

**Devens Enterprise Commission (DEC)**  
**Unified Permit Record of Decision:**  
**Women's Institute Realty, Inc.**  
**27 Hospital Road Devens MA**  
**(Parcel ID#: 23-23-400)**  
**January 12, 2017**

**1. Applicant:**

The "Applicant" is the Women's Institute Realty, Inc., 15 Court Square #210, Boston, MA and the "Landowner" is MassDevelopment Finance Agency, 99 High Street, Boston, MA. The property subject to this Level 2 Unified Permit is located at 27 Hospital Road, Devens, MA 01434 (Parcel ID# 23-23-400).

**2. Premises and Proposed Project:**

The Applicant is seeking a Level 2 Unified Permit application for the proposed construction of a new 58-unit Senior Residential housing facility on a +/-3.6 acre parcel located at the corner of Hospital Road and Elliot Road (the "Project"). This area was a former military housing neighborhood and former brownfield site that has been remediated to unrestricted standards. The Project will consist of rental housing that will be age-restricted to individuals 62 years or older with incomes ranging from 60% Area Median Income (AMI) to 30% AMI and below. Housing units will include both one- and two-bedroom apartments with full bathroom and kitchens in each, along with hallways designed to support the needs of those with disabilities. The three-story building will include community spaces that will be used for social programming and offices for service staff, property management, flexible program space, community meetings and on-site medical visits. Site development also includes the construction of a parking lot and associated grading, drainage, lighting and landscaping. The Project is located within the Village Growth I District and the Aquifer Water Resources Protection Overlay District.

**3. Submission:**

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

1. Level II Unified Permit submittal package including the following:
  - a. Cover letter dated November 3, 2016;
  - b. Level 2 Unified Permit Completed Application (#D16-090), dated 11-3-16.
  - c. Application Fee
  - d. List of abutters
  - e. Soil suitability tests and analyses
  - f. List of waivers
  - g. List of variances
  - h. Compliance with Reuse Plan and Devens Open Space and Recreation Plan
  - i. Parking capacity needs and vehicle trip generation
  - j. Landscape Maintenance and Water Management Plan
  - k. Compliance with Industrial Performance Standards
  - l. LEED Schecklist
2. Stormwater Report entitled: "Shirley Commons", dated November 3, 2016 prepared by Stantec Consulting Services, Inc., 226 Causeway Street, 6<sup>th</sup> Floor, Boston, MA 02114;
3. Site Plan set entitled: "Shirley Commons 27 Hospital Road, Devens, MA", dated November 3, 2016, prepared by Stantec Planning and Landscape Architecture, P.C., 226 Causeway Street, 6<sup>th</sup> Floor, Boston, MA 02114; Applicant: Women's Institute Realty,

Inc., 15 Court Square #210, Boston, MA 02108; including the following sheets:

L-000: Notes

L-100: Erosion Control and Site Preparation Plan

L-200: Layout and Materials Plan

L-300: Utility Plan

L-301: Utility Profiles

L-400: Planting Plan

L-500: Grading Plan

L-600: Photometric Plan

L-700: Site Details 1

L-701: Site Details 2

L-702: Utility Details 1

L-703: Utility Details 2

4. Architectural Elevation Plans entitled: "Women's Institute Realty, Inc. Shirley Commons at Devens New Construction Housing", dated 11-1-2016; prepared by Dietz & Co. Architects, Inc., 17 Hampden St., Springfield, MA 01103; including the following sheets:
  - A200: Exterior Elevations (west and south)
  - A201 Exterior Elevations (east and north)
  - Preliminary Design rendering (front)
  - Preliminary Design Rendering (rear)
5. Devens, MA Abutter List, dated December 11-17-16, from Thatcher Kezer, SVP, Devens;
6. Copy of Property deed for 29 Saratoga Boulevard;
7. Determination of Completeness Issued 11-16-16.
8. Memo dated 11-16-16 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Level 2 Unified Permit Application – 29 Saratoga Boulevard Realty Trust. (notification of Public Hearing on December 20, 2016 at 6:45PM), including certified mail return receipts (received 11/17/16);
9. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated December 1, 2016;
10. Public Hearing Legal Notice emailed to Nashoba Publications, from Peter Lowitt, dated November 16, 2016; to be published November 25 and December 2, 2016.
11. Copies of Legal notices from November 25 and December 2, 2016 Nashoba Valley Voice.
12. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated December 1, 2016;
13. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated December 1, 2016;
14. Memo dated November 17, 2016 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – The Women's Institute Realty, Inc., 27 Hospital Road, Devens, MA (notification of Public Hearing on December 20, 2016 at 6:45PM), including certified mail return receipts;
15. Plan Circulation Memo from Neil Angus, dated November 16, 2016;
16. NFPA 1 Fire Code Handbook 2012; section 18.2 Fire Department Access; page 529;
17. DEC Review Comment Letter dated December 1, 2016, from Neil Angus to Frank Holmes, PE (Project Engineer) Re: Shirley Commons – 58 –unit senior residential housing facility at 27 Hospital Road – Level 2 Unified permit Application (#D16-090);9 pages;

18. Peer Review Letter from Nitsch Engineering, to Devens Enterprise Commission, dated November 28, 2016, Re: Nitsch project #9419 Shirley Common Site Plan Review Comments, Devens, MA (5 pages);
19. Devens Utilities Comments from Mark Cohen, including PDF's of existing water line on Eliot RD and Inside Drop Manhole details, dated 11/22/16;
20. Landscape Plan Peer Review Letter from Ruth Loetterle, RLA, CRJA, dated 11/28/16 (1 page);
21. Photometric Plan Review by Neil Angus, dated 11-30-16 (PDF);
22. November 21, 2016 letter from John Marc-Aurele, Devens Engineering Manager, re: 27 Hospital Road Site Plan Review (3 pages);
23. Response to Comments letter from Frank Holmes, Stantec, dated December 6, 2016 re: Shirley Commons – 58-unit senior residential housing facility at 27 Hospital Road - Level 2 Unified Permit Application (#D16-090) – 30 pages;
24. Stormwater Report entitled: “Shirley Commons”, dated November 3, 2016, revised December 13, 2016; prepared by Stantec Consulting Services, Inc., 226 Causeway Street, 6<sup>th</sup> Floor, Boston, MA 02114;
25. Site Plan set entitled: “Shirley Commons 27 Hospital Road, Devens, MA”, dated November 3, 2016, revised through December 13, 2016; prepared by Stantec Planning and Landscape Architecture, P.C., 226 Causeway Street, 6<sup>th</sup> Floor, Boston, MA 02114; Applicant: Women’s Institute Realty, Inc., 15 Court Square #210, Boston, MA 02108; including the following sheets:
  - L-000: Notes
  - L-100: Erosion Control and Site Preparation Plan
  - L-200: Layout and Materials Plan
  - L-300: Utility Plan
  - L-301: Utility Profiles
  - L-400: Planting Plan
  - L-500: Grading Plan
  - L-600: Photometric Plan
  - L-700: Site Details 1
  - L-701: Site Details 2
  - L-702: Utility Details 1
  - L-703: Utility Details 2
26. Fee waivers for non-profit affordable housing (research by Peter Lowitt);
27. Staff Report dated 12-16-16 Re: Level 2 Unified Permit – Shirley Commons Senior Residential Housing Development, prepared by Neil Angus (9 pages);
28. Additional comments for 12-20-16 Shirley Commons hearing (1 page memo from Neil Angus);
29. Draft Level 1 Lotting Plan entitled: “Shirley(Devens), Massachusetts Level 1 Subdivision, Lot 4 – Hospital Road”; dated 12/22/16, scale 1”=40’; prepared by WSP, 155 Dunstable Road, Nashua New Hampshire 03060 (1 sheet);
30. Peer Review Letter from Nitsch Engineering, to Devens Enterprise Commission, dated December 16, 2016, Re: Nitsch project #9419 Shirley Common Site Plan Review Comments, Devens, MA (7 pages);
31. Existing and proposed sidewalks sketch (by Neil Angus, dated 1/7/16);
32. Draft Record of Decision dated 1/12/17;
33. Staff Report dated 1-10-17, re: Level 2 Unified Permit – Shirley Commons Senior Residential Housing Development Continued PH;
- 34.

