



May 31, 2024

Certified mail: 7020 1810 0000 2013 0045

Jonas Angus
TPE Solutions, Inc.
3 Patterson Road, Suite #2
Shirley, MA 01464

Re: 33 Lake George Unified Permit #D24-006 Unified Permit (MassDEP File #352-0050) Approval

Dear Jonas,

At its May 28, 2024 meeting, the Devens Enterprise Commission conditionally approved a Wetland Order of Conditions and a Unified Permit Record of Decision for the above-referenced project. Enclosed is the original signed Unified Permit Record of Decision (ROD) issued by the Devens Enterprise Commission (DEC) and the signed Wetland Order of Conditions and Special Conditions.

Please note, prior to the commencement of work, the Wetland Order of Conditions must be recorded in the Worcester Registry of Deeds. Once recorded, please ensure you complete page 12 of 12 of the Order (G. Recording Information) and return it to the DEC office. The ROD will also need to be recorded in the Worcester County Registry prior to the commencement of any work. Please notify the DEC office of the Volume and Page number once the ROD has been recorded. Please also note, there is a 30-day appeal period that expires on June 30, 2024. Commencement of any approved activities within this period is at your own risk. A pre-construction meeting will be required prior to commencement of any site work so please contact our office when you are ready to schedule this meeting.

Thank you for your continued cooperation and feel free to contact me with any questions.

Sincerely,

Neil Angus, FAICP, LEED AP
Director/Land Use Administrator

cc: Ayer Town Clerk
Harvard Town Clerk
Shirley Town Clerk
Robert Jenkins, MassDevelopment
Kasey Ferreira, Howard Stein Hudson



DEVENS ENTERPRISE COMMISSION

33 Andrews Parkway • Devens, MA 01434 • Phone: (978) 772-8831 • Fax: (978) 772.8831

Record of Decision
JONAS ANGUS – TPE SOLUTIONS, INC.
33 Lake George Street (Parcel ID#008.0-0021-0401.0)
Devens (Harvard), MA
May 28, 2024

1. Owner/Applicant:

The landowner is MassDevelopment Finance Agency, 99 High Street, 11th Floor, Boston, MA 02110. The Applicant is Jonas Angus, TPE Solutions, Inc., 3 Patterson Road, Suite #2, Shirley, MA 01464.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit for Site Plan and Wetland Notice of Intent submitted by Jonas Angus - TPE Solutions for the construction of a +/-31,511 sf building with associated parking, grading, drainage, landscaping, lighting and utility improvements on a proposed +/- 6.65 acre parcel located at 33 Lake George Street (Parcel ID # 008.0-0021-0401.0), Devens (Harvard), MA in the Innovation & Technology Business Zoning District (Deed Reference: Bk: 17907 Pg. 001) adjacent to wetland resource areas, as well as slope resource areas and is also within the Watershed Water Resource Protection Overlay District, and the Viewshed Overlay District.

3. Submission:

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

1. Level 2 Unified permit Application package including the following:

- DEC Completed Level 2 Unified Permit Application Form (#D24-006) submitted March 12, 2024
- Level 2 Unified Permit Application Checklist for Determination of Completeness Narrative
- Industrial Performance Standards Checklist for Newly Proposed Projects
- LEED v4 Checklist for BD+C New Construction and Major Renovation
- Application fee breakdown
- Viewshed Analysis
- Building plans entitled: "TPE Solutions Headquarters", dated 3/11/24, Sheets MD1 through MD3; prepared by BTH Architects, 538 Electric Avenue, Unit#1, Fitchburg, MA 01420.
- Site Plans entitled: Site Plan for Proposed Warehouse, 33 Lake George Street, Devens, MA; Sheets C.1 through C.23; dated March 11, 2024; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824.
- Climate Change Mitigation letter from TPE Solutions, dated March 7, 2024.
- Supplemental Data Report: Proposed Warehouse, 33 Lake George Street, Devens, Massachusetts (Harvard) Worcester County, prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824 (364 pages).
- Completed MA DEP Checklist for Stormwater Report, signed and stamped by Katie Enright, PE, Howard Stein Hudson, dated 3/12/24.
- USGS Map showing site location.
- Illicit Discharge Statement
- Site Plan supporting letter and waiver request; dated March 14, 2024.
- Notification to Abutter (MA DEP form)
- Visual Impact Survey and Energy Model Analysis from BTH Architects, dated March 11, 2024
- Wetland Notice of Intent Form
- High Level Budget (for fee calculation)

2. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated March 20, 2024;

3. Public Hearing legal notice publication memo to Nashoba Publications, dated March 20, 2024 (publication dates March 29, 2024 and April 5, 2024);

4. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated March 20, 2024 from Neil Angus, Director DEC;
5. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated March 20, 2024, from Neil Angus/Dawn Babcock.
6. Community Cable Advisory Committee notice, dated March 20, 2024, to run March 21 through April 30, 2024;
7. Public Hearing Notice to the Secretary of State, dated March 20, 2024.
8. Certified Abutters List from Devens Assessor, dated March 14, 2024
9. Determination of Completeness, dated March 19, 2024, signed by Neil Angus.
10. Plan Circulation memo dated March 19, 2024, from Neil Angus to MassDevelopment Re: Level 2 Unified Permit for TPE Solutions;
11. Mullin Rule Affidavits for Commissioners Fetterhoff, Rivera, Chapman, and Pinard
12. Design Review Approval Letter from MassDevelopment, dated May 24, 2024.
13. Landscape Plan Peer Review comments from James Kros, IBI Group, to Neil Angus, dated April 4, 2024 (4 pages);
14. Landscape Plan Peer Review comments from James Kros, IBI Group, to Neil Angus, dated April 30, 2024 (12 pages);
15. Peer Review Engineering comments from Paige Blanchard and Sandra Brock, Nitsch Engineering, to Neil Angus, dated April 2, 2024 (7 pages);
16. Peer Review Engineering comments from Paige Blanchard and Sandra Brock, Nitsch Engineering, to Neil Angus, dated May 1, 2024 (13 pages);
17. Landscaping Plan (stamped by James Emmanuel, RLA), dated Marh 11, 2024, revised through 5/20/24 (Sheet C9), prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824;
18. Response to Determination of Completeness, from Kasey Fierreira, to Neil Angus, dated March 28, 2024 (5 pages);
19. April 30, 2024 Public Hearing Presentation from Kasy Fierreira (5 slides);
20. Abutters Map – 33 Lake George;
21. Building Elevations – Sheet MD2; revised 5/8/24; prepared by BTH Architects, 538 Electric Avenue, Unit#1, Fitchburg, MA 01420
22. Devens Fire Alarm Comment 4-25-24;
23. DEC Review Comments to Applicant (including Utilities), dated April 4, 2024;
24. Revised Waiver Request list dated May 22, 2024;
25. Draft Record of Decision, dated 5-24-24;
26. Staff Report dated 4-25-24;
27. TPE Non-Compete Letter from Town of Shirley, dated December 7, 2023;
28. Existing Conditions Survey titled: “33 Lake George Street, Devens, Massachusetts, prepared for Howard Stein Hudson, Sheet 1 of 1, scale 1”= 40’; dated May 8, 2024; prepared by WSP USA Inc., 10 Al Paul Lane, Suite 103, Merrimack, NH 03054;
29. Draft Wetland Order of Conditions - WPA Form 5;
30. HSH response to Peer Review Engineering comments, dated April 19, 2024 (13 pages);
31. Revised Landscaping Plan, dated March 11, 2024, revised through 4/19/24 (Sheet C9), prepared by Howard Stein Hudson, 114 Turnpike Rd, Suite 2C, Chelmsford, MA 01824;
32. Revised Site Plans entitled: Site Plan for Proposed Warehouse, 33 Lake George Street, Devens, MA; Sheets C.1 through C.23; dated March 11, 2024, revised through 4/19/24; prepared by Howard Stein Hudson, 114 Turnpike Rd Suite 2C, Chelmsford, MA 01824.

33. Site Plans entitled: Site Plan for Proposed Warehouse, 33 Lake George Street, Devens, MA; Sheets C.1 through C.23; dated March 11, 2024, revised through 5/20/24; prepared by Howard Stein Hudson, 114 Turnpike Road, Suite 2C, Chelmsford, MA 01824
34. HSH Response to DEC Comments, dated April 19, 2024 (6 pages);
35. Supplemental Data Report Entitled: Proposed Warehouse, 33 Lake George Street, Devens, Massachusetts (Harvard) Worcester County, prepared by Howard Stein Hudson, 114 Turnpike Rd, Suite 2C, Chelmsford, MA 01824 revised 4/2024(405 pgs);
36. Wetland Notice of Intent extension request from Beth Stagnone, dated April 19, 2024;
37. Subsurface Drainage Design details entitled: "Focal Point System Overlay, Proposed Warehouse, 33 Lake George Street, Devens, MA", prepared by Fergusson Waterworks and FocalPoint Biofiltration Systems, dated 4/4/24 (9 sheets).
38. Supplemental Information on hours, use, # of employees, and daily truck trips, 33 Lake George submitted by TPE Solutions on 4/24/24;
39. HSH response to Peer Review Engineering comments, dated May 20, 2024 (8 pages);
40. HSH response to Peer Review Landscaping comments, dated May 20, 2024 (4 pages);
41. Geotechnical memo to Kaey Ferreira, from Paul Dion and Curtis George, Geosciences Testing and Research, Inc. re: Geotechnical Engineering – Guard Rail and Retaining Wall Design, Proposed Development at 33 Lake George St. Devens, Massachusetts; dated April 16, 2024 (1 page);
42. HSH response to DEC comments, dated May 20, 2024 (2 pages);
43. Supplemental Data Report Entitled: Proposed Warehouse, 33 Lake George Street, Devens, Massachusetts (Harvard) Worcester County, prepared by Howard Stein Hudson, 114 Turnpike Rd, Suite 2C, Chelmsford, MA 01824; revised 5/2024(444 pgs)
44. MassDEP Notification of Wetlands Protection Act File #352-0050
45. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Kasey Ferreira	3/6/24	FW: 33 Lake George Abutters List
Neil Angus	Kasey Ferreira	4/19/24	RE: 33 Lake George - Written Responses to Comments
Neil Angus	Kasey Ferreira	4/24/24	Re: 33 Lake George - Pass Through of Consulting Services
Neil Angus	Kasey Ferreira	4/25/24	Re: 33 Lake George Fire Alarm Panel
Neil Angus	Kasey Ferreira	4/30/24	DEC MTG Presentation Materials
Neil Angus	Kasey Ferreira	5/7/24	RE: 33 Lake George Street - Peer Review Comments
Neil Angus	Kasey Ferreira	5/15/24	Re: Status update
Beth Stagnone	Kasey Ferreira	5/23/24	RE: Check Copy for Mass DEP - 33 Lake George
Neil Angus	Kasey Ferreira	5/22/24	RE: 33 Lake George Street Resubmission
Neil Angus	Kasey Ferreira	5/24/24	RE: Waivers
Neil Angus	Robert Jenkins	5/24/24	TPE Solutions Inc. Level 2 Unified Permit for 33 Lake George Street
Neil Angus	Kasey Ferreira	3/28/24	RE: Response to DOC
Neil Angus	Joe Bisceglia	4/24/24	RE: 33 Lake George
Neil Angus	Mark Cohen	4/26/24	RE: 33 Lake George
Kasey Ferreira	Neil Angus	3/29/24	RE: 33 Lake George TPE Solutions Unified Permit App. for Review
Dawn Babcock	Kasey Ferreira	3/14/24	Re: 33 Lake George Street
Brent Heinzer	Robert Jenkins	5/15/24	RE: 33 Lake George
Kasey Ferreira	Neil Angus	3/28/24	Fwd: 33 Lake George TPE Solutions Unified Permit App for Review
Neil Angus	Robert Jenkins	4/4/24	FW: 33 Lake George - Environmental
Neil Angus	Kasey Ferreira	3/19/24	33 Lake George - Budget
John Marc-Aurele	Neil Angus	5/22/24	RE: 33 Lake George Revised Plans and response to comments
Neil Angus	Mia McDonald	5/23/24	Re: 33 Lake George Devens NOI
Neil Angus	Kasey Ferreira	5/22/24	RE: 33 Lake George Street Resubmission
Neil Angus	Paige Blanchard	5/22/24	RE: 33 Lake George revised plans
Neil Angus	Erik Hokkenson	5/20/24	RE: 33 Lake George
Kasey Ferreira	Neil Angus	5/18/24	RE: 33 Lake George
Neil Angus	James Kros	5/8/24	RE: 33 Lake George Street - Peer Review Comments
John Marc-Aurele	Neil Angus	5/2/24	Re: 33 Lake George - Environmental
Neil Angus	Tim Kelly	3/5/24	RE: 33 Lake George Street - Devens [Filed 05 Mar 2024 11:55]
Neil Angus	Paige Blanchard	5/24/24	RE: 33 Lake George revised plans

4. Unified Permit Components and Actions:

The Unified Permit for this project includes Site Plan and Wetland Notice of Intent for the construction of a +/-31,511 sf building with associated parking, grading, drainage, landscaping, lighting and utility improvements on a proposed +/- 6.65 acre parcel located at 33 Lake George Street (Parcel ID # 008.0-0021-0401.0), Devens, MA

5. Process:

TPE Solutions submitted a Level II Unified Permit application package on March 12, 2024. The pre-permitting conference was completed on March 1, 2024 and the Determination of Completeness was issued on March 19, 2024. Copies of the application were received by the surrounding Towns on March 25, 2024. Legal notices were placed in Nashoba Publications on March 29 and April 5, 2024. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on April 24, 2024. No comments were received. The public hearing opened on April 29, 2024 and was continued to May 9, 2024. The public hearing was again continued to May 28, 2024 and closed that same day.

6. Waivers:

The Applicant requested the following waivers as part of this application.

974 CMR 3.02(3)(b)(6)(a) "Individual Marking of Trees".

This project will remove all vegetation within the limit of work to minimize impacts to adjacent resource areas. Limits of disturbance to be surveyed located in the field and upon DEC inspection and approval of the limit of work, all trees greater than 12" caliper within 10' of the limit of work will be fitted with orange construction fencing 12" beyond the dripline of the tree to prevent physical intrusion into the root system of the trees.

974 CMR 3.04(1)(a): Front Yard Setback: 25'

In an attempt to minimize impact to Slope Resource Areas (SRAs) toward the rear of the site, the building and loading areas were shifted toward Lake George Street an additional 15'. As Lake George Street is a low volume roadway, no negative impact is anticipated by reducing the front yard requirement to 10'.

974 CMR 3.04(1)(a): Side Yard Setback: 10'

The proposed retaining wall on the south side of the parcel is higher than three feet and therefore considered a structure. The waiver reduces the side yard setback to 4 feet on the south side of the property only to accommodate this wall and help reduce impacts to adjacent wetland resource areas.

974 CMR 3.04(3)(b) Parking in Viewshed between the building restricted to 10% of the total parking spaces.

Nine (9) of the proposed 22 spaces are located between the viewshed and the building (41%) due to slope and wetland constraints. A significant landscaping plan has been proposed to screen this parking from the southern viewshed.

The Commission voted all in favor to grant the waiver requests, subject to the conditions of approval in Section 8 of this Unified Permit.

7. Findings:

The DEC finds that:

1. The proposed use involves value-added production of elastomer that is processed into final articles with equipment used for thermoplastics, such as injection molding, blow molding, extrusion, compression molding, thermoforming. The proposed office, research and development, light manufacturing, and warehousing uses are allowed in the Innovation and Technology Business District as per Exhibit D of the Devens Bylaws.
2. 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.
3. 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 on-site infiltration, and mechanical filtration. Discharges from the site, with conditions, have been designed to meet the MA DEP SWM Standards and DEC regulations and comply with the US EPA MS4 requirements.
4. The project is located within the Viewshed Overlay District and meets the maximum height requirement and non-reflective building finish materials.
5. A geotechnical report has been prepared to evaluate slope stability and no negative effects are anticipated as a result of the proposed development within the 35' Slope Resource Area (SRA) buffer. All proposed impacts to the SRA occur outside the fifteen-foot no disturb buffer.
6. 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 will be 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 are included.
 - (i) The plans comply with Landscaping Design Standards through the preservation of existing trees and wooded areas within the slope resource areas.
 - (j) A wetlands order of conditions has been issued for this project.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and conditions of approval.
 - (l) The proposed use provides sufficient parking for the intended use;

- (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, will meet 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, 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 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. 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 Worcester Registry recording requirements.
- 5) The Applicant and Owner shall file a Level One Lotting Plan Application with the DEC in order to create 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. The final approved parcel boundaries shall then be added to the plan set prior to endorsement.
- 6) 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, and Driveway curb cut permits from MD/Devens Public Works. The SWPPP shall be implemented and enforced throughout construction. Copies of permits issued by those other than the DEC must also be filed with the DEC prior to commencement of any construction.

- 7) 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.
- 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 issuance of a final Certificate of Occupancy.
- 9) The Applicant shall join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation.
- 10) 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.
- 11) 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. 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.
- 12) Jackson Gate from Route 2 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 turn right (no left turns) when exiting the facility and use Jackson Gate. The Applicant shall take appropriate measures to encourage all automobile traffic associated with this project to use Jackson Gate to the maximum degree feasible.
- 13) Prior to commencement of construction, the Applicant shall obtain authorization from MassDevelopment for construction/grading/planting on the adjacent parcel. A copy of this agreement shall be provided to the DEC.
- 14) Prior to any clearing, the limits of work will be surveyed and upon DEC inspection and approval of the limit of work, all trees greater than 12" caliper within 10' of the limit of work will be fitted with orange construction fencing 12" beyond the dripline of the tree to prevent physical intrusion into the root system of the trees. 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.
- 15) This development is subject to the Wetland Order of Conditions for DEP File #352-0050, issued 5/30/24.

- 16) Prior to commencement of construction, retaining wall and footing design specifications shall be provided in accordance with the recommendations listed in the GTR geotechnical report. Such specifications shall include coordinated reviews with a geotechnical and structural engineer to ensure the proximity of the Slope Resource Areas and underground infiltration system and any associated hydrostatic pressure, are adequately factored into the wall design and construction and there is no additional disturbance beyond the approved limits of clearing.
- 17) All building finishes shall be non-reflective to comply with the Viewshed Overlay District requirements. Light poles and fixtures shall be bronze/and or black (non-reflective) and no greater than 3000K.
- 18) 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. Shore power units shall be provided at all loading docks for refrigerated trailers, as well as auxiliary power units for truck cabs.
- 19) All utility connections, including fire alarm, electric, and water/sewer connections to be coordinated with the Devens Fire Department, Devens Utilities, and Public Works, Building, as proposed is all-electric. Any proposed gas connection will require separate review and approval.
- 20) Prior to issuance of a building permit, a signed illicit discharge statement shall be provided by the Applicant.
- 21) Prior to DEC endorsement, the final plans shall be revised to include the following:
 - a) Revised and approved waivers to be added to cover sheet.
 - b) All remaining comments from Nitsch Engineering shall be addressed.
 - c) Updated existing conditions plan and stamped landscape plan are to be added to the plan set (include space for DEC Chair signature and date).
- 22) All outstanding peer review fees shall be paid prior to issuance of a building permit.

9. Decision:

The Public Hearing closed on May 28, 2024 and the DEC voted to approve the Wetland Order of Conditions, pending the issuance of the DEP File #, grant the requested waivers, issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the Site Plan for the proposed development of a +/-31,511 sf building with associated parking, grading, drainage, landscaping, lighting and utility improvements on a proposed +/- 6.65 acre parcel located at 33 Lake George Street in Devens, 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 building 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 29, 2024 and terminates June 28, 2024, is "at risk". Final plans must be submitted to the Commission for endorsement by November 29, 2024.

Approved by:

5/31/24
Date

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

5/31/24
Date

Dawn M Babcock
Dawn Babcock, Notary
My Commission expires 3/2/29

 **DAWN M BABCOCK**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 2, 2029



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

Important:
 When filling
 out forms on
 the
 computer,
 use only the
 tab key to
 move your
 cursor - do
 not use the
 return key.



1. From: Devens Enterprise Commission
Conservation Commission

2. This issuance is for (check one):
 a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Jonas

a. First Name

Angus

b. Last Name

TPE Solutions

c. Organization

3 Patterson Road, Suite #2

d. Mailing Address

Shirley

e. City/Town

MA

f. State

01464

g. Zip Code

4. Property Owner (if different from applicant):

Robert

a. First Name

Jenkins

b. Last Name

MassDevelopment Finance Agency

c. Organization

99 High Street 11th Floor

d. Mailing Address

Boston

e. City/Town

MA

f. State

02110

g. Zip Code

5. Project Location:

33 Lake George Street

a. Street Address

Devens

b. City/Town

008.0-0021-0401.0

c. Assessors Map/Plat Number

008.0-0021-0401.0

d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s
 d. Latitude

d m s
 e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Worcester
 a. County
 17907
 c. Book
 b. Certificate Number (if registered land)
 001
 d. Page
7. Dates: April 12, 2024 May 28, 2024 May 31, 2024
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Plan for Proposed Warehouse, 33 Lake George Street, Devens, MA
 a. Plan Title
 Howard Stein Hudson
 b. Prepared By
 5/20/24
 d. Final Revision Date
 Supplemental Data Report: Proposed Warehouse
 f. Additional Plan or Document Title
 Katie Enright, PE
 c. Signed and Stamped by
 1"= 20'
 e. Scale
 Revised May 2024
 g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
 g. ☐ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 25
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number 352-0050 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

Project subject to the conditions listed in the Devens Enterprise Commission May 28, 2024 Record of Decision for JONAS ANGUS – TPE SOLUTIONS, INC., 33 Lake George Street (Parcel ID#008.0-0021-0401.0) Devens (Harvard), MA

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Devens Enterprise Commission hereby finds (check one that applies):
Conservation Commission
 - a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

2. Citation
 - b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Devens Bylaws

1. Municipal Ordinance or Bylaw

Article XII

2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Project subject to the conditions listed in the Devens Enterprise Commission May 28, 2024 Record of Decision for JONAS ANGUS – TPE SOLUTIONS, INC., 33 Lake George Street (Parcel ID#008.0-0021-0401.0) Devens (Harvard), MA



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

352-0050

MassDEP File #

eDEP Transaction #

DEVENS

City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

5/31/24
 1. Date of Issuance

6
 2. Number of Signers

Signature Paul Routhier
 Signature William P Marshall
 Signature Deborah Sealey
 Signature James B. Pinard Jr
 Signature Debra Rivera
 Signature Martin D. Poutry

Printed Name PAUL Routhier
 Printed Name William P Marshall
 Printed Name Deborah Sealey
 Printed Name James B. Pinard Jr
 Printed Name Debra Rivera
 Printed Name Martin D. Poutry

Signature

Printed Name

Signature

Printed Name

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

352-0050

eDEP Transaction #

Devens

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.