

**Unified Permit
RECORD OF DECISION
Regional Household Hazardous Waste Collection Center
99 Buena Vista Street
Devens, MA 01434
January 6, 2011**

1. Applicant:

The Applicant is MassDevelopment, 33 Andrews Parkway, Devens, MA 01434, its successors and assigns.

2. Premises and Proposed Modification:

The Applicant is seeking a Unified Permit to locate a permanent proposed household hazardous waste (HHW) collection center at the existing Devens Department of Public Works site at 99 Buena Vista Street, near the corner of Cook Street and Antietam Street. The facility is proposed to provide a regional service to promote the legal and safe disposal of various household hazardous waste products. The project is a collaborative, hosted by MassDevelopment and managed by Devens Regional Hazardous Products Collection Facility Collaborative which consists of representatives from Devens (MassDevelopment), Ayer, Harvard, Groton, Bolton, Lancaster, Littleton, Lunenburg and Townsend. The service will be available only to residents within the member towns, as well as businesses that are classed as Very Small Quantity Generators (VSQG) – those that generate less than 220 pounds (~27 gallons) of hazardous waste or waste oil per month and no acutely hazardous waste. The proposed project is located within the Rail, Industrial and Trade Related Uses (RIT) District.

3. Application:

The following items serve as the list of exhibits for this Application:

- a. A completed Level Two Unified Permit Application dated September 14, 2010 (DEC No. D10-058), 12 pages;
- b. Site Plan entitled: “ *Hazardous Household Waste Facility, Preliminary Site Plan, Cook Street, Devens, MA*”, dated September 2010, revised 12-8-10; Sheet 1 of 1; prepared for MassDevelopment, by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432.
- c. Cover Letter dated May 25, 2010 to Peter Lowitt, from George Ramirez; 1 page.
- d. Revised Application submittal, entitled “Unified Permit Application for Household Hazardous Waste Collection Center, Cook and Antietam Streets, Devens, MA, dated September 14, 2010, revised October 7, 2010; 28 pages.
- e. Devens Regional Household Hazardous Products Collection Center Overview of Operations and Procedures (draft), dated October 22, 2010; 17 pages.
- f. Devens Regional Household Hazardous Products Collection Center Overview of Operations and Procedures (draft), dated November 18, 2010, revised December 7, 2010; 48 pages.
- g. Revised Waiver Request list from MassDevelopment, dated October 25, 2010.

- h. Memo dated September 16, 2010 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Offices; Subject: Unified Permit – HHW Collection Center – Antietam St. (DPW Property) (copy of application and notification of Public Hearing on October 26, 2010 – certified mail return receipts attached);
- i. Memo dated September 24, 2010 from Peter Lowitt to Abutters and Interested Parties; Subject: Unified Permit – HHW Collection Center – Antietam St. (DPW Property); (notification of Public Hearing on October 26, 2010) and accompanying abutters mailing list and certified mail return receipts;
- j. Public Hearing Legal Notice Fax to Nashoba Publications, from Peter Lowitt/Mary Quinn, dated September 24, 2010 – published October 1 and 8, 2010.
- k. Copies of Legal notices from October 1 and 8, 2010.
- l. Public Hearing Notice Fax to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt/Mary Quinn, dated September 23, 2010
- m. Public Hearing Notice Fax to Community Service Cable Committee, from Peter Lowitt/Mary Quinn, dated September 24, 2010 (to run 9/24-10-26)
- n. Public Hearing Notice Fax to Secretary of State, from Mary Quinn, dated September 24, 2010.
- o. Determination of Completeness dated September 20, 2010.
- p. Letter dated October 25, 2010 from John Marc-Aurele, PE, to Neil Angus re: HHW Collection Center, Devens DPW, Discharge to Devens Municipal Stormwater System.
- q. Presentation entitled: “*Regional Household Hazardous Products Collection Center – Program Overview*”; dated October 26, 2010 (12 slides);
- r. Letter dated October 29, 2010 from George Ramirez to Neil Angus re: extension request of 75 day time period (1 page).
- s. Draft Memorandum of Agreement by and Among Communities in the Devens Region Participating in the Devens Regional Household Hazardous Products Collection Center Program, dated September 22, 2010 (10 pages).
- t. Site Plan entitled: “*Hazardous Household Waste Facility, Preliminary Site Plan, Cook Street, Devens, MA*”, dated September 2010, revised October 6, 2010; Sheet 1 of 1; prepared for MassDevelopment, by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432.
- u. E-mail correspondence as follows:

