

Devens Enterprise Commission (DEC)
In-Person/Remote Hybrid Public Hearing and Regular Meeting
Minutes January 30, 2024

Members Present (in person): Melissa Fetterhoff, Robert Gardner, William Marshall, Jim Pinard, Martin Poutry, Debra Rivera, Paul Routhier

Members Absent: Duncan Chapman, Christopher Lilly, Deborah Seeley

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

Guests (in person): Nathan King (Ayer Resident), Carl Sciple

Guests (remote): Meg Delorier (VP MassDevelopment), April Locke (Tighe & Bond), Julie Novotny (Tighe and Bond), Julie Anne Medjanis (Harvard Resident) Karen Grossman (Harvard Residents), Peter Ricupero (Harvard Resident), Tom Mahanna (Tighe and Bond), Charles Oliver (Harvard Resident), Scott Winter (Harvard Resident), Tim Kilhart (Harvard DPW), Rosemary Ouellet (Harvard Resident), 7:16 PM Robert Jenkins (MassDevelopment Real Estate), and Kara Minar (Harvard Select Board) joined the meeting

(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.

(6:49 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. Pinard. The nomination was approved unanimously by a roll call vote.

(6:54 PM) Mr. Marshall reviewed the agenda of this evening's meeting.

(6:55 PM) Review Minutes:

- **January 4th Minutes** were discussed. Mr. Marshall asked if there were any edits, deletions, or comments about the minutes and none were made. Mr. Marshall asked for a motion to accept the minutes as submitted. **The motion was made by Mr. Gardner and seconded by Mr. Poutry. The minutes were approved by a roll call vote. All members present on January 4th voted in favor, with Ms. Rivera and Mr. Pinard abstaining as they were not present at the January 4th meeting.**

(6:56 PM) Public Hearings:

- **Level 2 Unified Permit, including Site Plan and Wetland Notice of Intent from the Town of Harvard Public Works Department** for the construction of a **water line extension, new Booster Pump Station**, and associated site improvements for the interconnection of the Devens water system to the Town of Harvard, MA. Property located at **39 Sheridan Road (003.0-0099-0203.0) and 3 Marne Street (011.0-0019-0200.0), Devens, MA in the Special Use I and Open Space and Recreation Zoning Districts.** Mr. Angus noted that they have been working with Tighe and Bond on behalf of the town of Harvard as well as the town of Harvard regarding the booster pump house and water line that they are looking to construct off of Sheridan and Marne Streets to connect Devens Water System with the town of Harvard. Mr. Angus then turned the floor over to Ms. Locke and Ms. Novotny from Tighe and Bond and they went through a presentation to show the attendees the plans

for the water line and Pump Station. They also noted that Fire has visited the site and has approved the roadway upgrades which will allow their fire truck to do a 5-point turn if they ever need to access the pump station. Ms. Locke noted the Stormwater system they will have in place as well as their schedule for obtaining all the necessary permits for this project from the DEC, MassDEP, CSX, Harvard Conservation Commission & MassDOT. Mr. Locke did note that they are still working on a revised set of plans and would like to recommend continuing this review until the next meeting (Feb. 8th at 7:30 AM). Ms. Novotny then went over the Wetlands, Vernal Pools and vegetative wetlands near the Pump Station and what steps were being taken to ensure they were undisturbed. She also addressed the Fire Departments request for more gravel on the roads to insure access. Mr. Angus noted that this was an old Tank Trail so the ground is quite compact so there is very little ground disturbance needed for the road, maybe just some brush removal. Mr. Marshall then asked if there were any questions and Mr. Gardner asked if there were any plans for additional tie ins from Harvard to the waterline? Mr. Kilhart from Harvard DPW said that there could be additional tie ins down the road. Mr. Pinard asked if the existing wells would remain operational and will this well cover Harvard's Fire Systems too? Mr. Kilhart answered these questions, yes, the current well will remain operational should they be needed in the future, and this new Pump House has been planned to handle the Fire systems. Mr. Angus did note that this public hearing is only to approve the building and associated site improvements, not the allocation of the water - that is for MassDevelopment to approve and manage. Mr. Angus also reminded the commissioners that regional connections and support are part of the Devens Reuse Plan. The commission had permitted a project at the Verbeck Gate that allowed Ayer to tie into the Devens water system for an emergency not that long ago as well. Mr. Marshall then asked if there were any questions from the public. Mr. Ricupero asked if there would be any construction done on Old Mill Road? Mr. Kilhart said the only road in Harvard that will have construction work will be Depot Road. Mr. Angus then shared the Staff Report and commented that with this being a tank road in the past there really isn't a lot of clearing to be done and noted that this unified permit is to approve the Site Plans for the waterline and booster pump station as well as a Wetland Order of Conditions in Devens. Where the access road connects at Sheridan Road is within an Estimated Priority Habitat for the Blanding's Turtles, so we are asking that they reach out to Natural Heritage Endangered Species Program to ensure there are proper controls in place for this project. Mr. Angus also noted that this could be a condition of any approval as well. The applicant has asked for a parking waiver with this being an unmanned facility and Mr. Angus agrees there is no need for parking as there will be plenty of room for maintenance and emergency vehicles when needed. The DEC can simply make a finding that no parking is required, as opposed to issuing a waiver. The Applicant is currently working with Devens Utilities to create a memorandum of agreement for the construction and operation and maintenance for this project. Devens Utilities' final signoff would be a condition for approval of this project. With the changes to the expanded driveway and the increase of impervious pavement we will need to get the updated plans to our peer review engineers to review. Tighe and Bond has asked for a continuation to the February 8th 7:30 AM Meeting to allow all of this to be completed before any action is taken. There are a few minor items that can be noted in the list of conditions. Mr. Marshall then asked if there were any questions from the commissioners and public none were asked. Mr. Marshall then asked for a motion to continue this hearing to the February 8th 7:30 AM virtual meeting. **The motion was made by Mr. Gardner and seconded by Mr. Pinard. The motion to continue this hearing to the February 8th meeting was approved by a unanimous roll call vote.**

New Business:

- **(7:25 PM) 2023 Draft Annual Report Review and Approval.** Mr. Marshall commented that it was another great year under our belt and then handed the floor over to Mr. Angus shared that Annual Report noting that projects in the report were noted a few months ago in the Quarterly Report. The report begins with an overview of the commission's structure and organization, the retirement of Director Peter Lowitt, and the permitting summary. Mr. Angus noted that the permit numbers are down, but we are still seeing financial growth due to the value of permits. One thing we have started to track is the Impervious surface / low impact as it is one of the next closest thresholds for Devens to track in the Final Environmental Impact Report. We have been continuing on the disposition process working towards 2033. For enforcement issues we have been

working on a number of issues, water restrictions, truck idling & truck route violations and we have had a noise violation at 67 Buena Vista that has been resolved this past fall. Continuing to deal with public health issues, Board of Health inspections, PFAS and our public transportation program. We continue to participate in the Nashoba Greenway Coalition and continuing to work implement our green and complete streets policy. In 2023 CSX did acquire Pan Am Southern Railroad so we engaged with the new owners and will be working with them on idling reduction and the possibility of more efficient use of the railroad for the businesses in Devens. In terms of Open space and recreation, as part of our sustainable development initiatives we have closed out the grant from Natural Wild and Scenic River Council for a new trail and pollinator meadow on the North Post. The DEC also adopted embodied carbon reduction guidelines to assist applicants in reducing carbon emissions on their projects and furthering the goals of the Devens Climate Action Plan. Additional sustainability measures included the farmers market and making it public art project. We are getting a lot of good exposure both locally and internationally with visits from South Korea, Yale, and Ms. Suedmeyer presenting at the APA conference. The Devens Eco-Efficiency presented to the commission recently, but we included their continued success and they have more than doubled their sales and activity year over year. They continue to get good exposure and their interview that aired twice on Chronicle has helped them get much more exposure and new clients. There is one section on the report that Mr. Angus does need to complete and that is DEC in office operation and how it is contributing to the greenhouse gas reductions and energy savings. He is expecting our carbon numbers to go up a little as we are not working from home, but we have implemented the online permitting system so our paper use should be reduced. Mr. Angus went over our five-year report status and that we are continuing to work on launching our online permitting system which the contractors are excited about as we will be able to accept not only cash and check payments but echecks and credit card payments. We are continuing to work with the town of Ayer and now Parker Charter and the Ayer/Shirly Middle schools on the pocket forest project. Our financial audit is complete and on our website. Mr. Angus asked for the Commissioners approval to publish the Annual Report once he has completed the DEC Operations chart on page 20 of the report. Mr. Marshall asked if there were any questions, and none were asked. He then noted that the reports are sent out to the surrounding towns so they can include the information in their annual reports. Mr. Marshall asked if there were any questions from the public, and none were asked. He then asked for a motion to approve the annual report, with the chart to be finished by Mr. Angus. **The motion was made by Mr. Gardner and seconded by Ms. Rivera. The motion to approve the annual report once the chart is completed was approved by a unanimous roll call vote.**

- **(7:39 PM) Read File:** Ms. Suedmeyer listed the articles in the read file: **The URL for the online permitting system**, this site is live as of January 2nd. **65 Jackson Road Video of the art Kim Carlino installed on the exterior of the Amenities building this past fall.** The aerial footage was done by Air Fig. A few news clippings in the **Harvard Press included: an article on the On Solve System** where Devens residents and workers can get emergency and information notification if they want to sign up; **Election Results for the Devens advisory committee: an Emerson Green Meeting** between the Developer, The Devens Committee, and Residents; and lastly, an article regarding the Devens **Jurisdictional Framework Committee** and their plans regarding the redevelopment of Vicksburg Square and their intention to invite MassDevelopment back to the table. The last item was **Devens Seeking artists to make interactive mural, artists to create mural on pavement.** This article was a cover story in the Sentinel and Enterprise as well as the Lowell Sun. Mr. Routhier asked if MassDevelopment is returning to the table for Vicksburg Square. Ms. Suedmeyer noted that it is just an invitation from the Committee to MassDevelopment to work on Vicksburg Square rezoning. Mr. Marshall asked if there was any additional New Business, and none was noted.

Old Business:

- **(7:45 PM)** Mr. Marshall asked if there was any old business and Mr. Gardner asked where do we stand on Vicksburg Square? Mr. Angus noted that there hasn't been any movement since the last meeting. Mr. Marshall

noted that with the towns desire to get the Vicksburg Square issue addressed they would really like it if MassDevelopment would come back to the table to get this moving. Devens Residents are interested in exploring additional housing in Devens, along with Vicksburg Square rezoning.

- **(7:49 PM) Public Comment:** Mr. Marshall asked if there were any questions from the Public in the room or on Zoom. None were asked.

(7:50 PM) Next scheduled meetings are February 8th at 7:30 AM, (Zoom Meeting) and February 27th at 6:45 PM (Hybrid Meeting).

(7:50 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. Gardner and seconded by Mr. Poutry. The motion to adjourn was unanimously approved by a roll call vote.

List of Exhibits

- Agenda
- January 4th Draft Minutes
- Public Hearing
 - DOC
 - Public Notice
 - Application
 - Stamped Plans
 - Unified Permit
 - Staff Report
 - Level 2 Unified Permit Responses
 - Presentation from Tigh & Bond
- New Business
 - 2023 Draft Annual Report
 - Virtual Read File