

Devens Enterprise Commission (DEC)
Unified Permit Record of Decision:
Applewood Controls
33 Lake George Street, Devens MA
(Parcel ID#: 8-21-401)
September 28, 2018

1. Applicant:

Applewood Controls, 37 Ayer Road, Littleton, MA 01460 is the “Applicant” and MassDevelopment Finance Agency, 99 High Street, 11th Floor, Boston, MA 02110 is the property owner.

2. Premises and Proposed Project:

The Applicant is seeking a Level 2 Unified Permit application for the proposed development of a one story, 15,000 square foot (SF) building, which will be constructed as three (3) separate “suites”. The Unified Permit includes site plan, building permit and a wetland Notice of Intent. The property is located at 33 Lake George Street (Parcel ID 8-21-401) in Devens, MA. Applewood Controls is proposing to construct the project and occupy the southernmost suite (Suite ‘A’) for their full-time business operations. Suite ‘A’ will consist of 3,500 SF research/development and 1,500 SF office on the first floor, and a 1,500 SF loft area for supplemental office space. Suites ‘B’ and ‘C’ will each be 5,000 SF (3,500 SF research/development, and 1,500 SF office), and will be leased to others by Applewood Controls. The site layout includes vehicle parking spaces and associated site utilities, drainage, landscaping, and lighting improvements. The property contains and is adjacent to wetland resource areas, as well as slope resource areas and is within the Innovation, Technology, and Business District, Watershed Water Resource Protection Overlay District, and the Viewshed Overlay District. This Unified Permit request includes a Wetland Notice of Intent, Site Plan, and Building Permit.

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 (#D18-063), dated July 24, 2018.
2. Unified Permit Application Package submittal for Applewood Controls, dated July 24, 2018, prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824 including the following:
 - USGS Topographic Map;
 - Completed MA DEP WPA Form 3 – Notice of Intent (9 pages unsigned);
 - Completed MA DEP NOI Wetland Fee Transmittal Form (2 pages);
 - June 19, 2018 letter from Kyle Cormier, Oxbow Associates, to Katie Enright, Howard Stein Hudson, re: Lake George Street, Devens, MA Wetland Resource Area Delineation (2 pages);
 - Completed MA DEP Checklist for Stormwater Report (8 pages)
3. Plans entitled “Site Plan for Commercial Development 33 Lake George Street, Devens MA.” dated 7-24-18; prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824, including the following sheets:
 - Sheet 1: Cover Sheet;
 - Sheet 2: Layout and Materials Plan;
 - Sheet 3: Grading, Drainage Plan;
 - Sheet 4: Utilities Plan;
 - Sheet 5: Landscape Plan (prepared by CBA Landscape Architects);
 - Sheet 6: Lighting Plan ;

