

Staff Report

Devens
Enterprise
Commission

Date: April 26, 2021

To: Devens Enterprise Commission

Cc:

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

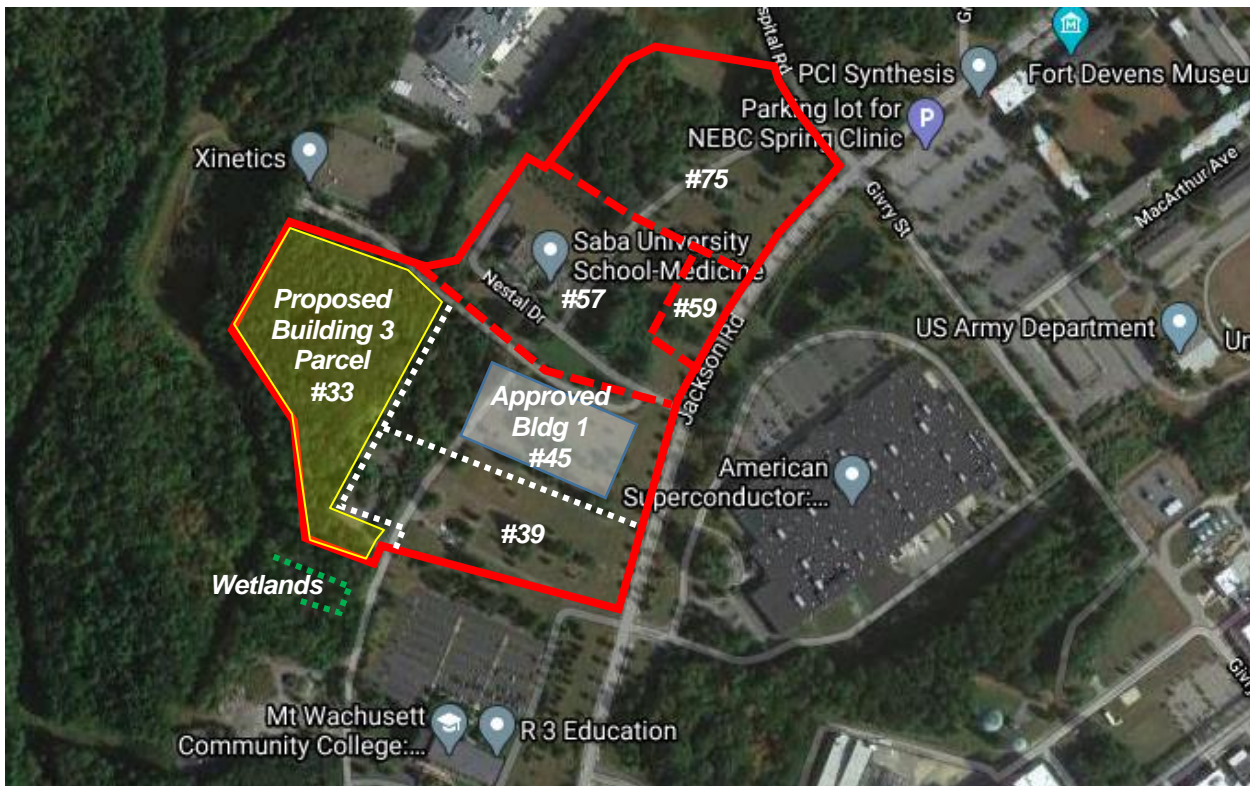
RE: 33 Jackson Road – King Devens, LLC Building #3 Level 2 Unified Permit

Owner/App.: King Devens, LLC/King Street Properties Acquisitions, LLC.

Location: 45 Jackson Road, Devens, MA (new parcel to be assigned address of 33 Jackson Road)

Zoning: Innovation & Technology Business District, Watershed Protection Overlay District and Viewshed Protection Overlay District.

