

**Record of Decision**  
**King Street Properties Acquisitions, LLC.**  
**111 Hospital Road (CFS-1)**  
**(Parcel ID:018.0-0007-0200.0)**  
**Devens (Harvard), MA**  
**Unified Permit**  
**January 19, 2021**

**1. Owner/Applicant:**

The landowner is MassDevelopment Finance Agency, 99 High Street, 11<sup>th</sup> Floor, Boston, MA 02110. The Applicant is King Street Properties Acquisitions, LLC., 800 Boylston Street, Suite 1570, Boston MA 02119.

**2. Premises and Proposed Project:**

The Applicant is seeking a Level 2 Unified Permit application for Site Plan Approval for the development of a +/- 164,000 gross square foot manufacturing and office building, parking, drainage, and associated site improvements (CFS-1). The project is located at 111 Hospital Road, Devens (Harvard), MA 01434 (Deed Reference: Bk 26317 pg. 003) within the Innovation and Technology Business District, as well as the Watershed and Aquifer Water Resources Protection Overlay Districts. This Record of Decision also refers to an adjacent +/-147,000 sf fusion energy research and development facility (CFS-2) that is part of a separate Unified Permit Application.

**3. Submission:**

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

1. Unified Permit Application (#D20-095), dated November 5, 2020, submitted by Highpoint Engineering, Inc., Canton Corporate Place, 45 Dan Road, Suite 140, Canton, MA 02021, and including the following:
  - Application fee;
  - Certified List of Abutters from Devens Assessor – dated September 23, 2020
  - Geotechnical Investigation by GZA (dated November 2, 2020)
  - Project Narrative/Application For Level 2 - Unified Permit Site Plan Review (88 pages);
  - Site Plans entitled: Phase 2-CFS-1 Manufacturing Building, 111 Hospital Road, Devens, MA, dated November 5, 2020 (31 pages);
  - Stormwater Management Report, dated November 5, 2020 (309 pages);
  - Traffic Impact Study entitled: “Proposed Commonwealth Fusion Systems Campus”, dated November 2020, prepared for King Street Properties, prepared by VHB, Inc..
2. Determination of Completeness Issued November 19, 2020;
3. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt, dated November 23, 2020, Subject: Level 2 Unified Permit Applications and Public Hearing for King Street Properties Acquisitions, LLC;
4. Public Hearing Legal Notice e-mail to Nashoba Publications, from Peter Lowitt, dated November 18, 2020 – to be published November 27 and December 4, 2020;
5. Copies of Legal notices from November 27 and December 4, 2020 from Nashoba Valley Voice;
6. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated November 23, 2020;

7. Memo dated November 20, 2020 from Peter Lowitt to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Board; Subject: Level 2 Unified Permit Application – King Street Properties Acquisitions LLC – CFS 1, including return receipts;
8. Memo dated November 20, 2020 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – King Street Properties Acquisitions LLC – CFS 1, including return receipts;
9. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated Nov. 23, 2020;
10. 111 Hospital Road – CFS-1 Plan Circulation memo dated 11-19-2020 from Neil Angus to MassDevelopment.
11. Tree Preservation at entrance notes from Neil Angus, dated 11/13/20;
12. Staff Initial Review Notes (1 page); dated 11/19/20;
13. Memo entitled: “CFS Safety Questions”, from Kristen Cullen, Commonwealth Fusion Systems, to Peter Lowitt, Devens Enterprise Commission, dated November 20, 2020 (6 pages);
14. Peer Review Traffic Review Comments from Nitsch Engineering, dated December 4, 2020 (3 pages);
15. Peer Review Landscape Comments from IBI Group, dated December 4, 2020 (4 pages);
16. Revised LEED V4 BD+C Checklist (LT, SS, and WE sections completed), dated 12/1/20;
17. December 3, 2020 letter from Highpoint Engineering to Peter Lowitt, Re: 111 Hospital Road – Level 2 Unified Permit Application Phase 2 – CFS-1 Manufacturing Building Construction Determination of Completeness (DOC) Review - Supplemental Submission (1 page);
18. December 1, 2020 memo from Highpoint Engineering to Devens Enterprise Commission; Subject: Materials and Hazardous Materials Use Summary (2 pages);
19. Revised Plan set entitled: Phase 2-CFS-1 Manufacturing Building, 111 Hospital Road, Devens, MA, dated November 5, 2020, revised through 12/3/20; prepared by Highpoint Engineering, Inc. (34 pages);
20. Peer Review Letter from Nitsch Engineering, Re: Site Plan and Stormwater Review Comments; dated December 7, 2020 (6 pages);
21. Compiled DEC and MassDevelopment Review Comments letter from Neil Angus to Doug Hartnett, dated December 7, 2020 (6 pages);
22. CFS-1 Parking Demand Summary table, dated December 14, 2020;
23. VHB and Highpoint Engineering December 14, 2020 Responses to December 4, 2020 Comment Letter from Nitsch Engineering, Re: Traffic Review Comments (4 pages);
24. Lemonbrooke Landscape Architects December 14, 2020 Responses to December 4, 2020 review comments from IBI Group (8 pages);
25. Highpoint Engineering Response to DEC and MassDevelopment’s December 4, 2020 Review Comments, dated December 14, 2020 (10 pages);
26. Volume Differences from Peer Reviewer’s Method; Weekday Morning and Evening Peak hour – prepared by VHB, Inc. (2 pages);
27. Highpoint Engineering Response to Nitsch’s site plan and stormwater December 4, 2020 Review Comments, dated December 14, 2020 (9 pages);
28. Staff Report dated December 14, 2020 Re: 111 Hospital Road – CFS-1 Level 2 Unified Permit, prepared by Neil Angus (4 pages);
29. Commonwealth Fusion Public Hearing Presentation Slides, dated December 15, 2020 (30 slides);

