

***Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes January 4, 2024***

Members Present: Duncan Chapman, Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall, Martin Poutry, Paul Routhier, Deborah Seeley

Staff: Neil Angus, Beth Suedmeyer, Dawn Babcock

Guests: Carl Sciple (Harvard Resident), Lt Keith Pruett (State Police)

Members Absent: Jim Pinard, Debra Rivera

(7:32 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.

(7:35 AM) Mr. Marshall reviewed the agenda of this morning's meeting.

(7:36 AM) Review Minutes:

- **December 7th Minutes** Mr. Marshall asked if were any edits or comments on the with none mentioned Mr. Marshall asked for a motion to accept the minutes as posted. **The motion was made by Mr. Gardner and seconded by Mr. Routhier and the motion to accept the minutes was approved by a roll call vote.** Both Ms. Fetterhoff, and Ms. Seeley abstained as they were not present for the December 7th meeting.

Public Hearings: There were no Public Hearings today.

New Business:

- **(7:38 AM) Alcoholic Beverage Control Commission (ABCC) 2024 Seasonal Population Estimate:** Mr. Angus reviewed the template that ABCC requires each town to submit regarding a Seasonal Population Estimate with the Liquor License Renewals. The estimate is as of July 10th and with there being no additional housing being built in the near future Mr. Angus suggested leaving the estimate at 950. Mr. Marshall asked for a motion to accept the estimate of 950 to be sent to the ABCC. **The motion to send the estimate of 950 to the ABCC was made by Mr. Lilly and seconded by Ms. Seeley. The motion was approved unanimously by a roll call vote.**
- **(7:40 AM) Devens Jurisdictional Framework Committee (DJFC) – Draft Vicksburg Square rezoning warrant review:** Mr. Marshall updated the commissioners that he and Mr. Angus attended the last DJFC meeting in December where they discussed the draft warrant article language for Vicksburg Square rezoning to allow housing. Mr. Marshall noted that he and Mr. Angus felt that the original draft warrant had a number of flaws and made a number of suggestions which he believes were well received. Mr. Marshall just wants to give the Commissioners an update as to where that stands now as the next DFJC meeting is scheduled for January 10th. Mr. Angus noted there was a general consensus among DJFC members that the first item in the warrant - changing of the jurisdictional boundaries, is a nonstarter and has been agreed to by everyone at the meeting that it will be eliminated. Mr. Marshall and Mr. Angus also talked about the vague language and that it would require changes to the reuse plan, bylaws, and would also need to address the housing cap issue as well as other issues that would need to be addressed so this isn't as simple as this language would suggest. Mr. Angus felt that this too was also well received. The 3rd item in the draft warrant language involves the details of what type of housing this would be. Mr. Angus suggested it would be more appropriate to just reference chapter 498 and the

Devens reuse plan and the bylaws that state 25% of the housing will be affordable to low income and special needs. The more specific you make it the harder it may be to qualify for certain types of funding that may be necessary to make the redevelopment economically feasible. So, they had suggested simplifying the specifics as this is really about preserving the historical landmark. Mr. Angus noted at the last DJFC meeting he was tasked to present to the committee what the process is to propose amendments to the reuse plan as well as the process for a super town meeting. Mr. Angus went through Chapter 498 section 10, which details these requirements. The key point here is MassDevelopment needs to be at the table as DJFC really can't move forward without them. Bottom line is MassDevelopment doesn't want to take the lead as the super town meeting has been attempted twice and failed both times. If MassDevelopment doesn't take the lead, who would, Mr. Angus doesn't believe it would be appropriate for DEC to take the lead as they are the regulatory agency. Mr. Chapman asked why wouldn't DEC take the lead? Mr. Angus noted that they had suggested that the DJFC form a subcommittee to lead. Mr. Chapman also asked about the talk from Harvard of Ayer taking all of Vicksburg Square as the maps show the boundaries splitting it between Ayer and Harvard. Would this be an onerous process, moving the lines and that is why that option isn't being considered? Mr. Routhier noted that changing the boundaries for one will raise the possibility for others wanting the same, and as for the DEC taking the lead, he feels that could cause some legal issues moving forward. Mr. Chapman suggested we check with our counsel about legal issue possibilities. Mr. Marshall agrees with Mr. Routhier and would like Mr. Angus to check with our counsel. Mr. Marshall noted that the boundary adjustment is more than just moving the town lines as it entails county lines and legislative action so it would be a very time-consuming roadblock that will delay moving forward for some time. Mr. Gardner then asked he thought he saw that the line was going to be moved and he was wondering if the committee from Ayer is in favor of this. Mr. Marshall noted that Ayer put forward the proposal to take over Vicksburg Square. For the student education we do have a process in place for the current students in Devens where Harvard is now educating them, and they reside in both Harvard as well as Ayer. So, students in Vicksburg Square could use that same process. Ms. Seeley noted that after reading the summary Mr. Angus shared, she believes they should be forming a subcommittee of DJFC to address Vicksburg Square but wanted to know if this subcommittee would just be members of the DJFC or will there be other people in the subcommittee? Mr. Angus noted that this is an agenda item for the January 10th meeting to discuss whether or not it makes sense to create a subcommittee. Mr. Angus noted that this is not the only issue DJFC has to deal with at this time, there is a Request for Expression of Interest (RFEI) that is currently being worked on for the disposition process – separate from Vicksburg Square discussions. The idea was to work on Vicksburg Square under a separate committee so the DJFC could remain focused on disposition. These buildings are deteriorating now so if we wait for disposition, in ten years they will have deteriorated even more, which will cause even more money needed to restore them to get them reused if they will even be able to be reused at that point. Mr. Marshall stated that they are trying to move this forward but as we know from the senior housing in Shirley being voted down recently, it can only take a few to put everything on hold. There are some residents of Devens who would like to look at other land opportunities in Devens for housing that have been approved but will require housing cap to be raised/removed. There is still a lot of uncertainty out there but that should not deter us from moving forward on this Vicksburg Square issue. Mr. Marshall noted that he and Mr. Angus will bring this forward to the DJFC at the January 10th Meeting, and they will keep the Commissioners apprised of the outcome. The DJFC meetings are all public meetings so if anyone else would like to attend these meetings they are more than welcome.

- **(7:59 AM) Conflict of Interest Training Reminder:** Mr. Angus noted that every other year the commission is required to take the training and this year the state has made the process a little easier for everyone to take the training and have a new online platform for everyone to take the training and this will enable us to track the status rather than everyone having to send Ms. Babcock copies of the certificates once completed. However, the system is down until the 10th of January for maintenance. So, after the 10th you will need to create an account, select Devens Enterprise Commission, and take the training and this system will keep a log. Mr. Angus is looking to get the training completed by the end of the month if possible.

- **(8:02 AM) Read File:** Ms. Suedmeyer noted that there are two articles from the Boston Globe this time. The first article is regarding Housing at Military Bases and the second article is regarding Little Leaf Farms. Mr. Marshall just wanted to make note of the housing issue and the Boston Globe article as we have been wrestling with 3-400 units of housing at Vicksburg Square and South Weymouth is talking about 6,000 units of housing! Mr. Angus noted that we had an information sharing agreement with the South Weymouth redevelopment and what is interesting is that they are the exact opposite of Devens - we are 95% Industrial and 5% Residential, they are 5% Industrial and 95% Residential.

(8:06 AM) Old Business: Mr. Marshall asked if there was any old business to cover none was made.

(8:07 AM) Public Comment Mr. Marshall asked if there were any questions from the public. None were asked.

Ms. Suedmeyer noted that there is one additional staff update to make, she noted that the Call for Artist is now live and is on the news and event page on our website. She also noted that January 31st is the deadline for applications.

Mr. Angus also noted that our Online Permitting is now live for a number of the permit types via OpenGov

(8:09 AM) Mr. Marshall then noted the upcoming meetings. January 30th at 6:45 PM Public Hearing - hybrid meeting, and the February 8th 7:30 AM zoom meeting.

(8:10 AM) Mr. Marshall does have two other items before we conclude the meeting: 77 Grant Road Building Permit for the multi family unit - Mr. Angus shared the letter that our Building Commissioner sent to the contractor revoking the permit as it has been stagnant for more than 20 months and the building code has changed since. The builder has acknowledged receiving the letter and has said that they are planning to reapply this spring for a new permit. The second item is that Chronical re-ran their segment on the Great Exchange and it was receiving a lot of positive attention.

(8:13 AM) Mr. Marshall asked for a **motion to adjourn the meeting. The motion was made by Mr. Gardner and seconded by Mr. Lilly. Adjournment was concluded unanimously by roll call.**

List of Exhibits

- Agenda
- Draft Minutes for the December 7th Meeting
- Public Hearing – none
- New Business
 - Alcoholic Beverage Control Commission (ABCC) 2024 Seasonal Population Estimate:
 - ABCC Seasonal Population Estimate for Devens
 - Devens Jurisdictional Framework Committee – Draft Vicksburg Square rezoning warrant review
 - Vicksburg Square Rezoning Memo
 - Conflict of Interest Training Reminder
 - State Ethics and COI Memo
 - Read Files
 - 77 Grant Road Building Permit – Revoked