

# Staff Report

Devens  
Enterprise  
Commission

**Date:** November 12, 2020  
**To:** **Devens Enterprise Commission**  
**Cc:** Peter Lowitt, DEC Director;  
**From:** Neil Angus, Environmental Planner  
**RE:** **MacPherson Well Permanent Water Treatment Upgrades**

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**Owner/App.:** MassDevelopment  
**Location:** MacPherson Road, Devens, MA  
**Zoning:** Open Space Recreation, Zone I Water Resources Protection Overlay District (and well head)

**Premises and Proposed Project:** MassDevelopment has submitted a Level 2 Unified Permit, including site plan and a wetland notice of intent for the proposed construction of a permanent PFAS (per- and polyfluoroalkyl substances) treatment system involving a new building and associated utility work. PFAS are a group of man-made chemicals that have been manufactured and used in a variety of industries since the 1940s. Sources of PFAS range from everyday consumer products such as Gore-Tex, non-stick cookware (i.e. Teflon), and fast-food packaging to industrial goods such as aqueous firefighting foams. PFAS are persistent in the environment and in the human body and can in fact bio-accumulate over time. They have been nicknamed “forever chemicals” because once they are in the environment, they are nearly impossible to remove without human intervention. PFAS levels in the MacPherson Well water (untreated) have been averaging around 130 parts per trillion. The US EPA has adopted a Lifetime Drinking Water Health Advisory level of 70 parts per trillion (ppt). The MA DEP has recently passed a final drinking water regulation/standard of 20ppt for PFAS. This new proposed permanent treatment system will remove PFAS levels to below laboratory detection limits (non-detectable). This project is designed to replace the existing temporary PFAS treatment system that was approved by the DEC back in 2019.

The proposed project includes a new 1,080 square foot building that will contain two Granular-Activated- Carbon (GAC) or ion exchange resin pressure vessels. The building will be slab on grade with shallow footing foundation. The building will have an 8' by 15' “bump out” to allow for additional space to house two cartridge filter vessels, vessels designed to remove any particulate matter that may be present. The new building will be located beside the existing chemical feed building. The project also involves the relocation of an existing natural gas-fired emergency generator.



The project is within a Zone 1 Water Resources Protection Overlay District. Because site grading modifications will lie within the flood plain, site grading requires compensatory storage. The Applicant also has filed a Notice of Intent with the DEC and Massachusetts Department of Environmental Protection (MA DEP).

**Key Project issues:**

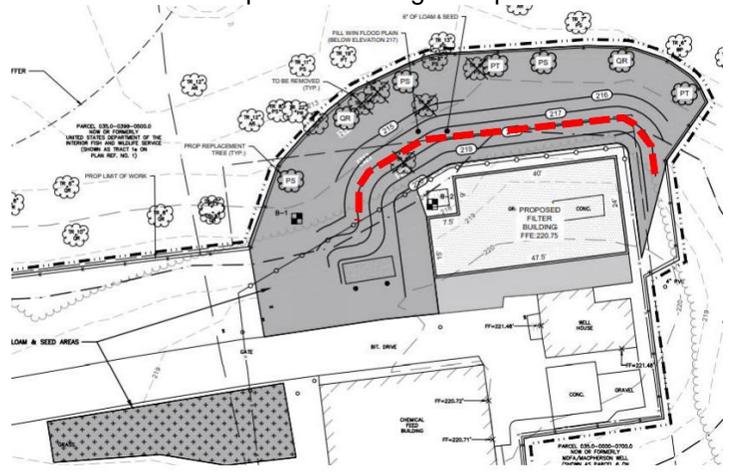
*100-Year Floodplain:* The project is located within the 100-year floodplain of the Nashua River. In order to place the PFAS treatment building at the required elevation in line with the existing treatment system, an area of floodplain will need to be filled (approx.. 8,000 square feet or 23 cubic feet of flood storage area). To offset this fill, the Applicant has proposed to create 36.8 cubic feet of flood storage area along the entrance drive to the facility. Any alternatives that could reduce floodplain impacts should be considered (see alternatives section below).

*US Fish and Wildlife Service Land Encroachment:* The well property is completely surrounded by US Fish and Wildlife (USFWS) property. Because of the environmental sensitivity of this area, the public water supply well is the only development along this section of Macpherson Road. To minimize impacts on the floodplain, the property boundaries for the well site were minimized and did not factor in the need for additional treatment measures such as those being proposed now to treat PFAS. MassDevelopment was able to squeeze the new proposed treatment building within the lot, however the proposed grading and access for construction of the new building will require a temporary encroachment onto USFWS Land. MassDevelopment has obtained conditional approval from USFWS for this proposed activity (SUP approval #53512-20-04). The conditions require specific actions to prevent invasive species from colonizing the site (clean equipment and clean fill) and replacement trees for those that need to be removed.

*Wetlands:* the proposed activity is occurring within an existing cleared grassed area. There are wetlands to the north and south of the property however no activity is proposed within 100 feet of wetlands according to the recent delineation performed by Weston and Sampson. There is some grading and tree removal proposed just outside the 100-foot buffer on USFWS property. This activity is required in order to get the necessary equipment in and create a level area for the building pad. The Applicant has proposed to re-plant the trees that need to be removed. The Applicant should include the name of the professional Wetland Scientist who completed the wetland delineation data forms for the record.

*Endangered Species:* The project is located within mapped Priority and Estimated Habitat for the Wood Turtle, Blue-Spotted Salamander, and Blanding’s Turtle. MassDevelopment hired LEC Environmental Consultants, Inc. to prepare a Turtle Protection Plan to limit temporary and long-term impacts to these listed species. The plan and this proposed work was conditionally approved by MA Division of Fisheries and Wildlife Natural Heritage Endangered Species Program (NHESP) in an August 17, 2020 authorization letter. The plan requires specific measures and timing restrictions for activity which will help ensure these listed species are protected from any harm during construction. This plan and the NHESP authorization letter should be referenced in any decision of the DEC.

*Alternatives:* This is a critical public water supply project so it is essential that the work be done as quickly as possible but as part of any project within a floodplain or near wetlands, the Applicant is required to look at alternative designs that would avoid or minimize potential impacts. In reviewing this application, there appears to be an option that could significantly limit floodplain disturbance and displacement and reduce impacts to endangered species habitat. A small 2’ retaining wall right at the property line (on MassDevelopment property) could allow the grading to be pulled back and reduce the amount of fill/floodplain displacement, reduce the number of mature trees to be removed, and reduce the amount of overall disturbance into USFWS land. This would also reduce the need to excavate flood compensation areas along the access drive. The red line shows where this could happen. In keeping the wall under 3 feet, it would not be considered a structure and would not require a building permit. MassDevelopment would have to make sure it would be structurally sound to keep the fill stable. Staff has relayed this alternative to the Applicant and US Fish and Wildlife and is awaiting a response.



