

**Record of Decision
KING DEVENS LLC,
33 & 45 Jackson Road (Parcel ID #013.0-0021-1000.0) &
Conceptual Campus Master Plan Amendments for
57 Jackson Road (Parcel ID#013.0-0021-1100.0)
59 Jackson Road (Parcel ID#013.0-0021-0100.0)
75 Jackson Road (Parcel ID#0.18-0021-0900.0),
Devens (Harvard), MA (Deed Reference: Bk: 62907 Pg: 267)
May 6, 2021**

1. Owner/Applicant:

King Devens LLC, 800 Boylston Street, Suite 1570, Boston MA 02119.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit including Site Plan approval and a Wetland Request for Determination of Applicability for the development of a +/- 220,000 gross square foot bio-manufacturing building and associated site improvements on a +/- 10.2 acre rear portion (to be assigned the address of 33 Jackson Road once subdivided) of the ~24 acre parcel of land located at 45 Jackson Road, Devens (Harvard), MA. The project also includes amendments to a previously approved conceptual master plan encompassing approximately 44 acres on 45 Jackson Road, 57 Jackson Road, 59 Jackson Road, and 75 Jackson Road, Devens (Harvard), MA. The project is located within the Innovation and Technology Business District, the Open Space and Recreation District, the Viewshed Overlay District and the Watershed Protection Overlay District.

3. Submission:

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

1. DEC Completed Application Form (D21-035);
2. 45, 57, 59 and 75 Jackson Road Certified Abutters lists (Devens) received 3/10/2021;
3. King Devens LLP, Level II Unified Permit application package, including the application, filing fee, waiver request, Industrial Performance Standards Checklist, Project Narrative, Soil Suitability Tests and Analysis, Request for Wetland Determination of Applicability, Easements, Covenants, Restrictions and Institutional Controls, Compliance with ReUse Plan and Bylaws, Campus Master plan, Determination of Use Decision, Viewshed Analysis, USGBC LEED v.4 for BD+C Checklist, Fire Apparatus Maneuvering study, Water Management and Landscape Maintenance Plan dated 3/4/2021, a supplemental geotechnical evaluation by GZA dated November 2, 2020, Draft Soil Management Plan, 45 Jackson Road prepared by Boston Environmental Corporation Inc., dated February, 2021, a Site Plan and Conceptual Master Plan, dated March 4, 2021, revised April 23, 2021 (32 sheets), and photometric plan.
4. Stormwater Management Plan: Report Lot 3 prepared for King Devens, LLC; dated 3/4/2021 by Highpoint Engineering Inc. and part of the application package;
5. Traffic Impact and Access Study 33 Jackson Road prepared for King Street Properties by VHB dated March 2021 and received 3/17/2021, including Appendices.
6. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated April 2, 2021;

7. Public Hearing legal notice publication memo to Nashoba Publications, dated March 15, 2021 (publication dates March 26 and April 2, 2021);
8. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated March 15, 2021, and received March 19, 2021 from Peter Lowitt, Director DEC.
9. Determination of Completeness, dated March 11, 2021.
10. 4/21/21 request for extension of DEC and MA DEP time limits for rendering a decision on a RDA application;
11. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated March 15, 2021, from Peter Lowitt/Kate Clisham.
12. Community Cable Advisory Committee notice, dated March 15, 2021, to run March 26, -April 26, 2021;
13. Public Hearing Notice to the Secretary of State, dated March 15, 2021.
14. DEC Staff Report, dated 4/26/21 (7 Pages);
15. Plan Circulation memo dated March 11, 2021, from Neil Angus to MassDevelopment Re: Unified Permit Application – KSP 33-75 Jackson (1 page);
16. Combined DEC and Peer Review Comment letter dated 4/1/21 from Neil Angus to Doug Hartnett, Highpoint Engineering Inc.;
17. Nitsch Engineering Traffic Report Peer Review Comments letter to Neil Angus from Adina Alpert, PE dated 3/26 (3 pages) covering stormwater and Adina Alpert, PE traffic;
18. Nitsch Engineering Stormwater Peer Review Comments letter to Neil Angus from Jennifer Johnson, PE dated 3/29/21 (6 pages);
19. IBI Group Landscape Peer Review Comments letter dated 3/29/21 from John Amodeo (7 pages);
20. Parcel addresses map from Devens Engineering (DCC_ADDRESS.dgn);
21. Overall Design Discussion meeting notes dated 3-31-21 (1 page);
22. Building Floorplans PDF: 20212_45 Jackson Building 3_Floor Plans_2021-04-19;
23. Building Elevations PDF: 20212_45 Jackson Building 3_Elevations_2021-04-19;
24. ROD - 33 Jackson draft 4-21-21 (11 Pages);
25. Wetland Request for Determination of Applicability Extension Request: 33 Jackson Road - RDA_extension_04-21-2021;
26. Letter from Greg Tocci to Zack Skazynski, subject: Acoustical Analysis, 45 Jackson Road, dated April 21, 2021 (11 pages);
27. April 27, 2021 Presentation Slide show from Highpoint Engineering (33 Jackson DEC Presentation_Final);
28. Design Review Approval Letter from MassDevelopment, dated April 30, 2021;
29. Email correspondence as follows:

Date	From	To	Subject
3/17/21	Doug Hartnett	Neil Angus	33 Jackson Road - Level 2 Application Traffic Report Submission
3/4/21	Doug Hartnett	Peter Lowitt	33 Jackson Road - Level 2 Unified Permit Application
3/11/21	Doug Hartnett	Neil Angus	33 Jackson Road - Unified Permit App Photometric Plan
3/25/21	Doug Hartnett	Neil Angus	33 Jackson Stormwater Report
3/25/21	Doug Hartnett	Neil Angus	33 Jackson Review Comments
4/1/21	Neil Angus	Doug Hartnett	33 Jackson Review Comments
3/29/21	Jenn Johnson	Neil Angus	33 Jackson Review Letters
3/12/21	Mark Cohen	Neil Angus	RE 33 Jackson KSP Building 3 Level 2 Unified Permit
4/5/21	Neil Angus	Doug Hartnett	RE 33 Jackson Review Comments
3/29/21	Neil Angus	Jenn Johnson	RE 33 Jackson Review Letters (1)

3/29/21	Ruth Loetterle	Neil Angus	Re 33 Jackson Review Letters
3/15/21	Jenn Johnson	Neil Angus	RE 33 Jackson Road - Level 2 Unified Permit Application
3/31/21	John MarcAurele	Neil Angus	RE 33 Jackson
4/23/21	Neil Angus	John Marc Aurele	FW 33 Jackson Road - Level 2 Permit Peer Review Response to Comments
4/23/21	Neil Angus	John Marc Aurele	Re 33 Jackson Road - Level 2 Permit Peer Review Response to Comments (1)
4/23/21	Neil Angus	Ruth Loetterle	Re 33 Jackson Road - Level 2 Permit Peer Review Response to Comments1
4/23/21	Doug Hartnett	Neil Angus	33 Jackson Road - Revised Level 2 Site Development Plans
4/16/21	Doug Hartnett	Neil Angus	33 Jackson Road - Level 2 Permit Peer Review Response to Comments
4/20/21	Neil Angus	Jenn Johnson	FW 33 Jackson Road - Level 2 Permit Peer Review Response to Comments1
3/11/21	John MarcAurele	Neil Angus	FW External 45 Jackson - Lot 1 - Level 1 Plan
4/1/21	Tim Kelly	Neil Angus	RE 33 Jackson - KSP Building #3
3/17/21	Doug Hartnett	Neil Angus	33 Jackson Road - Level 2 Application Traffic Report Submission
3/15/21	Jenn Johnson	Neil Angus	Re 33 Jackson Road - Level 2 RDA
4/19/21	Doug Hartnett	Neil Angus	King Street - 33 Jackson Road Building Design Review
4/19/21	Doug Hartnett	Ed Starzec	33 Jackson Road - Building Design Review
4/26/21	Mark Cohen	Neil Angus	RE 33 Jackson Road - Level 2 Permit Peer Review Response to Comments
4/27/21	Jenn Johnson	Neil Angus	Devens - Budget Progress
4/30/21	Ed Starzec	Peter Lowitt	Design Review Approval - 33 Jackson Road
4/30/21	John MarcAurele	Doug Hartnett	RE Proposed ROW layout for the north end of Lake George St
5/3/21	Adina Alpert	Neil Angus	33 Jackson Road Traffic Study
5/5/21	Neil Angus	Doug Hartnett	Staff Report and Draft ROD
5/5/21	Doug Hartnett	Neil Angus	RE: Staff Report and Draft ROD

30. Draft Negative Request for Determination of Applicability with condition dated 5/6/2021.

31. Draft Record of Decision, dated 5/6/21 (11 pages).

32. Mullin Rule Affidavit for DEC Commissioner Robert Markley, dated 5/5/21.

4. Unified Permit Components and Actions:

The Unified Permit for this project includes Site Plan Approval and a Wetland Request for Determination of Applicability for the development of a +/- 220,000 gross square foot bio-manufacturing building and associated site improvements on a +/-10.2 acre rear portion (33 Jackson Road) of the ~24 acre parcel of land located at 45 Jackson Road, Devens (Harvard), MA (Deed Reference: Bk: 62907 Pg: 267). The project also includes amendments to a previously approved conceptual master plan encompassing approximately 44 acres on 45, 57, 59, and 75 Jackson Road, Devens (Harvard), MA.

