

Devens Enterprise Commission (DEC)
Unified Permit Record of Decision:
McInnis USA, Inc.
35 Saratoga Boulevard, Devens MA
(Parcel ID#: 21-13-1600)
June 26, 2018

1. Applicant:

The Applicant is McInnis USA, Inc., 850 Canal Street, 3rd Floor, Stamford, CT 06902 (the "Applicant") and the property owner is MassDevelopment Finance Agency, 99 High Street, 11th Floor, Boston, MA 02110.

2. Premises and Proposed Project:

The Applicant is seeking a Level 2 Unified Permit application for the proposed development of a Portland cement (ASTM C150) dry storage and distribution terminal on an existing 9.12 acre parcel of land located at 35 Saratoga Boulevard (Parcel ID #21-13-1600) in Devens, MA. The proposed facility will consist of a one-way entry drive from Barnum Road, leading to two (2) 90+ foot high silos/storage bins and associated loading/unloading equipment. The one-way access drive would continue through the site, exiting onto Saratoga Boulevard. Additional site improvements include a small control room building and utility building, utility connections, grading, drainage and landscaping. The cement is kept dry at all times (no manufacturing or mixing of material on-site). Due to the nature of the proposed facility operations (storage, loading and unloading processes), as part of this Unified Permit application, the Applicant is also requesting a height variance in accordance with Devens Bylaw Article IX.C.4 for the cement storage silos/bins from the 75' permitted maximum height, up to 93 feet 9 inches (93.75'). The Project is located within the Rail, Industrial and Trade Related Zoning District and the Watershed and Zone 2 Water Resource Protection Overlay Districts.

3. Submission:

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

1. Level 2 Unified Permit Completed Application (#D18-030), dated April 18, 2018.
2. Unified Permit Application Package submittal for McInnis Cement, 35 Saratoga Boulevard, Devens, MA, dated April 2018, prepared by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432 including the following:
 - Application
 - Fee calculation summary
 - Determination of Completeness Checklist (not completed)
 - Industrial Performance Standards Checklist and Compliance Statement
 - LEED Checklist
 - Application Narrative
 - Permit Commencement Extension Request
 - Waiver Requests
 - Height Variance Request
 - Visual Analysis in Support of the Height Variance Request
 - Phase 1 Environmental Site Assessment Report
 - Air Quality, Odor and Emissions Report
 - Sound Compliance report
 - Geotechnical Report
 - Drainage Report
 - Soil Management

- Landscape Maintenance and Water Management Plan
 - Easements, Covenants, Restrictions
3. Facility Drawing Set entitled: “McInnis Cement Devens terminal for McInnis Cement, Devens, MA”, dated 11/13/17, revised through 12/21/17, prepared by Varo, including the following sheets:
 - T-001 Title Sheet and Drawings List
 - FS-001 Flow Schematic
 - FS-011 Flow Schematic – Permitting Data
 - GA-001 Partial Site Plan
 - GA-002 Elevations – Cement Loadout Building
 - GA-003 Plans
 - GA-004 Plans
 - GA-005 Utility and Control Room Buildings
 - GA-012 Partial Site Plan – Permitting Data
 - GA-013 Elevations – Permitting Data
 - GA-015 Elevations – Cement Loadout Building – Exterior
 - GA-016 Elevations – Utility and Control Room Buildings
 4. Plans entitled “Industrial Development McInnis Cement Devens Terminal, Devens, MA”, dated April 2018, prepared by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432, including the following sheets:
 - Sheet C-01.1 Title Sheet;
 - Sheet C-02.1 Existing Conditions Plan;
 - Sheet C-02.2 Demolition Plan & Erosion and Sediment Control Plan;
 - Sheet C-02.3 Erosion and Sediment Control Details;
 - Sheet C-03.1 Site Layout, Utilities and Parking Paving Plan;
 - Sheet C-04.1 Grading and Drainage Plan;
 - Sheet C-05.1 Driveway Plan and Profile (Sta 0+00 to 5+50);
 - Sheet C-05.2 Driveway Plan and Profile (Sta 5+50 to 12+02.10);
 - Sheet C-05.3 Traffic and Signage Plan;
 - Sheet C-05.4 Sight Distance Profiles
 - Sheet C-06.1 Site and Utility Details;
 - Sheet C-06.2 Road Details;
 - Sheet C-06.3 Fence Details;
 - Sheet C-06.4 Drainage Details;
 - Sheet L-01.1 Planting Plan
 - Sheet L-01.2 Site Details;
 - Sheet E-001 Photometric Layout
 - Sheet E-002 Photometric Layout;
 5. Devens, MA Abutter List, dated 4/13/18, from Devens Board of Assessors;
 6. Determination of Completeness Issued April 20, 2018;
 7. Memo dated February 16, 2016 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Board; Subject: Level 2 Unified Permit Application – McInnis Cement, Inc., 35 Saratoga Boulevard (notification of Public Hearing on June 7, 2018 at 7:30AM), including certified mail return receipts (received 5/23/18);
 8. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated May 7, 2018;
 9. Public Hearing Legal Notice emailed to Nashoba Publications, from Peter Lowitt, dated May 1, 2018 – to be published May 11 and 18, 2018.
 10. Copies of Legal notices from May 11 and 18, 2018 Nashoba Valley Voice.
 11. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated May 7, 2018;
 12. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated May 7, 2018;