35. E-mail correspondence as follows:

Date	From	To	Subject
11/17/16	John Marc-Aurele	Frank Holmes	Assisted Living Facility – Shirley Village
11/22/16	Mark Cohen	Peter Lowitt	Comments on Shirley Commons Plans dated 11-3-2016
12/8/16	Mark Cohen	Neil Angus	FW: Hydrants at Shirley Commons site - Elliot Rd
11/17/16	Joseph LeBlanc	Frank Holmes	RE: Assisted Living Facility - Shirley Village
11/23/16	Jim Moore	Peter Lowitt	RE: Comments on Shirley Commons Plans dated 11-3-2016
12/8/16	Shawn Meunier	Neil Angus	RE: Hydrants at Shirley Commons site - Elliot Rd
12/8/16	Frank Holmes	Neil Angus	RE: Meeting follow-up
12/1/16	Scott Turner	Neil Angus	RE: one more question on Shirley Commons
11/30/16	Mark Cohen	Neil Angus	RE: Sewer question for Shirley Common
12/6/16	Frank Holmes	Neil Angus	RE: TSS Removal (1)
12/8/16	Frank Holmes	Neil Angus	RE: TSS Removal
11/23/16	Jim Moore	Peter Lowitt	RE: Comments on Shirley Commons Plans dated 11-3-2016
11/9/16	Frank Holmes	Neil Angus	Shirley Commons
11/16/16	Peter Lowitt	Maura Tsongas	RE: follow up to our call
11/29/16	Frank Holmes	Neil Angus	RE: Shirley Commons Level 2 Development Permit
11/29/16	Frank Holmes	Joseph LeBlanc	RE: Assisted Living Facility - Shirley Village
12/1/16	Ed Starzec	Neil Angus	Re: Shirley Commons
12/14/16	Joseph LeBlanc	Neil Angus	RE: Stantec FTP Confirmation - SHIRLEY COMMONS - REVISED LEVEL 2 PERMIT DOCUMENTS
12/13/16	John Marc-Aurele	Frank Holmes	RE: Shirley Commons - Level 1 Survey
12/19/16	Ed Starzec	Neil Angus	Re: Affordable requirement
12/20/16	Neil Angus	Ed Starzec	RE: Affordability Levels for Shirley
12/20/16	John Marc-Aurele	Neil Angus	27 Hospital Rd Unified Permit
12/18/16	John Oelfke	Peter Lowitt	Senior Housing
12/19/16	John Oelfke	Peter Lowitt	Senior Housing1
12/18/16	Peter Lowitt	John Oelfke	Senior Housing2
12/19/16	John Oelfke	Peter Lowitt	Senior Housing3
12/21/16	Neil Angus	John Oelfke	RE: senior housing
12/19/16	Maura Tsongas	Neil Angus	RE: breakdown of units
12/15/16	Jordan Loffredo	Neil Angus	Stantec FTP Confirmation - SHIRLEY COMMONS - REVISED LEVEL 2 PERMIT DOCUMENTS
1/10/17	Maura Tsongas	Neil Angus	Shirley Commons zoning response
1/10/17	Frank Holmes	Neil Angus	RE: Shirley Commons zoning response
1/11/17	Neil Angus	Frank Holmes	RE: Shirley Commons zoning response
1/11/17	Maura Tsongas	Neil Angus	RE: Shirley Commons zoning response
1/11/17	Frank Holmes	Neil Angus	RE: Shirley Commons zoning response

