

**Unified Permit
Record of Decision
Little Leaf Farms, LLC
95 Walker Road (Parcel #39-14-500) and
105 Walker Road, Devens, MA (Devens Parcel #39-14-501)
February 27, 2018**

1. Applicant:

The applicant is Paul Sellew, CEO of Little Leaf Farms, LLC, 84 Shady Brook Lane, Carlisle, MA. The landowner is Little Leaf Farms (105 Walker Road, Devens, MA Parcel ID#39-14-501), and Massachusetts Development Finance Agency, 99 High Street, Boston, MA (95 Walker Road, Devens, MA Parcel ID#39-14-501).

2. Premises and Proposed Project:

The applicant is seeking a Unified Permit for the proposed expansion of the existing 220,984 square-foot greenhouse and support facility on an existing 14.2-acre parcel of land located at 105 Walker Road (39-14-501). The Applicant is exercising their option to purchase the adjacent 12-acre parcel located at 95 Walker Road (39-14-500) in order to combine the two parcels and construct the third phase of their greenhouse which would consist of a 8,650 square-foot support building expansion and a 174,707 square-foot additional greenhouse, along with associated site improvements. The greenhouse expansion would be used to grow additional lettuce and leafy greens indoors in the same automated fashion as Phases 1 and 2. The project includes additional parking and an expanded emergency access road around the entire perimeter of the building. A second large retention pond is being planned to harvest rainwater from the new greenhouse roof to supply Phase 3 with water for crop irrigation. Due to the lack of public sewer in this portion of Devens, the Applicant is proposing to relocate and reconstruct the existing septic system servicing the support building and constructing a new septic system to accommodate the waste wash water from growing operations. The proposed project is within the Environmental Business Zone and Watershed and Aquifer Water Resources Protection Overlay Districts. The combined parcels are +/- 26.2 acres in area and have over 1,400 linear feet of frontage along Walker Road. The proposed project is within an Area of Critical Environmental Concern and is subject to compliance with the MA Endangered Species Act.

3. Submission:

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

1. Completed Level 2 Unified Permit Application form (D17-113), received December 8, 2017 (1 page);
2. Stormwater Management Report entitled: "Little Leaf Farms Phase 3 Expansion, 105 Walker Road, Devens Massachusetts" prepared for Little Leaf Farms, LLC, 84 Shady Brook Lane, Carlisle, MA 01741; prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824 dated December 8, 2017, including the following:
 - Existing Conditions Narrative
 - Proposed Conditions Narrative
 - Waiver Request List
 - Narrative - Compliance with Reuse Plan
 - Narrative - Compliance with the Devens Open Space and Recreation Plan and the Devens Main Post Trails
 - Stormwater Management Standards Report
 - Hydrology Report
 - Erosion and Sedimentation Control

