

Minute for Two Meetings

August 27th

September 12th

DRAFT

Devens Enterprise Commission (DEC)
In-Person/Remote Hybrid Public Hearing and Regular Meeting
Minutes August 27, 2024

Members Present (in person): Christopher Lilly, William Marshall, James Pinard, Marty Poutry, Paul Routhier, Deborah Seeley

Members (remote): Duncan Chapman, Robert Gardner

Members Absent: Melissa Fetterhoff, Debra Rivera

Staff (in person): Neil Angus, Beth Suedmeyer, Dawn Babcock

Guests (in person): Jessica Strunkin (Commonwealth Fusion Systems), Rich Holcomb (Commonwealth Fusion Systems)

Guests (remote): Ken Jones (Electric Hydrogen), Robert Jenkins (MassDevelopment Real Estate), Keith Pruett (Mass State Police), Meg Delorier (EVP Devens/MassDevelopment), Donna Bulger (Clear Path for Veterans), Kristi Iannacone (Clear Path for Veterans), Julie Farrer (KSP), Cody Hansen (Electric Hydrogen), Parikhit Sinha (Electric Hydrogen)

(6:45 PM) 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 both remotely AND in-person in accordance with the supplemental budget bill signed into law by Governor Healey, further suspending certain open meeting law requirements to March 31, 2025. Interested individuals may attend in-person at this address or listen in and participate by phone and/or on-line by following the link and/or phone # at the top of the agenda. 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, the Chairman informed all attendees that this meeting is being recorded by the Devens Enterprise Commission. Persons with disabilities or requiring interpretation wishing to listen or participate should contact 978.772.8831 x3334.

(6:50 PM) Mr. Marshall reviewed the agenda of this evening's meeting.

(6:52 PM) Mr. Marshall informed the commissioners that a donation has been made to the Timberlea Community Food Pantry in memory of Mr. Angus' mother. Mr. Marshall read the thank you letter from the community food pantry.

(6:54 PM) Review Minutes:

- **June 25th and July 30th Draft Minutes** were reviewed. Mr. Marshall asked if there were any questions or comments about the two sets of minutes and none were made. Mr. Marshall then asked for a motion to accept each set minutes as submitted. **The motion was made by Mr. Gardner and seconded by Mr. Lilly. The minutes were approved unanimously by a roll call vote.** Mr. Gardner, Mr. Pinard, and Ms. Seeley abstained for the minutes of the meeting on July 30th as they were not present.

Public Hearing:

- **(6:55 PM) Event Permit and One-Day All Alcoholic Beverage License request from Clear Path for Veterans New England for the Journey Home 5K/10K event being held on Sunday November 10, 2024, from 10:00 AM to 12:00 PM at 84 Antietam Street Devens, MA (Parcel ID#031.0-0002-0400.0).** Ms. Suedmeyer introduced Donna Bulger and Kristi Iannacone of Clear Path. Ms. Bulger noted that they are teaming with Journey North again for their 6th event. They are expecting between 150 and 175 runners. She also noted that they are working with Tip certified servers, State Police, and DJ for the event which is hosted at their facility. Ms. Suedmeyer asked for clarification of the start and end time for the event and Ms. Bulger noted that registration and packet pickup starts at 8:00 and the race starts at 10:00 with the first runners coming in around 10:30. The beer and awards will be handed out between 10:30 and 12:00 and then it closes up quickly but let us say the event will end at 1:00

be safe. Mr. Marshall asked if there were any questions from the Commissioners and the Public, but none were asked. So, Mr. Marshall asked for a motion to close the public hearing. **The motion to close the public hearing was made by Ms. Seeley and seconded by Mr. Chapman. The motion to close the public hearing was approved unanimously by a roll call vote.** Ms. Suedmeyer then went over the staff report and noted that with the majority of the event activities taking place at their location, 84 Antietam Street, the staff report just has the standard conditions noted. Mr. Marshall asked if there were any questions, none were asked by the commissioners or public. Mr. Marshall then asked for a motion to approve the application. **The motion to approve the Event Permit and One-Day All Alcoholic License with the amended service time from 10:30AM-1:00PM was made by Mr. Lilly and seconded by Mr. Poutry. The motion to approve the Event Permit and One-Day All Alcoholic Beverage License was approved unanimously by a roll call vote.**

