

**Record of Decision
Site Plan Modification
Commonwealth Fusion Systems, LLC.
111 Hospital Road (CFS-2)
(Parcel ID:018.0-0007-0200.0)
Devens (Harvard), MA
Unified Permit
October 25, 2022**

1. Owner/Applicant:

The Owner and 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 Modification Approval to make amendments to the site plan for the development of a fusion energy research and development facility (CFS-2) and associated site improvements. The project is located at 111 Hospital Road, Devens (Harvard), MA 01434 (Deed Reference: Bk: 17907 Pg: 1) within the Innovation and Technology Business District, as well as the Watershed and Aquifer Water Resources Protection Overlay Districts. The application requests modifications to the site plan approved on January 19, 2021 (#D20-096) for the same purpose.

3. Submission:

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

1. Level 2 Unified Permit Application (#D22-095) for Commonwealth Fusion Systems Campus – Construction of Building 2 and associated site improvements, 111 Hospital Road, Devens, MA; received August 29, 2022 (1 page);
2. Level 2 Unified Permit Application cover letter and stormwater report attachment, Re: Design Refinement Commonwealth Fusion Systems, CFS-2 Level 2 Request to Amend and Approved Plan prepared for Commonwealth Fusion Systems, by VHB, Inc., dated August 24, 2022, (received August 29, 2022), (48 pages);
3. Site Plans entitled Commonwealth Fusion Systems Campus Building 2, 111 Hospital Road, Devens, MA; dated November 5, 2020, revised through August 26, 2022. Prepared by VHB, Inc., 101 Walnut Street, PO Box 9151, Watertown, MA 02471 (17 sheets);
4. Certified Abutters List for 111 Hospital Road; received by Devens Assessors office July 20, 2022;
5. Determination of Completeness from Peter Lowitt, issued September 5, 2022;
6. Public Hearing Notice Memo to Town Clerks of Ayer, Harvard, Shirley, Lancaster and MassDevelopment, from Peter Lowitt/Dawn Babcock, dated September 6, 2022;
7. Public Hearing Legal Notice Memo to Nashoba Publications, from Peter Lowitt/Dawn Babcock, dated September 6, 2022, to be published September 9 and 16, 2022;
8. Copies of Legal notices from September 9 and 16, 2022 from Nashoba Valley Voice;
9. Public Hearing Notice emailed to Community Service Cable Committee, from Peter Lowitt/Dawn Babcock, dated September 6, 2022;
10. Memo dated September 6, 2022, from Peter Lowitt to Towns of Ayer, Harvard and Shirley Boards of Selectman and Planning Boards;
11. Memo dated September 6, 2022, from Peter Lowitt to Abutters and Interested Parties;
12. Public Hearing Notice to Secretary of State, from Peter Lowitt, dated September 6, 2022;
13. Landscape Plan for Commonwealth Fusion Systems Campus Building 1 and Building 2, 111 Hospital Road, Devens, MA; dated November 5, 2020, revised through July 25, 2022, received September 9, 2022. Prepared by HDR Architecture, P.C. and VHB, Inc. (3 sheets);