13. Memo dated April 20, 2018 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – Level 2 Unified Permit Application – McInnis Cement, Inc., 35 Saratoga Boulevard (notification of Public Hearing on June 7, 2018 at 7:30AM), including certified mail return receipts;
14. Plan Circulation Memo from Neil Angus, dated February 17, 2016;
15. Plan entitled: “Watershed Map Pre-Development Conditions”, sheet 1 of 2, dated April 2018, scale 1”= 40’; prepared by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432;
16. Plan entitled: “Watershed Map Post-Development Conditions”, sheet 2 of 2, dated April 2018, scale 1”= 40’; prepared by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432;
17. 235 Barnum Road Quit Claim Deed (abutting property) recorded in Worcester Registry of Deeds (Book 24159 Pg. 227); 4 pages (including easements);
18. 29 Saratoga Quit Claim Deed (abutting property) recorded in Worcester Registry of Deeds (Book 24008 Pg. 143); 8 pages (including easements);
19. 45 Saratoga Quit Claim Deed (abutting property) recorded in Worcester Registry of Deeds (Book 20606 Pg. 40); 9 pages (including easements);
20. Lighting Specification Sheet for Autobahn Series ATB2 Roadway Lighting (4 pages), from American Electric Lighting;
21. Lighting Specification Sheets for Wallpack Full Cut-Off LED, dated 11/06/2017; from Holophane (5 sheets);
22. 36 Saratoga Quit Claim Deed (abutting property) recorded in Worcester Registry of Deeds (Book 21292 Pg. 228); 11 pages (including easements);
23. 11 Saratoga Quit Claim Deed (abutting property) recorded in Worcester Registry of Deeds (Book 17907 Pg. 1); 76 pages (including easements);
24. DEC Peer Review letter from Scott Turner, Nitsch Engineering to Neil Angus, DEC re: Nitsch Project #9419 McInnis Cement Terminal, Devens, MA, dated May 11, 2018 (3 pages);
25. DEC Review Comments letter from Neil Angus to Kyle Burchard, re: McInnis Cement Dry Cement Storage and Distribution Terminal Level 2 Unified Permit Application (D18-030); dated May 14, 2018 (5 pages);
26. Letter from John Marc-Aurele to Peter Lowitt re: 35 Saratoga Boulevard Proposed Cement Terminal Project Discharge to Municipal Stormwater System; dated June 5, 2018 (2 pages);
27. Staff Report (revised) re: Level 2 Unified Permit – 35 Saratoga Blvd. – McInnis Cement Unified Permit–Review, from Neil Angus to DEC; dated June 5, 2018 (24 pages with attachments);
28. McInnis Response to DEC Comment Letter, from Kyle Burchard to Neil Angus, dated June 6, 2018 (9 pages);
29. DEC Record of Decision Draft 6-26-18
30. McInnis Fee Calculation Summary correction (PDF file entitled: McInnis fee calc summary.pdf)
31. Letter from A. David Scarchilli, OccuHealth Inc. to Cal Goldsmith, GPR Re: McInnis Cement 35 Saratoga Blvd. Devens, MA Compliance with the NAAQS for Dust; dated June 12, 2018 (3 pages);
32. Sound Study entitled: “McInnis Cement Distribution Facility, Devens, MA, Facility Acoustical Analysis”, dated June 19, 2018. Prepared by Cavanaugh Tocci (49 pages) – also included Cadna modelling data;
33. Level One Lotting Plan Engineering Comments (PDF received by e-mail on 6/20/18);