- **(7:03 PM) Level 2 Unified Permit Application for a building-mounted sign waiver** request (increase in allowable size) by **Commonwealth Fusion Systems**. Property located at **111 Hospital Road** (Parcel ID #018.0-0007-0200.0) in the Innovation and Technology Business District. Mr. Angus introduced Ms. Jessica Strunkin and Mr. Richard Holcomb from Commonwealth Fusion Systems and noted that they are here to request a waiver for a 494 square foot sign they are looking to install on the face of the SPARC building. Ms. Strunkin noted that they are working with Blue Bird Graphics Solutions for the Signage and their construction team, Bond Construction, on this project. Ms. Strunkin noted that this sign's visibility from the street will be minimal, even more so with the new berm that has been added to Grant Road. The sign will be mainly visible from their own campus parking areas and common green. Mr. Angus noted that there will be two rails affixed to the building that the letters and logo will be attached to so there will not be any background to the sign, and the rails will be painted the same color as the building. Mr. Marshall then asked if there were any questions. Mr. Lilly asked if this sign isn't visible from the roadway who is the intended audience to see the sign? Ms. Strunkin replied that they are already getting a lot of attention from around the world and once SPARC is turned on, that will just increase the attention CFS receives from media, scientists as well as number of others. So, they are trying to be thoughtful of everyone who will be visiting the campus when placing the sign. Mr. Angus noted that 30-day town comment period has not expired so this hearing will need to be continued until the next meeting on September 12th at 7:30 AM but we wanted to get this in front of the commission to air out any issues that there may be, then come back on the 12th to make the decision. In order to grant this type of waiver the commissioners will need to find exceptional and unique circumstances exist that warrants the larger sign. Mr. Marshall asked the Public if there were any questions, Ms. Delorier noted that MassDevelopment would be in favor and would encourage the commission to consider this request and approve it, as this project is unique to Devens. Mr. Marshall then asked for a motion to continue the public hearing until the morning meeting on September 12, 2024, at 7:30 AM. **The motion to continue this hearing to the Sept. 12th meeting was made by Mr. Routhier and seconded by Ms. Seeley. The motion to continue this hearing to the September 12th 7:30 AM Zoom Meeting was approved unanimously by a roll call vote.**

New Business:

- **(7:27 PM) Level 1 Application from Electric Hydrogen** - Alternative compliance path request for Greenhouse Gas Mitigation vegetated roof requirement under 974 CMR 4.11.2(c). Property located at **33 Jackson Road, Devens, MA** (Parcel ID #013.0-0021-1000.0) in the Innovation and Technology Business District. Mr. Angus noted that Electric Hydrogen recently obtained an air permit from the MassDEP for 33 Jackson Road. Whenever a project applies for an air quality permit, they are required to do 30% of their roof as vegetated as part of our greenhouse gas emissions. However, Electric Hydrogen does not own the property and King Street Properties, the owner, does not want a vegetated roof. So, they looked at an alternative compliance path. Electric Hydrogen has looked into a power purchase agreement to purchase renewable energy certificates in the amount to offset the same amount of carbon that a green roof would sequester. Mr. Angus introduced Mr. Cody Hansen, Mr. Parikhith Sinha, and Mr. Ken Jones from Electric Hydrogen who went over a slide deck that explained the path they are looking to

