

**Devens Enterprise Commission
(DEC) Public Hearing and Regular Meeting
Minutes April 26, 2022**

Members Present: Dix Davis, James DeZutter, Melissa Fetterhoff, Robert Gardner, Chris Lilly, William Marshall, Marty Poutry, Paul Routhier, Deb Seeley
Staff: Peter Lowitt, Neil Angus, Dawn Babcock
Guests: Paul Green (Harvard), John Marc-Aurelle (MassDev Engineering), John Osborn (Harvard Press), John Katter (Devens)
Members Absent: Duncan Chapman, Jim Pinard, Deb Rivera

Chairman William Marshall called the meeting to order at 6:45 PM

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 this meeting is being recorded by the Devens Enterprise Commission.

(6:51 PM) Chairman Reviewed Agenda.

(6:54 PM) Review Minutes: April 7th 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 Mr. Davis and seconded by Mr. Poutry. The Motion to approve the minutes was **Approved unanimously by a roll call vote. Ms Fetterhoff abstained from voting due to not being present at the April 7th meeting.**

Public Hearings: Continued from March 29th & April 7th Meetings

(6:55 PM) Brennan Consulting, Inc. on Behalf of MassDevelopment/Devens Level 2 Unified Permit Application for the redevelopment and expansion of an existing building and associated site improvements to accommodate the new Devens Public Safety Facility. Property located at 270 Barnum Rd. (Parcel ID #020.0-0003-500.0) in the Business/Community Services District and Open Space and Recreation District. Mr. Lowitt noted that there have been a number of emails going back and forth on this as late as this afternoon. There have been a number of Peer Review comments which have been worked out and proposed conditions have been worked into the Draft Record of Decision that was distributed this afternoon. Mr. Marc-Aurelle noted that they have been working with DEC and feel that they have been able to address all concerns. There were no questions from the commission. Mr. Marshall opened the hearing to public comment and there were no comments. Mr. Marshall requested a motion to close the hearing which was made by Mr. Gardner and seconded by Mr. Davis. The motion to close the hearing was **Approved unanimously by a roll call vote.**

Mr. Lowitt then shared the Draft Record of Decision. He reviewed the Waiver section which has 2 items:

- 1) Parking >10% in front of the building for the General Public. This will allow parking to be away from the sleeping quarters of the Fire Employees. This parking area will be used for the parking for the UXO Training which is a requirement here at Devens.
- 2) Access to the driveway entrance to be within 150' of the intersection of Barnum and Queenstown. The Applicant has shown that the line of sight will not be impeded in any way.

With this Mr. Lowitt would recommend granting these two waivers.

With no questions at this time Mr. Marshall asked for a motion to approve the Waivers, which was made by Ms. Seeley and Mr. Davis seconded. The motion to approve the waiver was **Approved unanimously by a roll call vote.**

Mr. Lowitt then went through the Findings and Conditions noted in the Draft ROD. After no questions were asked, Mr. Marshall asked for a motion to approve the Level 2 Permit which was made by Mr. Routhier and Seconded by Mr. DeZutter. The motion to approve the Level 2 Permit was **Approved unanimously by a roll call vote.**

New Business

- **(7:10 PM) Beaver Conflict Resolution Permit/Emergency Certification for Robbins Pond and Patton Road**
Mr. Angus lead this topic and explained that as the local Board of Health for Devens, DEC has the authority to issue emergency authorization to licensed trappers that are looking to trap beavers to resolve any potential Public Safety or dangerous flooding that their dams are causing, Devens Public Works Department (DPW) is seeing issues at Cold Spring Brook as well as Robbins Pond. Staff has been working with DPW and they are seeing 3 locations: 1) Outlet to Robbins Pond, which is causing flooding of the park at Robbins Pond; 2) Patton Road just south of the Golf Club Entrance (ASP Bog area). There is exclusion fencing already in place in front of the culvert but it needs replacing. 3) Cold Spring Brook there is a large dam already started here. These three dams are in danger of flooding the roads and impeding the Truck Route. Mr. Angus noted that the DEC can approve a 10 day trapping permit and they can be extended 2 times. Should the Dam require full removal that would require a permit from the DEC as the local Conservation Commission. DPW has submitted a request for a Beaver Conflict Resolution Permit/Emergency Certification 10 day Permit. Mr. Marshall asked if they are not allowed to relocate the Beaver what happens to them. Mr. Angus noted that they are most likely euthanized. With no other questions Mr. Marshall asked a motion to approve giving the licensed trapper a 10 day permit to trap beaver with the 5 conditions listed on the application. The motion was made by Mr. Gardner and Seconded by Mr. Davis. The Motion to issue the 10 day Permit to trap the Beavers was **Approved unanimously by a roll call vote.** Mr. Angus noted he will report back at the next meeting on the status of the trapping and that MassDevelopment and the DEC will need to work with MassWildlife on a more long-term solution if these problems continue to persist.

