

Record of Decision
PIVOTAL DEVENS, LLC. (CFS-3)
125 Hospital Road (Parcel ID#018.0-0007-200.0)
Devens (Harvard), MA
January 27, 2026

1. Owner/Applicant:

The Landowner and Applicant are Pivotal Devens, LLC, 231 Royal Palm Way, Palm Beach, FL 33480.

2. Premises and Proposed Project:

The Applicant is seeking a Level 2 Unified Permit including site plan approval for the construction of a +/- 294,100 gross square foot office and manufacturing building, 600-space above-ground parking garage, 57 surface parking spaces, and associated infrastructure and site improvements (referred collectively as CFS-3 and the Project). Property located at 125 Hospital Road (Parcel ID#018.0-0007-200.0), Deed Reference: Bk. 72343g. 364) Devens (Harvard), and site improvements impacting portions of 105 Hospital Road (Parcel ID# 018.0-0007-0300.0) 111 Hospital Road (Parcel ID#018.0-0007-0300.0) and 117 Hospital Road (Parcel ID#018.0-0007-201.0), Devens (Harvard), MA in the Innovation & Technology Business District.

3. Submission:

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

1. Level 2 Unified Permit Application package entitled: "Commonwealth Fusion Systems Campus - Building 3; 125 Hospital Road, Devens, Massachusetts" prepared for Pivotal Manufacturing Partners, 125 Hospital Road, Devens, Massachusetts; prepared by VHB, 1 Cedar Street, Providence, RI 02903-1023, including the following:
 - Unified permit application received 10/24/25 (D25-013) and items A-U and attachments A-M;
 - Site Plans entitled: "Commonwealth Fusion Systems Campus - Building 3; 125 Hospital Road, Devens (Harvard), Massachusetts" Owner/Applicant Pivotal Devens, LLC, 231 Roal Palm Way, Palm Beach, FL 33480; dated 10/23/25 (56 sheets);
 - Evans General Contracting Conceptual Fee Estimate Summary and Permit Fee Calculation, CFS-3 Manufacturing Facility Site, Core and Shell, Devens, MA 10/7/25
 - Letter from Mike Gerhardt to Neil Angus, dated October XX, 2025 Re: Level 2 Permit Fee for CFS-3;
2. Geotechnical Engineering Report, proposed CFS-3 Development; 105, 107, & 111 Hospital Road, Devens, Massachusetts 01434; GZA File No. 01.0178186.00; dated October 28, 2025;
3. Stormwater Management Report entitled: "Commonwealth Fusion Systems Campus – Building 3, 125 Hospital Road, Devens, Massachusetts; prepared for Pivotal Devens, LLC, 231 Royal Palm Way, Palm Beach, FL 33480by VHB, 1 Cedar Street, Providence, RI 02903-1023; dated October 2025

