

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

Members Present: Duncan Chapman (joined at 6:58 PM), Dix Davis, James DeZutter, Melissa Fetterhoff (joined at 7:10 PM), Robert Gardner, Christopher Lilly, William Marshall, Martin Poutry, Debra Rivera, Paul Routhier, Deborah Seeley

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

Guests: Donna Bulger (Clear Path for Veterans), Michelle Lambert & Barbara Batshalom (Consultants from Sustainable Performance Institute), Jim Newman (Consultant from Linnean Solutions), Lt. Bagley (State Police), John Osborn (Harvard Press), Meg Delorier (Acting EVP for MassDevelopment), Dan Rivera (CEO of MassDevelopment), Dave Abdo (MassDevelopment Chief of Staff), The remaining attendees are Residents of Devens; Susan Gabriel, Matt Barrague, Maureen Babcock, Karen Corrieri, Phil Fama, Jeff and Jessy Lowe, Bill Dustin, Cindy Carter, Lois Russo, Isabel & Jim Geller, John Knowles, Bob and Kathy Benschimal, Paul Green of Harvard, Victor Normand of Harvard, Ken Ashe, & Richard Enright

Members Absent: Jim Pinard

(6:45 PM) Chairman William Marshall called the meeting to order and did a roll call

Mr. Marshall read that the 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. Angus informed all attendees that the Devens Enterprise Commission is recording this meeting. John Osborn of the Harvard Press received permission to record the meeting as well.

(6:47 PM) Chairman Marshall noted, we will need to nominate Ms. Rivera as a Regional Representative for this meeting. He then asked for a Motion to Nominate Ms. Rivera which was made by Mr. Routhier and seconded by Mr. Davis. The motion was approved unanimously by a roll call vote.

(6:59 PM) Mr. Marshall reviewed the Agenda of today's meeting

(7:02 PM) Review Minutes:

- **November 3rd Minutes** were discussed, and 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 Ms. Seeley and seconded by Mr. Gardner. The Motion to approve the November 3rd minutes was **Approved by a roll call vote, Ms. Rivera abstained from the vote as she was not present for the November 3rd meeting.**

Public Hearings:

- **(7:02 PM)** The Chairman read the legal notice. One-Day Wine & Malt Beverage License request from Clear Path for Veterans New England for their annual open house gala being held on Friday, December 7, 2022, from 6:00 PM to 10:00 PM at 84 Antietam Street Devens, MA (Parcel ID#031.0-0002-0400.0). Mr. Angus introduced Ms. Bulger from Clear Path and Ms. Bulger noted that they are anticipating 70 – 80 people between 6 & 10 PM, they will be having tours of their facility and will have the lights on showcasing the garden in front of the building. The food and alcohol will be served in the dining area and possibly on the deck should the weather be nice. Mr. Marshall asked Lt. Bagley if he had any concerns. Lt. Bagley noted that he has read through the plans online and saw that they are planning to hire a detail for the alcohol service area, so he has no concerns. Mr. Angus went over the Staff Report on the event and noted the following 5 conditions:
 1. The one-day special license to serve wines and/or malt beverages is valid for 84 Antietam Street on Thursday, Friday, December 2, 2022, from 6pm – 10 pm only.
 2. The serving and consumption of alcohol is limited to the dining room and patio area only at 84 Antietam Street as shown on the event layout plan. A police officer shall be inside this area at all times while alcohol is being served/consumed.

3. The Applicant is an individual, as the responsible manager for the organization and shall control the dispensing of alcohol to persons not under the age of twenty-one (21) and shall not serve alcohol to individuals who are or “appear to be” under the influence of alcohol.
4. The Licensee must purchase alcoholic beverages from an authorized source. Licensees CANNOT purchase from a package store and CANNOT accept donations from anyone.
5. All waste must be contained on-site and properly disposed of. Recycling is mandatory.

Mr. Marshall then asked if there were any questions from the Commissioners followed by the Public and none were asked.

Mr. Marshall then asked for a motion to close the hearing. The motion was made by Mr. Lilly and seconded by Ms. Seeley.

