

**Devens Enterprise Commission
DEC Public Hearing & Meeting
Minutes January 7, 2021**

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

Staff: Peter Lowitt, Neil Angus, Kate Clisham

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: Doug Hartnett, Curt Quitzau, Alan Fluent, Patrick McCarty, Tyson Reynoso, Robert Nagi, Kevin Ksen, Roy Herzig, Kristen Cullen, Brook Whiting Cash, Zach Greene, Ken Ducharme, Matt Keely, Hannah Loope, John Marc-Aurele, Mike Lannan

M/S/V J. DeZutter, P. Routhier to appoint D. Rivera as a voting member; approved unanimously.

7:42 AM **Minutes:** **M/S/V** D. Davis, R. Markley to approve December 3, 2020 minutes as written; approved unanimously.

Continued Public Hearings:

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

7:43 AM **King Devens LLC Level 2 Unified 2 Unified Permit including Site Plan approval and a Wetland Request for Determination of Applicability (RDA) for the construction of a +/- 150,000 gross square foot R&D/manufacturing building and associated site improvements on 45 Jackson Road (Parcel ID #13-21-1000). This application also seeks conceptual approval for the overall campus master plan (general size, location and layout) for future development phases. Project located at 45 Jackson Road (Parcel ID #13-21-1000), 57 Jackson Road (Parcel ID#13-21-1100), 59 Jackson Road (Parcel ID#13-21-100), and 75 Jackson Road (Parcel ID#18-21-900) in the Innovation & Technology Business Zoning 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 turned the floor over to Doug Hartnett. D. Hartnett reported they have been conferencing with DEC staff and consultants to incorporate comments and revise plans since the December 15, 2020 hearing. He noted they have eliminated the waiver request. He indicated they've reduced the curb cuts per Devens Engineering and eliminated the alternate driveway off Jackson Rd. D. Hartnett reported they've reduced the driveway width from 26' to 24' and increased the reserved parking spaces to 28. The plans include a grass-paved turnout that was adjusted for the new Devens fire truck expected in 2026. P. Lowitt reported a number of issues have been addressed with conditions of approval. He noted this project is a core and shell building and the applicant has designed the project with consideration of the surrounding areas. To avoid any potential issues with Industrial Performance Standards each tenant will need to show compliance. Tenant specific uses will need to be reviewed by DEC staff for compliance as well. P. Lowitt reported the stormwater management has been designed to comply with DEC standards as well as MS4 regulations with EPA were incorporated. He reported the work is within 100' of wetlands at the end of Lake George Street. Staff recommends approval of the applicants Negative Request for Determination of Applicability (RDA) with conditions. P. Lowitt reported one of the most important issues are the sidewalk and trail connections. Staff worked closely with the applicant and MassDevelopment on the plans as this will be an asset for the site as well as the Devens community. He noted the master plan has changed as to which buildings will be constructed with building #3 starting before building #2. P. Lowitt indicated this approval is for the core and shell of building #1. R. Gardner asked why the change in building order, will that impact the number of jobs. T. Reynoso indicated the change is based on the market but also the soil management plan. He noted this construction sequence makes it more manageable. T. Reynoso reported building #3 is larger than building #2 so there is a potential for more jobs sooner with the new sequence. J. Marc-Aurele asked about the driveway relocation rather than using the existing curb cut and existing common driveway with 27 Jackson Rd. D. Hartnett indicated the berm was the issue. J. Marc-Aurele indicated this could be a significant inconvenience to the neighbor. D. Hartnett reported they can explore the shared driveway if needed and sharpen the turn into this project. N. Angus noted this would be a minor shift. J. Marc-Aurele indicated it's not required but he asked for the applicant to coordinate with the neighbors regarding the shared driveway. P. Lowitt asked if this needs to be in writing. J. Marc-Aurele indicated a verbal agreement to coordinate with the neighbors is acceptable. D. Hartnett and T. Reynoso both indicated they will coordinate with the neighbors as requested. **M/S/V** R. Gardner, M. Poutry to close the public hearing; approved unanimously by roll

