

The DEC issued the Unified Permit Decision on May 31, 2024, so TPE Solutions, Inc. was required to:

1. submit final plans for endorsement by November 29, 2024;
2. commence its approved activities by November 30, 2024 (6 months from the date of the issuance of the DEC's written decision);
3. complete its approved activities by May 31, 2026 (2 years from the date of the issuance of the DEC's written decision) in accordance with the Unified Permit Decision; and,
4. Complete the Wetland Order of Conditions requirements by May 31, 2027 (3 years from the date of issuance).

However, the Permit Extension Act of 2024, c. 228, sec. 280 of the Acts of 2024, signed by the governor, grants an automatic 2-year extension on any permits that were in effect during the tolling period of January 1, 2023 to January 1, 2025 (the "Tolling Period"). This extension law was enacted to help support projects that had been stalled due to financing, interest rates, supply chain disruptions and changes in the market coming out of the COVID pandemic recovery. Therefore, the Unified Permit Decision and timelines were automatically extended to:

1. November 29, 2026 for final plan endorsement;
2. November 30, 2026 to commence approved activities;
3. May 31, 2028 for completion of the project; and,
4. May 31, 2029 for completion of the Wetland Order of Conditions requirements.

Staff reviewed this with legal counsel and to memorialize these automatic extensions, they recommended the DEC make the following general finding:

"The DEC recognizes the rights accorded by the 2024 Permit Extension Act and affirms that no formal modification of permits issued by the DEC is required for an applicant whose permit falls within the scope of the 2024 Permit Extension Act to claim the tolling rights provided under state law. All rights and remedies of the DEC are reserved and not waived."

Request: Notwithstanding the Permit Extension Act, TPE Solutions, Inc. will require additional time to commence construction and complete the Development due coordination issues associated with relocating its business from 3 Patterson Road, Shirley, MA to the property. TPE Solutions, Inc. acquired an existing building at 100 Ayer Road, Shirley, MA to temporarily relocate while it constructs the Development. They are therefore requesting the following additional extensions of the Unified Permit:

1. to commence its approved activities by November 30, 2027 (one additional year)
2. to complete the Unified Permit approved activities by May 31, 2029 (one additional year)

TPE Solutions has committed to submitting the final plans for endorsement by November 29, 2026, so they are not requesting an extension of this time period. Further, the requested additional year extension of the Unified Permit lines up with the Wetland Order of Conditions extension deadline of May 31, 2029.

Recommended Action: As the Applicant has purchased the property and committed to finalizing and filing the endorsed plan set with the registry, Staff have no concerns with granting the additional year extension. MassDevelopment also included a commencement of construction deadline in the land purchase agreement of December 2026 and has agreed to extend that deadline to December 2027. If the Commission is in agreement, Staff would recommend the following motion:

"The Commission hereby grants extensions of the Unified Permit#D-24-006 to commence its approved activities by November 30, 2027 and complete approved activities by May 31, 2029."