

**Devens Enterprise Commission  
Unified Permit Amendment Record of Decision:  
Devens Village Green, LLC.  
Grant Road – Devens Village Green  
(24-6-200 and 24-6-100)  
Devens, MA  
May 22, 2018**

**1. Applicant:**

The landowners are Massachusetts Development Finance Agency, 99 High Street, Boston, MA 02110 (Parcel ID# 24-6-100, 24-6-500 and 24-6-600) and Devens Village Green, LLC, 43 Bradford Street, Concord, MA, 01742 (Parcel ID# 24-6-700). The Applicant is Devens Village Green, LLC.

**2. Premises and Proposed Project:**

Devens Village Green, LLC. (the “Applicant”) is requesting an amendment to its May 28, 2015 Unified Permit for the development of a 124-unit residential development on approximately 25.01 acres of land along portions of Grant Road, Birch Circle, Poplar Street and Sycamore Street (Parcel ID# 24-6-100, 24-6-500 and 24-6-600). Proposed Amendments include changes to the lot layouts and residential unit type/mix, open space redesign, parking lot modification, street realignment/re-configuration, new phasing plan, and subsequent drainage, grading and utility modifications. Properties located in the Residential 1 Zone and portions of the Open Space and Recreation District, in addition to the Aquifer and Watershed Water Resources Protection Overlay Districts within the Devens Regional Enterprise Zone..

**3. Submission:**

The following is a list of exhibits included as part of the record for this Application:

1. Application package cover letter dated March 23, 2018 from Dan Gainsboro of NOW Communities, LLC, to Devens Mr. Lowitt and the Devens Enterprise Commission Re: Emerson Green with the following attachments:
  - A. Completed Permit Submission Form
  - B. Certified List of Abutters & Sketch Plan
  - C. Stormwater Management Report, Drainage Calculations & Soil Tests
  - D. Request for Determination (RDA)
  - E. Easements, Covenants, Restrictions, Institutional Controls & Variances
  - F. Landscape Treatment & Water Management Plan
  - G. LEED Sustainable Sites & Neighborhood Development Checklists
  - H. Architectural Design Package
  - Revised Density calculations dated 4-6-2018
  - Stormwater Operation and Maintenance Manual dated March 20, 2018 by Stamski and McNary for NOW Communities
  - A waiver letter for Emerson Green dated March 21, 2018
  - Emerson Green Zoning Requirements
2. Site Plans entitled “Emerson Green an Innovative Residential Development Site Plan Amendment, Grant Road, Devens, Harvard, Massachusetts”. Prepared by Stamski and McNary, Inc., 1000 Main Street, Acton, MA 01720; dated March 31, 2017. Revised through May 11, 2018, including the following sheets:
  - Cover Sheet Sheet 1
  - Phasing Plan Sheet 2
  - Layout Plans Sheets 3-6
  - Existing Conditions Plan Sheet 7

- 20 Scale Grading Plans Sheets 8-16
  - Rodgers Circle Plan and Profile Sheet 17
  - Marshall, and Chance Street Plan and Profile Sheet 18
  - Cummings and Powell Street Plan and Profile Sheet 19
  - Goddard Street Plan and Profile Sheet 20
  - Grant Road Plan and Profile Sheets 21-22
  - Off-Site Sewer Plan and Profile Sheets 23-24
  - Construction Details Sheets 25-27
  - Erosion and Sedimentation Plan Sheet 28
  - Signage Plan Sheet 29
  - Material Disposal Plan Sheet 30
3. Landscape Plans entitled “Emerson Green Innovative Residential Development in Devens, Harvard, Massachusetts (Worcester County)”. Prepared by Ryan Associates Landscape Architecture and Planning, 144 Moody Street, Building 4, Waltham, MA; dated April 19, 2018, including the following sheets:
    - Overall Landscape Plan L-1.0
    - Goddard Street Landscape Plan L-2.0
    - Goddard Street Landscape Plan L-2.1
    - Grant Road Landscape Plan L-2.2
    - Grand Road Landscape Plan L-2.3
    - Multi-Family Building Landscape Plan L-2.4
    - Roger Circle Landscape Plan L-2.5
    - Roger Circle Landscape Plan L-2.6
    - Multi-Family Planting Plan L-3.0
    - Typical Town Home Landscape Plan L-3.1
    - Typical Single Family Landscape Plan L-3.2
    - Plant Schedule and Specifications L-4.0
    - Typical Landscape Details L-5.0
    - Planting Details L-5.1
  4. Determination of Completeness Issued 3-19-18.
  5. Memo dated March 26, 2018 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Re: Level 2 Unified Permit Application – Devens Village Green (application package and notification of Public Hearing on April 17, 2018), including certified mail return receipts;
  6. Memo dated March 19, 2018 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – Devens Village Green (incl. cert. mail return receipts);
  7. Copies of Legal notices from March 23, 2018 and March 30, 2018 Nashoba Publications.
  8. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated March 28, 2018;
  9. Public Hearing Legal Notice Fax to Nashoba Publications, from Peter Lowitt, dated March 19, 2018 – to be published March 23, 2018 and March 30, 2018.
  10. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated March 28, 2018;
  11. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated March 28, 2018;
  12. Letter to Neil Angus, DEC from Scott Turner, PE, Nitsch Engineering dated 4-5, 2018 RE: Peer Review Comments Emerson Village Green;
  13. Lotting Plan pages from EG full set with MD Engineering mark-ups dated 4-5-2018;
  14. MD Engineering Comments dated 3-26-18;
  15. Letter from DEC to Dan Gainsboro, Devens Village Green dated 4-6-2018 compiled review comments Emerson Village Green;

