

**Devens Enterprise Commission
DEC Public Hearing & Meeting
November 5, 2020**

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

Staff: Peter Lowitt, Neil Angus, Kate Clisham

Absent: Melissa Fetterhoff, Christopher Lilly, Robert Markley 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 7:32 AM and read the agenda. W. Marshall took roll call and went over the virtual meeting procedures. The following individuals were also in attendance: Lucas Anthony, Curt Quitzau, Deven Chauhan, Jim Lampke

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

M/S/V R. Gardner, P. Routhier to approve October 8, 2020 minutes as written; approved unanimously.

7:38 AM Continued Public Hearing: Level 2 Unified Permit application submitted by MassDevelopment Finance Agency for Site Plan Approval and Wetland Notice of Intent related to the construction of a new water treatment plant, including new parking, emergency generator, associated drainage, and utilities. Project located on portions of 88 Sheridan Road (Parcel ID #2-99-202) and 39 Sheridan Road (Parcel ID# 3-99-203), Devens, MA in the Open Space and Recreation Zoning District.

L. Anthony gave an update since the last meeting. He noted they have decided to minimize the width of the driveway reducing pavement from 20' to 12' and including 8' of reinforced turf. He indicated the most significant change is the infiltration basin has been moved back away from the wetland area. N. Angus briefly reviewed the staff report indicating the driveway modification has been approved by the Fire Chief. He reported staff appreciates the change as well as the move to pull the grading away from the wetland area. N. Angus noted the property boundary issue still requires a Level 1 lotting plan in order to site the building on one parcel but that can be addressed with a condition. He noted the wetland notice of intent and reported the applicant has done a great job minimizing the wetland impacts. N. Angus reported we have not yet received notice from NHESP but we do know they'll require a turtle management plan. He indicated the waivers are fairly straightforward noting this is a public facility so for safety reasons it's necessary to have lighting overnight, with motion sensors 11PM – 7AM. If the DEC makes a finding the lighting waiver can be withdrawn. N. Angus reported there is no public sewer in the area the site will require a tight tank. This can be addressed with a condition requiring tank inspection and maintenance records be kept available and added to the operations and maintenance plan. The 30-day comment period has expired with no comments received. Public comment: none. **M/S/V** P. Routhier, R. Gardner to approve the Wetland Order of Condition; approved unanimously by roll call vote.

M/S/V P. Routhier, R. Gardner to approve the waivers; approved unanimously by roll call vote. N. Angus reviewed the draft Record of Decision noting the driveway modification will be added as well as the Mullin Rule Affidavit from D. Rivera. N. Angus reported Condition #12 will be eliminated since MassDevelopment has submitted the design review. **M/S/V** P. Routhier, R. Gardner to approve the Unified Permit as amended; approved unanimously by roll call vote.

8:07 AM Continued Public Hearing: Level 2 Unified Permit Application submitted by Bristol Myers Squibb Cell Therapy Facility (CTF) for a Level 2 Unified Permit Amendment (Site Plan Modification) to modify the approved loading docks on the CTF and construct 421 interim surface parking spaces and associated grading, drainage, landscaping and lighting improvements in place of the approved 600-space parking garage. Property located at 38 Jackson Road (Parcel ID # 9-4-200), Devens, MA in the Innovation & Technology Business District.

P. Lowitt reviewed the staff report noting the minor changes to the landscape islands. He indicated the applicant has requested the right to keep the approval for the previously approved 600-space parking garage and the 44,850 sf warehouse building from April 2020. This would require Level 1 staff review and a building permit provided the plans are not substantially changed from the original submittal. P. Lowitt indicated the waiver request for lighting has been allowed under previous approvals on this project. The 30-day comment period has expired with no comments received. Public comment: none. **M/S/V** R. Gardner, D. Chapman to close the public hearing; approved unanimously by roll call vote.

M/S/V J. DeZutter, R. Gardner to approve the waiver request; approved unanimously by roll call vote. P. Lowitt reviewed the draft Record of Decision and indicated staff recommends approval. **M/S/V** R. Gardner, J. DeZutter to approve the Unified Permit amendment; approved unanimously by roll call vote.

8:18 AM **New Business:** None

8:19 AM **Old Business:** None

8:19 AM **Public Comment:** None

W. Marshall noted the next public hearing will take place November 17, 2020, a week earlier than normally scheduled due to the Thanksgiving holiday. W. Marshall thanked our Veterans for their service in observance of Veterans Day next week.

W. Marshall reported the DEC will move to Executive Session to discuss the Conservation Law Foundation v MassDevelopment and Devens Enterprise Commission. Executive Session is necessary to comply with, or act under the authority of the Attorney-Client privilege and consult with legal counsel to obtain legal advice pursuant to Attorney-Client Privilege. He noted we will not reconvene in Open Session.

8:22 AM **M/S/V** J. DeZutter, M. Poutry to go into Executive Session to discuss strategy with respect to litigation, because an open meeting may have a detrimental effect on the litigating position of the Commission; approved unanimously by roll call vote.

A reminder the DEC will not reconvene in Open Session.

List of Exhibits –

- Agenda
- MassDevelopment 4/8/20 RE: Discontinuance of Portions of Lake George St. & Sherman Ave.
- Memo 5/5/20 RE: Street Discontinuance
- Parcel Map RE: Lake George St. portion discontinuance
- Parcel Map RE: Sherman Ave portion discontinuance
- Letter from J. Lampke 5/3/20 RE: DEC Electronic Signatures
- Certificate of Votes Authorizing Signatures
- Devens Parcel Listing by Zone 4/25/20
- USFWS Oxbow Hunt Plan News Release
- Hunting Plan Expansion Memo 5/5/20
- Memo 5/5/20 RE: FY2021 Budget Clarifications COVID-19 update