Date	From	To	Subject
9-14-10	Brian Duval, MA DEP	Neil Angus	Re: LUPPL
9-14-10	Fred Civian, MA DEP	Neil Angus	Re: LUPPL
9-22-10	Dona Neely	John Marc-Aurele	Site Plan comments
9-23-10	John Marc-Aurele	Neil Angus	Re: DOC for HHW
10-14-10	Dona Neely	Neil Angus	HHW Ops Guide
10-19-10	Dona Neely	Neil Angus	Fwd: HHW – Revised site plan
10-20-10	Dona Neely	Neil Angus	Fwd: ok Re: Addl ops guide details
10-20-10	John Marc-Aurele	Neil Angus	Re: HHW – LUPPL
10-20-10	Dona Neely	Neil Angus	Re: HHW - LUPPL
10-21-10	Dona Neely	John Marc-Aurele	Re: HHW - LUPPL
10-22-10	Dona Neely	Neil Angus	Clean Harbors
10-22-10	Dona Neely	Neil Angus	MOA for HHW towns
10-26-10	Dona Neely	Neil Angus	Re: Additional Review Comments

11-5-10	Neil Angus	Dona Neely	HHW Questions
11-10-10	Chief Garrity	Dona Neely	Fw: Items Spreadsheet
11-22-10	Neil Angus	Dona Neely	No Subject (HHW outstanding info. 11-22)
11-23-10	Chief Garrity	Neil Angus	Re: HHW Inspections
11-23-10	Tessa David	Neil Angus	Re: batteries
11-24-10	Chief Garrity	Neil Angus	Re: isolation distances
12-6-10	Dona Neely	Neil Angus	Re: Household Hazardous Waste Collection Center visitors
12-8-10	John Marc-Aurele	Neil Angus	HHW Revised Site Plan

- v. Staff Report to the Devens Enterprise Commission, from Neil Angus, dated October 22, 2010, Re: Household Hazardous Waste Collection Center – Unified Permit Application
- w. BSC Group peer review comments from Dave Varga and Dave Crispin dated 10-26-10 (3 pages).
- x. Staff Report to the Devens Enterprise Commission, from Neil Angus, dated December 28, 2010, Re: Household Hazardous Waste Collection Center – Unified Permit Public Hearing Continuance.
- y. Storage cabinet details from Safe Space High Performance Modular Buildings (12-23-10).
- z. Revised Site Plan entitled: “ *Hazardous Household Waste Facility Site Plan, Cook Street, Devens, MA*”, dated December 2010 (2 Sheets); prepared for MassDevelopment, by Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA 01432.
- aa. Devens Regional Household Hazardous Products Collection Center Overview of Operations and Procedures (draft), dated December 7, 2010, revised January 3, 2011; 48 pages.
- bb. Sketch Plan entitled “HHW Operating Setup”, dated 12-8-10;
- cc. Massachusetts Department of Environmental Protection Checklist for Stormwater Report (7 pages); dated 12-15-10; submitted by Douglas Miller, P.E.. GPR Engineer;
- dd. Presentation entitled: “*Regional Household Hazardous Products Collection Center – Program Overview*”; dated January 6, 2011 (16 slides);

4. Unified Permit Components and Actions:

The Applicant is seeking Site Plan approval for a regional household hazardous waste drop-off facility that will operate 20 times a year, twice per month, March through December from 9AM-Noon on the first Wednesday and Saturday of each month.

5. Process:

- a. Application and supporting materials submitted on September 14, 2010
- b. The Land Use Administrator issued the Determination of Completeness on September 20, 2010.
- c. The DEC transmitted the application by certified mail to the Towns on June 2, 2010. The Towns received the application packets on June 3, 2010.
- d. The 30-day comment period commenced on September 21, 2010 and expired on October 21, 2010. No written comments were received.
- e. The Public Hearing was advertised in Nashoba Publications on October 1 & 8, 2010.