16. Letter from Anthony Pittorino, Patriot Excavation to Dan Gainsboro, NOW Communities dated April 17, 2018 RE: pricing for site work for DEC Unified Permit Fee;
17. Devens Engineering Comments including plan mark-ups for SK-1 Cummings drainage, SK-2 Low point A areas, SK 3 low point C grading, and EG Full Set MD Comments dated 4-6-2018;
18. Revised submittal dated April 24, 2018 including Revised Drainage Report; Multi-family Schedules and Diagrams sheet E-300, revised density calculations, landscape permit set; pole option revised; and a letter from William Hall, PE; Stamski and McNary to Neil Angus, DEC responding to 4-6-2018 review comments;
19. Letter to Neil Angus DEC from Ruth Loetterle, CRJA dated 4-30-18 RE: Landscape Plan peer review comments;
20. Letter to Neil Angus, DEC from Scott Turner, JNEI dated 4-30-2018 RE: 2<sup>nd</sup> Peer Review Comments;
21. Revised submittal dated May 14, 2018 including Revised Density Calculations, Revised Drainage Report, Revised Site Plan Complete revised set, revised waiver letter, revised Emerson Green Landscape Permit Set, Tree and Utility Conflict Diagram, and letter from William Hall, PE Stamski and McNary to Neil Angus, DEC RE: Devens Village Green Remaining Peer Review Items, all submitted on May 14, 2018;
22. Letter to Dan Gainsboro DVG, LLC from Neil Angus, DEC dated May 3, 2018 RE: Remaining Review Comments 5-3-18 (7 pages);
23. Staff Report Phase 2 and 3 Modifications dated 4-16-2018;
24. Meeting Notes regarding DVG department conflicts DEC/MD Devens dated 5-7-18 (1 page);
25. Pricing Discussion handout from Emerson Green entitled: Emerson Green – Phase 2BC For Sale Homes, dated May 8, 2018 (Confidential) – 1 page;
26. Devens Village Green Draft Record of Decision, dated 5-22-18 (12 pages);
27. DEC/MD Meeting Notes, dated 5-7-18
28. Mullin Rule Affidavits from Commissioners Davis, DeZutter and Demerjian, re: April 17, 2018 Public Hearing, dated May 3, 2018.
29. Devens Village Green Central Park Duplex Comparison , dated March 20, 2018, prepared by union Studio Architecture and Community Design (1 sheet);
30. Emerson Green - Phase 2 Illustrative Phasing Plan, dated March 8, 2018, prepared by union Studio Architecture and Community Design (3 sheets);
31. Level 2 Unified Permit Letter and Supporting materials from Dan Gainsboro to Peter Lowitt; Re: Emerson Green; dated March 12, 2018 (10 pages);
32. Plan Circulation Memo from Neil Angus to MassDevelopment, dated March 21, 2018 re: Devens Village Green, LLC – Unified Permit Amendment;
33. Emerson Green Infrastructure Phasing Narrative - Exhibit L 032118 DEC Comments (3 pages);
34. E-mail correspondence as follows:

Date	From	To	Subject
4-3-18	Dave Blazon DPW	Neil Angus	DPW Comments
4-6-18	Scot Turner JNEI	Neil Angus	Peer review comments
4-3-18	Jim Moore Utilities	Neil Angus	Devens Village Green comments
4-3-18	John Marc-Aurele Devens Engineering	Neil Angus	Phase 2 DVG
4-3-18	Dave Blazon	Neil Angus	Revised Phasing Plan
4-25-18	William Hall	Neil Angus	Emerson Green Revised Plans
4-25-18	William Hall	Neil Angus	Emerson Green EMG 300

