

**Record of Decision**  
**16 BULGE ROAD**  
**Parcel ID # 016.0-0018-0200.0**  
**Devens (Harvard), MA**  
**May 5, 2021**

**1. Owner/Applicant:**

MassDevelopment, 99 High Street, Boston, MA 02110 is the owner and Scannell Properties #460, LLC, 8801 River Crossing Boulevard, Suite 300, Indianapolis, IN 46259.

**2. Premises and Proposed Project:**

The applicant is seeking a Level 2 Unified Permit for Site Plan Approval for the construction of a 150,843 sf pharmaceutical manufacturing facility and associated parking, drainage improvements as well as utility connections. Property located at 16 Bulge Road, Devens (Harvard), MA (Deed Reference: Bk: 17907 Pg: 1) in the Innovation Technology Business district and the Watershed and Aquifer Protection Overlay Districts and Slope Resource Area.

**3. Submission:**

The application includes the following, which all become part of the record:

1. DEC Completed Application Form (D21-036);
2. 16 Bulge Road Certified Abutters lists (Devens) dated 2/27/2021;  
Scannell Properties 460 LLC, submitted a Level II Unified Permit application package, including the application (3/11/2021), Industrial Performance Standards Checklist, Stormwater Management Plan, LEED v 4 checklist(3/24/21), a site plan received on March 11, 2021 later revised and dated 4-22-2021.
3. Level 2 Unified Permit Checklist (completed by Applicant);
4. Site Plans prepared byVHB, 101 Walnut Street, PO Box 9151, Watertown, Massachusetts 02471; entitled: "16 Bulge Road, Devens, Massachusetts" consisting of the following sheets dated 3-10-2021 and last revised 5-4-21:
  - C.100 Legend and General Notes
  - C.2.00 Demolition Plan
  - C.3.00 Layout and Materials Plan
  - C. 4.00 Grading and Drainage Plan
  - C.5.00 Utility Plan
  - C.6.01 Site Details 1
  - C.6.02 Site Details 2
  - C.6.03 Site Details 3
  - C.6.04 Site Details 4
  - C.6.05 Site Details 5
  - C 7.00 Erosion and Sedimentation Control Plan& Turtle Exclusion Barrier
  - C 7.01 Erosion and Sedimentation Control Notes
  - C 8.00 Fire Equipment Access Plan
  - L.100 Tree Planting Plan
  - L.101 Shrub Planting Plan

- L.102 Shrub Planting Plan
  - L.2.00 Planting Details and Notes
  - SV-1 Existing Conditions Plan of Land dated 10-29-2020
  - E 1.2 Electrical Site Lighting Plan dated 4-21-2021
  - E 1.3 Electrical Site Lighting Calculation Plan dated 4-30-2021
5. Stormwater Management Report prepared for 16 Bulge Road, Devens MA prepared for Scannell Properties by VHB 1 Cedar Street Suite 400, Providence RI 02903 and dated March 2021 and part of the application package;
  6. Traffic Impact and Access Study prepared for 16 Bulge Road, Devens, MA prepared for Scannell Properties by VHB, 101 Walnut Street, PO Box 9151, Watertown, MA 02471.
  7. Noise Assessment, 16 Bulge Road, Devens, MA prepared by Scannell Properties by VHB 101 Walnut Street, PO Box 9151, Watertown, MA 02471 dated March 2021.
  8. Letter to Matt Boone, Scannell Properties from Peter Lowitt, LUA FAICP regarding ITB Use letter dated 2/5/2021;
  9. Memo to DEC from Peter Lowitt, FAICP dated 2/12/2021 asking for confirmation of use determination for 16 Bulge Road, Devens.
  10. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated March 22, 2021;
  11. Public Hearing legal notice publication memo to Nashoba Publications, dated March 15, 2021 (publication dates March 26 and April 2, 2021);
  12. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated March 22, 2021, and received March 25, 2021 from Peter Lowitt, Director DEC.
  13. Determination of Completeness, dated March 18, 2021.
  14. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated April 1, 2021, from Peter Lowitt/Kate Clisham.
  15. Community Cable Advisory Committee notice, dated April 1, 2021, to run April 1-April 28, 2021;
  16. Public Hearing Notice to the Secretary of State, dated April 1, 2021.
  17. DEC Staff Report prepared by Peter Lowitt, FAICP, dated 4/27/21 (4 Pages);
  18. Plan Circulation memo dated March 19, 2021, from Neil Angus to MassDevelopment Re: Unified Permit Application – Scannell Properties Biopharmaceuticals Manufacturing Facility 1 Page);
  19. Letter to Jonathan Stabach, VHB from Neil Angus dated 4/8/2021 DEC Review Comments, six pages.
  20. Nitsch Engineering Peer Review Comments letter to Neil Angus from Paige Simmons, PE and Jennifer Johnson, PE dated April 6, 2021 5 pages) covering stormwater;
  21. Nitsch Engineering Peer Review Comments letter to Neil Angus dated 4/6/2021 from Adina Alpert, PE and Fayssai Husseini, PE covering traffic (2 pages);
  22. IBI Group Peer Review Comments letter to Neil Angus from John Amodeo, LA to Neil Angus dated April 6, 2021 covering landscaping(6 pages);
  23. Response to Peer Review Comments including Revised Plans, Mechanical Equipment, Nitrogen Storage, Noise Analysis Files, Rendering and Building

