



Devens Enterprise Commission 2009 Annual Report

COMMISSION STAFF:

DEC staff includes Director/Land Use Administrator Peter C. Lowitt, AICP, Environmental Planner Neil Angus, AICP/LEED AP, and Administrative Assistant Mary Quinn. Consultant building related inspection services are provided by Gabe Vellante, Wellman Parker and Bob Friedrich. The Vellante team successfully renewed their three year contract with the Commission by responding to a Request for Proposals issued by the Commission over the summer. Our legal and engineering assistance are covered by contractual relationships with as well. Stantec, a diversified planning, architectural and engineering firm; provided Development Review Services for the DEC until November when the BSC Group was selected to provide ongoing Development Review Services on behalf of the Commission. Edith Netter & Associates continues in the Commission's legal advisor role.

The DEC provides funding to the Devens Eco Efficiency Center, whose Director, Ms. Dona Neely continues her award winning work of advancing the environmental branding and achievement program known as EcoStar which embodies the DEC's commitment to sustainable development. Mr. Angus sits on the Education Committee of the Massachusetts Chapter of the US Green Building Council and recently completed the Massachusetts Association of Conservation Commissions Fundamental Training Certificate program. Mr. Lowitt, AICP serves as past president of the Massachusetts Chapter of the American Planning Association and continues to serve on the boards of the Eco Industrial Development Council, The American Planning Association's Chapter President's Council and became immediate past chairman of the Green Roofs for Healthy Cities, the North American Green Roof Trade Association in June, 2009.



Peter Lowitt, Director

January 2010

The Commission

The Devens Enterprise Commission (DEC) is a regulatory and permit-granting authority for the Devens Development Project. It is empowered to act as a local planning board, conservation commission, board of health, zoning board of appeals, historic district commission and, in certain instances, as a board of selectmen. It carries out these duties in the context of a unique and innovative one-stop or unified permitting system, which greatly streamlines the local regulatory process.

The DEC consists of 12 gubernatorial appointees, six (6) of whom are nominated by the host communities of Ayer, Harvard and Shirley. Each host community and the governor also nominate an alternate member. The Commission began operating on June 22, 1995. DEC Commission members currently include Jim DeZutter (Harvard), William Marshall (Chairman), Paul Routhier (Regional), Marty Poutry (Ayer), William Castro (Shirley), Eric Stoltzfus (Harvard), Armen Demerjian (Regional), John Oelfke (Shirley), Melissa Fetterhoff (Regional), and Dix Davis (Regional) and Russ Smith (Ayer Alternate). Eric Stoltzfus began the year as the Harvard alternate before becoming a full Commissioner, filling the vacancy left by John Knowles. Ms. Fetterhoff was appointed as an alternate for Shirley before becoming a regional Commissioner. The Harvard, Shirley and regional alternate spots are vacant at this time. One of the Ayer slots and a regional position are currently open as well. During 2009 Ed Hamilton (Ayer), John Knowles (Harvard), Paul Von Loesecke (Regional and long serving Vice Chair) and Lisa McLaughlin (Regional) all stepped down from the Commission. The Commission wishes to recognize and thank our retired Commissioners for their many years of service on behalf of the Commonwealth. **Former Harvard alternate Commissioner Paul "PJ" Johnston passed away in late November. Prior to his passing, the DEC recognized and acknowledged PJ's long years of service on behalf of the Commission and the community of Harvard. PJ will be missed by all.**

Current DEC Commission members:

William Marshall (Chair—Regional)
Marty Poutry (Ayer)
Russ Smith (Ayer Alternate)
Jim DeZutter (Harvard)
Eric Stoltzfus (Harvard)
William Castro (Shirley)
John Oelfke (Shirley)
Dix Davis (Regional)
Paul Routhier (Regional)
Armen Demerjian (Regional)
Melissa Fetterhoff (Regional)

Current Vacancies:

Regional Alternate Member
Harvard Alternate Member
Shirley Alternate Member

2009 Project Highlights

2009 saw Devens Development, LLC. coming in with major plans to add a new hotel to their complex at Devens Common and commencing with the next phase of this project. The unified permit was issued to allow construction of a new 118-room Hilton Garden Inn hotel and restaurant. As part of this project, over 70,000 cubic yards of earth were removed from the site as part of the approved soil management plan and used to provide additional support and stabilization to the base of rapid infiltration beds at the Devens wastewater treatment plant on the North Post. Then the reality of the economic recession hit and brought the project to a halt with the elevator shaft standing guard over the construction site until the project started up again in early December, 2009.



