Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes October 3, 2024

Members Present: Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall, James Pinard, Martin Poutry, Debra Rivera, Deborah Seeley
Staff: ***Neil*** Angus, Beth Suedmeyer, Dawn Babcock
Guests: Carl Sciple (Harvard Resident), Keith Pruett (Mass State Police), Matthew Porter (Attorney for the Applicant), Dhruvil Rawal (Applicant for Springhill Suites), Hitesh Rawal (Applicant for Hilton Garden Inn)
Members Absent: Duncan Chapman, Paul Routhier

(7:30 AM) Chairman William Marshall called the meeting to order and did a roll call.

Mr. Marshall read that the Devens Enterprise Commission (DEC) 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. People 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.

(7:38 AM) Chairman Marshall noted, we will need to elect Ms. Rivera as a voting Regional Representative for this meeting. **The motion was made by Mr. Poutry and seconded by Mr. Pinard. The nomination was approved unanimously by a roll call vote.**

(7:39 AM) Mr. Marshall reviewed the agenda of this morning's meeting.

(7:41 AM) Review Minutes:
Mr. Marshall noted that we have two sets of minutes to review, and some commissioners were not present at each meeting.

- **August 27th Minutes** Mr. Marshall asked if there were any edits or comments, none were mentioned. Mr. Marshall asked for a motion to accept the minutes as posted. **The motion was made by Mr. Gardner and seconded by Ms. Seeley and the motion to accept the minutes was approved by a roll call vote**. Ms. Fetterhoff and Ms. Rivera abstained as they were not present for the August 27th meeting.
- **September 12th Minutes** Mr. Marshall asked if there were any edits or comments, none were mentioned. Mr. Marshall asked for a motion to accept the minutes as posted. **The motion was made by Mr. Poutry and seconded by Ms. Seeley and the motion to accept the minutes was approved by a roll call vote**. Mr. Gardner, Mr. Lilly, and Ms. Rivera abstained as they were not present for the September 7th meeting.

Public Hearings:

- **(7:44 AM) Joint hearing for Liquor and Common Victualler License Transfers for three locations: .**
    - **27 Andrews Parkway: Wine and Malt Alcoholic Beverages License Transfer from Devens Hospitality, LLC (DBA SpringHill Suites by Mariott), Manager Maura Peeler, to 27 Andrews Operating, LLC (DBA SpringHill Suites Devens Commons Center), Manager Hitesh Rawal.**
    - **31 Andrews Parkway: All Alcoholic Beverages License transfer from DCCC, LLC (DBA Devens Common Center), Manager Maura Peeler, to DCC Center Operating, LLC. (DBA Devens Common Center), Manager Mahesh Patel.**
    - **59 Andrews Parkway: All Alcoholic Beverages License transfer from Devens Inn, LLC (DBA Hilton Garden Inn), Manager Jon Mehlmann, to 298 Queen City Operating, LLC (DBA Hilton Garden Inn Devens Common), Manager Dhruvil Rawal.**

And new Common Victualler License Applications for food service at the following premises:

- **27 Andrews Parkway: SpringHill Suites Devens Commons Center**
- **31 Andrews Parkway: Devens Common Center**
- **59 Andrews Parkway: Hilton Garden Inn**