5. Process:

Highpoint Engineering, on behalf of King Street Properties Acquisitions, LLC., submitted the Unified Permit Application on March 5, 2021 and the Determination of Completeness was issued on March 11, 2021. Copies of the application were received by the surrounding Towns on March 15, 2021. Legal notices were placed in Nashoba Publications on March 26, 2021 and April 2, 2021. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on April 16, 2021. No comments were received.

6. Waivers:

The Applicant requested the following waivers:

974 CMR 3.04(8)(h)2. Landscape Treatment. The Applicant shall provide shade trees around the perimeter of all parking areas at a minimum ratio of one (1) tree per 25 lineal feet of parking lot perimeter. In portions of parking areas where screens are required, the Applicant shall provide shade trees along the perimeter at a minimum ratio of 1 tree per 50 lineal feet of parking lot perimeter in addition to the required screen. Trees shall appear informally arranged, rather than set in straight evenly spaced rows, unless existing trees or major site elements suggest a formal arrangement. Informally arranged trees may be clustered or grouped, if desired, as long as clusters/groups are not more than 75' apart.

974 CMR 3.04(8)(h)3. Landscape Treatment. Internal parking area plantings are required. Exclusive of perimeter screen planting, internal parking lot landscape areas shall contain one deciduous shade tree for every 20 parking spaces. Trees shall be distributed throughout the parking lot as evenly as possible, although more than one tree may be located on a single island. Trees shall be set back at least 5' minimum from the face of the curb. Tree placement and parking lot lighting shall not conflict. Salt-tolerant shrubs shall be planted along divider islands, preferably native species clustered in groups of 5 or 7, at a rate of 1 shrub for each 10' of divider island length. Interior parking area plantings may be waived in truck parking areas if interior areas are screened from Streets, the principal entrance of any abutting building, the Open Space and Recreation zoning district, or residential zoning district with a year-round visually impervious screen at least 6' tall at installation and perimeter plantings are provided.

974 CMR 3.04 (8)(f)3. – Groundplane Treatment. Any unpaved areas steeper than 1:3 shall be planted with shrubs or groundcover having fibrous root systems.

The DEC voted to deny the waiver requests for 974 CMR 3.04(8)(h)2. and 974 CMR 3.04(8)(h)3. (6 in favor - 2 against), and voted unanimously to approve the waiver request for 974 CMR 3.04 (8)(f)3.subject to specific conditions (see “Conditions” section of this decision).

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 proposed parcel will have the required frontage along Lake George Street and the northern property boundary is considered a side property boundary and the western boundary is considered the rear property boundary.
3. The project is located within a Watershed Water Resources Protection 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.

4. The project is located within the Viewshed Overlay District. Based upon the Viewshed Analysis, the Applicant has undertaken all reasonable efforts to design the Project building and site to maximize existing tree preservation, provide supplemental landscape screening and building designs to minimize significant visual impacts to the viewshed receptors.
5. The proposed 307 surface parking spaces are sufficient based on the anticipated use (manufacturing/office). A 5-story 700-space structured parking facility (reserve/future parking) has been included should additional parking be required for this and other future tenants of this master planned complex.
6. 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 will comply with 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 Departments.
6. Regarding the approval criteria listed in 974 CMR 3.03(2), with conditions:
 - (a) The Site Plan complies with 974 CMR 3.00 and 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 access is designed to provide for safe vehicular and pedestrian travel.
 - (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.
 - (j) A Negative Wetland Determination of Applicability has been issued by the DEC and the condition is part of this Unified Permit.
 - (k) Industrial Performance Standards will be adhered to as per the final plans.
 - (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) Wherever “Applicant” is referenced in the Conditions set forth herein, it refers to the Applicant, its successors and assigns.
- 2) 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, Driveway curb cut permit from MD/Devens Public Works and MA DEP permits. Should any of these decisions require significant plan changes, the Applicant will be required to amend this unified permit.
- 3) 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. In addition, the Applicant and its lessees shall participate in the Devens Transportation Management Initiative.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) No outdoor storage is permitted other than what is shown on the plans.