Premises and Proposed Project: Highpoint Engineering, on behalf of King Devens LLC, has submitted a Level 2 Unified Permit including Site Plan approval and a Wetland Request for Determination of Applicability for the construction of a +/- 220,000 gross square foot bio-manufacturing building and associated site improvements on a +/-10.2 acre rear portion of the ~24 acre parcel of land located at 45 Jackson Road (to be assigned the address of 33 Jackson Road once subdivided):



This lot would be accessible both from Jackson Road, as well as Lake George Street. The project also includes a phased parking plan for a 700-space, 5-story parking garage behind building #3 that would be constructed over the proposed surface parking area in the future, should further campus growth and development require additional parking beyond the proposed surface parking. This application also seeks a modification to their conceptual approval of the overall campus master plan (general size, location and layout) for the future development of a small amenity building (in the vicinity of 59 Jackson) as a supporting accessory use to the overall campus which

encompasses 39 (future parcel), 45, 57, 59, and 75 Jackson Road (Master Plan Parcels: 39 Jackson (Parcel ID# 013.0-0021-1002.0); 45 Jackson (Parcel ID# 013.0-0021-1001.0); 57 Jackson (Parcel ID# 013.0-0021-0100.0); 59 Jackson (Parcel ID# 013.0-0021-1100.0); and 75 Jackson (Parcel ID# 018.0-0021-0900.0).

Key Project issues:

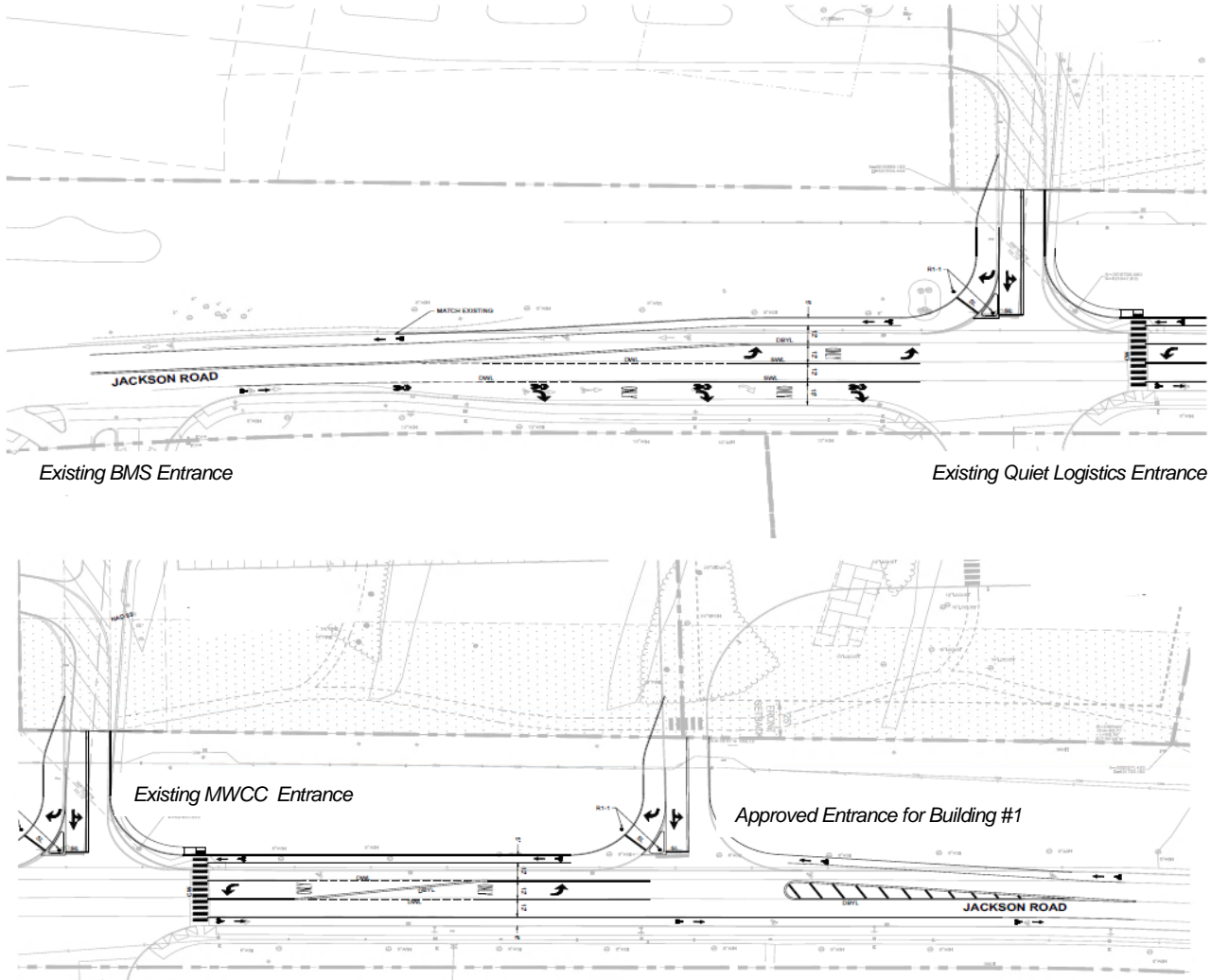
The complete application has been circulated to MassDevelopment, Public Safety, Devens DPW, and the full DEC Peer Review team: Nitsch Engineering (site plan, stormwater, and traffic), IBI Group (landscaping). The following is a summary of those reviews and the key issues raised:

Frontage and Setbacks: The proposed parcel is being established to have the required 100 feet of frontage on Lake George Street. The proposed property boundaries need to be clearly identified on all plan sheets in a consistent manner (no difference between internal and external lot lines from the DEC's standpoint). The front setback of 25' needs to extend along the entire length of front property boundary. As Lake George is providing the frontage, the northern boundary should be considered the rear property boundary, which also requires a 25' setback unless the DEC makes a finding that the Western boundary is acceptable as the rear property boundary since the building will be accessible from both Jackson and Lake George Street (and it will have a Jackson Road Address).

Access/Traffic: The Applicant is proposing to access the site via the new proposed driveway that was approved as part of Building #1, as well as a new driveway will connect the site to Jackson Road via the remainder of the #45 Jackson parcel where Building #2 is proposed (Mount Wachusett Community College shared driveway access easement). MassDevelopment recently discontinued the portion of Lake George Street that runs through this parcel. As part of the development of Building #1, the DEC required King Street Properties to construct a turn-around at the new termination of Lake George Street. This turn-around will provide the required frontage for this new parcel and a third means of access/egress if needed. The proposed project is expected to generate approximately 92 new vehicle trips (69 entering/23 exiting) during the weekday morning peak hour and 108 new vehicle trips (16 entering/92 exiting) during the weekday evening peak hour. Based on the results of the traffic analyses and the anticipated site-generated traffic, the proponent has agreed to implement the following measures:

1. Become a member of the Devens Transportation Demand Initiative (the Devens TDM Program) which will seek to implement a series of Travel Demand Management strategies that will reduce single occupant vehicles arriving and departing from the site by 15%, including:
 - a. Promote use of existing bike and pedestrian infrastructure
 - b. Designate an employee to be the on-site TDM coordinator
 - c. Implement a Guaranteed Ride Home Program (in case of emergencies for those who use alternative transportation or participate in ridesharing)
 - d. Participate in the Employee Relocation Commuter Assistance Program (educating employees on transportation options)
 - e. Provide Ridesharing/Ride matching Services (to promote carpooling and reduce single occupancy vehicle trips)
 - f. Offer flexible work hours/compressed work weeks (to reduce AM and PM peak traffic)
 - g. Devens Shuttle Bus Circulator (providing access to Devens services and local commuting options)
 - h. Designate parking spaces as preferred parking for any ridesharing services (car/van vanpools)
 - i. Designate parking spaces as preferred parking for any hybrid or zero/low-emission vehicles
 - j. Provide bicycle racks and shower/changing facilities
 - k. Provide Hybrid/Electrical vehicle plug-in/recharge stations
2. Design the site driveways in a manner that allows for the safe and efficient movement of motor vehicles into and out of the site off Jackson Road which includes:
 - a. Creation of an exclusive left-turn lane into the primary project driveway for 33 Jackson Road as well as for the driveway serving 45 Jackson Road;
 - b. Creation of separate through/left - and channelized right-turn lanes exiting both the site driveways (subject to MassDevelopment review and acceptance).
 - c. Conduct a post-occupancy monitoring of traffic conditions to identify differences between the forecasted traffic generation of the development and any critical off-site locations. This will allow the future phases of development to be well planned to address both future impacts and those of the current Project.

There will be a multi-purpose trail along the Jackson Road frontage, Bike Lanes, as well as hiking trails along the back of the property. The Applicant should consider safe and efficient movement of pedestrians, cyclists and all road users.



