

# Staff Report

Devens  
Enterprise  
Commission

**Date:** June 27, 2021

**To:** Devens Enterprise Commission

**Cc:**

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

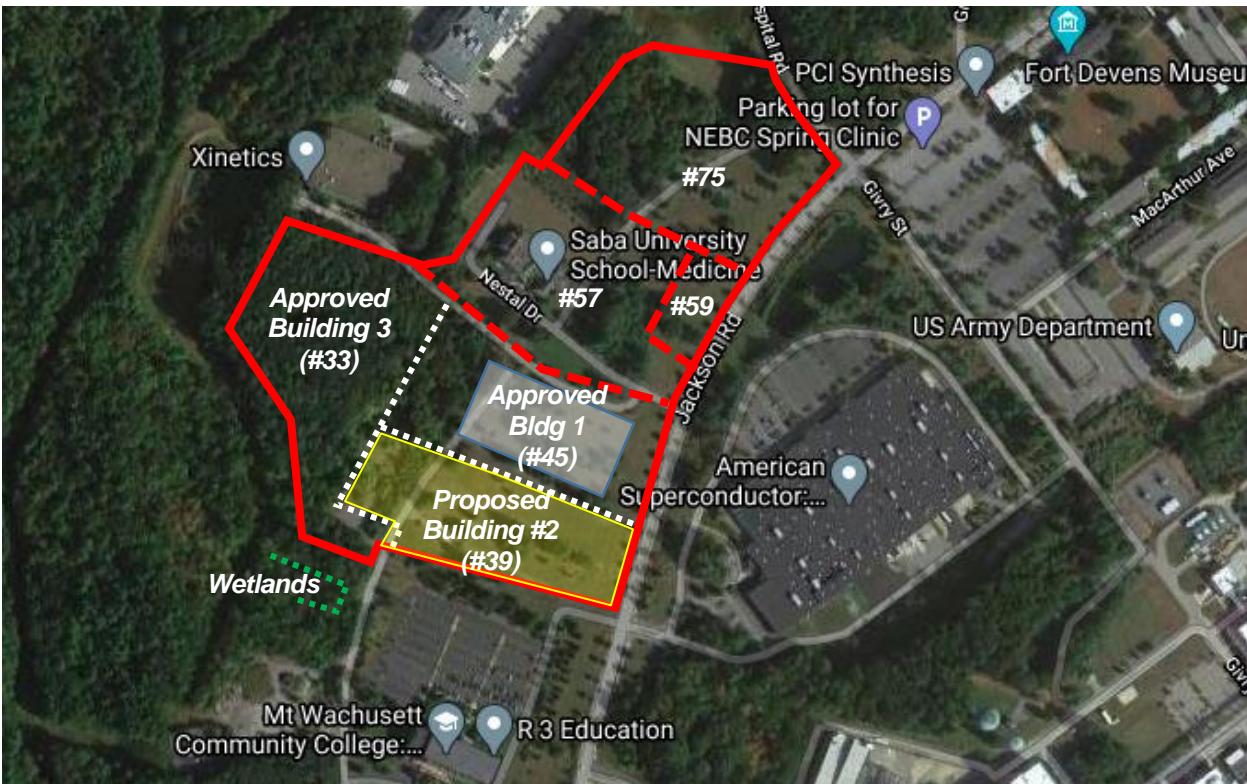
**RE:** 39 Jackson Road – King Devens, LLC Building #2 Level 2 Unified Permit

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

**Location:** 45 Jackson Road, Devens, MA (new parcel to be assigned address of 39 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 for the construction of a +/- 140,000 gross square foot bio-manufacturing building and associated site improvements on a +/-6.4 acre portion of the ~24 acre parcel of land located at 45 Jackson Road (to be assigned the address of 39 Jackson Road). This lot would be accessible both from Jackson Road, as well as Lake George Street. This is consistent with King Devens LLC previously approved Master Plan for 33, 39, 45, 57, and 75 Jackson Road:



## 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 Access:** The proposed parcel is being established to have the required 100 feet of frontage on Jackson Road but will be accessible from both Jackson and Lake George Street. The Applicant is proposing the main access to the site to be via the driveway that was approved as part of Building #1 (45 Jackson), and a secondary driveway off of the existing Mount Wachusett Community College driveway via an existing shared access easement.

**Traffic:** The proposed project is expected to generate approximately 59 new vehicle trips (44 entering/15 exiting) during the weekday morning peak hour and 69 new vehicle trips (10 entering/59 exiting) during the weekday evening peak hour. Based on the results of the traffic analyses and the anticipated site-generated traffic, the Applicant has proposed the following measures to mitigate potential traffic impacts:

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 both driveways;
  - 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.

The Applicant concludes that the implementation of the above-mentioned mitigation measures will result in negligible traffic impacts from the development on study area intersections and allows for the long-term planning of additional development associated with the Project site. A multi-purpose trail was previously approved along the frontage of this site as part of the 45 Jackson approval. All of these proposed improvements will be reviewed and coordinated with Devens Engineering and Public Works.

**Parking:** Plans propose a total of 157 surface parking spaces. The DEC Bylaws allow for a maximum of 280 spaces for a 140,000 sf building. The Applicant has previously proposed a 5-story 700-space structured parking facility should additional parking be required for this and other future tenants of this master planned complex. This is sufficient for demonstrating the availability of future reserve parking should it be necessary. 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. As part of the 157 parking spaces, the Applicant has included 9 compact car spaces (reduced pavement), 8 electric vehicle spaces and 8 ride share spaces to help encourage reduced traffic and greenhouse gas emissions.