**Stormwater Management:** The Applicant has proposed a small area of pervious pavement for the entrance to the new building. This and the roof runoff from the new building will be infiltrated on-site (relatively clean – no vehicles will be able to access the pervious pavement and roof runoff does not require pre-treatment prior to infiltration). The DEC’s peer review engineers are currently reviewing the stormwater design and flood storage calculations.

**Lighting and Utilities:** The new building will have two new building-mounted lights that will be fully shielded to prevent off-site glare. Wedge-2 LED light fixture color temperature should be specified to be 3000K and have photocell and motion sensor capabilities to reduce potential light pollution. All utilities are proposed to be underground. Natural gas is available at this site so there is no need for any diesel fuel storage for back-up generators. The existing generator is in the footprint of the proposed building so it is being relocated in front of the new building. The site is also connected to the Devens sewer system so all wastewater that will be generated from priming the PFAS filters will be discharged directly to the sewer system.

**Access:** the existing site is accessed by a 12'-wide paved road with reinforced shoulders and a turn-around/parking area at the entrance off of MacPherson. The Devens Fire Chief has reviewed the proposed plans and due the small size of the building and surrounding site constraints, he has indicated the existing access is sufficient.

**Waiver Requests:**

The Applicant has requested the following waivers for this project:

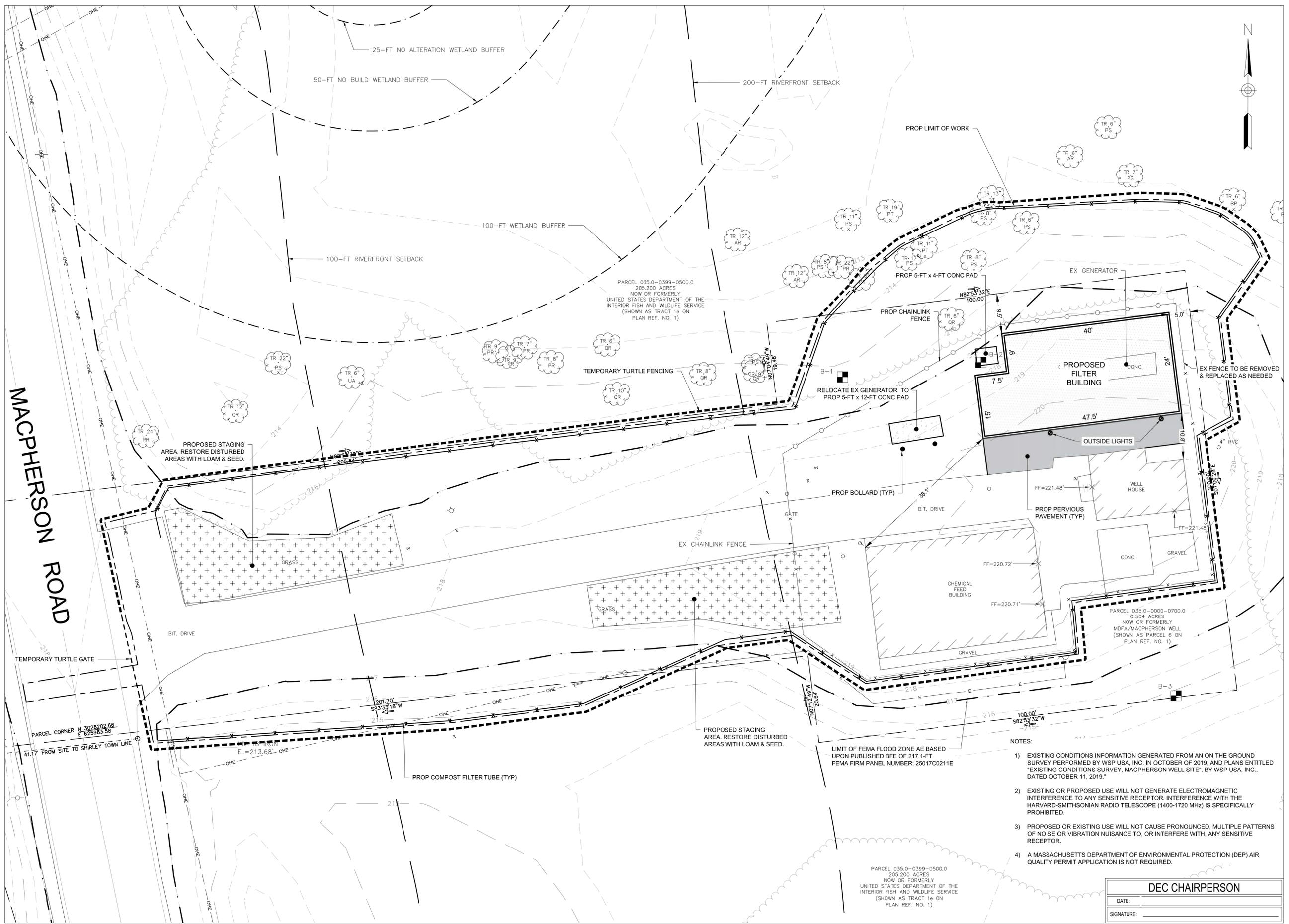
**974 CMR 3.04(1)(a) 25ft Rear Yard Setback and 10ft Side Yard Setback.** A 20ft waiver from rear yard setback and a 0.5ft waiver from the side yard setback are being requested to minimize disturbance in these sensitive resource areas and avoid additional tree clearing and floodplain impacts by locating the new filter building adjacent to the existing building and only 5ft from the rear property boundary and 9.5ft from the side property boundary. Additionally, the adjacent land is permanently protected open space. No building will occur on the adjacent property because it is protected USFWS Property as part of the Oxbow Refuge.

**974 CMR 3.04(3)(a)(1)(h) Bicycle Storage Facilities.** This proposed project is an extension of an existing facility that is not open to the public, and will not require full time on site staff. The facility will only be accessed by emergency and maintenance crews who require maintenance vehicles to service the facility.

Due to the fact that this is a small utility building, the Applicant also requested a waiver from 974 CMR 3.02(2)(s) which requires the submission of the Sustainable Sites section of the US Green Building Council’s LEED Checklist. As this is a submission requirement, this waiver was administratively granted by the DEC Director as part of the application review process.