- **(7:20 PM) Devens Jurisdiction Framework Committee (DJFC) – Status** Mr. Lowitt started this topic reminding everyone that back on April 6th Mass Development informed DJFC that they will no longer be participating in the DJFC. At the April 7th DJFC meeting DEC said they will engage with the DJFC committee and drafted letters to Mr Kennealy (Chairman of Mass Development) and Mr. Rivera (CEO of Mass Development) from DJFC as well as DEC detailing their shock/disappointment of the announcement. Especially at this time when the towns are getting their committees formed as well as the businesses of Devens also joining in. With Mass Development stepping away at this time it leads to a trust issue going forward. Mr. Lowitt noted that the letters will be to let them know of the disappointment of them stepping away and asking for them to return to the table or let the committee know their reasons for stepping away. These letters will be sent to each of these gentleman as well as cc'd to the Mass Development Board of Directors. Mr. Lowitt offered to sign the letter on behalf of the DEC. Mr. Marshall added this is a situation that is unfortunate as we move forward towards the disposition of Devens as we felt Mass Development was a leader in this process, and he feels these letters as well as the letter from DJFC and the towns individually will help motivate the Board to address this. Mr. Marshall noted that he isn't sure if the entire Board is aware of Mass Development's decision to step away from the table and that is the main reason for sending this note to all of them.

Mr. Gardner asked if there is a financial reason for them withdrawing. Mr. Lowitt noted that there is as they had declined to pay for the consulting services for which an RFP that was being created. DEC has offered to match any cash amount the towns can contribute to cover this work.

Mr. Gardner asked if all the towns are okay with trying to get Mass Development back to the table and Mr. Marshall responded yes.

Mr. Davis commented that he is surprised that the letter is needed but feels it is a very well written letter.

Ms. Seeley asked who from Shirley she should follow up with on the letter from Shirley

Mr. Gardner asked about Ayer

Mr. Green noted that Harvard is scheduled to meet on the 5th of May and he believes this is on the agenda for that meeting.

Mr. Katter noted that Devens residents haven't spoken yet on this issue, but feels this is very important and should be discussed.

Mr. Marshall asked for a motion to authorize Mr. Lowitt to send the letters to Mr Kennealy and Mr. Rivera ccing the Board of Directors on behalf of DEC. The motion was made by Mr. Lilly and seconded by Mr. DeZutter. The motion to send the letter under Mr. Lowitt's signature was **Approved unanimously by a roll call vote.**

Old Business

- **(7:43 PM) Bulge Road resurfacing and intersection re-alignment with Patton Road – Level 1 Application/Wetland Request for Determination of Applicability. Property located within the Bulge Road Public Right-of-Way. Continued from March 29th 6:45 PM Meeting:** Mr. Angus reminded the members of the plan to realign the intersection to improve the sight line as truck traffic will increase with the new business moving into 16 Bulge Road. Mr. Angus is looking to issue a Request Determination of Applicability as it is near wetlands. DEC is working with Mass Development and Weston Sampson to identify ways to improve the project. There have been a few conditions, 5, that will prevent a full NOI being required. Mr. Angus noted that Mr. Marc-Aurele is on the call and he noted that Mr. Angus represented the project adequately as to what they are trying to do out there. Mr. Marshall asked if there are any questions . With none being asked he requested a motion to approve Mr. Lowitt signing the letter of Negative Determination on behalf of DEC. Mr. Davis made the motion and Mr. Gardner seconded the motion. The Motion to have Mr. Lowitt sign on behalf of DEC was **Approved unanimously by a roll call vote.**
- Mr. Lowitt noted that Mika Brewer from Real Estate will be at presenting updates on Potential Development in Devens for the next Fiscal Year. He will also be introducing the new Chair of Real Estate Ms. Hartford
- Mr. Lowitt also noted that the Students from Tufts will be giving a report out on their pilot study on Goddard Street.

(7:50 PM) Public Comment - Mr. Marshall asked if there were any questions or comments from the public. There were no comments or questions at this time.

(7:53 PM) Adjournment the motion to Adjourn was made by Mr. DeZutter seconded by Mr. Gardner and by a roll call vote it was unanimous to close the public hearing.

List of Exhibits:

- Agenda
- Meeting Minutes
 - April 7th
- 270 Barnum Road Public Safety Building
 - Staff Report
 - Draft ROD
- Beaver Removal
 - Beaver Removal Request Map
 - Application
- Devens Jurisdiction Framework Committee – Status
 - Chairman Kennealy and CEO Rivera Letter NA Edits
 - DJFC Letter to Mike Kennealy Suggested Signature Format
- Patton – Bulge Intersection RDA
 - 2022 03 29 2022 Devens Bulge Road Comment Response
 - Negative RDA Cover Letter MDFA Bulge 2022
 - Wpaform2 Bulge and Patton Intersection 2022
- Read File – Railroad Vegetation