### 34. E-mail correspondence cont...

Date	From	To	Subject
4-25-18	William Hall	Neil Angus	Emerson Green1 submittals
4-26-18	Mark Cohen	Neil Angus	DVG Phasing Modification revised plans
4-25-18	John Marc-Aurele	Neil Angus	Comments on 4 25 18 revised submission
5-3-18	Mark Cohen	Neil Angus	Comments on Emerson Green Multi-family
3-16-18	Christina Carlson	Neil Angus	DEC submission
5-11-18	Robert Easton	Neil Angus	Emerson Green Home Pricing Discussion
3-30-18	Dan Gainsboro	Neil Angus	Phase 2 Devens cut fill calcs
3-16-18	Dan Gainsboro	Neil Angus	Level II permit for DVG Plan Modifications
4-3-18	William Hall	Neil Angus	Site 14 phasing received from Bill Hall
3-20-18	Ben Willis	Neil Angus	Central Park Duplexes
5-3-18	Mark Cohen	Neil Angus	DVG Phasing Modifications and revised plans & supporting info
5-3-18	Ed Starzec	Neil Angus	RE Marketing Requirements
3-20-18	Dan Gainsboro	Neil Angus	Phase 2ABC DEC submission status
3-20-18	Dan Gainsboro	Neil Angus	Phasing Plan and Narrative
3-20-18	Dan Gainsboro	Neil Angus	Phasing Plan and Narrative1
5-4-18	Mark Cohen	Neil Angus	Remaining Review Comments
3-16-18	Dan Gainsboro	Neil Angus	Site Lighting Adjustment
5-17-18	John Marc-Aurele	Peter Lowitt	DVG Draft Conditions
5-16-18	Neil Angus	Dan Gainsboro et al	DVG Draft Conditions for comment
5-16-18	Peter Lowitt	Neil Angus	DVG Draft Conditions comment on affordable units need to be 10
5-16-18	Mark Cohen	Neil Angus	DVG draft conditions comment
5-16-18	John Marc-Aurele	Neil Angus	DVG draft conditions and time for comments
5-17-18	John Marc-Aurele	Neil Angus	RE Devens Village Green Draft Conditions
5-18-18	John Marc-Aurele	Neil Angus	RE: DVG ROD
5-18-18	John Marc-Aurele	Neil Angus	RE: DVG ROD 1
5/8/18	Robert Easton	Neil Angus	Emerson Green Home Pricing Discussion

#### 4. Unified Permit Components and Actions:

The Amended Unified Permit components include approval of an updated Master Phasing Plan for a 124-unit residential subdivision, as well as Site Plan (974 CMR 3.00) and Subdivision (974 CMR 2.00) approval for 55 lots, 5 new streets and 5 open space parcels in Phases 2 and 3 – all in accordance with the DEC's Innovative Residential Development R1 Regulations under 974 CMR 5.02(1).

#### 5. Process:

NOW Communities, LLC., on behalf of the Applicant, submitted a Level II Unified Permit Amendment application package, site plans and supporting information on March 9, 2018. A determination of completeness was issued on March 19, 2018. Copies of the application and plans were sent to the surrounding Towns on March 26, 2018. Notice of the public hearing was published in Nashoba Publications on March 23 and March 30, 2018. The 30-day town-comment period expired on April 26, 2018. No comments were received. The DEC opened the public hearing on April 17, 2018 and continued the hearing to May 3, 2018. The hearing was continued again to May 22, 2018 and closed that same date.

## Waivers:

The Applicant requested waivers from the following regulations:

### A. 974 CMR 2.04(2) – Plan Form and Contents

- (f) - *Entire parcel of land being subdivided and all contiguous property in the ownership of the Applicant or in the same ownership as any of the land being subdivided. If the Applicant wishes to have some portion of such land designated in the Definitive Plan as not part of the subdivision, the Applicant must submit to the DEC a determination from the Director that the land so excluded is a legally separate and buildable Lot.* MassDevelopment is the owner of the proposed development parcel and all the surrounding land and has confirmed that the project is not creating an unbuildable lot on the remaining land.

### B. 974 CMR 2.07 – Street and Road Design Standards

- (1)(h) - *Prior to the construction or substantial modification of Street and/or Roads, test pits and/or soil borings shall be performed at locations along the centerline to depths specified by the Director to determine whether the existing soil can adequately support the Street and/or Road. If the soil testing reveals that the soil conditions are not appropriate to support the proposed Street or Road, or other structures, the applicant will be responsible for submitting alternative methods of construction based on recommendations from a registered structural and/or geotechnical engineer as appropriate.*

Grant Road, Chance Street, Rogers Circle, Cummings Street, and Goddard Street are being constructed over existing paved roads. Marshall Street and Powell Street will still require soil borings.