3. Completed Industrial Performance Standards Checklist for Newly Proposed Projects (5 pages), received December 8, 2017;
4. Maintenance Schedule: Salad Bowl Farm, Shirley, MA (2 pages);
5. Plans entitled "Site Plan for Proposed Little Leaf Farms Greenhouse Expansion 105 Walker Road, Devens, MA" prepared for Little Leaf Farms LLC, 84 Shady Brook Lane, Carlisle, MA 01741; by Howard Stein Hudson (HSH) 114 Turnpike Road, Chelmsford, MA 01824; dated 12/08/17, revised through 2/6/18 and including the following sheets:
 - Sheet 1 Cover Sheet
 - Sheet 2 Locus Plan and Berm Extension Phase 1&2
 - Sheet 3 Demolition, Erosion and Sedimentation Control Plan
 - Sheet 4 Phasing Plan (Phase 3A)
 - Sheet 5 Layout, Materials Plan 1 of 2
 - Sheet 6 Layout, Materials Plan 2 of 2
 - Sheet 7 Grading, Drainage and Utilities Plan 1 of 2
 - Sheet 8 Grading, Drainage and Utilities Plan 2 of 2
 - Sheet 9 Landscape Plan 1 of 1
 - Sheet 10 Lighting Plan 1 of 1
 - Sheet 11 Detail Sheet 1
 - Sheet 12 Detail Sheet 2
 - Sheet 13 Detail Sheet 3
 - Sheet 14 Detail Sheet 4 (added 2/6/18)
6. Plans entitled "Predevelopment Drainage Map" and "Post Development Drainage Map"; prepared for Little Leaf Farms LLC, 84 Shady Brook Lane, Carlisle, MA 01741; by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824; Sheets 1 of 2 and 2 of 2, dated 12/08/17, revised through 1/24/18;
7. Existing Conditions Survey entitled "Lot EBZ-2B, Walker Road, Shirley (Devens), Massachusetts" prepared for Howard Stein Hudson, by WSP USA, Inc., 155 Main Dunstable Rd., Suites 120 and 125, Nashua, NH 03060; dated November 15, 2017, scale 1"= 40', sheet 1 of 1;
8. Response to Determination of Completeness, dated January 8, 2018, prepared by HSH, including the following documents:
 - Revised stormwater management report;
 - Letter from Oxbow Associated, Inc. RE: 105 Walker Road, Shirley -- Parcel EBZ-2B follow-up site review for wetland resource areas;
 - CO2 Tank details from Praxair;
 - Updated DEC Industrial Performance Standards Checklist;
 - Trip generation assessment, dated 1/3/18;
 - LEED V4 Checklist;
 - Form 11 – Soil Suitability Assessment for on-site sewage disposal;
 - Elevation drawing of proposed greenhouse, prepared by VB Greenhouses;
 - Plan entitled "Level 1 Lotting Plan EBZ-2B1 Walker Road" Prepared by WSP Sells, 155 Main Dunstable Rd., Suites 120 & 125, Nashua, NH 03060, dated 8/31/15;
 - Plan entitled "Level 1 Lotting Plan EBZ-2A, EBZ-2B, EBZ-3 and EBZ-4 Walker Road" Prepared by WSP Sells, 155 Main Dunstable Rd., Suites 120 & 125, Nashua, NH 03060, dated 6/4/12;
 - Plan entitled "Domestic Septic System (Draft)"; prepared for Little Leaf Farms LLC, 84 Shady Brook Lane, Carlisle, MA 01741; by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824; Sheet 1 of 1, dated 12/08/17;
 - Plan entitled "Wash Water Septic Plan (Draft)"; prepared for Little Leaf Farms LLC, 84 Shady Brook Lane, Carlisle, MA 01741; by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824; Sheet 1 of 1, dated 12/08/17 (3 sheets);
9. Certified Abutters List from Devens, dated December 11, 2017;
10. Certified Abutters List from the Town of Shirley, dated 12/6/17;
11. Level II Unified Permit – Checklist for Determination of Completeness Issued by DEC, December 27, 2017;
12. Public Hearing Notice Fax to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated January 5, 2018;
13. Public Hearing Legal Notice Fax to Nashoba Publications, from Peter Lowitt, dated December 28, 2017 – to be published January 5 and 12, 2017.
14. Copies of Legal notices from January 5 and 12, 2018 Nashoba Valley Voice.

15. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated January 5, 2018;
16. Public Hearing Legal Notice from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Level 2 Unified Permit Application – Little Leaf Farms, LLC, dated January 5, 2018 (notification of Public Hearing on January 30, 2018 at 6:45PM), including certified mail return receipts;
17. Memo dated December 28, 2017 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – Little Leaf Farms, LLC (notification of Public Hearing on January 30, 2018 at 6:45PM), including certified mail return receipts;
18. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated January 5, 2018.
19. Plan Circulation Memo for Little Leaf Farms Phase 3 from Neil Angus to MassDevelopment dated December 27, 2017.
20. MassDevelopment Design Review letter dated January 24, 2018.
21. Response to Comments, January 24, 2018, prepared by HSH , including the following:
 - a. Response to January 12, 2018 Nitsch Engineering Comments;
 - b. Response to January 16, 2018 DEC comments;
 - c. Illicit Discharge Compliance Statement signed by Paul Sellew, dated 1/23/18;
 - d. Revised Stormwater Management Report, Prepared for Little Leaf Farms, LLC 84 Shady Brook Lane, Carlisle, MA 01741; by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824, dated December 8, 2017, revised through January 2018 (second revision);
 - e. Sight Line Exhibit Drawing (Sheet 1 of 1), dated 12/8/17, revised through 1/8/18; prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824;
 - f. Interim Grading HydroCAD Report;
22. Mullin Rule Affidavit from DEC Commissioner Chris Lilly, dated 2/8/18;
23. Draft DEC meeting minutes from January 30, 2018 and February 8, 2018 meetings;
24. Wash Water lab test results dated 2/13/18 from Nashoba Analytical, LLC.
25. Soil Test Reports from UMASS Extension Soil and Plant Nutrient Testing Laboratory (Sample ID 1.0 and 2.0);
26. DEC Staff Reports dated January 26, 2018 and February 7, 2018, to Devens Enterprise Commission from Peter Lowitt and Neil Angus; re: Level 2 Unified Permit – Little Leaf Farms Phase 3;
27. Revised Waiver List received 2-23-18;
28. Little Leaf Farms Phase 3 Presentation Drawings, dated 1/24/18 (2 sheets);
29. Plan entitled: “Typical Trail Details” – Form Barnum Road Reconstruction Phase 1 Plans, prepared by Parson Brinkerhoff, dated January 11, 2008;
30. Barnum Road unpaved pathway design specifications – Section 02524 (word doc);
31. Public hearing continuance request form (from February 8, 2018 to February 27, 2018);
32. Abutting property owner (Janette Wade) presentation from January 30, 2018 public hearing;
33. Site Plan Review Comments from Nitsch Engineering - Peer Review Letter dated 2-13-18 (8 pages);
34. Notice of Violation letter to Little Leaf Farms, dated 2/6/18 re: discharging untreated wash water at 105 Walker Road;
35. Letter from Little Leaf Farms dated February 16, 2018, re: Response to Notice of Violation/Enforcement Order;
36. Trail temporarily closed signage (in response to Notice of Violation – signage posted 2/6/18);