4. Draft Soil Management Plan, Project: Oak Housing Area (Staging, Construction and Parking Area), Building CFS-3 and CFS-4 Building; 111 and 125 Hospital Road, Devens MA, Prepared for Commonwealth Fusion Systems, 111 Hospital Road, Devens, MA, prepared by Boston Environmental Corporation; 203 Spark Street; Brockton, MA 02032; dated September 2025.
5. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated October 30, 2025;
6. Certified Abutters List for 117 Hospital Road from Devens Assessor, dated October 6, 2025; 111 Hospital Road , dated 9-25-25; and 105 Hospital Road, dated 10-30-25;
7. Public Hearing legal notice publication memo to Nashoba Publications, dated October 30, 2025 (publication dates November 28, 2025 and December 5, 2025), including copies of publications;
8. Public Hearing Notice to Board of Selectman and Planning Board, Towns of Ayer, Harvard and Shirley, dated October 30, 2025, from Neil Angus, Director DEC;
9. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated October 30, 2025, from Neil Angus/Dawn Babcock.
10. Community Cable Advisory Committee notice, dated October 30, 2025, to run until December 16, 2025;
11. Public Hearing Notice to the Secretary of State, dated October 30, 2025.
12. Determination of Completeness, dated October 9, 2025, signed by Neil Angus.
13. Plan Circulation memo dated October 30, 2025, from Neil Angus to MassDevelopment Re: Level 2 Unified Permit – CFS-3 Plan Circulation.
14. Stormwater Management Report: Commonwealth Fusion Systems Campus – Building 3, dated October 2025, Revised December 2025, prepared for Pivotal Devens LLC, 231 Royal Palm Way, Palm Beach, Florida 33480, by VHB, Inc., 1 Cedar Street, Suite 400, Providence, Rhode Island 02903 (146 pages);
15. Geotechnical Engineering Report, Proposed CFS-3 Development 105, 107, & 111 Hospital Road Devens, Massachusetts 01434;from GZA, dated 10/28/25 (140 pages);
16. CFS-3 DOC Call notes from Neil Angus, dated 11/5/25;
17. Peer Review Site Plan and Stormwater Engineering comments from Kathryn Piasecki and Sandra Brock, Nitsch Engineering, to Neil Angus, dated Nov. 17, 2025 (8 pgs);
18. Peer Review Landscaping comments from James Kros and Melissa Eloshway of Arcadis, dated 11/25/25 (9 pages);
19. Peer Review Traffic Engineering comments from Matt Kealy, Nitsch Engineering, to Neil Angus, dated 12/3/25 (83 pages);
20. TIA Appendix Compiled Attachments from VHB, Inc., dated 9-24-25 (295 pages)
21. Letter from David Robbins, Pivitol Manufacturing Partners, the Neil Angus, Re: Pivotal CFS Construction Phasing and Coordination; dated 12/8/25 (1 page);
22. CFS Environmental Sound Study DRAFT 2, Commonwealth Fusion Systems - Full Campus, dated 12/12/25, prepared by Cavanaugh Tocci Associates (91 pages);
23. EMI memo entitled: “Response to Comment 9 CFS-3 Level II Unified Permit Application Review Comments (#D25-013)”, dated 12/12/25 from CFS to Devens Enterprise Commission (2 pages);
24. Staff Report from Neil Angus to Devens Enterprise Commission, dated 12/15/25 re: 125 Hospital Road Level 2 Unified Permit (8 pages)
25. Commonwealth Fusion Systems CFS 3&4 Logistics Plan – Phase 1, October 2025,

- prepared by Bond and Evans General Contracting (2 plan sheets);
26. Peer Review Landscaping comments from James Kros and Melissa Eloshway of Arcadis, dated 12/23/25 (15 pages);
 27. Peer Review Site Plan and Stormwater Engineering comments from Kathryn Piasecki and Sandra Brock, Nitsch Engineering, to Neil Angus, dated 12/18/25 (17 pgs);
 28. VHB response to Peer Review Site Plan and Stormwater Engineering comments from Nitsch Engineering, dated 1/16/26 (19 pgs);
 29. HDR response to Arcadis Peer Review Landscaping Comments, dated 1/15/26 (17 pages);
 30. Peer Review Parking and Shuttle Service Review comments from Jeffery Bandini, Nitsch Engineering, to Neil Angus, dated December 1, 2025 (3 pages);
 31. Mullin Rule Affidavit from Commissioner Carl Sciple, dated 12/31/25 for the 12/16/25 meeting;
 32. Revised Site Plans entitled: "Commonwealth Fusion Systems Campus - Building 3; 125 Hospital Road, Devens (Harvard), Massachusetts" Owner/Applicant Pivotal Devens, LLC, 231 Roal Palm Way, Palm Beach, FL 33480; dated 10/23/25, revised 12/11/25 (57 sheets);
 33. Lighting Study memo entitled: CFS-3 Parking Garage 117 Hospital Road, Devens, Massachusetts, VIVO Project No. 24206.11 from Vivo Architecture, dated 12/2/25;
 34. CFS Visual Impact Photosimulation, including cross section, existing condition photo and proposed condition photo; dated 11/11/25 (3 sheets);
 35. Staff Report dated 12-21-25;
 36. Record of Decision Draft, dated 1/27/26 (11 pages);
 37. Design Review Letter from MassDevelopment, dated 12/15/25.
 38. Public Hearing Extension Request (30 days) from David Robbins, submitted 1/7/26;
 39. Letter from Rich Holcomb, Commonwealth Fusion Systems, to Neil Angus, dated 1/20/26 Subject – Large Bay Door, Proposed building CFS-3 (1 page);
 40. Revised Site Plans entitled: "Layout and Materials Plan 1, 2; Grading and Drainage Plan 1, 2; Utility Plan 1, 2; and Site Details, prepared by VHB Inc. for Commonwealth Fusion Systems, submitted on 1/23/26 (7 sheets);
 41. Revised Lighting Plans entitled: Site Lighting Plan Photometric Enlargement 1 and 2; Site Lighting Schedule, Details, and Cut Sheets; prepared by HDR Architects and VHB, Inc. for Commonwealth Fusion Systems, submitted on 1/23/26 (3 sheets);