- Sheet 7: Detail Sheet 1 of 6
 - Sheet 8: Detail Sheet 2 of 6
 - Sheet 9: Detail Sheet 3 of 6
 - Sheet 10: Detail Sheet 4 of 6
 - Sheet 11: Detail Sheet 5 of 6
 - Sheet 12: Detail Sheet 6 of 6
4. Pre-Development and Post-Development Drainage Plans (2 sheets), dated July 24, 2018, prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824;
 5. Architectural Plan Package for 33 Lake George Street, Devens, MA; dated 7/24/18; prepared by Applied Form+Space, 3 Dundee Park, Suite B02, Andover, MA 01810, including the following sheets:
 - A1.1: Proposed Level 1 Plan
 - A1.2: Proposed Mezzanine Plan
 - A1.3: Enlarged Suite A Plans
 - A2.1: Proposed Exterior Elevations, Exterior Finish Selections
 - A2.2: Proposed Exterior Elevations
 6. Devens, MA Abutter List, dated 7/17/18 (updated July 18, 2018 and submitted August 6, 2018), from Devens Board of Assessors;
 7. Determination of Completeness Issued July 25, 2018;
 8. Memo dated July 26, 2018 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Board; Subject: Level 2 Unified Permit Application – Applewood Controls, 33 Lake George Street (notification of Public Hearing on August 28, 2018 at 6:45PM), including certified mail return receipts (received 7/30/18);
 9. Memo dated July 26, 2018 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – Level 2 Unified Permit Application – Applewood Controls, 33 Lake George Street (notification of Public Hearing on August 28, 2018 at 6:45PM), including certified mail return receipts;
 10. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment (notification of Public Hearing on August 28, 2018 at 6:45PM), from Peter Lowitt, dated August 9, 2018;
 11. Public Hearing Legal Notice emailed to Nashoba Publications, from Peter Lowitt, dated July 26, 2018 – to be published August 3 and 10, 2018.
 12. Copies of Legal notices from August 3 and 10, 2018 Nashoba Valley Voice.
 13. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated August 9, 2018;
 14. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated August 9, 2018;
 15. Plan Circulation Memo from Neil Angus, dated July 26, 2018;
 16. August 3, 2018 Letter from Joseph Bisceglia, MassDevelopment to Peter Lowitt; Project Lot 33 Lake George Site Plan Review (2 pages);
 17. August 24, 2018 Letter from John Marc-Aurele, MassDevelopment to Peter Lowitt; Project Lot 33 Lake George Site Plan Review (2 pages);
 18. Supplemental Data Report: Proposed Commercial Development, 33 Lake George Street, Devens, MA; prepared for Senate Construction Corp. 1000Mt. Laurel Circle #2; prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824; dated July 24, 2018; including the following:
 - Existing Conditions
 - Proposed Conditions
 - Hydrology
 - Stormwater Management Standards
 - Appendix A: Operation and Maintenance Plan

- Appendix B: Erosion and Sediment Control Notes
 - HydroCAD Drainage Calculations
19. August 6, 2018 letter from Stu Moncrieff (Howard Stein Hudson) to Neil Angus, Re: Response to Determination of Completeness Level II Site Plan – Applewood Controls – 33 Lake George Street (6 pages); including the following:
 - LEED V4 Checklist;
 - Viewshed Analysis;
 - Industrial Performance Standards Checklist for Newly Proposed Projects;
 - 33 Lake George Trip Generation Memo
 - Revised Site Plan Cover Sheet (1 of 12), Existing Conditions Plan (1A of 12); Erosion and Sediment Control Plan (2A of 12)
 20. Howard Stein Hudson Response to the August 13, 2018 DEC Comments; received September 13, 2018 (14 pages);
 21. Completed/Revised MA DEP Checklist for Stormwater Report (8 pages); received 9-13-18;
 22. September 12, 2018 Request for Waivers letter from Stu Moncrieff, Howard Stein Hudson, to Peter Lowitt (2 pages);
 23. Supplemental Data Report: Proposed Commercial Development, 33 Lake George Street, Devens, MA; prepared for Senate Construction Corp. 1000 Mt. Laurel Circle #2; prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824; dated July 24, 2018, revised September 12, 2018; including the following:
 - Existing Conditions
 - Proposed Conditions
 - Hydrology
 - Stormwater Management Standards
 - Appendix A: Operation and Maintenance Plan
 - Appendix B: Erosion and Sediment Control Notes
 - HydroCAD Drainage Calculations
 - Pre-Development and Post-Development Drainage Plans (2 sheets), dated July 24, 2018, revised 9/12/18; prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824;
 24. Revised Site Plans entitled “Site Plan for Commercial Development 33 Lake George Street, Devens MA.” dated 7-24-18, revised through 9-12-18; prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824, including the following sheets:
 - Sheet 1: Cover Sheet;
 - Sheet 2: Existing Conditions Plan
 - Sheet 3: Layout and Materials Plan;
 - Sheet 4: Erosion and Sediment Control Plan;
 - Sheet 5: Grading, Drainage Plan;
 - Sheet 6: Utilities Plan;
 - Sheet 7: Landscape Plan (prepared by CBA Landscape Architects);
 - Sheet 8: Lighting Plan ;
 - Sheet 9: Detail Sheet 1 of 6
 - Sheet 10: Detail Sheet 2 of 6
 - Sheet 11: Detail Sheet 3 of 6
 - Sheet 12: Detail Sheet 4 of 6
 - Sheet 13: Detail Sheet 5 of 6
 - Sheet 14: Detail Sheet 6 of 6
 25. Signed Illicit Discharge Statement (undated), submitted September 12, 2018;

