

**Devens Enterprise Commission
DEC Public Hearing & Meeting
Minutes February 4, 2021**

Members: Dix Davis, Jim DeZutter, Melissa Fetterhoff, Christopher Lilly, Robert Gardner, Robert Markley, William Marshall, Marty Poutry, Debra Rivera, Paul Routhier

Staff: Peter Lowitt, Neil Angus, Kate Clisham

Absent: Duncan Chapman, Jim Pinard

This meeting was held virtual via Zoom Meeting in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A. s.20. W. Marshall called the meeting to order at 7:31 AM and requested a moment of silence in light of the events and those that were injured yesterday at the US Capitol building.

W. Marshall read the agenda and took roll call and went over the virtual meeting procedures. The following individuals were also in attendance: Jessica Molognaro, Robert Antcil, Tom Eagle, Mickey Marcus, Luis Angel, Kevin Eriksen, Elmer Melendez

M/S/V R. Gardner, M. Poutry to appoint D. Rivera as a voting member; approved unanimously.

N. Angus reported he will be muting all lines, except the line of the presenter to avoid any background noise interruptions.

7:41 AM Continued Public Hearing:

US Fish and Wildlife Service Level 2 Unified Permit for an amendment to a previously approved plan and Wetland Order of Conditions to add an ADA compliant boardwalk to the existing canoe launch. Property located at 78 Hospital Road, Devens, MA (Parcel ID#4-399-200), in the Open Space and Recreation District. Plans and supporting information may be viewed at the Town Halls of Ayer, Harvard, Shirley or at the Devens Enterprise Commission office by appointment or on the Devens Enterprise Commission website at www.devensec.com/meetings.

N. Angus reported he met with USFWS staff and walked the site since the last meeting to identify trees for removal. He indicated there are about 1 dozen red pines in the way of the ramp structure. Those trees are non-native with blight and not in great condition. He reported a condition has been added that only those trees identified be cleared. N. Angus indicated the project involves the removal of selective burning bushes that are invasive. He noted this is part of the invasive species management plan and should be permitted as an ongoing condition. He noted the main outstanding item were the trees to be removed and the invasive species management plan. He reported this project alters only 18 sf adjacent to the wetlands with minimal impact since the boardwalk will be installed with hand tools. He reported the boardwalk is elevated and will not obstruct flood flows. N. Angus noted the decking allows light penetration as well. Tom Eagle explained they will need to fell the trees in place and cut them so they don't stockpile to prohibit growth. He noted the posts are not being driven into the ground, they're small metal footings on posts to hold us. He indicated it will be even less impact and there is no heavy machinery being used. N. Angus reported the 30-day comment period has expired and the Commission can close the hearing and act on the Wetland Order of Condition Amendment and Record of Decision. Public Comment: None. **M/S/V** R. Gardner, M. Fetterhoff to close the public hearing; approved unanimously by roll call vote. N. Angus reviewed the draft Wetland Order of Conditions noting there is one special condition referenced from the original WOC from September 2009 with regard to the control and management plan of invasive species. **M/S/V** R. Gardner, M. Poutry to approve the Wetland Order of Condition Amendment; approved unanimously by roll call vote. N. Angus reviewed the draft Record of Decision noting the tree removal exhibit has been added, there will be soil removed from site and anyone working on-site must take UXO training. Condition #5 will be modified to include the trees being felled in place and not stockpiled. **M/S/V** R. Gardner, M. Fetterhoff to approved the Record of Decision; approved unanimously by roll call vote.

7:58 AM Continued Public Hearing:

4 MacArthur Avenue LLC Level 2 Unified Permit including site plan approval for the construction of a +/-55,000 sf light manufacturing and office space, and associated parking, drainage, utilities and landscaping. Property located at 4 MacArthur Avenue, Devens, MA (Parcel ID#14-4-900), in the Innovation & Technology Business Zone and Viewshed Overlay District. Plans and supporting information may be viewed at the Town Halls of Ayer, Harvard, Shirley or at the Devens Enterprise Commission office by appointment or on the Devens Enterprise Commission website at www.devensec.com/meetings.

P. Lowitt reported the applicant has requested a continuance to February 23, 2021. **M/S/V** M. Poutry, P. Routhier to continue the public hearing to February 23, 2021 at 6:45 PM; approved unanimously by roll call vote.

8:00 AM Public Hearing:

Mexican Grill Inc. d/b/a Bandoleros – Applications submitted by Elmer Melendez, President

1.) A new Common Victualler's License

2.) An On-Premises Restaurant All Alcoholic Beverages License, Luis Manuel Angel, Manager of Record

Both licenses are for the same premises located at 4 Ryans Way (Parcel ID #20-3-300.D) described as a 4,030 s.f. single floor restaurant and 600 s.f. outdoor patio area, with a 200 total seat capacity in the Business/Community Services Zoning District within the Devens Regional Enterprise Zone. Applications may be viewed at the Devens Enterprise Commission office by appointment or on the Devens Enterprise Commission website at www.devensec.com/meetings.