**Application and Process:** Weston and Sampson, on behalf of MassDevelopment Utilities Department, submitted the Unified Permit Application on October 19, 2020 and the Determination of Completeness was issued on October 21, 2020. Copies of the application were received by the surrounding Towns on October 22, 2020. Legal notices were placed in Nashoba Publications on October 23 and 30, 2020. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expires on November 21, 2020. To date, no comments have been received. The 75 day review period for the DEC to act on this application ends on January 5, 2021. We are still waiting for MA DEP to assign a file number to this project.

**Recommended Action:** The 30-day town comment is still open and does not end until November 21, 2020. Once the Commission and public have had an opportunity to ask any questions and comments, the public hearing should be continued to the December 3, 2020 meeting at 7:30AM. This will provide opportunity to hear back from our peer review engineers, explore the retaining wall option, get the MA DEP file # assigned, and allow staff to draft a Wetland Order of Conditions and Record of Decision for the Commission’s consideration.



MACPHERSON ROAD

Project:  
**MASSACHUSETTS  
 DEVELOPMENT FINANCE  
 AGENCY**

**MassDevelopment**

MACPHERSON WELL  
 PFAS TREATMENT PROJECT

44 MACPHERSON RD,  
 DEVENS, MA 01434

**Weston & Sampson**

Weston & Sampson  
 55 Walkers Brook Drive, Suite 100  
 Reading, MA 01867  
 tel: 978-532-1900  
 westonandsampson.com

Consultants:

Seal:

Revisions:

Rev	Date	Description

**COMMONWEALTH OF MASSACHUSETTS**  
**JAMES I. PEARSON**  
 CIVIL  
 No. 50575  
 REGISTERED  
 PROFESSIONAL ENGINEER

11/4/2020  
 Issued For: PERMITTING - NOT  
 FOR CONSTRUCTION

Date: OCTOBER 7, 2020  
 Drawn By: AKG  
 Reviewed By: JIP  
 Approved By: JIP  
 W&S Project No: 2190356

Drawing Title:

**LAYOUT &  
 MATERIALS PLAN**

Sheet Number:

**C101**

WESTON & SAMPSON COPYRIGHT 2020

- NOTES:
- 1) EXISTING CONDITIONS INFORMATION GENERATED FROM AN ON THE GROUND SURVEY PERFORMED BY WSP USA, INC. IN OCTOBER OF 2019, AND PLANS ENTITLED "EXISTING CONDITIONS SURVEY, MACPHERSON WELL SITE", BY WSP USA, INC., DATED OCTOBER 11, 2019.
  - 2) EXISTING OR PROPOSED USE WILL NOT GENERATE ELECTROMAGNETIC INTERFERENCE TO ANY SENSITIVE RECEPTOR. INTERFERENCE WITH THE HARVARD-SMITHSONIAN RADIO TELESCOPE (1400-1720 MHz) IS SPECIFICALLY PROHIBITED.
  - 3) PROPOSED OR EXISTING USE WILL NOT CAUSE PRONOUNCED, MULTIPLE PATTERNS OF NOISE OR VIBRATION NUISANCE TO, OR INTERFERE WITH, ANY SENSITIVE RECEPTOR.
  - 4) A MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) AIR QUALITY PERMIT APPLICATION IS NOT REQUIRED.

**DEC CHAIRPERSON**

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

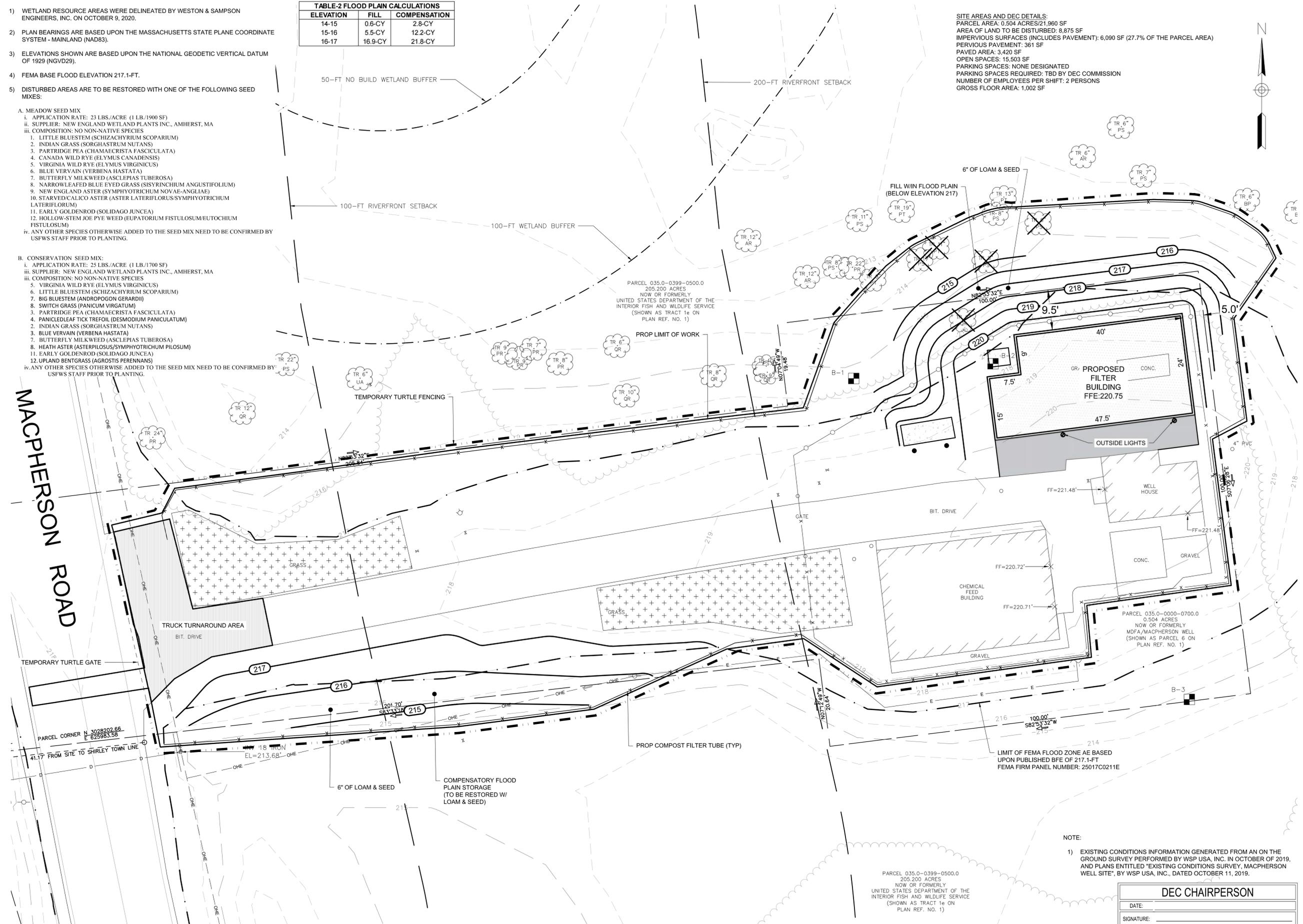


NOTES:

- WETLAND RESOURCE AREAS WERE DELINEATED BY WESTON & SAMPSON ENGINEERS, INC. ON OCTOBER 9, 2020.
- PLAN BEARINGS ARE BASED UPON THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM - MAINLAND (NAD83).
- ELEVATIONS SHOWN ARE BASED UPON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).
- FEMA BASE FLOOD ELEVATION 217.1-FT.
- DISTURBED AREAS ARE TO BE RESTORED WITH ONE OF THE FOLLOWING SEED MIXES:
  - MEADOW SEED MIX
    - APPLICATION RATE: 25 LBS./ACRE (1 LB./1900 SF)
    - SUPPLIER: NEW ENGLAND WETLAND PLANTS INC., AMHERST, MA
    - COMPOSITION: NO NON-NATIVE SPECIES
      - LITTLE BLUESTEM (SCHIZACHYRIUM SCOPARIUM)
      - INDIAN GRASS (SORGHASTRUM NUTANS)
      - PARTRIDGE PEA (CHAMAECRISTA FASCICULATA)
      - CANADA WILD RYE (ELYMUS CANADENSIS)
      - VIRGINIA WILD RYE (ELYMUS VIRGINICUS)
      - BLUE VERVAIN (VERBENA HASTATA)
      - BUTTERFLY MILKWEED (ASCLEPIAS TUBEROSA)
      - NARROWLEAFED BLUE EYED GRASS (SISYRINCHIUM ANGUSTIFOLIUM)
      - NEW ENGLAND ASTER (SYMPHYOTRICHUM NOVAE-ANGLIAE)
      - STARVED/CALICO ASTER (ASTER LATERIFLORUS/SYMPHYOTRICHUM LATERIFLORUM)
      - EARLY GOLDENROD (SOLIDAGO JUNCEA)
      - HOLLOW-STEM JOE PYE WEED (EUPATORIUM FISTULOSUM/EUTOCHIUM FISTULOSUM)
    - ANY OTHER SPECIES OTHERWISE ADDED TO THE SEED MIX NEED TO BE CONFIRMED BY USFWS STAFF PRIOR TO PLANTING.
  - CONSERVATION SEED MIX:
    - APPLICATION RATE: 25 LBS./ACRE (1 LB./1700 SF)
    - SUPPLIER: NEW ENGLAND WETLAND PLANTS INC., AMHERST, MA
    - COMPOSITION: NO NON-NATIVE SPECIES
      - VIRGINIA WILD RYE (ELYMUS VIRGINICUS)
      - LITTLE BLUESTEM (SCHIZACHYRIUM SCOPARIUM)
      - BIG BLUESTEM (ANDROPOGON GERARDII)
      - SWITCH GRASS (PANICUM VIRGATUM)
      - PARTRIDGE PEA (CHAMAECRISTA FASCICULATA)
      - PANICLEDLEAF TICK TREFOIL (DESMODIUM PANICULATUM)
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TABLE-2 FLOOD PLAN CALCULATIONS		
ELEVATION	FILL	COMPENSATION
14-15	0.6-CY	2.8-CY
15-16	5.5-CY	12.2-CY
16-17	16.9-CY	21.8-CY

SITE AREAS AND DEC DETAILS:  
 PARCEL AREA: 0.504 ACRES/21,960 SF  
 AREA OF LAND TO BE DISTURBED: 8,875 SF  
 IMPERVIOUS SURFACES (INCLUDES PAVEMENT): 6,090 SF (27.7% OF THE PARCEL AREA)  
 PERVIOUS PAVEMENT: 361 SF  
 PAVED AREA: 3,420 SF  
 OPEN SPACES: 15,503 SF  
 PARKING SPACES: NONE DESIGNATED  
 PARKING SPACES REQUIRED: TBD BY DEC COMMISSION  
 NUMBER OF EMPLOYEES PER SHIFT: 2 PERSONS  
 GROSS FLOOR AREA: 1,002 SF



Project:  
 MASSACHUSETTS  
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Consultants:

Seal:

Revisions:

Rev	Date	Description

Professional Engineer Seal for James I. Pearson, No. 50575, State of Massachusetts. Issued For: PERMITTING - NOT FOR CONSTRUCTION. 11/4/2020

Date: OCTOBER 7, 2020  
 Drawn By: AKG  
 Reviewed By: JIP  
 Approved By: JIP  
 W&S Project No: 2190356

Drawing Title:  
**GRADING & DRAINAGE PLAN**

Sheet Number:  
**C102**

NOTE:  
 1) EXISTING CONDITIONS INFORMATION GENERATED FROM AN ON THE GROUND SURVEY PERFORMED BY WSP USA, INC. IN OCTOBER OF 2019, AND PLANS ENTITLED "EXISTING CONDITIONS SURVEY, MACPHERSON WELL SITE", BY WSP USA, INC., DATED OCTOBER 11, 2019.

DEC CHAIRPERSON

DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_



MACPHERSON ROAD

NOTES:

