

Staff Report

Devens
Enterprise
Commission

Date: February 1, 2010
To: Devens Enterprise Commission
From: Peter Lowitt, Director and Neil Angus, Staff Planner
RE: Quarterly Project Updates

PREVIOUSLY PERMITTED PROJECT UPDATES:

BMS – Permanent Certificates of Occupancy (CO's) have been granted for the Central Utilities Building, Warehouse, Parking Garage and Lab Office Buildings. The Manufacturing building was issued a temporary CO in October 2009 and still has some minor interior work. Site stabilization and landscaping are substantially complete with the exception of a few areas still being used for construction and temporary office trailers. Final site stabilization and construction clean up is expected to be completed before summer 2010.



Lab/Office Building



Inside Entrance to Lab/Office

BMS and Parsons continue to attend to perimeter erosion controls and on-site best management practices for construction. Monthly construction/operation coordination meetings will continue until final CO's are issued. BMS's main Lab/Office building was recently awarded LEED Gold by the US Green Building Council. The building incorporates many energy efficiency and sustainable design measures that reduce its overall energy consumption and carbon footprint, including, but not limited to natural daylighting techniques, enhanced indoor air quality, occupancy control sensors and high efficiency HVAC equipment.

Patton/Marne Road Re-alignment – Re-alignment completed. On-going monitoring continues for the wetland mitigation area. After the first year, vegetative coverage is close to 50% and wildlife has moved back in and is utilizing the created wetland area. There has been some invasive plant species that have colonized however those that were visible were removed by hand. A native caterpillar was observed that appeared to be feeding only on the invasive plant species – which was a very interesting find. Ongoing monitoring will continue for two more growing seasons to ensure success of this created wetland area. Visually, the created area is blending in well with the surrounding areas.

Evergreen Solar – Still operating both phases under temporary CO's pending full resolution of the noise violation. Landscaping has been completed and the low-impact development stormwater design of the parking areas appears to be functioning well (biofiltration landscape islands and bioretention basins). Noise levels from the rear of the facility have decreased dramatically since the issuance of the Notice of Violation and Evergreen's installation of numerous noise attenuation and operational measures. All updates are available on the DEC's website www.devensec.com.

Golf Cart Underpass – Patton Road – The golf cart underpass tunnel was recently completed. The tunnel diverts the current unsafe at-grade golf cart crossing on Patton Road, underneath Patton Road. The span of the tunnel is quite short, as evident by the photo below, increasing the amount of natural light entering the tunnel and eliminating the need for any lighting. Final landscaping and stabilization of the area and closing off the existing at-grade crossing, will take place this spring.



Rock Tenn Noise Violation – Rock Tenn was issued a Notice of Violation on October 21, 2009 after the DEC received complaints from an area resident in Harvard. A investigation uncovered two violations – a boiler steam venting process which was occurring once a week on a weekly basis and another from a dust collector system in the rear of their facility. The Applicant responded to the violation notice and was provided an additional 30 days to address the violations. A follow-up inspection of the facility on January 4, 2010, found interim measures had been implemented to deal with both noise violations (replacement of steam release valve to decrease noise from steam venting as well as sound insulation on part of the dust collector). The DEC's sound consultant conducted follow-up measurements and found the noise levels had been reduced but not fully within compliance. Rock Tenn has engaged additional engineering reviews and is implementing additional controls to further reduce noise levels from the facility. These improvements are expected to be complete by the end of March 2010 and the violator has requested an extension to this time to complete the additional mitigative measures. As the applicant continues to demonstrate good faith efforts to resolve the violation, Staff has granted the extension.

Other Noise Complaints – DEC Staff continue to receive periodic complaints from Harvard residents regarding intermittent noise thought to be originating from the Devens area. Numerous follow-up investigations and analyses have been unable to identify any violating noise sources within the Devens Regional Enterprise Zone as the noises are not continuous or repetitive in nature that would allow for the noise to be traced back to a specific source under Devens regulatory authority. Some complaints have been traced back to the railroad which is outside of the DREZ and not under DEC control. The DEC however, continues to pursue a grant opportunity with the railroad that could aid in reducing the noise associated with prolonged train idling (a low-frequency noise that has been characteristic of a number of the noise complaints).

Pan-AM Intermodal – The Fire Chief has requested interior transformers be removed for safety/fire code, building and electrical code concerns and has issued a formal Notice of Violation. The facility is also storing and maintaining vehicles inside the building and DEC Staff have issued a notice to Pan Am to cease storage and maintenance of vehicles at their facility as it is located in a Zone 2 Water Resources Protection District. Pan AM appears willing to comply with both requests. Staff will continue to follow up to ensure compliance.

AFRC – Barnum Road – Development is underway and all 4 new building shells are substantially complete. Interior HVAC and fit-up continue. The Army was hoping to reuse a large amount of demolished building materials on-site as sub-base for new parking facilities however the test samples of the material did not pass DEP standards and the material was not able to be used. As this area is within a Zone 2 Water Resources Protection District, there are strict requirements on the quality of materials that are being used on-site to ensure protection of the groundwater resource. J&J contractors and SMMA have developed a detailed SWPPP and Environmental Protection Plan that addresses groundwater protection and the Army has modified this project to keep all activities outside of the Zone 1 WRP areas. Numerous stormwater management controls have been implemented to protect groundwater, while providing on-site treatment and local groundwater recharge. The DEC has also required a long-term groundwater quality monitoring plan be implemented by the Army to further ensure long-term protection of groundwater resources.

