

September 11, 2025

Certified Mail 7020 1810 0000 2013 0182

Alan Fluet
SMC Limited
18 Independence Drive
Devens, MA. 01434

Re: SMC Limited – 18 Independence Expansion Level 2 Unified Permit Approval (D25-006)

Dear Mr. Fluet,

Please find enclosed two (2) original signed Unified Permit Records of Decision (ROD) for the proposed +/-62,000 s.f. expansion of an existing +/-324,500 s.f. gross square foot industrial building, including new parking, stormwater management, landscaping, and utility infrastructure. Property located at 18 Independence Drive (Parcel ID #026.0-0013-0600.0), Devens, MA. This approval was granted by the Devens Enterprise Commission (DEC) at its September 11, 2025 meeting.

Please ensure this ROD is recorded in both the Worcester and Middlesex County Registry of Deeds prior to commencement of work. Please notify the DEC office of the Volume and Page number once each are recorded.

Please also note, there is a 30-day appeal period (from the date of the Decision) that expires on October 12, 2025. No construction activity is authorized until the final plans are endorsed and a pre-construction meeting is held.

Feel free to contact me with any questions.

Sincerely,



Neil Angus, FAICP CEP, LEED AP, LFA
Director

cc: Ayer Town Clerk (certified)
Harvard Town Clerk (certified)
Shirley Town Clerk (certified)
Meg Delorier, EVP Devens
Erikk Hokenson, SVP Real Estate, MassDevelopment
Patrick McCarty, McCarty Engineering



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

Record of Decision
MACK DEVENS DEVELOPMENT, LLC.
18 Independence Drive (Parcel ID#0.26.0-00013-0600.0)
Devens (Harvard &Ayer), MA
September 11, 2025

1. Owner/Applicant:

The landowner and applicant is Mack Devens Development LLC., 18 Independence Drive, Devens, MA 01434.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit (D25-006) for site plan approval for a proposed +/-62,000 s.f. expansion of an existing +/-324,500 s.f. gross square foot industrial building, including new parking, stormwater management, landscaping, and utility infrastructure. Property located at 18 Independence Drive (Parcel ID #026.0-0013-0600.0), Devens (Harvard &Ayer), MA (Worcester Deed Reference: Bk: 55534 Pg: 294/Middlesex Deed Reference Bk: 67492 Pg: 471), in the Rail, Industrial, and Trade-Related Uses District and Watershed Water Resource Protection Overlay District.

3. Submission:

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

1. Level 2 Unified permit Application package (D25-006), prepared by McCarty Engineering, Inc., 42 Tucker Drive, Leominster, MA 01453, including the following:
 - A. Narrative
 - B. Devens Regional Enterprise Zone Permit Application- Level 2
 - C. Permit Fee Check in the Amount of \$149,086.42
 - D. Level 2 Unified Permit Checklist for Determination of Completeness
 - E. Industrial Performance Standards Checklist for Newly Proposed Projects
 - F. LEED Checklist for Sustainable Sites
 - G. Background Sound Survey Results
 - H. Stormwater Management Report
2. Site Plans Entitled: "SMC Ltd. Expansion and Addition, 18 Independence Drive (Parcel ID 026.0-0013-0600.0; dated July 3, 2025, prepared by McCarty Engineering, Inc., including the following sheets:
 - Cover Sheet
 - 1 – Existing Conditions Plan (1 of 2)
 - 2 – Existing Conditions Plan (2 of 2)
 - 3 – Erosion Control Notes
 - 4 - Demolition and Erosion Control Plan
 - 5 – Layout and Materials Plan
 - 6 – Grading, Drainage, and Utility Plan
 - 7 – Landscape Plan
 - 8 - Landscape Maintenance Plan
 - 9 – Lighting Plan
 - 10– Truck Turning Plan
 - 11– Fire Truck Turning Plan
 - 12-15 – Construction Details
 - 16 – Stormtech Detail Sheet
 - A-201 – Overall Main Floor Plan
 - A-203 – Enlarged Area "B" Floor Plan
 - A-301 – Exterior Elevations

3. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated July 10, 2025;
4. Public Hearing legal notice publication memo to Nashoba Publications, dated July 10, 2025 (publication dates July 25 and August 1, 2025);
5. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated July 10, 2025 (received July 10, 2025) from Neil Angus, Director DEC;
6. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated July 10, 2025, from Neil Angus/Dawn Babcock.
7. Community Cable Advisory Committee notice, dated July 10, 2025, to run July 10, 2025 through August 26, 2025;
8. Public Hearing Notice to the Secretary of State, dated July 10, 2025.
9. Determination of Completeness, dated July 10, 2025, signed by Neil Angus.
10. Plan Circulation memo dated July 10, 2025, from Neil Angus to MassDevelopment Re: Level 2 Unified Permit – 18 Independence Drive Expansion (1 Page);
11. Completed Embodied Carbon Reduction Checklist;
12. Example Drop Sewer Manhole detail from Mark Cohen, Devens Utilities, 7/21/25;
13. Peer Review Engineering comments from Kathryn Piasecki and Sandy Brock, Nitsch Engineering, to Neil Angus, dated July 22, 2025 (10 pages);
14. Peer Review Landscape comments, James Kros, Arcadis, dated 7/22/25 (6 pages);
15. DEC Review comments to Applicant, dated July 23, 2025 (4 pages);
16. DEC Staff report, dated August 21, 2025 (5 pages)
17. Colored Elevation drawing (Sheet A-301.A), prepared for SMC Ltd., 18 Independence Drive, Devens, MA Renovation, by J Ferrera Associates, Inc., 2 Fern Lane, Sterling, MA 01564, dated 1/9/25, revised through 8-25-25;
18. "Presentation Plan" – color rendering of site plan, dated July 3, 2025, revised through 8/6/25. Prepared by prepared by McCarty Engineering, Inc (Sheet 7);
19. Design Review Letter from MassDevelopment, dated September 2, 2025 from Erikk Hokenson, to Neil Angus (1 page);
20. Layout and Materials Plan Draft, dated 7/3/25, revised through 8/28/2025;
21. Revised Site Plans Entitled: "SMC Ltd. Expansion and Addition, 18 Independence Drive (Parcel ID 026.0-0013-0600.0; dated July 3, 2025, revised 8/6/25 and 8/28/25, prepared by McCarty Engineering, Inc., including the following sheets:
 - Cover Sheet
 - 1 – Existing Conditions Plan (1 of 2)
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 - A-201 – Overall Main Floor Plan
 - A-203 – Enlarged Area "B" Floor Plan
 - A-301 – Exterior Elevations

22. Project Narrative letter dated July 3, 2025 (revised August 28, 2025) RE: 2 Permit Application, Mack Devens Development, LLC, Proposed Building Addition, 18 Independence Driver, Devens, MA, from Wesley Flis and Justin LeClair, to Neil Angus (3 pages);
23. PDF of +SMC Expansion Mech layout – Roof Only- Sheet A-201, dated 1/9/25, revised through 1/23/25, prepared by J Ferrera Associates, Inc.;
24. Memo from Tech Environmental to Neil Angus, dated August 25, 2025, Re: Review of August 22, 2025, Noise Evaluation for 18 Independence Drive (2 pages);
25. Memo from Tech Environmental to Neil Angus, dated August 13, 2025, Re: Review of August 6, 2025, Noise Evaluation for 18 Independence Drive (3 pages);
26. Letter from Acentech to McCarty Companies, dated July 10, 2025 , Subject: Addendum Report – Response to Peer Review on Background Sound Survey Results SMC Expansion Background Sound Survey (7 pages);
27. Letter from Acentech to McCarty Companies, dated June 16, 2025 , Subject: Background Sound Survey Results SMC Expansion Noise Study (15 pages);
28. Memo from Tech Environmental to Neil Angus, dated June 25, 2025, Re: Review of June 16, 2025, Submission for 18 Independence Drive (3 pages);
29. Letter from Acentech to McCarty Companies, dated May 27, 2025, Subject: Environmental Noise Modelling Protocol, SMC Expansion Noise Study (6 pages);
30. Stormwater Management Report: Proposed Addition, 18 Independence Drive, Devens, MA, dated July 3, 2025, revised August 6, 2025; by McCarty Engineering, Inc. (225 pages);
31. Project Narrative letter dated July 3, 2025 (revised August 6, 2025) RE: 2 Permit Application, Mack Devens Development, LLC, Proposed Building Addition, 18 Independence Driver, Devens, MA, from Wesley Flis and Justin LeClair, to Neil Angus (3 pages);
32. Letter from McCarty Associates to Neil Angus, Re: Arcadis Response to Comments, dated August 6, 2025 (10 pages);
33. Letter from McCarty Associates to Neil Angus, Re: DEC Response to Comments, dated August 6, 2025 (6 pages);
34. Letter from McCarty Associates to Neil Angus, Re: Nitsch Engineering Response to Comments, dated August 6, 2025 (17 pages);
35. Revised Waiver Request Letter from McCarty Associates to Neil Angus, dated July 3, 2025, revised August 6, 2025 (2 pages);
36. Letter from Acentech to McCarty Companies, dated August 6, 2025, Subject: Environmental Noise Evaluation; SMC Expansion (11 pages);
37. Existing Parking Figure, Sheet 1, dated August 6, 2025; prepared by McCarty Associates, Inc.
38. Peer Review Engineering comments from Kathryn Piasecki and Sandy Brock, Nitsch Engineering, to Neil Angus, dated August 18, 2025 (18 pages);
39. Peer Review Landscape, James Kros, Arcadis, dated August 19, 2025 (9 pages);
40. DEC Review Comments, dated 8/20/25 and meeting notes from 8/25/25 meeting with Patrick, Justin, and Wes (3 pages);
41. Draft Record of Decision, dated September 11, 2025 (10 pages);
42. Mullin Rule Affidavits from Melissa Fetterhoff and Jim Pinard
43. Memo from Acentech, dated September 10, 2025 re: Environmental Noise