37. Revised Draft Record of Decision for Little Leaf Farms Phase 3, dated 2-27-18;
38. Post-Dev Rev1 HydroCAD Report, submitted by HSH 12/27/18, revised thru 2/6/18;
39. Pre-Dev Rev1 HydroCAD Report, submitted by HSH 12/27/18, revised thru 2/6/18;
40. Pre and Post Development Drainage Maps, submitted on 2/6/18, prepared by HSH;
41. 1st Review Comments Letter to Katie Enright from Neil Angus, dated 1-16-18 (5 pages with attached PDF entitled: "Pages from 15076.01 Site Plan Rev 1 STAMPED compressed.pdf" showing alt trail and septic location);
42. Site Plan Review Comments from Nitsch Engineering, dated 1-12-18 (5 pages);
43. Letter from Oxbow Associates, Inc. dated February 2, 2018 re: 105 Walker Road, Shirley – Parcel EBZ-2B Little Leaf Farms Phase 3 Development (NHESP CMP Plan);
44. Letter from Paul Sellew to Devens Enterprise Commission, dated February 6, 2018, re: Response to Commission and Abutter Concerns (2 pages);
45. Plan entitled: "Truck Turn Exhibit Little Leaf Farms 105 and 95 Walker Road, Devens, MA", dated 2/1/18, prepared by HSH (1 sheet);
46. Revised Stormwater Management Report, Prepared for Little Leaf Farms, LLC 84 Shady Brook Lane, Carlisle, MA 01741; by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824, dated December 8, 2017, last revised February 6, 2018;
47. Landscape Plan entitled: "Little Leaf Farms Phase 3 Expansion, 105 Walker Road, Devens, MA Landscape Plan 1 of 1", (sheet 9 of 13) dated 12/08/17, revised thru 1/24/18; prepared by Lorayne Black, ASLA, Landscape Architect, P.O. Box 595 Groton, MA 01450;
48. E-mail correspondence as follows:

Date	From	To	Subject
1/11/18	John Marc-Aurele	Neil Angus	Re: Little Leaf Farms
1/17/18	Neil Angus	Davis Estochen	RE: Little Leaf Review
2/2/18	Jennifer Johnson	Katie Enright	Little Leaf Farm – Call Summary
2/6/18	David Estochen	Peter Lowitt	Re: Little Leaf Farm – Call
2/13/18	Neil Angus	Katie Enright	Little Leaf Farms Phase 3
2/13/18	Scott Turner	Neil Angus	Little Leaf Farms
1/5/18	Neil Angus	Neil Angus	Little Leaf Parcel ID screenshots from Town of Shirley Assessors Records
1/17/18	Neil Angus	Katie Enright	RE: Little Leaf Review Comments
1/11/18	Joseph LeBlanc	Neil Angus	RE: Little Leaf Farms
1/11/18	John Marc-Aurele	Neil Angus	RE: Little Leaf Farms
2/6/18	Jesse Leddick	Jonathan Shuster	RE: NHESP File #11-30144/CMP #665.15WRA
1/12/18	Neil Angus	Dave Estochen	Re: Little Leaf Farms Review Comments
2/23/18	Neil Angus	Dave Estochen	RE: Little Leaf Farms Phase 3
1/30/18	Neil Angus	Dave Estochen	RE: Little Leaf Farms Presentation (2 of 2)
1/30/18	Dave Estochen	Neil Angus	RE: Little Leaf Farms Presentation (1 of 2)
1/17/18	Neil Angus	Dave Estochen	RE: Little Leaf Farms Review Comments
1/9/18	Neil Angus	Dave Estochen	RE: Little Leaf Phase 3 DOC
1/5/18	Neil Angus	Dave Estochen	RE: Abutters List
1/3/18	Neil Angus	Dave Estochen	RE: Little Leaf Questions
2/26/18	Neil Angus	Katie Enright	RE: Draft ROD
2/23/18	Neil Angus	Dave Estochen	RE: Little Leaf Farms Phase 3
2/7/18	Neil Angus	Dave Estochen	RE: Little Leaf Farm Call Summary
2/5/18	Neil Angus	Dave Estochen	RE: Little Leaf Trail Relocation
2/2/18	Neil Angus	Jennifer Johnson	RE: Little Leaf Farm Call Summary
1/30/18	Katie Enright	Neil Angus	RE: Nitsch Peer Review
1/24/18	John Marc-Aurele	Katie Enright	RE: Little Leaf
1/24/18	Neil Angus	Paul Sellew	FW: Little Leaf Farms
1/19/18	Anne Gagnon	Neil Angus	RE: MA Dept of Fish and Game Contact
12/27/17	Dave Estochen	Neil Angus	RE: Little Leaf Farms – Site Plan Resubmittal Rev1

49. Mullin Rule Affidavit from DEC Commissioner Jim Pinard, dated 2-27-18;
50. Mullin Rule Affidavit from DEC Commissioner Armen Demerjian, dated 2-27-18

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

The Unified Permit request includes site plan approval in order to construct Phase 3 of Little Leaf Farms in two sub-phases on an existing 14.2-acre parcel of land located at 105 Walker Road (39-14-501) and an adjacent 12-acre parcel located at 95 Walker Road (39-14-500) (lots to be combined). The sub-phases include: Phase 3A which consists of an 8,650 square-foot support building expansion, parking lot expansion and associated site improvements. Phase 3B includes a 174,707 square-foot greenhouse, associated utilities, second rainwater harvesting pond, and an expanded emergency access road around the entire perimeter of the Phase 3 greenhouse – all located within the Environmental Business Zone and Watershed and Aquifer Water Resources Protection Overlay District within the Devens Regional Enterprise Zone.

5. **Process:**

The application was submitted on December 14, 2017 and a Determination of Completeness was issued on December 27, 2017. Copies of the application were received by the surrounding Towns on December 29, 2017. Public Hearing Legal notices were published in the Nashoba Valley Voice newspaper (Nashoba Publications) on January 5 and 12, 2018. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on January 30, 2018. No written comments were received however public comments and a presentation by an abutting property owner were made during the public hearings and have been included in this Record of Decision. The public hearing opened on January 30, 2018 and was continued to the February 8, 2018 meeting. The public hearing was continued again to the February 27, 2018 meeting and closed that same evening. The 75-day review period for the DEC to act on this application ends on March 12, 2018.

6. **Waivers**

The Applicant requested waivers from the following regulations:

1. **974 CMR 3.04(1)(d) Setbacks shall comply with the requirements of all districts, except the minimum side yard and rear yard setbacks for lots abutting Walker Road in the town of Shirley shall be 150' in addition to the public open space buffer to Walker Road.**

A 71' side yard setback from the eastern property line is proposed. A 38' side yard setback from the eastern property line was previously granted. A greenhouse of this type needs to be specific dimensions in order for the automated systems to operate properly. Surrounding lands are permanently protected and the 150' front setback from Walker Road has been met and is not part of this waiver request.

2. **974 CMR 3.04(6)(a)1.c. "Principle building entries shall have an accessible pedestrian walkway connecting to pedestrian walkways within ways".**

Sidewalks have been proposed between the parking area and the building entry. No additional walks have been proposed. There are currently no sidewalks on Walker Road so there are no sidewalks to connect to.

3. **974 CMR 3.04(6)(a)4.b. "Service areas, dumpsters, or open storage areas shall not be located to the front façade of the building.**

The loading area for phase 1 and 2 was located in the front of the building to minimize pavement and vegetation removal. In an effort to reduce visibility and noise from the loading area, the Phase 3 plans have relocated the loading docks to the front of the

proposed building addition. The relocation of the loading area will place it at a lower elevation and be fully screened from Walker Road by the proposed landscape berm in the front of the property.