36. Revised Layout and Materials Plan Sheet entitled: Shirley Commons Devens New Construction Housing, 27 Hospital Road, Devens, MA”, Sheet L-200, dated November 3, 2016, revised through January 10, 2017; prepared by Stantec Planning and Landscape Architecture, P.C., 226 Causeway Street, 6<sup>th</sup> Floor, Boston, MA 02114; Applicant: Women’s Institute Realty, Inc., 15 Court Square #210, Boston, MA 02108;
37. MassDevelopment letter of Support, dated January 10, 2017 (1 page)

**Unified Permit Components and Actions:**

The Unified Permit components include site plan approval and a building permit for the construction of a new 58-unit Senior Residential housing facility on a +/-3.6 acre parcel and also includes the construction of a parking lot and associated grading, drainage, lighting and landscaping and associated utilities and site improvements.

**5. Process:**

The application was submitted on November 3, 2016 and the Determination of Completeness was issued on November 16, 2016. Copies of the application were received by the surrounding Towns on November 17, 2016. Legal notices were placed in Nashoba Publications on November 25, 2016 and December 2, 2016. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on December 18, 2016. No written comments were received. The public hearing opened on December 20, 2016 and was continued to and closed on January 12, 2017.

6. **Waivers:**

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

**974 CMR 4.08(4)(a) Stormwater management basins to be 5,000 square feet or less by using smaller catchment areas and/or alternative stormwater management design methods. Proposed basins are 5,450 and 6,300 square feet.** The proposed infiltration basins are located in the most naturally occurring low areas of the site. The majority of the stormwater runoff will be conveyed through Low Impact Development (LID) drainage channels. To meet the peak attenuation rate requirements, an infiltration basin larger than 5,000 sf is required. The project includes several LID techniques that make the basins smaller than they would otherwise need to be, including drip strips for roof drainage and infiltrating drainage channels.

**974 CMR 1.07 Unified Permit Fee (\$13,000 base fee and \$11/\$1000 in work above \$1,000,000).**

The proposed building is an affordable housing facility. As a result, the Commission will reduce the total application fee by \$26,000 and defer the remaining balance of the Unified Permit fee (\$73,000) to the building permit stage. All peer review, plumbing, electrical, gas and sheet metal permit fees still apply in full.

**974 CMR 3.04(3)(a)2.f. – Multi-family projects to have travel aisles no greater than 20 feet wide.**

The proposed project includes travel aisles that are 24' wide. In keeping with LID practices, drive aisles that are not adjacent to parking spaces have been reduced to 20' wide. Where drive aisles are adjacent to parking spaces the project has maintained 24' wide aisles. Considering the demographic that will be residing in the building, adults over age 62, wider drive aisles in parking areas are important for safety purposes to allow more maneuvering room in backing out of and pulling into parking spaces. The turn-around area at the front door, a pavement width of 22' is provided, and is necessary to allow for emergency vehicles to maneuver in that area.

The Commission voted to approve the above waiver requests subject to the conditions of approval in Section 8 of this Unified Permit.

7. **Findings**

The DEC made the following findings:

1. The Project will be restricted to individuals 62 years of age and older and will address the residential housing and service needs of seniors with incomes ranging from 60% Area Median Income (AMI) to 30% AMI and is therefore a permitted use in the Village Growth I District and in compliance with Article V.A.9. and VI.3.o. of the Devens Bylaws.
2. 100% of the units will be deed restricted to 60% AMI and 30% AMI or lower.
3. As per section IX.E.1 of the Devens By-Laws, these 58 units will not count towards the 282 residential unit cap in the Devens Bylaws.

