

**Record of Decision  
Laddawn, Inc.  
155 Jackson Road (Lot P-2001), Devens Massachusetts  
Unified Permit  
September 9, 2010**

**1. Applicant:**

The applicant is Laddawn, Inc., PO Box 910, 2 Northeast Boulevard, Sterling, MA 01564 on behalf of the owner Dumpling Rock, LLC, PO Box 910, 2 Northeast Boulevard, Sterling, MA 01564.

**2. Premises and Proposed Project:**

The applicant is seeking Unified Permit, to redevelop an existing 10,100 square foot building (former Davis Library building) on this +/-3.312 acre parcel, including building façade modifications, parking redevelopment and expansion, landscaping, lighting and associated site improvements to accommodate a small-scale office use (<40,000 sq.ft) to accommodate Laddawn, Inc.'s corporate headquarters. The proposed development is not within 100 feet of any wetlands, therefore a Wetland Notice of Intent is not required for this project. The parcel is located within the Innovation and Technology Business District, with the perimeter of the property surrounded by land within the Open Space and Recreation District (~30% of the total parcel area). The site also falls within the Watershed Water Resources Protection Overlay District. A portion of the Devens Multi-Purpose trail system for Devens runs through this parcel and is maintained accessible through a public access easement.

**3. Submission:**

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

- a. A completed Level Two Unified Permit Application dated July 6, 2010 (DEC No. D10-035) and attached contact list;
- b. 6/24/10 Certified List of Abutters, from Norma Frost, Assistant Assessor, Devens Board of Assessors and certified mail return receipts.
- c. Letter dated June 30, 2010 to Peter Lowitt, from Nathaniel Mahonen, re: Lighting Plan and Landscape Plan; 17 pages.
- d. Lighting Specification for 155 Jackson Road, Former Davis Library Site Redevelopment, Devens, Massachusetts, dated June 30, 2010 Prepared for Laddawn, Inc.; Prepared by Hannigan Engineering, Inc.; 10 pages.
- e. Soil Suitability Assessment for 155 Jackson Road, Former Davis Library Site Redevelopment, Devens, Massachusetts, for Proposed Stormwater Recharge System; dated June 30, 2010 Prepared for Laddawn, Inc.; Prepared by Hannigan Engineering, Inc.; 9 pages.
- f. Letter dated June 30, 2010 to Peter Lowitt, from Nathaniel Mahonen, re: Waiver Request; 1 page.
- g. Statement of Consistency – 155 Jackson Road Former Davis Library Site, Devens Massachusetts; June 30, 2010; 3 pages.
- h. Letter dated June 30, 2010 to Peter Lowitt, from Nathaniel Mahonen, re: Devens Open Space and Recreation Plan (DOSRP) Compliance Statement.

- i. Letter dated June 30, 2010 to Peter Lowitt, from Nathaniel Mahonen, re: Parking Lot Phasing – Additional Spaces.
  - j. USGBC LEED Sustainable Sites Checklist.
  - k. Level 2 Unified Permit Checklist for Determination of Completeness, dated 7/2/10 (4 pages).
  - l. Letter dated June 30, 2010 to Peter Lowitt, from Nathaniel Mahonen, re: Trip Generation Estimate (4 pages).
  - m. Public Hearing Notice Fax to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt/Mary Quinn, dated July 30, 2010;
  - n. Public Hearing Legal Notice Fax to Nashoba Publications, from Peter Lowitt/Mary Quinn, dated July 30, 2010 – to be published August 6 and 13, 2010.
  - o. Copies of Legal notices from August 6 and 13, 2010
  - p. Public Hearing Notice Fax to Community Service Cable Committee, from Peter Lowitt/Mary Quinn, dated July 30, 2010 (to run 7/30-8/5)
  - q. Public Hearing Notice Fax to Secretary of State, from Mary Quinn, dated July 30, 2010
  - r. Memo dated July 9, 2010 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: 155 Jackson Road (former Davis Library) Unified Permit – Redevelopment of existing building and property (notification of Public Hearing on August 31, 2010 at 6:45PM);
  - s. Memo dated August 2, 2010 from Peter Lowitt to Abutters and Interested Parties; Subject: 155 Jackson Road (former Davis Library) Unified Permit – Redevelopment of existing building and property (notification of Public Hearing on August 31, 2010 at 6:45PM);
  - t. Certified Mail Return Receipts for application and plan deliveries to Ayer, Harvard and Shirley, received by towns on 7-12-10. Certified Mail return receipts for public hearing notices to all abutters (18) – various dates.
  - u. Staff Report dated August 26, 2010 Re: 155 Jackson Road Laddawn Unified Permit Project Review;
  - v. Plan Set entitled: “Site Development Plan 155 Jackson Road Former Davis Library Site Level Two Development Permit Application in Devens, Massachusetts”; dated June 30, 2010, revised through August 31, 2010, prepared by Hannigan Engineering, Inc., 8 Monument Square, Leominster, MA 01453. The plan set includes the following sheets:
    - Sheet 1 – Existing Conditions Plan; dated June 30, 2010; revised through 8/24/10
    - Sheet 2 – Site Development Plan; dated June 30, 2010; revised through 8/31/10
    - Sheet 3 – Site Development Plan (20 Scale); dated June 30, 2010; revised through 8/24/10
    - Sheet 4 – Erosion and Sediment Controls; dated June 30, 2010; revised through 8/24/10
    - Sheet 5 – Construction Details; dated June 30, 2010; revised through 8/24/10
    - Sheet 6 – Construction Details; dated June 30, 2010; revised through 8/24/10
    - Sheet L1 – Landscape Plan, dated 10/25/2004
    - Sheet L2 – Lighting Plan; dated June 30, 2010, revised through 8/24/10
- Level 1 Subdivision Lot #P-2001 Jackson Road; dated 5/17/10, revised through 6-30-10
- Architectural Elevations, prepared by Mangel Architects, Inc. dated August 6, 2010