4. **974 CMR 3.04(6)(a)3.a. Lighting. Access road/parking lighting shall be 0.5-foot candles minimum (maintained), with 30' maximum height posts.**

The parking lot lighting has been kept to a minimum to reduce light trespass to residential abutters. The light fixtures and poles in the parking area and mounted on the building will comply however small areas of lighting on-site will not meet the 0.5 foot-candle requirement. Lighting will be provided at the main entrance and the access doors on the support building. Lighting is not proposed along the access road around the site because operations will occur during day time hours only.

5. **974 CMR 3.04(8)(d)5. Areas of previously cleared woodlands on site that are not utilized shall be re-planted with native woodland species. Edges of previously cleared woodlands on site shall be planted with a mix of blueberry, rhododendron, winterberry, bayberry, shrub dogwoods, cranberry bush, spicebush, native viburnums and other hardy shrubs to transition between natural woodland and more formally landscaped portions of a site. Where woodland areas are intended to serve as buffers, such plantings shall be used to fill in voids and rapidly reestablish undergrowth.**

Except along the front of the building where the project will be in compliance with this requirement, the edge of previously cleared woodlands has been proposed to be immediately re-vegetated with a meadow seed mix. The existing trails on site will also be revegetated with a meadow seed mix to allow for natural regrowth of the surrounded woods.

6. **974 CMR 3.04(8)(h)2. "The Applicant shall provide shade trees around the perimeter of the parking areas".**

The greenhouse business is dependent on the use of natural sunlight. Shade trees would inhibit the growing process within the greenhouse.

7. **974 CMR 3.04(8)(h)3. "Internal parking area plantings shall contain one deciduous shade tree for every 20 parking spaces".**

The greenhouse business is dependent on the use of natural sunlight.

8. **974 CMR 3.04(7)(a)1. Requires all sewerage connect to the Devens public sewer system.**

No sewer is available in the immediate area. The distance to connect to the public sewer is excessive for the minimal on site sewerage that will be produced by the facility. There is an existing domestic septic system on site that is proposed to be relocated. The size of the system will remain the same. A separate system will also be installed for the wash water.

9. **974 CMR 3.04(7)(a)2. Prohibits septic system construction.**

No sewer is available in the immediate area. The distance to connect to the public sewer is excessive for the minimal on site sewerage that will be produced by the facility. There is an existing domestic septic system on site that is proposed to be relocated. The

size of the system will remain the same. A separate system will also be installed for the wash water.

10. 974 CMR 3.02(3)(a) The Site Plan shall be at a scale of 1"=40' unless an alternative scale is authorized by the Director".

Plans prepared at 1"=30' which allows the site to be shown on two sheets more clearly.

11. Previously Granted: 974 CMR 3.04(3)(A)1.a. Parking lots shall be located to the rear and sides of the buildings with only visitor, handicapped, and preferential parking situated within the Front Yard setback.

Due to the minimal amount of parking required for these operations, all parking is in the front of the building, however it is not within the required 150' setback and the majority is fully screened from Walker Road.

12. 974 CMR 4.08(6)(b) Closed drainage systems designed based on the Rational Method.

The drainage system has been modeled in HydroCAD which is an acceptable alternative.

13. 974 CMR 4.11(2)(C) Greenhouse gas mitigation requirement that a vegetated roof be installed if a DEP air permit is required.

Because the project will capture and use CO₂ from an onsite combined heat and power plant and reuse 89% of the rainwater from the site, the greenhouse gas emission issues from on-site energy generation are adequately mitigated.

The Commission voted to **approve waiver requests #1 through 4, 7 through 9, and 11 through 13** for the reasons stated in the Applicant's waiver request list submitted on February 23, 2018, and for the reasons cited in the Staff Report dated January 26, 2018 – all subject to the conditions of Approval listed in Section 8 of the Record of Decision. The Commission voted to **deny waiver request #5** due to the proximity of the development to wildlife refuges and the importance of habitat restoration to maintain the ecological diversity of the area. The Commission voted to grant a **partial waiver for waiver #6** - applying only to the parking lot areas where trees would conflict with the greenhouse operations. **Waiver Request #10 was administratively approved by the Director** as part of the Determination of Completeness, dated December 27, 2017.