- Evaluation; SMC Expansion – Addendum (3 pages);
44. Rooftop plan (Sheet A-201), prepared by McCarty Companies, dated 1/23/25
45. Memo from Patrick McCarty to Neil Angus re: Proposed Condition of Approval Sound Level Compliance, 18B Independence Drive, Devens, MA; dated September 10, 2025(2 pages).
46. Email correspondence as follows:

To:	From:	Date:	Subject:
Patrick McCarty	Neil Angus	7/1/25	RE: 18 Independence Permit Fees
Neil Angus	Tim Kelly	7/10/25	RE: SMC Expansion Level 2 Unified Permit
Neil Angus	Matt Riegert	7/10/25	Re: SMC Expansion - Background Noise Survey Report Addendum
Michael Bahtarian	Neil Angus	7/14/25	RE: SMC Expansion - Background Noise Survey Report Addendum
Matt Riegert	Michael Bahtarian	7/10/25	SMC Expansion - Background Noise Survey Report Addendum
Justin Leclair	Neil Angus	8/4/25	RE: LEED Checklist-SMC
Matt Riegert	Patrick McCarty	8/13/25	RE: 18 Independence Drive - Noise Evaluation Review
Erikk Hokenson	Patrick McCarty	8/11/25	RE: 18 Independence Drive, Devens - SMC Expansion Design Review
Erikk Hokenson	Patrick McCarty	8/26/25	RE: 18 Independence Drive, Devens - SMC Expansion Design Review
Neil Angus	Justin Leclair	9/2/25	RE: Final changes
Neil Angus	Wesley Flis	9/3/25	RE: SMC Expansion - Informal Response to Peer Review
Neil Angus	Erikk Hokenson	9/3/25	RE: SMC Expansion Level 2 Unified Permit
Neil Angus	Matt Riegert	8/13/25	Re: 18 Independence Drive - Noise Evaluation Review
Matt Riegert	Patrick McCarty	8/25/25	RE: SMC Expansion - Informal Response to Peer Review
Matt Riegert	Michael Bahtarian	8/20/25	SMC Expansion - Informal Response to Peer Review
Todd Whittier	Justin LeClair	8/6/25	Re: 18 Independence Expansion
Michael Bahtarian	Patrick McCarty	8/14/25	RE: SMC Expansion - Informal Response to Peer Review
Neil Angus	Mark Cohen	8/8/25	RE: 18 Independence Drive
Neil Angus	Patrick McCarty	9/11/25	RE: Acentech Memo
Neil Angus	Patrick McCarty	9/10/25	Acentech Memo
Neil Angus	Patrick McCarty	9/10/25	Re: Proposed Conditions of Approval - Sound Related

4. Unified Permit Components and Actions:

The Unified Permit for this project includes site plan approval for a proposed +/-62,000 s.f. expansion of an existing +/-324,500 s.f. gross square foot industrial building, including new parking, stormwater management, landscaping, and utility infrastructure. Property located at 18 Independence Drive (Parcel ID #026.0-0013-0600.0), Devens (Harvard &Ayer), MA.

5. Process:

Mack Devens Development, LLC, submitted a Level II Unified Permit application package on July 3, 2025. The pre-permitting conference was completed on June 30, 2025 and the Determination of Completeness was issued on July 10, 2025. Copies of the application and plans were received by the surrounding Towns on July 10, 2025. Legal notices were placed in Nashoba Publications on July 25, 2025 and August 1. Certified Mail notice was sent to all abutting property owners on July 10, 2025. The 30-day public comment period expired on August 11, 2025. No public comments were received. The

public hearing opened on August 26, 2025 and was continued to September 11, 2025 and closed that same day.

6. Waivers:

The Applicant requested the following waivers as part of this application.

974 CMR 3.04(3)(a)1.a. requires parking to be located to the rear and sides of buildings, with only visitor, handicap, and preferential parking in front of the building.

Due to the lot having two frontages (Saratoga and Independence) and the layout of the existing building, 51 of the 62 proposed parking spaces do not meet this requirement (there are 11 accessible and preferential parking spaces that are compliant). The proposed new parking is being screened from the public right of way through a combination of earthen berms and landscaping. The Applicant has increased the amount of vegetation to provide better screening for these 51 spaces.

974 CMR 4.08(4)(g) requires a falling head soil permeability test in retention/infiltration basins before the basin design in all basins and infiltration structures.

The Applicant's drainage analysis is based on the Static Method, which under the Massachusetts Stormwater Handbook, does not require a falling head permeability test to be performed, but instead is based on the Rawl's Rates. The Rawl's Rates are derived through a standard deep hole soil observation. DEC Peer Review Engineers agree with this approach given the soil conditions on site.

974 CMR 4.08(4)(f) requires that the floor of all basins/infiltration structure/swales a minimum of four feet above the high groundwater elevation.