26. Signed copy of Wetland Notice of Intent (12 pages); submitted September 12, 2018;
27. Wetland Notice of Intent Combined (PDF: 18088 NOI Combined); received 7/25/18;
28. August 9, 2018 letter from Scott Turner, Nitsch Engineering to Devens Enterprise Commission Re: Nitsch Project #9419 Applewood Controls Level Two Unified Permit Request: Stormwater and Traffic Review (6 pages);
29. Project Review Comment letter dated August 13, 2018, from Neil Angus to Stu Moncrieff, re: Applewood Controls Unified Permit Application (#D18-063) (9 pages);
30. August 13, 2018 letter from Carol R. Johnson Associates, Re: Applewood Controls Nitsch Project #9419 Task 022 (3 pages), including marked up PDF of Landscape Plan entitled: "18088 Site Plan Stamped Compressed-CRJA";
31. PDF entitled: "Existing Conditions - additional resource areas" by Neil Angus (created on 8/17/18);
32. Geotechnical Report entitled: "Preliminary Geotechnical Engineering Letter", Proposed Commercial Building at 33 Lake George Street, Devens, MA", dated August 9, 2018; prepared by Curtis George and Les Chernauskas of Geosciences Testing and Research, Inc. for Bob France, Senate Construction (19 pages);
33. August 22, 2018 letter re: MA DEP Wetland Notice of Intent Timeframe Extension Request ; from Stu Moncrieff, to Peter Lowitt (1 page);
34. Staff Report From Peter Lowitt and Neil Angus to DEC, Re: Level 2 Unified Permit – 33 Lake George St. Unified Permit Application; dated August 24, 2018 (5 pages);
35. PDF entitled: 33-Lake-George Elevations and Site Plans from DEC Hearing 8-28-18" (5 pages);
36. Geotechnical Report entitled: "Geotechnical Engineering Report Proposed Development at 33 Lake George Street, Devens, MA", dated September 10, 2018; prepared by Curtis George and Domenic Valeri of Geosciences Testing and Research, Inc. for Bob France, Senate Construction (46 pages);
37. Staff Report entitled: "Level 2 Unified Permit – 33 Lake George St. Unified Permit Application – Continued PH", dated September 14, 2018 from Peter Lowitt and Neil Angus to DEC (21 pages);
38. September 17, 2018 letter from Scott Turner, Nitsch Engineering to Devens Enterprise Commission Re: Nitsch Project #9419 Applewood Controls Level Two Unified Permit Request: Stormwater and Traffic Review (9 pages);
39. September 14, 2018 letter from Carol R. Johnson Associates, Re: Applewood Controls Nitsch Project #9419 Task 022 (3 pages), including marked up PDF of Landscape Plan entitled: "18088 Site Plan Stamped-Landscape Plan-crja-comments-flat";
40. Draft Record of Decision dated September 18, 2018 (12 pages);
41. Signed Mullin Rule affidavits from Commissioners Routhier and Poutry for the August 28, 2018 public hearing;
42. Revised Site Plans entitled "Site Plan for Commercial Development 33 Lake George Street, Devens MA." dated 7-24-18, revised through 9-24-18; prepared by Howard Stein Hudson 114 Turnpike Road, Chelmsford, MA 01824, including the following sheets:
 - Sheet 1: Cover Sheet;
 - Sheet 2: Existing Conditions Plan
 - Sheet 3: Layout and Materials Plan;
 - Sheet 4: Erosion and Sediment Control Plan;
 - Sheet 5: Grading, Drainage Plan;
 - Sheet 6: Utilities Plan;
 - Sheet 7: Landscape Plan (prepared by CBA Landscape Architects);
 - Sheet 8: Lighting Plan ;

