Record of Decision
Unified Permit Amendment
COMMONWEALTH FUSION SYSTEMS CFS-4
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
November 17, 2026

1. **Owner/Applicant:**
   The landowner and Applicant is Commonwealth Fusion Systems, 117 Hospital Road, Devens, MA 01434. This project also involves partial 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:**
   Amendment to a previously approved Unified Permit (#D25-012) including site plan and facility layout modifications of a heat transfer research facility – referred to as CFS-4 (Flibe Thermal Loop) located to the north of the existing SPARC/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 amendment application includes the following, which all become part of the record:

   1. Completed Level 2 Unified Permit Amendment Application (#D26-008), dated 10/13/26 (1 page);
   2. Determination of Completeness Checklist completed by the Applicant, dated 10/13/26 (10 pages);
   3. 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, Inc., 3 Davol Square, Suite 300, Providence, RI 02903; dated through 10/13/26 (9 sheets);
   4. Site Layout Plan Comparison (Sheet C-1, dated 10/13/26) prepared by VHB, 1 Cedar Street, Providence, RI 02903-1023; dated through 10/13/26;
   5. Stormwater management report entitled: "Commonwealth Fusion Systems Campus - Building 4; 111 Hospital Road, Devens, Massachusetts", prepared by VHB, Inc., 3 Davol Square, Suite 300, Providence, RI 02903; dated September, revised October (10/13/26) through 10/13/26;
   6. Public Hearing Notice to abutters and interested parties (including certified mail return receipts) dated October 15, 2026;
   7. Certified Abutters List from Devens Assessor, dated October 15, 2026;
   8. Public Hearing legal notice publication memo to Nashoba Publications, from Neil Angus, dated October 15, 2026 (publication dates October 23 and 30, 2026), including copies of print editions;
   9. Public Hearing Notice to Board of Selectman and Planning Boards, Towns of Ayer,

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Harvard and Shirley, dated October 15, 2026, from Neil Angus, Director DEC;
10. Public Hearing Notice to Town Clerks of Ayer, Harvard, Shirley, Lancaster, MassDevelopment, dated October 15, 2026, from Neil Angus/Dawn Babcock.
11. Community Cable Advisory Committee notice, dated October 15, 2026, to run October 15 through November 17, 2026;
12. Public Hearing Notice to the Secretary of State, dated October 15, 2026.
13. Determination of Completeness, dated October 15, 2026, signed by Neil Angus.
14. Plan Circulation memo dated October 15, 2026, from Neil Angus to MassDevelopment Re: Level 2 Unified Permit – CFS-4 Plan Amendment Circulation.
15. Memo from Eric O'Brien, PE, VHB, Inc. to Neil Angus, dated 10/13/26; re: Commonwealth Fusion Systems Building 4 (CFS-4) Level 2 Permit Amendment Narrative Memorandum (2 pages);
16. Original Approved landscape Plan (Sheet L1.01) prepared by VHB, Inc., 3 Davol Square, Suite 300, Providence, RI 02903; dated through 10/13/26;
17. Emissions reduction commitment letter from Kyle Metzroth, CFS-4 Project Manager, to Neil Angus, dated October 28, 2026 (2 pages);
18. CFS-4 Notes Modification Mark-Up (ppt), dated 10/30/26 from Beth Suedmeyer (1 slide);
19. Letter from Neil Angus to Kyle Metzroth, re: CFS-4 Level II Unified Permit Amendment Review Comments (#D26-008)- 2 pages);
20. Letter from Eric O'Brien to Neil Angus re: CFS-4 Amendment Application (response to comments); dated November 10, 2026 (5 pages);
21. Revised Sheet C6.03, entitled "Site Details 3:", prepared by VHB, Inc., 3 Davol Square, Suite 300, Providence, RI 02903; dated 9/23/26, through 10/13/26;
22. Building Height Comparison Graphic; Sheet A1, dated 9/23/26; prepared by Jacobs and Commonwealth Fusion Systems;
23. Limit of Work Comparison Graphic; prepared by VHB, Inc., 3 Davol Square, Suite 300, Providence, RI 02903 (1 sheet);
24. Zoning Summary Table (updated for amendment – 1 page);
25. Staff Report from Neil Angus to DEC Commissioners, dated November 12, 2026 (5 pages);
26. Record of Decision Draft, dated 11/17/26 (5 pages);
27. Email correspondence as follows:

To:	From:	Date:	Subject:
Neil Angus	Eric O'Brien	11/10/26	RE: [External] CFS-4 DEC Review
Neil Angus	Eric O'Brien	11/3/26	RE: [External] RE: CFS-4 Construction Enabling Plans - Administrative Approval
Eric O'Brien	Neil Angus	10/30/26	CFS-4 DEC Review
Neil Angus	Kathryn Piasecki	10/28/26	RE: CFS Amendment
Neil Angus	Eric O'Brien	10/23/26	RE: [External] Re: CFS-4 Permit Amendment - Campus Sound Study
Eric O'Brien	Neil Angus	10/16/26	Re: [External] RE: CFS-4 Permit Amendment - Approval from owner of 125 Hospital Roaf
MassDevelopment	Neil Angus	10/15/26	Level 2 Unified Permit Plan Circulation
Eric O'Brien	Neil Angus	10/15/26	CFS-4 Amendment DOC

4. Unified Permit Components and Actions:

This Unified Permit includes an amendment to a previously approved Unified Permit (#D25-012) including site plan and facility layout modifications for 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 Amendment Application on October 13, 2026 and the Determination of Completeness was issued on October 15, 2026. Copies of the application were received by the surrounding Towns on October 15, 2026. Legal notices were placed in Nashoba Publications on October 23 and 30, 2026. All abutting property owners were duly notified by certified mail on October 16, 2026. The 30-day Town comment period expired on November 14, 2026. No comments were received. The public hearing opened and closed on November 17, 2026.

6. **Waivers:**
There are no additional waiver requests as part of this amendment.

7. **Findings:**
The DEC finds that:
   1. The proposed use is a modification to 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 applicant has provided an initial construction and operations logistics and management plan that will be updated to ensure safe parking, construction, and operations management.
   4. MassDEP has issued an air permit for this facility and CFS has agreed in writing to the DEC to limit the operations of the process heaters to reduce permitted emissions.
   6. The Amended application still complies with all approval criteria listed in 974 CMR 3.03(2).

8. **Conditions:**
The DEC voted to impose the following conditions to this amendment, in addition to the original 24 conditions of approval, which still apply:

   25. Prior to commencment of construction associated with the CFS-4 foundation, a pre-construction meeting shall be held with DEC staff and MassDevelopment.
   26. Final plans and the amended Record of Decsion shall be recorded with the Worcester Registry prior to issuance of a building permit.
   27. LEED Green Building Rating System Project Checklist shall be provided as part of building permit application.

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28. No unscreened or exposed exterior lighting shall be placed above the roof elevation of the condensor or building. Rooftop and condenser screening above the height of the roof of CFS-3 shall be non-reflective and a dark forest green color to reduce visibility.

29. Prior to DEC endorsement of the final plans, the following changes shall be made:
    a. Additional canopy trees to be installed along access drive where feasible.
    b. The applicant shall increase the size of the green roof to XX% of the building area.
    c. The Zoning Conformance Summary Table shall be added to the plans for recording.
    d. Industrial Performance Standard Notes shall be added to the plan set.
    e. Applicant shall provide additional information about the base material of the pad and its infiltrative capacity to determine whether additional collection, such as an area drain, is needed to manage runoff. If required, a trench drain or suitable alterntative shall be provided, along with required calculations, to ensure all runoff is properly caputred and pre-treated prior to infiltration. The inlet elevation of WQU-1 shall be raised to be at the 100-year storm peak elevation.
    f. Notes on stabilization treatment methods for steep slopes shall be added to the plans.

30. An updated logistics plan shall be provided to the DEC no more than 30 days from the date of this decision. This plan shall be updated as part of any building permit application.

31. The existing facility O&M and Hazardous Materilas Plan plan shall be updated to include this area.

32. Additional geotechnical investigations for the slopes adjacent to the subsurface infiltration system are required. Similarly, the CFS-2 subsurface infiltration system outlet pipe will discharge to the top of the steeps slopes to the south of CFS-4, which will require additional attention to address this discharge to erosion issues. Studies and proposed revisons should be submtted and approved by DEC staff and peer reviewers prior to issuance of a building permit.

9. Decision:

The Public Hearing closed on November 17, 2026 and the DEC voted to issue findings, including that the amended application complied with Approval Criteria in 974 CMR 3.03(2), to impose additional conditions, and to approve the amended unified permit 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 the original and this amended Record of Decision; combined they will constitute the Amended 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 November 18, 2026 and terminates December 19, 2026, is "at risk". Final plans must be submitted to the Commission for endorsement by May 17, 2027.

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_____

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