

**Devens Enterprise Commission  
(DEC) Public Hearing and Regular Meeting  
Minutes September 8, 2022**

**Members Present:** Duncan Chapman, Dix Davis, James DeZutter, Robert Gardner, Christopher Lilly, William Marshall, Martin Poutry (7:51), Deb Rivera, Deb Seeley

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

**Guests:** Doug Hartnett (Highpoint Engineering), Tyson Reynoso (Managing Director for King Street Properties), Matt O'Brian (Vivo Architecture), Meg Delorier (Interim VP Devens Operations MassDevelopment), Hilde Karpawich (Highpoint Engineering), Jeff Hodgson (Wagner Hodson Landscape Architecture), Rob Nagi (VHB 7:40), Steve Adams (Editor Banker & Tradesman 8:30)

**Members Absent:** Jim Pinard, Melissa Fetterhoff, Paul Routhier

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**(7:30 AM) Chairman William Marshall called the meeting to order**

Mr. Marshall noted that this 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. Marshall informed all attendees that the Devens Enterprise Commission is recording this meeting.

**(7:33 AM) Chairman Marshall noted that before the meeting can begin, 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. DeZutter and seconded by Mr. Gardner. The motion was approved unanimously by a roll call vote.**

**(7:35 AM) Chairman Reviewed Agenda.**

**(7:37 AM) Review Minutes:**

- **Augst 30<sup>th</sup> 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. Davis. The Motion to approve the August 30<sup>th</sup> minutes was **Approved unanimously by a roll call vote.**

**(7:38 AM) Introductions Mr. Lowitt introduced Meg Delorier the Interim VP/ Director of Devens Operations for MassDevelopment. Mr. Angus introduced Beth Suedmeyer the DEC's new Associate Planner who started officially this week.**

**Public Hearings:**

- **(7:41 AM) 57 Jackson Rd King Street Properties** Mr. Marshall asked if the legal notice needs to be read as this is a continuation from the August 4<sup>th</sup> meeting. Mr. Lowitt noted that it didn't. Then Mr. Lowitt proceeded to cover this hearing. Mr. Lowitt noted that there have been great strides made with all the concerns noted earlier and felt confident that the conditions will be met. Mr. Lowitt suggested we close this hearing and move to the Draft Record of Decision. Before asking for a motion Mr. Angus noted that there is an exhibit that will be added to the record, and he too feels the applicant has made remarkable progress. Mr. Marshall asked if there were any questions from the Commissioners and then the Public. Hearing None Mr. Marshall asked for a Motion to close the hearing. The motion was made by Mr. Gardner and seconded by Mr. DeZutter. The Motion to close the hearing was **Approved unanimously by a roll call vote.** Mr. Lowitt noted that the applicant will be starting with the Amenity Building. Mr. Lowitt then went through the Finding and Conditions noted in the Draft Record of Decision. Mr. Marshall then asked the Commissioners if there were any questions. None were asked. Mr. Marshall then asked for a motion to approve the Level 2 Unified Permit for 57 Jackson Road. The motion was made by Mr. Davis and seconded by Mr. Gardner. The Motion to approve the Level 2 Unified Permit was **Approved unanimously by a roll call vote.**
- **(7:59 AM) 75 Jackson Rd King Street Properties** Mr. Angus noted that this too was a hearing that was continued from the August 30<sup>th</sup> Meeting to give the applicant ample time to work on the conditions. Which they have done. Mr. Angus than noted if there are no questions, he would recommend closing this hearing and moving to the Draft Record of Decision. Mr. Marshall

asked the Commissioners than the Public if there were any questions. None were asked. So, he asked for a Motion to Close this Hearing. The motion was made by Mr. Davis and seconded by Mr. Gardner. The Motion to close this hearing was **Approved unanimously by a roll call vote**. Mr. Angus then reviewed the Draft Record of Decision which he noted was very similar to the ROD for 57 Jackson Rd which was just approved so he skimmed through the Findings and Conditions. Mr. Marshall asked again the commissioners if there were any questions, none were asked. Mr. Marshall than asked for a motion to approve the Level 2 Unified permit for 75 Jackson Rd. The motion was made by Mr. DeZutter and seconded by Mr. Gardner. The Motion to approve the Level 2 Unified Permit was **Approved unanimously by a roll call vote**.

