

Record of Decision
8 Jackson Road, LLC. (Bio-Techne)
Building Expansion
7 Jackson Road (8-21-200)
Devens (Harvard), MA
Unified Permit
September 5, 2019

1. Applicant:

The Applicant and owner is 8 Jackson Road, LLC (Bio-Techne), Property located at 7 Jackson Road, Devens (Harvard), MA 01434 (Deed Reference: Bk. 23020 pg.040).

2. Premises and Proposed Project:

The Applicant submitted a Level 2 Unified Permit application for a proposed 26,058 SF addition to the existing 40,872 SF bio-medical device manufacturing and support facility at 7 Jackson Road (8-21-200). The existing property consists of 8.5 acres of land and currently has 117 parking spaces. While no new parking is proposed, there are 149 additional reserve parking spaces that were included in the original 3-phased approval for this project back in 2000. Construction includes only a portion of the original phase 3 expansion area, and associated utility, grading, drainage, and lighting improvements. As part of this addition, the Applicant is proposing 1,875 SF of new pavement to accommodate the new loading docks and shifting of the recycling and waste compactors. The project is located within the Innovation and Technology Business District, Viewshed Overlay District and Watershed Water Resources Protection Overlay District.

3. Submission:

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

1. Unified Permit Application Package- Level 2 (D19-080) entitled: "Site Plan Application Level Two Bio-Techne, 7 Jackson Road, Devens, Massachusetts 01434"; prepared by Jeffery A. Brem, PE, Meisner Brem Corporation, 142 Littleton Road, Suite 16, Westford, MA 01886; dated July 11, 2019, received by the Devens Enterprise Commission (DEC) on July 11, 2019 (140 pages)
2. Completed DEC Unified Permit Application (D19-080), dated July 11, 2019 (1 page)
3. Site Plan set entitled "Site Plan – Level Two Building Addition, Bio-Techne, Devens Parcel #008.0-0021-0200.0, 7 Jackson Road, Devens, Massachusetts"; prepared by Meisner Brem Corporation 142 Littleton Road, Suite 16, Westford, MA 01886, and Mangel Architects, 200 Ayer Road, Suite 200, Harvard, MA 01451; dated July 11, 2019 including the following sheets:
 - CV – Cover Sheet
 - CS1 – Civil Site Plan – by Meisner Brem Corporation
 - A.101 - Architectural Plan (Floor Plan) – By Mangel Architects
 - A.121 - Architectural Plan (Loading Dock) – By Mangel Architects
 - A.201 - Architectural Plan (Elevations) – By Mangel Architects
 - A.301 - Architectural Plan (Elevations) – By Mangel Architects
 - LA1 - Landscape Plan – By Lemon Brook
4. Stormwater Management Report: Bio-Techne, Map 8, Lot 21-200, Devens, MA; dated July 11, 2019; prepared for 8 Jackson Rd. LLC, 28 Junction Square, Concord, MA 01742; prepared by Meisner Brem Corporation, 142 Littleton Road, Suite 16, Westford, MA 01886 (68 Pages);
5. Determination of Completeness dated July 15, 2019.

6. Public Hearing Notice e-mail Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt/Kate Clisham, dated July 23, 2019;
7. Public Hearing Legal Notice e-mail to Nashoba Publications, from Peter Lowitt/Kate Clisham, dated July 23, 2019 – to be published August 2 and 9, 2019.
8. Copies of Legal notices from August 2 and 9, 2019 from Nashoba Publications.
9. Public Hearing Notice email to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated July 23, 2019;
10. Memo dated July 16, 2019 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Board; Subject: Level 2 Unified Permit Application – Bio-Techne, 7 Jackson Road (notification of Public Hearing on August 27, 2019 at 6:45PM, including certified mail return receipts);
11. Memo dated July 16, 2019 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – Bio-Techne, 7 Jackson Road (including certified mail return receipts);
12. Public Hearing e-mail notice to Secretary of State, from Peter Lowitt, dated July 23, 2019;
13. Plan Circulation Memo to MassDevelopment from Neil Angus; Re: Bio-Techne - Unified Permit - Plan Circulation; dated July 15, 2019.
14. Certified List of Abutters for 7 Jackson Road; from Devens Board of Assessors, dated June 11, 2019;
15. Peer Review Engineering Letter from Scot Turner, Nitsch Engineering, dated July 29, 2019 (3 pages), Re: Nitsch Project #9419 BiotechNE Site Plan Review Comments.
16. DEC review comment letter from Neil Angus to Jeffery Brem, re: Bio-Techne Level 2 Unified Permit Application (#D19-080) for Bio-Techne proposed building expansion at 7 Jackson Road (8-21-200); dated August 2, 2019 (5 pages);
17. Aerial Photo of 7 Jackson Road Emergency Egress and existing utilities – provided by Mark Cohen on 8/13/19;
18. Revised Site Plan set entitled “Site Plan – Level Two Building Addition, Bio-Techne, Devens Parcel #008.0-0021-0200.0, 7 Jackson Road, Devens, Massachusetts”; prepared by Meisner Brem Corporation 142 Littleton Road, Suite 16, Westford, MA 01886 , and Mangel Architects, 200 Ayer Road, Suite 200, Harvard, MA 01451; dated July 11, 2019, revised through 8-13-19, including the following sheets:
 - CV – Cover Sheet
 - CS1 – Civil Site Plan – by Meisner Brem Corporation
 - EC1 - Erosion Control Plan – by Meisner Brem Corporation
 - A.101 - Architectural Plan (Floor Plan) – By Mangel Architects
 - A.121 - Architectural Plan (Loading Dock) – By Mangel Architects
 - A.201 - Architectural Plan (Elevations) – By Mangel Architects
 - A.301 - Architectural Plan (Elevations) – By Mangel Architects
 - S1 - Compactor Slab on Grade – By Mangel Architects & TMF Structural Engineer
 - LA1 - Landscape Plan – By Lemon Brook
19. Responses to August 2, 2019 DEC Review Comments - Bio-Techne Design Team – August 15, 2019 (5 pages);
20. Revised Stormwater Management Report: Bio-Techne, Map 8, Lot 21-200, Devens, MA; dated July 11, 2019, Revised August 7, 2019; prepared for 8 Jackson Rd. LLC, 28 Junction Square, Concord, MA 01742; prepared by Meisner Brem Corporation, 142 Littleton Road, Suite 16, Westford, MA 01886 (68 Pages);
21. Stormwater Management Report – Operation and Maintenance: Bio-Techne, Map 8, Lot 21-200, Devens, MA; dated August 13, 2019; prepared for 8 Jackson Rd. LLC, 28