- f. Abutters to the premises were duly notified in writing of the Public Hearing by certified mail on September 24, 2010.
- g. The Public Hearing was held on October 26, 2010 in Conference Room 1 at 33 Andrews Parkway, Devens, MA and was continued to the November 16, 2010 meeting at 6:45PM. The Applicant submitted a written request for extension of the 75-day decision period in order to continue the hearing to the December 9, 2010 meeting at 7:30AM, which was accepted by the DEC at their November 16, 2010 meeting.
- h. The Applicant submitted a second written request for extension of the 75-day decision period in order to continue the hearing to the January 6, 2011 meeting at 7:30AM, which was accepted by the DEC at their December 9, 2010 meeting.
- i. The public hearing concluded on January 6, 2011 and the DEC voted at their regular meeting on January 6, 2011, to approve the Unified Permit, associated waiver requests with conditions as set forth below.

6. Waivers:

The Applicant requested the following waivers from the Devens By-Laws and Rules & Regulations of the Devens Regional Enterprise Zone:

- **974 CMR 1.07 - Application fee.** The applicant has requested a waiver of their application fee due to the application being a municipal project for regional public benefit. The Director administratively approved this waiver request and required the applicant to only cover the \$200 processing fee.
- **974 CMR 3.02(2)(e) – Drainage calculations for the entire site prepared by an engineer complying with 974 CMR 3.04(4).** The Applicant owns and manages the stormwater management system that the site is discharging into and has provided written confirmation that it has the capacity to accommodate the additional increase in impervious area.
- **974 CMR 3.02(2)(q) – Landscape Maintenance and Water Management Plan.** The existing landscaping will continue to be maintained by the Devens DPW.
- **974 CMR 3.02(2)(s) – Submission of LEED Checklist.** This is an existing developed site with minor alterations to accommodate the proposed use.
- **974 CMR 3.02(3)(a)(4) – Showing meets and bounds for lot lines.** The proposed project is only covering a small portion of a much larger parcel.
- **974 CMR 3.02(3)(a)(6) – Showing entire parcel on the site plan.** The proposed project is only covering a small portion of a much larger parcel.
- **974 CMR 3.02(3)(b)(3) – Waiver from showing tabulated data on the site plan (lot coverage, setbacks, number of employees, parking spaces, etc...)** This is a large existing developed site. The proposed project will result in a 1-2% increase in impervious over existing. No relevance to showing data on this plan.
- **974 CMR 3.02(3)(c)(1) – Site Lighting Plan.** The proposed activity will not occur during evening hours. Additional site lighting is only being added for security purposes.
- **974 CMR 3.04(8)(g)(3) – Waiver from screening of exterior storage and trash disposal area.** Existing vegetation provides partial screening. Full screening not desired for security purposes.

The DEC voted all in favor to grant the waivers requested and require that they be listed on the Project plans.

7. Findings:

The DEC made the following findings:

1. The proposed use and associated activities are an environmental business and municipal service use which is an allowed use in the Rail, Industrial and Trade Related zoning district.
2. The lot has a minimum of two acres and more than 75' of frontage on Independence, Antietam and Cook Streets as required in the Rail Industrial and Trade Related Zoning District.
3. The MassDevelopment stormwater basin on the north side of Antietam Street has adequate capacity to receive additional runoff from the increased paved area and with the waiver of 974 CMR 3.02(2)(e) and conditions included in this record of decision, the Applicant has demonstrated compliance with the standards of 974 CMR 3.04(4)(b)1.
4. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with the waivers requested and conditions of approval in this decision, 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. With the conditions of approval included in this decision, the siting and operations of this facility have been designed to maximize public safety.
 - (e) Access and site circulation enables prompt fire, police, and emergency response.
 - (f) Adequate capture 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 will be put in place and have been approved by the Mass Development Manager of Engineering and Utilities.
 - (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.
 - (i) The Project, with the requested waivers, meets the Landscaping Design Standards for plant materials, planting strips, screening, and preservation of existing specimen trees and wooded areas.
 - (j) No Wetlands Order of Conditions is required.
 - (k) Applicable Industrial Performance Standards have been adhered to.
 - (l) The DEC has determined that the existing Devens Public Works facility has an adequate number of parking spaces to accommodate this proposed use.
 - (m) Adequate traffic mitigation and control measures are in place.