- Elevations submission, revised Stormwater Report, Turtle Protection Plan received April 23, 2021;
24. Revised noise analysis, Cadna files and equipment dated 5/4/2021;
  25. Presentation pack from Jonathan Stabach dated 4-27-2021;
  26. Letter to Neil Angus from Paige Simmons, PE and Jennifer Johnson, PE of Nitsch Engineering Inc., dated April 30, 2021 second round of review (9 pages).
  27. Trail Connection and Sidewalk pdf map generated by Neil Angus for 16 Bulge Road 4/29/2021;
  28. 2<sup>nd</sup> Review Letter from John Amodeo of IBI Group to Neil Angus dated 4/30/2021;
  29. Revised Staff Report to DEC from Peter Lowitt dated May 4, 2021 (2 pages);
  30. Lighting Plan and Cut Sheets dated 4/30/2021 prepared by Building Engineering Resources Inc., for Scannell Project Eagle, 16 Bulge Road;
  31. Progress Print 73152ANR (level 1 lotting plan showing 10' easement for path) dated 5-4-2021;
  32. Draft Record of Decision – 16 Bulge Road, dated 5-5-21 (11 pages);
  33. Design Review approval letter from Ed Starzec, MassDevelopment, to Peter Lowitt dated 4/30/2021;
  34. Mullin Rule affidavit filed by Commissioner Robert Markley;
  35. Email correspondence as follows:

To:	From:	Date:	Subject:
Mediaonene.com	Kate Clisham	3/17/21	Legal Notice
Neil Angus	K. Crawford	3/15/2021	Application package
Neil Angus	Kevin Crowley	4/7/2021	16 Bulge Turtle Barrier
Jonathan Stabach	Neil Angus	4/2/2021	SWM report missing element
John Amodeo, IBI	Neil Angus	4/1/2021	Plans for review/DOC
Jennifer Johnson, JNEI	Neil Angus	4/2/2021	Scannell Project 16 Bulge
Jonathan Stabach	Neil Angus	4/5/2021	FW SWM sketch of parking
Neil Angus	Jonathan Stabach	4/1/2021	Landscape plans
Neil Angus	Jonathan Stabach	3/25/2021	LEED 4 checklist
Neil Angus	Jonathan Stabach	3/30/2021	Bldg elevations 16 Bulge DOC
Zach Greene MDFA	Jonathan Staubach	4/8/2021	Limits of work turtle barrier
Neil Angus	Jonathan Stabach	4/6/2021	Traffic Report
Mark Cohen	Neil Angus	3/30/2021	New Level 2 UP comments
Neil Angus	Mark Cohen	3/30/2021	New Level 2 UP comments
Neil Angus	Adina Alpert	4/7/2021	Bulge Review Letters
Mike Lannon	Neil Angus	4/6/2021	Noise Study
Neil Angus	Rebekah Zimmerer	4/7/2021	NHESP#20-39634 Status 1
Neil Angus	Rebekah Zimmerer	4/7/2021	NHESP#20-39634 Status 2
Neil Angus	K Crawford	4/2/2021	Scannell Project SWM
Neil Angus	Jennifer Johnson	4/6/2021	16 Bulge review letters
Neil Angus	John Marc-Aurele	4/7/2021	16 Bulge comments
Jonathan Stabach	Neil Angus	3/25/2021	Utilities comments
Neil Angus	Mike Lannon	4/7/2021	Sound study comments
Neil Angus	Mark Cohen	3/21/2021	16 Bulge early comments
Neil Angus	Mark Cohen	3/23/2021	Utilities near SMH 1341
Neil Angus	Roy Herzig	4/7/2021	16 Bulge Plan review
Neil Angus	Roy Herzig	4/6/2021	16 Bulge Plan review 1
Neil Angus	Mass Development reviewers	4/23/2021	Initial Response to comments
Neil Angus	Jonathan Stabach	4/6/2021	TIAS appendix
Jake Borden	Neil Angus	4/9/2021	Watson Marlow future expansion
Neil Angus	Jake Borden	4/9/2021	Reply Watson marlow
Zach Greene	Jonathan Staubach	4/19/2021	Scannell Building elevations
Neil Angus	Jonathan Staubach	4/21/2021	Response to Comments
Neil Angus	Matt Boone	4/23/2021	Response to hearing question
Matt Boone	Neil Angus	4/23/2021	Question about hearing
Neil Angus	Jonathan Staubach	4/23/2021	Explaining hearing continuation
Neil Angus	Jonathan Staubach	4/23/2021	Response to Comments Final
Neil Angus	Jonathan Staubach	4/23/2021	File transfer notice