- Sheet 9: Detail Sheet 1 of 8
 - Sheet 10: Detail Sheet 2 of 8
 - Sheet 11: Detail Sheet 3 of 8
 - Sheet 12: Detail Sheet 4 of 8
 - Sheet 13: Detail Sheet 5 of 8
 - Sheet 14: Detail Sheet 6 of 8
 - Sheet 15: Detail Sheet 7 of 8
 - Sheet 16: Detail Sheet 8 of 8
43. Updated Waiver Request letter, dated September 25, 2018 to Peter Lowitt, from Stu Moncrieff, Howard Stein Hudson (2 pages);
 44. Wetland Impact Letter dated September 24, 2018 to Peter Lowitt, from Stu Moncrieff, Howard Stein Hudson (3 pages);
 45. Wetland Order of Conditions Draft (MassDEP File # 352-0043)
 46. Staff Report entitled: "Level 2 Unified Permit – 33 Lake George St. Unified Permit Application – Continued PH", dated September 26, 2018 from Peter Lowitt and Neil Angus to DEC (20 pages);
 47. Landscape Plan entitled "Level II Site Plan; Landscape Plan Applewood Industrial Headquarters 33 Lake George Street, Devens MA." dated 9-24-18, rev. through 9-24-18; prepared by CBA Architects, 24 Thorndike Street, Cambridge, MA; Sheet 7 of 14;
 48. September 27, 2018 letter from Scott Turner, Nitsch Engineering to Devens Enterprise Commission Re: Nitsch Project #9419 Applewood Controls Level Two Unified Permit Request: Stormwater and Traffic Review (10 pages);
 49. Record of Decision Draft, dated 9-28-18;
 50. Mullin Rule Affidavits from Jim DeZutter and Armen Demerjian, dated 9-28-18;
 51. E-mail correspondence as follows:

Date	From	To	Subject
8/2/18	Joseph LeBlanc	Neil Angus	Applewood Control Office Building
8/7/18	Stu Moncrieff	Neil Angus	Re 33 Lake George Street - Devens MA
8/7/18	Jim Moore	NeilAngus	Water & Sewer comments on 33 Lake George Street plans
8/7/18	Mark Cohen	NeilAngus	RE Water & Sewer comments on 33 Lake George Street plans
8/10/18	Shawn Meunier	NeilAngus	RE Water & Sewer comments on 33 Lake George Street plans
8/13/18	Neil Angus	Stu Moncrieff	Applewood Controls Unified Permit - Devens
8/15/18	Jennifer Johnson	Neil Angus	FW Devens Compliance Review Applewood Controls Unified Permit Review Nitsch #9419 T022
8/16/18	Shane Lougee	Neil Angus	RE Devens Compliance Review Applewood Controls Unified Permit Review Nitsch #9419 T022
8/22/18	Aaron Preston	Neil Angus	FW 33 Lake George - Boring Memo
8/24/18	Stu Moncrieff	Neil Angus	33 Lake George Street - NOI Action Extension Letter
8/29/18	Neil Angus	Stu Moncrieff	RE Follow-Up1
9/6/18	CERO NOI	Neil Angus	MassDEP NOI File Number
9/11/18	Neil Angus	Scott Turner	33 Lake George Geotech
9/11/18	Neil Angus	Stu Moncrieff	RE 33 Lake George Devens
9/12/18	Stu Moncrieff	Neil Angus	33 Lake George Street
9/12/18	Stu Moncrieff	Neil Angus	33 Lake George Street - Remaining Documents
9/17/18	Scott Turner	Neil Angus	Applewood Controls
9/17/18	Shane Lougee	Neil Angus	RE 33 Lake George Street
9/25/18	Stu Moncrieff	NeilAngus	33 Lake George - Final Waiver Summary Letter
9/25/18	Stu Moncrieff	NeilAngus	33 Lake George - Wetland Impact Summary Letter
9/25/18	Mark Cohen	Neil Angus	RE: 33 Lake George Revised Plans
9/25/18	Scott Turner	Neil Angus	RE 33 Lake George
9/25/18	NeilAngus	Stu Moncrieff	RE: 33 Lake George - Wetland Impact Summary Letter
9/26/18	Stu Moncrieff	NeilAngus	33 Lake George - Landscaping Plan
9/27/18	Jim Verner	NeilAngus	RE 33 Lake George Revised Plans

