

***Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes September 7, 2023***

Members Present: Duncan Chapman, Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall, Martin Poutry, Paul Routhier (joined at 7:48 AM), Debra Rivera, Deb Seeley

Staff: Neil Angus, Beth Suedmeyer, Dawn Babcock

Guests: Carl Sciple (Harvard Resident)

Members Absent: Jim Pinard

(7:30 AM) 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 virtually in accordance with the Act (Senate Bill #2475) relative to extending certain COVID-19 measures adopted during the state of emergency. Interested individuals can listen in and participate by phone and/or on-line. 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, Mr. Angus informed all attendees that the Devens Enterprise Commission is recording this meeting.

(7:36 AM) 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. Lilly. The nomination was approved unanimously by a roll call vote.

(7:38 AM) Mr. Marshall reviewed the agenda of this morning's meeting.

(7:39 AM) Review Minutes:

- **August 29th Minutes** were not ready for review so Mr. Marshall noted that we will review the minutes at the September 26, 2023, 6:45 PM Meeting.

(7:39 AM) Public Hearings:

- **There were no Public Hearings.**

New Business:

- **(7:40 AM) Proposed Regulations – Working Session:** Mr. Angus shared a slide deck of the proposed regulation updates that he and Ms. Suedmeyer have been working on with our consultants. **974 CMR 9.00** – Building Code, Specialized Stretch Code; **974 CMR 8.00** – Public Health, National Institute Health NIH Guidelines and Bio-Safety Regulations; & **974 CMR 3.00 and 4.00** – Stormwater Management and Impervious Surface Coverage. These three categories all deal with greenhouse gas reductions, helping with climate resilience and will allow Devens to continue to lead by example.
- **974 CMR 9.00 – Building Code, Specialized Stretch Code:** The state has upped the original Stretch Energy Code; Even though we currently have the stretch code for buildings that have a specific number of parking spaces or generate a certain number of vehicle trips, Mr. Angus is looking to update our current stretch code to the revised specialized stretch code as well as broaden the required building types that need to follow the code. This new code is getting ready for all electric down the line. But it does also allow for mixed fuel options (combination electric and fossil fuel). Why would we want to adopt this? This code has already been adopted in many communities that have Lab/Tech space with improvements already being seen Existing and new companies like Electric Hydrogen are tracking their emissions and are looking at what our current energy supplies are, and they are looking for ways to cut emissions to meet their corporate sustainability targets. The specialized stretch code is one way to help them. This new code may also help attract more companies to Devens. The buildings that are being built to stretch code standards can withstand more of the extreme

weather conditions we are seeing, and they are able to be functional during prolonged power outages as they are being built stronger and more efficient. These buildings are also improving health and wellness for the employees who work in them – and that can lead to improved worker productivity. Companies are realizing these benefits and supporting stronger code requirements. Mr. Marshall asked if there would be higher cost for builders based on this updated code? Mr. Angus stated that while there may be 1-2% increase in upfront costs, the payback is extremely quick and because of the added durability of these buildings, owners increase the value of their building portfolio with the extended life and lower maintenance costs. Builders are even able to increase the sale price and rent for these buildings due to the higher quality and consumer/employee demand.

- **974 CMR 8.00 – Public Health, National Institute Health NIH Guidelines and Bio-Safety Regulations:** There are four levels of bio-safety risks with level 1 being the lowest level (typical lab space – low risk) to level 4 highest level (lab completely enclosed air sealed – high risk). Mr. Angus did note that like other communities Devens should not be allowing level 4 risk level activities as they are a public health and safety issue and not appropriate for the Devens setting due to our density of development. Mr. Angus also noted that Boston, Cambridge, Summerville, and Grafton have already adopted these regulations and he plans to use them as models to develop our regulation after. Mr. Chapman suggested looking at Worcester as well as they too have bio-safety regulations in place.
- **974 CMR 3.00 and 4.00 – Stormwater Management and Impervious Surface Coverage:** Mr. Angus noted the adjustments to the Site Plan Design Standards that will assist in meeting these requirements, Vegetative Roof, and walls (currently being required in the Viewshed Area), and Porous Pavement Mr. Angus feels it may be the right time to start requiring these standards instead of recommending them, as we currently do. There are obviously exceptions to every requirement depending on the circumstances – for example – porous pavement would not be required where there is heavy truck traffic or at loading docks. Should there be a leak in porous pavement areas it can be absorbed by the sand below it. Soil Standards would be updated as well: this standard has many benefits, helps establish healthy plantings, which in return helps to decrease erosion and keeps the plantings thriving and absorbing more stormwater, filtering our air, and reducing urban heat island impacts. Mr. Marshall asked Mr. Angus if he sees any concerns from developers regarding the thickness of the pavement? Mr. Angus noted they are working with our consultants to decrease the thickness in regard to standard pavement requirements. Porous pavement does have a cost increase but can also give the developer more flexibility in development and will help Devens stay below the impervious surface threshold in the FEIR for Devens. Mr. Angus noted for the next steps he is working with our consultants on crafting these regulation amendments and will be targeting a winter or spring public hearing to bring the finalized regulations back in front of the commissioners for adoption through the state CMR process.

(8:19 AM) Old Business: Mr. Marshall asked if there was any old business to cover and Mr. Angus noted No there wasn't any.

(8:20 AM) Public Comment Mr. Marshall asked if there were any questions from the public. None were asked.

(8:20 AM) Mr. Marshall then noted the upcoming meetings. September 26th 6:45 PM Public Hearing - hybrid meeting, and the October 5th 7:30 AM Monthly Meeting – zoom meeting.

(8:21 AM) Mr. Marshall asked for a **motion to adjourn the meeting. The motion was made by Ms. Seeley and seconded by Mr. Lilly. Adjournment was concluded unanimously by roll call.**

List of Exhibits

- Agenda
- Proposed Regulation Updates 2023 Presentation