### C. 1. 974 CMR 2.07 – Street and Road Design Standards: *Design Standards by Street/Road Classification*

A waiver to allow a centerline intersection spacing of less than 400' on Grant Road (minor collector) and less than 310' on Rogers Circle, Chance Street, Powell Street, and Marshall Street (local roads). The proposed design includes centerline to centerline spacing in several instances that will be less than the minimums listed in the table. The street network was instead laid out in order to maximize reuse and connections to existing roadways and to create as pedestrian-friendly a neighborhood as possible.

2. *Design Standards by Street/Road Classification.* A waiver to allow intersection grades of greater than 2% to allow the proposed roadways to match the grades of the existing roadways. In a similar light, intersection grades of greater than 2% will be necessary in some instances in order to match the grades of existing roadways. Specifically, intersection grade on Grant Road at the intersection of Chance Street is 5% and 3.04% at the intersection with Marshall Street. The intersection of Goddard Street and Marshall Street is 2.73%. Marshall Street was designed at these slopes in order to maintain ADA compliant access to the multifamily building. The grading has been reviewed and discussed with MassDevelopment Devens Engineering staff and determined to be appropriate given the nature of the project.

3. *Design Standards by Street/Road Classification.* A waiver for street light spacing requirements. Rather than meet the prescriptive standards for street light spacing in the table, the project will include a street light layout that seeks to balance the specific needs of creating a safe environment with fixtures in keeping with the character of the neighborhood while also addressing potential light pollution concerns and budget limitations. The design also takes into consideration the inclusion of lighting at the porches of individual units which should also provide ambient lighting to the sidewalks due to the relatively small front setbacks.

4. *Design Standards by Street/Road Classification.* A waiver to allow no sidewalks along Powell Street. The relocated Powell Street is essentially a widened lane, providing access only to the garages for the units along Powell Street. A sidewalk is instead proposed at the front of the units through Central Park.

5. *Design Standards by Street/Road Classification.* A waiver to allow local streets and roads to have a pavement width greater than 20'. Specifically, 22' is proposed. The waiver is requested in order to make the streets acceptable to be a public way for MassDevelopment.

6. *Design Standards by Street/Road Classification.* A waiver to allow 25' curb radii at intersections to the extent required. 25' radii provide more than adequate room for emergency vehicle movements and we believe that, combined with the wider roadways, 30' radii would be excessive and unnecessary.

7. *Design Standards by Street/Road Classification (4)(a) - Where curbs are necessary to protect the roadway edge or to direct drainage, perforated curbs (that allow runoff to flow into swales) or curbs set flush with pavement may be considered. Bituminous concrete curbing is not permitted within public or private Rights-of-Ways.* The current site design proposes a number of curb types that seek to balance the desired character of the neighborhood and durability of the curbing to create a legible hierarchy of streets. Primary streets (Grant Road, Chance Street, Powell Street, and Marshall Street) include granite curbs – vertical adjacent to on-street parking and sloped where parking is not provided. Secondary streets (Goddard Road, Rogers Circle and Cummings Street) include Cape Cod berm.

8. *Design Standards by Street/Road Classification (b)2.b - Higher Standard Sidewalks shall be constructed using cement concrete with an SRI of at least 29 and shall be 5'-0" minimum width, and shall comply with the specifications in Appendix B. Applicants are encouraged to use pervious concrete. Refer to 974 CMR 4.08(5) for pervious concrete construction specifications.* The site design proposes a mix of sidewalk materials that seek to balance the desired character of the neighborhood and durability of the walks. At all street crossings, cement concrete will be used for the sidewalk ramps that run from the street up to the sidewalk, in some instances extending to connect with the adjacent ramp that serves the intersecting street. The sidewalks themselves will be made of bituminous concrete. Sidewalks along Grant Road will be constructed using cement concrete.

- D. **974 CMR 3.04: Design Standards (Site Plan) (3)(a)(2)(f)(iii) - For parking lots with greater than 25 spaces, there shall be a pedestrian connection through the parking area and pervious landscape island(s) that is a minimum of 5' wide and bordered by 3" caliper deciduous trees planted a minimum of 40' on center.** A waiver to allow parking lot construction without an internal pedestrian connection in order to minimize impervious areas and maintain 20' aisles per the regulations.
- E. **974 CMR 3.04: Design Standards (Site Plan) (6)(a)(3) - Lighting.** *Site lighting shall conform to the Industrial Performance Standards (974 CMR 4.04). Lighting posts, fixtures, and housing shall be uniform dark earthtone colors and comply with the following....* A waiver to allow a reduction in site lighting levels for the multi-family parking lot in keeping with the residential use. The lighting levels will can be reviewed in the field with DEC staff and more lighting added if deemed necessary.
- F. **974 CMR 5.02: Innovative Development (1)(j)1.c - MIDUs are dispersed throughout the project, have the same type, number of bedrooms, architectural styles and/or varied exterior architectural features, and interior amenities as the market-rate Dwelling Units, and the developer requests building permits and certificates of occupancy for MIDUs at the same time and in proportion to the market-rate Dwelling Units. For example, if the developer is requesting building permits for three market-rate units he shall also request at least one building permit for a MIDU.** A waiver from the distributional requirements of this section. The Proponent requests that the affordable and moderate income dwelling units be developed as follows: One (1) unit in Phase 1, Twenty (20) MF units in Phase 2A consisting of both affordable and moderate income dwelling units, Three (3) Townhome units and Two (2) SF units in Phase 2B, Two (2)