42. 1/27/26 presentation

43. Email correspondence as follows:

To:	From:	Date:	Subject:
Curtis Quitzau	Erikk Hokenson	10/27/25	Design Review -CFS-3 Pivotal manufacturing building for Commonwealth Fusion Systems
Sandy Brock	Neil Angus	10/27/25	RE: CFS-4 Level 2 - DOC Follow-up items
Neil Angus	Mike Gerhardt	10/31/25	RE: Commonwealth Fusion Systems Building CFS-3
Curtis Quitzau	Neil Angus	10/30/25	RE: Commonwealth Fusion Systems Building CFS-3
Neil Angus	Mike Lannan	10/31/25	RE: CFS 3 and 4
Neil Angus	Melissa Eloshway	11/26/25	RE: 125 Hospital CFS-3 comments
Neil Angus	Curtis Quitzau	12/12/25	CFS-3 Level 2 Responses to Comments
Neil Angus	Jeffrey Bandini	12/15/25	RE: As-built for Hospital Givry intersection
Neil Angus	Erikk Hokenson	12/15/25	MassDevelopment Design Review - CFS-3 & 4
Neil Angus	John Marc-Aurele	12/15/25	RE: CFS 3 and 4 soil movement
Neil Angus	James Kros	12/23/25	122047 - RE: CFS-3 Response to comments - Arcadis Responses
James Kros	Neil Angus	12/23/25	RE: 122047 - RE: CFS-3 Response to comments - Arcadis Responses
Neil Angus	Mike Gerhardt	1/7/26	CFS-3 Request for Extension of Public Hearing
Neil Angus	Curtis Quitzau	1/16/26	CFS-3 Responses to remaining peer review comments
Eric O'Brien	Tim Kelly	12/9/25	Re: CFS-3 Fire Access Compliance Letter

Curt Quitzau	Neil Angus	1/21/26	CFS-3 Site Lighting question
Neil Angus	Curt Quitzau	1/12/26	RE: [External] Re: CFS site - Trees review
Mike Gerhardt	Beth Suedmeyer	1/20/26	Photo from Goddard Road Lot (1.14.26)
Neil Angus	Mike Gerhardt	1/15/26	RE: CFS 3 and exposure
Neil Angus	Curt Quitzau	1/22/26	RE: [External] Re: CFS site - Trees review
Curt Quitzau	Neil Angus	1/22/26	RE: [External] RE: CFS-3 Site Lighting question
Neil Angus	Mike Gerhardt	1/23/26	Parking Garage Video
Neil Angus	Curt Quitzau	1/23/26	CFS-3 Plan Revisions
Neil Angus	Matthew O'Brien	1/23/26	RE: Parking Garage Video

4. Unified Permit Components and Actions:

The Unified Permit for this project includes site plan approval for the construction of a +/- 294,100 gross square foot office and manufacturing building, 600-space above-ground parking garage, 57 surface parking spaces, and associated infrastructure and site improvements at 125 Hospital Road, Devens, MA, and impacting portions of 105 Hospital Road, 111 Hospital Road, and 117 Hospital Road in the Innovation & Technology Business District.