#### **New Business:**

- **(8:17 AM) Questions for Candidates for Governor to inform them about Devens** Mr. Lowitt noted that the Candidates have been invited to the Devens Jurisdiction Committee Meeting next week so they can hear firsthand an overview of Devens and what the Jurisdiction Committee would like them to know about Devens. Mr. Lowitt also asked the Commissioners what Bullet Points/questions should DEC ask at the meeting? Mr. Gardner feels that Vicksburg Square should be discussed as it is split between 2 Towns/County Zoning. Ms. Seeley noted Jurisdiction concerns in the town of Shirley, as their Municipal offices are located in Devens. Mr. Poutry wants to inform them about the old Scenario 2B proposal, DEC had been asked to maintain the Historic Details of all this work done. Mr. DeZutter asked with Devens being such a unique jurisdiction he was wondering if there could be a new Municipal jurisdiction created? Mr. Marshall did note that the Devens Jurisdiction is looking into this already.
- **(8:33 AM)** Mr. Marshall asked Ms. Delorier if MassDevelopment will be attending next week's Jurisdiction Committee meeting next week. Ms. Delorier's response was there are no plans for MassDevelopment to join next week's meeting at this time.
- **(8:37 AM) Discuss Impervious Surface Policy** Mr. Lowitt noted this is part of the Commercial Development Cap and he then went over the current policy and recommends ensuring we stay under the 984-acre cap. Mr. Lowitt asked if there are any questions. Mr. Davis asked if there has been any pushback from developers regarding the vegetative roofs and porous pavement. Mr. Lowitt noted that he really hasn't, as using these materials will allow developers to do more development. Mr. Gardner asked about the cost difference with the pavement. Mr. Lowitt didn't have the exact price but believes it is close to the same price overall. Mr. Angus added that the original price is a little higher but over all is less as they are not required to build stormwater basins etc. Mr. Lilly asked what we are requiring for green roofs. Mr. Lowitt noted that the percentage is 30% of the rooftop with vegetation. Mr. Poutry asked how the porous pavement stands up to the weather changes. Mr. Angus noted that it actually stands up better as it has a large void under it that prevents the frost heaves, and the snow doesn't accumulate on the pavement. Mr. Marshall asked any other questions. No questions were asked. Mr. Marshall asked for a motion to continue with the Porous Pavement Policy updates. The Motion was made by Ms. Seeley and seconded by Mr. DeZutter. The Motion to allow the work on the Porous Pavement Policy was **Approved unanimously by a roll call vote**.

Mr. Marshall asked if there was any other new business which Mr. Lowitt noted there was none.

#### **Old Business:**

- **(8:51 AM) Mr. Marshall asked if there was any Old Business** None was noted.

**(8:52 AM) Public Comment** - Mr. Marshall asked if there were any questions or comments from the public. There were no comments or questions.

Mr. DeZutter did ask if there were any updates from Senator Eldridge's office on the Development Cap? Mr. Lowitt said that he has spoken to his aide, and it is expected to be addressed within the calendar year. Mr. Lowitt also noted that the Governor has filed an Amended Budget bill that has the Cap noted in it as well.

Mr. Marshall then noted the dates for the next two meetings

**(8:54 AM)** Mr. Angus noted there is a Read File on the Website for the Commissioners to look at. Mr. Angus also noted that We along with Ayer have received a Grant (\$260+K) for the creation of Pocket Forests.

**(8:57 AM)** Mr. Marshall asked for a motion to adjourn the meeting. The Motion to Adjourn was made by Mr. Lilly and seconded by Mr. DeZutter and was **Approved unanimously by a roll call vote**.

## **List of Exhibits**

### **Agenda**

#### **Minutes**

- August 30<sup>th</sup>

#### **57 Jackson Road**

- Draft Record of Decision

#### **75 Jackson Road**

- Draft Record of Decision

#### **New Business**

- Questions for Candidates for Governor to Inform Them About Devens
- Discuss Impervious Surface Policy

#### **Commissioner Read File**

- Devens Growth Cap Article from Lowell Sun 9-6-22
- Devens and Ayer Receive \$282,640 MVP Grant for Pocket Forests