4. The proposed parcel has more than 100 feet of frontage on Hospital Road and the lot is over 2 acres in area and is therefore in compliance with the minimum lot requirements as per the Devens Bylaws.
5. 60 parking spaces with 10 reserve spaces is sufficient for the proposed use given the age and income restrictions and the multiple alternative transportation modes that will be available to/from this site.
6. The Devens Public Safety Officer, Devens Engineering, and Public Works Departments confirmed that the 110-foot separation distance from intersection of Hospital and Elliot Road to the proposed front driveway entrance into the facility is adequate for safety.
7. MassDevelopment has committed to entering into an agreement with the Town of Shirley to make an annual contribution to the COA to offset expenses attributable to the development if the proposed development imposes a documentable burden on COA operations.
8. Elliot Road is an unaccepted public way and will continue to be maintained and managed by MassDevelopment for continued public access.
9. 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 is 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 still 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.
  - (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.
  - (l) The Applicant has provided the DEC with written correspondence justifying the 60 parking spaces and 10 reserve parking spaces proposed will be sufficient to accommodate the existing and expanded uses.
  - (m) Adequate traffic mitigation and control measures have been proposed.

- (n) The proposed development will participate in the Devens traffic management association.
- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection. The use of potable water for irrigation has been minimized to the maximum extent feasible.
- (p) Connection to sanitary sewer exists and has been 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.

## 8. **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. The Applicant shall participate in the Devens Transportation Management (TDM) Initiative and implement additional TDM strategies in accordance with 974 CMR 3.04(3)(a)10. 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 to 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. Waivers granted shall be included on the final plans.
6. Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. Plans shall conform to Middlesex Registry recording requirements. The Applicant shall file the 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.
7. All applicable federal, state, and local permits necessary for the construction and operation of the facility must be obtained prior to the issuance of a Certificate of

Occupancy. Copies of permits issued by those other than the DEC must be filed with the DEC.

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. There is no approval of signs implicitly or explicitly granted in this Unified Permit and any erection of signs of any type will require subsequent approval.
10. Outdoor Storage is only permitted in areas designated on the approved plans. 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. The approved plans include 10 reserve parking spaces. The DEC may require these parking spaces be constructed 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.
13. Prior to issuance of a building permit, the Applicant shall submit a design review approval letter from Mass Development for the Project.
14. A Stormwater Pollution Prevention Plan shall be prepared in compliance with 974 CMR 3.04 and NPDES permit requirements. A copy shall be provided to the DEC prior to commencement of construction.
15. A local preference option shall be included for the affordable units, to the extent permitted by law.
16. Sidewalk connections from the site along Hospital and Elliot Road to Shirley Municipal center will be included (by MassDevelopment), along with adequate lighting for pedestrian safety.
17. A Level One Lotting Plan shall be filed with the DEC prior to final plan endorsement.
18. Prior to endorsement of the final plans, the Applicant shall provide the following revisions to the plan set:
  - Nitsch comments 12-16-16
  - Pull construction fencing back from roadway
  - Include a note stating: "The type & dimensions of the transition stones at the street end of the VGC on the driveway radii are to be determined at the time of construction. Owner/contractor to review with MassDev Eng/DPW prior to ordering/installing transition pieces."
  - Additional reserve parking and engineering/drainage design modifications
  - Update the photometric plan to ensure all parking areas, sidewalks and drive isles have lighting levels of at least 0.5 footcandles.

9. **Decision:**

The DEC voted on January 12, 2017, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the Project for 27 Hospital Road (Parcel ID# 23-23-400), Devens, MA.

10. **Building Permit**

The Building Commissioner, along with the Electrical and Plumbing Inspectors, must review architectural/structural drawings and specifications and approve them in writing, prior to issuance of 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 Women's Institute Realty, Inc., at 27 Hospital Road, Devens, MA, which will, in turn, allow construction to commence.

11. **Permit Duration**

In accordance with 974 CMR 1.09, this unified permit shall remain in effect so long as the approved activities are commenced within 24 months of the date of the DEC's decision and completed within two years after the commencement of construction. It is further noted that a thirty-day "reconsideration period" during which an applicant, a Town, or an aggrieved person may request the DEC reconsider its action (By-Laws, Article IV, Sections C through F). Work performed during this period, which begins on January 13, 2017 and terminates February 12, 2017, is "at risk". Final plans must be submitted for endorsement by the Commission on or before July 13, 2017.

Approved by:

Date: 1-12-2017


  
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.

1-12-2017  
Date

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

