

**Record of Decision
77 GRANT RD., LLC.
77 Grant Road (Parcel ID#024.0-0006-0900.0)
Unified Permit Amendment
Devens (Harvard), MA
October 27, 2026**

1. Owner/Applicant:

The landowner and applicant is 77 Grant Rd. LLC., 65 Cape Road, Mendon, MA 01756.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit Application to amend a previously approved site plan for 46-unit residential multi-family units with 60 parking spaces (#D15-012, #D18-017, and #D22-014), to add 23 parking spaces in the previously disturbed rear portion of the property, for a total of 83 off-street parking spaces. Property located at 77 Grant Road (Parcel ID # 024.0-0006-0900.0), Devens (Harvard), MA, in the Residential I District and Watershed Water Resource Protection Overlay District.

3. Submission:

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

1. Level 2 Unified Permit Amendment Application (D26-007), prepared by Elite Home Builders and 77 Grant Rd. LLC., 65 Cape Road, Mendon, MA 01756,
2. Stormwater management Report entitled: "Stormwater Management Report Addendum for 77 Grant Road", dated July 7, 2026, (47 pages) revised September 16, 2026; prepared by Stamski & McNary, 1000 Main Street, Acton, MA 01720.
3. Site Plan Entitled: "#77 Grant Parking Plan in Devens, Massachusetts (Worcester County)", prepared for Devens Village Green LLC., dated July 17, 2026, revised through September 17, 2026; prepared by Stamski & McNary, 1000 Main Street, Acton, MA 01720.
4. Landscape and Lighting Plans (Sheets L-1 and L-2); dated September 17, 2026, prepared by McCarty Engineering, Inc. 42 Tucker Drive, Leominster, MA 01453.
5. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated September 23, 2026;
6. Public Hearing legal notice publication memo to Nashoba Publications, dated September 23, 2026 (publication dates October 2 and 9, 2026), including newspaper copies;
7. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated September 23, 2026, from Neil Angus, Director DEC;
8. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated September 23, 2026, from Neil Angus/Dawn Babcock.
9. Community Cable Advisory Committee notice, dated September 23, 2026, to run September 23, 2026 through October 27, 2026;
10. Public Hearing Notice to the Secretary of State, dated September 23, 2026.
11. Determination of Completeness, dated September 23, 2026, signed by Neil Angus.
12. Plan Circulation memo dated September 23, 2026, from Neil Angus to MassDevelopment and Nitsch Engineering Re: Level 2 Unified Permit – 77 Grant

- Road Parking Lot Expansion – Plan Circulation;
13. Certified 300' Abutter List from Devens Assessors Office;
 14. Stormwater Pollution and Prevention Plan for Emerson Green, Grant Road, Devens, MA; prepared by Matthew S. Marro Environmental Consulting, 45 Lisa Drive, Leominster, MA 01453; dated 8/13/26
 15. EPA Construction General Permit Completed USEPA NPDES Form (Form OMB2040-0305) (4 pages);
 16. Report Entitled: “Unified Permit Modification Parking Needs Narrative - Emerson Green Residences - Why 46 homes and 79 bedrooms need 83 parking spaces, and why 23 additional spaces put the community where it needs to be”; prepared by 77 Grant Rd. , LLC; submitted on September 30, 2026 (10 pages).
 17. DEC Review comment letter to Cohen Babcock, from Neil Angus; Re: 77 Grant Road Parking Lot Expansion Level II Unified Permit Amendment Application (#D26-007), dated September 30, 2026 (2 pages);
 18. Additional Parking context aerial (single PowerPoint slide, dated 10/5/26);
 19. Response to DEC review comments from Stamsky & McNary, Inc.; dated October 6, 2026 (2 pages);
 20. Revised Site Plan Entitled: “#77 Grant Parking Plan in Devens, Massachusetts (Worcester County)”, prepared for Devens Village Green LLC., dated July 17, 2026, revised through October 6, 2026; prepared by Stamski & McNary, 1000 Main Street, Acton, MA 01720 (2 sheets).
 21. Landscape and Lighting Plans (Sheets L-1 and L-2); dated September 17, 2026, prepared by McCarty Engineering, Inc. 42 Tucker Drive, Leominster , MA 01453.
 22. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated September 23, 2026, revised 10/6/26; Revised Stormwater Management Report entitled: “Stormwater Management Report Addendum for 77 Grant Road”, dated July 7, 2026, (47 pages) revised through October 6, 2026; prepared by Stamski & McNary, 1000 Main Street, Acton, MA 01720.
 23. Peer Review Engineering comments from Paige Blanchard, Nitsch Engineering, to Neil Angus (6944A RESPONSE LETTER_Nitsch Comments), sent on 10/16/26 (2 pages);
 24. DEC Staff report, dated October 22, 2026 (4 pages)
 25. Draft Record of Decision, dated October 27, 2026 (6 pages);
 26. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Cohen Babcock	9/18/26	Emerson Green Unified Permit Minor Modification
Neil Angus	Cohen Babcock	10/9/26	Re: Parking Expansion Permit Amendment
Paige Blanchard	Neil Angus	10/13/26	RE: 77 Grant Review
Neil Angus	Cohen Babcock	10/1/26	Clarification
Neil Angus	Cohen Babcock	9/30/26	Re: Parking Expansion Permit Amendment
Neil Angus	Cohen Babcock	9/25/26	EGR Parking Narrative