- Junction Square, Concord, MA 01742; prepared by Meisner Brem Corporation, 142 Littleton Road, Suite 16, Westford, MA 01886 (15 Pages);
22. DEC Staff Report Re: Level 2 Unified Permit – 7 Jackson Road Unified Permit Application; dated August 26, 2019 (4 pages);
23. MassDevelopment Conditional Approval for connection to Devens Municipal Stormwater System, Letter from John Marc-Aurele dated September 4, 2019;
24. E-mail correspondence as follows:

Date	From	To	Subject
7/11/19	Jeffrey Brem	Neil Angus	Bio-techne
7/16/19	Mark Cohen	Neil Angus	RE: 7 Jackson Proposed Building Expansion
7/23/19	Jeffrey Brem	Neil Angus	RE: Topo I
7/23/19	Jeffrey Brem	Neil Angus	RE: Topo
8/14/19	Will Palermo	Ed Starzec	RE: Biotechne 7 Jackson Road, Devens
8/15/19	Jeffrey Brem	Neil Angus	Bio-Techne Revision 1 Submittal 08152019
8/15/19	Jeffrey Brem	Neil Angus	RE Bio-Techne Revision 1 Submittal 08152019 (1)
8/15/19	Jeffrey Brem	Neil Angus	RE Bio-Techne Revision 1 Submittal 08152019
8/15/19	Neil Angus	Sandy Brock	RE: BioTechne Response to Comments
8/5/19	Neil Angus	Ed Starzec	RE Biotechne 7 Jackson Road Devens (1)
8/15/19	Neil Angus	Jeffrey Brem	BioTechne Response to Comments I
8/15/19	Neil Angus	Sandy Brock	BioTechne - 7 Jackson Rd Revised Plans and Drainage
8/13/19	Neil Angus	Jeffrey Brem	7 Jackson Landscape Screening
8/26/19	Neil Angus	Jeffrey Brem	Staff Report BioTechne 8-26-19 pdf
8/22/19	Jeffrey Brem	Neil Angus	RE BioTechne Response to Comments (3)
8/22/19	John Marc-Aurele	Neil Angus	RE 7 Jackson Rd
8/22/19	Neil Angus	Jeffrey Brem	BioTechne Response to Comments (2)
8/22/19	Neil Angus	Jeffrey Brem	BioTechne Response to Comments
8/5/19	Ed Starzec	Peter Lowitt	RE: Biotechne 7 Jackson Road, Devens
6/26/19	Jeffrey Brem	Peter Lowitt	Bio-techne
7/12/19	Peter Lowitt	Jeffrey Brem	Re: Bio-techne

25. (Bio-Techne) Building Expansion, 7 Jackson Road (8-21-200), Devens (Harvard), MABMS Cryogenics Facility Expansion Record of Decision Draft, dated April 30, 2019 (6 pages).
26. Mullin Rule Affidavits for Commissioners Chapman and Fetterhoff, dated 9/5/19.

4. Unified Permit Components and Actions:

The Unified Permit components include site plan approval for the proposed construction of a 26,058 SF addition to the 40,872 SF existing building to expand their bio-medical device manufacturing and support work on an existing +/- 8.5 acre parcel (8-21-200) at 7 Jackson Road.

5. Process:

The application was submitted on July 11, 2019 and the Determination of Completeness was issued on July 15, 2019. Copies of the application were received by the surrounding Towns on July 19, 2019. Legal notices were placed in Nashoba Publications on August 2 and 9, 2019. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on August 19, 2019 and no town or public comments were received. The public hearing opened on August 27, 2019 and was continued to the September 5, 2019 meeting. The Commission closed the hearing at the September 5, 2019 meeting and voted on the record of decision.