All of these proposed improvements will need to be reviewed and approved by Devens Engineering and Public Works.

Parking: Plans propose a total of 312 surface parking spaces. The DEC Bylaws allow for a maximum of 440 spaces for a 220,000 sf building. The Applicant has included a 5-story 700-space structured parking facility should additional parking be required for this and other future tenants of this master planned complex. To reduce the overall project footprint, this structured parking would be constructed over the existing surface parking in the rear of proposed Building #3. It should be noted that while it is good to see the Applicant planning for future expansion, this parking garage would require separate review and approval prior to construction as there is sufficient surface parking for the existing Building #1 and Building #3. The TDM measures discussed in the Traffic section of this report will also aid in reducing or at least delaying the need to construct additional parking until additional buildings are constructed in the complex.

Wetlands/Trail Access: A portion of the existing Lake George hiking trail (connecting to USFWS Visitor Center) will need to be relocated as part of this project. The Applicant has identified a location that places the trail within the natural landscape and does not impact mature trees or the steeply sloping areas adjacent to the off-site wetland. Final alignment of the Lake George Trail will be established in the field in consultation with Staff but since no mature trees will be removed, there should be no concern for any impact to wetlands. Therefore, there is no need for a

Wetland Order of Conditions if this is the only wetland on or in proximity to the property. The Applicant should verify that the entire property was surveyed by the Wetland Scientist. The August 12, 2020 letter from the Wetland Scientist only appears to cover the Lake George portion of the property. There is also a stone wall and level area that should be reviewed for any archeological significance.

Public Safety: The Devens Public Safety Officer reviewed the original plans and the Applicant has provided revisions to the Plans to meet the requirements of the Devens Fire Department and Public Safety. A separate fire apparatus maneuvering study was submitted to the Department to demonstrate adequate maneuvering capability with respect to the revised Plans. Staff is still waiting to hear back from the Fire Department to ensure their comments have been adequately addressed. A Hazardous Materials Spill Response Plan or Spill Pollution Prevention Control and Countermeasures Plan will be required, depending on the quantities of hazardous materials being stored (refer to 974CMR 4.08). This plan will need to specify the materials, types, quantities, location and method of storage/containment, handling and disposal as per 974 CMR 4.09. These will be required as a condition of approval for the building permit once a specific use has been identified for this facility.

Industrial Performance Standards: To help avoid potential nuisance conditions, the Applicant has designed the facility with due consideration for the surrounding land uses. The closest sensitive receptors include Mount Wachusett Community College and Applewild Preschool and Kindergarten to the south, the Oxbow National Wildlife Refuge and Shirley residential to the west, and Northrup Grumman to the north. Upon securing a tenant for the building, the tenant-specific building use requirements will be evaluated with the DEC administrator for compliance with the IPS (noise, light, air emissions, and electromagnetic interference). This will be a condition of approval.

Lighting: DEC Regulation require 0.5 footcandles for walkways and driveways. A review of the photometric plan shows fairly high lighting intensities in a few areas along the sidewalks in the rear of the facility (upwards of 7.7 fc in some areas which is up to 15x brighter than required). The Applicant is encouraged to review proposed lighting levels in these areas and look for opportunities to minimize lighting levels. The Applicant should also indicate if any lighting is required to remain on overnight and if so, how it can be minimized. Any lighting controls (timers, photocells, etc.) should also be indicated. The proposed lighting for the parking garage will also need to be reviewed to ensure it has the necessary placement, intensity and controls so as not to impact the viewshed sensitive receptors.

Noise: The Applicant is in the process of conducting a background noise study to establish baseline conditions for this project. As building and their occupants are finalized, the Applicant will conduct a noise study to demonstrate that the proposed equipment and operations will be in compliance with 974 CMR 4.05.

Air Emissions: Once a tenant has been identified, the mechanical fit-up of the building will need to be reviewed and any stacks or visible emissions associated with the bio-manufacturing process will need to be reviewed. Any emergency generators will need to be permitted by the MA DEP.

Greenhouse Gas Regulatory Requirements: Due to the size of this project, the Applicant will be required to join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation and comply with the MA Stretch Code (780 CMR 120AA) as amended. If this project requires a MassDEP Air Quality Permit, it will also need to have a roof for which at least thirty (30) percent shall be vegetated.