34. Staff Report re: Level 2 Unified Permit – 35 Saratoga Blvd. – McInnis Cement Unified Permit–Public hearing Continuation, from Neil Angus to DEC; dated June 21, 2018;
35. Memo from Tech Environmental to Neil Angus, Subject: McInnis Cement Distribution Facility Sound Study Review; dated June 21, 2018 (2 pages);
36. Memo from Tech Environmental to Neil Angus, Subject: McInnis Cement Air Dispersion Analysis; dated June 21, 2018 (2 pages);
37. Follow-up review letter from Scot Turner, Nistch Engineering, to Neil Angus; dated June 21, 2018 Re: Nitsch Project #9419 McInnis Cement Terminal, Devens, MA (4 pages).
38. Unified Permit Application Package submittal for McInnis Cement, 35 Saratoga Boulevard, Devens, MA, dated April 2018, revised June 2018, prepared by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432 (62 pages);
39. Revised/Updated Unified Permit Appendices:
 - Appendix A – Phase 1 Environmental Site Assessment
 - Appendix B – Air Quality, Odor & Emissions Report
 - Appendix C – Sound Study
 - Appendix D – Geotechnical Report
 - Appendix E – Drainage Report
 - Appendix F – Soil Management
 - Appendix G – Landscape maintenance and Water Management Plan
 - Appendix H – Easement, Covenants, Restrictions
 - Appendix I – Site Lighting Fixtures
40. McInnis Response to DEC Comment Letter, from Kyle Burchard to Neil Angus, dated June 19, 2018 (10 pages);
41. Plans entitled “Industrial Development McInnis Cement Devens Terminal, Devens, MA”, dated April 2018, prepared by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432, including the following sheets:
 - C-01.1 Title Sheet;
 - C-02.1 Existing Conditions Plan;
 - C-02.2 Stage 1 - Demolition Plan & Erosion and Sediment Control Plan;
 - C-02.3 Stage 2 - Demolition Plan & Erosion and Sediment Control Plan;
 - C-02.4 Stage 3 - Demolition Plan & Erosion and Sediment Control Plan;
 - C-02.5 Erosion and Sediment Control Details;
 - C-03.1 Site Layout, Utilities and Parking Paving Plan;
 - C-04.1 Grading and Drainage Plan;
 - C-05.1 Driveway Plan and Profile (Sta 0+00 to 5+50);
 - C-05.2 Driveway Plan and Profile (Sta 5+50 to 12+02.10);
 - -05.3 Traffic and Signage Plan;
 - C-05.4 Sight Distance Profiles
 - C-06.1 Site and Utility Details;
 - C-06.2 Road Details;
 - C-06.3 Fence Details;
 - C-06.4 Drainage Details;
 - L-1.01 Planting Plan
 - L-1.02 Site Details;
 - E-001 Photometric Layout
 - E-002 Photometric Layout;
42. Letter from Kyle Burchard, PE (GPR) to Neil Angus, dated June 26, 2018 RE: McInnis Cement Devens Terminal Variance Extension Allowance (1 page).
43. Signed Mullin Rule affidavits from Commissioners Lilly, Davis and Castro for the June 7, 2018 public hearing;
44. Summary of Applicant’s work since June 7, 2018 public hearing entitled: “DEC UPA Refinements”, from GPR, Inc. (1 page);