Townhome units in Phase 3. A plan showing the distribution is attached. The required moderate income affordable units will be distributed among all housing types but weighted with twenty (20) of the required twenty-eight (28, 22% of 124) towards the multifamily project rental units. Along with a deed rider associated with the ownership of the property, a regulatory agreement shall obligate ownership and its manager to verify proper procedure, as designated by the appropriate and applicable MA DHCD regulations to occupy the affordable rental units with periodic and regular reporting. The Applicant is required to develop the multifamily units no later than the second (2<sup>nd</sup>) phase of the Project, therefore while trailing affordability distribution requirements in Phase 1, the project will meet and exceed requirements no later than the Project's second phase.

**G. 974 CMR 3.02: Requirements (Site Plan) (3)(a) - Surveying and Drafting Plan**

*Requirements. The Site Plan shall be 24"x 36" and at a scale of 1"= 40', unless an alternative scale is authorized by the Director. The Site Plan must comply with 974 CMR 2.04(3), Plan Form and Contents, and conform to the Registry of Deeds requirements for recording. The Site Plan must also show...* The Director granted this waiver administratively to allow the plans to be at a scale other than 1"=40'. Much of the site plan is at a scale of 1"=20', with some sheets being up to 1"=60' to capture the entire site.

**H. 974 CMR 3.02: Requirements (Site Plan) (3)(b)6.a - Existing and proposed landscape features such as street trees, fences, walls, planting areas, wooded areas, and walks. Scattered trees to be preserved shall also be shown as well as all "specimen trees" (trees exceeding a minimum caliper of 12" within 100' of existing or proposed lot lines have been identified and indicated on the plan. All existing landscape features, especially existing trees and woodland to remain, shall be shown on ALL site plan sheets, such as site preparation and demolition, layout, grading, utilities, and erosion control, as well as planting plans. Landscaping Plans, Planting Plans, Planting Detail sheets, Landscape Maintenance Plans, and Planting Specifications shall be prepared by a Landscape Architect registered in the Commonwealth of Massachusetts and shall bear the seal and signature of the Registered Landscape Architect who prepared them. The Director granted this waiver administratively to allow the Applicant not to show all existing vegetation and trees larger than 12" caliper within 100' of the existing or proposed lot lines.**

With the exception of C4, C5 and C6, these waivers were all previously granted in the May 28, 2015 Unified Permit. The Commission voted to re-approve all previous waiver requests and the new waivers as part of this amendment for the reasons stated above and subject to the conditions of approval in Section 8 of this Unified Permit.

## **6. Findings:**

The DEC made the following findings:

1. The project remains consistent with the Devens Reuse plan and complies with the Devens By-Laws and is an allowed use in the Residential 1 zoning district and with the Innovative Residential Development By-law and Regulations (974CMR5.02(1)) with the original and amended conditions and waivers granted.
2. The project remains superior to a conventional plan in the way it preserves open space, minimizes environmental disruption and allows for more efficient provision of services to the residents of the development than a conventional development approach. The project utilizes the ability to create smaller lots and a mix of housing types, in exchange for the developer agreeing to build energy and water efficient, deed restricted moderate income housing in a compact, walkable neighborhood form while maintaining allowed density and creating usable open space.