- w. August 31, 2010 letter from Jim Moore, Devens Utilities, to Peter Lowitt regarding adequate sewer and water capacity.
- x. August 31, 2010 letter from William Hannigan to Peter Lowitt: Re: Parking Calculations
- y. August 31, 2010 letter from Nathaniel Mahonen to Peter Lowitt: Re: Parking Lot Phasing, additional spaces
- z. August 31, 2010 letter from Nathaniel Mahonen, to Peter Lowitt: Re: Waiver list
- aa. August 23, 2010 letter from Mika Brewer, MassDevelopment Real Estate to Peter Lowitt re: Approval of Landscape berm within MassDevelopment land (Open Space and Recreation District);
- bb. August 19, 2010 letter from John Marc-Aurele, MassDevelopment Engineer to Peter Lowitt re: permission to discharge to Devens municipal stormwater system.
- cc. July 15, 2010 letter from John Marc-Aurele, MassDevelopment Engineer to Peter Lowitt re: 155 Jackson Road Site Plan Review comments.
- dd. Asbestos Abatement Notification for 9-7-10 through 9-12-10;
- ee. BSC Group memo dated Dec. 10, 2004, revised July 25, 2005, Re: Runoff Time of Concentration Calculations.
- ff. Determination of Completeness Checklist dated July 8, 2010, by Peter Lowitt;
- gg. Drainage Calculations for 155 Jackson Road, Former Davis Library Site Redevelopment, Devens, Massachusetts, for Proposed Stormwater Recharge System; dated June 30, 2010, revised August 24, 2010 Prepared for Laddawn, Inc.; Prepared by Hannigan Engineering, Inc.; 85 pages
- hh. Project Review Comments from BSC Group, dated July 28, 2010
- ii. Hannigan Engineering Response to BSC Comments, dated August 5, 2010
- jj. Hannigan Engineering Response to MassDevelopment Engineering Comments, dated July 27, 2010;
- kk. BSC Group Final Project Review Comments, dated 8-31-10;
- ll. July 23, 2010 DEC Staff Project Review Comments
- mm. Hannigan Engineering response to DEC Staff Comments, dated August 19, 2010
- nn. E-mail correspondence as follows:

Date	From	To	Subject
8-27-10	Mike Boucher	Peter Lowitt	Redevelopment of Davis Library Comments
8-23-10	Chief Garrity	Peter Lowitt	155 Jackson road Fire Dept. Review
8-12-10	Heather Knowles	Peter Lowitt	Laddawn Public hearing for Former Library Aug 31
7-8-10	Randy Kinnear	Peter Lowitt	Re: Laddawn Devens Project
6-30-10	William Hannigan	Neil Angus	LID Technology Review – Laddawn – Davis Library Site
7-16-10	Russel Burke	Neil Angus	Peer Review Cost Estimate
8-3-10	Randy Kinnear	Peter Lowitt	Happy to Discuss comments with you this week
8-16-10	William Hannigan	Peter Lowitt	Engineering Review
8-16-10	Peter Lowitt	William Hannigan	Re: Engineering Review
8-31-10	Randy Kinnear	Peter Lowitt	Re: Staff Report
8-31-10	William Hannigan	Neil Angus	Staff Report, Revise Waiver List, send in revised landscape plan