Viewshed: This project is located within the Viewshed Overlay District. The Applicant submitted photos from the viewshed viewing points along Prospect Hill and Fruitland's Museum which indicate that the building should not be visible because of the intervening terrain. However, to ensure maximum screening, there should be no architectural building lighting and all building finishes and rooftop units must be non-reflective finishes and/or be properly screened to prevent any off-site glare. This should be a condition of approval.

Utilities: There are existing public water and sewer utilities that run through the site that will need to be relocated and reconstructed. These will need to be coordinated with Devens Utilities.

Soil Management: The Applicant hired GZA to preform subsurface investigations that included soil borings and test pits to determine reuse potential for existing soils and subsurface materials. Some subsurface material is suitable for reuse on-site however some of the finer material may not be. The Applicant will need to comply with the Devens Soil Management Policy in terms of managing any excess material on or off-site. Devens Environmental Engineer Roy Herzig will need to be consulted on any relocation of excess material. The Applicant

is currently exploring options to relocate excess/unsuitable fill to portions of the Red Tail Golf Course. This will require a separate earth removal permit from the DEC in accordance with 974 CMR 4.07 (administrative approval if not within 100 feet of wetlands). All contractors on-site will also need to go through the required UXO training prior to commencement of any activity.

Stormwater Management: The DEC Peer Review Engineers reviewed the site plan and stormwater management design in accordance with the DEC Regulations. Stormwater will be treated and infiltrated on-site to the maximum extent feasible. The site also has some areas of potential high groundwater (Applicant should note the requirement for 4' separation from groundwater for any on-site stormwater treatment facilities). Stormwater overflows will tie into the Devens Municipal Storm Drainage System. The Devens system was designed to accept runoff from portions of this property and provide required water quantity management and flood storage. As per the Devens MS4 permit, any connection to the Devens system will require the following:

1. No discharge from temporary sedimentation basins may be connected to the municipal storm water system.
2. All stormwater recharge requirements are addressed on site.
3. Stormwater runoff from areas of higher potential pollutant loading such as loading docks, shall be passed through a proprietary water quality unit before entering and component of the on-site system which has a direct connection to the municipal stormwater system.
4. All systems connected to the Devens stormwater facilities shall be subject to periodic inspection and sampling.
5. Required water quality management and treatment for the 25 year storm event shall be provided on-site, will be maintained at a level equal to or greater than that currently provided and shall be upgraded as necessary to maintain compliance with the remaining conditions below.
6. Any and all discharges to the Devens stormwater facilities shall consist solely of uncontaminated and unpolluted stormwater runoff; and will not consist of or be a source of contaminants or pollutants that would violate the Devens authorization to discharge under the 2016 EPA NPDES general permit for discharges from MS4s in Massachusetts and any subsequent revisions or amendments.
7. MassDevelopment/DEC may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.
8. Prior to commencement of any work, a CAD file showing existing and proposed work, in a format acceptable to the MassDevelopment Engineering Department, shall be provided.
9. Upon completion of work but prior to occupancy of the approved addition, a updated CAD file will be provided showing the as-constructed location of all site features.

These conditions will need to be included as perpetual conditions in the Record of Decision. There are also existing drainage easements that will need to be maintained. The Applicant has also been requested to show how the Project reduces Phosphorous (P) and other stormwater impairment constituents prior to discharge to the Nashua River.

Landscaping: The DEC's peer review Landscape Architects have reviewed the plans for compliance with 974 CMR 3.04(8). The original proposal involved clear-cutting the entire lot and grading right up to the edge of the property boundary. This plan did not comply with a number of site plan and landscaping regulations. The Applicant has since revised the plans to pull disturbance back from the edge of the property and out of the setback areas to preserve some of the existing mature vegetation on-site. The original plans have been revised to show all existing trees 12" caliper or greater on the site plan however, these trees need to be shown on all plans so that it is clear which trees are to be preserved and which trees are required to remain. As there are large expanses of pavement, snow stockpiling locations should also be shown on plans. All snow stockpiling locations need to drain into the on-site treatment system. It should be noted that there are a number of steep slopes proposed (3:1 or greater) that will not be able to be mowed due to their steepness. Without mowing, it should be understood that these areas will be left to naturally grow back into forest. The Applicant has developed a preliminary water and landscape maintenance plan for the property.

