PRINCE LOBEL

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April 7, 2026

VIA EMAIL: neilangus@devensec.com

Devens Enterprise Commission
33 Andrews Parkway
Devens, MA 01434
Attn: Neil Angus, Director

Re: *Request for Extension of Expiration Dates set forth in Level 2 Unified Permit Decision related to 33 Lake George Street (Parcel ID # 008.0-0021-0401.0)(the "Property")*

Dear Mr. Angus:

Our Firm represents TPE Solutions, Inc. in connection with the development of the approximately 31,511 square foot manufacturing facility and related site improvements at the Property (collectively, the "Development").

On May 28, 2024, the Devens Enterprise Commission (the "DEC") voted to issue an order of conditions and approve the site plan for the Development as evidenced by the DEC's decision dated May 31, 2024 (the "Unified Permit Decision"), a recorded copy of which is enclosed.

Section 11 of the Unified Permit Decision provides that: (i) final plans shall submitted to the DEC for endorsement before November 29, 2024; and (ii) "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."

Given that the DEC issued the Unified Permit Decision on May 31, 2024, TPE Solutions, Inc. was generally required to commence its approved activities by November 30, 2024 (i.e., 6 months from the date of the issuance of the DEC's written decision) and complete its approved activities by May 31, 2026 (i.e., 2 years from the date of the issuance of the DEC's written decision) in accordance with the Unified Permit Decision.

However, it is our understanding that the Unified Permit Decision is subject to the 2024 Permit Extension Act (2024 Mass. Acts. c. 238, § 280)(the "Permit Extension Act") given that the Unified Permit Decision was in effect during the tolling period from January 1, 2023 through

January 1, 2025 and, therefore, the expiration dates set forth therein were automatically extended for two years.

By applying the Permit Extension Act's automatic two-year extension, it is our understanding that TPE Solutions, Inc. is required to submit its final plans to the DEC for endorsement by November 29, 2026, commence its approved activities by November 30, 2026 and complete its approved activities by May 31, 2028. If the DEC agrees the Unified Permit Decision is subject to the Permit Extension Act, please issue a letter confirming the above-mentioned extended expiration dates.

Notwithstanding the Permit Extension Act, TPE Solutions, Inc. will require additional time to commence construction and complete the Development due coordination issues associated with relocating its business from 3 Patterson Road, Shirley, MA to the Property. TPE Solutions, Inc. purchased the Property through its affiliate, Jonas & Elaine Realty, LLC, on December 13, 2024 with expectation of constructing the Development and relocating to the Property in the summer of 2026. When TPE Solutions, Inc.'s general contractor conducted its due diligence, it determined that construction would not be completed by the summer of 2026. Given that TPE Solutions, Inc. had entered into an agreement with its tenant to vacant its premises at 3 Patterson Road, Shirley, MA by the summer of 2026, TPE Solutions, Inc. acquired an existing building at 100 Ayer Road, Shirley, MA to temporary relocate while it constructs the Development. TPE Solutions, Inc. is in the process of completing its temporary relocation after which it will focus on the construction of the Development. In addition, TPE Solutions, Inc. has formed a new subsidiary, XPM Plastics Compounding LLC, which will result in the creation of a dozen new jobs in 2026. This new business underscores TPE Solutions, Inc.'s need to construct the Development as it seeks to expand its operations in Massachusetts.

Based on the foregoing, TPE Solutions, Inc. respectfully requests an extension of applicable expiration dates in the Unified Permit Decision such that TPE Solutions, Inc. be allowed to submit its final plans to the DEC for endorsement by November 30, 2027, commence its approved activities by November 30, 2027 and complete its approved activities by May 31, 2029.

TPE Solutions, Inc. also respectfully requests any additional extensions required under the Unified Permit Decision to the extent applicable.

Thank you in advance for your consideration.

Sincerely,

Mark A. Borenstein

Worcester South District Registry of Deeds
Electronically Recorded Document

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Recording Information

Document Number	: 9635
Document Type	: DECN
Recorded Date	: February 04, 2025
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Number of Pages(including cover sheet)	: 10
Receipt Number	: 1621932
Recording Fee	: $105.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 368-7000

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 Fierreia, to Neil Angus, dated March 28, 2024 (5 pages);
19. April 30, 2024 Public Hearing Presentation from Kasy Fierreia (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 survey 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, 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.

05/31/2024
Date

Dawn Babcock, Notary
My Commission expires 03/2/2029

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

ATTEST: WORC Kathryn A. Toomey, Register