- oo. No Illicit Discharge statement dated August 23, 2010 from Randy Kinnear, Dumpling Rock, LLC (property owner) to Peter Lowitt.
- pp. HVAC unit specifications submitted at Public Hearing on August 31, 2010 (2 pages).
- qq. Parking ratios word document, created by Peter Lowitt, August 30, 2010;

- rr. Memo dated September 1, 2010, from Randy Kinnear of Laddawn, to Peter Lowitt re: Comments from public hearing on 8/31/10; Redevelopment of 155 Jackson Road (1 page).
- ss. Follow-up Staff Report, dated September 3, 2010.
- tt. Mullin Rule Affidavits from Commissioners Russ Smith and Armen Demerjian;
- uu. Revised Elevation drawing entitled: "Laddawn at 155 Jackson Road, Devens, MA", dated Sept. 7, 2010; prepared by Mauge Architects Inc., Harvard, MA.
- vv. Revised Landscape Plan entitled: "Landscape Planting Plan 155 Jackson Road, Devens, MA"; Sheet L1, dated 9/1/2010. Prepared by Michael Wasser Associates Landscape Architects, 7 Lakeville Road, Boston, MA 02130.

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

The project seeks a unified permit for site plan approval for the proposed site modifications, including landscaping, drainage, parking lot redevelopment and expansion and site lighting, in addition to a building permit for interior and exterior improvements to the existing building located at 155 Jackson Road.

**5. Process:**

Hannigan Engineering, on behalf of the Applicant, submitted a Level II Unified Permit application package, including the application and site plans on July 6, 2010. The pre-permitting conference was held on June 30, 2010 and the Determination of Completeness was issued on July 8, 2010. Copies of the application and plans were sent to the surrounding Towns on July 9, 2010. Notice of the public hearing was received by the surrounding Towns on July 30, 2010. Legal notices were placed in Nashoba Publications on August 6 and 13, 2010. The 30-day town-comment period expired on August 11, 2010. No comments were received from the surrounding towns however e-mail comments and questions were received from Devens residents and are included in the record of exhibits for this decision. The DEC opened the public hearing on August 31, 2010 and continued the hearing to the September 9, 2010 meeting. The hearing was closed on September 9, 2010.

**6. Waivers**

The Applicant requested the following waivers:

**974 CMR 3.04(3)(a)4.d. – Driveway widths shall be not less than 24 feet for a two-way driveway and 14 feet for a one-way driveway.**

The existing driveway varies in width from 20-24 feet. This waiver is required to match the existing catch basin location and new granite curbing and sidewalks at the entrance. Adequate access exists for emergency purposes. The existing entry drive will be required to be designate as a fire lane to avoid emergency access obstructions (see conditions of approval).

**974 CMR 3.04 (8)(c)1. – All required landscape treatments shall be located entirely within the lot.**

This waiver is required to accommodate two of the four landscape berms provided for screening along El Caney Street that will straddle the property line. This location has

been chosen to maximize the elevation of the berms and provide screening as per DEC Regulations. The berms will be approximately 3-4 feet above the parking area with additional vegetative screening on top of the berms. MassDevelopment, owner of the land in which the two berms would encroach on, has granted permission to construct a portion of these two berms on their property.

The DEC voted unanimously to grant both waivers. Waivers granted as part of this Record of Decision shall be included on the final plans.

## **7. Findings**

The DEC made the following findings:

1. The proposed redevelopment as a corporate office is an allowed use within the Innovation and Technology Business District.
2. The lot has a minimum of two acres and more than 75' of frontage on Jackson Road as required in the Innovation and Technology Business District.
3. The DEC has determined that the number of parking spaces proposed is acceptable for the proposed use and is under the maximum allowable under the Devens Bylaws. The Applicant has planned for additional parking expansion, however, this is not included as part of this record of decision.
4. The MassDevelopment stormwater system has adequate capacity to accommodate the existing flows from the site.
5. Existing topography and vegetation provide screening partially meeting the requirements of 974 CMR 3.04(8)l. Additional landscaping/screening has been added to the plans, along with a condition to fully comply with this requirement.
6. A public access easement is in place to ensure access to the existing multi-purpose trail that runs though a portion of the site is maintained.
7. Regarding the approval criteria listed in 974 CMR 3.03(2):
  - (a) The Site Plan 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 achieved.