John Amodeo	Neil Angus	4/23/2021	Response to comments
Jennifer Johnson	Neil Angus	4/23/2021	Response to comments
Mike Lannon	Neil Angus	4/23/2021	Response to comments
Neil Angus	Tim Kelly	4/22/2021	Fire Department access ok
Neil Angus	Mark Cohen	4/26/2021	Remaining utility comments
Peter Lowitt	Chris Ryan	3/29/2021	Q about wastewater from Harvard
John Staubach	Peter Lowitt	3/29/2021	Forward question to VHB
John Stabach	Peter Lowitt	4/27/2021	Schedule follow up talk
Peter Lowitt	John Stabach	4/27/2021	Schedule follow up
Peter Lowitt	Neil Angus	4/27/2021	Parking and lighting
Jonathan Stabach	Neil Angus	4/27/2021	Staff report
Neil Angus	Peter Lowitt	4/28/2021	Follow up meeting items
Peter Lowitt	Neil Angus	4/28/2021	Trail map & potential noise issues
Neil Angus	Paige Simmons	4/30/2021	2 <sup>nd</sup> Peer Review comments
Peter Lowitt	John Marc-Aurele	4/29/2021	Trail connection
Jonathan Stabach	Peter Lowitt	4/29/2021	Trail connections MD
Peter Lowitt	Ed Starzec	4/30/2021	Design Review Letter
Neil Angus	Adina Alpert	4/30/2021	Traffic Study comments
Neil Angus	Ruth Loetterle	4/30/2021	2 <sup>nd</sup> review comments IBI
Jonathan Stabach	Neil Angus	4/30/2021	2 <sup>nd</sup> review comments
Neil Angus	Jonathan Stabach	5/4/2021	Lighting plan and cut sheets
Jennifer Johnson, et al	Neil Angus	5/4/2021	Review meeting
Neil Angus	Jonathan Stabach	5/4/2021	Draft level 1 lotting plan ANR
Neil Angus	Jonathan Stabach	5/4/2021	Link to revised plans
Mark Cohen	Neil Angus	5/4/2021	Latest plan
Neil Angus	Mark Cohen	5/4/2021	No issues with latest plan
John Marc-Aurele	Peter Lowitt	5/4/2021	Any MS4 issues with plan?
Peter Lowitt	John Marc-Aurele	5/4/2021	Ok with conditions
Neil Angus	Jonathan Stabach	5/4/2021	Revised parking table
Neil Angus	Tat Quan	5/4/2021	Revised noise analysis
Peter Lowitt	Jonathan Stabach	5/5/2021	Parking table
Jonathan Stabach	Peter Lowitt	5/5/2021	Revise parking statement
Peter Lowitt	Jonathan Stabach	5/5/2021	Parking
John Stabach	Peter Lowitt	5/5/2021	Parking notation
Peter Lowitt	Jonathan Stabach	5/5/2021	Parking
Jonathan Stabach	Neil Angus	5/5/2021	Staff report and draft ROD
Peter Lowitt	Mike Lannon	5/5/2021	Schedule noise study discussion
Peter Lowitt	Mike Lannon	5/5/2021	Continue hearing on noise section?
Peter Lowitt	Mike Lannon	5/5/2021	Meeting to discuss noise
Mike Lannon	Peter Lowitt	5/5/2021	Draft noise conditions
Peter Lowitt	Mike Lannon	5/5/2021	Comments on draft condition
Matt Boone	Neil Angus	5/5/2021	Draft ROD

