

**Record of Decision  
King 39 Jackson, LLC.  
39 Jackson Road (Parcel # 013.0-0021-1002.0)  
Devens (Harvard), MA  
Unified Permit  
May 14, 2026**

**1. Applicant & Owner:**

The Applicant is VulcanForms, Inc. 112 Barnum Road, Devens (Harvard), MA 01434, on behalf of Owner King 39 Jackson, LLC., 800 Boylston Stret, Suite 2400, Boston, MA, 02119.

**2. Premises and Proposed Project:**

The Applicant and Owner, are seeking a Level 2 Unified Permit application for new Flammables, Combustibles, and Explosives License for storage within an existing 140,000 sq.ft. building located at 39 Jackson Road, Devens (Harvard), MA 01434 (Deed Reference: Bk 68005 pg. 64) in the Innovation & Technology Business District and Watershed Water Resources Protection and Viewshed 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:

- Completed Level 2 Unified Permit Application form (D26-003) received 4/10/26;
- Application for Amended License to store flammables, combustibles, or explosives (FP-002A);
- Completed Industrial Performance Standards Checklist;
- Completed Hazardous Materials Registration Form, Devens Fire; Department, dated 4/8/26, including Hazardous Materials Processing permit;
- Memorandum titled "Flammable Solid Strategy at 39 Jackson Road, dated April 9, 2026 from Brianna Gillespie, ARUP, to Jason Bruetsch, BW Kennedy, with Flammable Storage Summary and material safety data sheets, letter from Impact Fire to Arup re: sprinkler system, parking summary and gasoline plan, phasing and flammable storage plan (Level 1 and 2), and roof plan.
- Site Plans entitled: "Level 2 Unified Permit , 39 Jackson Road, Devens, MA, Owner Applicant King Devens LLC.", dated 10-29-2001, Sheets C200, C400, and G200, prepared by Highpoint Engineering, Canton Corporate Place, 45 Dan Road, Suite 140, Canton, MA 02021.
- Plans entitled: 39 Jackson Manufacturing Axon; First Floor Plan Phase 1, Level 2 Floor Plan Phase 1", dated 3/20/26 through 4/1/26; prepared by Dimella Shaffer for Vulcan Forms and BW Kennedy.

2. Determination of Completeness Issued 4/10/26;

3. Certified Abutters List for 112 Barnum Road from Devens Assessor, dated 12/4/25;

4. Public Hearing Legal Notice e-mail to Nashoba Publications, from Neil Angus and Dawn Babcock, dated 4/13/26 – to be published 4/17/26 and 4/24/26;

5. Copies of Legal notices from 4/17/26 and 4/24/26 from Nashoba Valley Voice;

6. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Neil Angus and Dawn Babcock, dated 4/13/26;

7. Public Hearing Notice emailed to Community Service Cable Committee, from Neil Angus and Dawn Babcock, dated 4/13/26;

8. Memo dated 4/13/26 from Neil Angus to Towns of Ayer, Harvard and Shirley Board of Selectman and Planning Board; RE: Level 2 Unified Permit Application – 39 Jackson Road Flammable Storage Request (notification of Public Hearing on 5/14/26 at 7:30AM), including return receipts;

9. Memo dated 4/13/26 from Neil Angus to Abutters and Interested Parties; RE: Level 2 Unified Permit Application – 39 Jackson Road Flammable Storage Request, including return receipts;
10. Public Hearing Notice to Secretary of State, from Neil Angus, dated 4/13/26;
11. Staff Report dated 5/11/26 Re: 39 Jackson Road, King Street Properties and Vulcan Forms - request for license to store flammables, combustibles, and explosives, prepared by Neil Angus (3 pages);
12. Draft Record of Decision, dated 5/14/26;
13. E-mail correspondence as follows:

Date	From	To	Subject
4/6/26	Todd Whittier	Larry Maglin	Re: 39 Jackson Road
4/22/26	Nathan Krocke	Neil Angus	RE: Vulcan - 39 Jackson
4/10/26	Brian Girsaru	Neil Angus	39 Jackson Road_ Building Flammables License Application
4/13/26	Neil Angus	Brian Girsaru	RE_ 39 Jackson Road_ Building Flammables License Application
4/14/26	Larry Maglin	Neil Angus	39 Jackson Road - Issued Permit for Hazardous Processing
5/10/26	Larry Maglin	Neil Angus	RE: Facility safety plan
5/10/26	Larry Maglin	Neil Angus	RE: Facility safety plan
5/10/26	Neil Angus	Larry Maglin	RE: Facility safety plan

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

The Unified Permit request is for a license to store 20,000 lbs. of solid flammable materials (titanium powder) on property located at 39 Jackson Road in Devens (Harvard), MA.

**5. Process:**

The application was submitted on April 10, 2026 and Determination of Completeness was issued on April 10, 2026. Copies of the application were received by the surrounding Towns on April 13, 2026. Legal notices were placed in Nashoba Publications on April 17 and 24, 2026. Certified Mail notice was sent to all abutters on April 13, 2026. The 30-day Town comment period expired on May 13, 2026. No comments were received. The Public Hearing opened on May 14, 2026 and closed at that same meeting.

**6. Waivers**

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

**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 will issue updated permits for storage in accordance with National and State Fire Code Standards and Regulations.
3. The proposed manufacturing processes are allowed uses within the Innovation & Technology Business District.
4. Regarding the approval criteria listed in 974 CMR 3.03(2):
  - (a) The Plan complies with 974 CMR 3.00 and 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 safe vehicular and pedestrian travel.
- (e) Access/site circulation enables 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", exist.
- (g) Connections with utility, power and communication systems 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 site is in compliance with 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) With conditions, the project complies with Devens Industrial Perf. Standards.
- (m) Sufficient parking for current needs exists.
- (n) Traffic control measures are adequate for this project.
- (o) The development shall 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) The building and proposed improvements meet the 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. Wherever "Applicant" is referenced in Conditions set forth herein, it refers to the Applicant, its successors and assigns. Wherever "DEC" is referenced, it shall refer to Devens Enterprise Commission, its successors and assigns:

1. 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.
2. 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 storage of the licensed flammable solids. Copies of permits issued to the Applicant or Owner by those other than the DEC, must be filed with the DEC.
3. All flammable, combustible and explosive materials shall be stored inside the building in accordance with NFPA 30, NFPA 55, NFPA 400 and 527 CMR14.03. No exterior storage of solid flammables is permitted.

4. The Applicant shall submit a Facility Safety Plan to include the safe storage of all flammable solids and hazardous materials being used within this building, including a combustible dust program, shall be submitted to the DEC and the Devens Fire Department prior to a Certificate of Occupancy.
5. Climate change mitigation, adaptation and greenhouse gas emissions mitigation measures in accordance with the requirements of 974 CMR 4.11 shall be identified prior to issuance of a certificate of occupancy. This includes the submission of a completed copy of the Devens Project Checklist for Reducing Embodied Carbon (highlighted rows only).

**9. Decision:**

The DEC closed the hearing on May 14, 2026 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 new License to store Flammables and Combustibles at 39 Jackson Road with conditions.

**10. Building Permit**

Building permit #B-26-11 is associated with this License application. All requirements in the Massachusetts Building Code, the Massachusetts Sanitary Code, and those of the Devens Fire Chief must be met. Together, these constitute the Unified Permit for this project.

**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 May 15, 2026 and terminates June 14, 2026, is “at risk”. As per the Massachusetts Fire Prevention Regulations, once issued, this license runs with the land and is valid for 1 year and can be renewed annually through an administrative registration process as per the DEC Flammables Licensing Policy.

Approved by:

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

\_\_\_\_\_  
Neil Angus, FAICP, Director  
Devens Enterprise Commission

***Certification***

***Middlesex,SS***

I certify the above is a true action and record of the Devens Enterprise Commission and that Neil Angus, Devens Land Use Administrator/Director, is empowered by the Devens Enterprise Commission to sign this Record of Decision on its behalf.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dawn Babcock, Notary  
My Commission expires \_\_\_\_\_