Testing was conducted within the limits of the proposed underground infiltration system and the Applicant used the depth of the hole as the assumed groundwater elevation and provided a 2' offset to groundwater in accordance with the MADEP Stormwater Handbook. The Applicant also provided a mounding analysis demonstrating that the mound stays within the limits of the proposed basin and will have no impact on the basin storage 72 hours after the rain event. In addition, the Applicant is maintaining the elevation of bottom of the existing at-grade infiltration swale that they are connecting to. This existing trench is well below 4 feet and historically does not retain any standing water. Given the sandy soil conditions, the Applicant has met this requirement to a practicable extent.

The Commission voted unanimously to grant both 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 (medical device manufacturing and injection molding). Such uses are allowed in the Rail, Industrial and Trade-Related Uses District as per Exhibit D of the Devens Bylaws.
2. The proposed project will reduce the number of existing loading docks from 13 to 6 and shift them from the front of the building to the side. Shipping hours will be

reduced from 6AM to 6PM to 8AM-5PM. This, in addition to berming, landscape screening and sound enclosures on rooftop units, will help reduce any potential nuisance conditions and meets the intent of the screening requirements under 974 CMR 3.04(6)(a)5.

3. The total number of parking spaces for the site (419 or 0.94 spaces per 1000sq.ft.) is sufficient given the employees will be spread across different shifts and the inclusion of dedicated carpooling spaces. Bike racks are being added and Devens On-Demand shuttle service is available for employees within 20 miles of Devens. If demand for parking were to increase, the Applicant may have to consider structured parking.
4. The 5,900 sf underground infiltration basin system, while in excess of the 5,000 square foot maximum under 974 CMR 4.08(4)(a) meets the intent of the decentralized drainage requirement since it is an underground system and the project includes other low-impact development standards such as porous pavement and an infiltration basin.
5. 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.
6. 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. Any discharge to the Devens Municipal Stormwater System is under the jurisdiction of and subject to the review and approval of the Devens Engineering Department.
5. 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 is 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 will be included as per the conditions of approval.
 - (i) The plans comply with Landscaping Design Standards through the preservation of existing specimen trees and additional landscaping and berming to further enhance screening.
 - (j) A wetlands order of conditions is not applicable to this project.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and conditions of approval.

- (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, meets 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 in both Worcester and Middlesex Counties shall be submitted to the DEC prior to the issuance of a building permit. Plans shall conform to all Registry recording requirements.
- 5) 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/authorization from MD/Devens Public Works. Copies of permits issued by those other than the DEC must also be filed with the DEC prior to commencement of any construction.

- 6) Prior to commencement of construction, limits of disturbance shall be flagged in the field and 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.
- 7) Aside from on-site directional signage, there is no other approval of signs implicitly or explicitly granted in this Unified Permit and any erection of any additional 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 will continue to be required to 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.
- 10) Landscaping shall be maintained in good condition in accordance with the approved landscape plan and 974 CMR 3.04(8). 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.
- 11) To help reduce single occupancy vehicle use and greenhouse gas emissions from transportation, the Applicant shall join the Devens Transportation Management Association [TMA] and implement additional traffic mitigation measures.
- 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 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. Trucks shall be prohibited from using Buena Vista Street.
- 13) Prior to a Certificate of Occupancy, an updated Long-Term Operations and Maintenance Plan for the facility shall be provided that includes safety and draft stormwater operations and maintenance plan addressing new stormwater management features such as sub-surface infiltration, porous pavement, infiltration basin, as well as new landscaping and screening and emergency fire access. This plan shall also comply with the requirements in:
 - a. 974 CMR 3.04(8) (Landscape Maintenance Requirements)
 - b. 974 CMR 4.08 (Stormwater Management & Devens Stormwater Pollution Prevention Plan)
 - c. 974 CMR 4.09 (Water Resource Protection District & Devens Water Resources Protection Report)
- 14) 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 any refrigerated trailers, as well as auxiliary power units for truck cabs.

- 15) The Applicant shall be responsible for off-site public sidewalk and crosswalk improvements and connections along Independence Drive proposed as shown in the Sidewalk Improvement Detail on Sheet on Sheet 15 of the plan set. Such improvements shall be coordinated with the DEC and MassDevelopment.
- 16) Prior to DEC endorsement, the final plans shall be revised to include the following:
 - a) Revise Lighting Plan to include timing of illumination and clarify which lights are to be on overnight (8PM-8AM) and which are not.
 - b) Landscape plan updated to include salt tolerant species shall be included in all snow stockpiling areas and planting islands. Confirm hay-scented ferns are appropriate for bottom of basin.
 - c) Existing trees to remain need to be clearly shown on ALL plans with properly scaled tree protection (drip line).
 - d) Include details for crosswalk pavement marking, hydrant, truck route sign, and mountable curb and drainage/curb outlet structure to infiltration basin, as well as limits of existing fire access grass pavers.
- 17) Prior to issuance of a building permit, the sound study shall be updated to address the DEC's sound consultants final review comments.
- 18) Prior to issuance of a final CO, the applicant shall perform sound source measurements to verify final sound modeling parameters and overall compliance with 974 CMR 4.05 at all times. This includes but is not limited to restrictions on nighttime operations (6pm-7am weekdays, including weekends and legal holidays). Additional mitigation, if required, shall be installed prior to issuance of a final CO.
- 19) Any rooftop mechanical equipment that is visible from any public way shall be properly screened.
- 20) The existing Fire Access to the fire connection/pump room shall be improved as necessary to maintain year-round emergency access.
- 21) All outstanding peer review fees shall be paid prior to issuance of a building permit.