Irrigation: The Applicant is proposing a permanent irrigation system for the site using a drilled well. 974 CMR 4.08 supports irrigation being derived from alternative on-site sources such as rainwater harvesting or treated greywater. Any proposed irrigation system will need to comply with 974 CMR 4.08 and 8.09 (outdoor water use controls and in-ground Irrigation system controls. This would need to be a condition of any approval.

Phasing: As the proposed new building involves construction within the footprint of the previously approved Building #1 and parking at 45 Jackson (currently under construction), more detailed information on the phasing and logistics of parking and construction between Building #1 and Building #3 need to be provided. While these are separate proposed parcels, they are currently under common ownership. Each parcel needs to be designed to meet the zoning and site plan requirements independently. Any future transfer of ownership may require access and shared parking easement in order to remain compliant.

Building Design Review: The Building is subject to the Jackson Technology Park Design Guidelines administered by MassDevelopment. The Applicant has met with and provided MassDevelopment design details for the proposed building façade, including materials. A design review letter from MassDevelopment is expected prior to the May 6, 2021 meeting.

Master Plan Modifications: This application is also seeking to increase the proposed building square footage for future phases of development on parcels #39, 57, 59 and 75. While these proposed increases may be theoretically in compliance with the Maximum Floor Area Ratio (FAR) requirements in the Devens Bylaws, there is concern that these parcels may not be able to fully support such increases in FAR given the other zoning and Development Rules and Regulations requirements such as impervious surface coverage, screening, grading, landscaping, stormwater management, setbacks and preservation of existing vegetation. Each future phase will need to be reviewed for compliance with the Devens Zoning Bylaws and Rules and Regulations, so there will be opportunity to evaluate each building as it comes in for permitting but it is important that the Applicant understands that certain zoning requirements and rules and regulations may limit the actual intensity of development and the proposed maximum FAR's for each building may or may not be feasible depending on the final design and layout of each parcel. For these reasons, Staff would recommend not approving any changes to the Master Plan FAR at this time. The Applicant is also seeking a modification to the Conceptual Master Plan to include a small amenity building in the vicinity of what is currently #57 and #59 Jackson Road (parcels to be combined). The Devens Bylaws allow Small-Scale Retail as an Accessory use in the ITB District. Devens Bylaws define Small-scale retail as "an accessory use purely retail nature which is wholly contained within an office or other building primarily devoted to a non-retail use". The Bylaws also allow civic/institutional uses. The Applicant should provide more detail as to what they envision for this amenity building to ensure its use is consistent with the allowed uses in the ITB District.

Waiver Requests:

The Applicant has requested the following waivers:

974 CMR 3.04(8)(h)2. Landscape Treatment. The Applicant shall provide shade trees around the perimeter of all parking areas at a minimum ratio of one (1) tree per 25 lineal feet of parking lot perimeter. In portions of parking areas where screens are required, the Applicant shall provide shade trees along the perimeter at a minimum ratio of 1 tree per 50 lineal feet of parking lot perimeter in addition to the required screen. Trees shall appear informally arranged, rather than set in straight evenly spaced rows, unless existing trees or major site elements suggest a formal arrangement. Informally arranged trees may be clustered or grouped, if desired, as long as clusters/groups are not more than 75' apart.

The Applicant seeks a waiver from adherence to this standard because they felt it results in excessive vegetative screening of the building. Staff would note that part of the purpose of the landscape screening requirements is to shield or soften the visual impact and massing of buildings from the public right-of-way. Meeting this goal, especially in light of the extensive tree removal being proposed on the site, requires the planting of all required trees, at a minimum. In addition, the importance of shading the pavement is critical to mitigating the heat island impacts from the large amounts of proposed parking. The planting of large canopy trees in these areas will, with time, allow clear views to the building under a limbed up canopy. The DEC's Peer Review Landscape Architects agree and do not support this waiver request.