3. The amended plan is in compliance with the Requirements and Design Standards of 974CMR5.02(1) except as waived by the DEC.
4. The Devens Reuse Plan calls for accommodating the needs of a broad range of income groups and "...approximately 25% of the 282 units to be reused or constructed under the reuse plan will be reserved for low and moderate income individuals or families and/or special needs populations." (pg. 29). The Reuse plan establishes aggregate goals for all of Devens redevelopment, not project specific goals. Devens currently has 157 housing units, including 24 deed restricted low-income (80% AMI or below) units, 1 deed-restricted moderate-income (100% AMI or below) unit and 14 units deed-restricted for special needs populations, for a total of 25% of Devens housing currently reserved for low and moderate income individuals or families and/or special needs populations. At full build-out, this project will add 27 additional MIDU's, keeping Devens affordable and special needs housing at 25% of the total housing on Devens.
5. The proposed rights-of-way widths for minor collectors (62') and local streets (44' and 52') comply with the typical ROW widths for Minor Collectors and Local Streets. These minor variations collectively will help contribute to reducing the speed of vehicles while providing safe, dedicated access for all users. Public Streets as designed meet the goal of the Regulations.
6. The 4" Dense Grade Crush Stone (MHD M2.01.7) and 8" Gravel Borrow (MHD M1.03.0, type B) street subgrade layers are sufficient to comply with the requirements of 974 CMR 2.07 Table 1.
7. The proposed project meets the goals of 974 CMR 5.02(1)(j)1.c. by front-loading most of the moderate income dwelling units in the early phases of the project rather than requesting building permits and certificates of occupancy for MIDUs at the same time and in the same proportion as the market rate units.
8. All proposed parcels in the project comply with the lot area, minimum lot frontage, and minimum and maximum setbacks found in Table 1: Lot Development Area Frontage and Setback Design Standards of 974CMR5.02(1)(f).
9. Regarding the approval criteria listed in 974 CMR 3.03(2):
  - (a) The Amended Site Plan, with conditions and waivers, complies with the applicable provisions of 974 CMR 3.00 and with the applicable provisions of the By-Laws.
  - (b) The development lies on lots that will be recorded at the Registry of Deeds;
  - (c) The application is complete.
  - (d) All drives, parking lots, loading areas, paths, sidewalks, and streets are designed to provide for safe vehicular and pedestrian travel.
  - (e) Access and site circulation enables prompt fire, police, and emergency response.
  - (f) Adequate capture, treatment, infiltration and discharge of stormwater and surface water runoff in compliance with 974 CMR 4.08 and the applicable portions of the "Devens Stormwater Pollution Prevention Plan", has been achieved.
  - (g) Connections with utility, power and communication systems available in the abutting infrastructure have been approved by the Mass Development Managers of Engineering and Utilities.



- (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.
  - (i) The existing plantings, with conditions, are sufficient to meet the Landscaping Design Standards for plant materials, planting strips, screening, and preservation of existing specimen trees and wooded areas.
  - (j) A Wetland Order of Conditions is not required for this project. A Negative Determination of Applicability was issued by the DEC on 3/31/15.
  - (k) Industrial Performance Standards will be adhered to as per the final plans and conditions of approval.
  - (l) The Applicant has provided sufficient parking for the project utilizing on and off-street parking as well as accommodations for bicycle parking and demonstrated that the proposed 97 parking spaces (multi-family parking lot and formal on-street parking spaces) and separate bicycle storage for the multi-family apartments, will be sufficient for the current proposed uses. Additional land is available on the multi-family building lot should additional parking be required in the future.
  - (m) Adequate traffic mitigation and control measures have been proposed.
  - (n) The proposed development will participate in the Devens traffic management association.
  - (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
  - (p) Connection to sanitary sewer will be made and authorized by Devens Utilities.
  - (q) Building design meets the minimum standards as established by Mass Development for the district in which the lot is located.
  - (r) Soil testing indicates that the soils are capable of supporting the proposed development.
  - (s) The development has been designed with due consideration for public health.
  - (t) Adequate climate change mitigation, adaptation and greenhouse gas emissions mitigation measures have been incorporated in accordance with 974 CMR 4.11.
10. The project demonstrates compliance with the applicable provisions of 974CMR 2.00 (Subdivision). The Definitive Plan complies with the following approval criteria under 974 CMR 2.04(4)(b):
- c. All new Streets and/or Roads and intersections align and connect with existing ways to ensure safe and free movement of pedestrian, bicycle and vehicular traffic (universal design and multi-modal transportation options). Adequate vehicular and pedestrian access to all lots has been provided.
  - d. Provision has been made for the future extension of water, sewer, gas, electric, and stormwater systems and Streets and/or Roads to adjoining property.
  - e. Water and wastewater systems and other required Utilities are properly sized and located and have adequate capacity for servicing the subdivision.
  - f. Names of Streets and/or Roads have been selected from the list of Devens-approved street names and historic ovals will be added as required.
  - g. Sidewalks and bike lanes on Grant Road constitute trails as shown on the Trail Master Plan.
  - h. Street lighting is adequate with the conditions of approval and waivers granted.
  - i. All Streets and/or Roads have minimized the number of curb openings and have sufficient capacity and the necessary Easements, bonding and/or maintenance agreements with the conditions of approval.

- j. Soil testing indicates that the soils are capable of supporting the roads, infrastructure and associated structures shown on the plans with the conditions of approval.