The hearing was closed by a unanimous roll call vote. Mr. Marshall then asked for a motion to Approve this Application, the motion was made by Mr. Lilly and seconded by Mr. Davis. The motion to approve the application was **Approved unanimously by a roll call vote.**

New Business:

- **(7:10 PM) Green Incentive Presentation – Sustainable Performance Institute** Mr. Lowitt noted that the DEC has brought the Sustainable Performance Institute on to re-evaluate our Green Incentive Program and the sustainable incentives. Mr. Lowitt had Commissioners Poutry and Gardner comment as members of the committee on this project. Then he introduced the two consultants of the Institute, Ms. Lambert & Ms. Batshalom. Ms. Batshalom kicked off the topic and noted the Governor’s Executive Order to decarbonize the state and that they looked at a wide range of precedents from around the county In order to get a feel of a well-rounded base line for where to focus for Devens. They interviewed several key stakeholders, including local developers and MassDevelopment Utility personnel. Ms. Lambert went over the recommendations they came up with after meeting with everyone and collecting the information. The goal of the incentive program is to help facilitate and incentivize lower carbon, sustainable development in line with the Reuse Plan goals and the Devens Climate Action Plan goals. Ms. Lambert did note that a few of the recommendations identified have already been part of Devens efforts. Ms. Lambert then went over the items the staff and committee members have noted as Top Priorities, there are 8 of them. Ms. Lambert then took us through the Recommendations for going forward. Mr. Marshall asked the Commissioners if there were any questions. Mr. DeZutter asked about the cost for this program. Mr. Lowitt noted that we should be able to cover this within our current budget. Mr. Chapman asked if there wasn’t a line item already in the budget to cover this. Which Mr. Lowitt confirmed there is. Mr. Angus noted that there has been a line item for a while, but we have only had 1 firm take advantage of this and that is why we are working with SPI to try to get more firms to take advantage of them. Mr. Chapman asked if the existing business and future business knows that if we do adopt these stretch goals there will be costs involved. Mr. Lowitt did note that there would be costs but also by implementing these changes they will actually have savings down the road. Ms. Batshalom gave a link to the Net Zero Cost Study which showed how minimal the costs actually have been.
<https://www.dropbox.com/s/ptoHg3nabfgfwij/BE%2B%20ZeroEnergyBldgMA2019.pdf?dl=0> Mr. Marshall then asked the Public if there were any questions. Ms. Lowe asked if there would be consideration for a community composting location as she currently has a spot on her property but feels it is bringing rodents, which is something she would not like to do. Mr. Lowitt noted the DEC is exploring with DPW and our regional Recycling Agent on how we might be able to set something up where you could drop off your items or an alternative service but he is looking to have a meeting and would invite you to join the meeting so they can get the residents input. Mr. Dustin noted that he doesn’t see anything about plantings Invasive vs Native plantings. Mr. Lowitt responded to Mr. Dustin’s request stating that DEC already required the planting of Native plants and prohibited Invasive plants. Mr. Angus added that as part of the DEC review processes, they have applicants develop invasive species management plans as well. To help avoid invasive plants colonizing.
- **(7:49 PM) Municipal Vulnerability Preparedness – Pocket Forest Action Grant Presentation** Ms. Suedmeyer noted that this is a joint project between Ayer and Devens and funded through a Municipal Vulnerability Preparedness Grant. She introduced Jim Newman from Linnean Solutions. Mr. Newman presented the plan for Pocket Forests in Devens and Ayer. This project is right in line with the Green Incentives presented moments ago. Mr. Newman noted the Climate adaptation actions that this project will facilitate. This project has two steps 1) to install a pilot tiny or pocket forest in Ayer. 2) is to try to identify locations for future Pocket Forest installations in both communities. They are looking at space owned by towns, property owners and/or businesses. Pocket Forests are densely populated small spaces not at all like a park. These spaces will have the benefits of a forest -eco system, just on a much smaller scale. The benefits of a Pocket Forest

are Biodiversity, Water Quality, Air Quality, Pollution Control, Cooling, Culture & Community, and Economics. There are a number of ways the community can get involved with this project; Planting, define where the Forests should go, Monitor and maintain them long term. Choosing sites for future Pocket Forest to get the best results in Air Quality, Water Quality, Cooling, Aesthetic and Cultural enhancements. To start the process of planting a Pocket Forest there 6 steps 1) Site Clearing 2) Land work and Site Access 3) Soil Building 4) Water and Ground Cover 5) Planting then it would need 6) Monitoring and Maintenance. You can get more information as well as information about up coming events at <https://climateresilient.wixsite.com/ayerdevens>. Mr. Marshall asked the commissioners for Questions. Mr. Gardner asked if the Pocket Parks are subject to the Conservation restrictions. Ms. Suedmeyer said that if the spot selected is in the Conservation area, then the required permits would be submitted. Mr. Newman added that the committee would ensure that this would be the best site beforehand and either submit the applications or select a different site. Mr. DeZutter then asked what the minimum metrics for the forest are. Ms. Suedmeyer noted the smallest size would be a 10' X 10' +/- but they are looking to try to make them larger where possible. As for sustainability, in the 1st couple of years there may be the need for weeding and watering but after that it should be self-sustainable. Mr. DeZutter then asked about #s for trees planted in the forest. Ms. Suedmeyer noted that it really depends on the plan for that specific park. If there is a want for a walking path or even a sitting area. But the idea is to plant as many trees/shrubs as possible in that area. Mr. Angus added that the ideal size would be the size of a basketball court. Mr. Newman added that the planting design is based on the availability of the land. Mr. Marshall than asked if there are any questions or comments from the Public. Ms. Gabriel noted that she likes the idea of the pocket forest and all the initiatives discussed tonight.