30. Traffic Impact and Access Study: Proposed Commonwealth Fusion Systems Campus, Devens, MA, prepared for King Street Properties by VHB, Inc, dated November 2020, revised December 2020 (473 pages);
31. Peer Review Landscape Comments from IBI Group, dated January 15, 2021 (2 pages);
32. Oak Hill Sewer Study- Offsite Option drawing (1 sheet), dated 1/5/21;
33. Staff Report dated January 5, 2021 Re: 111 Hospital Road – CFS-1 Level 2 Unified Permit, prepared by Neil Angus (5 pages);
34. Commonwealth Fusion DEC Continued Public Hearing Presentation Slides, dated January 7, 2021 (6 slides);
35. E-mail correspondence as follows:

Date	From	To	Subject
11/5/20	Doug Hartnett	Neil Angus	111 Hospital Road - King Street CFS-1/Lot 1   Level 2 Site Plan Submission
11/25/20	Mark Cohen	Neil Angus	RE: 111 Hospital Road (CFS-1) Unified Permit Submittal
11/24/20	Jennifer Johnson	Neil Angus	Upcoming Devens Reviews - Task Orders
12/4/20	John Marc-Aurele	Neil Angus	Comments on CFS-1 Unified Permit Application Plan Set
11/25/20	Mark Cohen	Neil Angus	RE: 111 Hospital Road (CFS-1) Unified Permit Submittal
11/25/20	Mark Cohen	Neil Angus	RE: 111 Hospital Road (CFS-1) Unified Permit Submittal(1)
12/4/20	Jennifer Johnson	Neil Angus	Devens Traffic Peer Review - CFS-1 & CFS-2
12/4/20	Jennifer Johnson	Neil Angus	CFS-1 - Landscape Review
12/4/20	Jennifer Johnson	Neil Angus	CFS-1 Site Plan and Stormwater Review (DRAFT)
12/3/20	Doug Hartnett	Neil Angus	111 Hospital Road - CFS-1 Supplemental Level 2 Submission
12/7/20	Jennifer Johnson	Neil Angus	RE: CFS-1 Site Plan and Stormwater Review (DRAFT)
12/7/20	Roy Herzig	Neil Angus	Level 2 Unified Permit Application -- CFS-1 Manufacturing Building - MassDevelopment Environmental Comments
12/7/20	Neil Angus	Doug Hartnett	CFS-1 Review Comments
12/15/20	Doug Hartnett	Neil Angus	111 Hospital CFS-1 presentation deck
12/15/20	Doug Hartnett	Neil Angus	RE: [External] CFS-1 and CFS-2 Staff Reports
12/14/20	Doug Hartnett	Neil Angus	111 Hospital Road   CFS-1 - Response to Peer and DEC review comments
12/16/20	Doug Hartnett	Neil Angus	FW: Quiet P3 traffic study for old American Superconductor site
12/24/20	Neil Angus	Jennifer Johnson	FW: 111 Hospital - CFS Revised TIAS submission
12/24/20	Neil Angus	John Marc-Aurele	FW: 111 Hospital - CFS Revised TIAS submission(1)
1/6/21	Doug Hartnett	Neil Angus	111 Hospital CFS-1 - Waiver withdrawal
1/6/21	Doug Hartnett	Neil Angus	111 Hospital - CFS-1 Presentation Deck for continued hearing
1/6/21	Doug Hartnett	Neil Angus	111 Hospital Road - CFS-1 Unified Permit Revised Submission
1/7/21	Neil Angus	Doug Hartnett	RE: 111 Hospital Road - CFS-1 Unified Permit Revised Submission
1/7/21	Neil Angus	Jennifer Johnson	FW: 111 Hospital Road - CFS-1 Unified Permit Revised Submission
1/6/21	Neil Angus	Doug Hartnett	RE: 111 Hospital CFS-1 - Waiver withdrawal
1/12/21	Mark Cohen	Neil Angus	RE: CFS-1 and 2 Revised Plans
1/14/21	Jennifer Johnson	Neil Angus	Devens CFS 1 and 2 Traffic Review
1/14/21	Mike Lannan	Anne Columbia	RE: CFS/Acoustics L2Permit Prep for 1/19
1/14/21	Jennifer Johnson	Neil Angus	CFS-1 Site and Stormwater Review Letter
1/15/21	Cat Mc Candleless	Neil Angus	Commonwealth Fusion Systems Notice of Project Change Submission
1/17/21	Doug Hartnett	Neil Angus	111 Hospital Road - CFS responses to requested IPS compliance
1/8/21	Tyler Rynberg	Neil Angus	Re: CFS updated acoustic study documents/Responses to comments
1/18/21	Doug Hartnett	Neil Angus	CFS-1 - Materials and Chemical Inventory and Handling Summary
1/18/21	Joy Dunn	Neil Angus	Re: CFS-1 - Materials and Chemical Inventory and Handling Summary
1/14/21	Doug Hartnett	Neil Angus	CFS-1 Handicap Parking space allocation
<a href="#">1/19/21</a>	<a href="#">Tim Kelly</a>	<a href="#">Neil Angus</a>	<a href="#">RE: Draft ROD's for tomorrow night</a>
<a href="#">1/11/21</a>	<a href="#">Doug Hartnett</a>	<a href="#">Neil Angus</a>	<a href="#">111 Hospital Road/45 Jackson Road fire apparatus maneuvering studies</a>

