

Record of Decision
MASSDEVELOPMENT MIRROR LAKE PARKING EXPANSION
98 Patton Road (parcel ID# 006.0-0099-0201.0 - portion)
150 Patton Road (parcel ID# 010.0-0099-0200.0 - portion)
Devens (Harvard), MA
September 30, 2025

1. Owner/Applicant:

The landowner and applicant is MassDevelopment, 99 High Street, 11th Floor, Boston, MA 02110.

2. Premises and Proposed Project:

The Applicant is seeking a Level 2 Unified Permit (D25-009) for site plan approval for a 79-space parking lot expansion of an existing 56-space visitor parking lot and associated site improvements at Mirror Lake. Property located on portions of 98 Patton Road (parcel ID# 006.0-0099-0201.0) and 150 Patton Road (parcel ID# 010.0-0099-0200.0), Devens (Harvard), MA (Deed Reference: Bk 17907 pg. 001), in the Open Space and Recreation Zone and Zone 2 Water Resource Protection Overlay District.

3. Submission:

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

1. Level 2 Unified Permit Application package (D25-009), prepared by VHB, Inc., 99 High Street, 13th Floor, Boston, Massachusetts, including the following:
 - Completed Level 2 Unified Permit Application;
 - Project Narrative memo from Kevin Whight to Neil Angus, dated August 7, 2025, with Appendix A Planting Spec (13 pages);
 - Stormwater Management Report entitled: “Mirror Lake Parking Expansion 89-150 Patton Road, Devens, MA; prepared from MassDevelopment by VHB, Inc.; dated August 7, 2025 (196 pages);
 - Site Plans Entitled: “Mirror Lake Parking Expansion 89-150 Patton Road, Devens, MA; dated August 7, 2025, prepared by VHB, Inc., 99 High Street, 13th Floor, Boston, Massachusetts., including the following sheets:
 - Cover Sheet
 - C-001 Legend and General Notes August 7, 2025
 - C-101 Site Preparation Plan August 7, 2025
 - C-102 Layout and Materials Plan August 7, 2025
 - C-103 Grading and Drainage Plan August 7, 2025
 - C-501 Site Details 1 August 7, 2025
 - L-101 Overall Landscape Plan August 7, 2025
 - L-102 Existing Tree Protection and Removal Plan August 7, 2025
 - L-103 Materials Plan August 7, 2025
 - L-104 Planting Plan August 7, 2025
 - L-105 Landscape Details August 7, 2025
 - Sv-1 Existing Conditions Plan of Land May 7, 2025
 - Figure 1 Devens Fire Truck Turning Movement July 24, 2025
 - Figure 2 Car and Boat Trailer Turning Movement June 3, 2025 11– Fire Truck Turning Plan
2. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated August 13, 2025 (and corrected notice sent August 15, 2025);
3. Public Hearing legal notice publication memo to Nashoba Publications, dated

- August 13, 2025 (and corrected notice sent August 15, 2025) (publication dates August 29, 2025 and September 5, 2025), including copies of publications;
4. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated August 13, 2025 (received 8/13/25) from Neil Angus, Director DEC;
 5. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated August 13, 2025, from Neil Angus/Dawn Babcock.
 6. Community Cable Advisory Committee notice from Neil Angus/Dawn Babcock, dated August 13, 2025 through August 26, 2025;
 7. Public Hearing Notice to the Secretary of State, dated August 13, 2025.
 8. Determination of Completeness, dated August 13, 2025, signed by Neil Angus.
 9. Certified Abutters List from MassDevelopment Assessors Office, dated August 11, 2025 and August 15, 2025.
 10. Public hearing Processing Fee invoice to Applicant, dated 8/7/25;
 11. Plan Circulation memo dated August 13, 2025, from Neil Angus to MassDevelopment Re: Level 2 Unified Permit – Mirror Lake Parking Lot Expansion – Plan Circulation (1 Page);
 12. Completed Embodied Carbon Reduction Checklist;
 13. State-Listed Turtle Protection Plan – Mirror Lake Parking Lot Expansion Project, Devens, MA; NHESP File Number 25-19508, prepared by VHB, Inc., 120 Front Street Ste 500; Worcester, MA 01608 (25 pages);
 14. Copy of MESA Review Checklist Report; RC-95350; Submitted on 07/16/2025;
 15. NHESP Determination - No Take with Conditions - Require Turtle MP; dated August 12, 2025;
 16. Peer Review Engineering comments from Sydnie Picard and Sandy Brock, Nitsch Engineering, to Neil Angus, dated August 22, 2025 (2 pages);
 17. DEC Review comments to Applicant, dated August 18, 2025 (4 pages);
 18. DEC Staff report, dated September 25, 2025 (3 pages);
 19. Revised Level 2 Unified Permit Submittal Application Package including the following:
 - Completed Level 2 Unified Permit Application;
 - Project Narrative memo from Kevin Whight to Neil Angus, dated September 5, 2025(16 pages);
 - Design review adjustment memo dated September 5, 2025 from Kevin Wright, VHB, Inc., to Sydnie Picard, Nitsch Engineering (2 pages);
 - Devens Fire Truck Turn Plan for Mirror Lake Parking Expansion, prepared by VHB Inc. (Figure 1, dated 7/24/25); 1 sheet;
 - Stormwater Management Report entitled: “Mirror Lake Parking Expansion 89-150 Patton Road, Devens, MA; prepared from MassDevelopment by VHB, Inc.; dated September 5, 2025 (233 pages);
 - Revised Site Plans Entitled: “Mirror Lake Parking Expansion 89-150 Patton Road, Devens, MA; dated August 7, 2025, prepared by VHB, Inc., 99 High Street, 13th Floor, Boston, Massachusetts., including the following sheets:
 - Cover Sheet
 - C-001 Legend and General Notes September 5, 2025
 - C-101 Site Preparation Plan September 5, 2025
 - C-102 Layout and Materials September 5, 2025