45. E-mail correspondence as follows:

Date	From	To	Subject
4/17/18	Kyle Burchard	Neil Angus	RE McInnis Application
4/25/18	Kyle Burchard	Neil Angus	RE: McInnis Devens Terminal
6/6/18	Kyle Burchard	Neil Angus	RE: McInnis Unified Permit Review Comments
6/11/18	Bob Ritchie	Neil Angus	Re: Variance Request
6/13/18	Kyle Burchard	Mike Lannan	McInnis Devens - Air Quality
6/12/18	Mike Lannan	Neil Angus	RE: Draft Condition
6/11/18	Mike Lannan	Neil Angus	Draft Condition
6/7/18	Kyle Burchard	Neil Angus	RE: McInnis Stormwater
6/7/18	Kyle Burchard	Neil Angus	McInnis Responses - Update
6/6/18	Neil Angus	Kyle Burchard	McInnis Stormwater
5/31/18	Scot Turner	Neil Angus	RE: McInnis Cement Stormwater Comment
5/11/18	Neil Angus	Mika Brewer	McInnis Pics
5/9/18	Neil Angus	Kyle Burchard	RE: Drainage calcs for McInnis
5/8/18	Dominic Demers	Neil Angus	Providence Visit - DEC
4/24/18	Neil Angus	Mark Cohen	Re: Comments on McInnis Cement Plans
4/17/18	Neil Angus	Kyle Burchard	McInnis Application
6/19/18	Kyle Burchard	Neil Angus	RE: McInnis
6/20/18	John Marc-Aurele	Neil Angus	RE: McInnis Revised Plans and Supporting Info.
6/21/18	Mike Lannan	Neil Angus	Re: Sound Study Comments
6/21/18	Mark Cohen	Neil Angus	RE: McInnis Revised Plans and Supporting Info.
6/21/18	Kyle Burchard	Neil Angus	RE: McInnis Continued Public Hearing 6-26-18 @ 6:45PM
6/25/18	Neil Angus	Kyle Burchard	RE: McInnis Continued Public Hearing 6-26-18 @ 6:45PM
6/26/18	Kyle Burchard	Neil Angus	RE: McInnis Continued Public Hearing 6-26-18 @ 6:45PM (Variance extension request)

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

The Unified Permit components of this application include Site Plan and Building Permit for the construction of a Portland cement (ASTM C150) dry storage and distribution terminal consisting of a gated (card access) one-way entry drive off of Barnum Road that would lead to two (2) 90+ foot high storage bins and associated loading/unloading equipment on a 9.12 ac. acre parcel located at 35 Saratoga Boulevard (Parcel ID# 21-13-1600), Devens, MA.. Additional site improvements include a small control room building and utility building, utility connections, grading, drainage and landscaping. This Unified Permit application also includes a height variance in accordance with Devens Bylaw Article IX.C.4 from the 75' permitted maximum height, up to 93 feet 9 inches (93.75').

5. **Process:**

The application was submitted on April 18, 2018 and the Determination of Completeness was issued on April 20, 2018. Copies of the application were received by the surrounding Towns on April 24, 2018. Legal notices were placed in Nashoba Publications on May 11 and 18, 2018. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on May 21, 2018. No public comments were received. The 75 day review period for the DEC to act on this application ends on July 4, 2018. The public hearing opened on June 7, 2018 and was continued to the June 26, 2018 meeting where it was closed.

6. **Waivers:**

The Applicant requested waivers from the following administrative requirements and design standards:

1. **974 CMR 3.02 (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... "**

This is an administrative requirement previously waived by the DEC Director/LUA.

2. **974 CMR 3.04 (3) (a) (4) (d): “Commercial, Industrial and Multi-Family Residential driveway widths shall be no greater than 24’ for a two-way driveway and 14’ for a one way driveway....”**

The linear flow of the project requires a 20’-34’ wide driveway to allow trucks to bypass on either side of a central queue of stacked trucks for the few peak days of the year when queueing may occur. This will prevent backups onto Barnum Road. The Applicant has taken additional measures to reduce pavement throughout the project.

3. **974 CMR 3.04 (4) (b) (4) “Catch basins or other drainage features in loading/unloading and/or fueling areas shall be equipped with post-indicator valves (which are to remain in the closed position) on the outlets for containment in the event of any spills.”**

The McInnis Cement Devens Terminal is not a typical loading and unloading operation, and there is no fueling taking place. The loading and unloading operations for dry cement material pose minimal risk that could be mitigated by post-indicator valves at catch basins.

4. **974 CMR 3.04 (6) (a) (1) (c) “Principle building entries shall have an accessible pedestrian walkway connecting to pedestrian walkways within abutting Rights-of-way or ways.”**

The McInnis Cement Devens Terminal does not have any standard building entries. All building entries are either for maintenance access requiring vehicles carrying equipment, trucking access to load or unload the cement bins. There is no public access to the buildings and the property access will be gated and restricted to vehicle access only. A bike rack will be installed for employee /visitor use.