36. Noise memo from Vibrasure, dated January 6, 2021; Subject: CFS Proposed Development – Environmental Noise / Recent Comment Responses (3 pages);
37. Noise memo from Vibrasure, dated January 6, 2021; Subject: CFS Proposed Development – Environmental Noise Impacts / Existing Background Data (38 pages);
38. Noise memo from Vibrasure, dated January 6, 2021; Subject: CFS Proposed Development – Environmental Noise Impact Modeling (120 pages);
39. Tech Environmental Call notes by Neil Angus dated 1/7/21 (1 page)
40. Nitsch Engineering Review of Highpoint Engineering Response to Comments, dated January 14, 2021 (12 pages);
41. CFS Magnet Factory Materials and Chemicals list dated January 2021 (6 pages);
42. EMI 1486700PR Model magField site plan; Scale 1"=100'; dated 1/15/21; prepared by HDR (1 sheet);
43. Memo from Commonwealth Fusion Systems to Devens Enterprise Commission; Title: Magnetic Field at Devens, dated 1-15-21 (3 pages);
44. Campus Headcount Projections (excel spreadsheet) submitted 1/18/21;
45. Draft Record of Decision dated 1/19/21 (9 pages);
46. Staff Report dated 1/19/21 (~~3~~ pages);
- 46.47. Plan entitled: "Vehicle Maneuvering Study(Devens Fire)" (Sheet G-300); dated 1/11/21; prepared by Highpoint Engineering.

**4. Unified Permit Components and Actions:**

The Unified Permit request includes Site Plan Approval for the development of: a +/- 164,000 gross square foot manufacturing and office building (CFS-1), parking, drainage, and associated site improvements. The submittal includes a conceptual master plan for full build-out of the campus/parcel which will require separate permitting and approval.

**5. Process:**

The Application was submitted on November 8, 2020 and the Determination of Completeness was issued on November 19, 2020. Copies of the application were received by the surrounding Towns on November 23, 2020. Legal notices were placed in Nashoba Publications on November 27, 2020 and December 4, 2020. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on December 24, 2020. No comments were received. The Public Hearing opened on December 15, 2020 and was continued to January 7, 2021 and continued again to January 19, 2021 and closed at that same meeting.

**6. Waivers**

No waivers requested as part of this Unified Permit.

**7. Findings**

The DEC made the following findings:

1. The proposed use is a permitted use in the Innovation and Technology Business Zoning District as per Exhibit D of the Devens Bylaws.
2. The project is located within a both a Watershed and an Aquifer Water Resources Protection District. The final plans, with the conditions listed herein, comply with the MA DEP SWM Standards, DEC regulations and EPA MS4 requirements. There is no proposed connection to the Devens Municipal Stormwater System.

