

Record of Decision
Commonwealth Fusion Systems, LLC.
111 Hospital Road (CFS-2)
(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, 11th Floor, Boston, MA 02110. The Applicant is Commonwealth Fusion Systems, 148 Sydney Street, Cambridge, MA 02139.

2. Premises and Proposed Project:

The Applicant is seeking a Level 2 Unified Permit application for Site Plan Approval for the development of a +/-147,000 sf fusion energy research and development facility (CFS-2) and associated site improvements. This application also seeks conceptual approval for the overall campus master plan (general size, location and layout) for future development phases, and references an adjacent +/-164,000 square foot manufacturing/office building (CFS-1) that is part of a separate Unified Permit Application. 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.

3. Submission:

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

1. Level 2 Unified Permit Application (#D20-096) package entitled: Commonwealth Fusion Systems Campus – Building 2, 111 Hospital Road, Devens, MA”; prepared for Commonwealth Fusion Systems, 148 Sydney Street, Cambridge, MA; dated November 5, 2020, (received November 12, 2020) by VHB, Inc., 101 Walnut Street, PO Box 9151, Watertown, MA 02471 (21 pages and Attachments A, B, D, E, G, H, I);
2. Site Plans entitled: “Commonwealth Fusion Systems Campus Building 2, 111 Hospital Road, Devens, MA; dated November 5, 2020, revised through 1/7/21. Prepared by VHB, Inc., 101 Walnut Street, PO Box 9151, Watertown, MA 02471 (50 sheets);
3. Attachment J: Slope Stability Evaluation letter from Haley and Aldrich, dated November 6, 2020 (24 pages);
4. Attachment F – Traffic Impact and Access Study: Proposed Commonwealth Fusion Systems Campus, Devens, MA; prepared for Commonwealth Fusion Systems, 148 Sydney Street, Cambridge, MA; by VHB, Inc., 101 Walnut Street, PO Box 9151, Watertown, MA 02471; dated November 2020 (458 pages);
5. Attachment C – Stormwater Report: Commonwealth Fusion Systems Campus – Building 2 111 Hospital Road, Devens, MA; prepared for Commonwealth Fusion Systems, 148 Sydney Street, Cambridge, MA; by VHB, Inc., 101 Walnut Street, PO Box 9151, Watertown, MA 02471; dated November 5, 2020 (156 pages);
6. Certified Abutters List for 111 Hospital Road; received by Devens Assessors office 9/29/20;
7. Determination of Completeness Issued November 20, 2020;

8. 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 Commonwealth Fusion Systems, LLC;
9. 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;
10. Copies of Legal notices from November 27 and December 4, 2020 from Nashoba Valley Voice;
11. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Kate Clisham, dated November 23, 2020;
12. 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 – Commonwealth Fusion Systems LLC – CFS 2, including return receipts;
13. Memo dated November 20, 2020 from Peter Lowitt to Abutters and Interested Parties; Subject: Level 2 Unified Permit Application – Commonwealth Fusion Systems LLC – CFS 2, including return receipts;
14. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated Nov. 23, 2020;
15. Plan Circulation memo 111 Hospital Road – CFS-2 dated 11-20-2020 from Neil Angus to MassDevelopment.
16. Word document entitled: “additional data for risk assessment as part of the application” - Tech Environmental Industrial Performance Standard Preliminary Review Questions dated 11/16/20;
17. Letter dated November 16, 2016, to Kristen Kane, Commonwealth Fusion Systems; re: Industrial Performance Standard Preliminary Review Questions (3 pages);
18. Memo entitled: “CFS Safety Questions”, from Kristen Cullen, Commonwealth Fusion Systems, to Peter Lowitt, Devens Enterprise Commission, dated November 20, 2020 (6 pages);
19. Peer Review Traffic Review Comments from Nitsch Engineering, dated December 4, 2020 (3 pages);
20. MassDevelopment Engineering – Project Review Comments from John Marc-Aurele to Peter Lowitt; dated December 4, 2020 (3 pages);
21. Peer Review Landscape Comments from IBI Group, dated December 7, 2020 (3 pages);
22. Peer Review Letter from Nitsch Engineering, Re: Site Plan and Stormwater Review Comments (CFS-2); dated December 7, 2020 (6 pages);
23. Compiled DEC and MassDevelopment Review Comments letter from Neil Angus to Curt Quitzau, dated December 7, 2020 (17 pages);
24. Landscape Maintenance Plan Peer Review Comments from IBI Group, dated December 11, 2020 (1 page)
25. CFS-2 Building Renderings – file name: CFS SPARC MassDev Images 12-13-20 (9 slides);
26. North, West, East, and South Exterior Elevation Drawings for CFS-2, prepared by FDR; scale 1/32”=1’0” (4 sheets);
27. Lemonbrooke Landscape Architects December 14, 2020 Responses to December 4, 2020 review comments from IBI Group (6 pages);
28. VHB and Highpoint Engineering December 14, 2020 Responses to December 4, 2020 Comment Letter from Nitsch Engineering, Re: Traffic Review Comments (4 pages);
29. VHB Response to DEC and MassDevelopment’s December 4, 2020 Review Comments, dated December 14, 2020 (10 pages);

