

**Devens Enterprise Commission  
DEC Public Hearing & Meeting  
Minutes October 27, 2020**

**Members:** Duncan Chapman, Dix Davis, Jim DeZutter, Robert Gardner, Christopher Lilly, Robert Markley, William Marshall, M. Poutry, Paul Routhier

**Staff:** Peter Lowitt, Neil Angus, Kate Clisham

**Absent:** Jim Pinard, Debra Rivera

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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 6:49 PM and read the agenda. W. Marshall took roll call and went over the virtual meeting procedures. The following individuals were also in attendance: Jim Moore, Lucas Anthony, Jim Cray, Chuck Caron, Deven Chauhan, Curt Quitzau

6:55 PM **Public Hearings:**

**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**

W. Marshall opened the public hearing and read the public hearing notice. P. Lowitt introduced Jim Moore, MassDevelopment Devens Utilities Manager. J. Moore introduced his consultants from Wright-Pierce Lucas Anthony, Jim Cray and Chuck Caron. L. Anthony indicated there are several outstanding items that will require another week or so to take care of. He went over the site plan and noted the proposed water treatment plant will be directly adjacent to the existing Shabokin well pump station that currently has a gravel access drive. He reported there will be a small amount of tree clearing in order to accommodate the new 8,000 sf building. L. Anthony went over the building features noting the low impact development design of the site to decrease impervious surface when they upgrade the gravel access drive to a paved surface. He noted there is a small wetland adjacent to the existing gravel road but they have reduced the size of the new driveway and pulled back the grading to reduce any impact to the wetlands. He reported the project is within an area of critical environmental concern that contains blundings turtle habitat. He noted they are working with Natural Heritage Endangered Species program (NHESP) for approval. L. Anthony noted the building as designed currently will sit on two parcels and MassDevelopment will work with the DEC to combine the parcels to meet the required set-backs. L. Anthony reported the site is a compact parcel that will house the new building, 3 parking spaces, an emergency diesel generator, an above ground propane storage tank and dumpster area. He reported they have requested a waiver for site lighting as the site will require lighting 11 PM – 7 AM for safety (building mounted, motion activated lighting). J. Cray went over the treatment system noting it will treat iron, manganese as well as PFAS. He noted the construction will be staggered with Patton WTP beginning first then Shabokin WTP in order to maintain treatment levels. C. Caron reported on the wetland and turtle management plan submitted to NHESP noting they are awaiting approval. P. Routhier asked if the site will be fenced for security. L. Anthony reported yes, completely fenced with access gates for staff. N. Angus went through the staff report, indicating the 30-day comment period has expired but there are a few minor issues to be addressed Staff recommends continuance to the November 5, 2020 morning meeting. Public comment: none. **M/S/V** R. Gardner, P. Routhier to continue the public hearing to November 5, 2020 at 7:30 AM; approved unanimously by roll call vote.

7:21 PM **Minutes:** **M/S/V** M. Fetterhoff, R. Gardner to approve August 25, 2020 and September 29, 2020 minutes as written; approved unanimously.

7:22 PM **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**

W. Marshall opened the public hearing and read the public hearing notice. L. Anthony reported this project is very similar to the Patton WTP project and may need to be continued to another hearing date. He noted as designed the project does encroach on a small portion of the Mirror Lake Conservation Restriction and will need further time to evaluate. L. Anthony went over the site layout noting there are 2 driveway connections. He indicated the site will be fully fenced and include

access gates. He reported the building is identical to that he described for Shabokin WTP at 8,000 sf with the loading dock, emergency generator, propane tank and wall mounted motion activated light fixtures 11 PM – 7 AM. L. Anthony indicated they reduced the impervious surface significantly working with N. Angus and P. Lowitt. He reported this site has no sewer access so they will need to install a tite-tank. L. Anthony noted the building on this site is closer to the road and they worked with staff to incorporate the landscaping to screen the loading dock. N. Angus noted the wetlands are across the street at this location avoiding any direct impact. W. Marshall asked about the Conservation Restriction. N. Angus noted the project will need to get permission from the Trustees of Reservation. P. Lowitt reported MassDevelopment has asked to continue the hearing to November 17, 2020 to evaluate the Conservation Restriction. Public Comment: none. N. Angus reported the following have joined the meeting: R. Markley, D. Chauhan and C. Quitzau. **M/S/V** D. Davis, J. DeZutter to continue the public hearing to November 17, 2020 at 6:45 PM; approved unanimously by roll call vote.

