies of the application and plans were received by the surrounding Towns on March 25, 2021. Legal notices were placed in Nashoba Publications on March 26 and April 2, 2021. Certified Mail notice was sent to abutters on March 22, 2021. The 30-day public comment period expired on April 26, 2021. A question was received from Harvard Planner Chris Ryan about anticipated solid and liquid waste generation requirements for the facility. The 75 day review period expires May 14, 2021.

**Recommended Action:** There are still a number of outstanding issues that need to be addressed. Once the Commission and public have had an opportunity to ask any questions or comments, the commission should continue the public hearing to the next regularly scheduled meeting on May 6, 2021 at 7:30 AM.