- **(8:19 PM) Read File.** Mr. Angus went over the documents that were in the past handed out to the attendees to read at the meetings.
 - Commercial Development Cap Update: article from the Boston Globe
 - The Commonwealth of Massachusetts authorizes Devens to issue an Additional Beer and Wine License (9/26/22) which the Rapid Refill Convenience Store will be applying for.
 - Ayer-Devens Pocket Forest MVP Action Grant
 - Devens – Farmers Market 2022 Season Recap:
 - Letter from Devens Resident – Speeding on Chance Street
 - Designated / Preferred Truck Route Complaints Septage Route and Little Leaf Farm
 - Temporary Central Intake Center for Homeless Families for 4 – 6 months – Processing Center not as a permanent Shelter Mr. Angus did note that they have asked Mass Development, MEMA and DHCD consider hosting a session for the public to get their questions heard and answered. Mr. Angus hopes this will be scheduled in the near future.
 - Mr. Davis asked why are they stating 4 – 6 months of the use of the center? This is an ongoing issue. Mr. Lowitt noted that it is a temporary shelter and when DEC issues a Certificate of Occupancy they will enter a Temporary Certificate of Occupancy ending in 4 to 6 months. Mr. Lowitt also noted that MEMA has said that they are in the process of building permanent facilities, and they hope to have some of them up and running before this reaches its 6-month time frame.
 - Mr. Marshall asked if there are any question from the Public on any of these files. The Temporary Central Intake Center item got a number of questions raised. With the majority of them being directed to MassDevelopment like; **MassDevelopment Responses are in RED DEC Responses are in BLUE**
 - Why weren't Residents involved in the selection process? Mass Development responded to a request for potential sites. **With the Sister Agency just asking for suggestions they didn't feel it was the time to bring the residents in**
 - Why was the notification sent out just days before it would be in effect? **The notification was sent out within 24 hrs. of finding out the center has been selected**
 - Who will be coming to the facility? **Primary folks are Mothers, Children and Pregnant Women Ms. Delorier also noted that DHCD has a process of screening the women before offering them a ride to the center. There will be no people just showing up at the Center without being screened.**
 - Is MassDevelopment being Compensated for the center? **Yes, the Governor has filed a bill and MassDevelopment is expecting to be paid for all expenses.**