take. Mr. Hansen raised a number of concerns of the green roof for their product production and safety for their employees. They did find the best option to mitigate their 6 metric tons of greenhouse gas (that which a green roof would sequester each year) with 100 percent renewable electricity. They have figured out they will need to purchase 23 megawatt hours of renewable energy per year as an alternative to the green roof. They are willing to commit to purchase the renewable energy yearly in the Class 1, which means they are local and recent Certificates and are also certified and retired into the NEPOOL GIS Registry so they would not be double counted or re-sold. They would be in addition to any efforts Electric Hydrogen is doing for its own operations. These certificates will be retired by DEC as a community benefit and not just serving Electric Hydrogen. Mr. Angus noted that he consulted with our greenhouse gas consultants to determine if this is a viable compliance path, and they felt that this is a fair alternative. The key issue is that the certificates be obtained locally so we can benefit from the clean power generation from an air quality standpoint. The DEC has suggested they purchase 10% above their estimate which will result in them needing to purchase roughly 25 Megawatt hours a year of class 1 renewable energy certificates. These certificates will be purchased in the DEC's name and retired so they will not be able to be resold on the energy market. Mr. Angus mentioned in the staff report if the commission is in agreement with this proposed alternative compliance pathway, he would suggest that they make a finding that the proposed renewable electricity power purchase agreement is a suitable compliance pathway in lieu of 974 CMR 4.11.2.(c). If you make this finding, he noted that the next step would be to make a motion to require Electric Hydrogen to procure 25 Megawatt hours per year of class 1 renewable certificates retired by the DEC as long as the DEP Air Quality Permit exists for their facility. The Certificates will be purchased and retired through MassDevelopment's NEPOOL account. He has spoken with Jim Moore of MassDevelopment Utilities and Mr. Moore is fine with the DEC using their NEPOOL account for these transactions. The DEC would also require documentation to be submitted on an annual basis to ensure these certificates are being purchased and retired yearly. Mr. Marshall asked if there were any questions, Mr. Lilly asked if the DEC was authorized to come up with alternative pathways? Mr. Angus noted that the DEP has given us authority to adopt these regulations, and they did consult with the DEP, and they did not have any issues with this. Ms. Seeley asked if this is something that should be added to our climate action plan? Mr. Angus doesn't think this is something that needs to be added and is a unique situation given the company does not own the building. Mr. Marshall asked if there were any other questions, and none were asked. Mr. Marshall asked for a **motion to accept the findings and approve the purchase of the renewable energy certificates as the resolution. The motion was made by Mr. Lilly and seconded by Ms. Seeley. The motion to accept the finding and the purchase of the renewable energy certificates was approved unanimously by a roll call vote.**

- **(7:50 PM) Level 1 Application from BW Kennedy and King Street Properties** – request for 19 temporary parking spaces to accommodate Sterling Street Brewery overflow parking. Property located at **57 and 65 Jackson Road, Devens, MA**, (Parcel ID #013.0-0021-0100.0) in the Innovation and Technology Business District. Mr. Angus informed the committee that he had received a letter requesting additional temporary parking from King Street Properties last week, to accommodate overflow parking at the Canteen Building. With 57 and 75 King Street Properties still under construction, the planned shared parking is still not available for the overflow of the Canteen parking. So, King Street Properties is looking to increase their temporary parking and add an additional 19 spaces near the same location of where the DEC had already approved temporary parking, as both Flik and the Sterling Street Brewery have been busy. The additional parking will be removed once the full parking area opens up. Staff has no issue with this request because it is temporary, and is planning to approve the request administratively, but just wants to bring it to the Commission's attention as it does address a public safety issue with people parking hap-hazardly causing potential public safety issues for emergency vehicle access. Mr. Angus noted that he has spoken to Fire and State Police about this request, and they are onboard with this proposal as well. Mr. Angus did note that King Street Properties is considering making these parking spaces permanent and if they do decide to move forward with this, they will need to submit a Level 2 permit amendment. Mr. Pinard asked how many spaces are currently available and Ms. Farrer noted that they currently have 60 spaces, which is a combination of permanent and temporary parking. With these additional 19 spaces, the total parking spaces would be 79. Mr. Pinard asked if this would be adequate space until they have the shared parking lot completed? King Street Properties does own the entire complex and has a walking path joining all buildings so there is plenty

of options for additional parking elsewhere on campus, should they get to that point. Mr. Marshall asked what the occupancy is for the building? Ms. Farrer noted that it is 149 maximum, and Mr. Angus noted that is for the interior of the Canteen, but they do have a large patio as well, which increases the number. Mr. Marshall asked once the other buildings (57 & 75) are constructed and open will there be competing parking for employees and patrons? Mr. Angus believes there could be, and he believes that is why KSP is looking at making some of the temporary spaces permanent. Ms. Farrer noted that they are looking at making some of these temporary spaces permanent however, she does believe there will be adequate parking once 75 Jackson is constructed to share among these buildings and the uses of the buildings being at different times than the canteen uses will also help. Mr. Marshall asked if there were any more questions or comments, none were asked. The Commission had no concerns with Staff administratively approving the temporary parking spaces.