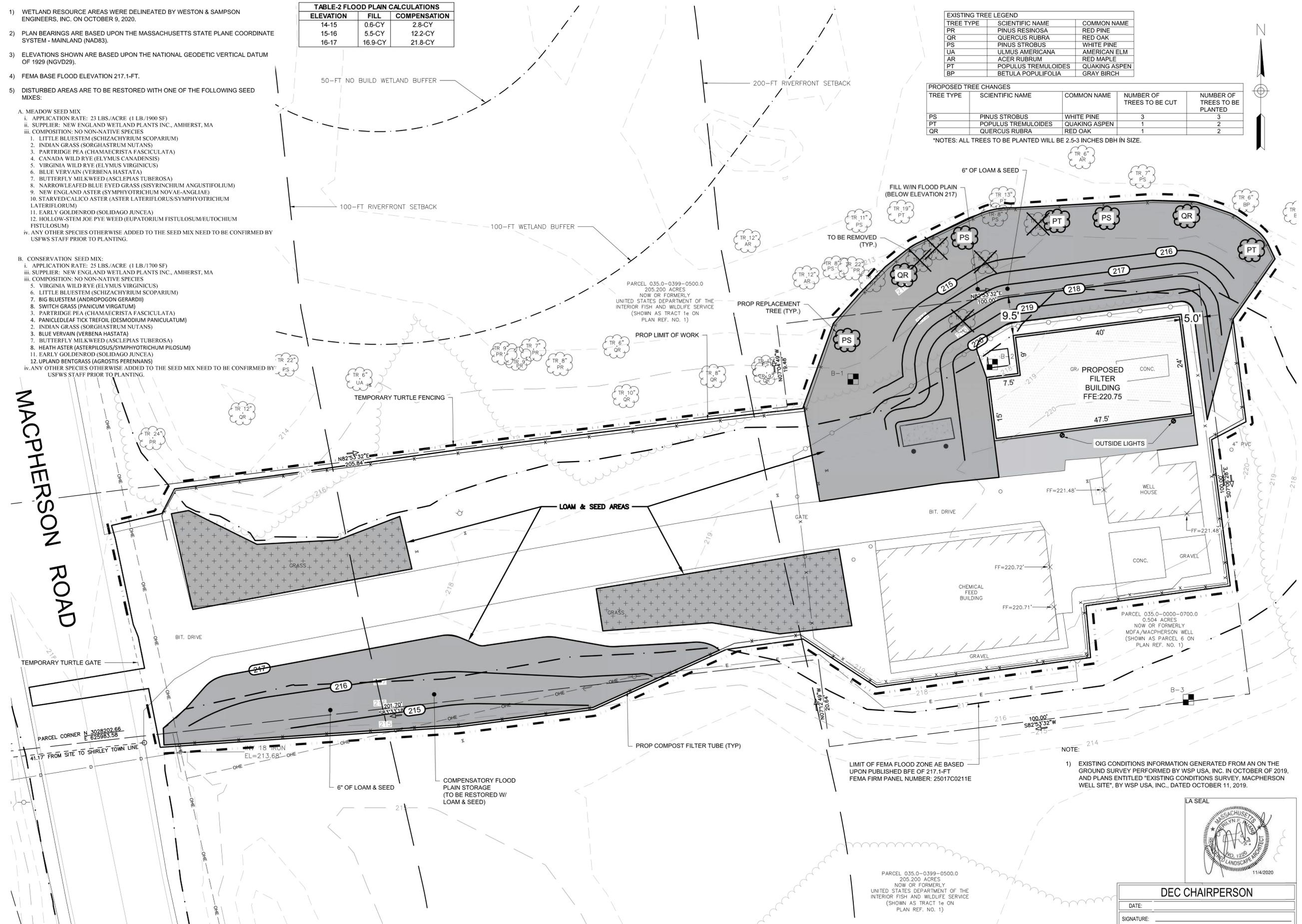
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  - A. MEADOW SEED MIX
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    - iii. COMPOSITION: NO NON-NATIVE SPECIES
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    - iv. ANY OTHER SPECIES OTHERWISE ADDED TO THE SEED MIX NEED TO BE CONFIRMED BY USFWS STAFF PRIOR TO PLANTING.
  - B. CONSERVATION SEED MIX:
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14-15	0.6-CY	2.8-CY
15-16	5.5-CY	12.2-CY
16-17	16.9-CY	21.8-CY

EXISTING TREE LEGEND		
TREE TYPE	SCIENTIFIC NAME	COMMON NAME
PR	PINUS RESINOSA	RED PINE
QR	QUERCUS RUBRA	RED OAK
PS	PINUS STROBILUS	WHITE PINE
UA	ULMUS AMERICANA	AMERICAN ELM
AR	ACER RUBRUM	RED MAPLE
PT	POPULUS TREMULOIDES	QUAKING ASPEN
BP	BETULA POPULIFOLIA	GRAY BIRCH

PROPOSED TREE CHANGES				
TREE TYPE	SCIENTIFIC NAME	COMMON NAME	NUMBER OF TREES TO BE CUT	NUMBER OF TREES TO BE PLANTED
PS	PINUS STROBILUS	WHITE PINE	3	3
PT	POPULUS TREMULOIDES	QUAKING ASPEN	1	2
QR	QUERCUS RUBRA	RED OAK	1	2

\*NOTES: ALL TREES TO BE PLANTED WILL BE 2.5-3 INCHES DBH IN SIZE.



Project:  
 MASSACHUSETTS  
 DEVELOPMENT FINANCE  
 AGENCY

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MACPHERSON WELL  
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Consultants:

Seal:

Revisions:

Rev	Date	Description

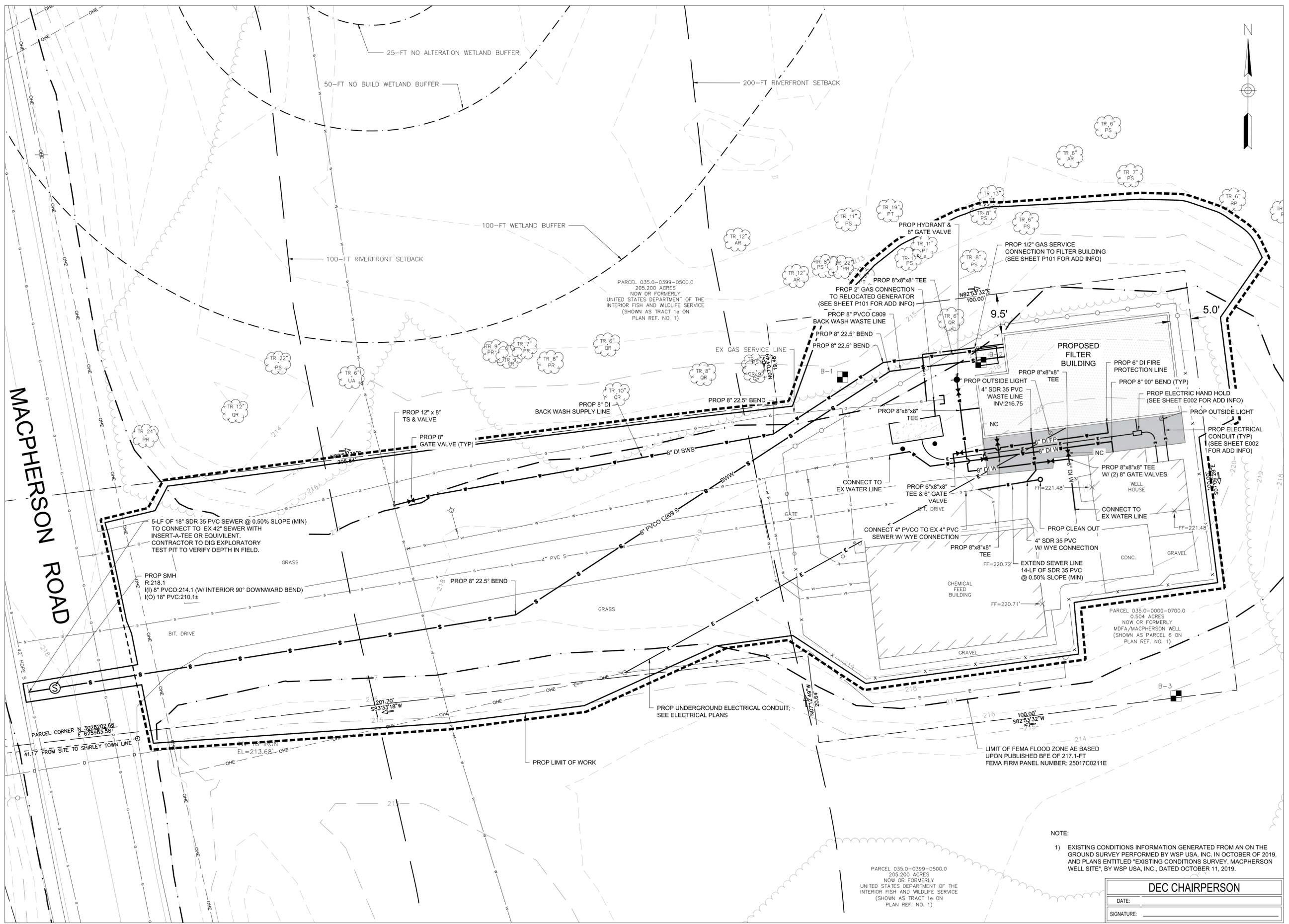
Professional Engineer Seal:  
 JAMES I. PEARSON  
 CIVIL  
 No. 50575  
 REGISTERED  
 PROFESSIONAL ENGINEER