5. Process:

VHB, on behalf of Pivotal Devens, LLC., submitted the Level 2 Unified Permit Application on October 23, 2025 and the Determination of Completeness was issued on October 30, 2025. Copies of the application were received by the surrounding Towns on October 30, 2025. Legal notices were placed in Nashoba Publications on November 28 and December 5, 2025. All abutting property owners were duly notified by certified mail on November 3, 2025. The 30-day Town comment period expired on November 29, 2025. No comments were received other than those from our Peer Review Consultants. The DEC opened the public hearing on December 16, 2025 and continued the hearing to January 8, 2026. The 75-day review period for the DEC to act on this application ended on January 13, 2026, however the Applicant and DEC mutually agreed to extend this timeframe by 30 days, ending on February 12, 2026. The January 8, 2026 hearing was continued to the January 27, 2026 meeting and closed that same evening.

6. Waivers:

The Applicant requested the following waivers from the DEC Rules and Regulations:

974 CMR 1.09(1) Table 4: Permit Duration: Commencement of an Approved Site Plan within six months; Commencement of a Building Permit within six months, and; Completion in two years. Request to commence construction within 18 months and substantial completion within three years.

974 CMR 3.02.3.(b)6.a requires existing wooded areas and trees to be preserved to be shown, as well as all "specimen trees" (trees exceeding a minimum caliper of 12") within 100' of existing or proposed lot lines.

The Applicant is requesting a waiver from having to show all 12" trees within 100 feet of the property boundary.

The Commission voted [REDACTED] to approve both waiver requests subject to conditions of approval.

7. Findings:

The DEC finds that:

1. The proposed use is an expansion of an allowed use in the Innovation and Technology Business District as per Exhibit D of the Devens Bylaws.
2. The Project is located within a Watershed and Aquifer 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.
4. A geotechnical report was provided that confirm the proposed activity within the Slope Resource Area setbacks will not negatively impact the stability of the adjacent steep slopes.
5. The Applicant has provided a construction and operations logistics and management plan, that, with conditions, demonstrates how parking, construction, and operations will be safely managed on-site.
6. Lighting levels sufficient for safety while minimizing light levels and light trespass. The Applicant has taken adequate measures to reduce lighting levels on-site and include operational controls to prevent light pollution and potential nuisance conditions.
7. 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 are included.
 - (i) The plans comply with Landscaping Design Standards.
 - (j) A wetlands order of conditions is not required for this Project.
 - (k) Industrial Performance Standards will be adhered to as per the final plans and conditions of approval.
 - (l) 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 removed from any lot within Devens, except in accordance with the Devens Soil Management Policy and approval from the DEC and subject to all environmental restrictions associated with the site, including but not limited to the NAUL and LUCIP.
- 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) 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 the Construction Stormwater Pollution Prevention Plan (SWPPP) and EPA Construction General Permit. 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.
- 6) 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.

- 7) 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.
- 8) The remaining balance of the Unified Permit fee and any outstanding peer review fees shall be paid prior to issuance of a building permit.
- 9) The Applicant shall be responsible for surveying and marking the limits of clearing in the field, which will be inspected by DEC Staff prior to any vegetation removal. Reasonable field adjustments may be required to preserve additional mature vegetation. All necessary erosion controls and tree protection shall be inspected by DEC Staff. Additional controls shall be implemented at the reasonable 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.
- 10) The Applicant shall collaborate with the Devens Eco-Efficiency Center to maximize efficiencies and minimize waste and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation.
- 11) 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.
- 12) 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.
- 13) The facility shall comply with the Massachusetts Anti-Idling law (5-minute restriction). The Applicant shall post signage at all loading docks notifying drivers of this requirement. Should the Applicant utilize trailers that require shore power or truck cabs need to idle for longer than 5 minutes, loading docks shall be equipped with auxiliary power units.
- 14) 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, on a limited as needed basis due to height or weight restrictions, or during protracted construction when the Jackson gate is unavailable. The Applicant shall include signage requiring all trucks to 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.
- 15) All utility connections, including fire alarm, electric, and water/sewer connections to be coordinated with the Devens Fire Department, Devens Utilities, and Public Works.
- 16) The building shall be constructed to MA Stretch Energy Code standards, as amended.
- 17) Prior to issuance of a final certificate of occupancy the Operations and Maintenance Plan for CFS campus shall be updated to include maintenance requirements for the

added stormwater infrastructure on-site, as well as winter site maintenance requirements such as treatment and removal of snow. Such plan should include the prohibition on 100% salt applications.