9. Decision:

The Public Hearing closed on September 11, 2025 and the DEC voted to grant the requested waivers, issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and approve the Site Plan for a proposed +/-62,000 s.f. expansion of an existing +/-324,500 s.f. gross square foot industrial building, including new parking, stormwater management, landscaping, and utility infrastructure at 18 Independence Drive 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 September 12, 2025 and terminates October 13, 2025, is "at risk". Final plans must be submitted to the Commission for endorsement by March 12, 2026.

Approved by:

Sept. 11, 2025
Date



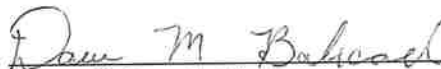
Neil Angus, FAICP, Director
Devens Enterprise Commission

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.

Sept. 11, 2025
Date



Dawn Babcock, Notary
My Commission expires 03/02/2029



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

Record of Decision
MACK DEVENS DEVELOPMENT, LLC.
18 Independence Drive (Parcel ID#0.26.0-00013-0600.0)
Devens (Harvard &Ayer), MA
September 11, 2025

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The landowner and applicant is Mack Devens Development LLC., 18 Independence Drive, Devens, MA 01434.

2. Premises and Proposed Project:

The applicant is seeking a Level 2 Unified Permit (D25-006) for site plan approval for a proposed +/-62,000 s.f. expansion of an existing +/-324,500 s.f. gross square foot industrial building, including new parking, stormwater management, landscaping, and utility infrastructure. Property located at 18 Independence Drive (Parcel ID #026.0-0013-0600.0), Devens (Harvard &Ayer), MA (Worcester Deed Reference: Bk: 55534 Pg: 294/Middlesex Deed Reference Bk: 67492 Pg: 471), in the Rail, Industrial, and Trade-Related Uses District and Watershed Water Resource Protection Overlay District.

3. Submission:

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

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3. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated July 10, 2025;
4. Public Hearing legal notice publication memo to Nashoba Publications, dated July 10, 2025 (publication dates July 25 and August 1, 2025);
5. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated July 10, 2025 (received July 10, 2025) from Neil Angus, Director DEC;
6. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated July 10, 2025, from Neil Angus/Dawn Babcock.
7. Community Cable Advisory Committee notice, dated July 10, 2025, to run July 10, 2025 through August 26, 2025;
8. Public Hearing Notice to the Secretary of State, dated July 10, 2025.
9. Determination of Completeness, dated July 10, 2025, signed by Neil Angus.
10. Plan Circulation memo dated July 10, 2025, from Neil Angus to MassDevelopment Re: Level 2 Unified Permit – 18 Independence Drive Expansion (1 Page);
11. Completed Embodied Carbon Reduction Checklist;
12. Example Drop Sewer Manhole detail from Mark Cohen, Devens Utilities, 7/21/25;
13. Peer Review Engineering comments from Kathryn Piasecki and Sandy Brock, Nitsch Engineering, to Neil Angus, dated July 22, 2025 (10 pages);
14. Peer Review Landscape comments, James Kros, Arcadis, dated 7/22/25 (6 pages);
15. DEC Review comments to Applicant, dated July 23, 2025 (4 pages);
16. DEC Staff report, dated August 21, 2025 (5 pages)
17. Colored Elevation drawing (Sheet A-301.A), prepared for SMC Ltd., 18 Independence Drive, Devens, MA Renovation, by J Ferrera Associates, Inc., 2 Fern Lane, Sterling, MA 01564, dated 1/9/25, revised through 8-25-25;
18. "Presentation Plan" – color rendering of site plan, dated July 3, 2025, revised through 8/6/25. Prepared by prepared by McCarty Engineering, Inc (Sheet 7);
19. Design Review Letter from MassDevelopment, dated September 2, 2025 from Erikk Hokenson, to Neil Angus (1 page);
20. Layout and Materials Plan Draft, dated 7/3/25, revised through 8/28/2025;
21. Revised Site Plans Entitled: "SMC Ltd. Expansion and Addition, 18 Independence Drive (Parcel ID 026.0-0013-0600.0; dated July 3, 2025, revised 8/6/25 and 8/28/25, prepared by McCarty Engineering, Inc., including the following sheets:
 - Cover Sheet
 - 1 – Existing Conditions Plan (1 of 2)
 - 2 – Existing Conditions Plan (2 of 2)
 - 3 – Erosion Control Notes
 - 4 - Demolition and Erosion Control Plan
 - 5 – Layout and Materials Plan
 - 6 – Grading, Drainage, and Utility Plan
 - 7 – Landscape Plan
 - 8 - Landscape Maintenance Plan
 - 9 – Lighting Plan
 - 10– Truck Turning Plan
 - 11– Fire Truck Turning Plan
 - 12-15 – Construction Details
 - 16 – Stormtech Detail Sheet
 - A-201 – Overall Main Floor Plan
 - A-203 – Enlarged Area "B" Floor Plan
 - A-301 – Exterior Elevations

