

***Devens Enterprise Commission (DEC)
In-Person/Remote Hybrid Public Hearing and Regular Meeting
Minutes August 29, 2023***

Members Present in person: Duncan Chapman, Robert Gardner, Christopher Lilly, William Marshall, Jim Pinard, Martin Poutry, Debra Rivera, Paul Routhier, Deb Seeley

Staff (in person): Neil Angus, Beth Suedmeyer, Dawn Babcock

In-person Guests: Carl Sciple (Harvard Resident), Ken Ashe (Devens Resident), Laura Adams (Devens Resident), Brian Partridge (Devens Resident), Kristi Stoltzfus (Devens Resident).

Remote Guests: Meg Delorier (VP MassDevelopment), Lt Reid Bagley (State Police) Jilian Shaw (Clear Path for Veterans NE), Donna Bulger (Clear Path for Veterans NE), Kristin Cullen (Commonwealth Fusion Systems), Rich Holcomb (Commonwealth Fusion Systems), Maureen Babcock (Devens Resident), Cindy Carter (Devens Resident), Erik Hokenson (MassDevelopment Real Estate). At 7:06 PM John Osborn (Harvard Press), and Paul Green (Harvard Resident) joined the meeting remotely.

Members Absent: Dix Davis, Melissa Fetterhoff

(6:45 PM) Chairman William Marshall called the meeting to order and did a roll call.

Mr. Marshall read that the Devens Enterprise Commission (DEC) Regular Meeting and Public Hearing is being held both remotely AND in-person in accordance with the supplemental budget bill signed into law by Governor Healey, further suspending certain open meeting law requirements to March 31, 2025. Interested individuals may attend in-person at this address or listen in and participate by phone and/or on-line by following the link and/or phone # at the top of the agenda. Persons with disabilities or requiring interpretation wishing to listen or participate should contact 978.772.8831 x3334. In accordance with the State's Open Meeting Law, the Chairman informed all attendees that this meeting is being recorded by the Devens Enterprise Commission. Persons with disabilities or requiring interpretation wishing to listen or participate should contact 978.772.8831 x3334.

(6:46 PM) Chairman Marshall noted, we will need to nominate Ms. Rivera as a voting Regional Representative for this meeting. The motion was made by Mr. Gardner and seconded by Mr. Poutry. The nomination was approved unanimously by a roll call vote.

(6:48 PM) Mr. Marshall reviewed the agenda of this evening's meeting.

(6:53 PM) Review Minutes:

- **July 25th Minutes** were discussed. There were no questions or concerns noted so Mr. Marshall asked for a motion to accept the minutes as submitted. **The motion was made by Ms. Seeley and seconded by Mr. Gardner. The minutes were approved by a roll call vote.**

Public Hearings:

- **(6:54 PM) Event Permit and One-Day Wine and/or Malt Liquor License request by MassDevelopment for the Devens Food Truck Social to take place at 94 Jackson Road, Devens, MA (Parcel ID #019.0-0004-1500.0) on Thursday September 14, 2023, from 4 PM – 7 PM.** Mr. Marshall read the public notice that was published in the papers and then handed the meeting over to Beth Suedmeyer introduced Erik Hokenson who is organizing the event for MassDevelopment. Mr. Hokenson noted that this is a small pilot food truck event for Employees as well as residents and he hopes this will be the first of many. The event will be held in the parking lot at 94 Jackson Road and the entire event area will be fenced off for food trucks, games, and activities so that people can drink while eating and socializing. A police officer will be inside the fenced in area at all times and ID's will be checked at the gate. Minors will be allowed into the fenced area if they are accompanied by an adult. Beer will be purchased from an ABCC authorized source. Erik noted that with such a short time to arrange the event they will only have 2 to 3 food trucks, a beer truck from Sterling Street Brewery, and a few

outside activities for everyone. Mr. Marshall asked the public for any questions or comments. Ms. Stoltzfus from Walnut Street asked if there would be healthy food options at the event.) Mr. Hokenson did note that he is working to have a variety but not sure exactly who at this time. Ms. Suedmeyer then went over the conditions noted in the Staff Report on the event. Mr. Marshall then asked for a motion to close the public hearing. **The motion was made by Mr. Lilly and seconded by Mr. Pinard. The motion to close the hearing was unanimously approved by a roll call vote.** Mr. Marshall then asked for a motion to approve the Event Permit and the one-day license for sale of wine and malt beverages at the event with conditions as presented in the staff report. **The motion was made by Mr. Lilly and seconded by Mr. Gardner. The motion to issue the one-day special license and event permit was unanimously approved by a roll call vote.**

- **(7:06 PM) Event Permit and One-Day All Alcoholic Beverage License request by Clear Path for Veterans New England for the Devens Dog & Music Festival to take place on Museum Field at 27 Antietam Street (Parcel ID #031.0-0099-0900.0), Devens, MA on Saturday October 28, 2023, from 10 AM – 3 PM.** Ms. Suedmeyer introduced Ms. Bulger from Clear Path for Veterans and she went over the layout of the event the safety measures planned for the event to ensure the day is fun for all. The liquor station will be in a fenced area and will have police in the area when liquor is being served to ensure nobody under 21 or already intoxicated is served. As this event is open to the public (dogs included) Ms. Bulger has included a designated area for Dogs to go should they misbehave. The Devens Animal Control Officer will also be on standby should he be needed. Mr. Marshall asked if there were any questions from the Commissioners or the Public and none were asked. Ms. Suedmeyer then went over the conditions in the staff report and Ms. Bulger sees no issues with them. Mr. Marshall then asked for a motion to close the public hearing. **The motion was made by Ms. Seeley and seconded by Ms. Rivera. The motion to close the hearing was unanimously approved by a roll call vote.** Mr. Marshall then asked for a motion to approve the Event Permit and the one-day license for sale of All alcoholic beverages at the event with the conditions as listed in the staff report. **The motion was made by Mr. Gardner and seconded by Mr. Poutry. The motion to issue the license and event permit was unanimously approved by a roll call vote.**
- **(7:12 PM) Event Permit and One-Day All Alcoholic Beverage License request from Clear Path for Veterans New England for the Journey Home 5K/10K event being held on Sunday November 12, 2023, from 10:00 AM to 12:00 PM at 84 Antietam Street Devens, MA (Parcel ID#031.0-0002-0400.0).** Ms. Suedmeyer handed the floor back over to Ms. Bulger and she noted that this was the fourth year of this event and last year even though it was raining they had 180 runners so hoping to top that number this year. The race is being facilitated by True North Running who have organized the past races. The running loop will be 5K and for the 10K portion the runners will just do the loop twice. Clear Path has arranged for a Police Detail to be at the intersection of Antietam and Jackson for safety and will use the same police detail to oversee the Beer Garden. The Beer Garden will be in the Dog Training fenced off area. Ms. Bulger did note that the event will conclude by Noon. Mr. Marshall asked if there were any questions from the Commissioners and then the Public. Lieutenant Bagley did ask if Ms. Bulger was planning to use the same trooper at the intersection at the Beer Garden. Ms. Bulger noted that she had planned to use the same trooper as they had in the past years with no issues as the beer is not served until after the race is complete. Lieutenant has no issues with that. Ms. Suedmeyer went over the staff report noting the conditions the DEC would recommend and Ms. Bulger said she saw no issues with them. Mr. Marshall then asked for a motion to close the public hearing. **The motion was made by Ms. Rivera and seconded by Mr. Gardner. The motion to close the hearing was unanimously approved by a roll call vote.** Mr. Marshall then asked for a motion to approve the Event Permit and the one-day license for sale of All alcoholic beverages at the event with the conditions as listed in the staff report. **The motion was made by Mr. Poutry and seconded by Mr. Gardner. The motion to issue the license and event permit was unanimously approved by a roll call vote.**

New Business:

(7:19 PM) Historic District Roof Replacement Request from Ken Ashe - 34 Walnut Street: Mr. Angus explained that the street being discussed has Colonial Houses built in the 30's on one side and 10 Ranch Houses built in the

50's on the other side. The subject property is one of the ranch homes. Six of the ten ranch houses have already had roof replacements and those have been with the approved rubber membrane as a Mass Historic (MHC) approved alternative to the original tar and gravel roofs. Walnut Street is in the Historic District and Mr. Ashe has lived in Devens for 20 years and is now looking to replace his roof with asphalt shingles rather than the tar and gravel roof currently on the roof or the rubber membrane. Mr. Ashe noted that he did get estimates for the asphalt shingles as well as the rubber membrane options, and the price difference was significant. The shingle roof would be \$13,000 and the rubber membrane would be \$38,000. The price difference between the two is \$25,000. Mr. Ashe submitted the request to the Massachusetts Historical Commission and his request was denied as they feel the pitch on the roof isn't adequate for shingles. Mr. Angus did note that the DEC had their Historical Consultant as well as the Building Commissioner look at the address in question and they both agreed with the MHC that the pitch is not steep enough for shingles and that rubber roofs are the preferred alternative over shingles for consistency on these structures in the historic district. Mr. Ashe is here tonight to see about getting the approval from DEC in hopes of changing the MHC decision. Mr. Angus turned the meeting over to Mr. Ashe who noted the price of roof replacement for his ranch house is significantly higher than the colonial houses across the street that have shingle roofs. Mr. Ashe added that he has had several roofers come out and they said they could put shingles on the house, but some recommend an ice/water shield be put on the entire roof before installing the shingles. Mr. Lilly asked if there are two issues being addressed 1) Historical District & 2) Slope of the roof. Mr. Angus confirmed that those are the two issues being addressed tonight. Staff has reviewed this request with our Peer Review Historic Consultants at The Public Archaeology Laboratory, Inc., (PAL). They are very familiar with the Devens Historic District as they were involved in inventorying the district for nomination to the National Register of Historic Places. They agreed with MHC's finding that asphalt shingles would be inconsistent with the uniformity of the ranch homes in this district, and they share the concerns about wind-driven rains, leaks and ice dams that could pre-maturely compromise the buildings. Mr. Marshall asked if there are still companies out there that apply tar and gravel to roofs, and he was told by a few commissioners that yes there are still companies but not many of them. Ms. Seeley asked about the special conditions Mr. Angus noted earlier and he said that the main one is Hardship, which financial hardship could be one of them but not the only one. There were many more questions raised by the commissioners - what is our obligation if they are not making tar and gravel roofs anymore? Is there a program that MHC can cover a portion of the price difference from shingles to rubber membrane? Can people from MHC come to Devens and meet with everyone involved? Mr. Marshall then asked if any of the Devens Residents here tonight have had their roofs replaced? Ms. Stoltzfus responded that she had her roof replaced with the rubber membrane in 2018 and has had damage to her house from the snow buildup on the roof as the rubber membrane is slippery but it seems to be sticky. Plus, you cannot walk on a roof. She also noted that when snow does work its way off the roof, it comes off in massive clumps which damaged the edge of her house, her plantings and was very heavy to move. The last comment made about the rubber membrane is they are very hot and does not breathe so it can cause mold within the house. But Mr. Angus noted that the membrane does come in white as well as black. The white option is a little more expensive but an option. Rubber roofs also shed snow better than shingled roofs - the issue here is the low-pitch. Other residents voiced their support for shingles vs. rubber due to the fact that the colonials across the street have shingles. Mr. Angus noted that the colonials were built in the 1930's and the ranches in the 1950's they are completely different from the ranches with much steeper pitch roofs where shingles are appropriate. They cannot be compared from a historic perspective. Mr. Sciple and Mr. Marshall recommended that Mr. Ashe hire someone, an architect or consultant recognized by the MHC, to present to MHC your case. For tonight's meeting Mr. Marshall offered Mr. Ashe two options for tonight; have Mr. Angus take everything discussed here tonight to the MHC and see if they would change their decision or the DEC could take a vote tonight to follow MHC's recommendation. Mr. Chapman asked about a third option of submitting a case of hardship to MHC. Mr. Ashe would like to have Mr. Angus take everything to the MHC from tonight's meeting and see what they have to say. The timing of this will depend on the MHC schedule as well as their decision. Mr. Ashe needs to replace his roof as well as put a new heating system in and the price of the two projects is well over his means so he would like to see the financial hardship case being presented to MHC. Mr. Angus noted that as this is also an affordable deed-restricted unit, he has reached out to the DEC's affordable housing monitor to see if they are aware of any financial support options they can offer as well. Mr. Poutry suggested Mr. Ashe also investigate the federal and state options being offered that will offer a

zero present loan for the 1st 7 years. The final decision for this topic was that Mr. Angus agreed to take everything discussed tonight to the MHC and see if that changes their finding of “adverse effect.” The Commissioners agreed to have Mr. Angus go to MHC with today’s material to see if they can offer another alternative to tar/gravel or rubber membrane for the ranch style roofs. Also, they have asked Mr. Angus to speak to DEC legal counsel to see if financial hardship is enough to justify the use of shingles.

- **(8:21 PM) Potential Level 1 Administrative Applications:** Mr. Angus would like to make the commissioners aware of two level 1 applications that will be coming in and would like to get their approval to handle them administratively:
 - **King Street Properties (57-75 Jackson Road) to Red Tail (15 Bulge Road) Soil Relocation Project (Phase 2);** KSP has another 23,000 cubic yards of soil that they would like to relocate to Red Tail (15 Bulge Rd) to fill in one of the quarry pits that was excavated by the army. They are also currently working with Natural Heritage as this is in the endangered species habitat. Mr. Angus is asking the Commission for their approval to handle this request administratively as we did for the earlier soil relocation request from King Street Properties and Red Tail back in 2022. Mr. Pinard asked where the original soil came from. Mr. Angus noted it came from the other King Street Properties (33, 39 and 45 Jackson Rd) projects. **A motion was made by Mr. Gardner and seconded by Mr. Pinard to approve this request administratively. The motion was unanimously passed by a roll call vote.**
 - **Commonwealth Fusion Systems Proposed Temporary Structure for SPARC Construction – 111 Hospital Road;** Mr. Angus noted that CFS is looking to construct a fairly large temporary structure at 111 Hospital Rd. They currently do not have the exact location, but it will be within the footprint of the current construction site and will be for a two-year period. Normally a building of this size would come through at a level 2 application but with it being a temporary structure and part of the SPARC building construction permit, Mr. Angus would like to handle this as a level 1 application as well. Mr. Angus did note that CFS is planning to use the slab built for this temporary building for another project by crushing it up and using it for base material. Mr. Marshall asked for a motion to allow DEC to process this request administratively as a level 1. **The motion was made by Mr. Gardner and seconded by Mr. Lilly. The motion to approve this request as a level one handled administratively was unanimously approved by a roll call vote.**
- **(8:26 PM) Proposed Regulation Amendments Discussion – impervious surface coverage, specialized stretch code, biosafety.** Mr. Angus noted that he has been working with our peer review consultants working on our requirements to address the impervious surface coverage. This is one of the elements in the final environmental impact report, one of the metrics we have been talking to our surrounding towns about. After the square footage cap issue was resolved, the impervious surface is the next one DEC is going to tackle. Through regulations amendments we can require less impervious surface so we can build out more of Devens in a responsible way. Mr. Chapman asked if this is part of the Mass stretch code? Mr. Angus noted that the impervious surface is separate from the stretch code. But one of the other regulations we are looking to adopt is the stretch code across the board. We currently have the stretch code in place for buildings that meet the criteria of a certain amount of traffic or specific number of trips per day. By adopting the stretch code across the board this will help us to meet our climate action plan goals. Mr. Angus is asking the commission if they are interested in creating a sub-committee to explore these issues as these are important, we need to get this on the agenda and get our regulations updated as soon as possible. Bio Safety is the 3rd item we need address. We have several biomedical companies that are coming into Devens, Azzur is one of them and they have clients that are looking to bring in biological agents and we need to ensure we have proper biosafety regulations in place. There are levels of risk assigned to the biological agents and we want to make sure we do not allow the highest level of risk into Devens. Many other communities in Massachusetts have biological regulations in place and Mr. Angus feels we need to have them as well as more and more companies are looking to come into Devens. Mr. Poutry noted that he went to the conference in Worcester regarding the new stretch code and he noted that they are calling it the stretchier code. Ms. Seeley asked what works best for Mr. Angus. Mr. Angus feels that it is best to have a working session at one of our next meetings with the entire commission then move forward. Mr. Marshall agreed and that is what we will do.

- **(8:31 PM) Quarterly Devens Project Update.** Mr. Marshall noted that this is the report Mr. Angus and Ms. Suedmeyer put together and in regard to time Mr. Marshall would recommend that each commissioner read the document, and if there are any questions, they can bring them up at the next meeting. Mr. Marshall noted that this is an important communication piece for the Commission, MassDevelopment, and the public to keep them informed and we have been doing it for 15 years.
- **(8:34 PM) Read File:** Mr. Angus went over the articles within the read file.
 - Green Roofs for Healthy Cities – Pocket Forest Project
 - Business Journal Article – Azzur Clean Rooms
 - Commonwealth Fusion Systems bought more land next to their current land.
 - Harvard Press – Devens Future to be decided by the state and not MassDevelopment
- **(8:35 PM) Wild & Scenic River Stewardship Council - Mr. Angus** noted that Mr. Lowitt had been the DEC Representative so Mr. Angus would like to ask the committee to vote for him to be the representative and Ms. Seeley has offered to be the alternate. **The motion was made by Mr. Pinard and seconded by Mr. Gardner. The motion to appoint Mr. Angus as the DEC Rep and Ms. Seeley as the Alternate was unanimously approved by a roll call vote.**

Old Business:

- **(8:36 PM) Devens Jurisdictional Framework Committee - Draft Request for Expression of Interest and Memorandum of Understanding Review:** Mr. Marshall stated this work had originated out of the Harvard Jurisdiction Committee and they drafted a request for expression of interest memorandum which would be sent out to help find a consultant. The consultant would then help guide the process, make comments, and put a price tag on it, along with a timeline. This process will then go into a second phase which will be a Request for Proposals to find another consultant to gather information, get public input and to assist the Jurisdiction Committee to make a recommendation on behalf of the six stakeholders. Mr. Marshall noted that a lot of this is straight forward, what will the governmental entity be, where will the lines of jurisdiction be, all the things that make up a municipal government. What we are looking for is input from this and adding any additional elements that you feel are important or elements we should be looking into further. Mr. Marshall feels that the overarching element we would want to promote is the current level of service that has been provided to the residents/businesses and to ensure that is sustained as part of any jurisdiction process. The timeline of this is 2033 - the statute requires that by 2030 that this process should start. The DJFC has been working on this for the past three years as they realize it could not be all done in the three years originally allotted. Unfortunately, MassDevelopment has stepped away from the table until 2030 stating that they have too much on their plates right now. Most of the stakeholders believe that three years is not sufficient time. MassDevelopment stepping away from the table is a roadblock that they currently have, but the remaining members of the DJFC are moving the process along, so they have a general idea of what needs to be done. Whether or not this can work without MassDevelopment is still in the air. Mr. Chapman asked if the other five stakeholders can continue to act on it without MassDevelopment. Mr. Marshall said yes, they can but they cannot get it accomplished without MassDevelopment. Mr. Pinard then commented that he has heard from several people they are impressed with what we have been able to accomplish. Even at the state level they never thought we would get Devens to this level. It looks like it is going to continue to go strong. Mr. Pinard strongly feels that he doesn't want this to be broken apart as he sees it continuing to grow. Mr. Marshall reminded the commission that there are many options as to what could happen to Devens. Mr. Angus noted that this process is not to make the final decision of what Devens will become. This is just to find a consultant to shepherd this process forward before 2030 or 2033. Mr. Marshall noted that we as the other stakeholders may not be able to get funding from the legislation without MassDevelopment's involvement. Mr. Chapman asked what is being asked of the commissioners tonight. Mr. Marshall noted that we have the RFEI proposal in draft form and is asking for commissioner comments, concerns, additions they the committee hasn't considered/thought about. Mr. Routhier asked if there was a price in mind. Mr. Marshall said they aren't even close to that point. Ms. Seeley noted she is very impressed with all the work currently done and the efforts that have been put into it so far. But feels the challenge is going to be finding a consultant with the expertise needed. She would like to see discussions of regionalization of resources. Mr. Angus noted that there are a few services

already regionalized (emergency dispatch, hazardous waste disposal). Mr. Pinard also brought up that Devens does still have an active military base. Mr. Marshall noted that they are the seventh stakeholder and Mr. Pinard said that they have been pumping money into the economy. Mr. Marshall said that most of the information needed is with MassDevelopment and he believes they are standing ready to provide that information when asked. Mr. Marshall does believe there have been discussions with the two state Senators Eldridge and Cronin to move the 2033 deadline forward to see if this could get MassDevelopment to the table earlier than 2030. They are not sure if the legislators will do that. We still have Vicksburg Square as a dominant piece of Devens and if we fail to provide a process to rehab Vicksburg Square Devens will be poorer for it. Mr. Routhier feels that this is another area that we should have the Mass Historic Commission assist with. Part of the DJFC wants to link Vicksburg Square with disposition and unfortunately, we don't have ten years to wait on rehabbing Vicksburg Square. Mr. Marshall noted there are still a lot of moving parts to this process, but he feels this document is a good starting point. Mr. Marshall suggests everyone look at the draft and the commission will finalize their comments at the September 26th 6:45 PM Meeting and then pass them along to the DJFC. Mr. Marshall asked if any of the commissioners have any edits that they get them to Mr. Angus prior to the 26th so he can incorporate them into the document for final review. Mr. Marshall asked for any comments. Mr. Angus wanted to note that the Devens Connect Group, which is made up of newer Devens residents led by John Katter, have been reviewing and participating in this process and providing comments. They have brought up a couple of good points that should be considered. The RFEI talks about the super town meeting but in chapter 498 where it talks about the disposition process it doesn't note a super town meeting being needed. What is the criteria for consensus in this process and what does it involve. Prior to MassDevelopment leaving the table, the DJFC had been working with DJFC on a memorandum of understanding that addressed what consensus would mean, which Mr. Angus will send out to the committee members. Mr. Marshall that this is an important step, as the requirement is that the MassDevelopment Board of Directors, the three Select Boards, Commissioners and residents/business would agree. This doesn't require a super town meeting but for approval the question is what is required for approval, all six stakeholders, or majority vote. With this process going until 2033 we will have several Election cycles in the towns, legislators as well as the government and many of the players will be changing. Devens will have a thousand residents in 2033. Mr. Marshall asked for Comments from the Public. Ms. Delorier just noted that MassDevelopment is continuing their focus on the redevelopment of Devens, and she would like to encourage the towns to continue with the progress they have made. Mr. Green, a Harvard Resident & member of the Harvard Jurisdiction Framework Committee, would just like to commend the DEC for bringing this forward to the Commissioners, and he hopes the dollar amount won't be as large as Mr. Marshall had noted earlier but is happy that the DEC has agreed to match the funds that the other parties would offer. He also noted that the towns don't have any tax revenue to cover these costs as the tax revenue is here in Devens paid to MassDevelopment so they should cover these costs rather than the towns. Unless you can convince the senators to have the commonwealth pick up the tab. He would also like to make one comment regarding the method used to come to a consensus. He feels strongly that it should be a unanimous vote as the six parties do not have the same percentage for a majority vote.

(9:13 PM) Next scheduled meetings September 7th at 7:30 AM and September 26th at 6:45 PM

(9:13 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. Gardner and seconded by Mr. Pinard. The motion to adjourn was unanimously approved by a roll call vote.

List of Exhibits

Agenda

Minutes

- July 25th

Public Hearing:

- Staff Report for Event Permit & One-Day all Alcoholic Beverage License 84 Antietam Street Clear Path for Veterans NE Journy Home Run
- Staff Report for Event Permit & One-Day all Alcoholic Beverage License 27 Antietam Street Clear Path for Veterans NE Dog and Music Festival
- Staff Report for Event Permit & One-Day Wine and Malt Beverage License 94 Jackson Road for MassDevelopment for the Devens Food Truck Social.

New Business:

- Historic District Roof – 34 Walnut Street Staff Report
- DJFC RFEI Draft
- Draft DJFC MOA
- Quarterly Devens Project Report
- Read File