14. Vehicle Turn Plans for Commonwealth Fusion Systems Campus Building 2, 111 Hospital Road, Devens, MA; Fig. 1- Fire Truck Vehicle 1, Fig. 2 -Fire Truck Vehicle 2, Fig. 3-WB 67, dated September 9, 2022. Prepared by VHB, Inc. (3 sheets);
15. Snow Storage Plan for Commonwealth Fusion Systems Campus Building 1 and Building 2, 111 Hospital Road, Devens, MA; dated November 5, 2020, revised through July 25, 2022, received September 9, 2022. Prepared by HDR Architecture, P.C. and VHB, Inc. (1 sheet);
16. Plan Circulation memo 111 Hospital Road – CFS-2 Amendment, dated September 12, 2022, from Neil Angus to MassDevelopment.
17. Staff Report dated September 26, 2022 (2 pages);
18. Peer Review Letter from Nitsch Engineering, Re: Nitsch Project #9419 Commonwealth Fusion (CFS-2) Site Plan and Stormwater Review Devens, MA; dated September 29, 2022 (4 pages);
19. Peer Review Letter Landscape Comments from IBI Group, dated October 3, 2022 (6 pages);
20. Applicant’s Response to landscape comments of October 3, 2022, dated October 12, 2022 (4 pages);
21. VHB Response to Nitsch’s site plan and stormwater review comments of September 29, 2022, dated October 14, 2022 (4 pages memo and 143 pages attachment);
22. Landscape Plan Comparison for Commonwealth Fusion Systems Campus Building 1 and Building 2, 111 Hospital Road, Devens, MA dated November 5, 2020, last revised October 17, 2022 (6 pages);
23. Landscape Maintenance Memorandum for CFS Building 2, 111 Hospital Road, Devens MA, prepared by HDR Architecture, P.C., dated February 12, 2021, Received October 18, 2022 (10 pages);
24. Staff Report dated October 21, 2022 (2 pages);
25. Draft Record of Decision dated October 21, 2022 (5 pages);
26. E-mail correspondence as follows:

Date	From	To	Subject
9/9/22	Curt Quitzau	Neil Angus	Checklist for Determination of Completeness
9/19/22	Neil Angus	Peer Reviewers	111 Hospital Road Plan Circulation
9/23/22	Mark Cohen	Neil Angus	Plan Circulation for 111 Hospital Unified Permit Amendment
9/27/22	Curt Quitzau	Mark Cohen	Plan Circulation for 111 Hospital Unified Permit Amendment
9/28/22	Mark Cohen	Curt Quitzau	Plan Circulation for 111 Hospital Unified Permit Amendment
9/29/22	Peter Lowitt	Curt Quitzau	Property Setback Question - CFS 2

4. Unified Permit Components and Actions:

The Unified Permit request includes Amended Site Plan Approval for the development of a fusion energy research and development facility (CFS-2) and associated site improvements. The modification includes a reduction in the overall size of the main CFS-2 building, an increase in the size of the motor generator building, and reconfigured parking lot and utility yards.

5. Process:

The Application was submitted on August 29, 2022 and the Determination of Completeness was issued on September 5, 2022. Copies of the application were received by the surrounding Towns on September 7, 2022. Legal notices were placed in Nashoba Publications on September 9, 2022 and September 16, 2022. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on October 7, 2022. No comments were received. The Public

Hearing opened on September 27, 2022 and was continued to October 25, 2022 and closed at that same meeting.

6. Waivers

No waivers were requested as part of the site plan modification application.

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 amended 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 proposed modifications to the approved site plan include reduction of retaining walls, impervious area, and net building footprint which provide an overall site improvement.
5. The Applicant proposes 25 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.
6. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Amended 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 has been 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 amended 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:

All conditions of the original Unified Permit (dated January 19, 2021) remain in effect. The DEC voted to impose the following conditions in addition to the original conditions of approval.

- 29. 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.
- 30. The Applicant shall provide As-Built Plans and accompanying information for all site improvements associated with the original and amended plans in accordance with the DEC As Built Policy, prior to issuance of a final Certificate of Occupancy.
- 31. 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.
- 32. Landscaping shall be maintained in accordance with the Landscape Maintenance Plan prepared by HDR and requirements of 974 CMR 3.04(m). 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.
- 33. Prior to DEC endorsement, the final plans shall be revised to include the following:
 - 1. Current design plans lack specificity of contours, elevations, spot grades and will be updated in the final plans to meet DEC requirements.
 - 2. Snow storage comments related to impacts to trees shall be resolved to the satisfaction of DEC staff and peer reviewers.

9. Decision:

The public hearing closed on October 25, 2022 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 modification for the development of a fusion energy research and development facility (CFS-2) and associated site improvements.

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). Final plans must be submitted to the Commission for endorsement by April 25, 2023.

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

Dawn Babcock, Notary

My Commission expires _____