974 CMR 3.04(8)(h)3. Landscape Treatment. Internal parking area plantings are required. Exclusive of perimeter screen planting, internal parking lot landscape areas shall contain one deciduous shade tree for every 20 parking spaces. Trees shall be distributed throughout the parking lot as evenly as possible, although more than one tree may be located on a single island. Trees shall be set back at least 5' minimum from the face of the curb. Tree placement and parking lot lighting shall not conflict. Salt-tolerant shrubs shall be planted along divider islands, preferably native species clustered in groups of 5 or 7, at a rate of 1 shrub for each 10' of divider island length. Interior parking area plantings may be waived in truck parking areas if

interior areas are screened from Streets, the principal entrance of any abutting building, the Open Space and Recreation zoning district, or residential zoning district with a year-round visually impervious screen at least 6' tall at installation and perimeter plantings are provided.

The Applicant seeks a waiver from adherence to this standard for the plaza in front of the building second floor entrance, and the parking area south of the. Compliance with this standard results in excessive vegetative screening of the building entry as viewed from the central driveway, south driveway, and Lake George Street as you approach the building from these locations. Staff would note that part of the purpose of the landscape screening requirements is to shield or soften the visual impact and massing of buildings from the public right-of-way. Meeting this goal, especially in light of the extensive tree removal being proposed on the site, requires the planting of all required trees, at a minimum. In addition, the importance of shading the pavement is critical to mitigating the heat island impacts from the large amounts of proposed parking. The planting of large canopy trees in these areas will, with time, allow clear views to the building under a limbed up canopy. The DEC's Peer Review Landscape Architects agree and do not support this waiver request.

974 CMR 3.04 (8)(f)3 – Groundplane Treatment. Any unpaved areas steeper than 1:3 shall be planted with shrubs or groundcover having fibrous root systems.

The Applicant seeks a waiver from adherence to this standard for the 2:1 graded slope off the west parking field. In lieu of this treatment the Applicant proposes to install a jute mesh erosion control blanket with topsoil and hydroseed with an erosion control seed mix. The slope predominately faces the Devens stormwater management basin and maintenance path avoiding sensitive visual impact. Grading the slope at 2:1 allows preservation of existing trees along the west edge of the property and reduces potential retaining wall height at the property boundary. The DEC Peer Review Landscape Architects support this waiver request subject to the following conditions:

1. The proposed planting for this slope is the same as the proposed planting of the 2:1 and 3:1 slopes east of Building #3. Immediate stabilization of all three slopes is required.
2. The applicant shall consult with the seed supplier to establish an in-depth protocol for achieving this immediate stabilization and for the long-term establishment of the plant material for all three slopes. Protocol should be established by the seasons and span the first three years. Protocol shall address immediate slope stabilization, watering, mulching, erosion control, weed and invasive species control, reseeding, and slope repair. Protocol for both of the 2:1 slopes shall not include mowing given the steepness of the slope. Without mowing, it should be understood that the seed mix will not prevent ecological succession from occurring on the slope; however, ecological succession and reforestation is recommended.
3. In addition, the proposed site is within a Viewshed Overlay District. Views from the Prospect Hill overlook place the parking area for Mount Wachusett Community College and the proposed site parking in the immediate foreground of Building #3, thereby providing little tree canopy for screening. Provide this screening by planting the top of the slope at the southeast corner of the building with large canopy deciduous trees, planting the slope with a large quantity of young trees—all large canopy deciduous native species, and allowing the slope to progress through successional stages and achieve the reforestation of the slope.

Application and Process: Highpoint Engineering, on behalf of King Street Properties Acquisitions, LLC., submitted the Unified Permit Application on March 5, 2021 and the Determination of Completeness was issued on March 11, 2021. Copies of the application were received by the surrounding Towns on March 15, 2021. Legal notices were placed in Nashoba Publications on March 26, 2021 and April 2, 2021. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on April 16, 2021. No comments were received. The 75 day review period for the DEC to act on this application ends on May 26, 2021.

Recommended Action: The 30-day town comment has not expired so the commission will need to continue the public hearing once the Commission and public have had an opportunity to ask any questions and comments, The DEC should continue the hearing to the May 6, 2021 meeting at 7:30AM to allow for a complete review of the revised plans and supporting information submitted on April 23, 2021. If additional time is need beyond the May 6th meeting, the next DEC meeting is May 25 at 6:45PM

Attachments: <https://www.devensec.com/level2hearingsAPR272021.html>