

Unified Permit Modification Record of Decision
MACK DEVENS DEVELOPMENT 11, LLC.
11 Grant Road (Parcel ID#0.19.0-0008-0400.0)
Devens (Harvard), MA
March 18, 2025

1. Owner/Applicant:

The landowner and Applicant are Mack Devens Development 11, LLC., 18 Independence Drive, Devens, MA 01434.

2. Premises and Proposed Project:

The applicant is seeking a modification to their June 8, 2023 Level 2 Unified Permit for the development of a new 232,320 gross square foot industrial building and associated site improvements at 11 Grant Road (Parcel ID#0.19.0-0008-0400.0), in Devens (Harvard), MA (Deed Reference: Bk: 69405 Pg. 157) in the Innovation, Technology and Business District, Open Space and Recreation Zone, and Watershed WRP Overlay District. The modification request is to eliminate the proposed trellises on three sides of the building, and replace the trellises on the Grant Road side with columnar evergreen plantings.

3. Submission:

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

1. Level 2 Unified Permit Application package (#D25-001) including the following:
 - Completed Level 2 Application
 - Site Plans Entitled: "Landscape Plan (1 of 2) 11 Grant Road, Devens, Massachusetts 01434", sheet 12, prepared by McCarty Engineering, Inc.; dated March 2, 2023,
 - Pilaster Perspective and Detail Drawing – Sheet A-301, prepared by J Ferrera Associates, Inc., 2 Fern Lane, Sterling, MA 01564, dated 03/02/2023, revised through 1-26-25;
 - Exterior Elevations (proposed Columnar Trees) – Sheet A-301.A, prepared by J Ferrera Associates, Inc., 2 Fern Lane, Sterling, MA 01564, dated 03/02/2023, revised through 1-26-25;
 - Columnar Evergreen Tree Options, prepared by McCarty Associates (3 pages)
 - Letter from Patrick McCarty to Neil Angus, dated January 21, 2025 Re: Mack Devens Development 11, LLC Request for Amendment – Levels 2 Unified Permit, 11 Grant Road, Devens, MA (2 pages);
 - Letter of Authorization from Mack Development 11, LLC, Owner Authorization from Michael Schick, Vice President, authorizing Patrick McCarty and McCarty Associates, to apply on their behalf. Dated January 31, 2025.
2. 300' Abutter List for 11 Grant Road, from Devens Assessor, dated 2/4/25
3. Letter from Rober Jenkins, MassDevelopment, to Neil Angus, Re: Wall Mounted Trellis Apparatus at 11 Grant Road, Devens; dated January 14, 2025 (1 page);
4. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) from Neil Angus, dated February 7, 2025;
5. Public Hearing legal notice publication memo to Nashoba Publications, from Neil Angus/Dawn Babcock, dated February 7, 2025 (publication dates February 21 and 28, 2025);
6. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated February 7, 2025 (received February 10, 2025) from Neil Angus, Director DEC;
7. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated February 7, 2025, from Neil Angus/Dawn Babcock.
8. Community Cable Advisory Committee notice, from Neil Angus/Dawn Babcock, dated February 7, 2025, to run February 7 to March 18, 2025;
9. Public Hearing Notice to the Secretary of State, from Neil Angus, dated March 6, 2023.

10. Determination of Completeness, dated February 7, 2025, signed by Neil Angus.
11. Devens Enterprise Commission Staff Report, Dated March 14, 2025 (8 pages);
12. Draft Record of Decision, dated March 18, 2025 (8 pages);
13. Trellis locations PDF/Presentation (7 slides), dated March 14, 2025, prepared by Neil Angus.
14. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Patrick McCarty	2/5/25	Trellis Substitution
Patrick McCarty	Neil Angus	3/10/23	RE: DOC for 11 Grant
Patrick McCarty	Neil Angus	3/17/25	Staff Report and Agenda for tomorrow night
Patrick McCarty	Neil Angus	3/18/25	Draft ROD

4. Unified Permit Modification Components and Actions:

The Unified Permit modification includes the request to eliminate the proposed trellises on three sides of the exiting 232,000 sf building located at 11 Grant Road in Devens (Harvard), MA, and replace the trellises on the Grant Road side of the building with columnar evergreen plantings.

5. Process:

Mack Devens Development 11, LLC, submitted a Level II Unified Permit Modification request on February 4, 2025 and the Determination of Completeness was issued on February 7, 2025. Copies of the application and plans were received by the surrounding Towns on February 10, 2025. Legal notices were placed in Nashoba Publications on February 21 and 28, 2025. Certified Mail notice was sent to all abutting property owners on February 7, 2025. The 30-day public comment period expired on March 10, 2025. No public comments were received. The public hearing opened on March 18, 2025 and closed that same day.

6. Waivers:

No waivers were requested as part of this modification request.

7. Findings:

1. The proposed modification, with conditions, complies with 974 CMR 3.00 and the applicable provisions of the By-Laws.
2. The building design meets the minimum standards as established by Mass Development for the district in which the lot is located.
3. The modification complies with Landscaping Design Standards through the additional preservation of existing specimen trees and wooded areas to the maximum extent feasible. The reduction and replacement of the living walls/trellises with columnar evergreens, in addition to the standard plantings, will still help reduce the mass and scale of the building and meet the screening requirements.

8. Conditions:

The DEC approved the request for modification to the original unified permit: eliminating the trellises, in exchange for the Taylor' Juniper plantings in eight (8) locations. The following conditions were added to the original 28 conditions listed in the June 8, 2023 Unified Permit (#D23-011), to ensure compliance:

29. The elimination of the trellises, in exchange for the planting of two (2) Taylor' Juniper- Juniperus virginiana 'Taylor'(min. 12-15' at installation) at the eight (8) locations as

noted at the public hearing and depicted on the plan entitled: Approved Trellis Alternate Plan: Taylor' Juniper- Juniperus virginiana 'Taylor' Plantings @ 8 Trellis Locations (16 plantings total), dated March 18, 2025.

30. The applicant shall provide a one-year guarantee for these plantings and shall maintain the plantings at all times as part of the building and property landscaping. Any dead or dying plants shall be replaced in a timely manner. This is an ongoing condition.

9. Decision:

The Public Hearing closed on March 18, 2025 and the DEC voted to approve the request for modification to the original unified permit: eliminating the trellises, in exchange for Taylor' Juniper associated with the development of a 232,320 gross square foot industrial building located at 11 Grant Road in Devens (Harvard), MA.

10. Building Permit:

No building permit is required as part of this modification request.

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 March 19, 2025 and terminates April 20, 2025, is "at risk". This modified Record of Decision shall be recorded in the Worcester Registry of Deeds by the Applicant by September 17, 2025.

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 _____