Mr. Angus noted that the three locations are in the process of changing ownership and the new owner, and their legal representative are present tonight. He then turned the floor over to the legal representative, Mr. Matthew Porter, who noted that the new owners of the three locations own a number of Hotels in MA, and they are planning to keep the three locations running as they currently are. Mr. Porter did note that they have purchased them with the assistance of Avidia Bank and Avidia Bank has requested that the liquor licenses contain a note regarding a Pledge of the License should there be an issue causing foreclosure. Mr. Marshall asked if there were any questions. Mr. Marshall asked if the three locations will be changing their name? Mr. Porter said that all three will remain the same name. Mr. Marshall then asked if there were any questions from the public. None were asked. Mr. Angus then noted that he had spoken with the Public Safety, and they had no issues to report. Mr. Angus also asked State Police Lt. Pruett to conduct a CORI background check on the applicants and Lt. Pruett reported that they all came back clear. Mr. Angus noted that Public Safety has had a new policy that requires any bar establishment having room for over 100 people will require a Crowd Control Manager, so the owners will need to look into training a Crowd Control Manager for the Conference Center. Mr. Angus asked for confirmation as to when the sales will be completed. Mr. Porter said that the sales will be completed next week. Mr. Angus noted that if the transfer of the licenses are approved, we will hold them until the transfer of ownership is completed. Mr. Angus then went over the Staff Report and noted the Recommended Actions. The Victualler Licenses are not transferable, so they require a new License, and we are currently working with the Nashoba Associated Boards of Health on issuing new licenses. Mr. Angus would suggest two motions: 1, Transfer of the Liquor Licenses with the Pledge of License to Avidia. 2, issue the new Common Victualler Licenses to the three organizations. Mr. Marshall asked if there were any other questions. Ms. Fetterhoff noted that it looks like the Crowd Control Manager policy looks like it is more for Bars, Night Clubs etc. not for conference centers. Mr. Angus said he will look at getting a clearer interpretation from the Fire Chief. Mr. Marshall then asked for a motion to close the hearing for the transfer of the three Liquor Licenses and the three Common Victualler Licenses. **The motion was made by Mr. Gardner and seconded by Mr. Pinard to close the hearing. The motion was unanimously approved by a roll call vote.** Mr. Marshall asked for a **motion to approve the transfer of the three liquor licenses contingent of the transfer of ownership of the properties and the Pledge of License at the 27 and 31 Andrews Parkway properties, subject to the same conditions as the existing licenses for each respective property, in the name of the LLC, DBA and stated Manager on each ABCC application:**

1. **The Hours during which Alcoholic Beverages may be sold are from 11:00 a.m. to 1:00 a.m. Sunday through Saturday).**
2. **The Licensee shall, in all respects, conform to all the provisions of Chapter 138 of the General Laws, as amended.**
3. **The Licenses shall expire on December 31, 2024.**

The Motion was made by Mr. Lilly and seconded by Ms. Seeley. The motion to approve the transfer of the three licenses was approved unanimously by a roll call vote.

Mr. Marshall then asked for **a motion to approve the issuance of new Common Victualler Licenses for 27, 31, and 59 Andrews Parkway, subject to the following conditions for all three properties:**

1. **1.The license holder shall obtain a food service permit from the Nashoba Associated Boards of Health prior to the Common Victualler License becoming effective. A copy of the food service permit shall be submitted to the DEC.**
2. **The licensee shall, in all respects, conform to all the provisions of Chapter 140, section 1 through 11 inclusive of the General Laws, as amended, and any rules and regulations made hereunder by the licensing authorities. All licenses will expire December 31, 2024, unless suspended earlier, canceled, or revoked.**

The Motion was made by Mr. Lilly and seconded by Ms. Seeley and was approved unanimously by a roll call vote.

New Business:

- **(8:01 AM) DJFC – Fire Protection:** Mr. Angus noted that at the next Devens Jurisdiction Framework Committee they will be discussing the Fire Protection. Mr. Angus noted that he has met with the Fire Chief and reviewed what he is planning to share at the meeting. The Fire Department is in agreement with the material. Mr. Angus asked if there were any comments from the Committee Members? Mr. Marshall noted that this could be the most complex part of the disposition. Mr. Gardner asked if this could have anything to do with the Nashoba Hospital's future? Mr. Angus noted that the state has asked the fire departments to track their calls and time away from their respective stations as they are offering a stipend to help offset the increase in fees.

