

Record of Decision
COMMONWEALTH FUSION SYSTEMS CFS-4
111 Hospital Road (Parcel ID#018.0-0007-0300.0)
125 Hospital Road (Parcel ID#018.0-0007-200.00.19.0-0004-1600.0)
Devens (Harvard), MA
December 16, 2025

1. Owner/Applicant:

The landowner and Applicant is Commonwealth Fusion Systems, 111 Hospital Road, Devens, MA 01434. This project also involves development on 125 Hospital Road, Devens, MA under the ownership of Pivotal Devens, LLC, 231 Roal 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 heat transfer research facility – referred to as CFS-4 (Flibe Thermal Loop), including buildings, industrial furnaces, tanks, pumps and associated site improvements adjacent to (northeast) of existing Tokomak Hall (CFS-2). Property located at 111 Hospital Road (Parcel ID#018.0-0007-0300.0 and Deed Reference: Bk. 65027 Pg. 78) and portions of 125 Hospital Road (Parcel ID#018.0-0007-200.00.19.0-0004-1600.0 & Deed Reference: Bk. 72343 Pg. 364) 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 4; 111 Hospital Road, Devens, Massachusetts” prepared for Commonwealth Fusion Systems, 111 Hospital Road, Devens, Massachusetts; prepared by VHB, 1 Cedar Street, Providence, RI 02903-1023, including the following:
 - Unified permit application dated 9/25/25 (D25-012) and items A-U and attachments A-K;
 - Site Plans entitled: “Commonwealth Fusion Systems Campus - Building 4; 111 Hospital Road, Devens, Massachusetts” Owner/Applicant Commonwealth Fusion Systems, 148 Sydney Street, Cambridge, MA, Parcel ID#018.0-0007-0300.0; prepared by VHB, 1 Cedar Street, Providence, RI 02903-1023; dated 9/23/25 (29 sheets);
 - PRELIMINARY GEOTECHNICAL FINDINGS & DESIGN RECOMMENDATIONS for Commonwealth Fusion Systems CFS-4 Development Devens, MA, GZA File No. 01.0174955.30; dated 10/3/2025 (139 pages).
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2. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated October 14, 2025;
3. Certified Abutters List from Devens Assessor, dated October 6, 2025
4. Public Hearing legal notice publication memo to Nashoba Publications, dated October 14, 2025 (publication dates October 31, 2025 and November 7, 2025);
5. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer, Harvard and Shirley, dated October 14, 2025, from Neil Angus, Director DEC;
6. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated October 14, 2025, from Neil Angus/Dawn Babcock.
7. Community Cable Advisory Committee notice, dated October 14, 2025, to run October