**Public Safety:** The Devens Public Safety Officer reviewed the original plans as part of the 45 Jackson review and will be requiring the following:

1. Fire Alarm conduit will need to be laid from the new Fire Alarm Pedestal on Jackson road to the building.
2. Sprinkler Feed Hydrant will need to be within 100' of the Fire Department Connection.

3. Radio Survey will need to be completed after the building is built and furnished to address the need for a Bi-Directional Antenna for Public Safety radios.

A concern was raised for general traffic control safety on campus and pedestrian safety at the loading dock area. Additional signage and or pavement marking may be appropriate to reduce pedestrian and truck/vehicle conflicts. A Hazardous Materials Spill Response Plan or Spill Pollution Prevention Control and Countermeasures Plan will also be required, depending on the tenant and 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/tenant has been identified for this facility.

**Industrial Performance Standards:**

**Lighting:** Lighting levels have been reduced to comply with 974 CMR 3.04. Lighting controls (timers, photocells, etc.) are also included to reduce light pollution which will help reduce impacts to 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. This will be a condition of approval.

**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. This will also be a condition of approval.

**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 may be partially visible. 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 will also be a condition of approval. The Applicant should be prepared to address the green roof requirement for buildings visible from the viewshed.

**Soil Management:** The existing stockpile of material currently on-site (approx.. 17,000 cu.yds.) has been approved for removal and relocation to the driving range at Red Tail Golf Course. The Applicant will need to comply with the Devens Soil Management Policy in terms of managing any excess material on or off-site. 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. And there are still a few outstanding issues that need to be addressed:

- Erosion control on steeper grades.
- Additional LID measures including porous pavement which could replace underground infiltration structures.
- Requirement for a SWPPP.
- Miscellaneous plan detail modifications and clarifications.

Stormwater will be treated and infiltrated on-site to the maximum extent feasible. 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. This municipal system discharges to the Nashua River so the stormwater design/report will need to address impairments in the Nashua River and should identify any proposed restrictions on type or amount of fertilizer to be used and provide details about how their portion of the system will eliminate all phosphorous prior to discharge to the municipal system. 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 contaminates 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.

**Landscaping:** The DEC's peer review Landscape Architects have reviewed the plans for compliance with 974 CMR 3.04(8). There are still a few outstanding issues that need to be addressed:

- Landscape maintenance – Applicant needs to ensure all plantings get properly established. This typically requires two years of regular maintenance. There is no such plan for the plantings in the open space along Jackson Road.
- Use of Native species
- Lighting levels
- Existing tree protection and location of proposed plantings near drives
- Additional screening requirements
- Snow stockpiling locations.
- 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. The Applicant has submitted a Level 1 Irrigation Well permit application which has been approved with conditions administratively by the Director. The system will need to comply with 974 CMR 4.08 and 8.09 (outdoor water use controls and in-ground Irrigation system controls).

**Building Design Review:** The Building is subject to the Jackson Technology Park Design Guidelines administered by MassDevelopment. The Applicant has provided MassDevelopment design details for the proposed building façade, including materials. A design review letter from MassDevelopment is expected prior to the July 15, 2021 meeting.

#### **Waiver Requests:**

The Applicant has requested the following waiver:

**974 CMR 3.04(3)(b) – Viewshed Overlay District. The Applicant seeks a waiver to increase maximum allowable percentage of parking spaces to be constructed between the principal building and street that provides frontage from 10% to 30%....**

The parking is not visible from the Prospect Hill/Fruitland's Museum sensitive receptor site due to the presence of mature tree canopy and the Johnson Pharma Life Science facility located within the site line, resulting in no visual impacts to the viewshed. The setback provided between the parking and the frontage allows for the creation of earthen berms and a robust landscape buffer that provides a natural screen between the parking area and Jackson Road. This natural screen buffer provides sufficient mitigation so the majority of the parking will not be visible when

viewed from the Jackson Road frontage, meeting the objectives of the regulations to minimize visual impacts from parking in front of the building as viewed from the street and sensitive receptor.

For the above reasons, the DEC's Peer Review Landscape Architects have recommended this waiver be granted provided that the required year-round visually impermeable screening within 3 years' time is provided for the length of the frontage. Changes to the planting plan have been made to address this however, some items have not been completely addressed. Staff would recommend the DEC include a condition that the landscape and grading plans be revised to fully meet the requirement for a year-round visually impermeable screening within 3 years' time.

**Application and Process:** Highpoint Engineering, on behalf of King Street Properties Acquisitions, LLC., submitted the Unified Permit Application on May 10, 2021 and the Determination of Completeness was issued on May 17, 2021. Copies of the application were received by the surrounding Towns on May 19, 2021. Legal notices were placed in Nashoba Publications on May 28, 2021 and June 4, 2021. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on June 17, 2021. No comments were received. The 75 day review period for the DEC to act on this application ends on July 31, 2021.

**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 continue the hearing to the July 15, 2021 meeting at 7:30AM to allow time to resolve the few remaining issues and for staff to draft a Record of Decision for the Commission's consideration.

Attachments\*: Revised Site Plans  
Response to Comments

\* All attachments to be posted on-line at: <https://www.devensec.com/level2hearingsJUN292021.html>