11/4/2020  
 Issued For: PERMITTING - NOT FOR CONSTRUCTION

Date: OCTOBER 7, 2020  
 Drawn By: AKG  
 Reviewed By: JIP  
 Approved By: JIP  
 W&S Project No: 2190356

Drawing Title:  
**RESTORATION PLAN**

Sheet Number:  
**C104**



Project:  
**MASSACHUSETTS  
 DEVELOPMENT FINANCE  
 AGENCY**

**MassDevelopment**

**MACPHERSON WELL  
 PFAS TREATMENT PROJECT**

44 MACPHERSON RD,  
 DEVENS, MA 01434

**Weston & Sampson**

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Consultants:

Seal:

Revisions:

Rev	Date	Description

Issued For: **BID** 11/4/2020

Date: **OCTOBER 7, 2020**

Drawn By: **AKG**

Reviewed By: **JIP**

Approved By: **JIP**

W&S Project No: 2190356

Drawing Title:  
**UTILITY PLAN**

Sheet Number:  
**C103**

NOTE:  
 1) EXISTING CONDITIONS INFORMATION GENERATED FROM AN ON THE GROUND SURVEY PERFORMED BY WSP USA, INC. IN OCTOBER OF 2019, AND PLANS ENTITLED "EXISTING CONDITIONS SURVEY, MACPHERSON WELL SITE", BY WSP USA, INC., DATED OCTOBER 11, 2019.

