

**Devens Enterprise Commission
DEC Public Hearing & Meeting
Minutes November 17, 2020**

Members: Duncan Chapman, Dix Davis, Jim DeZutter, Robert Gardner, Christopher Lilly, Robert Markley, William Marshall, Marty Poutry, Debra Rivera, Paul Routhier

Staff: Peter Lowitt, Neil Angus, Kate Clisham

Absent: Melissa Fetterhoff, Jim Pinard

This meeting was held virtual via Zoom Meeting in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A. s.20. W. Marshall called the meeting to order at 6:47 PM and read the agenda. W. Marshall took roll call and went over the virtual meeting procedures. The following individuals were also in attendance: Kristin Cullen, Ann Columbia, Doug Hartnett, Tyson Reynoso, Roy Herzig, Jim Moore, Blake Martin, Kyle Hays

M/S/V R. Gardner, D. Davis to appoint D. Rivera as a voting member; approved unanimously.

6:56 PM **Minutes:** **M/S/V** P. Routhier, D. Davis to approve October 27, 2020 minutes as written; approved unanimously.

Public Hearings:

6:57 PM **Continued – Level 2 Unified Permit application submitted by MassDevelopment Finance Agency for Site Plan Approval and Wetland Request for Determination of Applicability related to the construction of a new water treatment plant, including parking, emergency generator, associated drainage, and utilities. Project located on portions of 150 and 168 Patton Road (Parcel ID#: 10-9-200 and 11-99-204), as well as utility connections within the Patton Road Right of Way, Devens, MA in the Open Space and Recreation Zoning District**

P. Lowitt reported the property is adjacent to the conservation restriction (CR) and MassDevelopment is working with the Trustees of Reservations (TTOR). He noted J. Marc-Aurele reported TTOR has requested MassDevelopment to pull the boundary further away from the CR. Until the boundary is worked out we will need to continue the hearing to December 3, 2020. **M/S/V** M. Poutry, C. Lilly to continue the hearing to December 3, 2020 at 7:30 AM; approved unanimously by roll call vote.

7:00 PM **Level 2 Unified Permit submitted by King Street Properties Acquisitions, LLC for Phase 1 preliminary site and utility construction work to accommodate a future Commonwealth Fusion Systems, LLC manufacturing building. Property located at 111 Hospital Road, Devens, MA (Parcel ID#18-7-200) in the Innovation and Technology Business District.**

W. Marshall opened the hearing and read the public hearing notice. Tyson Reynoso from King Street Properties on behalf of Commonwealth Fusion Systems (CFS) introduced his project team. He reported this project represents the first phase of a multi building campus for CFS at 111 Hospital Road. He indicated this is one of two applications that was split into two parts in order to advance the earthwork necessary for the manufacturing facility. The second Unified Permit application was submitted for the DEC's December hearing. T. Reynoso introduced Kristin Cullen. K. Cullen reported CFS was founded in 2018 and spun out of MIT to study/create a fusion device as a power source. She indicated CFS has grown quickly and raised \$250 million to support the mission to create a power source for the world. K. Cullen reported they are very excited about Devens and its proximity to MIT for continued collaboration. She noted this will be CFS corporate headquarters to pave the way for advanced magnet manufacturing and the very first fusion power plant. Doug Hartnett went through the project site, sharing his screen. He noted the project site is a 44 acre parcel across from New England Studios. This project entails an 11 acre portion for the first phase and the CFS 1 manufacturing building. D. Hartnett reported the site was once the former Oak and Maple housing area and includes some paved roadways and drainage and utilities. He indicated this earthwork will set up the framework for the long term potential and future buildout of the campus master plan. D. Hartnett reported a trailer will be placed at the site entrance for construction operations. He reviewed the clearing plan noting the limits of clearing are outlined in red. He indicated they have adjusted the limits to address staff concerns and retain more trees. He reported the utility work consists of looped water and includes relocation of sewer and future sewer extensions. It also includes the extension of electric, telecommunications and gas lines and utility pole relocations. D. Hartnett reported they are working with Devens Utilities on this phase. R. Markley asked how many parking spaces the site will include. D. Hartnett noted the parking is not part of this phase but will be included in the next application. N. Angus noted this project only includes the enabling site work of clearing and grading.

The entire buildout will be submitted in phases. N. Angus went over the staff report indicating the key project issues with the site access and sight lines with the entrance drives. He indicated the applicant has put together a robust plan for 11 acre clearing to avoid any runoff/nuisance/dust blowing offsite to resident areas close by. N. Angus reported there is no slope activity in this phase of the project but the site is subject to a number of limitations. Since the site is the part of the BRACC Activity and Use Limitations (AUL) as well as the Land Use Control Implementation Program (LUCIP) requirements and Devens Soil Management requirements. The applicant will need to work closely with Devens Utilities on all utility work to be done. N. Angus reported this is a multi-step process and a series of phased applications with this phase only including site enabling work. Before approvals for the next phase a performance bond guarantee should be considered in case future development doesn't go forward the bond would be used to return the cleared areas and re-stabilize the site. If the next phase moves forward the bond would be returned to the applicant. N. Angus noted staff has no concern with the one waiver request since it doesn't apply to this phase. He indicated staff asked the applicant to limit tree clearing and to extend the boundary and D. Hartnett has noted they have. The 30-day comment period has expired and we received one comment from Devens Utilities. Public comment: Roy Herzig noted the soil management policy does allow soils to be removed off site under MassDevelopment direction. N. Angus thanked R. Herzig for the clarification.

