

**Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes May 4, 2023**

Members Present: Duncan Chapman, Dix Davis, Melissa Fetterhoff, Robert Gardner, William Marshall, Martin Poutry, Paul Routhier, Deb Seeley

Staff: Peter Lowitt, Neil Angus, Beth Suedmeyer, Dawn Babcock

Guests: Patrick McCarty (McCarty Development), Alan Fluet (Mack Devens Development), Meg Delorier (EVP for MassDevelopment), Robert Jenkins (Sr. VP. Real Estate for MassDevelopment) Dr. Carolynda Appleberry (owner of 29 Buena Vista St), Mark Joubert Esq. (lawyer for 29 Buena Vista St), Carl Siple (Harvard Resident)

Members Absent: James DeZutter, Christopher Lilly, Jim Pinard, Debra Rivera

(7:30 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.

(7:33 AM) Mr. Marshall reviewed the Agenda of this morning's meeting.

(7:38 AM) Review Minutes:

- **April 25th Minutes** were discussed. Mr. Marshall asked if anyone had any edits or concerns, none were noted. Mr. Marshall then asked for a motion to accept the minutes as written and the **motion was made by Mr. Davis and seconded by Ms. Seeley. The Motion to approve the April 25th minutes was Approved by a roll call vote. Mr. Gardner abstained from voting as he joined the meeting on the 25th late.**

(7:39 AM) Public Hearings Continued:

- Level 2 Unified Permit Application for site plan approval by Mack Devens Development 11, LLC. Continued from April 25th meeting. Mr. Angus noted that there have been conversations with SMC and RJ Design since the April 25th meeting but there are still some outstanding items, so he is suggesting a continuation until the May 30, 2023, 6:45 PM meeting. Some of the outstanding items include:
 - The building is too close to Grant Road which limits screening from the road.
 - Number of loading docks, especially with them facing the residential area. The DEC will need to ensure sound is within allowable limits.

Mr. Angus did note that the applicant has submitted a letter of request for an extension, and he will include that in the documents for this hearing. The reason for the letter is that the official review period (75 days) will be reached prior to the May 30th meeting date. Mr. Angus said he would be happy to answer any questions that the Commissioners may have. Mr. Marshall asked the commissioners if they had any questions, none were asked. Mr. Marshall also asked if there were any questions from the public, Mr. Jenkins asked if the extension would give the developer another 75 days in total or is that an extension until the next meeting? Mr. Angus noted that the extension is just until the next meeting. Mr. Marshall then asked for a **motion to continue this hearing until the May 30, 6:45 PM meeting. The motion was made by Mr. Gardner and seconded by Mr. Davis. The Motion to continue the hearing to the May 30, 6:45 PM meeting was Approved by a unanimous roll call vote.**

New Business:

- **(7:46 AM)** Request for Determination of Use - Applebury Academy, Inc. - proposed nonprofit educational corporation. The Property located at 29 Buena Vista Street (Parcel ID#31.0-0002-200.0) in the Innovation and Technology Center Zoning District. Mr. Lowitt noted that he read an article in the Worcester Business Journal which made note of the purchase of 29 Buena Vista St. for a Medical Clinic by Applebury Academy, Inc. With Medical Clinics not an allowed use in the Innovation and Technology Center. Mr. Lowitt reached out to Dr. Appleberry and Attorney Joubert to get clarification of their planned use of the facility. Attorney Joubert was kind enough to draft a use letter, as well as filing to amend their articles of incorporation as an educational non-profit which is an allowed use in this zone. Mr. Lowitt feels that this addresses his concerns, clarified the issue and Mr. Lowitt would recommend accepting Applebury Academy, Inc. application once their submission for the modification to their articles of incorporation has been approved by the IRS, as an allowed use in the Innovation and Technology Center Zoning. Mr. Marshall asked if there were any questions from the Commissioners and Mr. Gardner asked what exactly is the Center going to teach/do at the facility. Dr. Applebury responded that this center is going to be Autism specific as there are 400 students with Autism that for some reason are not able to attend the public schools so this center will help as many as possible with school and life skills. Dr. Applebury also noted that she is the only DCSF Expert licensed to assist Autism children. Mr. Marshall asked if there were any other questions from the Commissioners or Public? None were asked. Mr. Marshall then asked for a **motion to approve the determination of use of 29 Buena Vista Street for Applebury Academy Inc. once the approval from the IRS is received and submitted to the DEC. The motion was made by Mr. Gardner and seconded by Mr. Poutry. The motion was approved by a unanimous roll call vote.**
- **(7:51 AM)** Mr. Angus combined the next two agenda topics as they are related. **2023 Municipal Vulnerability Preparedness Program Pocket Forest Grant Application & Municipal Vulnerability Preparedness Program Letter of Support & Commitment of Funding.** Mr. Angus would like to build off of the current Pilot Pocket Forest Project and continue working with Ayer. This year they are looking at building two pocket forests in Devens, the first near UNACC Antietam play field and second near the Ayer, Shirley Middle School as well as two more in the town of Ayer one at Sandy Pond School House and the second at the Ayer Shirley Regional High School. Mr. Angus noted that they are working very closely with the consultants from the BSC Group on this grant. They are working to get this grant submitted by the 2:00 PM deadline today. So, they are looking to get a letter of support from the Commissioners to be included with today's submission. The benefit of these pocket forests is we are not just building a pocket forest but also an educational forum. With two of them being on school property the students can continue to engage in awareness of what the pocket forests do to benefit the area. Mr. Angus stated as part of the second agenda topic they are also looking for a letter of support from the commissioners for financial support of this grant as well. With Devens Enterprise Commission taking the lead on this application, we are going to be providing a lot of in-kind match services in the form of hours. Mr. Angus asked for a dollar amount for the match, but Ms. Suedmeyer does not have a specific dollar amount at this time. Last year we did provide a \$5K financial match for purchasing equipment and plants and we would like to see about offering the same this year. MassDev. DPW has also been working with us and will continue to do so. Devens DPW has been supplying compost as well as their time and equipment. Mr. Gardner noted that with him being on the board of trustees of the Sandy Pond School he is going to abstain from voting as he did not want to risk a conflict of interest for the grant. Mr. Gardner does not believe there would be one but wanted to disclose this information just in case. Mr. Angus noted that a letter has been drafted for the Commissioners confirming their support as we have already gotten letters from UNACC and Parker Charter School. We can leave the statement of 20% match. Ms. Suedmeyer noted that MVP would most likely like a specific dollar amount so she would like the approval to note a specific dollar amount once the data is tallied. Mr. Marshall asked where this grant came from, and Mr. Angus noted that is part of the Massachusetts Municipal Vulnerability Preparedness Program (MVP) and that this grant is a 2-year grant. Mr. Marshall asked if there were any questions, none were asked. Mr. Marshall then asked for a motion to