4. Unified Permit Components and Actions:

The Unified Permit components of this application include Site Plan, Wetland Order of Conditions, and Building Permit for the construction of a one story, 15,000 square foot (SF) building, 33 parking spaces (plus 8 additional reserve parking spaces) and associated site utilities, drainage, landscaping, and lighting improvements.

5. **Process:**

The application was submitted on July 24, 2018 and the Determination of Completeness was issued on July 25, 2018. Copies of the application were received by the surrounding Towns on July 30, 2018. Legal notices were placed in Nashoba Publications on August 3 and 10, 2018. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on August 29, 2018. No comments were received. The 75-day review period for the DEC to act on this application ends on October 8, 2018. The public hearing opened on August 28, 2018 and was continued to the September 6, 2018 meeting where it was continued again to September 18, 2018. The DEC continued the public hearing for the third time, to September 28 where it was closed.

6. **Waivers:**

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

1. **974 CMR 3.02(3)(a): The Site Plan shall be 24" x 36" and at scale of 1" = 40' unless an alternative scale is approved by the Director.** Due to the size of the subject property, the Site Plan has been prepared at a scale of 1" = 20' which allows for more detail to be provided, and an easier to read plan set. Waiver granted administratively by Director.
2. **974 CMR 3.02(3)(a)(6): Topography for the entire site in 2' intervals [...]. 1' contour intervals proposed better depict the intent of drainage patterns and reduces the need for spot elevations.** Waiver granted administratively by Director.
3. **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..."** The proposed development footprint and grading requires a majority of the site to be cleared. The Applicant will mark the limits of disturbance in the field and those limits will be inspected by DEC Staff prior to the commencement of any vegetation clearing. This will ensure the purpose and intent of this requirement is met.
4. **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 proposed use is not a typical heavy loading and unloading operation, and there is no on-site fueling taking place. The loading and unloading operations for material pose minimal risk that could be mitigated by post-indicator valves at catch basins.
5. **974 CMR 3.04(1)(a) Front Yard Setback: 25' required.** Relief requested to allow a 10' front yard setback (15 feet of relief) in order to push development closer to this low-traffic road and pull development further away from the wetland and slope resource areas to the rear and sides of the parcel.

6. **974 CMR 3.06(4)(a): Slope Resource Area (SRA) 15' No Disturbance Zone.** 58 square feet of disturbance in the SRA and 1,114 square feet in the 15' SRA setback is required to maintain the viability of this site for business operations. A geotechnical report has been prepared to evaluate slope stability, and no negative effects are anticipated.
7. **974 CMR 3.04(3)(b): No parking between building and Viewshed Sensitive Receptor.** Twenty-five (25) parking spaces are proposed between the building and Viewshed Sensitive Receptor. The extent of parking has been minimized and existing tree cover and proposed additional landscaping between the building and the Viewshed Sensitive Receptor will adequately screen the parking and lighting that is located between the building and Viewshed Sensitive Receptor.
8. **974 CMR 3.08(1) Figure A – Parking lot front setback of 25' from Property Line and no parking forward of front façade.** In order to pull development back from wetlands and slope resource areas, four parking spaces are proposed within the 25' setback. Spaces are still more than 6 feet from property line to allow for screening and two of the spaces are to accommodate ADA parking closest to the building entrances.