5. **974 CMR 3.04 (6) (a) (3) (a) “Access road/parking lighting shall be 0.5-foot candles minimum(maintained), ...”**

The project proposes full-cutoff 3000K LED lighting fixtures configured for the lowest allowable intensity of illuminance. The latest edition of the I.E.S. Handbook for “Recommended Average Maintained Illuminance Values” suggests that an average maintained illuminance value of 0.4 foot candles (fc) is acceptable for a Residential-Collector roadway with a R1 pavement classification. The illuminance of the proposed facility at night will be supplemented by the lighter concrete surface (reflecting more light) and headlights and running lights on the incoming and outgoing trucks so that pockets of low light along the drive aisle will not create a safety issue. The facility is gated so as to prohibit pedestrian use.

6. **974 CMR 4.04 (3) (f): “Pavement finishes. All finish surfaces on paved areas (parking areas, storage yards, streets, and roadways) shall be black asphalt with dark aggregate, or other surfaces of no greater reflectance.”**

The project is proposing to pave all surfaces with cement concrete which has a higher Solar Reflectance Index (SRI) which will reduce heat-island impacts, reflect more light and be more compatible with the US Green Building Council’s LEED Standards for Sustainable Sites. Reduced pavement areas on the project, coupled with normal weathering, organic discolorations, and tire deposits, will diminish concrete reflectance

over time. Adjacent tree preservation will further reduce off-site reflectance during nighttime hours.

The Commission voted 9-0 in favor of approval of all the above waiver requests subject to the conditions of approval in Section 9 of this Unified Permit.

7. Variance:

The Applicant requested a variance from the following section of the Devens Bylaw:

Article IX.C.4 – maximum height of structures = 75 feet.

Devens Bylaw Article IX.C.4 permits Applicants to request a variance from the building height limitation as long as the project is not within the Viewshed Overlay District and the variance does not exceed 25% of the allowable height. The Applicant has requested a variance to increase the permitted maximum height from 75 feet, up to 93 feet 9 inches (93.75') for the two cement storage bins/silos.

Regarding this variance request, the DEC made the following findings in accordance with 974 CMR 1.11:

- (a) The project is not within the Viewshed Overlay District;
- (b) The variance request does not exceed 25% of the 75-foot allowable height;
- (c) The Applicant's Height Variance Request (pages 19-23 of the Unified permit Application) and Visual Analysis in Support of the Height Variance Request (pages 24-30 of the Unified Permit Application) sufficiently demonstrates:
 - i. The narrow lot configuration, coupled with the amount of bedrock on-site constitute unique conditions affecting the individual property in question only and literal enforcement of the bylaws or regulations would involve a substantial hardship to the applicant;
 - ii. Due to the unique circumstances of the operation and the parcel configuration and condition, in addition to the mitigation measures being incorporated into the facility, the requested relief can be granted without substantial detriment to the public good, and;
 - iii. The granting of this variance will not substantially negate or nullify the intent or purpose of the bylaw;
 - iv. This is not a "use" variance.
- (d) The proposed height does not trigger the need for any aircraft warning lighting;

As a result of the above Findings, the Commission voted 9-0 in favor of the variance request (majority vote of the full membership). This height variance must be exercised within one year of its granting unless an extension is granted by the DEC in accordance with 974 CMR 1.11. Should the Applicant require an extension, the DEC authorizes the Director to issue one 6-month extension for the variance in accordance with 974 CMR 1.11(2).

8. Findings:

In addition to the Findings for the variance request, the DEC made the following findings regarding this project:

- 1. The proposed use falls within the definition of industrial and light industrial uses which are allowed in the Rail, Industrial and Trade-Related Uses (RIT) District. The proposed activity is consistent with the development goals of the RIT District, as well as the patterns in the Reuse Plan for the RIT District.

2. The proposed lot has more than 100 feet of frontage on Barnum Road as well as Saratoga Boulevard and is over 2 acres in area and therefore in compliance with the minimum lot requirements as per the Devens Bylaws.
3. The ITE Trip Generation Manual is insufficient for determining actual anticipated volumes from the McInnis Devens Terminal as the proposed operations will be at least 99% truck traffic. The DEC accepts the McInnis Trip Generation numbers provided instead of the ITE Trip Generation Manual to satisfy 974 CMR 3.02 (2) (o) trip generation rates.
4. At full operation, the facility is expected to have a maximum of 35 trucks per day coming and going from the site (70 trips total). The existing Devens street network has sufficient capacity to accommodate this increase with no off-site improvements necessary at this time.
5. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions, waivers, and the variance, complies with 974 CMR 3.00 and with the applicable provisions of the By-Laws.
 - (b) The development lies on a lot 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 and compliance with applicable portions of the "Devens Stormwater Pollution Prevention Plan", has been achieved and conditional permission has been granted by MassDevelopment to connect to the Devens Municipal Stormwater System.
 - (g) Connections with utility, power and communication systems available in the abutting infrastructure will be approved by the MassDevelopment 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 Wetlands Order of Conditions is not required for this project.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and conditions. Dust collection system will achieve 99.8% removal efficiencies.
 - (l) Sufficient parking for the proposed use has been provided.
 - (m) Adequate traffic mitigation and control measures have been proposed.
 - (n) The Applicant agrees to participate in the Devens Transportation Management Initiative.

- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection. The use of potable water for irrigation has been eliminated.
- (p) Connection to sanitary sewer exists and will be authorized by Devens Utilities.
- (q) Building design, with conditions, will meet the minimum standards as established by MassDevelopment 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.

9. Conditions:

The DEC voted to impose the following conditions:

1. 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.
2. Jackson Gate from Route 2 shall be the primary means of truck access to and from the site on a permanent basis, with other gates to be used only in emergency situations or during protracted construction when the Jackson gate is unavailable. The Applicant shall post signs on the exit gate of the facility that all trucks must turn right only and use the designated truck route.
3. The Applicant shall participate in the Devens Transportation Management Initiative as applicable.
4. In accordance with the Devens By-Laws, Article III, Section K 1. a., no soil, loam, sand, gravel, or other earth materials shall be permanently removed from any lot within Devens, except in accordance with the Devens Soil Management Policy and approval from the DEC.
5. Prior to commencing any intrusive earth work within Devens (due diligence, construction of otherwise) all personnel to be on site shall view an Unexploded Ordnance/Munitions of Explosive Concern (UXO/MEC) video briefing provided by the Devens Fire Department.
6. Waivers and the variance granted shall be included on the final plans. The height variance must be exercised within one year of its granting unless an extension is granted by the DEC in accordance with 974 CMR 1.11. Should the Applicant require an extension, the DEC authorizes the Director to issue one 6-month extension for the variance in accordance with 974 CMR 1.11(2).
7. Once the appeal period has expired, the Applicant shall submit final approved plans, including a Level One Lotting Plan to the DEC for endorsement. Plans shall conform to Worcester Registry recording requirements. The Applicant shall file the Level One Lotting Plan, 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.

8. All applicable federal, state, and local permits necessary for the construction and operation of the facility must be obtained. Copies of permits issued by those other than the DEC must be filed with the DEC. This includes but is not limited to a SWPPP and EPA NPDES Construction General Permit. A copy of this permit must be provided to the DEC prior to commencement of construction.
9. The Applicant shall provide As-Built Plans and accompanying information for all site improvements in accordance with the DEC As Built Policy, prior to issuance of a final Certificate of Occupancy.
10. The freestanding monument sign is not part of this approval and will require a separate permit from the DEC.
11. No open or exterior storage is permitted in undesignated locations. No exterior vehicle repair/maintenance and/or refueling are permitted and no on-site disposal of hazardous waste is permitted.
12. The Applicant shall file annual reports to the DEC in October of each year indicating how they are maintaining their on-site stormwater management facilities. This is an on-going condition.
13. As per 974 CMR 4.11 Greenhouse Gas Mitigation requirements, the Applicant shall join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation.
14. Prior to commencement of construction, any required blasting associated with this project shall be coordinated with the Devens Fire Department and comply with any applicable state requirements.
15. The Applicant shall obtain a curb-cut permit/authorization from the Devens Department of Public Works prior to commencement of construction on the construction access and new driveway on Barnum Road, as well as any temporary access from Saratoga Boulevard.
16. The silos/storage bins shall be flat white in color and all appurtenances including but not limited to stairs, railings, platforms and mechanical equipment on top of the silos/bins, shall have non-reflective finishes. All security/safety lighting on the storage bins/silos shall remain off at all times when not in use. To avoid potential nuisance conditions, all regular maintenance activities for the silos/bins shall be performed during daylight hours.
17. The facility used the second, lowest 1-hour background condition as representative of the reasonable worst-case background sound for this project to demonstrate continuous compliance with 974 CMR 4.05 - sound portion of the Industrial Performance Standards (IPS). This assumption is not as conservative as the lowest 1-hour reading over the 7-day collection period for the IPS allowable incremental sound comparison. However, this is a reasonable worst-case assumption for this project since (1) the project is on the designated truck route (louder than other routes on average); (2) the direct abutters are all industrial facilities whose activities add to the background sound, and; (3) sound from the facility operations will be intermittent. While this is a reasonable assumption for a non-