approve two things: 1) the submission of the MVP Application 2) the letter of support and commitment of funding including the commitment of \$5K over the life of the grant (2 yrs.). **The motion was made by Ms. Seeley and seconded by Mr. Poutry. The motion was approved by a roll call vote with the exception of Mr. Gardner who abstained should it be seen as a conflict of interest.**

- **(8:04 AM) Read File:**

Mr. Angus went over the articles within the Read File:

- AZZUR Ribbon Cutting at 45 Jackson Road was held on April 27th. The building will house 30 Clean Rooms once it is all said and done.
- Earth Day was held on McPherson Rd April 21st.
 - Jabil at 112 Barnum Road had volunteers who did an amazing job cleaning up Bishop and McPherson Road with the help of Devens DPW
 - Tables for Education
 - Tours of the pollinator meadow on Bishop and McPherson
 - Tour of the new Nashua River trail built in Ayer.
- Yale Student Visit April 28th
- Pocket Forest Planting day which is scheduled for April 29th.
- Farmers Market – July through October
- SmartWays Event scheduled for May 12th.
 - An invitation has been extended to businesses in Ayer and Littleton as well.

(8:12 AM) Old Business: Mr. Marshall asked if there was any old business. Ms. Seeley noted that she has been speaking to the town clerk of Shirley Mr. Oelfke about the MBTA Requirements and noted that he has been working with the state and they will need to have 400 units started by 2024. Mr. Chapman asked if the letter that was talked about earlier has been sent out. He is offering his help should it involve Harvard. Mr. Angus and Mr. Lowitt said they have had a few conversations, but the letter has not been sent out at this point. Mr. Angus noted that MBTA is looking for a commitment to build but they do not have to be built right now. Mr. Marshall asked if we know what each town needs to have built. Mr. Angus noted that MBTA does have a formula to figure out what your town requires based in the location of the station. Mr. Marshall asked if there was anything else, and nothing was added.

(8:18 AM) Public Comment: Mr. Marshall asked if there are any questions from the public. There were no questions or comments.

(8:19 AM) Mr. Marshall then noted the upcoming meetings. May 30th 6:45 PM Public Hearing and June 8th 7:30 AM the Monthly Meeting.

(8:20 AM) Mr. Marshall asked for a **motion to adjourn the Public Hearing. The motion was made by Mr. Gardner and seconded by Mr. Poutry. Adjournment was concluded unanimously by Roll Call.**

List of Exhibits

Agenda

Minutes

- April 25th

Public Hearing

- None

New Business

- Applebury Academy, Inc Letter of Use
- Applebury Academy, Inc. Devens Use Letter

- Applebury Academy, Inc. Form 1023-EZ
- Municipal Vulnerability Preparedness Program Letter of Support
- Municipal Vulnerability Preparedness Commitment of Funding
- Draft Schedule of Meetings for July – December
- Draft Application Submission Schedule for July – December
- Read File

Old Business

- None