- **(8:05 AM) Review DEC Meeting and Public Hearing Schedule for January – June 2025:** Mr. Angus reviewed the draft schedule of meetings for the first half of 2025 with the Commissioners. He then asked if there were any dates that stood out that may need to be adjusted. Mr. Marshall asked for a motion to adopt the dates proposed. **The motion was made by Mr. Pinard and seconded by Mr. Gardner. The motion to adopt the dates was unanimously approved by a roll call vote.**
- **(8:10 AM) Community Planning Month Proclamation:** Mr. Angus noted that we will be doing activities to celebrate. There will be a number of events this month. Mr. Marshall asked if there were any questions, none were asked. Mr. Marshall then asked for a motion to approve the proclamation. **The motion to approve the proclamation was made by Mr. Lilly and seconded by Mr. Gardner. The motion to approve the proclamation was unanimously approved by a roll call vote.**

- **(8:13 AM) Read File:** Ms. Suedmeyer went over the articles in the read file; She noted that the three articles in the read file are from the Harvard Press. Gov. Healey announces working group to 'revitalize' health care in Nashoba Valley Region. MassDevelopment wants to build Devens housing in areas already zoned for it, says interim CEO. And Construction on Devens Water Connection Project Begins Sept. 16. Mr. Marshall then noted that Mr. Angus was in the paper for the Embodied Carbon Reduction Guidelines.

- Mr. Marshall asked if there were any other New Business topics. Mr. Angus noted that interim CEO for MassDevelopment, Mr. Daniel O'Connell who took over for Dan Rivera was only taking the position for 6 months has stepped down and they have now named a new Interim CEO, Marcos Marrero. He has been invited to a future DEC meeting.

Old Business:

- **(8:18 AM)** Mr. Marshall asked if there was any Old Business. Mr. Angus noted that there are a number of contracts that need to be renewed. The contracts are for Development Review Services with Nitsch Engineering, Tech Environmental, PAL, and LEC. The other contract renewal is for Inspectional Services (Building, Plumbing, Gas, and Electrical). Neil would like to extend the contracts for 3 years and with a slight hourly wage increase for each of them. The increases have been already planned in the budget. The existing contracts contain language that authorizes additional three-year extensions by mutual agreement between all parties. Mr. Marshall noted that we have had great working relationship with all of these companies he recommends approving the renewal of these contracts. Mr. Marshall then asked for a motion to authorize staff to approve the contract renewals. **The motion to approve the contract renewals was made by Mr. Poutry and seconded by Mr. Pinard. The motion to approve the contract renewals was unanimously approved by a roll call vote.**
- **(8:21 AM)** Mr. Angus noted that Montachusett Regional Planning Commission (MRPC) and Montachusett Regional Transit Authority (MART) Safe Routes for All (SS4A) planning process is underway, and they are hosting a Public Information Meeting on Wednesday, October 30 from 6:30-8:00pm at Fitchburg City Hall Legislative Building700 MAIN STREET, FITCHBURG, MA 01420. The meeting will be held in-person and online via Zoom: https://zoom.us/webinar/register/WN_Rjj5oIDeRZGOsXtvJ1Wyjw

(8:23 AM) Public Comment Mr. Marshall asked if there were any questions from the public. None were asked.

(8:23 AM) Mr. Marshall then noted the upcoming meetings. **October 29th at 6:45 PM** Public Hearing - hybrid meeting, and the **November 7th 7:30 AM** zoom meeting.

(8:24 AM) Mr. Marshall asked for a motion to adjourn the meeting. **The motion was made by Mr. Gardner and seconded by Mr. Pinard. Adjournment was concluded unanimously by roll call.**

List of Exhibits

- Agenda
- Draft Minutes for the August 27th and September 12th
- Public Hearing - Liquor License Transfer and Victualler License Approval – Staff Report
    - 27 Andrews Parkway
    - 31 Andrews Parkway
    - 59 Andrews Parkway
- Draft of Meeting Schedule for first half of 2025
- Community Planning Month Proclamation
    - Poster 2024
    - Devens NPM Proclamation 2024
- DJFC Disposition Matrix – Fire Services
- Read File