- (g) Connections with utility, power and communication systems available in the abutting infrastructure have been shown and approved by the Mass Development Managers of Engineering and Utilities.
- (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.
- (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.
- (j) A Wetlands Order of Conditions is not required for this site.
- (k) Applicable Industrial Performance Standards have been adhered to.
- (l) Sufficient parking for current needs has been provided.
- (m) Adequate traffic mitigation and control measures have been proposed.
- (n) The Applicant agrees to participate in the Devens traffic management association.
- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for commercial and/or domestic needs and fire protection.
- (p) Connection to sanitary sewers has been made.
- (q) Building design meets the minimum standards as established by Mass Development for the district in which the lot is located.

**8. Conditions:**

The DEC voted to impose the following conditions:

1. The Applicant shall take measures to direct all traffic to use Jackson Gate to the maximum degree feasible. In addition, when transportation/ trip reduction/ public transit options become available, the Applicant shall advise its employees of such transportation alternatives and facilitate connections to these programs for those who are interested.
2. Pursuant to the Site Plan Rules 974 CMR 3.02(1) and the By-Laws, Article III, Section H, any further “expansion of the parking lot, structure or loading dock” shall require a new application for unified permit site plan review.
3. 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 in accordance with 974 CMR 6.00.
4. All required erosion controls shall be in place prior to the commencement of construction. Contact DEC Staff for inspection. 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. Additional controls shall be implemented at the discretion of the DEC or its Staff.

5. Prior to utilizing the proposed stormwater management system for temporary sedimentation control during construction, the Applicant shall revise their erosion and sediment control plan to include details for the protection of this area from soil compaction and proper clean-out procedures prior to permanent stabilization.
6. The Applicant shall comply with the By-Laws, Article III, Section K 1. a., which provides that “no soil, loam, sand, gravel, or other earth materials shall be permanently removed from any lot within Devens, except in accordance with an approved Level Two Development Permit.
7. Waivers granted as part of this project shall be included on the final plans, prior to DEC endorsement.
8. All landscaping shall be maintained in healthy condition. Any dead or damaged landscaping shall be replaced promptly. Tree protection fences shall be installed prior to the commencement of any construction activities on the Site and maintained in areas where construction is being conducted. The applicant shall be required to submit a letter confirming a one-year guarantee of all approved landscaping once installed. The Applicant is responsible for maintaining all four (4) landscaping berms and associated plantings in perpetuity.
9. The Applicant shall file annual reports with the DEC in October of each year indicating how it is maintaining its on-site stormwater management facilities.
10. All applicable federal, state, and local permits necessary for the construction and operation of the Project must be obtained and filed with the DEC prior to the issuance of a Certificate of Occupancy.
11. The Applicant shall notify the DEC in writing seven or more days prior to the completion of the following construction milestones:
  - a) completion of the site grading and site work;
  - b) complete installation of site stormwater management facilities and other subsurface utilities;
  - c) completion of all site improvements as shown on the approved site plan;
  - d) installation of trees and other major landscaping features.The LUA shall schedule a site inspection by the DEC’s consultants or allow the submission of a red-lined print stamped by a RLS or PE, as appropriate.
12. The Applicant shall submit final as-built plans in accordance with the DEC As-Built policy, prior to the issuance of a Certificate of Occupancy for the building.
13. The existing entry drive shall be designated as a fire lane and the required pavement markings/and or signage shall be provided to the satisfaction of the Devens Fire Chief, at the Applicant’s expense, prior to the issuance of a Certificate of Occupancy.
14. All site and building-mounted lighting shall be appropriately shielded to prevent any off-site glare prior to issuance of a Certificate of Occupancy.

- 15. The existing crosswalk conforming to 521 CMR shall be maintained, connecting the sidewalks on either side of the entry drive.
- 16. No irrigation plan is included in this approval. Any proposed irrigation system will require review and approval (Level 1) prior to implementation. Such plan will need to include fixture details and water management plan as part of the submission, in accordance with 974 CMR 3.04(8)(m)(2)(d).
- 17. Rooftop mechanical units shall be appropriately shielded from view from open space and recreation areas and public ways.

**9. Decision:**

The DEC voted September 9, 2010, after the Public Hearing was closed, to grant the waivers requested, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose Conditions, and to approve the site plan for 155 Jackson Road redevelopment (Laddawn, Inc.).

**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 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; together they will constitute the Unified Permit for 155 Jackson Road (Laddawn, Inc.), 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 9, 2010 and terminates October 11, 2010, is “at risk”. Final plans must be submitted for endorsement by the Commission by March 9, 2011.

Approved by:

Date: \_\_\_\_\_

\_\_\_\_\_  
 Peter C. Lowitt, AICP, 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.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Mary Quinn, Notary  
 My Commission expires \_\_\_\_\_