7. Findings

The DEC made the following findings:

1. The proposed greenhouse production facility is an allowed use within the Environmental Business Zone.
2. The proposed parking area is sufficient to meet the anticipated demands of the proposed project with conditions of approval.
3. The proposed combined lot size and frontage are in accordance with the minimum requirements for development in the Environmental Business Zone District in which it is located.

4. The existing proposed pavement is adequate due to the limited amount of truck traffic.
5. The proposed rainwater harvesting basin is a standard retention basin and is not visible from the street and is serving a functional purpose and is an acceptable water and energy efficiency measure and is therefore is compliant with 974 CMR 4.08(4)(a) and (b).
6. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions and waivers, 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 will enable 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", will be achieved with conditions of approval.
 - (g) Connections with utility, power and communication systems available in the abutting infrastructure have been shown and 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 on the plans.
 - (i) The plans demonstrate compliance with Landscaping Design Standards for plant materials, planting strips, screening, and preservation of existing specimen trees and wooded areas with the waivers granted and conditions of approval.
 - (j) A Wetlands Order of Conditions is not required for this site.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and the conditions of approval.
 - (l) Sufficient parking for current and future needs has been provided.
 - (m) Traffic control measures have been included on the plans and addressed in the conditions of approval.
 - (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 with conditions of approval.
 - (p) Connection to sanitary sewers is not available and on-site septic systems will be authorized by Devens Enterprise Commission acting as the Board of Health with waivers granted and conditions of approval.

- (q) Building designs will meet the minimum standards as established by MassDevelopment for the district in which the lots are 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 and conditions of approval have been included to provide additional public health protections.
- (t) Adequate climate change mitigation, adaptation and greenhouse gas emissions mitigation measures have been incorporated in accordance with 974 CMR 4.11 and with the conditions and waivers granted.

8. Conditions:

The DEC voted to impose the following conditions:

1. Wherever "Applicant" is referenced in the Conditions set forth herein, it shall refer to the Applicant, its successors and assigns. Wherever "DEC" is referenced, it shall refer to the Devens Enterprise Commission, its successors and assigns.
2. The Applicant shall take appropriate measures to encourage all truck traffic associated with this project to use the Devens WWTP preferred truck route to the maximum degree feasible. In addition, the Applicant shall participate in the Devens Transportation Management Initiative. When transportation/ trip reduction/ public transit options become available in the future, the applicant shall be obligated to advise the building occupants to make their employees aware of such transportation alternatives and help facilitate connections to these programs for those who are interested.
3. 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.
4. Prior to commencing any intrusive earth work within Devens (due diligence, construction of otherwise) all personnel to be on site shall view an Unexploded Ordinance/Munitions of Explosive Concern (UXO/MEC) video briefing provided by the Devens Fire Department.
5. The waivers granted shall be listed on the plans.
6. Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. The Applicant shall file the endorsed plans with the Registry of Deeds and proof of recording shall be submitted to the DEC prior to the issuance of a building permit.
7. The Applicant shall notify the DEC in writing seven or more days prior to the completion of the following construction milestones:
 - a. site grading and site work;
 - b. installation of site stormwater management facilities and other subsurface utilities;
 - c. Installation of trees and other major landscaping features;
 - d. completion of all site improvements as shown on the approved site plan.