P. Lowitt indicated the applicant is leasing the property formerly known as the Devens Grill. Since the Devens Grill went out of business last year the liquor license lapsed and reverted to the DEC and is available for a new applicant. Robert Antcil reported he's representing Elmer Melendez, president of Mexican Grill Inc. on the license application. He indicated Mr. Melendez owns 2 other restaurants locally and is very excited about Devens. He reported an opening date no later than June 1, 2021. W. Marshall asked about the other restaurants. R. Antcil indicated one is located in Leominster and the other in Fitchburg. This will be Mr. Melendez's first Mexican style restaurant, it will be authentic non-chain based Mexican. P. Lowitt indicated we're all looking forward to it opening. He reported staff recommends approval and noted the ABCC does the detailed background work before their approval. Public comment: K. Eriksen indicated he's here tonight on behalf of Devens Development, the building owner, and they've been very impressed with Mr. Melendez's other locations. He believes this will be a great addition to the Devens community. **M/S/V** P. Routhier, R. Markley to close the public hearing; approved unanimously by roll call vote. **M/S/V** J. DeZutter, R. Gardner to approve the Common Victualler's License and Liquor License; approved unanimously by roll call vote. W. Marshall noted pending ABCC approval welcome to Devens. R. Antcil thanked R. Gardner, W. Marshall, P. Routhier for their commitment to public service over the last 20+ years.

8:13 AM New Business:

FY2022 Draft Budget

P. Lowitt noted the good news on the revenue side we took in close to \$650,000 and we'll be receiving about \$2 million in Unified Permit fees from CLF plus we have about \$2 million in the bank. He reviewed the budget line items one by one and identified any changes. He noted the increase to DEEC from \$100,000 to \$125,000 which is especially important this year due to their closure during COVID. J. DeZutter asked about DEECs revenue. P. Lowitt reported they've been supported by COVID relief funds from the government (PPP). N. Angus reported the DEEC revenues have been down since the closure but they're currently open by appointment only which does seem to be working out well as they have a lot of items to be put to good use. P. Lowitt reported he is looking to increase the Green Building Incentive line item from \$10,000 to \$100,000 in order to hire a consultant and form a subcommittee to review our current program. He's asked M. Poutry to serve on the subcommittee if anyone else may be interested in joining the subcommittee. N. Angus noted we need to look at revamping the program since no one has taken advantage of the program yet. He indicated we'd like to encourage and incentivize it rather than regulate it and keep it in line with our climate action plan. J. DeZutter asked why. P. Lowitt noted we need to look at it to determine what can be covered for incentives and certifications. R. Gardner volunteered to serve on the subcommittee. M. Poutry reported New Ecology has done some great work. P. Lowitt reported the match that was included for the MassWorks grant will be removed as J. Strunkin indicated its not part of the current plan. He reviewed the remainder of the line items and noted the salary line item was proposed with a 3.5% increase and \$15,000 bonus pool. R. Gardner asked if the non-profits were included for grant funding due to COVID in this budget cycle. P. Lowitt indicated yes, we've included \$50,000 again this fiscal year. P. Lowitt noted he and R. Gardner are members or the Fort Devens Museum and Freedoms Way boards. W. Marshall asked if we will go over the available real estate parcels with M. Brewer to determine revenue projections for FY2022? P. Lowitt indicated yes, we just wanted to get this draft out to you. M. Fetterhoff asked if those entities to receive COVID relief funding have been identified. P. Lowitt indicated they've not yet been identified but we will bring our recommendations to the Commission.

8:32 AM ABCC 2021 Population Estimate

P. Lowitt reported the ABCC requests an annual population estimate. Last year we submitted 485 as the 2020 population and this year we've increased to 542. Devens has seen new residents with Shirley Meadows opening as well as the construction at Devens Village Green continuing through 2021. R. Gardner asked if there was any benefit to having a larger population. N. Angus noted we do count Shriver Job Corps and the prison population on some forms but not for the ABCC. **M/S/V** R. Gardner, M. Fetterhoff to approve 542 as the 2021 population estimate to be submitted to the ABCC.

8:39 AM Old Business: None

8:39 AM **Public Comment:** None

W. Marshall reported we have upcoming meetings on February 23, 2021 at 6:45 PM; March 4, 2021 at 7:30 AM.

8:40 AM **M/S/V** R. Gardner, M. Fetterhoff to adjourn, approved unanimously.

List of Exhibits –

- Agenda
- Virtual Hearing Procedures
- US Fish and Wildlife Service Boardwalk Staff Report
- US Fish and Wildlife Service Draft Wetland Order of Conditions
- US Fish and Wildlife Service Record of Decision
- US Fish and Wildlife Service Tree Removal Plan
- Mexican Grill Inc. (4 Ryans Way) All Alcoholic Beverages License Application
- Mexican Grill Inc. (4 Ryans Way) Common Victualler's License Application
- Memo – New Licenses Mexican Grill Inc. (4 Ryans Way)
- FY2022 Draft Budget