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

The Unified Permit for this project includes Site Plan Approval for construction of a 150,843sf building with parking, driveway, drainage, utilities and associated improvements for 16 Bulge Road, Devens, MA.

#### 5. Process:

Scannell Properties #460 LLC, submitted a Level II Unified Permit application package on March 10, 2021. The pre-permitting conference was completed on March 3, 2021, and the Determination of Completeness was issued on March 18, 2021. Copies of the application and plans were received by the surrounding Towns on March 25, 2021. Legal notices were placed in Nashoba Publications on March 26 and April 2, 2021. Certified Mail notice was sent to abutters on March 22, 2021. The 30-day public comment period expired on April 26, 2021. Comments from the Town of Harvard were received and

included as part of the record. The public hearing opened on April 27, 2021 and was continued to May 6, 2021, and closed on that date. The Commission voted on May 6, 2021.

**6. Waivers:**

The following waiver was requested as part of this application.

1. *A waiver from 974 CMR 3.04(3)(a)(1) to allow more than 10% of the required parking within the front setback..*

The building is located to the rear of the lot so as not to adversely impact the neighboring golf course per MassDevelopment's request. In order to provide distance from the abutting golf course and to address having two frontages on Bulge and Patton the Applicant requests this waiver.

The Commission voted unanimously to grant the requested waiver.

**7. Findings:**

The DEC finds that:

1. The proposed use is a permitted use in the Innovation and Technology Business Zoning District as per Exhibit D of the Devens Bylaws.
2. The project is located within the Zone II and Aquifer Protection Water Resources Protection Overlay District. The final plans, with the conditions listed herein, comply with the Stormwater Management Provisions and Water Resource Protection District Regulations in 974 CMR 4.08 to protect the ground and surface water resources through the implementation of best management practices during construction as well as long-term.
3. No Slope Resource Areas are being impacted.
4. The Applicant proposes 299 parking spaces. The 299 parking spaces provided is required for normal operation of the facility including visitors and is based on the tenants other facilities. The facility includes 48,000 square-feet of office space that will be occupied by 48 employees. The general manufacturing area in the facility will be 68,960 square-feet and staffed by 138 employees. The facility will also include a 15,000 square-feet molding manufacturing area staffed by 85 employees and a 12,300 square-foot pump assembly area staffed by 40 employees. The 299 parking spaces accounts for 12 staff using ride sharing or alternative transportation to travel to and from the facility and provides sufficient parking for the intended use.
5. The on-site Storm Water Management system has been designed so that there are no untreated discharges from the site— all runoff will be pretreated through an on-site treatment train that includes biofiltration, on-site infiltration, and mechanical filtration. Discharges from the site, with conditions, have been designed to meet the MA DEP SWM Standards and DEC regulations in order to satisfy EPA MS4 requirements. Discharge to the Devens Municipal Stormwater System is under the jurisdiction of and subject to the review and approval of the Devens Engineering Department.
6. 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 will be recorded at the Worcester Registry of Deeds.
- (c) The application is Complete.
- (d) All access is designed to provide for safe vehicular and pedestrian travel with conditions of approval.
- (e) Access and 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 Devens utility, power and communication systems exist and new connections will be approved by MassDevelopment.
- (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.
- (i) The plans comply with Landscaping Design Standards through the preservation of existing specimen trees and wooded areas to the maximum extent feasible with conditions.
- (j) A wetlands determination of applicability is not applicable to this project.
- (k) Industrial Performance Standards will be adhered to as per the final plans and conditions of approval.
- (l) The proposed use provides sufficient parking for the intended use.
- (m) The project will not interfere with existing traffic patterns.
- (n) The applicant has agreed to participate in the Devens Transportation Management Initiative.
- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (p) Connection to sanitary sewers will be made for this project.
- (q) The 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 conditioned and incorporated in accordance with 974 CMR 4.11.