8. 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.
9. The Applicant shall submit annual stormwater monitoring and maintenance reports indicating how they are maintaining their on-site stormwater management system. These reports are due each year by the end of October. This is an on-going condition.
10. Until an approved septic system is permitted and installed, in accordance with the February 6, 2018 Notice of Violation, all wash water from the existing facility shall be discharged to a frac tank and hauled off-site to a licensed disposal facility. The Applicant shall maintain all records of storage, pumping, hauling and maintenance of all septic systems on-site at all times. The February 6, 2018 notice of violation shall be fully resolved prior to commencement of any Phase 3 construction.
11. The proposed expansion is within an Area of Critical Environmental Concern and is subject to compliance with the MA Endangered Species Act and Conservation and Management permit 012-195.DFW for this property. Prior to commencement of any clearing and grading on-site, the Applicant shall engage the services of a qualified ecologist to implement the requirements of the 012-195.DFW permit.
12. Final septic system designs shall comply with Title 5 (310 CMR 15.00) and be permitted through the Nashoba Associated Boards of Health acting as the DEC's Agent. The Applicant shall comply with the four (4) provisions in the March 17, 2016 MA DEP wash water approval letter and obtain any additional approvals required from MA DEP for the second wash water septic system. If approval from MA DEP cannot be obtained, the applicant will be required to collect/contain all wash water on-site in a frac tank and haul it off-site to a licensed treatment/disposal facility.
13. All materials used in the facility productions shall be fully contained and stored inside the building at all times. With the exception of fully contained waste management operations, no outdoor storage is permitted.
14. Prior to commencement of construction, the Applicant shall submit a copy of the completed NPDES Construction General Permit filing to the DEC. To reduce potential nuisance conditions, exterior construction activities shall be limited to 7:30AM to 5:00PM on weekdays and no exterior construction work on weekends and statutory holidays until the required screening berm is fully in place.
15. The baseline sound study and model of proposed activities for Phases 1 and 2 shall be updated to include Phase 3 and submitted to the DEC prior to issuance of a final Certificate of Occupancy. The Applicant shall install any necessary acoustical and visual screening to comply with 974 CMR 4.05 and 3.04. Any rooftop mechanical units shall be positioned to direct any noise sources away from Walker Road and also be properly screened and comply with 974 CMR 4.05.
16. All facility operations shall comply with the Devens Industrial Performance Standards (974 CMR 4.00) at all times (no exceptions). This includes but is not limited to interior and exterior facility lighting. Interior growing lights shall be shielded at all times during nighttime operations (one hour before dusk and one hour after dawn) at all times of the year.
17. All utility tanks shall be permitted by the Devens Fire Department prior to installation. The Applicant shall register the boiler, CHP units and any other emitting technologies

with the Massachusetts Department of Environmental Protection. If an Air Permit is required, a copy must be provided to the DEC prior to issuance of a Certificate of Occupancy.

18. The use of back-up alarms for construction and operations vehicles shall be minimized to the maximum extent feasible as allowed by OSHA.
19. Anti-idling signage shall be installed at both loading docks to inform all drivers of the Massachusetts Anti-Idling Law. Each loading dock shall be equipped with an auxiliary power unit to further minimize idling while still providing necessary power to trucks. Trucks found idling for longer than 5 minutes will constitute a violation of this Unified Permit and be subject to enforcement action under Massachusetts General Law Chapter 90, Section 16A, 310 CMR 7.11 and the DEC Rules and Regulations 974 CMR 1.14.
20. Prior to issuance of a building permit for any portion of Phase 3, the informal trail running through the property shall be relocated and all necessary public access easements put in place.
21. Prior to clearing of the site, the Applicant shall mark the limits of clearing and temporary construction fencing shall be placed around the entire approved limits of disturbance and maintained at all times throughout construction until all final landscaping is installed and all exposed areas are stabilized. Additional construction fencing shall be placed around the rainwater harvesting pond once constructed, and shall be maintained in place until the permanent fencing is installed. The best management and maintenance practices for the Site as articulated in the Applicant's Erosion and Sediment Control Plan and Notes and Stormwater Pollution Prevention Plan (SWPPP), shall be strictly adhered to, now and in the future. Any existing trees marked for preservation that are damaged, killed or removed shall be replaced in accordance with 974 CMR 3.04(8)(d)8. Additional controls shall be implemented at the discretion of the DEC or its Staff.
22. Additional landscape plantings shall be installed to provide a year-round visual screen of the facility from any portions of the new trail. Additional shade trees shall also be provided around the parking lot areas where shade will not conflict with greenhouse operations.
23. Phase 3A includes the clearing of the site, construction of the 8,650 square foot construction support building, relocation of the loading docks, parking lot expansion, temporary and permanent stormwater management facilities, and construction of the landscape berm along the front of the property. All exposed areas shall be temporary loamed and seeded prior to issuance of a Certificate of Occupancy for the building expansion. The landscape berm along the front shall be planted with a native New England conservation/wildflower seed mix and the required screening plantings installed, also prior to a Certificate of Occupancy for the building expansion. All entry landscape plantings, with the exception of the berm portion closest to the parking lot, shall be completed prior to issuance of a building permit for any portion of Phase 3. Phase 3B includes the greenhouse and rainwater harvesting basin.
24. Should the DEC determine additional vehicle parking is necessary, the Applicant shall formalize and install additional vehicle parking spaces within the existing Phase 1 and 2 loading dock area.