Waivers #1 and 2 were granted administratively by the Director. The Commission voted unanimously, by role call vote, to approve waiver requests 3 through 8, subject to the conditions of approval in Section 9 of this Unified Permit.

7. **Findings:**

The DEC made the following findings regarding this project:

1. The proposed use falls within the definition of light industrial uses which are allowed in the Innovation and Technology Business (ITB) District and is consistent with the development goals of the ITB District, as well as the patterns in the Reuse Plan for the ITB District.
2. The proposed lot has more than 100 feet of frontage on Lake George Street and is over 2 acres in area and therefore in compliance with the minimum lot requirements as per the Devens Bylaws.
3. The front yard setback waiver is being granted due to the unique circumstances specific to this particular parcel (steep slopes and wetlands).
4. The Applicant has redirected drainage away from and minimized impacts to the 35' Slope Resource Area buffer and a geotechnical report was submitted. A global stability analysis performed by a professional geotechnical engineer (condition of approval) will confirm that there will be no adverse impacts to the Slope Resource Area prior to construction.
5. The street trees along the front of the building are sufficient to serve dual purpose (street tree and screening requirements).
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 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 are 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 wooded areas.
- (j) A Wetlands Order of Conditions has been issued for this project.
- (k) Industrial Performance Standards will be adhered to as per the final plans and conditions.
- (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 permanent 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.
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 granted shall be included on the final plans.
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. The SWPPP shall detail all construction period controls to minimize erosion, soil loss, and the alteration of drainage flow patterns. Earthwork and the construction of retaining walls shall be included/considered during the preparation of the SWPPP, to best implement additional measures to protect the adjacent wetlands and steep slopes. An inspection and maintenance program shall also be included in the SWPPP, to properly identify and clean/repair any erosion controls that appear distressed.
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. 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.
11. 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.

12. 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.
13. Prior to commencement of construction, a grading/construction easement or other suitable agreement shall be entered into between MassDevelopment and the Applicant for proposed grading and stabilization work outside of the proposed parcel boundaries.
14. Prior to the commencement of any vegetation removal, the limits of clearing shall be marked in the field and inspected by DEC Staff. Installation of erosion controls shall also be inspected by DEC Staff prior to any earthwork.
15. Prior to commencement of construction, the Applicant shall obtain a curb-cut permit/authorization from the Devens Department of Public Works and new driveway entrances off of Lake George Street.
16. In order to minimize any negative impacts to the viewshed, all building rooftop materials shall have non-reflective finishes and all sight lighting shall be downward directed (90 degrees) and properly shielded to prevent off-site glare.
17. Prior to issuance of a certificate of occupancy, a revised facility Operations and Maintenance Plan shall be submitted that includes the following:
 - All Long Term Pollution and Prevention and Stormwater Operation and Maintenance Plan requirements (amended to include no snow stockpiling directly in the LID islands, basins or on the slopes over the retaining walls).
 - The application of 100% salt for de-icing is prohibited.
 - Monitoring and cleaning of rip rap outlets, swale and all Low-Impact Development measures on site, including a mowing schedule for the rainwater infiltration basin and inspection schedule for the infiltration wicks.
 - Maintenance of slope easement areas and base of retaining walls to prevent slope erosion.
 - Parking lot and loading areas sweeping and trench drain and catch basin maintenance.
 - Invasive species monitoring, removal, and treatment.
18. Prior to issuance of a building permit, the Applicant shall submit updated architectural and elevation drawings for the building and a design review approval letter from MassDevelopment for the project.
19. Any outstanding peer review fees shall be paid prior to issuance of a Building Permit.
20. Prior to issuance of a building permit, a Global Stability Analysis shall be performed by a professional Geotechnical Engineer to ensure the long-term structural stability of the proposed retaining walls and adjacent slope resource and wetland areas.
21. This Unified Permit is subject to the Wetland Order of Conditions (MA DEP File #352-0043) issued by the DEC on September 28, 2018.
22. To ensure compliance with the allowed uses for this District in the Devens By-laws, any future tenants/uses shall require written approval from the DEC.