continuous noise source in this area, it does not relieve the facility of its obligations to minimize sound further in the future. At a minimum, the Applicant shall install all proposed sound control measures as specified in the Facility Acoustical Analysis dated June 19, 2018 prepared by Cavanaugh Tocci. If there are confirmed complaints that exceed the allowable incremental threshold based on the background measurement at the time, then the facility will be required to enact any necessary remedies to reduce its sound to comply with 974 CMR 4.05. Prior to commencement of construction, the Facility Acoustical Analysis dated June 19, 2018 prepared by Cavanaugh Tocci shall be revised to address the remaining comments as noted in the June 21, 2018 memo from Tech Environmental.

18. A Particulate Matter Control (PMC) Plan shall be prepared by the Applicant for review and approved by the DEC's IPS engineer prior to commencement of operations and issuance of a Certificate of Occupancy.
19. Prior to issuance of a certificate of occupancy, a facility Operations and Maintenance Plan shall be prepared to include all Long Term Pollution and Prevention and Stormwater Operation and Maintenance Plan requirements (amended to include no snow stockpiling directly in the drainage swales or basins and no outdoor storage of deicing materials or application of 100 salt for de-icing). This plan shall also include a complete set of detailed operational policies and procedures for this facility to ensure the safe and clean operation of the facility (driver and visitor protocols, designated truck route, cement extraction and filling SOP's, inspections/maintenance procedures and general housekeeping). The Landscape Maintenance and Water Management portion of this plan shall be amended to addresses reduced chemical pesticides and fertilizers in compliance with the Zone 2 Water Resources Protection District requirements (base fertilization on soil testing – not blanket fertilization applications and use only slow-release fertilizers).
20. Prior to issuance of a building permit, the Applicant shall submit a design review approval letter from Mass Development for the project.
21. Any outstanding peer review fees shall be paid prior to issuance of a Building Permit.
22. Prior to endorsement of the final plans, the Applicant shall make the following revisions to the plan set:
 - All lighting posts, fixtures and housing shall be specified to be uniform dark earth tone color.
 - Plan Sheet C-02.5 – “Construction Entrance” Detail shall include the following Note:
“4. Existing curb at connection to roadway shall be removed prior to installation of construction entrance. Curbing material shall be set-aside and protected during project construction. At completion of project the aggregate material shall be removed, existing roadway surface shall be saw-cut (location of saw cut to be determined in field by DPW Director or Engineering Manager), curb re-installed (or replaced) and roadway surface repaired.”
 - Landscape plans shall be revised to depict the areas of different seed mix applications. Three additional pines shall be added between the northern property line and the facility to ensure a complete half screen is achieved. The three (3) street trees added along Saratoga Boulevard shall be shifted into the Right-of-Way closer to the street. Additional street trees shall be added to the frontage along Barnum Road (acceptable planting species under overhead power lines).

- Parking and handicap access space parking striping details shall be added to the detail sheet.

10. Decision:

The public hearing closed on June 26, 2018. The DEC voted on June 26, 2018 to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the McInnis USA, Inc. Project at 35 Saratoga Boulevard (Parcel ID# 21-13-1600), Devens, MA Unified Permit.

11. 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 a building permit. 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 Site Plan Record of Decision. Together they will constitute the Unified Permit for the McInnis USA, Inc. Project at 35 Saratoga Boulevard (Parcel ID# 21-13-1600), Devens, MA, which will in turn, allow construction to commence.

12. Permit Duration

In accordance with 974 CMR 1.10, unified permits shall remain in effect so long as the approved activities are commenced within fourteen (14) months of the date of the DEC or the LUA produces a written decision and completed within two years. It is further noted that there is a thirty (30) 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 June 27, 2018 and terminates July 27, 2018, is "at risk". Final plans shall be submitted to the Commission for endorsement on or before December 26, 2018.

Approved by:

Date: June 27, 2018

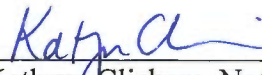
for 
Peter C. Lowitt, FAICP, Director
Devens Enterprise Commission

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.

6-27-2018
Date


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