- (n) Participation in the Devens traffic management association is not required for this use.
- (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 is not required for this project.

8. Conditions:

The DEC voted to impose the following conditions:

1. Jackson Gate from Route Two shall be the primary means of truck access to and from the Site. Truck traffic shall be prohibited from using residential streets in Devens and must obey truck routing signs in Devens.
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, storage area or loading dock” shall require a new application for unified permit site plan review.
3. With the exception of site directional signage, 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. Signs shall be designed and erected in accordance with the Sign Regulations 974 CMR 6.00. Off-site directional signage shall be erected to direct all users to the designated truck route.
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 required in the By-Laws and Rules and Regulations and articulated in the Applicant’s final Erosion and Sediment Control Plan and Notes, 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. 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.
6. Waivers granted as part of this approval shall be included on the final plans.
7. 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. Such reports may be combined with the reporting requirements for the Devens DPW facility.
8. 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

commencement of operations, including but not limited to the MA DEP Household Hazardous Products Collection Center Permit, Storage cabinet permits and dumpster permit from the Devens Fire Department.

9. 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.

10. The Applicant shall submit final as-built plans in accordance with the DEC As-Built policy, prior to completion of the project.
11. All hazardous materials, including batteries, shall be stored within the proper containment structures in accordance with NFPA 400 and 527 CMR14.03 requirements. With the exception of the clean, empty 55 gallon drums, no outdoor storage of materials is permitted.
12. The proposed dumpster shall be properly lined with an impermeable liner to prevent residuals from leaking. The dumpster shall have a full cover that remains securely closed at all times when not in use.
13. Clean Harbors Environmental Services shall be on-site during all events for the first year of operation overseeing all activities. A qualified lead chemist and program manager shall be on-site during all events for the life of the facility.
14. The Applicant shall finalize the site specific Health and Safety Plan for site operations to the satisfaction of the Devens Public Safety Officer, prior to commencing operations. Such plans shall include, but not be limited to, the final Operational Procedures, Emergency Contacts and Procedures, and evacuation plan.
15. Storage cabinets shall be equipped with secondary containment. The flammables cabinet shall be equipped with an automatic fire suppression system and emergency alarm and sensors that are hard-wired into the Devens DPW Emergency Management System.
16. Until the facility is equipped with the proper roof structure, it shall not operate during precipitation. The erection of a roof structure shall be considered a Level 1 administrative site plan approval (with Building and Fire Department review).

17. The maximum period of storage for all hazardous materials is 180 days. The Applicant shall maintain a manifest including but not limited to the date of receipt of materials, quantities stored and pick up dates.
18. Lighting details shall be provided to ensure compliance with 974 CMR 4.00 Industrial Performance Standards.
19. With the exception of the new utility pole at the northwest entrance to the facility, all proposed utilities on-site shall be underground. The Applicant shall ensure the existing catch basin is equipped with an oil/water separator hood.
20. Any expansion of the facility operations will require review by the DEC Land Use Administrator to determine the appropriate level of review required.
21. The final Stormwater Management Form shall be submitted and reviewed by the DEC Peer Review Consultants. Any required modifications shall be made prior to commencement of operations.

9. Decision:

The DEC closed the Public Hearing on January 6, 2011 and voted the same day, during the Regular Meeting, to grant the waivers requested and 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 the Regional Household Hazardous Waste Collection Center at the corner of Cook and Antietam Streets.

10. Building Permit

The Building Commissioner, along with the Devens Fire Chief and 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 Massachusetts Fire Code 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 the Regional Household Hazardous Waste Collection Center, 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 January 7, 2011 and terminates February 6, 2011, is "at risk".

1/6/2011
Date

Approved by:
Peter C. Lowitt
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.

1/6/11
Date

Ann M. Pierce
My Commission expires 12/17/15

Ann M. Pierce
My Commission Expires
December 17, 2015