- 14, 2025 through November 25, 2025;
8. Public Hearing Notice to the Secretary of State, dated October 14, 2025.
 9. Determination of Completeness, dated October 9, 2025, signed by Neil Angus.
 10. Plan Circulation memo dated October 9, 2025, from Neil Angus to MassDevelopment Re: Level 2 Unified Permit – CFS-4 Plan Circulation.
 11. Letter from Neil Angus to Curtis Quitzau re: CFS-4 Level II Unified Permit Application Review Comments (#D25-012); dated 11/4/25 (2 pages);
 12. Peer Review Site Plan and Stormwater Engineering comments from Kathryn Piasecki and Sandra Brock, Nitsch Engineering, to Neil Angus, dated November 4, 2025 (5 pgs);
 13. Peer Review Traffic Engineering comments from Jeffery Bandini, Nitsch Engineering, to Neil Angus, dated November 7, 2025 (5 pages);
 14. CFS 11/18/25 Response to Nitsch Engineering 11/4/25 comment letter (8 pages);
 15. Revised Stormwater Report from VHB, dated 9/25 and revised 11/25 (129 pages);
 16. 11/17/25 revised Site Plans entitled: “Commonwealth Fusion Systems Campus - Building 4; 111 Hospital Road, Devens, Massachusetts” Owner/Applicant Commonwealth Fusion Systems, 148 Sydney Street, Cambridge, MA, Parcel ID#018.0-0007-0300.0; prepared by VHB, 1 Cedar Street, Providence, RI 02903-1023 (28 sheets);
 17. Final Geotechnical Report for Proposed CFS-4 Development, 11 Hospital Road, Devens, Massachusetts 01434, dated 11/18/25, prepared by GZA (154 pages);
 18. CFS 11/18/25 responses to DEC 11/4/25 comment letter (5 pages);
 19. CFS Visual Impact Study, dated 11/11/25, prepared by VHB (6 pages);
 20. Environmental Sound Study DRAFT Commonwealth Fusion Systems – Buildings 3 and 4 (CFS-3 and CFS-4); prepared by Cavanaugh Tocci, dated 11/19/25 (22 pages);
 21. VHB response to 11/20/25 Peer Review Site Plan and Stormwater Engineering comments from Nitsch Engineering, dated 12/5/25 (12 pgs);
 22. VHB response to 11/7/25 Peer Review Traffic Engineering comments from Jeffery Bandini, Nitsch Engineering, dated 12/3/25 (83 pages);
 23. VHB 12/5/25 Response to comments attachments (Oak Street Limits of Disturbance, Green Roof Calculation, and Devens Fire Department approval);
 24. VHB memo Re: CFS-4 Thermal FLiBe Loop Facility Responses to Questions, dated 12/5/25 (4 pages);
 25. Traffic Impact Assessment Attachments (PDF: TIA_Appendix – Compiled); (295 pages);
 26. Noise call notes with Bradley and Chris Schol, and Mike Lannan 11-25-25;
 27. Site Lighting Photometric Study by Jacobs for Commonwealth Fusion Systems, drawing E3, dated 10/16/25;
 28. Letter from CFS to Neil Angus, dated 11/4/25 RE: CFS4, FLiBe Thermal Loop Construction Phasing and Coordination(1 page);
 29. CFS-4 FLiBE Thermal Loop DEC Public hearing, November 25, 2025 presentation slides (20 slides);
 30. CFS Sound Study Call notes 11/6/25 from Neil Angus (1 page);
 31. Revised Visual Impact Assessment (PDF: CFS Site Section_Visual Impact Assessment_DRAFTv2), dated 10/21/25 (3 sheets);
 32. CFS Sound Study: Environmental Sound Study DRAFT 1 Commonwealth Fusion Systems – Full Campus, from CTA, dated 12/5/25 (33 pages);

33. CFS additional residential view area slide;
34. PRELIMINARY GEOTECHNICAL FINDINGS & DESIGN RECOMMENDATIONS, Revision CFS-4 Development Devens, MA, GZA File No. 01.0174955.30; dated 10/17/2025 (141 pages).
35. Peer Review Site Plan and Stormwater Engineering comments from Kathryn Piasecki and Sandra Brock, Nitsch Engineering, to Neil Angus, dated November 25, 2025 (9 pgs);
36. Peer Review Parking and Shuttle Service Review comments from Jeffery Bandini, Nitsch Engineering, to Neil Angus, dated December 1, 2025 (3 pages);
37. Staff Report dated 12-21-25;
38. Letter from Pivitol Manufacturing Partners, dated 10/6/25, Re: Pivotal CFS Construction Phasing and Coordination (1 page);
39. CFS Sound Study Environmental Sound Study DRAFT 2 Commonwealth Fusion Systems – Full Campus; dated 12/12/25, prepared by CTA (91 pages);
40. Record of Decision Draft, dated 12/16/25 (9 pages);
41. Design Review Approval Letter from MassDevelopment, dated _____.
42. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Curtis Quitzau	10/6/25	CFS-4 Level 2 Application
Mark Cohen	Neil Angus	10/20/25	RE: Plan Circulation -CFS-4
Neil Angus	Mike Gerhardt	10/31/25	RE: Commonwealth Fusion Systems Building CFS-3
Neil Angus	Kathryn Piasecki	11/4/25	RE: CFS-4 Stormwater and Site Review Letter
Neil Angus	Mike Lannan	10/31/25	RE: CFS 3 and 4
Neil Angus	Kathryn Piasecki	10/31/25	CFS-4 Stormwater and Site Review Letter
Neil Angus	Curtis Quitzau	11/18/25	CFS-4 Level 2 Permit - Responses to Comments
Neil Angus	Curtis Quitzau	11/18/25	FW: [External] RE: CFS-4 Fire Access Compliance Letter
Neil Angus	Curtis Quitzau	12/5/25	CFS -4 Responses to comments
Neil Angus	Mark Cohen	11/5/25	RE: Plan Circulation -CFS-3
Neil Angus	Kyle Metzroth	11/19/25	Re: CFS-4 Sound Study submittal
Neil Angus	Curtis Quitzau	10/14/25	RE: [External] RE: CFS-4 Level 2 Application - DOC items
Erik Hokenson	Curtis Quitzau	10/14/25	FW: Devens Level 2 Permit Application for Commonwealth Fusion Systems CFS-4
Neil Angus	Curtis Quitzau	10/20/25	CFS-4 Level 2 - DOC Follow-up items
Neil Angus	Curtis Quitzau	11/4/25	CFS visual impact assessment
Erik Hokenson	Neil Angus	11/4/25	CFS Visual Impact Assessment Draft and Emerson Green MF BP Extension
Neil Angus	Curtis Quitzau	11/26/25	CFS DEC Presentation - please use this version for public consumption
Neil Angus	Chris Scholl	12/12/25	CFS - Updated campus acoustical analysis

4. Unified Permit Components and Actions:

The Unified Permit for this project includes Site Plan approval for the construction of a heat transfer research facility, including buildings, industrial furnaces, tanks, pumps and associated site improvements. Property located at 111 Hospital Road and portions of 125 Hospital Road in the Innovation & Technology Business District.

5. Process:

VHB, on behalf of Commonwealth Fusion Systems, LLC., submitted the Level 2 Unified Permit Application on October 2, 2025. The pre-permitting conference was held on August 28, 2025 and the Determination of Completeness was issued on October 9, 2025. Copies of the application were received by the surrounding Towns on October 14, 2025. Legal notices were placed in Nashoba Publications on October 31 and November 7,

2025. All abutting property owners were duly notified by certified mail on October 14, 2025. The 30-day Town comment period expired on November 14, 2025. No public comments were received. The public hearing opened on November 25, 2025 and was continued to December 16, 2025 and closed the same day.

6. Waivers:

The Applicant initially requested three waivers but withdrew two requests and modified the remaining waiver request as follows:

974 CMR 3.02(3)(b)6.a. ...Scattered trees to be preserved shall also be shown as well as all "specimen trees" (trees exceeding a minimum caliper of 12") within 100' of existing or proposed lot lines have been identified and indicated on the plans.

This is a partial waiver request to only show trees 12" caliper or greater along the limit of work where there is existing mature tree canopy cover (not within 100' of the property line).

The Commission voted [REDACTED] to approve/deny this partial waiver request.

7. Findings:

The DEC finds that:

1. The proposed use is an expansion of an allowed 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 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. Regarding the approval criteria listed in 974 CMR 3.03(2):
 - (a) The Site Plan, with conditions, complies with 974 CMR 3.00 and with the applicable provisions of the By-Laws.
 - (b) The development lies on a lot that will be recorded at the Registry of Deeds.
 - (c) The application is Complete.
 - (d) All access is designed to provide for safe vehicular and pedestrian travel.
 - (e) Access and circulation enables prompt fire, police, and emergency response.

- (f) Adequate capture and discharge of stormwater and surface water runoff and compliance with applicable portions of the "Devens Stormwater Pollution Prevention Plan" has been achieved.
- (g) Connections with Devens utility, power and communication systems exist and new connections will be approved by MassDevelopment.
- (h) Facilities required under the Water Resources Protection Bylaw and the related Design Standards are included.
- (i) The plans comply with Landscaping Design Standards.
- (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 permanently removed from any lot within Devens, except in accordance with the Devens Soil Management Policy and approval from the DEC.
- 3) Prior to commencing any intrusive earth work within Devens (due diligence, construction of otherwise) all personnel to be on site shall view an Unexploded Ordinance/Munitions of Explosive Concern (UXO/MEC) video briefing provided by the Devens Fire Department.
- 4) Once the appeal period has expired, the Applicant shall submit final approved plans to the DEC for endorsement. The Applicant shall file the endorsed plans, along with the Record of Decision, with the Registry of Deeds and proof of recordation shall be

submitted to the DEC prior to the issuance of a building permit. Plans shall conform to Worcester Registry recording requirements.

- 5) 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 **Air Permit from MassDEP**, 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 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. 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 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.
- 9) The Applicant shall continue collaborating with the Devens Eco-Efficiency Center to maximize efficiencies and minimize waste and demonstrate compliance with EcoStar Standard 24 – Climate Change Mitigation.
- 10) The Applicant shall file annual reports to the DEC in October of each year indicating how they are maintaining their on-site stormwater management facilities. This is an on-going condition once construction is completed.
- 11) Landscaping shall be maintained in good condition in accordance with the approved landscape plan and 974 CMR 3.04(m). The applicant is required to submit a letter confirming a one-year guarantee of all approved landscaping once installed. Any dead or damaged landscaping must be replaced promptly. An Irrigation system is not part of this approval. The Applicant is required to obtain administrative approval for any future proposed irrigation. Such system must comply with 974 CMR 4.08 and 8.09.
- 12) 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. **To minimize truck idling, Shore power units shall be provided at loading docks for any trailers requiring power, as well as auxiliary power units for truck cabs if necessary.**
- 13) 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 **maintain existing 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. The Applicant shall provide documentation and commitments for continuing implementing Transportation Demand Management Initiatives and participate in the North Central MassRides Transportation Management Association.