Devens Recycling Center – Regular inspections of the facility have found the operators complying with the requirement to keep as many doors closed as possible at all times. No more than three doors are typically open at any time during the most recent inspections. Previous inspections in 2009 found 4 or more doors open on numerous occasions. Keeping the doors closed has helped address numerous concerns (fugitive dust emissions, noise and odor). The owner has been diligent in submitting the regular inspection reports for pest control, odor and facility operations required as part of the unified permit and site assignment, have been submitted and found no problems to date. The Facility has been receiving MSW for a number of months now and there have been no complaints and no odor issues. Outdoor storage of equipment in the rear of the facility needs to be addressed and Staff have requested the owner comply with the requirements for no outdoor storage other than those areas previously approved. Other than this issue, the site appears to be well maintained.



Three of six doors closed during routine inspection Dec 2009

Transitions Housing – Development of this 12-unit multi-family housing project continues. The building is fully enclosed and interior fit up is commencing. The site remains well managed and there have been no problems to report during construction. This facility is pursuing LEED certification and if awarded, will be the first green residential project in Devens. With MassDevelopment's recent sustainable housing design/build competition, there may be additional energy efficient and sustainable residential buildings proposed for this area in the near future as well.



Devens Common Phase II - The construction of the Hilton Garden Hotel was put on hold this past summer after the removal of over 70,000 cu.yds of material and the completion of the foundation and elevator shaft. Construction began again in late fall and pavement and utilities were installed. The project is on hold again until the spring. Staff continue to monitor the site to ensure proper security and stabilization remain in place. Drainage for this project required the construction of a new detention pond near Robbins Pond which is now substantially complete.

Jackson Road Electrical Duct Bank – The construction of the 69kV electrical line was completed in the late fall of 2009. Construction of the Saratoga Substation off of Cavite Street commenced shortly after and is nearing completion. While there were some erosion and sedimentation control issues initially, they have been dealt with and the project continues on schedule. Plans were modified to ensure maximum screening of the substation from the nearby residential areas through landscape berms and plantings in accordance with the screening requirements of the DEC Rules and Regulations. Staff continues to inspect all controls to ensure all construction activity is properly contained. Follow-up inspections will be required in the spring to ensure permanent stabilization is put in place (hydroseeding).



Shebokin Well Replacement and New Well Testing– Redevelopment of the replacement well and associated pump house is completed. MassDevelopment has completed the investigations for a new back-up drinking water well in close proximity to the existing Shebokin Well. Studies have been completed and submitted to MEPA and the

MA DEP for review. If approved, this back-up well would not increase the total allowable water withdrawal from Devens, it will simply provide an additional back up source should anything happen to one of the other existing 4 wells in Devens. Staff have reviewed the proposal for the back-up well and submitted comments to MEPA to ensure the new well does not negatively impact existing hydrologic and other environmental conditions in the surrounding area. In addition to Mirror Lake, there is a black spruce bog and other unique and important wetland resources in the area that are sensitive to hydrological changes.

NB Kenny – 68 Barnum Road – A recent inspection found a considerable amount of material being stored outside the rear of the facility, including a number of 55 gallon drums, dumpsters and materials. Staff alerted the Fire Department who permits dumpsters and has issued a letter to the owner requesting immediate clean up and removal of all materials being stored outside. The owner is cooperating and will be seeking site plan approval from the DEC for outdoor storage of a pipe rack. All other materials will need to be removed in the interim. Staff has given the owner 30 days to comply.

OTHER UPDATES:

Green Building Roundtable – Staff continue to host green building roundtable sessions on a quarterly basis. The last Roundtable was on Current Construction Techniques and Deep Energy Retrofits. We discussed foundation construction methods to control moisture and super-insulation and other deep-energy retro-fits, along with some of the opportunities and challenges in implementing these methods into new construction and existing buildings. We finished off with a quick look at the deep energy retrofits of the Empire State Building and provided some valuable resources for attendees. The September 2009 roundtable focused on Passive Energy Design which is quickly growing in popularity again as energy costs remain unstable and nations, cities, towns and individuals strive to reduce their carbon footprint to combat global climate change. Participants from both the residential and commercial/industrial sector discussed the latest in energy efficient building techniques and Passive House Design standards. We also viewed a short film on a Passive and Active solar mixed use development in Germany which utilizes a number of Passive House standards. Many resources and funding programs were shared and discussed at this session.

Web Updates – The DEC Website continues to be updated with the latest Agendas and information on Devens. We have updated the Regulations based on the Commission's recent approval of the Steep Slopes (974 CMR 3.06) and Innovative Development/Energy Efficient Housing (974 CMR 5.02). These Regulation updates are now included in the searchable database of on-line regulations. The News and Events page continues to be updated with information on Evergreen's noise violation. There is also a link to a current map of Devens identifying the location of current development projects at Devens as well as the 2009 Annual Report (www.devensec.com). Staff continues to update the EcoStar website as well with updated information on the latest roundtables, along with a library of resources and info. from past roundtables. Check it out at www.ecostardevens.com and click on the "education" button on the left side of the home page.

UPCOMING PROJECTS:

Solar Brightfields Project – MassDevelopment is currently reviewing a proposal for a solar photovoltaic panel farm on a 75 acre portion of the airfield. This facility would generate up to 8MW of renewable energy in Massachusetts. The project will require a Level 2 Unified Permit from the DEC, so the Commission may see this project as early as March 2010. Staff has been asked to prepare a letter stating that the use is a permitted use in the Special Use II district. A letter to that effect will be issued next week.

Systems H2O – Barnum Road – An application for a Level 2 Unified Permit has been submitted for a parking lot expansion to accommodate a new tenant locating in the vacant half of the recently constructed building at 137-141 Barnum Road. The original building plans had additional reserve parking proposed for future tenants but as there were no additional tenants (besides Magne Motion which currently occupies the other half of the building), the parking lot area was phased. This project will come before the DEC at their February 23, 2010 meeting.