- 10) 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.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) Prior to commencement of construction, the Applicant shall submit a copy of their Construction Stormwater Pollution Prevention Plan (SWPPP). Additional controls shall be implemented at the discretion of the DEC or its Staff.
- 15) This unified permit approval is for the detailed build-out of Building #3 core and shell and associated parking, grading, drainage and utility work. Modifications to the conceptual master plan include Floor Area Ratio increases for future buildings as shown. All future buildings and uses will require additional Unified Permit(s) to ensure compliance with the DEC Bylaws and Development Rules and Regulations.
- 16) The Applicant shall file an approved Level One Lotting Plan with the DEC in order to subdivide the lot. Once endorsed, this plan shall be recorded with the Registry. Proof of recording shall be provided to the DEC prior to commencement of construction. All proposed improvements to provide the required frontage on Lake George Street shall be completed and coordinated with the DEC and MassDevelopment.
- 17) Prior to issuance of a Certificate of Occupancy all required off-site improvements along Jackson Road as identified in the Traffic Impact and Access Study and Appendix for 33 Jackson Road, Devens, MA, prepared for King Street Properties by VHB, Inc., dated March 2021 shall be completed. Final details for these improvements shall be added to the final plan set. These improvements shall be coordinated with the DEC, Devens utilities, Engineering, and Public Works.
- 18) The Traffic Impact Study shall be revised to address the remaining comments from Nitsch Engineering in an e-mail dated May 3, 2021 from Adina Alpert to Neil Angus. A copy of the updated report shall be provided to the DEC prior to issuance of a building permit. The Applicant is required to implement the Transportation Demand

Management Program and Post-Occupancy Traffic Monitoring Program requirements as outlined in the “Mitigation” section of the Traffic Impact Study.

- 19) 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.
- 20) A baseline sound study is underway. Once a tenant is selected, and prior to a CO for any tenant fit-up, the Applicant shall model proposed tenant and facility equipment operating noise levels and demonstrate compliance with 974 CMR 4.05.
- 21) 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.
- 22) An Operations and Maintenance Plan, including stormwater management and a Hazardous Materials Spill Response Plan or Spill Pollution Prevention Control and Countermeasures Plan (depending on the tenants and actual uses) for the facility shall be prepared and submitted to the Fire Chief and DEC prior to issuance of a certificate of occupancy. This plan will need to specify the materials, types, quantities, location and method of storage/containment, handling and disposal as per 974 CMR 4.09.
- 23) Prior to endorsement, the final plans shall be revised to include the following changes:
 - a. Front Yard setback shall be changed on the plans to run the entire length of frontage on Lake George Street.
 - b. Remaining review items identified by Nitsch Engineering and IBI Group in Peer Review letters dated 5/6/21 (forthcoming).
 - c. Waivers granted to be included on final plans.
 - d. Update landscape plans to provide required screening as per 974 CMR 3.04(8)(h)2. and 974 CMR 3.04(8)(h)3. Clustered plantings will be acceptable.
 - e. Add all slope stabilization details and include temporary erosion and sediment control protection on the stone drain along the east side of the building (to be maintained until slope is fully stabilized).
 - f. Relocate porous pavement spaces west of the building to parking areas north and south of the building. Include a stabilized curb cut along the northeastern corner of the biofiltration landscape island on the west side of the building.
 - g. Include all pavement markings (crosswalks, stop bars, speed tables, etc..) and on-site vehicular and pedestrian signage (stop signs, crosswalks, etc..) to ensure safe movement of vehicles, pedestrians and cyclists. The stop line for the right turn lane out of the property modified to be parallel to the roadway rather than at a skewed angle.
 - h. Shift SWM-7 infiltration system further from the slope area or provide an analysis showing that 15' separation is sufficient to avoid any slope breakout/seepage.
 - i. All existing trees 12" caliper or greater shown on all plans. Show all existing trees to be preserved on all plans, including protection measures (distinguish