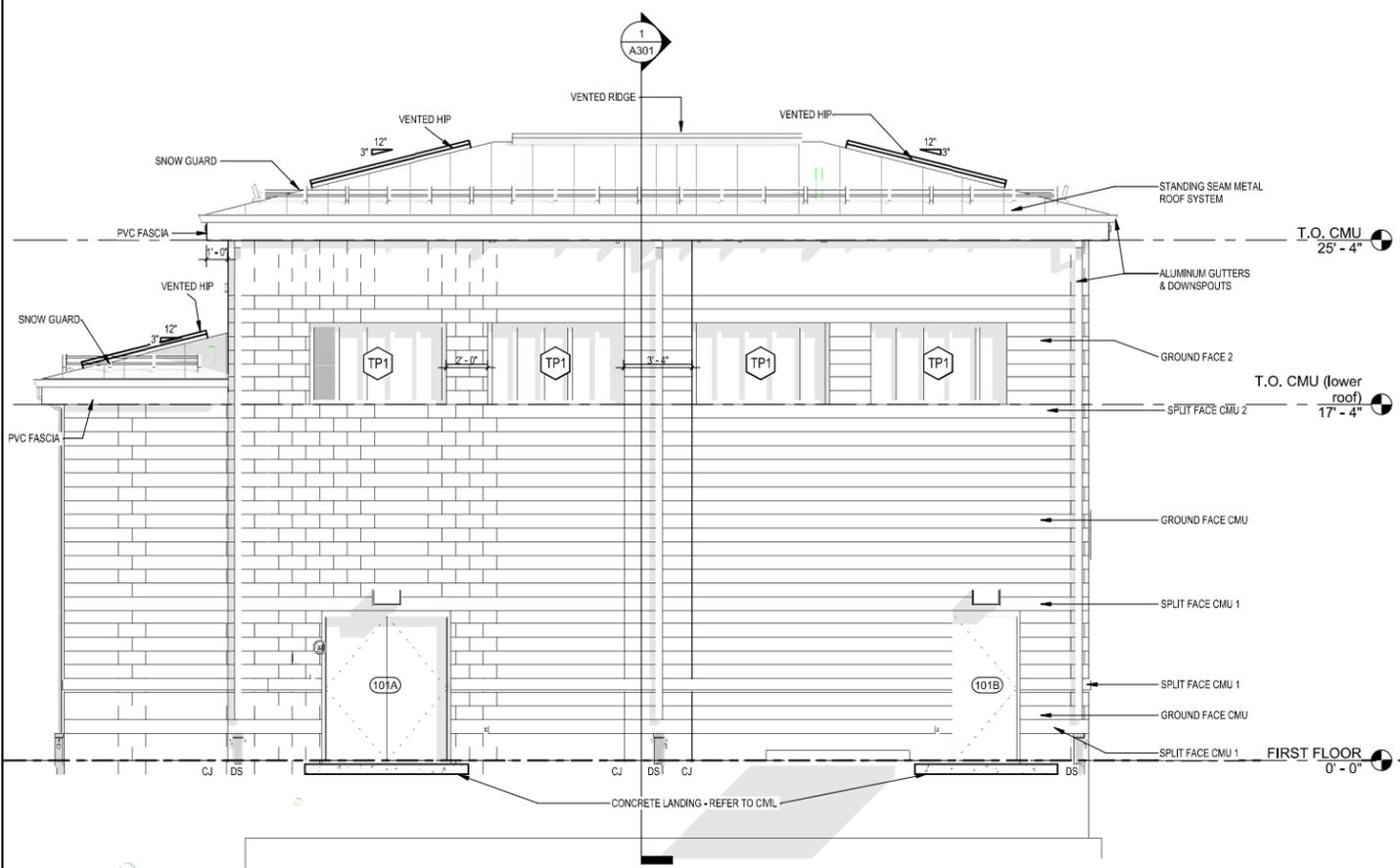
**DEC CHAIRPERSON**

DATE: \_\_\_\_\_

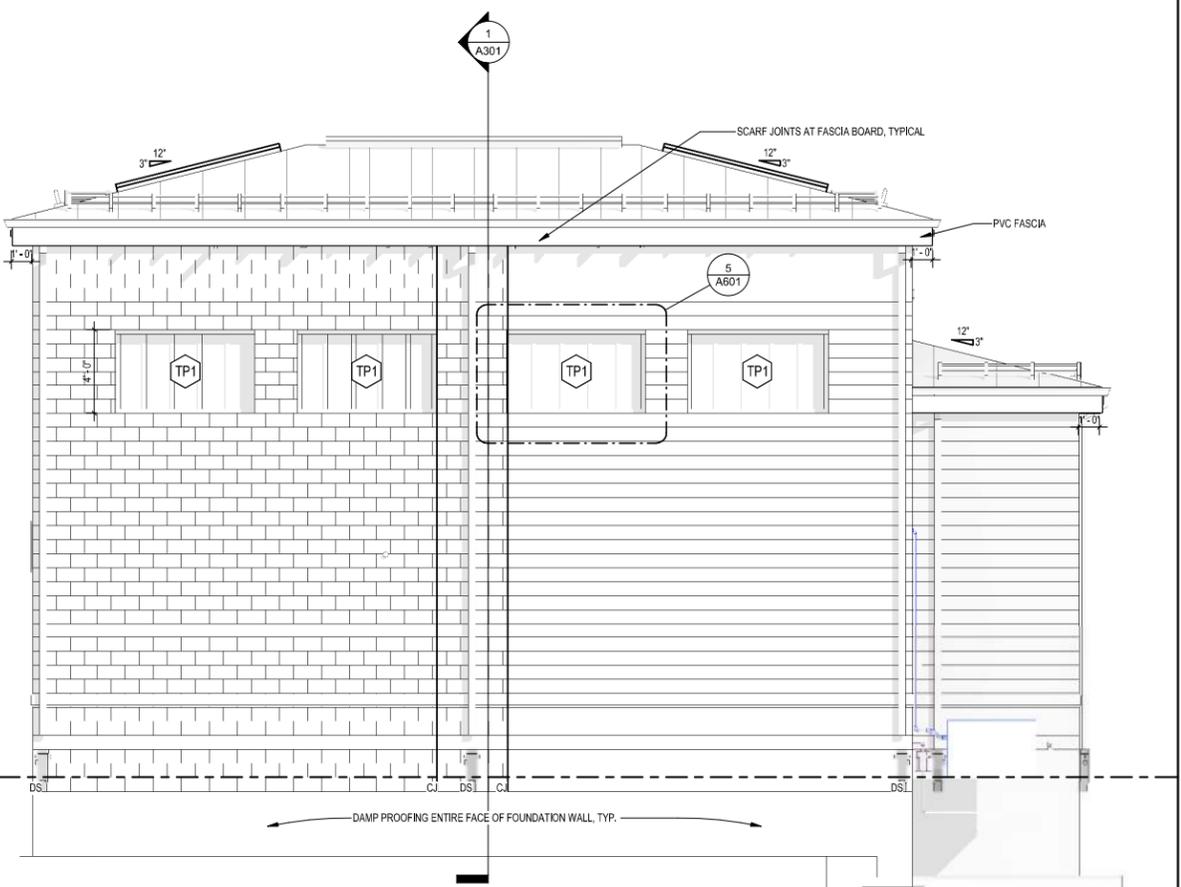
SIGNATURE: \_\_\_\_\_



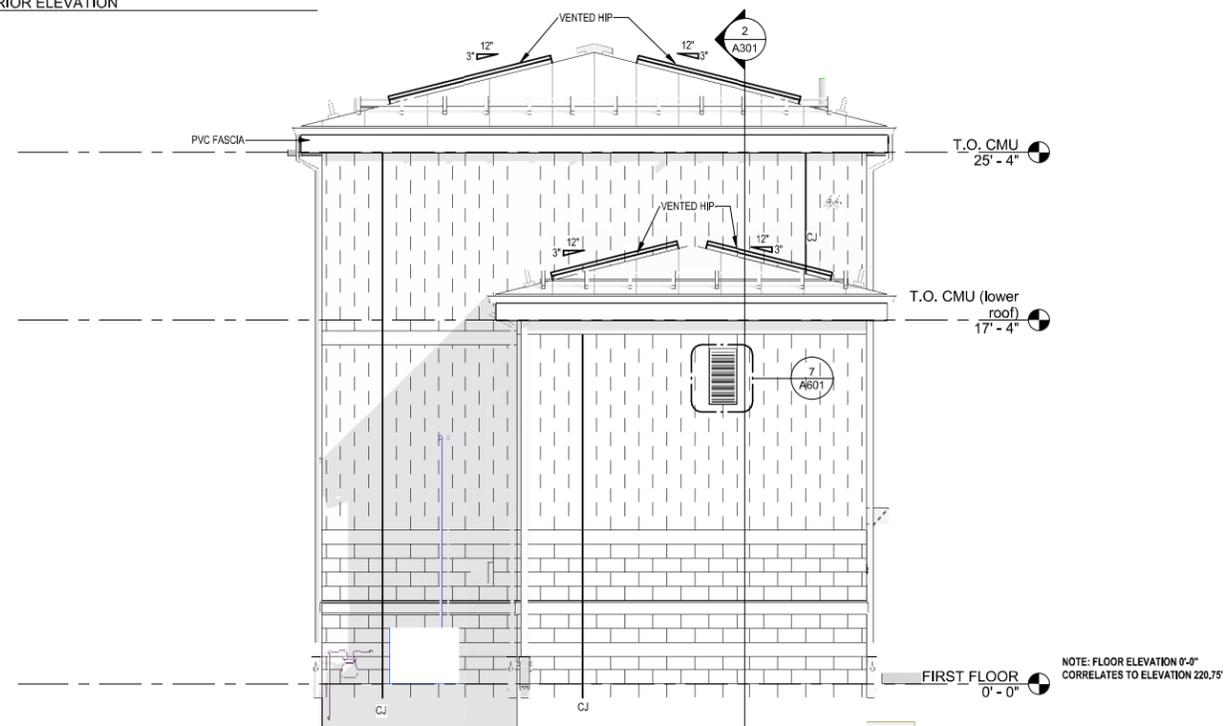
Rev	Date	Description



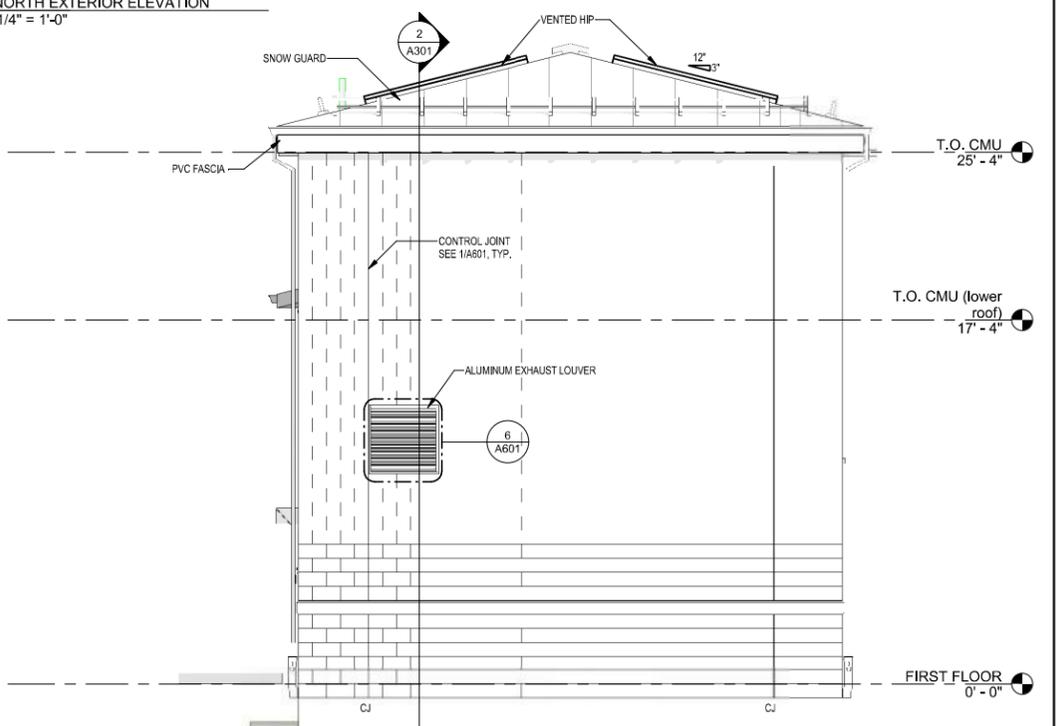