#### **8. Conditions:**

The DEC voted to impose the following conditions:

- 1) All applicable federal, state, and local permits necessary for construction must be obtained prior to the start of construction. Copies of permits issued by those other than the DEC must be filed with the DEC, including, but not limited to, an EPA Construction General Permit, and Driveway curb cut permit from MD/Devens Public Works.
- 2) 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, compliance with 974 CMR 407, and approval from the DEC.

- 3) 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.
- 4) Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. 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.
- 5) Prior to commencement of construction, limits of disturbance shall be flagged in the field and all necessary erosion controls and tree protection shall be inspected by DEC Staff. A written report documenting compliance with the approved erosion and sedimentation controls shall be maintained by the developer and made available to the DEC for review upon request. 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.
- 6) An Irrigation system is not part of this approval. The Applicant is required to obtain administrative approval for any future proposed irrigation. Such system must comply with 974 CMR 4.08 and 8.09.
- 7) No outdoor storage is permitted other than what is shown on the plans (refuse/recycling).
- 8) Prior to endorsement, the final plans shall be revised to include the following changes:
  - a. Waivers granted to be included on final plans.
  - b. Include a plan showing a night-time (between 11 p.m. and 7 a.m.) program of reduced illumination. This program will designate which lights may remain on overnight to ensure safety within loading areas/open areas of the site. All lighting shall be properly shielded and downward directed to prevent off-site glare.
  - c. Coordinate installation of utilities, drainage, landscaping in the right of way, and sidewalk installation with DEC Staff, MassDevelopment Utilities, Engineering Department and DPW.
  - d. Signage needs to be deployed on location to educate facility maintenance people about the proper operation of the Post Indicator Valve.
  - e. Mechanical equipment pads, smoking shelter and alternate solar parking canopies (if selected) details be prepared as part of the construction documents provided for the building permit and shown on the final approved site plans.
  - f. The Applicant shall address the remaining items in the Nitsch Engineering Peer Review Letter of 4/30/2021 from Paige Simmons to Neil Angus.
  - g. Revise Traffic Impact Analysis Per Adina Alpert Peer Review letter of 4/30/2021 from Nitsch Engineering Comment 104: Please add to the report the driveway

distribution assumptions from the second paragraph of your response. Comment 107 & 108: Please add this information to the report.

- h. Tree protection shall be shown on all plans prior to commencement of construction
  - i. Comply with the remaining peer review comments from the John Amodeo/IBI Group letter of 4/30/2021; including showing lighting locations on all landscaping plans.
- 9) A Hazardous Materials spill prevention control and countermeasure plan for the facility shall be prepared and submitted to the Fire Chief and DEC prior to issuance of a certificate of occupancy. The building tenant will provide Material Safety Data Sheets required for specific products by United States Federal Law and typical quantities, locations and method of storage on site to the Fire Chief and DEC prior to occupancy. The tenant will be required to secure any licenses and permits required for the storage of fuel, combustible liquids and flammable liquids will be in accordance with Massachusetts Fire Code 527 CMR 1.00.
- 10) The Applicant shall file annual reports to the DEC in October of each year indicating how they are maintaining their on-site stormwater management facilities. This is an on-going condition once construction is completed.
- 11) Landscaping shall be maintained in good condition in accordance with the approved landscape plan and 974 CMR 3.04(m). The applicant is required to submit a letter confirming a one-year guarantee of all approved landscaping once installed. Any dead or damaged landscaping must be replaced promptly. Tree protection fences shall be installed prior to the commencement of any construction activities on site and maintained in areas where construction is being conducted. Any existing trees marked for preservation that are damaged, killed or removed shall be replaced in accordance with 974 CMR 3.04(8)(d)8. Landscape plans shall be revised to show trees with a minimum caliper of 12" within 100' of the site perimeter
- 12) 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 DEC approval.
- 13) The Applicant shall provide As-Built Plans and accompanying information for all site improvements in accordance with the DEC As Built Policy, prior to issuance of a final Certificate of Occupancy.
- 14) All uses/tenants proposed for this building shall be in accordance with permitted uses as listed in the (Innovation Technology Business Zoning District). Each new tenant will be required to obtain written approval from the DEC/LUA prior to occupancy.
- 15) As per the current noise study submitted on 5/4/2021, the facility has not yet demonstrated that its sound sources will not be a potential nuisance to its industrial, residential, and recreational neighbors, and sufficient information was provided to understand the reasonable worst-case background sound and potential sound increases (i.e. roof-top units, air handling units, compressed gas receiving area, and other potential mobile sources on-site) that sound compliance is likely achievable



with further revisions of the report and expectations. Specific issues remaining include:

- a. Selecting the proper background assumptions from the data collected,
- b. A discussion of truck traffic as continuous or intermittent,
- c. Calculations and explanation of how and where, and to what degree, the enclosed air handling units intakes and exhausts contribute to the sound off-site, and how it will be mitigated, if needed.
- d. A commitment to only monthly deliveries of gas that would be delivered during the middle of non-holiday/non-weekend workdays (10 AM to 2 PM), or the installation of ground mounted gas delivery pumps (common throughout Devens) with significantly fewer restrictions on delivery times or quantities.
- e. A mitigation plan acceptable to the DEC for RTU 4, RTU 5, and RTU 6 that includes additional screening, enclosures, or different RTUs with lower sound output to minimize the daytime sound in the direction of the golf course, especially on the weekends when the background sound is lower, and specifically at the Greens and Tees around the 10<sup>th</sup> and 18<sup>th</sup> holes and the Clubhouse.
- f. A realistic mitigation plan for meeting the sound requirements at the fenceline, if needed in the future because of the development of nearby lots and concerns expressed by those facilities.

This condition must be satisfied prior to issuance of building permit.

- 16) Any parking lot expansion beyond the 299 parking spaces will require review and approval by the DEC.
- 17) Wherever "Applicant" is referenced in the Conditions set forth herein, it refers to the Applicant, its successors and assigns.
- 18) Jackson Gate from Route Two 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 an 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 on the exit gate of the facility. The Applicant shall take appropriate measures to encourage all automobile traffic associated with this project to use Jackson Gate to the maximum degree feasible.
- 19) The facility shall comply with the Massachusetts Anti-Idling law (5-minute restriction). The Applicant shall post signage at all loading docks and drop-off areas notifying drivers of this requirement.
- 20) A stormwater connection approval letter from MassDevelopment is required as a condition of approval if determined to be applicable.
- 21) The 2017 Activities Use Limitation (AUL) shall be properly reference on the Level 1 Lotting plan creating the lot for 16 Bulge Road.
- 22) Lighting shall be shown plans on the Landscaping plans and revised to the satisfaction of the DEC to reflect coordination of tree and fixture placement. Additional lighting along the intersection of Bulge Road and the site driveways is needed for the intersections and sidewalk areas in compliance with the Regulations. .

Prior to occupancy, the Applicant will need to identify any lighting required to remain on overnight (11PM-7AM), how it can be minimized, and any lighting controls (timers, photocells, etc.).

23) Applicant shall comply with the Massachusetts Stretch Code as amended.

24) Prior to commencement of any activity on-site, the Applicant shall obtain final approval from Natural Heritage Endangered Species and implement all required measures, including but not limited to the Turtle Protection Plan.

**9. Decision:**

The Public Hearing closed on May 6, 2021 and the DEC voted at that time to grant the requested waiver, 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 to demolish an existing building and construct a new 150,843sf facility with parking, driveway, drainage, utilities and associated improvements for 16 Bulge Road.

**10. Building Permit:**

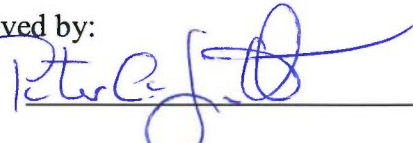
The Building Commissioner, along with the Electrical and Plumbing Inspectors, must review architectural/structural drawings and specifications and approve them in writing, prior to issuance of a building permit. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and the Devens Fire Chief must be met. When this approval is obtained, the building permit may then be integrated with this Record of Decision; together they will constitute the Unified Permit for this project and 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 approved activities are completed within two years. It is further noted that there is 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 May 6, 2021 and terminates June 7, 2021, is "at risk".

5-7-2021  
Date

Approved by:


  
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.

5/7/2021  
Date

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