- C-103 Grading and Drainage Plan September 5, 2025
- C-501 Site Details 1 September 5, 2025
- L-101 Overall Landscape Plan September 5, 2025
- L-102 Existing Tree Protection and Removal Plan September 5, 2025
- L-103 Materials Plan September 5, 2025
- L-104 Planting Plan September 5, 2025
- L-105 Landscape Details September 5, 2025
- Sv-1 Existing Conditions Plan of Land May 7, 2025
- Figure 1 Devens Fire Truck Turning Movement July 24, 2025
- Figure 2 Car and Boat Trailer Turning Movement June 3, 2025 11– Fire Truck Turning Plan

20. Draft Record of Decision, dated September 30, 2025 (7 pages);

21. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Kevin Wright	8/7/25	Mirror Lake Parking Lot Expansion-DEC Level 2 Unified Permit Submission
Neil Angus	Kevin Wright	9/5/25	RE _ External _ RE _ Mirror Lake Parking Lot Expansion-DEC Level 2 Unified Permit Submission
Kevin Wright	Neil Angus	9/5/25	RE: [External] Devens Review: Mirror Lake Parking
Neil Angus	Hillary Clark	8/12/25	FW: Heritage Hub response RC-95350
Neil Angus	Kendra Halliwell		Mirror Lake Parking Lot Expansion-DEC Level 2 Unified Permit Submission - Embodied Carbon Reduction Checklist
Kevin Wright	Sydney Picard	8/22/25	Devens Review: Mirror Lake Parking
Neil Angus	Sydney Picard	9/22/25	RE _ Mirror Lake Review
Kevin Wright	Neil Angus	9/22/25	RE _ External _ RE _ Mirror Lake Parking Lot Expansion-DEC Level 2 Unified Permit Submission

4. Unified Permit Components and Actions:

The Unified Permit for this project includes site plan approval for a 79-space parking lot expansion of an existing 56-space visitor parking lot and associated site improvements at Mirror Lake. Property located on portions of 98 Patton Road and 150 Patton Road, Devens (Harvard), MA, in the Open Space and Recreation Zone and Zone 2 Water Resource Protection Overlay District.

5. Process:

MassDevelopment submitted a Level II Unified Permit application package on August 7, 2025. The pre-permitting conference was completed on July 29, 2025 and the Determination of Completeness was issued on August 13, 2025. Copies of the application and plans were received by the surrounding Towns on August 13, 2025. Legal notices were placed in Nashoba Publications on August 29, 2025 and September 5, 2025. Certified Mail notice was sent to all abutting property owners on August 15, 2025. The 30-day town comment period expired on September 14, 2025. No public comments were received. The public hearing opened on September 30, 2025 and closed that same day.

6. Waivers:

A waiver for the application fee (municipal project) was granted administratively by the DEC Director. No other waivers were requested as part of this application.

