

September 12, 2024

Certified Mail 7020 1810 0000 2013 0090

Richard Holcomb
Commonwealth Fusion Systems
117 Hospital Road
Devens, MA 01434

Re: Commonwealth Fusion Systems Sign Waiver Unified Permit Approval

Dear Mr.Holcomb,

Please find enclosed the original signed Unified Permit Record of Decision (ROD) for the placement of a 494 square-foot building-mounted sign at 111 Hospital Road (Parcel ID #018.0-0007-0200.) in Devens (Harvard), MA This approval was granted by the Devens Enterprise Commission (DEC) at its September 12, 2024 meeting.

Please ensure the ROD is recorded in the Worcester County Registry and notify the DEC office of the Volume and Page number once the ROD has been recorded. Please also note, there is a 30-day appeal period (from the date of the Decision) that expires on October 13, 2024. No construction activity is authorized until the appeal period ends and the applicable conditions of approval in the Record of Decision have been addressed.

Feel free to contact me with any questions.

Sincerely,



Neil Angus, FAICP CEP, LEED AP, LFA
Director/Land Use Administrator

cc: Ayer Town Clerk (certified)
Harvard Town Clerk (certified)
Shirley Town Clerk (certified)
Meg Delorier, EVP Devens



DEVENS ENTERPRISE COMMISSION
33 Andrews Parkway • Devens, MA 01434 • Phone: (978) 772-8831 • Fax: (978) 772.8831

**Record of Decision
Commonwealth Fusion Systems
111 HOSPITAL ROAD
Level 2 Unified Permit Signage Waiver
Devens (Harvard), MA
September 12, 2024**

1. Owner/Applicant:

Owner and Applicant are Commonwealth Fusion Systems, 111 Hospital Road, Devens, MA 01434.

2. Premises and Proposed Project:

The Applicant is seeking a Level 2 Unified Permit for a waiver request from 974 CMR 6.03(5)(d) and 6.03(1)(d) to erect a 494 square-foot building-mounted sign at 111 Hospital Road (Parcel ID #018.0-0007-0200.) in Devens (Harvard), MA, within the Innovation and Technology Business District.

3. Submission:

The application included the following, which all become part of the record:

1. DEC Completed Level 2 Unified Permit Application Form;
2. Letter from Rich Holcomb to Devens Enterprise Commission, July 10, 2024 (2 pgs);
3. Site Plans entitled: "Proposed Building Sign Plan, April 2024", Sheet #AG-100, "Proposed Building Sign March 2024", Sheet AG-203 (3 sheets) showing Sign Details and proposed Sign Mounting details;
4. Certified Abutters list (Devens) dated 7/20/24;
5. Determination of Completeness dated 7/26/24;
6. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated July 25, 2024;
7. Public Hearing legal notice publication memo to Nashoba Publications, dated July 25, 2024 (publication dates August 2 and 9, 2024), including copies from papers;
8. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated July 25, 2024 from Neil Angus, Director DEC, including return receipts.
9. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated July 25, 2024, from Neil Angus/Dawn Babcock.
10. Community Cable Advisory Committee notice, dated July 25, 2024, to run July 25th to August 27th;
11. Public Hearing Notice to the Secretary of State, dated July 25, 2024.
12. DEC Staff Report, dated August 22, 2024 (4 Pages);
13. Mullin Rule Affidavit from Melissa Fetterhoff, dated 8/28/24;
14. Draft Record of Decision – Commonwealth Fusion Systems Level 2 Unified Permit Signage Waiver , dated September 12, 2024 (4 pages);
15. Email correspondence as follows:

Date	From	To	Subject
7/11/24	Jessica Strunkin	Beth Suedmeyer	Fwd: Signage Waiver Request
7/26/24	Neil Angus	Jessica Strunkin	Re: Signage Waier Request
7/25/24	Jessica Strunkin	Beth Suedmeyer	Re: Signage Waier Request
8/22/24	Neil Angus	Jessica Strunkin	Sign Waiver Staff Report

4. Unified Permit Components and Actions:

The Unified Permit includes a waiver request from 974 CMR 6.03(5)(d) and 6.03(1)(d) to erect a 494 square-foot building-mounted sign on the main building located at 111 Hospital Road (Parcel ID#018.0-0007-0200).

5. Process:

Commonwealth Fusion Systems, submitted the Unified Permit Application on July 25, 2024 and a Determination of Completeness was issued on July 26, 2024. Copies of the application were received by the surrounding Towns on July 29, 2024. Legal notices were placed in Nashoba Publications on August 2 and 9, 2024. All abutting property owners were duly notified by certified mail. The 30-day Town comment period expired on August 28, 2024. No comments were received. The public hearing opened on August 27, 2024 and was continued to the September 12, 2024 meeting and closed at that meeting. The Commission voted on September 12, 2024.

6. Waivers:

This Applicant requested the following waivers as part of this application:

974 CMR 6.03(5)(d) allows for a single building-mounted sign to be no greater than 100 square feet in area. The Applicant is requesting to erect a 494 square-foot building-mounted sign.

974 CMR 6.03(1)(d) requires signs not to exceed the maximum size or height allowed unless the DEC determines that exceptional site conditions such as topography, location of existing preserved vegetation, or lot configuration necessitate a larger or taller sign, provided however, the maximum increase allowed shall not exceed 50% more than otherwise allowed. The Applicant is suggesting exceptional site conditions exist and requesting greater than the 100 square feet and the additional 50% allowance.

The Commission voted unanimously to grant the requested waivers.

7. Findings:

The DEC finds that:

1. The size of the building and extended setback from Hospital Road are considered “exceptional site conditions” unique to this individual parcel and development, to warrant the increase over the 50%.
2. The proposed 494 square foot sign, while large, does fit in architecturally with the scale of the building and is still less than 3% of the total façade area.
3. The CFS symbol and the text letters will be individually mounted to the building (no background), resulting in the signage logo only covering 58 sq.ft and the “Commonwealth Fusion Systems” lettering covering only 160 sq.ft, for a total of 218 sq.ft. of actual signage, or 1.1% of the facade.
4. The proposed sign will not be illuminated and will not be visible from any public street.
5. The unique nature, size, and scale of this project are like no other in Devens,
6. The Applicant provided additional options for compliance but both the 100 sq.ft. and 150 sq.ft. size renderings appear too small given the scale of the building and it’s location fronting on the campus green.

8. Conditions:

The DEC voted to impose the following conditions:

- 1) The proposed sign shall not be illuminated.
- 2) Once the appeal period has expired, the Applicant shall file the final Record of Decision with the Registry of Deeds and proof of recordation shall be submitted to the DEC prior to commencement of construction.
- 3) The Applicant will need to obtain a building permit (Level 1) for the proposed sign.

9. Decision:

The Public Hearing closed on September 12, 2024 and the DEC voted to issue the findings that exceptional site conditions and circumstances exist, to impose conditions, and to approve the Level 2 Unified Permit sign waiver for a single 494 square-foot building-mounted sign at 111 Hospital Road in Devens, MA.


10. Building Permit:

The Building Commissioner 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 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 sign permit waiver and in turn, allow the sign installation 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 September 13, 2024 and terminates October 12, 2024, is "at risk".

Sept 12, 2024
Date

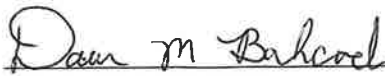
Approved by: 
Neil Angus, FAICP, LEED AP, Director
Devens Enterprise Commission

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.

Sept. 12, 2024
Date


Dawn Babcock, Notary
My Commission expires 03/02/29



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