**7:40 PM 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**

W. Marshall opened the hearing and read the public hearing notice. C. Quitzau provided a project overview with a PowerPoint. He reported the project is currently under construction and went over the approved site plan. Since the approval a number of changes have been made to the site layout as well as a decrease in the number of projected employees from about 800 to 300. The applicant has decided not to move forward with the construction of the parking garage at this time due to the reduced parking demand. C. Quitzau indicated the project would now add surface parking rather than the parking garage. He reported they would like to retain the original approval of the 600-space parking garage as back up if needed for future expansion. C. Quitzau indicated there would also be a modification to the original loading dock approval since the applicant will change the delivery operations for the CTF. Rather than having deliveries to the central warehouse, deliveries would be made directly to the CTF building. C. Quitzau reviewed the site plan indicating the surface parking would be placed north and west of the CTF and east of the Central Utility Building (CUB). He reported there will be 421 parking spaces to satisfy the initial 310 anticipated employees. He noted employee shifts would include a rolling start/end to accommodate peak demand. C. Quitzau reported the project will include electric charging stations and preferred parking spaces for low emission vehicles in addition to the handicap parking. He indicated the change in the delivery to the CTF building will require moving curbs to accommodate delivery vehicles. N. Angus reviewed the staff report noting the applicant would like to retain the original parking garage approval. He indicated as long as there are no significant changes the applicant could submit a building permit for administrative approval if the need arises to erect the 600-space parking garage. He reported the overall stormwater management plan was designed to accommodate the full campus buildout. N. Angus noted the applicant took the initiative to include Low Impact Development (LID) using bio-retention landscape islands. He indicated the applicant submitted a very detailed landscaping plan that complies. N. Angus noted the additional loading docks not being added now can also be addressed with a building permit for administrative approval provided there are no significant changes to the approved plan. Staff has no issues with the site lighting waiver request, as this has been consistent throughout each phase. N. Angus reported Devens Fire Chief has no concerns. The 30-day comment period has expired and staff recommends continuance to November 5, 2020. Public Comment: none. **M/S/V** J. DeZutter, M. Fetterhoff to continue the public hearing to November 5, 2020 at 7:30 AM; approved unanimously by roll call vote.

P. Lowitt reported King Street Properties is planning a marketing event at 45 Jackson Road this week or next week. He indicated they are following COVID-19 protocols to meet safely. N. Angus reported Little Leaf Farms is hosting a virtual grand opening on Thursday November 29, 2020.

**8:04 PM New Business: COVID-19 Risk Level in Devens**

P. Lowitt reported the state has developed a community level data map to highlight risk levels in each community. Devens is not on the map so staff met with MassDevelopment, Devens Fire Chief Kelly and Nashoba Associated Boards of Health (NABH) to address how Devens will be categorized. P. Lowitt reported they determined Devens should go by the community with the most stringent risk level on the weekly reports from the state for Ayer, Harvard and Shirley. P. Lowitt indicated the DEC acting in its capacity as the Board of Health will need to take a vote to do so. W. Marshall asked if local facilities are seeing much activity, such as the conference center. P. Lowitt indicated no conferences are scheduled at this point. N. Angus reported if we go with the more stringent community level we'll air on the side of caution, he noted this could change each week depending on the states weekly reports. He indicated the conference center is hosting training sessions with less than 50 people. W. Marshall asked if we should make note of the nursing facilities and house of corrections facilities. P. Lowitt reported we are not counting the federal prison or the Shirley prison. N. Angus noted the Department of Public Health is mapping clusters in day care and nursing facilities as well as prisons.

**M/S/V** J. DeZutter, M. Poutry to adopt the most stringent risk level for Devens as identified for the Towns of Ayer, Harvard and Shirley on the Massachusetts Department of Public Health weekly reports and will institute the applicable risk level restrictions as outlined by the DPH and Governor's emergency COVID-19 orders going forward until the emergency has ceased; approved unanimously by roll call vote.

8:16 PM **Old Business:** None

8:16 PM **Public Comment:** None

W. Marshall reported the next meeting is scheduled for November 5, 2020 at 7:30 AM. He noted the November evening meeting will be held on November 17, 2020 at 6:45 PM, due to the holiday this meeting is a week earlier than our normal schedule. He reported we have a busy schedule coming up, please keep that in mind.

8:17 PM **M/S/V** M. Fetterhoff, W. Marshall to adjourn, approved unanimously.

**List of Exhibits –**

- Agenda, Draft Minutes 8/25/2020 & 9/29/2020
- Virtual Hearing Procedures
- Patton WTP Staff Report with Plans 10/23/2020
- BMS CTF Phase 3 Staff Report with Plans 10/23/2020
- Shabokin WTP Staff Report with Plans 10/26/2020
- Memo 10/27/2020 COVID-19 Risk Level in Devens