30. VHB Response to Nitsch's site plan and stormwater December 4, 2020 Review Comments, dated December 14, 2020 (8 pages);
31. CFS-2 Presentation slides from December 15, 2020 Public hearing (35 slides);
32. Staff Report dated December 14, 2020 Re: 111 Hospital Road – CFS-2 Level 2 Unified Permit, prepared by Neil Angus (5 pages);
33. 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);
34. Staff Report dated January 6, 2020 Re: 111 Hospital Road – CFS-2 Level 2 Unified Permit – Continued Public Hearing, prepared by Neil Angus (4 pages);
35. December 1, 2020 memo from Highpoint Engineering to Devens Enterprise Commission; Subject: Materials and Hazardous Materials Use Summary (2 pages);
36. Volume Differences from Peer Reviewer's Method; Weekday Morning and Evening Peak hour – prepared by VHB, Inc. (2 pages);
37. CFS Site Noise measurements – Raw Data;
38. Design Review letter from MassDevelopment, dated 1/14/21;
39. Peer Review Landscape Comments from IBI Group, dated January 15, 2021 (2 pages);
- 40.
41. DEC Continued Public Hearing Presentation Slides, dated January 7, 2021 (6 slides);
42. E-mail correspondence as follows:

<u>Date</u>	<u>From</u>	<u>To</u>	<u>Subject</u>
<u>11/5/20</u>	<u>Curt Quitzau</u>	<u>Neil Angus</u>	<u>Commonwealth Fusion Systems Building 2 Level 2 Application</u>
<u>11/6/20</u>	<u>Curt Quitzau</u>	<u>Neil Angus</u>	<u>RE External RE Commonwealth Fusion Systems Building 2 Level 2 Application</u>
<u>11/18/20</u>	<u>Curt Quitzau</u>	<u>Neil Angus</u>	<u>CFS Building 2 Flammable Storage</u>
<u>12/4/20</u>	<u>Jennifer Johnson</u>	<u>Neil Angus</u>	<u>Devens Traffic Peer Review - CFS-1 & CFS-2</u>
<u>11/24/20</u>	<u>Jennifer Johnson</u>	<u>Neil Angus</u>	<u>Upcoming Devens Reviews - Task Orders</u>
<u>11/30/20</u>	<u>Mark Cohen</u>	<u>Neil Angus</u>	<u>RE 111 Hospital Road (CFS-2 R&D Facility) Unified Permit Submittal</u>
<u>12/7/20</u>	<u>Roy Herzig</u>	<u>Neil Angus</u>	<u>Level 2 Unified Permit Application -- CFS-2 Campus -- MassDevelopment Environmental Comments</u>
<u>12/7/20</u>	<u>Jennifer Johnson</u>	<u>Neil Angus</u>	<u>CFS-2 Site Plan / Stormwater Review</u>
<u>12/4/20</u>	<u>John Marc-Aurele</u>	<u>Neil Angus</u>	<u>Comments on CFS-2 Unified Permit Application Plan Set</u>