- 18) The campus-wide Hazardous Waste Contingency Plan shall be updated to include CFS-3. The plan will need to specify the materials, types, quantities, location and method of storage/containment, handling and disposal as per 974 CMR 4.09. This plan will require approval from the Devens Fire Department and the DEC prior to issuance of any temporary or permanent certificate of occupancy for CFS-3. Any required state approvals or flammables and combustibles license shall also be obtained prior to the storage of any applicable hazardous materials. For the purposes of any flammables, combustibles, and explosives licenses that may be required, the amount of flammables and combustibles being stored on 105, 111, 117, and 125 Hospital Road shall be considered cumulatively. Should a license be necessary, the Applicant will need to come back to the DEC (as license granting authority) for said license.
- 19) Prior to issuance of a building permit, the sound study shall be revised to include all source and mitigation information for CFS-1 through 4 and demonstrate compliance individually and cumulatively with 974 CMR 4.05. The Applicant (in conjunction with CFS) shall perform sound source measurements to verify final sound modeling parameters and overall compliance with 974 CMR 4.05. This includes but is not limited to any assumed restrictions on equipment operations. If revised sound study or sounds source measurements determine that additional mitigation is required to maintain compliance with 974 CMR 4.05, additional mitigation shall be installed prior to issuance of a final CO.
- 20) The Applicant or CFS shall provide temporary off-site parking and shuttle service to compensate for the loss of parking spaces displaced from the Project site due to construction activities until such time as replacement surface and garage parking has been constructed and is operational..
- 21) Building finishes shall be non-reflective. Windows along the east façade in the manufacturing area shall include necessary treatments to reduce interior light visibility during evening, overnight and early morning hours. Parking garage concrete and the penthouse facade shall be neutral in color to reduce visibility.
- 22) At-grade loading bay door on the northern side of the building shall remain closed at all times when not in use. Regular deliveries shall use the loading docks on the west side of the building to minimize the amount of time this large bay door is open.
- 23) The Applicant shall update the 1/15/2021 EMI memo and site plan to include CFS-3's expected magnetic field strength and intensity, combined with CFS-1 and 2, to determine if any mitigation of electro-magnetic fields is required. Any such mitigation shall be implemented prior to initiating operations requiring such mitigation measures.
- 24) Parking garage lighting shall be equipped with sensors to reduce interior average horizontal surface lighting levels closer to 0.2 fc or industry standard minimum lower when no motion is detected. The Applicant shall take reasonable measures to reduce

Commented [MG1]: It is unclear if parcels under separate ownership are considered together. The regulations should dictate what needs to happen. Propose eliminating this until determination is made.

Commented [NA2R1]: Determination has been made by the Devens Fire Department. This portion of the condition has to stay.

top level lighting and night-time use of the upper levels to reduce light visibility from adjacent residential areas. All site lighting shall be no greater than 3000K, down-lit and properly shielded to reduce off-site glare. Lighting levels shall be further reduced to get the average horizontal surface lighting level closer to 1.0 fc ~~or industry standard minimum~~ lower. Lighting poles and fixtures shall be a dark-earth-tone color and fixtures shall be equipped with photocells and motion sensors to ensure reduced lighting levels in the parking garage and throughout the property.