4. Unified Permit Components and Actions:

The Unified Permit for this project includes site plan amendment to add 23 additional parking spaces to a previously approved site plan for 46-unit residential multi-family units with 60 parking spaces (#D15-012, #D18-017, and #D22-014). Property located at 77 Grant Road (Parcel ID # 024.0-0006-0900.0), Devens (Harvard), MA, in the Residential I District and Watershed Water Resource Protection Overlay District.

5. Process:

77 Grant Rd. LLC., submitted the Unified Permit Application on September 21, 2026 and the Determination of Completeness was issued on September 23, 2026. Copies of the application were received by the surrounding Towns on September 23, 2026. Legal notices were placed in Nashoba Publications on October 10 and 14, 2026. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on October 24, 2026. No comments were received.

6. Waivers:

No waivers were requested as part of this amendment request.

7. Findings:

The DEC finds that:

1. The proposed use (multi-family residential and parking) are allowed uses in the Residential I District as per Exhibit D of the Devens Bylaws.
2. The total number of parking spaces for the site (83) is below the parking maximum (92) or 2 spaces per unit. Additional on-street parking is available for visitors.
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 on-site Storm Water Management system has been designed so that there are no untreated discharges from the site– all parking lot runoff will be pretreated through an on-site treatment train that has been upgraded to include on-site infiltration, and mechanical filtration. Roof runoff has been separated from parking lot runoff and will be infiltrated directly on-site.
5. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions, 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 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.
 - (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 additional landscaping to further enhance screening.
 - (j) A wetlands order of conditions is not applicable to this project.
 - (k) Industrial Performance Standards will be adhered to as per the final plans.

- (m) The project will not interfere with existing traffic patterns;
- (n) The applicant will 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, with conditions, 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 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. Wherever “DEC” or “Commission” is referenced, it shall refer to the Devens Enterprise Commission, its successors and assigns.
- 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 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) The Applicant shall provide As-Built Plans and accompanying information for all site improvements in accordance with the DEC As Built Policy, prior to use of the parking area.
- 5) The Applicant will be required to 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.
- 6) The clearing limits for the drainage outlet shall be marked in the field and inspected by DEC staff prior to any tree removal. Erosion controls shall be maintained at all times in accordance with the active SWPPP for this project. DEC staff may require additional controls if site conditions warrant.
- 7) Landscaping shall be maintained in good condition in accordance with the approved landscape plan and 974 CMR 3.04(8). 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. 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.

- 8) To help reduce single occupancy vehicle use and greenhouse gas emissions from transportation, the Applicant shall join the North Central MA Rides Transportation Management Association [TMA] and participate in trip reduction strategies where feasible.
- 9) An updated Long-Term Operations and Maintenance Plan for the property shall be provided to include stormwater operations and maintenance plan for the new parking area, stormwater management features, and new landscaping. Snow removal shall also be addressed in this document (prohibition of 100% salt applications, no stockpiling within the rain garden, no blocking of sight lines, and any excess to be hauled off-site and disposed of in accordance with applicable DEC and state standards).
- 10) Prior to commencing construction of the additional parking, the Record of Decision and final plans shall be recorded at the Worcester Registry of Deeds. Prior to final endorsement and recording, the following changes shall be made to the plans:
 - (a) A note shall be included on the lighting plan indicating the requirement for full shielding/recessed lighting source.
 - (b) A note shall be included on the site plan verifying that no outdoor storage of equipment or materials within the parking area is allowed.
 - (c) The 'dead' storage below the pipe shall be modified to meet the 1-inch required volume for the additional impervious area.
- 11) Should the additional 23 parking spaces or any portion of them become obsolete the future, the Applicant shall explore options for eliminating pavement or repurposing the space for outdoor recreational use.
- 12) All applicable conditions related to the Phase 2A portion of the Devens Village Green, LLC. Unified Permit #D15-012, dated May 28, 2015 (with amendments #D18-017, dated May 22, 2018, and #D22-014, dated March 29, 2022) remain in full force and effect.

9. Decision:

The Public Hearing closed on October 27, 2026 and the DEC voted to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and approve the Site Plan Amendment to add 23 additional parking spaces to a previously approved site plan for 46-unit residential multi-family units with 60 parking spaces. Property located at 77 Grant Road, Devens (Harvard), MA.

10. Building Permit:

No building permit is required for this amendment.

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 October 28, 2026 and terminates November 27, 2026, is “at risk”. Final plans must be submitted to the Commission for endorsement by April 27, 2027.

Approved by:

Date

Neil Angus, 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 Neil Angus, Land Use Administrator/Director, is empowered by the Devens Enterprise Commission to sign this Record of Decision on its behalf.

Date

Dawn Babcock, Notary
My Commission expires _____