**8. Conditions:**

The DEC voted to impose the following conditions in addition to those in the May 28, 2015 Unified Permit (wherever "Applicant" is referenced in the Conditions set forth herein, it refers to the Applicant, its successors and assigns. Wherever "DEC" is referenced, it shall refer to the Devens Enterprise Commission, its successors and assigns):

- 31. Prior to constriction of Marshall and Streets, the Applicant shall preform soil borings in accordance with 974 CMR 2.07(1)(h).
- 32. There is no change to the number of moderate-income (MIDU) deed-restricted units. All of the MIDUS shall still comply with condition #14 of the May 28, 2015 Unified Permit and the Regulation's requirements for having the same type, number of bedrooms, architectural styles and/or varied exterior architectural features, and interior amenities as the market rate dwelling units.
- 33. Once the appeal period has expired, the Applicant shall submit final amended and approved plans to the DEC for endorsement (Site, Photometrics, and Landscaping Plans combined in one set). All waivers granted shall be included on the final plans which shall all conform to Worcester Registry recording requirements. The Applicant shall file the amended endorsed plans and the final Record of Decision with the Registry of Deeds and proof of recordation shall be submitted to the DEC prior to the issuance of a building permit.
- 34. A copy of the required NPDES permit and updated SWPPP shall be submitted to the DEC prior to commencement of any construction associated with this project.
- 35. Grant Road Level II Lotting Plan (Sheet 3 of 30) of the 5/11/18 revised plan set (Exhibit #2 in Section 3. of this ROD) depicts the three master parcels for this development (GR-2, GR-3 and GR-4). Prior to endorsement, this plan shall be revised to comply with all 974 CMR 2.04 Definitive Subdivision plan requirements.
- 36. This approval includes Definitive subdivision approval for all street ROW layouts approved as part of this revised plan set (Exhibit #1 in Section 3. of this ROD). The Applicant shall file the approved Lotting Plans for each phase of development to formally create all the lots within each phase.
- 37. This application and approval does not include building permit and lot subdivision fees. Prior to DEC endorsement of the revised plans, the Applicant shall pay all outstanding permit and peer review fees.
- 38. Landscaping and design plans for Central Park and the Village Green shall be submitted to the DEC and MassDevelopment for administrative review and approval. The Applicant will assume all responsibility for the care, stabilization and maintenance of both Central Park and the Village Green until all park improvements are reviewed, approved and completed for each park.
- 39. Should the multi-family apartments require irrigation, the applicant shall install the necessary equipment to capture, store and use roof runoff to offset potable water use.

40. Infiltration tests (by falling head or similar) shall be performed to confirm soil percolation rates to confirm Natural Resource Conservation Service (NRCS) hydrologic soil group (HSG) soil classification of "A" soils and infiltration rates utilized in the hydrologic calculations. Specifically, these tests shall be used to confirm "natural" depression infiltration rates and infiltration rates at proposed surface basins that do not utilize an engineering soil media.
41. Any on-site processing of asphalt, brick or concrete will require the filing of an ABC crushing notification form with the MA DEP and the DEC prior to commencement of activity.
42. Prior to any public street acceptance, the Applicant shall provide verification that all walks and ramps comply with the slope requirements of the ADA and Massachusetts Architectural Access Board (MAAB).
43. The Applicant shall meet with Devens Utilities to finalize plans for maintaining water and sewer service to existing customers prior to commencement of any water or sewer work.
44. The following changes shall be made to the plans prior to endorsement:
  - Open Space calculations on the Phasing Plan (Sheet 2 of 30) shall be updated to reflect changes to Open Space Parcel sizes as a result of the modifications to Open Space Parcels E and F. This plan shall also be revised to depict the affordable unit distribution (units numbered 1, 15, 29, 34, 36, 76, 78, 79, in addition to twenty (20) individual units distributed throughout the multi-family buildings (no concentrations of affordable units in multi-family permitted). Sheets 10 and 13 of 30 shall be updated to depict the entire multi-family parcel boundary area and correct building setbacks.
  - Lots 61 and 62 shall be combined to accommodate the four-unit townhome that will be constructed on this lot. The area of Open Space Parcel F shall be adjusted accordingly.
  - Rogers Circle and Marshall, Powell and Chance Street cross section details on the Construction Details Plan (Sheet 25 of 30) shall be revised to include the painted fog line 1' off the curb. All travel lanes on streets shall be revised to 10' with the 1' fog line. All street cross sections shall be revised to show 4" Dense Grade Crush Stone (MHD M2.01.7) and 8" Gravel Borrow (MHD M1.03.0, type B) street subgrade layers.
  - The signage plan (sheet 29 of 30) of this revised plan set (Exhibit #1 in Section 3. of this ROD) shall be revised to depict the portion of Grant Road from Pine Street to Cummings Street posted as 25MPH. All other streets are to be posted 20MPH. An additional crosswalk and sidewalk ramp connections shall be added to the intersection of Cummings and Grant Road (across Grant Road) to connect the sidewalks on the east and west side of Grant Road. Historic oval details shall also be included on this plan (to be purchased and installed by the Applicant) and a north arrow included. Bike Lane stencil marking details shall be shown and indicated at required intervals along Grant Road and all signage and pavement markings shall conform to MUTCD/MassDOT standards or approved equal. Thermoplast textured curb roundings (or approved equal) shall be shown at all intersections as per original approval. Speed limit signs shall be located 10' after the corner transition from radii to straight curb.
  - Dumpster pad for multi-family building shall be sized to accommodate both trash and recycling dumpsters.