- between existing and proposed plantings on Landscape Plan) and include details on how all new perimeter plantings will be maintained until established.
- j. Snow stockpiling locations. All snow stockpiling locations need to drain into the on-site treatment system.
 - k. Trail relocation details.
 - l. Ensure curved walkway on the northeast corner of the site complies with all ADA requirements for cross-slope and grade.
- 24) To comply with 974 CMR 3.04 (8)(f)3. – Groundplane Treatment, immediate stabilization of all 3:1 and 2:1 slopes is required. The Applicant shall install a jute mesh erosion control blanket with topsoil and hydroseed with an erosion control seed mix for these slopes and adhere to the following:
- a) The applicant shall consult with the seed supplier to establish an in-depth protocol for achieving this immediate stabilization and for the long-term establishment of the plant material for all 3:1 and 2:1 slopes. Protocol should be established by the seasons and span the first three years. Protocol shall address immediate slope stabilization, watering, mulching, erosion control, weed and invasive species control, reseeding, and slope repair. Protocol for both of the 2:1 slopes shall not include mowing given the steepness of the slope.
 - b) Provide required viewshed screening by planting the top of the slope at the southeast corner of the building with large canopy deciduous trees, planting the slope with a large quantity of young trees (large canopy deciduous native species), and allowing the slope to progress through successional stages and achieve the reforestation of the slope.
- 25) Site lighting shall be revised to reduce lighting intensities along the sidewalks in the rear of the facility and ensure sufficient lighting levels for all crosswalk areas. 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.).
- 26) Applicant shall join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation and comply with the MA Stretch Code (780 CMR 120AA) as amended. If this project requires a MassDEP Air Quality Permit, it will also need to have a roof for which at least thirty (30) percent shall be vegetated.
- 27) All building finishes shall not contain any reflective materials, including but not limited to metal flashing, mechanical enclosures, window frames/treatments, doors, roofing material or building trim. Any roof top mechanicals that are not able to be non-reflective will need to be shielded with a non-reflective barrier. Building roofs and upper tiers and trim shall not be lit.
- 28) The proposed 700-space parking garage will require DEC Administrative approval prior to construction. The Applicant will need to provide proof that the parking expansion is warranted based on the current and near-term occupancy of the campus. The Parking garage shall not be a substitute for implementing the Transportation Demand Management Programs as listed in the Traffic Impact Study. Parking garage lighting will also need to be reviewed and approved to ensure no negative impacts to the Viewshed receptor locations.

- 29) Prior to any connection to the Devens system, the Applicant shall confirm that:
- a. No discharges from temporary sedimentation basins are connected to the municipal storm water system.
 - b. All stormwater recharge requirements are addressed on site.
 - c. Stormwater runoff from areas of higher potential pollutant loading such as loading docks, shall be passed through a proprietary water quality unit before entering and component of the on-site system which has a direct connection to the municipal stormwater system.
 - d. All systems connected to the Devens stormwater facilities are subject to periodic inspection and sampling.
 - e. Required water quality management and treatment for the 25 year storm event shall be provided on-site, will be maintained at a level equal to or greater than that currently provided and shall be upgraded as necessary to maintain compliance with the remaining conditions below.
 - f. Any and all discharges to the Devens stormwater facilities shall consist solely of uncontaminated and unpolluted stormwater runoff; and will not consist of or be a source of contaminants or pollutants that would violate the Devens authorization to discharge under the 2016 EPA NPDES general permit for discharges from MS4s in Massachusetts and any subsequent revisions or amendments.
 - g. Prior to commencement of any work, a CAD file showing existing and proposed work, in a format acceptable to the MassDevelopment Engineering Department, shall be provided.
 - h. Upon completion of work but prior to occupancy of the approved addition, a updated CAD file will be provided showing the as-constructed location of all site features.
 - i. The Project reduces Phosphorous (P) and other stormwater impairment constituents prior to discharge to the Nashua River.

MassDevelopment/DEC may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. This is a perpetual conditions.

- 30) Relocated and reconstructed existing public water and sewer utilities that run through the site shall be coordinated with Devens Utilities. The Applicant shall coordinate a permanent easement with MassDevelopment for access to the stormwater management basin to the west of the property.
- 31) Prior to a Certificate of Occupancy for Building 3, the Applicant shall complete the Lake George Trail relocation to reconnect the trail with the Lake George Street ROW. No tree removal or slope disturbance is permitted.
- 32) The Applicant shall confirm that the existing remnants of stone wall on the property is not of archeological significance according to the Fort Devens Historic Preservation Plan.

9. Decision:

The Public Hearing closed on May 6, 2021 and the DEC voted on May 6, 2021, to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose Conditions, and to approve the development of a +/- 220,000 gross

square foot bio-manufacturing building and associated site improvements on a +/-10.2 acre portion of the ~24 acre parcel of land located at 45 Jackson Road, Devens (Harvard), MA (Deed Reference: Bk: 62907 Pg: 267), as well as amendments to the conceptual master plan of development for 45, 57, 59 and 75 Jackson Road, Devens (Harvard), MA.

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". Final plans must be submitted to the Commission for endorsement by November 7, 2021

5-7-2021
Date

Approved by:

Peter C. Lowitt
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 C.
Kathryn Clisham, Notary
My Commission expires 2/28/2025