M/S/V R. Gardner, P. Routhier to close the public hearing; approved unanimously by roll call vote

P. Lowitt reviews the draft Record of Decision noting the one waiver request requiring a registered landscape architect since this phase of the project doesn't require staff has no issues and recommends granting. **M/S/V** D. Davis, M. Poutry to grant the waiver request; approved unanimously by roll call vote. P. Lowitt reviews the Findings and Conditions; staff recommends approval. C. Lilly asked about the performance bond, how is the amount determined. P. Lowitt reported we will request the estimated costs from the applicant. C. Lilly asked if that comes before the Commission or staff. P. Lowitt indicated staff after review with the applicant.

M/S/V P. Routhier, D. Davis to approve the Level 2 Unified Permit for site enabling work; approved unanimously by roll call vote.

7:47 PM Level 2 Unified Permit including site plan review and a Wetland Notice of Intent, submitted by Massachusetts Development Finance Agency for the construction of new water treatment facility for removal of PFAS compounds. Property located at 44 MacPherson Road, Devens, MA (Parcel ID#035,0-0000-0700.0), in the Open Space and Recreation Zoning District.

W. Marshall opened the hearing and read the public notice. Jim Moore introduced Blake Martin and Kyle Hays consultants working on the project from Weston & Sampson. J. Moore indicated this facility is strictly for the treatment of PFAS to below undetectable and not iron and manganese like the Patton and Shabokin projects. B. Martin provided an overview of the project with the site plan and elevated access road leading back to the chemical feed building and pump station. He indicated the new 1,080 sf building will house the permanent solution to treat PFAS with two granular activated carbon (GAC) vessels replacing the temporary pad currently housing the one GAC vessel. B. Martin indicated they have worked with the USFWS in order to access the site and obtained approval for the temporary encroachment onto USFWS land. He reported the site is also located adjacent to wetlands and habitat for the wood turtle, blue spotted salamander and blanding's turtle. He indicated there is no work proposed within 100 feet of the wetlands but there is some grading and tree work just outside the buffer. He reported the project obtained approval from the Natural Heritage Endangered Species Program (NHESP) and will implement a management plan for construction timing. N. Angus went over the staff report indicating the site is small and narrow and fully surrounded by USFWS land. There is an existing access drive and there is no concern for stormwater runoff with the overall site. He indicated the lighting will be allowed between 11 PM – 7 AM for safety reasons and lighting will be on motion sensor. He indicated the two waiver requests – one for relief from required setbacks and one for relief of installing a bike rack. Staff has no concerns as the site is fully surrounded by USFWS land so there is no potential development. Since the site will be unoccupied and only accessed by utility staff and consultants there is no need to install a bike rack. The 30-day comment period expires November 21, 2020 so we cannot close the hearing and recommend continuing until December 3, 2020 for review of the draft Record of Decision. B. Martin reported he received the file number issued by the DEP today (#CE-352-0045). Public comment: none. **M/S/V** C. Lilly, R. Markley to continue the hearing to December 3, 2020 at 7:30 AM; approved unanimously by roll call vote.

8:04 PM New Business: W. Marshall noted the draft meeting schedule through June 2021 in the packet. He indicated we will continue meeting virtually but please let us know if you have any conflicts.

8:05 PM Old Business: None

8:06 PM N. Angus pointed out the Private Well PFAS Test Fact Sheet from the Army Corps of Engineers in our packet. He indicated this will also be posted on the DEC website.

8:06 PM **Public Comment:** None

W. Marshall reported the next meeting is scheduled for December 3, 2020 at 7:30 AM. He noted the November evening meeting will be held on December 15, 2020 at 6:45 PM, due to the holiday this meeting is a week earlier than our normal schedule. He reported these meetings are very important so please make every effort to attend. W. Marshall wished everyone a safe and healthy Thanksgiving and reminded everyone to please adhere to the states guidelines regarding COVID-19.

8:07 PM **M/S/V** J. DeZutter, M. Poutry to adjourn, approved unanimously.

List of Exhibits –

- Agenda, Draft Minutes October 27, 2020
- Virtual Hearing Procedures
- MassDevelopment Patton WTP Application
- MassDevelopment Patton WTP Plans
- MassDevelopment Patton WTP Staff Report
- King Street Properties Acquisitions Site Enabling Work Application
- King Street Properties Acquisitions Site Enabling Work Plans
- King Street Properties Acquisitions Site Enabling Work Applicants PPT
- King Street Properties Acquisitions Site Enabling Work Staff Report
- King Street Properties Acquisitions Site Enabling Work Record of Decision
- MassDevelopment MacPherson Well Upgrades Application
- MassDevelopment MacPherson Well Upgrades Plans
- MassDevelopment MacPherson Well Upgrades Staff Report
- Draft Meeting Schedule January – June 2021
- Private Well PFAS Test Fact Sheet from Army Corps of Engineers