④ WEST EXTERIOR ELEVATION  
1/4" = 1'-0"



② NORTH EXTERIOR ELEVATION  
1/4" = 1'-0"

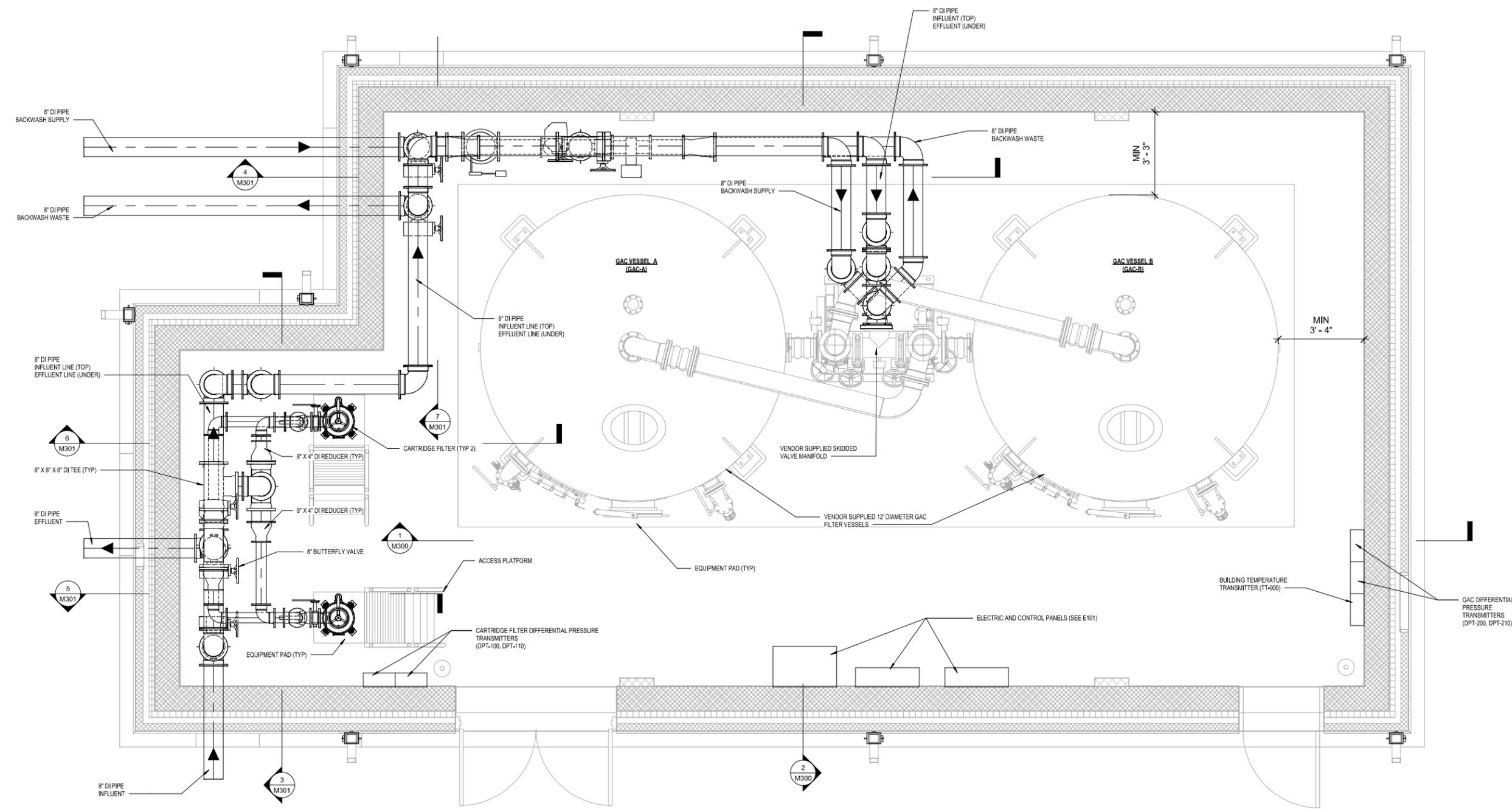


③ SOUTH EXTERIOR ELEVATION  
1/4" = 1'-0"



① EAST EXTERIOR ELEVATION  
1/4" = 1'-0"

Rev	Date	Description



**1 FLOOR PLAN**  
 1/2" = 1'-0"