<u>12/4/20</u>	<u>Curt Quitzau</u>	<u>Peter Lowitt</u>	<u>CFS Building 2 - Determination of Completeness checklist follow up</u>
<u>12/7/20</u>	<u>Jennifer Johnson</u>	<u>Neil Angus</u>	<u>CFS-2 Review Letter - Landscape</u>
<u>12/7/20</u>	<u>Neil Angus</u>	<u>Curt Quitzau</u>	<u>CFS-2 Review Comments</u>
<u>12/4/20</u>	<u>Curt Quitzau</u>	<u>Peter Lowitt</u>	<u>CFS Building 2 - Determination of Completeness checklist follow up</u>
<u>12/7/20</u>	<u>Jennifer Johnson</u>	<u>Neil Angus</u>	<u>CFS-2 Review Letter - Landscape</u>
<u>12/7/20</u>	<u>Jennifer Johnson</u>	<u>Neil Angus</u>	<u>CFS-2 Site Plan Stormwater Review</u>
<u>12/15/20</u>	<u>Curt Quitzau</u>	<u>Neil Angus</u>	<u>RE: [External] CFS-1 and CFS-2 Staff Reports</u>
<u>12/15/20</u>	<u>John Marc Aurele</u>	<u>Neil Angus</u>	<u>RE: Staff Reports for tomorrow night</u>
<u>12/15/20</u>	<u>Curt Quitzau</u>	<u>Neil Angus</u>	<u>RE: [External] CFS-1 and CFS-2 Staff Reports</u>
<u>12/15/20</u>	<u>John Marc Aurele</u>	<u>Neil Angus</u>	<u>RE Initial responses to your comments on CFS-2 Level 2 Site Plans</u>
<u>12/14/20</u>	<u>Jennifer Johnson</u>	<u>Neil Angus</u>	<u>RE: CFS-2 Slope Stability</u>
<u>12/14/20</u>	<u>Curt Quitzau</u>	<u>Peter Lowitt</u>	<u>CFS-2 Responses to Comments</u>
<u>12/14/20</u>	<u>Curt Quitzau</u>	<u>Ed Starzec</u>	<u>CFS-2 - Information for MassDev Submission for Design Review</u>
<u>12/14/20</u>	<u>Jennifer Johnson</u>	<u>Neil Angus</u>	<u>Devens - CFS-2 Landscape Maintenance Plan review</u>
<u>12/14/20</u>	<u>Curt Quitzau</u>	<u>Peter Lowitt</u>	<u>RE: CFS-2 Responses to Comments</u>
<u>1/6/21</u>	<u>Curt Quitzau</u>	<u>Doug Hartnett</u>	<u>RE External 111 Hospital - CFS-1 Presentation Deck for continued hearing1</u>
<u>12/14/20</u>	<u>Curt Quitzau</u>	<u>Peter Lowitt</u>	<u>RE: CFS-2 Responses to Comments4</u>
<u>1/7/21</u>	<u>Mike Lannan</u>	<u>Neil Angus</u>	<u>RE Additional info request for CFS</u>
<u>1/7/21</u>	<u>Neil Angus</u>	<u>Curt Quitzau</u>	<u>CFS Safety and IPS</u>
<u>1/7/21</u>	<u>Curt Quitzau</u>	<u>Neil Angus</u>	<u>CFS Noise Study</u>
<u>1/7/21</u>	<u>Curt Quitzau</u>	<u>Doug Hartnett</u>	<u>RE External 111 Hospital - CFS-1 Presentation Deck for continued hearing</u>