- **(8:01 PM) Nashoba Valley Medical Center Closure update:** Mr. Marshall noted that the clock is ticking on this as they are scheduled to close this Saturday. There has been several public hearings held by the Department of Health. Mr. Marshall and Ms. Seeley attended one of the public hearings and they both spoke expressing their concerns of the closing of the hospital and the impact on the local communities and Devens in particular. Mr. Marshall believes that the concerns have fallen on deaf ears. Bankruptcy hearings are different than the Public Health hearings so the 120-day requirement for notice of closure was ignored by the bankruptcy court and allowed the closing of the two hospitals. Also, the bankruptcy hearings will dictate what will and will not be paid, (severance pay, back pay, vacation, time off etc.) for the employees. That is still up in the air. Mr. Angus added that the letter from the DEC has been sent Department of Public Health and Health and Human Services. Mr. Marshall noted that the office building there will remain open as well as the nursing facility at the location of Nashoba Hospital. Mr. Marshall feels that once the bankruptcy proceedings are finalized there may be a hospital operator that may be willing to come in and take over the hospital. Ms. Seeley commented that Mr. Marshall devoted many hours as a trustee to the hospital and various committees and the many hours he devoted to the community.
- **(8:08 PM) Devens Shuttle Services Expansion:** Mr. Angus noted that he has been working with the Montachusett Area Regional Transit Agency (MART) to beef up the transit service on Devens and this week they launched an Alewife to Devens Shuttle which started on Monday taking employees from the Cambridge area to KSP Pathway Devens (Azzur and Electric Hydrogen). After dropping off at KSP the shuttle goes to the Ayer train station and picks up additional employees from Commonwealth Fusion Systems and Electric Hydrogen and brings them to Devens. Some progress has been made. Some of the companies do have private shuttle services and Mr. Angus noted that they are working with partners on regionalize all of them and making it more cost effective and convenient for businesses. Ms. Strunkin added that CFS is also utilizing the new MART shuttle from Ayer. This service was not used heavily over the summer, but Ms. Strunkin does see it increasing as the weather changes, and employees see this as a positive option. Ms. Strunkin also noted that the CFS Talent Acquisition Team likes to be kept apprised of these transit options.
- **(8:11 PM) Read File:** Ms. Suedmeyer noted that there were a lot of articles this time, Nashoba Valley Voice had a number of articles about the Veterans Wall that Heals. A number of articles regarding the Nashoba Medical Center closure. An article regarding the case of EEE, it was not in this region but want to make sure everyone knows it is out there. Harvard Press had articles of the Healing Wall, Art Project, Harvard Water Project, Nashoba Valley Medical Closure. Ms. Suedmeyer also gave some updates on the special projects, Pocket Forest Project, and the Murial at Willard Field. She is planning to have a ribbon cutting event the end of September. MassDevelopment has an event, Reflections of Rogers Field, the art Panels are going to be installed on Vicksburg Square windows September 4th at 4:00 PM. All are welcome to attend.

Additional New Business

- **(8:20 PM)** Mr. Marshall asked if there are any New Business items? Mr. Angus noted that there are a couple of items to share. DEC has been awarded a \$6,000 Grant from the Mass Ecological Climate Action Network. This

grant is going to help fund the promotion of the Nature Base Solutions work in Devens. Another item is the Chronicle Episode on Devens which he believes was talked about this at the last meeting. And the final item Mr. Angus did a Webinar for the American Planning Association that covered the Nature Based Solutions work in Devens, along with the Green and Complete Streets and Biometric Study that was done with Tufts and the Pocket Forest Project. This Webinar had over 250 attendees from across the country and was great additional exposure for our sustainable redevelopment work in Devens.