- 25) Subject to written authorization from the subject property owner, the Applicant shall be responsible for installing off-site year-round screening vegetation along the rear property lines of 43-49 Goddard Street to enhance screening requirements of 974 CMR 3.04(8). Should the homes on these lots not be constructed within 3 years from the date of approval, this requirement is null and void.
- 26) The Applicant shall join the North Central MA Rides Transportation Management Association and participate in the campus-wide Transportation Demand Management (TDM) program.
- 27) Within the first year of operation, the Applicant shall install wayfinding signage on the Project site in coordination with a campus wayfinding signage plan shall be developed that is compliant with 974 CMR 6.00.
- 28) Final design plans for the modular block wall shall be reviewed and stamped by a registered structural Professional Engineer. Plans shall be submitted as part of the Building Permit for the facility or as a separate permit.
- 29) Final design for the utility pads shall be reviewed administratively by the DEC to ensure full compliance with 974 CMR.
- 30) The Applicant shall explore options for on-site collection/contracting of composting services for the CFS campus to ensure compliance with the MassDEP Commercial Food Material Disposal Ban.
- 31) The Applicant shall incorporate rainwater harvesting techniques for any permanent irrigation system on-site to the maximum extent practicable. Any irrigation system will require administrative approval from the DEC.
- 32) Prior to DEC endorsement, the final plans shall be revised to include the following:
 - a) The remaining open comments in the 1/16/26 VHB Response to Nitsch Engineering Peer Review Comment letter dated December 18, 2025.
 - b) The remaining open comments in the HDR response memo dated 1/15/26 (responses to Arcadis 12/18/25 comment letter).
 - c) The updated Construction Logistics Oak Street Parcel plan be added to the plan set. A note shall also be added to stating work authorized within the 35' Buffer Area shall preserve existing vegetation to the maximum extent feasible on 105 Hospital Road.
 - d) Off-site grading along Birch Circle and Lundy Ave shall be modified to reduce grading and preserve additional mature vegetation to maximize screening. Any off-site grading needed to connect roads shall be administratively approved by the DEC and MassDevelopment and shall preserve existing tree canopy cover in this

Commented [MG3]: These are open issues

Commented [NA4R3]: There are additional grading and temporary and permanent stabilization issues that need to be included.

Commented [MG5]: These are open issues, trying to focus down.

Commented [NA6R5]: There are additional open items regarding species selection and additional planting, as well as landscaping to be shown on lighting plan. In addition, it is unclear if there is adequate screening that is compliant with 974 CMR 3.04(8) where whips are proposed.

area to a reasonable extent. Any temporary and permanent easements will need to be shown.

- e) Grading shall be modified to follow the alternate limit of work shown on plan C3.01 entitled Layout and Materials with revision date of 12/11/25. Retaining walls/tree wells shall be used/where reasonably practicable to reduce mature tree impacts.
- f) Applicant to add note to the Materials and Layout plan prior to endorsement requiring that any increase in impervious surface requires review and approval from DEC prior to any change.
- g) The subsurface infiltration system shall be added under the common green space area to aid in further decentralization of the drainage system as represented on plan C5.02 entitled Utility Plan 2 with revision date of 12/11/25. The subsurface infiltration system to the north shall be reduced in size and grading pulled back where feasible. Revised stormwater calculations shall be provided.
- h) Landscape plan: whips shall be substituted with required caliper inch (deciduous) and height (coniferous) to meet screening requirements of 974 CMR 3.04(8).
- i) Add symbol on all plans with the estimated canopy size for specimen trees in the vicinity of the limit of work and update the tree protection detail to extend a minimum of 12" beyond the dripline of trees. However, it is acknowledged by the Applicant and the DEC that construction work within the dripline of trees is required in certain locations in order to construct the Project. Provide a description of the excavation methods within rootzones of trees to remain.

Commented [MG7]: Landscape screening is compliant with CMR 3.04. The whips are supplemental in support additional growth beyond screening requirements.

Commented [NA8R7]: This is not clear.

9. Decision:

The Public Hearing closed on January 27, 2026 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 to approve the Site Plan for site plan approval and construction of a +/- 294,100 gross square foot office and manufacturing building, 600-space above-ground parking garage, 57 surface parking spaces, and associated infrastructure and site improvements at 125 Hospital Road, Devens, MA, and impacting portions of 105 Hospital Road, 111 Hospital Road, and 117 Hospital Road in the Innovation & Technology Business District.

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 **eighteen (18) months** of the date of the DEC or the LUA produces a written decision and approved activities are **completed within three (3) 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 January 28, 2026 and terminates February 28, 2026, is “at risk”. Final plans must be submitted to the Commission for endorsement by July 27, 2026.

Approved by:

Date

Neil Angus, FAICP, Director/LUA
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.

Date

Dawn Babcock, Notary
My Commission expires _____