- Grading and drainage plans (and/or Landscaping Plans) shall be revised to show permanent ground cover stabilization for all exposed areas based on use (lawn, infiltration basin, detention basin, meadow, etc.). Native New England wildflower and/or conservation seed mix is required in areas intended for natural regrowth. Slopes exceeding 3:1 shall be identified and shown to have biodegradable jute mesh netting and seeding to ensure stability.
  - Landscape plans shall be revised to include additional street trees in the islands along the south side of Powell, at the intersection of Powell and Grant, Cummings and Goddard, and Marshall Lane and along multi-family driveway off of Marshall Street (along with fencing between townhome and multi-family driveway). All landscape/utility conflicts shall be resolved. Plans shall label all proposed features, include applicable details for all features, including, but not limited to the stairs, railings and retaining wall/plaza for multi-family entrance, site furniture and bike racks. Landscape plans shall also be revised to show two 1 ½" caliper ornamental native trees in the front yards of each lot. The Applicant shall provide clarification on how landscaping on property lines will be managed. Otherwise such landscaping shall be relocated to one lot or the other. Grand Road Landscape Plan L-2.3 shall be corrected ("Grant") and sheets L-2.5 and 2.6 shall be revised to read "Rogers".
  - The Material Disposal Plan (sheet 30 of 30) shall be revised to pull the grading back from Grant Road, slopes no greater than 4:1, preserve existing three (3) specimen trees in the center of the existing field area and properly preserve or abandon all existing utilities. Final stabilization shall consist of a minimum of 4" of screened loam and seeding of a native New England wildflower or conservation seed mix.
  - All remaining Devens Engineering comments dated 5-18-18 shall be addressed.
45. This approval supersedes the September 12, 2016 and May 31, 2017 Administrative Phasing Modification Approvals.

**9. Decision:**

The public hearing opened on April 17, 2018 and was continued to May 3, 2018 and subsequently continued again until May 22, 2018. The Public Hearing closed on May 22, 2018. The DEC voted on May 22, 2015, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2) and 974CMR 5.02(1)(c), to impose conditions, and to approve the amended site plan and innovative residential development plan for Devens Village Green, LLC. on Grant Road, Devens, MA.

**10. Building Permit**

The Building Commissioner, along with the Electrical and Plumbing Inspectors, must review architectural/structural drawings and specifications and approve them in writing, prior to issuance of any building permits. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and those of the Devens Fire Chief must be met. When these approvals are obtained, the building permit may then be integrated with this Amended Record of Decision, the original Record of Decision and the Level One Phasing Modification approvals. Together they will constitute the Amended Unified Permit for Devens Village Green, LLC.

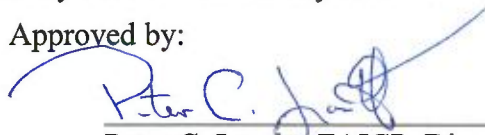
**11. Permit Duration**

In accordance with 974 CMR 1.10, unified permits shall remain in effect so long as the approved activities are commenced within six months of the date of the DEC or the LUA produces a

written decision and completed within two years. It is further noted that a thirty-day "reconsideration period" during which an applicant, a Town, or an aggrieved person may request the DEC reconsider its action (By-Laws, Article IV, Sections C through F). Work performed during this period, which begins on May 23, 2018 and terminates on June 23, 2018, is "at risk". Final plans must be submitted for endorsement by the Commission by November 22, 2018.

Approved by:

Date: 5-23-2018

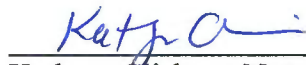
  
Peter C. Lowitt, FAICP, Director  
Devens Enterprise Commission

*Certification*

*Middlesex, SS*

I certify the above is a true action and record of the Devens Enterprise Commission and that Peter C. Lowitt, Devens Land Use Administrator/Director, is empowered by the Devens Enterprise Commission to sign this Record of Decision on its behalf.

5/23/2018  
Date

  
Kathryn Clisham, Notary  
My Commission expires 2/28/2025