1/7/21	Neil Angus	Jennifer Johnson	FW CFS 2 Resubmission
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
1/17/21	Doug Hartnett	Neil Angus	111 Hospital Road - CFS responses to requested IPS compliance
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
1/12/21	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-2 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
1/19/21	Neil Angus	Curt Quitzau	CFS final Peer Review Comments
1/19/21	Neil Angus	Doug Hartnett	Draft ROD's
1/19/21	Tim Kelly	Neil Angus	RE: Draft ROD's for tomorrow night
1/19/21	Curt Quitzau	Neil Angus	LS Maintenance Plan

- [43. Noise memo from Vibasure, dated January 6, 2021; Subject: CFS Proposed Development – Environmental Noise / Recent Comment Responses \(3 pages\);](#)
- [44. Noise memo from Vibasure, dated January 6, 2021; Subject: CFS Proposed Development – Environmental Noise Impacts / Existing Background Data \(38 pages\);](#)
- [45. Noise memo from Vibasure, dated January 6, 2021; Subject: CFS Proposed Development – Environmental Noise Impact Modeling \(120 pages\);](#)
- [46. Tech Environmental Call notes by Neil Angus dated 1/7/21 \(1 page\)](#)
- [47. Nitsch Engineering Review of VHB Response to Comments, dated January 14, 2021 \(13 pages\);](#)
- [48. CFS Magnet Factory Materials and Chemicals list dated January 2021 \(6 pages\);](#)
- [49. EMI 1486700PR Model magField site plan; Scale 1”=100’; dated 1/15/21; prepared by HDR \(1 sheet\);](#)
- [50. Memo from Commonwealth Fusion Systems to Devens Enterprise Commission; Title: Magnetic Field at Devens, dated 1-15-21 \(3 pages\);](#)
- [51. Revised Draft Record of Decision dated 1/19/21 \(11 pages\);](#)
- [52. Staff Report dated 1/19/21 \(3 pages\);](#)
- [1. To be added](#)

4. Unified Permit Components and Actions:

The Unified Permit request includes Site Plan Approval for the development of: a +/- 147,000 sf fusion energy research and development facility (CFS-2) and associated site improvements. The submittal also includes a request for conceptual approval of the overall campus master plan (general size, location and layout) for future development phases.

5. Process:

The Application was submitted on November 12, 2020 and the Determination of Completeness was issued on November 20, 2020. Copies of the application were received by the surrounding Towns on November 24, 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 25, 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

The Applicant requested the following waiver:

974 CMR 3.04(3)(a)1.h.: There shall be bicycle storage facilities provided on site for all developments. There are no full time work stations in CFS-2. Employees will be stationed in the adjacent CFS-1 ~~buikdingbuilding~~ and bicycle storage is provided there.

The DEC voted all in favor to grant the above waiver request.

7. Findings

The DEC made the following findings:

1. The proposed use (Research and Development with Environmental Component) 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. This is a Research facility and not a continuously operating/running power plant.
4. The Applicant proposes 24 parking spaces for visitors and deliveries. The building is a specialized use (research) that will not contain office space or require additional parking spaces. The Applicant proposes to share parking with the adjacent CFS-1 development, where employees working in the CFS-2 facility will have their office space and be able to park. This is consistent with the DEC parking regulations which encourage shared parking facilities to reduce impervious surfaces.
- 4.5. Construction of the proposed retaining walls and soil slopes within the 50- ft buffer zone (as currently designed) will not adversely affect the factor of safety of the soil slopes within the existing Slope Resource Area as per the Applicant's Geotechnical Report.
- 5.6. 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 beis 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.
- (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 will be provided with the proposed parking and shared use of CFS-1 parking.
- (m) Traffic control measures are adequate for this project and the Applicant will explore additional measures in future phases.
- (n) The proposed development will 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 the 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 endorsed plans and 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. 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, MA DEP, MEPA, Massachusetts Radiation Control Program, and Massachusetts Department of Public Health. 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. 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.
7. 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.
8. 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.
9. The sound study submitted on 1-18-21 is sufficient to justify the operation of CFS-2 as proposed with operational restrictions on the “pulse” transformers as defined in the 1-18-21 revised Vibrasure Sound Study (no use of “pulse” transformers at all on weekends and holidays, nor on weekdays between 10:00PM and 7:00AM proposed during the daytime, evening, and nighttime, and during weekdays and non-holidays. Any operations of the

