

**Devens Enterprise Commission (DEC)  
Public Hearing and Regular Meeting  
Minutes April 27, 2021**

**Members:** William P. Marshall, Jim DeZutter, Chris Lilly, Martin Poutry, Melissa Fetterhoff, Paul Routhier, Dix Davis, Robert Gardiner, Debra Rivera; Duncan Chapman (7:03PM)

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

**Guests:** Doug Hartnet Highpoint Engineering for KSP, John Staubach VHB for 16 Bulge, Jeff Hudson for KSP, Rob Nagi VHB for KSP, Ed Starzec MD Real Estate, Hannah Loope for Wagner Hudson LA for KSP , Adam Pritchett VHB, Mika Brewer MD Real Estate, Jake Borden Scannell Properties 16 Bulge, Matt Boone of Scannell, Jason Grant Arco Construction for Scannell, Zack Skarzinski KSP, Alfonse Coka with Highpoint Engineering for KSP. Tyson Reynoso KSP. Steve Eisenbeis of Arco, Hilde Karpewich Highpoint Engineering, Matt O'Brien Dineen Architects for KSP, Emily Crutcher for JLL , Matt Keeley VHB 16 Bulge Road, Craig Cressey of Scannell.

**Absent:** Jim Pinard

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This Devens Enterprise Commission Regular Meeting and Public Hearing is being held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A. s.20. **Interested individuals can listen in and participate by phone and/or on-line by following the link and phone # above.** 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, we wish to inform all attendees that this meeting is being recorded by the Devens Enterprise Commission.

1. **6:45PM: Roll Call and Overview of Virtual Meeting Process and Procedures.** M/S/V to appoint Debra Rivera. Melissa Fetterhoff, JDZ, motion approved unanimously by roll call vote.
2. **Chairman's Overview of Agenda**
3. **Review February 4, 2021 draft Minutes:** M/S/V Chris Lilly Melissa Fetterhoff, voted to approve minutes as presented. Motion approved unanimously by roll call vote.
4. **Public Hearings:**

**US Fish and Wildlife Service Level 2 Unified Permit/Wetland Notice of Intent to add an ADA compliant boardwalk to the existing boardwalk and canoe launch. Property located at 78 Hospital Road, Devens, MA in the Open Space and Recreation District.** Mr. Angus noted that this project came before us as amended order of conditions. MA DEP rejected this for being too old (2011) and requested a new public hearing and a new order of conditions rather than an amendment. Mr. Angus explained the minimal impact of the accessible translucent decking being proposed. It is considered a limited project. USFWS is on board with the project and conditions as proposed. Mr. Angus reviewed the proposed findings and conditions of approval for the new ADA accessible ramp. This will need to be continued until the May 6 public hearing as the 30 day comment period has not

expired. M/S/V to continue to May 6 at 7:30AM Bob Gardiner, second Martin Poutry. Motion approved unanimously by roll call vote.

**King Devens LLC Level 2 Unified Permit Application including Site Plan approval and a Wetland Request for Determination of Applicability for the construction of a bio-manufacturing building and associated site improvements, including a phased 5-story above-ground parking structure on a +/- 10.2 acre portion 45 Jackson Road (building to be assigned 33 Jackson Road address). This application also seeks conceptual approval for an increase in proposed building gross floor area, as well as the addition of a future amenity building as part the overall campus master plan (general size, location and layout) at 57 Jackson Road, 59 Jackson Road and 75 Jackson Road. All properties located in the Innovation & Technology Business Zoning District.**

The Chairman read the legal notice. Duncan Chapman joined the meeting (7:03PM). Mr. Angus introduced Tyson Reynoso who introduced his team. Doug Hartnett of Highpoint shared his screen illustrating the next phase of the KSP Devens project, 33 Jackson Road. Phase 1 is under construction at 45 Jackson Road. Market demand is driving the construction of the buildings. They wish to maintain flexibility for tenants and to respond to current market. The proposed master plan increase in gross square footage provides the flexibility the market demands. Parking will include a structure which will not be constructed until demand requires it and will be built on 33 Jackson. The project will conform with all zoning requirements and will construct traffic improvements now that benefit the entire master plan and Devens. Tyson introduced the team. Doug Hartnett presented the details on the 33 Jackson site and the proposed plan and master plan improvements, including a newly proposed 5,000sf amenity building provided to other adjacent property owners and the general community. Goal is to achieve a .5 FAR for the entire campus. The parking deck can accommodate the needed additional parking with a five story structure to be built if needed. Mr. Hartnett went into detail on how the site is laid out, the proposed stormwater management plans, how 33 integrates into the corporate campus with entrances on two levels. 125,000 sf with capability to expand to 225,00sf on the second floor for 33 Jackson. Loading docks in the rear along with utility yards. A bordering vegetative wetland is to the south. Relocation of the Lake George trail is within 100' buffer zone. The landscape screening of the entrance areas was discussed as well. 307 vehicles with parking designed for the building. Garage construction will occur when tenant demand exceeds surface parking available. Building elevations were presented and explained as well as the landscape plan and central courtyard amenity space. Additional landscaping will be provided if garage is constructed. The viewshed analysis was presented to prove no negative impacts on the viewshed. Revised traffic study impact and access was prepared by VHB and predicated on the full build scenario. Widening of access driveways and coordination with MD Engineering for Jackson Road improvements were discussed. Dedicated turn lanes for Jackson Road are being proposed for site entrance driveways and for the abutting sites. Earth removal compliance and a soil management plan has been submitted. MS4 permit and stormwater management plans will be complied with as will GHG requirements. