

**Devens Enterprise Commission  
(DEC) Public Hearing and Regular Meeting  
Minutes March 29, 2022**

**Members Present:** Duncan Chapman, Dix Davis, James DeZutter, Melissa Fetterhoff, Robert Gardner, Marty Poutry, Paul Routhier, Deb Seeley  
**Staff:** Peter Lowitt, Neil Angus, Dawn Babcock  
**Guests:** Sally Gwenford Devens Resident, Ed Starzec Mass Dev Real Estate, John Marc-Aurele Mass Dev Eng, John Osborn Harvard Press, Anne Ferguson of Dragon Fly Wellness Center and Abutter of 270 Barnum Rd, Luke Norton Sanborn & Associates for Scannell Properties, Chris Emilios & Cam Gosine of Brennan Associates for Mass Dev. Safety Building, Rob Eastman & Dan Gainsboro of Devens Village Green LLC, Lt Bagley of State Police – Devens Barracks, Jon Stabach VHB Bulge/Patton Rd, Elena Compter Weston & Sampson Bulge/Patton Rd  
**Members Absent:** Bill Marshall, Chris Lilly, Deb Rivera, Jim Pinard

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Vice Chairman James DeZutter called the meeting to order at 6:45 PM

Mr. DeZutter noted that this Devens Enterprise Commission 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 by. 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. DeZutter informed all attendees that this meeting is being recorded by the Devens Enterprise Commission.

**(6:49 PM) Reviewed Agenda:**

**Public Hearings:**

**(6:53 PM) Now Communities, LLC on behalf of Devens Village Green LLC looking to add 6 units to the Multi-Family home at 77 Grant Road** Mr. DeZutter read the Public Hearing notice for this item then turned the call over to Mr. Angus who introduced Mr. Gainsboro and Mr. Easton of Now Communities, LLC / Devens Village Green. They presented the reasoning for the request for the additional 6 units on the West Wing. This increase will not expand the footprint of the building. The basement units will have egress windows and the unit sizes will remain the same.

Mr. DeZutter asked about the roof being flat and Mr. Gainsboro noted that it isn't actually flat, there is a slight pitch to the parking lot side for runoff, and the building will have gutters.

Mr. Gardner asked if the increase in units will affect the housing cap and Mr. Lowitt noted it will and that with the 6 additional units the total will remain under the 282 unit cap. .

Mr. Angus gave an overview of the Staff Report for this hearing. Where he noted that 2 of the 6 units will be Affordable (low income) housing to keep with the 22% Affordable housing requirement for the Innovative Residential Development Regulations.

Mr. Starzec noted that Mass Development is willing to approve the building design changes with a design review approval letter once the Color choices are ironed out.

Mr. Angus noted the parking will remain as is, 1.3 per unit. But if there is a need in the future they have a piece of land shown as reserved parking which could accommodate future parking if needed. Mr. Angus also noted that should the Waiver be approved there should be mention that this approval is for the West Wing of the multifamily buildings.

Mr. DeZutter opened the hearing to the public for questions. None were asked. He then asked for a motion to be made to close the hearing, motion was made by Mr. Davis and seconded by Mr. Gardner. The Motion was Approved unanimously by a roll call vote.

Mr. Angus presented the waiver allowing more than 20 units in a multifamily building to the Commission for their consideration. On a motion by Paul Routhier , seconded by Dix Davis the Commission unanimously voted by roll

call vote to grant the waiver request 974 CMR 5.02 (i) definition of multifamily to allow up to 26 units in the west wing. He then went through the Findings that will go along with the ROD and the proposed conditions. Mr. DeZutter asked for a Motion to accept the ROD as amended Mr. Gardner Made the Motion and it was seconded by Mr. Chapman. The Motion to accept the ROD as amended was approved unanimously by a roll call vote.

**(7:23 PM) Brennan Consulting Inc. on behalf of Mass Development / Devens – Public Safety Building 270 Barnum**

**Road** Mr. DeZutter read the public notice before handing the topic over to Mr. Lowitt who introduced Mr. Marc-Aurele from Mass Development Engineering. Mr. Marc-Aurele went over plans to expand the current Emergency Call Center Building to house the Fire and Police Departments as well (new Public Safety Building). The plan is to have the three departments in one location and the Fire Trucks will enter the building from Barnum Road and exit onto Queenstown Road. Mr. Marc-Aurele is looking for a waiver to have a more than 10% of required parking par in front of the building. He explained this will be the public access for the facility and where contractors receive UXO trainings from the Fire Department. He then asked the Mr. Gosine and Mr. Emilius from Brennan Consulting to discuss the Drainage Plans for the property. Mr. Marc-Aurele noted they are working towards Lead Silver status for this building.

Mr. DeZutter then asked if the Commissioners have any questions. Mr. Poutry asked if there will be a holding cell. The response was yes and the team have been working with the State Police and the Department of Public Health to ensure all safety measures are met. Mr. Chapman asked if it would possible to have the surrounding towns merge with Devens Fire. The response was the towns are now Mutual Aid for everyone so there really isn't a plan for merger.

Mr. DeZutter asked if any of the public had any questions and Ms. Ferguson, of Dragon Fly Wellness Center, asked what the plans are for the current Fire Building and the lighting of the new location. Mr. Marc-Aurele noted that the plan for the current building is under discussion but the plan is reuse. And for the lighting they are working with DEC to ensure they follow the guidelines. Ms. Ferguson also asked about the vehicles leaving the building with lights and sirens. Mr. Marc-Aurele noted it will actually be less for her facility as now every vehicle goes by her while the new facility will have 2 options to go.

Mr. Lowitt read the Staff Report. There are still a few open items that will require waivers that are still being worked as late as this afternoon. 1. Parking in the front of the building (10%) and 2. Parking being within 150' of the intersecting streets. Stormwater, there are a few minor items that we hope is to have it completed before preparing the ROD. Landscape is being worked on and hope is to include some of the existing trees in the plan. Mr. Lowitt noted that he would like to have this hearing continued until the April 7<sup>th</sup> meeting giving both parties time to draft the ROD and work through the remaining open items. No questions from the Commissioners and public so Mr. DeZutter noted the recommendation to continue this hearing until the next meeting on April 7<sup>th</sup> at 7:30 AM. Motion made by Mr. Gardner and seconded by Ms. Seeley. The motion to continue this hearing until April 7<sup>th</sup> has been approved unanimously by a roll call vote.

**(8:00 PM) Scannell Properties LLC – 16 Bulge Road Consider alternate pavement options**

Mr. DeZutter read the public notice before handing the topic over to Mr. Angus who introduced Jon Staubach from VBH for Scannell Properties. Mr. Angus noted that this property has been approved previously but the pavement options were not discussed then. Mr. Staubach gave an overview of the project and is looking for approval for different pavement based on light traffic and heavy traffic areas. Mr. Stabach had Mr. Norton of Sanborn & Associates with him. Mr. Angus noted that the applicant has plans to hire a third party engineer to oversee the installation of the pavement. Mr. Gardner asked the standard for the life of a parking lot? Mr. Stabach noted that 20 years seems to be the normal life. Mr. Routhier asked if there will be any loaded trucks parked overnight. Mr. Stabach noted that there shouldn't be any but if there are they would be parked on the loading dock area which is reinforced concrete. Mr. DeZutter asked for questions from the Public. None were made. Mr. DeZutter asked for a motion to continue this hearing until April 7<sup>th</sup> at 7:30 AM allowing the towns their full 30 days to comment. Motion was made by Mr. Gardner and seconded by Mr. Poutry. The motion to continue this hearing until April 7<sup>th</sup> at 7:30 AM has been approved by an unanimous roll call vote.

## New Business

- **(8:13 PM) Bulge and Patton Road Intersection re-alignment** Mr. DeZutter handed the topic over to Mr. Lowitt who introduced Mr. Marc-Aurele and Ms. Compter of Weston & Sampson. Mr. Marc-Aurele gave the overview of this request as they are looking for approval to modify the intersection at Patton and Bulge Road which is currently a “Y” intersection into a “T” intersection. Mass Development has been looking at making this change for a while and with the increase of business on Bulge Rd and this being part of the Devens Truck Route, Mass Development feels this is the best time to make this change as it will improve the line of sight at the intersection. Ms. Compter shared her slides that covered the line of site as well as the deteriorating pavement with the expected increase of traffic with the business at 16 Bulge Road, as well as the drainage which was designed in the Army days. Ms. Compter also noted that they are planning to repair/replace existing sidewalk and install additional sidewalk. Before Opening for Questions Mr. Marc-Aurele noted that they tested the line of site and they felt that the line of site with the new intersection would be much better than expected. Mr. DeZutter then asked if there are any questions from the Commissioners and the Public. Mr. Gardner asked if the golf tunnel be maintained. Mr. Marc-Aurele noted yes the tunnel will be maintained and that the new road will actually help prevent golfers from crossing a public road to travel to the tunnel. They are also looking at connecting to a trail north of the intersection. This Article tonight is a Request for Determination but there are still a few items to wrap up before voting, so Mr. Lowitt would like to recommend this be tabled until the April 7<sup>th</sup> meeting. Mr. Gardner made the motion to table the request for determination until the next meeting, April 7<sup>th</sup> and this was seconded by Mr. Davis. This motion was approved unanimously by a roll call vote.

**(8:26 PM) Review Minutes:** Mr. Lowitt brought it to Mr. DeZutter’s attention that we hadn’t reviewed the minutes at the beginning of the meeting from the March 3<sup>rd</sup> Meeting and Mr. DeZutter asked if anyone had any edits or concerns none were noted. Mr. DeZutter then asked for a motion to accept the minutes as written and the motion was made by Ms. Seely and seconded by Mr. Poutry. The Motion to approve the minutes was Approved by a roll call vote. Mr. Chapman abstained as he was not at the March 3<sup>rd</sup> meeting.

## **(8:29 PM) Old Business**

Mr. Lowitt thanked the commissioners for sending their Reappointment Letters to the Governor’s Office and asked that the copies of their letters be sent to Dawn and him. Mr. Lowitt also commented that the public meeting via zoom will be continuing until at least July. Mr. Lowitt noted that the legislature is looking to have remote meetings continuing due to the high attendance and increased citizen participation this has been bringing.

For the April 7<sup>th</sup> Meeting Mr. Lowitt wanted to let the commissioners know he will have a

- Use letter for an Amenity Building associated with Kings Street Properties
- Draft of Budget

Mr. Angus thanked the Commissioners for completing the Ethics/Conflict of Interest Training. Mr. Angus also noted that DEC along with the Town of Ayer and US Fish & Wildlife have been awarded the Grant to construct a trail off of MacPherson Road. Mr. Angus is looking to have this event as part of Earth Day.

**(8:35 PM) Public Comment** - Mr. DeZutter asked if there were any questions or comments from the public. There were no comments or questions at this time.

**(8:37 PM) Adjournment** the motion to Adjourn was made by Mr. Gardner seconded by Mr. Davis and by a roll call vote it was unanimous to close the public hearing.

**List of Exhibits:**

- Agenda
- Meeting Minutes
  - March 3rd
- Grant Road Multi-Family Housing Amendment
  - Application
  - Perspectives
  - Proposed Conditions
  - DEC Submittal Narrative
  - Determination of Completeness
  - Staff Report
  - Amendment ROD
  - Multi-Family Waiver Request
- Brennan Consulting Inc. on Behalf of MassDevelopment/Devens
  - Application
  - Plans
  - Supporting Materials
  - Traffic Assessment
  - Soils Information
  - Stormwater Report
  - Landscape Maintenance Plan
  - LEED Checklist
  - Staff Report
  - Determination of Completeness
  - PS Building
- Scannell Properties #460 LLC
  - Application
  - Plans
  - Detail
  - Pavement Calculations – Nitsch
  - Pavement Calculations – Sanborn Head
  - Staff Report
  - Determination of Completeness
- Bulge & Patton Road Intersection Realignment Application
  - Application
  - Plans
  - Stormwater Report
  - Staff Report
  - Permitting
  - 2022-03-28\_Bulge Road and Patton Road Intersection DEC Presentation