6. Waivers

The Applicant did not request any waivers as part of this application.

7. Findings

The DEC made the following findings:

1. The proposed use (bio-medical device manufacturing and support work) is consistent with the development goals and permitted uses within the Innovation and Technology Business (ITB) District and the requirements of the Watershed Water Resources Protection District.
2. The preexisting lot has more than 100 feet of frontage on Jackson Road and is over 2 acres in area and is therefore in compliance with the minimum lot requirements as per the Devens Bylaws.
3. The existing drainage system, with proposed modifications to the roof drain pipe and the proposed permeable fire lane access road, meet the intent of the DEC's Greenfield and Low-Impact Development technique requirements under 974 CMR 4.08.
4. The project, as proposed and conditioned, is consistent with the Viewshed Overlay Protection District as set forth in the by-laws and rules and regulations.
5. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions, 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 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", has been included in the design.
 - (g) Connections with Devens utility, power and communication systems exist and no new connections are proposed.
 - (h) Facilities required under the Water Resources Protection Bylaw and the DEC Stormwater Design Standards have been included.
 - (i) The plans are in compliance with 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) Sufficient parking for current needs is being provided and adequate reserve parking is available if needed in the future.
 - (m) Existing traffic control measures are adequate for this project.
 - (n) The proposed development will participate in the Devens Traffic Management Association.

- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (p) Connection to sanitary sewers has been authorized by Devens Utilities.
- (q) Existing building design meets the minimum standards as established by Mass Development for the district in which the lot is located.
- (r) Soil testing indicates that the soils are capable of supporting the proposed development;
- (s) The development has been designed with due consideration for public health;
- (t) Adequate climate change mitigation, adaptation and greenhouse gas emission 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. Jackson Gate from Route 2 shall be the primary means of truck access to and from the site on a permanent basis, with other gates to be used only in emergency situations or during protracted construction when the Jackson gate is unavailable. The Applicant shall post signs that all trucks must enter and exit Devens via the Jackson Gate at Route 2 at the exit of the facility.
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. Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. Sheet Index shall be revised to reflect only plans being recorded. 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 commencement of construction.
6. All applicable federal, state, and local permits necessary for the construction and operation of the facility (including, but not limited to a NPDES Construction General Permit) 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.
7. Prior to issuance of a Certificate of Occupancy, the Applicant shall provide updated As-Built Plans and accompanying information for all approved site improvements in accordance with the DEC As Built Policy.

8. The Facility Operations and Maintenance Plan shall be updated to include the new expansion and the proper handling and containment of any additional hazardous materials. A copy of the updated portion of the plan shall be provided to the DEC prior to issuance of a Certificate of Occupancy. Annual stormwater operations and maintenance reporting forms that are submitted to the DEC shall also be updated to include the new addition and new drainage features and show compliance with the MassDevelopment letter dated 9/4/19 authorizing discharge to the Devens Municipal Stormwater System.
9. Prior to commencement of construction, all erosion controls shall be installed. Contact DEC staff for inspection.
10. Prior to issuance of a Certificate of occupancy for the addition, the Applicant shall update and file a new reserve parking covenant with the Worcester Registry of Deeds.
11. Inspection and Maintenance requirements for existing water quality inlets shall be added to the final Operations and Maintenance Plan and a signed Illicit Discharge Statement shall be submitted by the property owner.
12. The Applicant shall coordinate with Devens Utilities to ensure wastewater connections to the existing building are maintained throughout construction and the removal or abandonment of the water main blowoff pipe in the vicinity of the building addition.
13. To ensure compliance with the Viewshed Overlay District requirements, all new rooftop equipment and finishes shall be non-reflective.
14. Prior to issuance of a building permit, the Applicant shall submit a design review approval letter from Mass Development for the Addition.
15. Prior to endorsement, the plans shall be revised to include the following:
 - details for the new proposed building-mounted lighting to ensure compliance with 974 CMR 3.04(6).
 - Details for the Grass Pave system and all proposed site signage, including ride-share parking and truck route.
 - Provide additional recharge by changing the proposed roof drain pipe from a solid wall pipe to a perforated pipe embedded in crushed stone (the width of the trench and a minimum of 6 inches above and below the pipe).
 - Add inlet protection for existing catch basins on the erosion and sediment control plan that might be at risk of increased sediment loads.
 - Identify areas where snow stockpiling will occur and drain back into the on-site stormwater treatment system.
 - An additional street tree species shall be included along Lake George Street to avoid a monoculture.

9. Decision:

The public hearing closed on September 5, 2019 and the Commission voted that same day to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), impose conditions, and to approve the site development plan for the 26,058 SF addition to the 40,872 SF existing Bio-Techne facility located at 7 Jackson Road, Devens, MA (8-21-200).

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 shall 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 Bio-Techne facility expansion at 7 Jackson Road, 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 on September 5, 2019 and terminates October 6, 2019, is "at risk". Final plans must be submitted for endorsement by the Commission by March 5, 2020.

Approved by:

Date: 9-5-19


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.

9/5/2019
Date

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