Old Business:

- **(8:20 PM) Mr. Marshall asked if there was any Old Business and Mr. Angus noted that there wasn't any Old Business.**

Public Comment:

- **(8:20 PM) Mr. Marshall asked if there were any comments or questions from the Public in the room or on Zoom.** Ms. Delorier wanted to let the Commissioners know that Bob Culver, former CEO of MassDevelopment and Devens champion, passed on Thursday they are looking to have a Memorial Service on September 14th. Ms. Strunkin also noted that CFS will be having their quarterly open house on September 10th at 5:00 PM.
- **(8:23 PM) Mr. Marshall noted the next scheduled meetings are September 12th at 7:30 AM, (Zoom Meeting) and September 24th at 6:45 PM, (Hybrid Meeting).**

(8:23 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. Gardner and seconded by Mr. Lilly. The motion to adjourn was unanimously approved by a roll call vote.

List of Exhibits

- **Agenda**
- **June 25, 2024, Draft Minutes**
- **July 30, 2024, Draft Minutes**
- **Public Hearing – Journey Home Road Race**
 - **Application**
 - **Site Plan and Summary of Event**
 - **Staff Report**
- **Public Hearing – 111 Hospital Road – Sign Waiver**
 - **Application**
 - **Waiver Request CFS 2 Signage**
 - **Staff Report**
- **New Business**
 - **Electric Hydrogen Green Roof Application**
 - **Electric Hydrogen Green Roof Staff Report**
 - **King Street – BW Kennedy Temporary Parking for Amenities Building**
 - **Read File**

***Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes September 12, 2024***

Members Present: Duncan Chapman, Melissa Fetterhoff, William Marshall, James Pinard, Martin Poutry, Paul Routhier, Deborah Seeley

Staff: Neil Angus, Beth Suedmeyer, Dawn Babcock

Guests: Meg Delorier (VP MassDevelopment), Carl Sciple (Harvard Resident), Keith Pruett (State Police), Jessica Strunkin (Commonwealth Fusion Systems), Richard Holcomb (Commonwealth Fusion Systems)

Members Absent: Robert Gardner, Christopher Lilly, Debra Rivera

(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. 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. Angus informed all attendees that the Devens Enterprise Commission is recording this meeting.

(7:39 AM) Review Minutes:

- **August 27th Minutes** Mr. Marshall noted that the minutes are not ready so we will review them at our next meeting.

Public Hearings: Continued

- **(7:43 AM) (7:03 PM) Level 2 Unified Permit Application for a building-mounted sign waiver** request (increase in allowable size) by **Commonwealth Fusion Systems**. Property located at **111 Hospital Road** (Parcel ID #018.0-0007-0200.0) in the Innovation and Technology Business District. Mr. Angus gave a summary of the hearing on the 27th of August. Mr. Angus noted that Commissioner Fetterhoff has reviewed the recording and signed the Mullin Rule Document. This has been noted in the draft Record of Decision. Mr. Angus reminded the committee that the sign is 494 square foot and a lot of that being is blank space. If the committee is comfortable with what was presented the commission can make the findings with respect to the unique nature and exceptional site conditions that exist. Mr. Angus has prepared a draft Record of Decision should the Commission approve this request. Mr. Angus then handed the floor over to Ms. Strunkin and Mr. Holcomb from CFS to see if they had anything else to add. Ms. Strunkin did note that there has been additional planting this past week at the berm on Grant Road which will increase the screening. Mr. Marshall did ask the Commissioners and Public if they had any questions, none were asked. **Mr. Marshall then asked for a motion to close the hearing, and the motion was made by Mr. Pinard and seconded by Ms. Seeley. The motion to close the hearing was unanimously approved by a roll call vote.** Mr. Angus then reviewed the draft Record of Decision: the only exhibit added is the Mullin Rule Affidavit signed by Mr. Fetterhoff. There are 2 Waivers **1** from our sign regulations (6035D) which allows the sign to be no greater than 100 SqFt; **2** which requires a sign not to exceed a maximum size unless the DEC determines exceptional conditions exist. That only allows the commission to approve a sign 50% larger, that is why they are asking for a waiver in this special circumstance. Mr. Angus asked if he could get a motion on these waivers first. **Mr. Marshall asked for a motion to approve the two waivers, Ms. Seeley made the motion and Mr. Pinard seconded the motion. The motion to approve the two waivers was approved unanimously by a roll call vote.** Mr. Angus then reviewed the 6 Findings in the draft Record of Decision that will address the waivers. The 2nd one in particular was acknowledged, as the sign will be less than 3% of the Façade of the building which is compatible with the scale specified in DEC's sign regulations. Three minor conditions were also reviewed. Mr.