Continued on next page....

2009 Project Highlights Continued (from page 1)....

Devens Recycling Center submitted an application for a modification to their current site assignment to permit the facility to receive municipal solid waste in addition to its current permit which allows for the reuse and disposal of construction and demolition debris. A hearing was held in March 2009 and the amended site assignment was granted with conditions.

2009 also saw the groundbreaking for a new Armed Forces Reserve Training Center complex on Barnum Road. This facility will house the Massachusetts Army National Guard and the US Army. Although under federal jurisdiction, the Army agreed to comply with the DEC Bylaws and Rules and Regulations. As the project is within a Zone 2 Water Resources Protection District with Devens and Ayer water supplies at the adjacent Grove Pond, protection of local ground water resources has been and continues to be a key planning and regulatory issue throughout this process. The collaboration between the US Army and Massachusetts Army National Guard, the communities of Ayer and Devens along with Mass DEP and EPA has resulted in numerous design considerations being implemented to protect our water supplies. In addition, with the US Army's new "green" initiative, two of the new buildings have been designed to meet the US Green Building Council's (USGBC) LEED-certification program requirements for high performance/energy efficient buildings.

Transitions Housing for women, a 12 unit apartment facility located to the south of Cavite Road was approved for construction and as the year ends, the building envelope is almost fully enclosed, with interior fit up to begin shortly. This facility was also de-



Transitions Housing—12-unit multi-family housing construction on Cavite Street.

signed and is being constructed to meet USGBC LEED certification standards. Various utility upgrades were permitted over the course of the year, including a new elec-

tric substation at Cavite and Saratoga to better serve the Barnum Road and West Rail Industrial Park, as well as drinking water well upgrades for Shebokin and MacPherson wells. Wetland Orders of Conditions were issued for a number of these projects due to all or a portion of the construction activity occurring within 100 feet of wetlands. The DEC also permitted and MassDevelopment



Golf Cart underpass—Patton Road.

completed construction of the golf cart tunnel under Patton Road - eliminating the unsafe at-grade crossing on this busy truck route. Additional utility and road work along Barnum and Patton Road that was permitted in 2008 was also completed this summer. DEC staff have, and continues to, monitor all of these projects to ensure compliance with their approvals.

The Bristol-Myers Squibb and Evergreen Solar projects continued to consume staff time as well, as much effort was expended ensuring development proceeded in accordance with their approvals. The BMS project also includes two buildings that were designed and constructed to LEED green building standards as well. The Lab Office Building was recently awarded LEED Gold by the USGBC.

In March, 2009 the DEC received complaints about possible violations of its industrial performance standards for noise. The DEC investigated and found Evergreen Solar in violation of its Regulations. With input from the impacted neighbors and the Town of Harvard's elected officials a Noise Resolution was adopted by the DEC which set forth a path for Evergreen Solar to follow to bring their facility into compliance with DEC Regulations and the Noise



Biofiltration landscape islands in front of Evergreen Solar facility on Barnum Road.

Resolution. By late fall this data driven effort showed the facility to be in compliance with the DEC Industrial Performance Standards for Noise and the effort switched focus to assuring long term sustained compliance through the adoption of a long term monitoring protocol. The protocol was adopted by the DEC on December 3, 2009. The DEC provided a detailed and transparent record of its efforts to address this issue, all of which can be viewed at <http://www.devensec.com/news.html>.

2009 Permit Summary

Level 2 Permits	3
Reconsideration	0
Level 1 Permits	63
Wetland Req. for Det. of Applicability	3
Wetland NOI/Order of Conditions	0
Wetland Certificates of Compliance	1
Sign Permits	7
Tent Permits	9
Demolition Permits	5
Level 1 Lotting Plans	1
Septage Hauling Permits	2
Certificates of Occupancy	25 finals (11 Temp.)
Electrical Permits	54
Plumbing Permits	24
Gas Permits	6
Victualler Licenses	6
Transfer Liquor License	0
Liquor Permits	4
Pledge of Liquor License	1
1 Day Liquor Licenses	1
Violation Notices	3
Schools – Certificates of Inspection	4

Regulation Updates

Throughout 2009, the DEC continued to work with the team of ICON Architecture, Bluewave Strategies, CDW Consultants, Epsilon Associates and Howard/Stein-Hudson Associates on updating the current Devens Development Rules and Regulations to do two things:

1. Incorporate more sustainable regulations, guidelines and incentives into the existing regulations, and;
2. Specifically address future housing potential at Devens, to ensure any future housing that may come to Devens is developed in the most sustainable manner possible.