22. Project Narrative letter dated July 3, 2025 (revised August 28, 2025) RE: 2 Permit Application, Mack Devens Development, LLC, Proposed Building Addition, 18 Independence Driver, Devens, MA, from Wesley Flis and Justin LeClair, to Neil Angus (3 pages);
23. PDF of +SMC Expansion Mech layout – Roof Only- Sheet A-201, dated 1/9/25, revised through 1/23/25, prepared by J Ferrera Associates, Inc.;
24. Memo from Tech Environmental to Neil Angus, dated August 25, 2025, Re: Review of August 22, 2025, Noise Evaluation for 18 Independence Drive (2 pages);
25. Memo from Tech Environmental to Neil Angus, dated August 13, 2025, Re: Review of August 6, 2025, Noise Evaluation for 18 Independence Drive (3 pages);
26. Letter from Acentech to McCarty Companies, dated July 10, 2025 , Subject: Addendum Report – Response to Peer Review on Background Sound Survey Results SMC Expansion Background Sound Survey (7 pages);
27. Letter from Acentech to McCarty Companies, dated June 16, 2025 , Subject: Background Sound Survey Results SMC Expansion Noise Study (15 pages);
28. Memo from Tech Environmental to Neil Angus, dated June 25, 2025, Re: Review of June 16, 2025, Submission for 18 Independence Drive (3 pages);
29. Letter from Acentech to McCarty Companies, dated May 27, 2025, Subject: Environmental Noise Modelling Protocol, SMC Expansion Noise Study (6 pages);
30. Stormwater Management Report: Proposed Addition, 18 Independence Drive, Devens, MA, dated July 3, 2025, revised August 6, 2025; by McCarty Engineering, Inc. (225 pages);
31. Project Narrative letter dated July 3, 2025 (revised August 6, 2025) RE: 2 Permit Application, Mack Devens Development, LLC, Proposed Building Addition, 18 Independence Driver, Devens, MA, from Wesley Flis and Justin LeClair, to Neil Angus (3 pages);
32. Letter from McCarty Associates to Neil Angus, Re: Arcadis Response to Comments, dated August 6, 2025 (10 pages);
33. Letter from McCarty Associates to Neil Angus, Re: DEC Response to Comments, dated August 6, 2025 (6 pages);
34. Letter from McCarty Associates to Neil Angus, Re: Nitsch Engineering Response to Comments, dated August 6, 2025 (17 pages);
35. Revised Waiver Request Letter from McCarty Associates to Neil Angus, dated July 3, 2025, revised August 6, 2025 (2 pages);
36. Letter from Acentech to McCarty Companies, dated August 6, 2025, Subject: Environmental Noise Evaluation; SMC Expansion (11 pages);
37. Existing Parking Figure, Sheet 1, dated August 6, 2025; prepared by McCarty Associates, Inc.
38. Peer Review Engineering comments from Kathryn Piasecki and Sandy Brock, Nitsch Engineering, to Neil Angus, dated August 18, 2025 (18 pages);
39. Peer Review Landscape, James Kros, Arcadis, dated August 19, 2025 (9 pages);
40. DEC Review Comments, dated 8/20/25 and meeting notes from 8/25/25 meeting with Patrick, Justin, and Wes (3 pages);
41. Draft Record of Decision, dated September 11, 2025 (10 pages);
42. Mullin Rule Affidavits from Melissa Fetterhoff and Jim Pinard
43. Memo from Acentech, dated September 10, 2025 re: Environmental Noise

- Evaluation; SMC Expansion – Addendum (3 pages);
44. Rooftop plan (Sheet A-201), prepared by McCarty Companies, dated 1/23/25
45. Memo from Patrick McCarty to Neil Angus re: Proposed Condition of Approval Sound Level Compliance, 18B Independence Drive, Devens, MA; dated September 10, 2025(2 pages).
46. Email correspondence as follows:

To:	From:	Date:	Subject:
Patrick McCarty	Neil Angus	7/1/25	RE: 18 Independence Permit Fees
Neil Angus	Tim Kelly	7/10/25	RE: SMC Expansion Level 2 Unified Permit
Neil Angus	Matt Riegert	7/10/25	Re: SMC Expansion - Background Noise Survey Report Addendum
Michael Bahtarian	Neil Angus	7/14/25	RE: SMC Expansion - Background Noise Survey Report Addendum
Matt Riegert	Michael Bahtarian	7/10/25	SMC Expansion - Background Noise Survey Report Addendum
Justin Leclair	Neil Angus	8/4/25	RE: LEED Checklist-SMC
Matt Riegert	Patrick McCarty	8/13/25	RE: 18 Independence Drive - Noise Evaluation Review
Erikk Hokenson	Patrick McCarty	8/11/25	RE: 18 Independence Drive, Devens - SMC Expansion Design Review
Erikk Hokenson	Patrick McCarty	8/26/25	RE: 18 Independence Drive, Devens - SMC Expansion Design Review
Neil Angus	Justin Leclair	9/2/25	RE: Final changes
Neil Angus	Wesley Flis	9/3/25	RE: SMC Expansion - Informal Response to Peer Review
Neil Angus	Erikk Hokenson	9/3/25	RE: SMC Expansion Level 2 Unified Permit
Neil Angus	Matt Riegert	8/13/25	Re: 18 Independence Drive - Noise Evaluation Review
Matt Riegert	Patrick McCarty	8/25/25	RE: SMC Expansion - Informal Response to Peer Review
Matt Riegert	Michael Bahtarian	8/20/25	SMC Expansion - Informal Response to Peer Review
Todd Whittier	Justin LeClair	8/6/25	Re: 18 Independence Expansion
Michael Bahtarian	Patrick McCarty	8/14/25	RE: SMC Expansion - Informal Response to Peer Review
Neil Angus	Mark Cohen	8/8/25	RE: 18 Independence Drive
Neil Angus	Patrick McCarty	9/11/25	RE: Acentech Memo
Neil Angus	Patrick McCarty	9/10/25	Acentech Memo
Neil Angus	Patrick McCarty	9/10/25	Re: Proposed Conditions of Approval - Sound Related

4. Unified Permit Components and Actions:

The Unified Permit for this project includes site plan approval for a proposed +/-62,000 s.f. expansion of an existing +/-324,500 s.f. gross square foot industrial building, including new parking, stormwater management, landscaping, and utility infrastructure. Property located at 18 Independence Drive (Parcel ID #026.0-0013-0600.0), Devens (Harvard &Ayer), MA.

5. Process:

Mack Devens Development, LLC, submitted a Level II Unified Permit application package on July 3, 2025. The pre-permitting conference was completed on June 30, 2025 and the Determination of Completeness was issued on July 10, 2025. Copies of the application and plans were received by the surrounding Towns on July 10, 2025. Legal notices were placed in Nashoba Publications on July 25, 2025 and August 1. Certified Mail notice was sent to all abutting property owners on July 10, 2025. The 30-day public comment period expired on August 11, 2025. No public comments were received. The

public hearing opened on August 26, 2025 and was continued to September 11, 2025 and closed that same day.

6. Waivers:

The Applicant requested the following waivers as part of this application.

974 CMR 3.04(3)(a)1.a. requires parking to be located to the rear and sides of buildings, with only visitor, handicap, and preferential parking in front of the building.

Due to the lot having two frontages (Saratoga and Independence) and the layout of the existing building, 51 of the 62 proposed parking spaces do not meet this requirement (there are 11 accessible and preferential parking spaces that are compliant). The proposed new parking is being screened from the public right of way through a combination of earthen berms and landscaping. The Applicant has increased the amount of vegetation to provide better screening for these 51 spaces.

974 CMR 4.08(4)(g) requires a falling head soil permeability test in retention/infiltration basins before the basin design in all basins and infiltration structures.

The Applicant's drainage analysis is based on the Static Method, which under the Massachusetts Stormwater Handbook, does not require a falling head permeability test to be performed, but instead is based on the Rawl's Rates. The Rawl's Rates are derived through a standard deep hole soil observation. DEC Peer Review Engineers agree with this approach given the soil conditions on site.

974 CMR 4.08(4)(f) requires that the floor of all basins/infiltration structure/swales a minimum of four feet above the high groundwater elevation.

Testing was conducted within the limits of the proposed underground infiltration system and the Applicant used the depth of the hole as the assumed groundwater elevation and provided a 2' offset to groundwater in accordance with the MADEP Stormwater Handbook. The Applicant also provided a mounding analysis demonstrating that the mound stays within the limits of the proposed basin and will have no impact on the basin storage 72 hours after the rain event. In addition, the Applicant is maintaining the elevation of bottom of the existing at-grade infiltration swale that they are connecting to. This existing trench is well below 4 feet and historically does not retain any standing water. Given the sandy soil conditions, the Applicant has met this requirement to a practicable extent.

The Commission voted unanimously to grant both 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 (medical device manufacturing and injection molding). Such uses are allowed in the Rail, Industrial and Trade-Related Uses District as per Exhibit D of the Devens Bylaws.
2. The proposed project will reduce the number of existing loading docks from 13 to 6 and shift them from the front of the building to the side. Shipping hours will be

reduced from 6AM to 6PM to 8AM-5PM. This, in addition to berming, landscape screening and sound enclosures on rooftop units, will help reduce any potential nuisance conditions and meets the intent of the screening requirements under 974 CMR 3.04(6)(a)5.