- 14) All elevated building trim, process stacks and supporting infrastructure shall be non-reflective to the maximum extent practicable to reduce the potential for reflectivity and light pollution. Light poles and fixtures shall be bronze/and or black (non-reflective), properly shielded, and include daylight sensors and timers. Lighting levels shall be further reduced through additional controls and lower lighting levels where feasible and temperatures shall be no greater than 3000K.
- 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) 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.
- 17) The campus-wide Hazardous Waste Contingency Plan shall be updated to include CFS-4. 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-4. Any state approvals or flammables and combustibles license shall also be obtained prior to the storage of any applicable hazardous materials.
- 18) 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 at all times. If CFS-3 is not constructed prior to certificate of occupancy for CFS-4, the sound study shall be revised to demonstrate compliance with CFS-1, 2 and 4 individually and cumulatively. The applicant 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. Additional mitigation, if required, shall be installed prior to issuance of a final CO.
- 19) The vegetated roof on the Annex Building shall comply with 974 CMR 4.11 and the DEC's Policy for Construction of Vegetated Roofs and be completed prior to issuance of a CO.
- 20) The Applicant shall explore measures to capture and reuse rejected heat from the facility processes to minimize emissions and maximize efficiency. Best available control technologies to control NO_x and CO₂ emissions shall also be evaluated on a regular basis and modified when better technologies become available.
- 21) Based on the remaining comments in the Traffic Report, the Applicant shall:

- a. conduct updated sight distance measurements in the spring of 2026 to verify any impacts the reconstruction of Hospital Road/Givry Street may have on current sight lines and implement any vegetation management necessary to maintain the safe site distances. Vegetation removal shall be approved by the DEC.
 - b. use the Devens 2025 Traffic Monitoring Report data to calculate the actual percent increase of traffic associated with the project on a daily basis.
 - c. clarify how the existing temporary shuttle operations impacted the trip generation calculations, and comment on how the expiration of the shuttle system would impact the potential increase of employee trips to the site and what, if any steps would be required to mitigate any increase.
 - d. address remaining Parking Shuttle Review Letter comments from Nitsch Engineering, dated December 1, 2025.
 - e. coordinate with Devens Engineering and be responsible for constructing the remaining portion of sidewalk along Givry Street to the driveway entrance at the 11 Grant Road facility to facilitate pedestrian connections to the existing Multi-Use Trail and Jackson Road sidewalk network which links to the CFS overflow parking lot off of Jackson Road.
- 22) Prior to DEC endorsement, the final plans shall be revised to include the following:
- a) The remaining unaddressed items in Nitsch Engineering Peer Review Comment letter dated November 25, 2025.
 - b) Construction Logistics Oak Street Parcel plan be added to the plan set with the following note included: "Limits of clearing shall be flagged in the field and verified by DEC prior to any vegetation removal. Erosion controls shall be installed and maintained in accordance with (reference to Erosion and Sedimentation Plan)". All exposed areas and soil stockpiles shall remain stabilized throughout use. Any temporary or permanent pavement, parking and/or utilities will require administrative review and approval by the DEC. Applicable details from the narrative response to Comment #10 in VHB's December 5, 2025 memorandum shall also be included on the plan.
 - c) Existing trees 12" caliper or greater shall be shown on the site plan along the portions of the limit of work that abut existing mature tree covered areas.
- 23) All outstanding peer review fees shall be paid prior to issuance of a building permit.

9. Decision:

The Public Hearing closed on December 16, 2025 and the DEC voted to grant the requested partial waiver, issue findings, including that the application complied with Approval Criteria in 974 CMR 3.03(2), to impose conditions, and to approve the Site Plan for the proposed construction of a heat transfer research facility, including buildings, industrial furnaces, tanks, pumps and associated site improvements on property located at 111 Hospital Road (Parcel ID#018.0-0007-0300.0) and portions of 125 Hospital Road (Parcel ID#018.0-0007-200.00.19.0-0004-1600.0) Devens (Harvard), MA 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 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 December 17, 2025 and terminates January 16, 2026, is “at risk”. Final plans must be submitted to the Commission for endorsement by June 16, 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 _____