The overall goal of these regulation updates is to guide smart growth and smart energy at Devens in-line with the sustainable redevelopment goals of Devens as well as the Commonwealth's Sustainable Development Principles. These revisions incorporate additional sustainable development strategies that will help guide all future development at Devens in an even more sustainable and efficient manner. Some of the proposed amendments include:

- Energy & water efficiency initiatives including adoption of the new Massachusetts Stretch Code & promotion of even greater energy efficiencies for innovative residential developments at Devens.
- Incorporating green infrastructure requirements and more low-impact development techniques
- Additional wetland protection measures
- Updated stormwater management requirements in accordance with new State Standards
- LEED NC (new construction) and LEED EB (existing building) requirements for all public projects
- More detailed erosion and sediment control guidelines
- Updated lighting and landscaping standards
- Additional viewshed overlay district requirements and steep slope regulations
- Additional Public Health requirements for recycling, composting, waste bans and disposal

During 2009 progress was slowed on these updates as a number of other projects consumed a great deal of Staff time. As these proposed amendments involve a significant number of changes to the current regulations, the DEC is breaking up the proposed amendments for adoption over time. The Steep Slope Protection Regulations and Overlay Map and an innovative residential clustering concept for the Auman/Bates Road area are the first amendments that were advertised for a January 7, 2010 DEC public hearing. Additional amendments will be brought forth throughout 2010.



Transportation

The Fitchburg Line Reverse Commute working group, chaired by DEC Director Peter Lowitt, continued its work to connect Route 2 and Fitchburg Line Commuter Rail issues through regular meetings of community representatives to discuss transportation issues. The MBTA hired a contractor, HNTB to design the project. The program of improvements is designed to meet the goal of improving commute times from Fitchburg to Porter Square from 1 hour and 29 minutes to 1 hour. Thanks to our hard working state legislative delegation for securing the required state matching monies to complement the Federal Small Starts funding secured for the program by our Congressional delegation, especially Congressman Olver. He deserves our thanks for his work on this project of importance to the entire region. American Renewal and Recovery Act funds were deployed to double track the line from South Acton to Ayer and the **line's schedule was changed in December 2009 to authorize an early train to Boston which should allow an early train to Fitchburg making a reverse commute to Devens possible in the near future.**

DEC Staff, along with DEC Commissioner Oelfke also participate in the Montachusett Metropolitan Planning Organization (MPO) Joint Transportation Committee. The goal of the Committee is to provide **"safe, secure, reliable and affordable multi-modal/intermodal**

transportation system throughout the Montachusett Region for the **Movement of all peoples and goods."** The plan also includes strategies to ensure National Air Quality Standards, federal/state water quality standards and habitat protection goals are met – to ensure **consistency and support with the Commonwealth's transportation policies.** The Fitchburg Commuter Rail Line improvements will play a key role in providing increased commuter service to Devens and the surrounding region, thereby contributing to the sustainability initiatives at Devens. Working with the support of the Montachusett Regional Planning Commission, the DEC initiated negotiations with Pan Am to pursue a \$900,000 Federal Environmental Protection Agency grant for clean diesel technology to improve air quality in the region by providing anti-idling technology for 20 Pan Am locomotives. If this grant application is funded it should have the added benefit of also reducing the low-frequency idling noise created by the diesel locomotive engines which has significantly contributed to elevated noise levels in **the vicinity of Evergreen Solar's facility on Barnum Road and been the subject of a number of noise complaints from Harvard residents.**



Sustainability Efforts

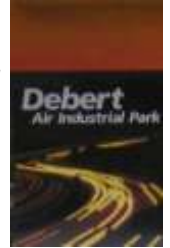
Interest in the EcoStar program, an environmental achievement and branding program launched by the DEC in 2005, also continued to grow. Updates on this award-winning program and details on the green business initiatives it offers can be found at www.ecostardevens.com. EcoStar continues to serve as a value-added component to business and industry located in and around Devens. During 2009 the DEC expanded its offerings by establishing the Devens Eco-Efficiency Center (DEEC), a non-profit organization aimed at furthering the sustainable development goals of the Commission and the Devens Reuse Plan. New services that the DEEC has developed promote cost saving energy initiatives, including conservation campaign assistance, facility benchmarking, and comprehensive energy efficiency assessments. The DEEC expands on the EcoStar program offerings by providing additional technical assistance services that enable businesses and organizations to implement better practices that make more efficient use of resources and save money.