3. The Applicant proposes 288 parking spaces. This 1.76 spaces per 1000 square feet for light industrial provides sufficient parking for the intended use.
4. 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 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 will be approved by Devens Utilities.
  - (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards have been included, with conditions.
  - (i) The plans, with conditions, 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) Industrial Performance Standards will be adhered to as per the final plans and conditions of approval.
  - (l) Sufficient parking for current needs is being provided.
  - (m) Traffic control measures, with conditions, are adequate for this project and the Applicant will explore additional measures in future phases.
  - (n) The proposed development is required to participate in the Devens traffic management association.
  - (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 authorized by Devens Utilities.
  - (q) The new facilities meet the design standards as established by Mass Development for the district in which the lot is located.
  - (r) Soil investigations indicate that the soils are capable of supporting proposed development.
  - (s) The development has been designed with due consideration for public health.
  - (t) Adequate climate change mitigation, adaptation and greenhouse gas emissions mitigation measures have been incorporated in accordance with 974 CMR 4.11 with the conditions of approval.

**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. 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. In addition, the property is subject to certain Land Use Control Implementation Program LUCIP requirements from the Army; permanent use restrictions within a former 37-MM ordinance firing area (UXO); and a specific soil management plan for the Oak and Maple Housing and Grant Road Housing Areas. Due to all of these controls, the Applicant is required to develop a comprehensive Soil Management Narrative that addresses all these requirements for moving soils throughout both sites (CFS-1 and CFS-2) and how they will work to adhere to all restrictions. Such plan will need to be prepared by a Licensed Site Professional. It will also need to include a Health and Safety Plan component prepared by a Certified Industrial Hygienist or other qualified individual summarizing appropriate personal protection, engineering controls, and environmental monitoring to prevent worker exposures to contaminated soil. Unrestricted access to both sites shall be provided for the EPA, Army, MA DEP, and MassDevelopment for monitoring and enforcement of all associated land use restrictions.
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 Record of Decision and endorsed plans 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. All applicable federal, state, and local permits necessary for the construction and operation of the facility must be obtained prior to completion of the project, including, but not limited to, an EPA Construction General Permit, Driveway curb cut permit from MD/Devens Public Works and any state permits for operation of this specialized facility. Copies of permits issued by those other than the DEC must be filed with the DEC prior to commencement of any operations. Should any of these decisions require significant plan changes, the Applicant will be required to amend this unified permit.
6. 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.
7. Jackson Gate from Route Two 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 enter and exit Devens via the Jackson Gate at Route 2 on the exit gate of the facility. The Applicant shall take appropriate measures to encourage all automobile traffic associated with this project to use Jackson Gate to the maximum degree feasible.

8. Prior to issuance of a building permit, the Applicant shall submit a design review approval letter from Mass Development for the project. The Project shall remain in compliance with the Jackson Technology Park Industrial Design Guidelines as may be amended (the "Design Guidelines") and/or waived. The Applicant shall adhere to any comments and conditions included in the design approval letter.
9. 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.
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. 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.
12. Prior to issuance of a building permit, the Applicant shall conduct a comprehensive Air Quality Assessment for CFS-1 and CFS-2 to confirm that the necessary controls are in place for all facility operations to comply with 974 CMR 4.02.
13. The sound study submitted by the Applicant is sufficient to justify the operation of CFS-1 during the daytime hours defined as weekdays and non-holidays from 7 AM to 6 PM. The restriction on hours of operation for CFS-1 can be eliminated once the design progresses and further sound modeling details are provided to the DEC for review and approval. Should any of the undeveloped residential land owned by MD across from Pine Street (currently being used for temporary soil storage by Emerson Green) off of Grant Road be developed in the future, the Applicant may need to provide additional mitigation to ensure compliance with 974 CMR 4.05.
14. The Applicant shall implement lighting conservation measures as provided on the revised site lighting plan submitted on 01/07/2021, and as listed in the 1/17/21 email from Doug Hartnett to Neil Angus.
15. To comply with 974 CMR 4.11, the Applicant shall join the Devens Eco-Efficiency Center and demonstrate compliance with EcoStar Standard 24- Climate Change Mitigation and construct all buildings to meet the Massachusetts Stretch Energy Code (780 CMR 120AA) as amended.
16. Prior to a Certificate of Occupancy, the Long-Term Stormwater Operations and Maintenance Plan shall be updated to ensure compliance with the Devens Stormwater Pollution Prevention Plan and Devens Water Resources Protection Report.
17. 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.

