

**Devens Enterprise Commission  
DEC Public Hearing & Meeting  
Minutes January 26, 2021**

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

**Staff:** Peter Lowitt, Neil Angus, Kate Clisham

**Absent:** Jim Pinard

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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 6:48 PM 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: Kristen McNeil, Gene Sullivan, Mickey Marrow, Tom Eagle, Hayley Marsh, Steve Goodman, Jason Kubert

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

6:53 PM **Minutes:** **M/S/V** M. Fetterhoff, R. Gardner to approve January 7, 2021 minutes as written; approved unanimously.

**Public Hearings:**

6:54 PM **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.**

W. Marshall opened the hearing and read the public notice. N. Angus noted they constructed the USFWS Visitors Center and canoe launch off Hospital Road back in 2011. At that time they didn't construct the expanded boardwalk before us tonight. N. Angus introduced Tom Eagle from the US Fish and Wildlife Service. T. Eagle introduced his team including Kristen McNeil, Hayley Marsh and Mickey Marrow. M. Marrow reported they filed the amendment to the Wetland Order of Conditions on November 3, 2020 since the work to construct the ADA compliant boardwalk is within the wetlands. He indicated the decking is a fiberglass mesh material to allow light penetration to the wetlands below. R Markley asked if that would pose a slip and fall danger? M.Marrow indicated this material is designed for docks and has a rough surface. T. Eagle indicated the material sheds water with the mesh holes and some parts of the existing dock is made of this material. M. Marrow reported the new sections are at grade for access to the river. He asked to have special condition #6 reconsidered as the project has limited funding for invasive plant management. T. Eagle reported they are happy to assist to limit the impact on the land but they lack funding to perform invasive plant management. He reported the biggest invasive are the shrubs in the area. T. Eagle indicated they cannot use herbicide applications near the wetlands and they've stopped using herbicides altogether due the permitting. He reported they will thin the red pines out as well. N. Angus reported the proposed boardwalk expansion has no major impact and we don't find any significant issues. He noted staff agrees the condition for flood storage would not be necessary. Staff has drafted a Record of Decision and draft Wetland Order of Conditions but the 30-day comment period has not expired. He would like to walk the site with USFWS staff to identify trees to be cleared. Staff recommends continuance to February 4, 2021. Public comment: none. **M/S/V** R. Gardner, M. Fetterhoff to continue the public hearing to February 4, 2021 at 7:30 AM; approved unanimously by roll call vote. M. Marrow asked if they should attend. W. Marshall indicated yes.

7:12 PM **MacArthur Ave., 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.**

W. Marshall opened the hearing and read the public notice. P. Lowitt introduced Gene Sullivan and Steve Goodman. G. Sullivan provided an overview of the project. He reported they intend to demo the existing building (former Hodges theater) and build a 55,000 sf manufacturing building at the corner of MacArthur and Givry Streets. He indicated the waiver request to allow building closer to Givry Street to keep the building as far away from the Army for a better buffer and screening of the loading area as well as circulation for trucks and emergency vehicles. P. Lowitt indicated Nexius will employ approximately 70 people and the site will be accessed by two driveway to keep truck traffic separate. He reported

the applicant has dropped the number of parking spaces down to 63. G. Sullivan reported the daily employee count will be roughly 30 and they would like to keep the additional parking spaces for vendor and contractors who will be picking up materials for off-site assemblies. P. Lowitt reported the site is in the Viewshed Overlay District and noted the building will be screened by the adjacent buildings of BMS and QP3. He indicated the all roof top units are to be directed away from the adjacent Army dorms and use non-reflective materials to avoid any nuisance issues. P. Lowitt reported the tenant will need to provide a spill prevention plan for their chemical storage. He indicated there are some outstanding issues with the stormwater management and landscape management. Staff recommends continuing to February 4, 2021.

**M/S/V** M. Fetterhoff, P. Routhier to continue the public hearing to February 4, 2021 at 7:30 AM; approved unanimously by roll call vote.

7:31 PM **New Business:**

**FY2022 Draft Budget**

P. Lowitt indicated we will review the draft budget at our next meeting.

7:31 PM **Old Business:** None

7:32 PM **Public Comment:** None

W. Marshall reported our next meeting will be held on February 4, 2021 at 7:30 AM.

7:33 PM **M/S/V** M. Fetterhoff, J. DeZutter to adjourn, approved unanimously.

**List of Exhibits –**

- Agenda, Draft Minutes January 7, 2021
- Virtual Hearing Procedures
- US Fish and Wildlife Service Application
- US Fish and Wildlife Service Supporting Information
- US Fish and Wildlife Service Staff Report
- US Fish and Wildlife Service Determination of Completeness
- US Fish and Wildlife Service Public Hearing Notice
- MacArthur Ave., LLC Application
- MacArthur Ave., LLC Plans
- MacArthur Ave., LLC Stormwater
- MacArthur Ave., LLC Staff Report
- MacArthur Ave., LLC Determination of Completeness
- MacArthur Ave., LLC Public Hearing Notice