call vote. P. Lowitt recommended the Wetlands Negative RDA for approval. **M/S/V** D. Davis, J. DeZutter to approve the Wetlands Negative Request for Determination; approved unanimously by roll call vote. P. Lowitt reviewed the draft Record of Decision, noting there are no waiver requests. He reviewed the Findings and Conditions to assure site plan criteria are met. N. Angus noted Finding #1 will be revised and the word municipal will be deleted. Staff recommends approval of the Unified Permit with the Findings and Conditions as stated. J. DeZutter suggested Finding #1 be changed to future tense as there are no tenants at this time. C. Lilly objected to the change noting its for the currently proposed use. N. Angus indicated the intent here is for the bio-manufacturing facility. He reported each tenant will also be required to comply. C. Lilly is correct, the tense should not be changed. **M/S/V** M. Poutry, D. Davis to approve the Unified Permit with Findings and Conditions; approved unanimously by roll call vote.

8:21 AM King Street Properties Acquisitions, LLC Level 2 Unified Permit for the construction of a +/- 164,000 gross square foot manufacturing and office building (CFS-1) and associated site improvements. Property located at 111 Hospital Road, Devens, MA (Parcel ID#18-7-200) in the Innovation & Technology Business 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.

D. Hartnett reviewed the changes since the last meeting on December 15, 2020. He indicated they've submitted revised plans and have withdrawn their waiver requests. He reported the acoustic noise study was submitted this morning and will need to undergo peer review. He indicated CFS-1 is not subject to the Energy Stretch Code since the project is at 288 parking spaces and not to the 300 parking spaces that triggers the requirement to meet Stretch Code. D. Hartnett reported the master plan will be updated to include an additional 3 acres to the overall parcel area. He reported the driveway width has been reduced from 26' to 24'. He indicated there have been some minor modifications to the stormwater management system. He noted there is an offsite sewer to be relocated that services 105 Hospital Rd and they are coordinating with Devens Engineering and Utilities regarding that work. D. Hartnett reported they have enhanced the vegetative screening/buffer from Hospital Rd. He indicated they've reduced lighting fixtures. They are preparing a phasing plan to show coordination and site security during construction of both CFS-1 and CFS-2. N. Angus reviewed the staff report. He indicated the noise study was just submitted this morning. Staff and peer review consultants are working on a few issues for full review before a draft Record of Decision. He reported today we can address the traffic and site access. The applicant is working with MassDevelopment to safely develop for the future intersection modification at Givry/Hospital Rds. We will require a post occupancy traffic study after the first 6 months as this is a new unique use. Those items can be addressed with conditions. We can focus on site issues at our next meeting including hours of operation, public safety and Industrial Performance Standards are to be addressed in more detail. N. Angus reiterated this site is subject to certain restrictions regarding soil management by the Army, MassDevelopment, Environmental Protection Agency, MA Department of Environmental Protection. He indicated the applicant will need to provide a complete soil management plan to address the restrictions and work to be performed. N. Angus reported the lighting, noise, electromagnetic interference, air emissions and greenhouse gas emissions are all part of the stretch code. Since the stretch code is based on the number of parking spaces this building is under that threshold but the based on the campus master plan at full buildout it will trigger the stretch code compliance. He apologized for the confusion but there is more detail required to comply. N. Angus reported Mike Lannan from TechEnvironmental, who's on the call, has been working closely with DEC staff and the applicant on this project. He reported there are a number of outstanding issues to be reviewed and recommends continuance. W. Marshall noted an email went out regarding a special meeting to be held on January 19, 2021 at 6:45 PM so we look forward to that date. R. Gardner asked about traffic, carpooling and MA transit options for this project. N. Angus reported the applicant has submitted a robust transportation demand management (TDM) plan and intends to hire an employee to connect staff with commuting/shuttle options. J. DeZutter asked what deuterium is? K. Cullen will check on that. **M/S/V** R. Gardner, J. DeZutter to continue to the public hearing to January 19, 2021 at 6:45 PM; approved unanimously by roll call vote.