- With Devens having no other Community Facilities why was Devens even selected? We were asked to give a location by our sister agency, and it was selected.
- One Resident likes the Shelter just wishes it was not so close to the Parker Charter School.
- As much as I understand we were notified 24 hrs. after notification but why weren't the residents brought in for the selection process? Mr. Marshall This was a request from MEMA to MassDevelopment, and DEC is responsible for processing the application and ensuring it is a safe and proper site, but MassDevelopment is the chooser of the site. Ms. Delorier added that they are not the chooser of the site they get requests for information which they supplied. They didn't feel this was the time to start to notify residents, until they were notified that they were a selected site then did they notify residents.
- Mr. Angus noted that the comments regarding location, safety and security are all valid questions / concerns. He is hoping to get more answers to these questions. It is his understanding that this will be a secure facility not a walk-in facility. DEC is trying to get confirmation on this.
- One resident noted that it is fine not to like where it is taking place but don't just say that, come up with an alternative location
- One resident noted how initiatives are vetted here in Devens and how much collaboration goes into the initiatives and a comment on Focus on community participation. So, this recent item of the Intake Center coming to their attention in such a short time has the residents feeling not communicated to or cared about. While the businesses seem to be well cared for. She understands there have been a number of staff changes but really wants to feel as their input counts and wants to be included.
- Mr. Chapman Commissioner requested that the decision for MassDevelopment to offer a facility in Devens without notifying the residents was an error. But this has been done so we need to move forward based on where we are. But in the future, he hopes MassDevelopment should bring in the residents before offering any building for any use.
- Mr. Lilly Commissioner. Noted that this topic is really an emergency situation and not like the other two topics of tonight's meeting where DEC has had time to delve into them, this is regarding what we can and can't do. We do have an issue of homelessness in MA that really needs to be addressed and MassDevelopment did as well as they could in this matter.
- One resident doesn't have an issue with providing shelter for the homeless. Their issue is that MassDevelopment doesn't include reaching out to the residents for their input. Feels he isn't part of a community as community is conversation and there doesn't seem to be communication between MassDevelopment and the residents.
- One resident is confused by MassDevelopment, noting that they received a request for information from a sister agency which they supplied. But then the next time he heard that MassDevelopment gave the sister agency the specific location which was accepted. He felt that if a specific site was given then the residents should have been included in the selection. But instead, the residents received that on December 5th the center will become the Intake Center.
- One Resident asked why not use the National Guard Facility as it has working showers? Ms. Delorier noted that she does not know if they received the request from the sister agency or if they responded. The 2nd question was, will the security be armed? Ms. Delorier believes that the security will not be armed but that is a question for the sister agency.
- Mr. Lowitt wrapped up by noting that there are still a number of questions that need answers. They have requested MEMA, DHCD and MassDevelopment to hold a public meeting to address these and they will let everyone know as soon as it is scheduled. Ms. Delorier noted that they will be sharing all the information they get as soon as they get it but as for a public meeting, they will not be able to answer the questions, but they have put the request forward to MEMA and DHCD.
- One resident felt that as soon as the letters were being taped to doors that would have been the perfect time to let the residents know that there will be a meeting in X number of days to address all your questions/concerns, rather than having all the residents flowing to the DEC meeting as this meeting is the only meeting, they have had the opportunity to voice their concerns. There is a Devens Committee which is designed to be a liaison between MassDevelopment and the community, so why weren't they notified and given information so they could have had a meeting for the community to show up that MassDevelopment could have spoke at. He also

noted that he has read that there is 10M dollars set aside for the intake center as part of addressing the illegal immigrants in the state, but he also read that this center is not for illegal but for homeless Americans who are pregnant or with children. Also, while investigating he was told that this is temporary and will be closed in 4 to 5 months so will not affect the rental of the sports fields. With the trailers in front of the building for showers and restrooms it does make the area more of a shanty town, he feels that the residents who are here all winter should have been considered not just the income of the field rental as they will have to look at this shanty town all winter.

- Mr. Angus there have been a number of questions already addressed but he will continue to push MassDevelopment to reach out to the other two organizations for a meeting with the public to try to address any other questions and concerns. He does have our inspectors involved in reviewing this (Health, Plumbing, Gas, Electrical and Building) with the public safety so there is a lot of coordination going on between state and local agencies. But we still have a number of questions as well so he hopes MassDevelopment will push for meetings/presentations for the agencies.
- One resident thought she understood the flow chart of how land use decisions are made, that is until this item came in. She would like to have a separate discussion on the process of land use is decided on in Devens. Mr. Lowitt responded that we follow the Devens Bi-laws, State agencies are exempt use which means they allowed in any district. But they still need to file permits based on their planned use with DEC, and they need to follow our regulations.

Old Business:

- **(9:25 PM)** Approval of the DEC 2023 January – July Meeting Calendar Mr. Angus noted that we will need acceptance of the calendar for the 1st 6 months of 2023 from the Commissioners, he stated that the calendar was presented at an earlier meeting and that we have not received any comments from the Commissioners. Mr. Marshall as for a Motion to approve the January – June 2023 Calendar and the motion was made by Mr. Gardner and seconded by Mr. DeZutter. The motion to accept the calendar was unanimously by Roll Call

(9:34 PM) Public Comment – One Resident raised concerns about the Truck Traffic on Buena Vista. Mr. Angus noted that DEC has been working this issue with the companies and continue to do that

Mr. Marshall then noted the upcoming meeting. December 8th at 7:30 AM The Monthly Meeting as well as an Executive Session following the meeting and then December 20th at 6:45 PM Public Hearing.

(9:36 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. Gardner and seconded by Mr. DeZutter. Adjournment was concluded unanimously by Roll Call.

List of Exhibits

Agenda

Minutes

- November 3rd

Clear Path for Veterans

- Application
- Staff Report

New Business

- Green Incentive Presentation – Sustainable Performance Institute
- Municipal Vulnerability Preparedness – Pocket Forest Action Grant Presentation
- Read File

Old Business

- DEC Jan – June 2023 Meeting Calendar