25. The Applicant shall provide written authorization from the Town of Shirley confirming there is adequate capacity to provide water to the proposed office addition.
26. A level One Lotting Plan shall be submitted in accordance with the requirements of 974 CMR 1.00 combining the two lots (Parcel #39-14-500 and Parcel #39-14-501). Once approved by the Director, this plan shall be recorded with the Middlesex Registry of Deeds. The plan shall ensure all abutting property ownership is correctly shown. Proof of recording shall be submitted to the DEC prior to issuance of a final Certificate of Occupancy.
27. Prior to endorsement, final plans shall be revised to include:
- a. Rainwater harvesting basin to be equipped with aerator or other similar device to prevent stagnant, standing water and reduce the likelihood of mosquito breeding, algae blooms or other nuisance conditions.
 - b. Fire lane (and striping details), loading and anti-idling signage shall be added to the details sheets.
 - c. Landscape plans shall be revised to include transitional plant species between cleared woodland areas and the proposed development as required by 974 CMR 3.04(8)(d)5. This plan shall also be revised to include a complete table showing ALL proposed site plantings (quantity, species, planting size), the correct size of arborvitae screening plantings (min. 6' height), as well as the plantings within the new landscape island adjacent to the existing loading dock in compliance with 974 CMR 3.04(8).
 - d. Complete design specifications for the gate valve system that is proposed to divert water from the rainwater harvesting basin to the infiltration basin. These specifications will need to be reviewed and approved by DEC peer review consultants before the plans are finalized.
 - e. Plans shall be revised to show all the same pipe sizes and materials on the plans as those used in the HydroCAD model, including but not limited to the 30" roof drain connection between the building and the rainwater harvesting basin, as well as the corrugated/pvc roof drain pipe discharging to the sediment forebay. Pipe materials shall be appropriate for the proposed final depth/cover.
 - f. Complete design details and supporting calculations to support the rainwater harvesting basin design, the inlet connection to the basin from the building roof, the intake/reuse system from the basin, and the secondary outlet intended to discharge from the rainwater harvesting basin to the infiltration basin. Details shall also include the location of the liner and emergency overflow spillway from the basin. Should the review of this information find inconsistencies with the peak rate mitigation and groundwater recharge requirements, the Applicant may be required to amend the plans or provide further details for review and approval by the DEC's peer review consultant prior to endorsement of the final plans
 - g. Additional details regarding the construction of the rainwater harvesting basin, including a structural analysis of the berm design by a structural engineer, along with erosion control and seepage protection methods.
 - h. Supporting revised drainage calculations that show the diversion of an additional 2,407 cubic feet of water from the facility's roof area to the proposed on-site infiltration areas during a two-year storm event.
 - i. Additional details on how the roof drainage system will operate while it is surcharged during all storm events (peak rate into the pipe significantly higher than the peak rate entering the basin).

- j. All final plans shall be stamped and signed by their appropriate disciplines.
- k. Catch basin detail shall be modified to include the detail provided in the January 16, 2018 review comment letter from Neil Angus the Katie Enright.
- l. Cape cod berm details shall be provided and edge of pavement protection (curb stops in parking spaces and stone splash pad or suitable alternative).
- m. Existing conditions plan to be included in plan set

9. Decision:

The DEC voted February 27, 2018, after the Public Hearing was closed, to grant applicable waivers, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose Conditions, and to approve the Phase 3 (Phase 3A and 3B) Site Plan for Little Leaf Farms at 95 Walker Road, Devens, MA (Parcel ID#39-14-501) and 105 Walker Road, Devens, MA (Devens Parcel ID#39-14-500).

10. Building Permit

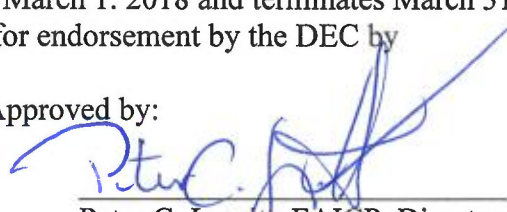
The Building Commissioner, along with the Electrical and Plumbing Inspectors, must review architectural/structural drawings and specifications and approve them in writing, prior to issuance of a building permit. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and those of the Devens Fire Chief must be met. When this approval is obtained, the building permit may then be integrated with this Site Plan Record of Decision and together they will constitute the Unified Permit for Phase 3 of Little Leaf Farms at Devens, which will, in turn, allow construction to commence.

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 March 1, 2018 and terminates March 31, 2018, is "at risk". Final plans must be submitted for endorsement by the DEC by September 1, 2018.

Approved by:

Date: 3-1-2018


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.

3/1/2018
Date

Kathryn Clisham
Kathryn Clisham, Notary
My Commission expires 3/16/2018