7. Findings:

The DEC finds that:

1. The proposed use is allowed as per the Devens Bylaws, Devens Open Space and Recreation Plan, and the Conservation Restriction held by the Trustees of Reservations.
2. The proposed project will not negatively impact the Blanding's Turtle in accordance with the Applicant's NHESP's approved turtle management plan.
3. The project is located within a Zone 2 Water Resources Protection District. The final plans, with the conditions listed herein, comply with the Stormwater Management Provisions and Zone 2 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 runoff will be pretreated through an on-site treatment train. Discharges from the site have been designed to meet the MA DEP SWM Standards and DEC regulations and comply with the US EPA MS4 requirements. Any discharge to the Devens Municipal Stormwater System is under the jurisdiction of and subject to the review and approval of the Devens Engineering Department.
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 and there are no new connections.
 - (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards will be included.
 - (i) The plans comply with Landscaping Design Standards through the preservation of existing specimen trees and additional landscaping to further enhance the natural environment.
 - (j) A wetlands order of conditions is not applicable to this project.
 - (k) Industrial Performance Standards are not applicable to this project.
 - (m) The project will not interfere with existing traffic patterns;
 - (n) The applicant participates 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 is not required for this project.
 - (q) There is no new building design that needs to meet 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, with conditions, 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) 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, along with the Record of Decision, with the Registry of Deeds and proof of recordation shall be submitted to the DEC prior to the issuance of a building permit. Plans shall conform to all Registry recording requirements.
- 5) Prior to commencement of construction, the Applicant shall submit a copy of all applicable federal, state, and local permits necessary for the construction and operation of the facility must be obtained, including, but not limited to, their Construction Stormwater Pollution Prevention Plan (SWPPP), EPA Construction General Permit. Copies of permits issued by those other than the DEC must also be filed with the DEC prior to commencement of any construction.
- 6) 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. Additional controls shall be implemented at the discretion of the DEC or its 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.
- 7) Aside from on-site directional signage, there is no other approval of signs implicitly or explicitly granted in this Unified Permit and any erection of any additional signs of any type will require subsequent DEC approval.

- 8) The Applicant shall provide As-Built Plans and accompanying information for all site improvements in accordance with the DEC As Built Policy, prior to the DEC signing off on the completion of the project.
- 9) The Applicant add this new parking area to their 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.
- 10) 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.
- 11) An updated Stormwater Report and Long-Term Operations and Maintenance Plan for Devens shall be provided that includes the following:
 - a) Document that the project is within a Zone II under the Regulatory Compliance section in the stormwater report and revise narrative to identify how the requirements of Standard 6 are met.
 - b) Details of post-construction erosion control methods and maintenance details for different seed mixes and disturbed areas.
 - c) Invasive species management.
 - d) Porous pavement and level spreader inspection and maintenance details (frequency, methods)
- 12) The property shall comply with the Massachusetts Anti-Idling law (5-minute restriction). The Applicant shall post signage notifying drivers of this requirement.
- 13) Prior to DEC endorsement, the final plans shall be revised to include the following:
 - a) Include project owner information on cover sheet and update all plans to conform to Worcester Registry recording requirements.
 - b) provide a reference to the updated Devens O&M Plan on the plan set.
 - c) Notation that the project is within a Zone II Water Resource Protection District in the Zoning Table on C-102.
 - d) Address change from 89 Patton to 98 Patton on all plan sheets.
 - e) Show Zoning District boundary on plan and label zones along line to clearly distinguish.
 - f) DEC Endorsement line on turning radius sheet.
 - g) Show safe pedestrian connection from existing trail and crosswalk at Patton, through site.
 - h) Confirm turning radius for boat parking. Ensure enough clearance for exiting both trailer spaces as well. Ensure turning radius is shown for both the Devens Tower Ladder AND the Engine.
 - i) Stabilized construction entrance – correct detail to specify either gravel or crushed stone and ensure stone is large enough for anti-tracking pad (1-3”, min 6” thick).
 - j) Provide detail on how soil will be retained in tree wall areas until stabilized.
 - k) Clarify “Approximate Area of Invasive Species Removal” and “Existing tree line or Proposed Parking lot Extents”.

- l) Update planting plan to show proposed ground cover treatment for all disturbed/graded areas and add note on landscape plan to reflect need to mitigate any soil compaction in areas that will be planted.
- 14) All outstanding peer review fees shall be paid prior to commencement of construction.

9. Decision:

The Public Hearing closed on September 30, 2025 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 for a proposed for a 79-space parking lot expansion and associated site improvements at Mirror Lake. Property located on portions of 98 Patton Road and 150 Patton Road, Devens (Harvard), MA.

10. Building Permit:

No building permit is required for this permit.

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 1, 2025 and terminates October 31, 2025, is "at risk". Final plans must be submitted to the Commission for endorsement by March 30, 2026.

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, Devens 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 _____