3. The total number of parking spaces for the site (419 or 0.94 spaces per 1000sq.ft.) is sufficient given the employees will be spread across different shifts and the inclusion of dedicated carpooling spaces. Bike racks are being added and Devens On-Demand shuttle service is available for employees within 20 miles of Devens. If demand for parking were to increase, the Applicant may have to consider structured parking.
4. The 5,900 sf underground infiltration basin system, while in excess of the 5,000 square foot maximum under 974 CMR 4.08(4)(a) meets the intent of the decentralized drainage requirement since it is an underground system and the project includes other low-impact development standards such as porous pavement and an infiltration basin.
5. 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.
6. 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. Any discharge to the Devens Municipal Stormwater System is under the jurisdiction of and subject to the review and approval of the Devens Engineering Department.
5. 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 is 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 will be included as per the conditions of approval.
 - (i) The plans comply with Landscaping Design Standards through the preservation of existing specimen trees and additional landscaping and berming to further enhance screening.
 - (j) A wetlands order of conditions is not applicable to this project.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and conditions of approval.

- (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, meets 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 in both Worcester and Middlesex Counties shall be submitted to the DEC prior to the issuance of a building permit. Plans shall conform to all Registry recording requirements.
- 5) 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/authorization from MD/Devens Public Works. Copies of permits issued by those other than the DEC must also be filed with the DEC prior to commencement of any construction.

- 6) Prior to commencement of construction, limits of disturbance shall be flagged in the field and 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.
- 7) Aside from on-site directional signage, there is no other approval of signs implicitly or explicitly granted in this Unified Permit and any erection of any additional 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 will continue to be required to 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.
- 10) Landscaping shall be maintained in good condition in accordance with the approved landscape plan and 974 CMR 3.04(8). 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.
- 11) To help reduce single occupancy vehicle use and greenhouse gas emissions from transportation, the Applicant shall join the Devens Transportation Management Association [TMA] and implement additional traffic mitigation measures.
- 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 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. Trucks shall be prohibited from using Buena Vista Street.
- 13) Prior to a Certificate of Occupancy, an updated Long-Term Operations and Maintenance Plan for the facility shall be provided that includes safety and draft stormwater operations and maintenance plan addressing new stormwater management features such as sub-surface infiltration, porous pavement, infiltration basin, as well as new landscaping and screening and emergency fire access. This plan shall also comply with the requirements in:
 - a. 974 CMR 3.04(8) (Landscape Maintenance Requirements)
 - b. 974 CMR 4.08 (Stormwater Management & Devens Stormwater Pollution Prevention Plan)
 - c. 974 CMR 4.09 (Water Resource Protection District & Devens Water Resources Protection Report)
- 14) 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 any refrigerated trailers, as well as auxiliary power units for truck cabs.

- 15) The Applicant shall be responsible for off-site public sidewalk and crosswalk improvements and connections along Independence Drive proposed as shown in the Sidewalk Improvement Detail on Sheet on Sheet 15 of the plan set. Such improvements shall be coordinated with the DEC and MassDevelopment.
- 16) Prior to DEC endorsement, the final plans shall be revised to include the following:
 - a) Revise Lighting Plan to include timing of illumination and clarify which lights are to be on overnight (8PM-8AM) and which are not.
 - b) Landscape plan updated to include salt tolerant species shall be included in all snow stockpiling areas and planting islands. Confirm hay-scented ferns are appropriate for bottom of basin.
 - c) Existing trees to remain need to be clearly shown on ALL plans with properly scaled tree protection (drip line).
 - d) Include details for crosswalk pavement marking, hydrant, truck route sign, and mountable curb and drainage/curb outlet structure to infiltration basin, as well as limits of existing fire access grass pavers.
- 17) Prior to issuance of a building permit, the sound study shall be updated to address the DEC's sound consultants final review comments.
- 18) Prior to issuance of a final CO, the applicant shall perform sound source measurements to verify final sound modeling parameters and overall compliance with 974 CMR 4.05 at all times. This includes but is not limited to restrictions on nighttime operations (6pm-7am weekdays, including weekends and legal holidays). Additional mitigation, if required, shall be installed prior to issuance of a final CO.
- 19) Any rooftop mechanical equipment that is visible from any public way shall be properly screened.
- 20) The existing Fire Access to the fire connection/pump room shall be improved as necessary to maintain year-round emergency access.
- 21) All outstanding peer review fees shall be paid prior to issuance of a building permit.

9. Decision:

The Public Hearing closed on September 11, 2025 and the DEC voted to grant the requested waivers, issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and approve the Site Plan for a proposed +/-62,000 s.f. expansion of an existing +/-324,500 s.f. gross square foot industrial building, including new parking, stormwater management, landscaping, and utility infrastructure at 18 Independence Drive 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 September 12, 2025 and terminates October 13, 2025, is "at risk". Final plans must be submitted to the Commission for endorsement by March 12, 2026.

Approved by:

9/11/25
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.

9/11/25
Date


Dawn Babcock, Notary
My Commission expires 03/02/2029



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