23. Prior to endorsement of the final plans, the Applicant shall submit an updated stamped and signed stormwater management form checklist and signed and dated illicit discharge statement referencing the final approved plans.
24. Prior to endorsement of the final plans, the Applicant shall make the following revisions to the plan set:
 1. Erosion and Sediment Control Plan:
 - Update plan to show material stockpiling areas and temp sed basins. No material stockpiling adjacent to slopes or within any areas to be used for infiltration. Once rough grades are established, all infiltration areas shall be protected within construction fencing to avoid over-compaction. No storing of vehicles or equipment within 100 feet of resource areas.
 - Additional controls (silt fence) shall be installed at top of southern slope once graded to further protect slope during construction.
 - Include a note requiring all drainage infrastructure to be protected with appropriate inlet protection following installation and prior to site stabilization. All drainage structures shall be cleaned prior to issuance of a certificate of occupancy. Wash water from this process shall not discharge to any slopes or resource areas.
 - Revise to show excelsior matting on entire southern slope area and label (put on E&S Plan and Layout and Materials Plan).
 - Future parking lot (note 9) area to be stabilized immediately, not in one year.
 - Invasive species removal and treatment
 2. Layout and Materials Plan:
 - Need transition curbs at all sidewalk ramps (still showing VGC)
 - Refer to detail for rip rap swale
 - Include appropriately sized stone or other acceptable stabilization method for LID landscape islands at curb inlets. The rims of the catch basins in these islands shall be raised higher than the bottom elevation of the island to allow infiltration for smaller storm events. Landscape islands shall be designed to meet MA DEP Stormwater Management Standards and drain within 72 hours.
 - Add spot grade and stabilized outlet/overflow weir (appropriately sized river rock or suitable alternative) to raingarden basin overflow on the north side of the building and include a detail.
 - Driveway sight distances consistent with AASHTO guidelines shall be labelled.
 3. Utilities Plan:
 - Sewer ends at SMH #2. Need to show connection to existing sewer.
 4. Lighting Plan:
 - Reduce lighting levels in front of building (eliminate and realign building-mounted lights along front of building to include 3 lights originally proposed).
 5. Landscaping Plan:
 - The application rate (oz. per unit area) for the conservation seed mix on the southern slope areas and disturbed sloping areas within the slope resource area shall be 2x the specified rate as recommended by the supplier (New England Wetland Plants of Amherst, Massachusetts).
 - Additional street trees shall be installed at the north and south driveway entrances between the sidewalk and the road.
 - Required landscape islands shall be planted with salt tolerant, drought and flood-tolerant shrubs as per 974 CMR 3.04(8)(h)3.& 4. Also update detail on sheet 16.

- Show updated utility locations.
- All evergreen screening plantings around dumpsters and utilities shall be a minimum of 10' in height.

25. The Applicant shall execute a reserve parking covenant for the 8 reserve parking spaces. The DEC may require these parking spaces be constructed (administrative approval) if it finds that the existing spaces are consistently full and there is evidence of repeated use of areas outside of the proposed parking lot for parking of vehicles.

10. Decision:

The public hearing closed on September 28, 2018. The DEC voted on September 28, 2018 to issue a Wetland Order of Conditions and findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the Applewood Controls Project at 33 Lake George Street (Parcel ID# 8-21-401), 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 Applewood Controls Project at 33 Lake George Street (Parcel ID# 8-21-401), 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 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 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 October 9, 2018 and terminates November 10, 2018, is "at risk". Final plans shall be submitted to the Commission for endorsement on or before April 9, 2019.

Date: 9/28/18

Approved by:

Neil Angus
Neil Angus, Environmental Planner
Devens Enterprise Commission

Certification

Middlesex, SS

I certify the above is a true action and record of the Devens Enterprise Commission and that Neil Angus, Devens Environmental Planner, is empowered by the Devens Enterprise Commission to sign this Record of Decision on its behalf.

Date: 9/28/2018

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