Marshall asked if there were any questions, hearing none, **Mr. Marshall asked for a motion to approve the Level 2 Permit as Presented. The motion to approve was made by Ms. Seeley and seconded by Mr. Routhier. The motion to approve the Level 2 Permit as Presented was approved unanimously by a roll call vote.** Ms. Strunkin asked expressed her thanks for the time and consideration on this application from the Commission on behalf of herself and the Commonwealth Fusion Systems.

New Business:

- **(7:55 AM) Media Minute:** Mr. Angus reviewed a few items that have been posted on our Facebook page: DEEC 6 Month Summary/ highlights; Vicksburg Square Window Art Installation; Devens Forward Climate Action Plan posts; Mosquito notice of EEE and West Nile Virus with more cases popping up in the region. Mr. Marshall asked if there were any questions, none were asked.
- **(8:00 AM) Read File:** Mr. Marshall noted that we were going to put the letter received from the Department of Public Health Commissioner Goldstein in response to the DEC letter issued to the Department of Public Health and the Executive Office of Health and Human Services regarding the closure of Nashoba Valley Medical Center, but it had been emailed to the Commissioners. There were no other items. Mr. Marshall did note that he was pleased to see a response, but the hospital still closed. Mr. Marshall noted that there was an article in the paper with the towns concerned with the risks surfacing with them having further to travel to hospitals. Mr. Marshall did note that there has been talk about a possible acute care unit opening there. Ms. Delorier commented that the acute care facility would be great, but ambulances are not able to take patients to urgent care facilities.
- Mr. Marshall asked if there were any other New Business topics. Mr. Angus noted that he and Mr. Marshall did attend the DJFC Meeting yesterday (9/11), and they discussed the Police Services and Education for Devens. The next meeting is October 16th, and they are planning to discuss the Fire Services. Mr. Angus noted that has put together a list that he has shared with MassDevelopment and Devens Fire, which he is waiting to hear back from them. Mr. Angus noted he will share the draft list at our next meeting. Mr. Marshall added that the disposition discussion is continuing, however, there has been a large amount of turnover in the committee in the last 3 months with more to come possibly with elections coming up. Mr. Marshall asked if there were any questions, and none were asked
- Mr. Marshall asked if there were any more New Business items. Ms. Suedmeyer noted that she has a few updates on the projects here in Devens. They are planning to have a Pocket Forest Workday at the Devens playground next Wednesday, 9/18 from 4:00 – 6:00. Also, they are wrapping up the mural at Willard Field and they are planning a ribbon cutting in the near future. Ms. Suedmeyer will be sending out an invitation to the event to the Commissioners. Mr. Angus noted that they have been working with the Shriver Job Corps and Devens DPW in hopes to get some benches and trees planted near the mural area as well

(8:09 AM) Public Comment Mr. Marshall asked if there were any questions from the public. Ms. Delorier noted that the MassDevelopment Board of Directors will be meeting on October 10th here in Devens once she has confirmation of the time, she will be sharing the invitation with the Commission and staff.

(8:10 AM) Mr. Marshall noted the next scheduled meetings are September 24th at 6:45 PM, (Hybrid Meeting) and October 3rd at 7:30 AM, (Zoom Meeting).

(8:10 AM) Mr. Marshall asked for a motion to adjourn the meeting. **The motion was made by Mr. Chapman and seconded by Mr. Poutry. Adjournment was concluded unanimously by roll call.**

List of Exhibits

- Agenda
- Public Hearing – Continued
 - 111 Hospital Road
 - Mullin Rule Affidavits for Commissioners Fetterhoff
 - Draft ROD