18. The Applicant shall prepare a Spill Prevention Control and Countermeasures Plan. A complete listing of all chemicals to be used and accompanying MSDS reports shall be included. This plan shall be submitted for review and approval by the DEC and the Devens Fire Chief prior to issuance of a Certificate of Occupancy. The Applicant shall obtain all necessary permits from the Devens Fire Department for the storage of gasses, flammables and combustibles. Storage of flammables and combustibles shall comply with 527 CMR 14.03 and 974 CMR 4.09.
19. The Soil Erosion and Sedimentation Control Plan in the November 17, 2020 Preliminary Site Enabling Work Unified Permit shall be added to the final plan set for this project. The 13 conditions of approval in that Unified Permit remain in effect. Limits of disturbance shall be flagged in the field and all necessary erosion controls and tree protection shall be inspected by DEC Staff. Any existing trees marked for preservation that are damaged, killed or removed shall be replaced in accordance with 974 CMR 3.04(8)(d)8. Additional controls shall be implemented at the discretion of the DEC or its Staff.
20. The Traffic Impact Study shall be revised to address the remaining comments from Nitsch Engineering in their Traffic Peer Review letter dated December 4, 2021, revised through 1/11/21. A copy of the updated report shall be provided to the DEC prior to issuance of a building permit. The Applicant is required to participate in the Devens Transportation Management Initiative and implement the Transportation Demand Management Program and Post-Occupancy Traffic Monitoring Program requirements as outlined in the "Mitigation" section of the Traffic Impact Study.
21. Prior to commencement of construction, the Applicant shall provide a letter from the Devens Fire Chief confirming there is adequate emergency access to/from and around the proposed facility.
22. The Applicant shall be responsible for the construction of a 5' wide public sidewalk along the frontage of the proposed CFS-1 parcel. This sidewalk and the construction of the eastern driveway shall be coordinated with MassDevelopment to ensure safe alignment with the future Hospital/Givry intersection.
23. No outdoor storage is permitted other than what is shown on the final plans.
24. The Applicant and Owner shall file a ~~n-approved~~ Level One Lotting Plan Application with the DEC in order to subdivide 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.
25. This unified permit approval is for the conceptual master plan and detailed build-out of CFS-~~2-1~~ and associated parking, grading, drainage, and utility work only. Additional Unified permit(s) will be required for subsequent phases of development including CFS-2 expansion, CFS-3, 4, and 5, as well as any parking expansion.

26. Prior to issuance of a Building permit, a phasing plan for construction, utilities, and grading shall be provided addressing coordination, access, and safety between CFS-1 construction and CFS-2 construction.

27. Driveway construction and all existing and proposed public utility easements shall be coordinated with MassDevelopment.

28. Nitrogen gas deliveries shall be restricted to weekday daytime hours only. Ground-mounted pumps shall be utilized for off-loading. This restriction may be lifted a revised noise modelling study indicates it is not necessary to achieve compliance with 974 CMR 4.05.

27-29. Any outstanding peer review and application fees shall be paid prior to the issuance of a building permit.

28-30. Prior to DEC endorsement, the final plans shall be revised to include the following:

- a. Lighting plan revised to label locations of light fixture types. Lighting Fixture L3 needs to be replaced with a 974 CMR 3.04 compliant fixture. Lighting levels should be further reduced where safe and feasible.
- b. Remaining landscaping, erosion control, limits of disturbance, and tree protection comments in January 15, 2021 letter from IBI Group;
- c. A minimum of two (2) accessible parking spaces shall be shifted from the front entrance to the rear entrance.
- d. Drive isles and driveways widths shall be reduced to 24' where feasible (with the exception of corners and gate houses);
- e. Remaining comments in the January 14, 2021 letter from Nitsch Engineering;
- f. Include note on plans regarding guard house - if manned, requires restroom facilities.

**9. Decision:**

The public hearing closed on January 19, 2021 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 to approve the site plan for the development of a +/- 164,000 gross square foot manufacturing and office building (CFS-1), parking, drainage, and associated site improvements, as well as a conceptual master plan.

**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 those of the State Fire Marshalls office and the Devens Fire Chief must be met. When these approvals are obtained, the building permit may then be integrated with this Site Plan Record of Decision. Together they will constitute this Unified Permit, which will in turn, allow 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'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 January 20, 2021 and terminates February 19, 2021, is “at risk”. Final plans must be submitted to the Commission for endorsement by July 19, 2021.

Approved by:

Date: \_\_\_\_\_

\_\_\_\_\_  
Peter C. Lowitt, 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kathryn Clisham, Notary  
My Commission expires \_\_\_\_\_

DRAFT