

Record of Decision
PPF Industrial 112 Barnum LLC
112 Barnum Road (Parcel #027.0-0017-0500.0)
Devens (Harvard), MA
Unified Permit
June 9, 2022

1. Applicant:

The Applicant is VulcanForms, Inc. and owner is PPF Industrial 112 Barnum LLC.. Property located at 112 Barnum Road, Devens (Harvard), MA 01434 (Deed Reference: Bk 48805 pg. 112).

2. Premises and Proposed Project:

The owner, on behalf of the Applicant, is seeking a Level 2 Unified Permit application for a License to store up to 12,000 lbs. of solid flammable materials. The material is a titanium alloy powder in 7.5 kg (16.5 lbs.) containers stored within grounded flammable storage cabinets, within a portion of the building that is properly designed to accommodate such materials, with smoke and heat detection as well as water fire suppression systems. The building is located within the Rail, Industrial and Trade Related Uses Zoning District and Zone 2 Water Resources Protection Overlay District.

3. Submission:

The following is a list of exhibits included as part of the record for this Application:

1. Unified Permit Application - Level 2 Submittal package for, including the following:
 - Application for License to store flammables, combustibles, or explosives (FP-002A);
 - Completed Level 2 Unified Permit Application form (D22-045) dated 4-21-22;
 - Completed Industrial Performance Standards Checklist;
 - Certified Abutters List;
 - Chemical Inventory for 112 Barnum Road, Devens, MA 01434;
 - Facility floor plan showing storage locations;
 - Tank Permits from the Devens Fire Department for liquid propane, flammables and combustibles in storage cabinets, fuel oil (generators),
 - Parking Covenant;
2. Determination of Completeness Issued April 27, 2022;
3. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated April 27, 2022;
4. Public Hearing Legal Notice e-mail to Nashoba Publications, from Peter Lowitt and Dawn Babcock, dated April 27, 2022 – to be published May 6 and 13, 2022;
5. Copies of Legal notices from May 6 and 13, 2022 from Nashoba Valley Voice;
6. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Dawn Babcock, dated April 27, 2022;
7. Memo dated April 27, 2022 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Board; Subject: Level 2 Unified Permit Application – 112 Barnum Road Flammable Storage Request (notification of Public Hearing on May 31, 2022 at 6:45PM), including return receipts;
8. Memo dated April 27, 2022 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – 112 Barnum Road Flammable Storage Request, including return receipts;
9. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated February 28, 2022;

10. Staff Report dated 5/27/22 Re: Level 2 Unified Permit – 112 Barnum Road/Vulcan Forms - request for license to store flammables and combustibles, prepared by Neil Angus (1 page);
11. Combustible Dust Program (Form 1500-ALL-EHS-P-0021) Rev B (6 pages);
12. Devens Fire Department Incident Report, dated 5/25/22 (7 pages);
13. VulcanForms public hearing presentation from 5/31/22 meeting – file: 1500-DV-EHS-0040 REV A Ti Storage for V1 for DEC;
14. E-mail correspondence as follows:

Date	From	To	Subject
4/21/22	Larry Maglin	Neil Angus	Vulcan Forms License - PDF Copy
6/1/22	Larry Maglin	Neil Angus	Level II Permit Application - BMS Diesel Fuel Storage
4/27/22	Larry Maglin	Neil Angus	RE: Flammables and Combustibles License Application
4/27/22	Larry Maglin	Neil Angus	RE: Flammables and Combustibles License Application1
4/28/22	Larry Maglin	Neil Angus	Flammables and Combustibles License Application

4. Unified Permit Components and Actions:

The Unified Permit request includes a request for a license to store Flammables and Combustibles inside the building located at 112 Barnum Road in Devens (Harvard), MA.

5. Process:

The application was submitted on April 21, 2022. A Determination of Completeness was issued on April 27, 2022. Copies of the application were received by the surrounding Towns on May 2, 2022. Legal notices were placed in Nashoba Publications on May 6 and 13, 2022. Certified Mail notice was sent to all abutters on April 28, 2022. The 30-day Town comment period expired on June 3, 2022. No comments were received. The Public Hearing opened on May 31, 2022, was continued to June 9, 2022, and closed at that same meeting.

6. Waivers

No waivers were requested or granted as part of this Unified Permit Amendment.

7. Findings

The DEC made the following findings:

1. The storage of flammable solids will be entirely within the building, thereby minimizing any concern for release into the environment.
2. The Devens Fire Department has reviewed the materials and storage requirements with the Applicant and issued permits for storage in accordance with National and State Fire Code Standards and Regulations
3. The proposed manufacturing processes are an allowed use within the Rail, Industrial and Trade-Related Uses District.
4. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Plan 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 drives, parking lots, loading areas, paths, sidewalks, and streets are designed to provide for safe vehicular and pedestrian travel.

- (e) Access and site circulation will enable prompt fire, police, and emergency response.
- (f) Adequate capture, treatment, infiltration and discharge of stormwater and surface water runoff and compliance with applicable portions of the "Devens Stormwater Pollution Prevention Plan", has been included in the design.
- (g) Connections with utility, power and communication systems available in the abutting infrastructure currently exist and were approved by Devens Utilities.
- (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included.
- (i) The plans are in compliance with the Landscaping Design Standards 974 CMR 3.04(8).
- (j) A Wetlands Order of Conditions is not required for this project.
- (k) The Devens Fire Department has reviewed the application.
- (l) The project is in compliance with the Devens Industrial Performance Standards.
- (m) Sufficient parking for current needs exists.
- (n) Traffic control measures are adequate for this project.
- (o) The development is required to participate in the Devens traffic management association.
- (p) Adequate water supply exists in terms of quantity, quality, and water pressure for domestic needs and fire protection.
- (q) Connection to sanitary sewers has been authorized by Devens Utilities.
- (r) There are no new buildings as part of this application and therefore no requirement to meet any design standards as established by Mass Development for the district in which the lot is located.
- (s) There is no soil disturbance proposed.
- (t) The development has been designed with due consideration for public health.
- (u) Adequate climate change mitigation, adaptation and greenhouse gas emissions 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" is referenced, it shall refer to the Devens Enterprise Commission, its successors and assigns.
2. Once the appeal period has expired, the Applicant shall file the Record of Decision with the Registry of Deeds and proof of recordation shall be submitted to the DEC.
3. All applicable federal, state, and local permits necessary for the construction and operation of the facility (including, but not limited to those required by the Devens Fire

Department) must be obtained prior to completion of the project. Copies of permits issued by those other than the DEC must be filed with the DEC.

- 4. All materials shall be stored inside the building within the flammable storage cabinets and in accordance with NFPA 30, NFPA 55, NFPA 400 and 527 CMR14.03. No exterior storage of flammables and combustibles is permitted.
- 5. The existing Facility Safety Plan shall be updated to include the additional flammable solids and hazardous materials being used as part of this process, along with safe storage, handling and disposal procedures and any emergency response procedures, including, but not limited to the Combustible Dust Program. An updated plan shall be submitted to the DEC and the Devens Fire Department prior to final sign off on this license.

9. Decision:

The DEC closed the hearing on June 9, 2022 and voted to issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the License to store Flammables and Combustibles at 112 Barnum Road (Parcel #027.0-0017-0500.0) with conditions.

10. Building Permit

No building permit is required.

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’s written decision and completed within two years. It is further noted that 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 June 10, 2022 and terminates July 11, 2022, is “at risk”.

Approved by:

Date: _____

Peter C. Lowitt, AICP, 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.

Date

Dawn Babcock, Notary
My Commission expires _____