8:50 AM Commonwealth Fusion Systems Level 2 Unified Permit for the construction of a +/-147,000 sf fusion energy research and development facility (CFS-2) and associated site improvements. This application also seeks conceptual approval for the overall campus master plan (general size, location and layout) for future development phases. Property located at 111 Hospital Road, Devens, MA (Parcel ID#18-7-200) in the Innovation & Technology Business 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.

Kristen Cullen provided an update with Curt Quitzau. C. Quitzau reviewed the changes since the last hearing. He reported the responses were submitted to peer review and MassDevelopment comments. He indicated some are regarding boundary and pavement as well as additional low impact development elements included. C. Quitzau reported the acoustic study was just submitted this morning for review. He indicated he traffic study was updated to include the 2

additional background developments and the conclusions have remained the same. C. Quitzau requested continuance to the next hearing as well. N. Angus reported this project similar to CFS-1 has addressed the traffic which can be added as a condition of approval. Again public safety issues relating to the chemical storage of tritium regulated by the MA Radiation Control Board and we will ensure to include the proper conditions. Currently the applicant is working to address the IPS issues as well as site lighting. N. Angus indicated this is a test facility and not an energy plant, noting the device is proposed to be tested in 10-second increments up to a maximum of 20 times per day. We are working to resolve and address outstanding items prior to January 19, 2021. He reported the one waiver request for a bicycle storage facility is not an issue as the employees will be based in CFS-1 and there is bike storage located adjacent to that building. He reported phasing will require the applicant to return before the DEC for each building. W. Marshall noted we will continue on January 19, 2021. **M/S/V** J. DeZutter, R. Gardner to continue to the public hearing to January 19, 2021 at 6:45 PM; approved unanimously by roll call vote.

9:04 AM **New Business:**

SMC 18 Independence Drive – Administrative Approval of 3,100 SF Cooler Addition

P. Lowitt thanked the applicants for remaining on the Zoom meeting. He reported SMC has been in Devens since 2016 and they are running out of space. He indicated the applicant is proposing to add a 3,100 sf cooler addition to the front of the building. The addition is minor and P. Lowitt suggests staff handle the project administratively. He reviewed the project noting the cooler addition will remove 3 parking spaces and relocate an employee break area patio. Staff has asked the applicant to include additional landscape islands and relocate the bike rack. **M/S/V** C. Lilly, J. DeZutter to approve staff to review the project administratively; approved unanimously by roll call vote.

9:10 AM **Old Business:** None

9:10 AM **Public Comment:** J. DeZutter reported to all Veterans the Veterans Administration (VA) is contacting Veterans regarding the administration of Covid-19 vaccinations. He indicated if you are currently registered with the VA they will contact you. If you don't know if you're registered go online and check your status. He reported he received a call last week and received his vaccine this week.

W. Marshall reported we have a busy schedule ahead with upcoming meetings on January 19, 2021 at 6:45 PM; January 26, 2021 at 6:45 PM and February 4, 2021 at 7:30 AM.

9:13 AM **M/S/V** J. DeZutter, R. Gardner to adjourn, approved unanimously.

List of Exhibits –

- Agenda, Draft Minutes December 3, 2020
- Virtual Hearing Procedures
- King Devens, LLC (45 Jackson Rd) Revised Site Plans
- King Devens, LLC (45 Jackson Rd) Response to Comments
- King Devens, LLC (45 Jackson Rd) Staff Report
- King Devens, LLC (45 Jackson Rd) Draft Record of Decision
- King Devens, LLC (45 Jackson Rd) Applicants Presentation
- King Street Properties Acquisitions LLC (111 Hospital Rd) Staff Report
- King Street Properties Acquisitions LLC (111 Hospital Rd) Applicants Presentation
- Commonwealth Fusion Systems (111 Hospital Rd) Staff Report
- Commonwealth Fusion Systems (111 Hospital Rd) Applicants Presentation
- SMC 18 Independence Drive – Request for Administrative Approval for 3,100 sf cooler addition