pulse transformers outside of these hours (~~7:00AM-10:00PM~~) will require further sound modeling, ~~and~~ review, and approval by the DEC's Industrial Performance Standards Peer Review Consultant prior to any ~~expansion in hours of operations~~ such operational change.

10. 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.
11. 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.
12. 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.
13. 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.
14. Prior to commencement of construction, a construction Stormwater Pollution Prevention Plan shall be submitted that complies with 974 CMR 3.00 and EPA Construction General Permit Requirements. 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.
15. Prior to issuance of a Building permit, the Applicant shall provide a construction and operations logistics/safety plan addressing CFS-2 construction during CFS-1 operations.
16. Driveway construction and all existing and proposed public utility easements shall be coordinated with MassDevelopment.
17. Shared parking, utility, and access easements shall be created between CFS-1 and CFS-2 developments and copies provided to the DEC prior to issuance of a Certificate of Occupancy.
18. 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.
19. 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.

20. The Applicant shall implement lighting conservation measures where feasible to reduce lighting levels in building and site areas that are not regularly occupied (motion-sensor, timing, photocell, etc...). This includes, but is not limited to a reduced lighting plan for the site between the hours of 11PM and 7AM. The proposed lighting on the upper portion of the Tokamak building shall be removed. All stacks and protruding rooftop elements shall be non-reflective.
21. Prior to a Certificate of Occupancy, the Long-Term Pollution Prevention Plan shall be updated to reflect the final plan amendments. The plan shall also be updated to exclude stockpiling in/on slope resource areas and comply with 974 CMR 4.09.
22. 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.
23. The Applicant shall be responsible for the construction of a 5' wide public sidewalk along the frontage of the proposed CFS-2 parcel. This sidewalk location and construction shall be coordinated with MassDevelopment.
24. Landscaping shall be maintained in accordance with the Landscape Maintenance Plan prepared by FDR and requirements of 974 CMR 3.04(m). The applicant shall update the plan to address the December 11, 2020 peer review comments from IBI Group. 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.
25. No outdoor storage is permitted other than what is shown on the final plans.
26. The Applicant and Owner shall submit a file an 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.
27. Prior to DEC endorsement, the final plans shall be revised to include the following:
 - a. A detail shall be added for the revised retaining wall design;
 - b. The DCB overflow structure in the added bioretention basin south of the southern loading door shall be properly labelled.
 - c. Relocation of the 30" diameter storm drainage pipe (include note confirming coordination of analysis and relocation with MassDevelopment).
 - d. Remaining landscaping, erosion control, tree protection, limits of clearing, and slope stabilization comments in January 15, 2021 letter from IBI Group (DEC Peer Review Landscape Architects). This includes additional reinforced stabilization and erosion controls on the steep fill slopes leading to the bottom of the Slope Resource Areas.

- e. Remaining comments in the January 14, 2021 letter from Nitsch Engineering;
- f. Waivers granted to be included on final plans.
- g. Note added to plan indicating that if the proposed gate house is manned, it will require restroom facilities.

~~28. The Applicant shall file an approved Level One Lotting Plan 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.~~

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

29. This unified permit approval is for the conceptual master plan and detailed build-out of CFS-2 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.

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 +/-147,000 sf fusion energy research and development facility (CFS-2) and associated site improvements, as well as a conceptual approval for the overall campus master plan (general size, location and layout) for future development phases.

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