

Staff Report

Devens
Enterprise
Commission

Date: May 5, 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.

The Applicant has revised the plans to address a number of the comments discussed at the previous hearing. Remaining issues include:

- 1) Phasing: This unified permit approval is for the detailed build-out of Building #3 core and shell and associated parking, grading, drainage and utility work. Modifications to the conceptual master plan include Floor Area Ratio increases for future buildings as shown. All future buildings and uses will require additional Unified Permit(s) to ensure compliance with the DEC Bylaws and Development Rules and Regulations.
- 2) Creation of the Parcel: The Applicant shall file an approved Level One Lotting Plan with the DEC in order to subdivide the lot. Once endorsed, this plan shall be recorded with the Registry. Proof of recording shall be provided to the DEC prior to commencement of construction. All proposed improvements to provide the required frontage on Lake George Street shall be completed and coordinated with the DEC and MassDevelopment.
- 3) Update plans to incorporate pavement marking and signage for the safe and efficient movement of pedestrians, cyclists and all road users.
- 4) Final details and coordination of off-site improvements with MassDevelopment/
- 5) Update traffic study and implementation of TDM and Post-Occupancy monitoring.
- 6) Tenant use and compliance with Industrial Performance Standards.
- 7) Operations and Maintenance Plan, including stormwater management and a Hazardous Materials Spill Response Plan or Spill Pollution Prevention Control and Countermeasures Plan (depending on the tenants and actual uses)
- 8) Immediate stabilization of all 3:1 and 2:1 slopes with specific requirements
- 9) Provide required viewshed 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 (large canopy deciduous native species), and allowing the slope to progress through successional stages and achieve the reforestation of the slope.
- 10) Site lighting revised to reduce lighting intensities along the sidewalks in the rear of the facility and ensure sufficient lighting levels for all crosswalk areas and establish reduced lighting schedule for nighttime operations where feasible.
- 11) Applicant shall 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.

- 12) Viewshed impacts: Building finishes cannot contain any reflective materials, or be lit.
- 13) The proposed 700-space parking garage will require DEC Administrative approval prior to construction. The Applicant will need to provide proof that the parking expansion is warranted based on the current and near-term occupancy of the campus. The Parking garage shall not be a substitute for implementing the Transportation Demand Management Programs as listed in the Traffic Impact Study. Parking garage lighting will also need to be reviewed and approved to ensure no negative impacts to the Viewshed receptor locations.
- 14) Confirmation of compliance with MS4 permit requirements for stormwater prior to discharging to the Devens system.
- 15) Coordination of existing and relocated utilities with Devens Utilities
- 16) Lake George Trail relocation to reconnect the trail with the Lake George Street ROW. No tree removal or slope disturbance is permitted.
- 17) Confirm that the existing remnants of stone wall on the property is not of archeological significance according to the Fort Devens Historic Preservation Plan.
- 18) Miscellaneous changes to the plans:
 - a. Front and rear yard setbacks properly identified.
 - b. Peer Review comments
 - c. Waivers granted to be included on final plans.
 - d. Required landscape screening as per 974 CMR 3.04(8)(h)2. and 974 CMR 3.04(8)(h)3. Clustered plantings will be acceptable.
 - e. Slope stabilization details and include temporary erosion and sediment control protection on the stone drain along the east side of the building (to be maintained until slope is fully stabilized).
 - f. Relocate porous pavement spaces.
 - g. Ensure curved walkway on the northeast corner of the site complies with all ADA requirements for cross-slope and grade.

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. Plants can be clustered to meet the intent of the regulation while still providing internal site views of the building.

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.

See previous waiver explanation. The DEC's Peer Review Landscape Architects agree and do not support this waiver request. Plants can be clustered to meet the intent of the regulation while still providing internal site views of the building.

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.

These have been included as condition of approval in the draft ROD.

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 expired and no comments have been received. Once the Commission and public have had an opportunity to ask any questions and comments, the DEC can close the hearing and act on the Wetland Order of Conditions first, then the draft Record of Decision that staff has prepared. If additional time is need beyond the May 6th meeting, the next DEC meeting is May 25 at 6:45PM.

Attachments: see updated plans at: <https://www.devensec.com/level2hearingsAPR272021.html>