Sustainability efforts cont....

The Great Exchange program, originally started in 2008, continued to re-direct waste streams and has diverted approximately 200 tons of material from the landfill to reuse opportunities. Monthly educational Workshops and a number of Roundtable forums on Environmental Health and Safety, Green Building and Transportation continue to be a popular service of the DEEC and attract Devens and surrounding community businesses.

Twinning Agreement Update

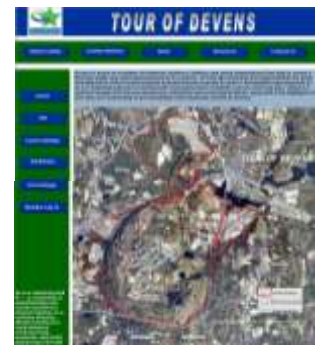
The DEC entered into an agreement with the redevelopers of the former Debert Air Force base in Truro, Nova Scotia (the Colchester Redevelopment Authority) in 2008 to share sustainable base redevelopment **techniques and knowledge along with programs such as the DEC's EcoStar branding and achievement** program which provides assistance to businesses which wish to green their operations and performance. This August a number of DEC Commissioners and staff visited Truro and took a tour of the Debert redevelopment efforts, exchanging valuable expertise, information and resources on eco-industrial development concepts and other sustainable base redevelopment techniques.



2009 was another year where Devens continued to receive international attention for its eco-industrial approach to sustainable military base redevelopment efforts through the DEC and DEEC. Mr. Lowitt made a number of presentations on Devens eco-industrial efforts & programs to audiences in Canada, Denmark and Portugal over the past year, as well as arranging for the publication of a group of papers on Eco Industrial Development projects in North America and holding a presentation on this topic at the **American Planning Association's national conference in Minneapolis, MN this past spring**. Throughout 2009, DEC Staff also hosted presentations on the Devens sustainable redevelopment efforts to a group of Chinese government economists visiting the area as well as the Massachusetts Housing Partnership. In addition, DEC Staff provided a number of international visitors from Scotland and Canada, as well as a group of local planning and geography students from Westfield State College, guided tours of the eco-industrial & sustainable redevelopment efforts ongoing at Devens.

Communications

The DEC's main means of communicating with the public remains its web site, www.devensec.com, where its meeting and hearing dates are listed, as are the agendas and minutes from recent meetings. Quarterly staff reports and Records of Decisions from various Unified Permit applications are also listed to illustrate the permitting process through concrete examples. The Evergreen Solar Noise Resolution and all related reports and updates are currently listed on the site. In an effort to improve services to the public and applicants, Building, Plumbing/Gas and Electrical Permit Forms are now downloadable directly from the DEC Website (see <http://www.devensec.com/devserv.html> under "Forms"). **The Devens Soil Management Policy is also now available on the website and is referenced on all Building Permit application forms in an effort to increase awareness and public safety of the potential hazards associated with construction activity on a former military base.** The website also now has an updated list of current/recently approved projects that are underway at Devens under the news and events section. The Sustainable Devens page (<http://www.devensec.com/sustain.html>) also now has a link to a current aerial photo map of Devens that includes a guided tour of some of the social, economic and environmental attributes that businesses and organizations at Devens have implemented to further the sustainability of their business and Devens as a whole. The DEC continues to provide notice of all meetings, proposed projects and pertinent information on its website, as well as to abutting property owners, Devens residents and all three surrounding towns, in accordance with the DEC Rules and Regulations, prior to public hearings and subsequent DEC permitting.



Financial Audit

2009 was another excellent year for the DEC. Our financial audit was postponed until late November, but the year in general was a good one. Our audits are regularly posted on the DEC web site.

Outlook for 2010

The Commission expects a flurry of development as 2010 commences and as pent up demand for leased space produces long awaited activity in the light industrial marketplace. Additional infrastructure improvements will continue to support our **larger users and MassDevelopment's sustainable housing design/build competition for the Auman/ Bates area** has the potential to set the stage as a model for new energy efficient, affordable and sustainable workforce housing for Devens, the Commonwealth and the entire country.. Finalizing and adopting the Regulation updates will be a key priority for the DEC in 2010 as well as continuing to support and expand the services of EcoStar and the Devens Eco-Efficiency Center.

Respectfully submitted,

William P. Marshall, Chairman
Devens Enterprise Commission



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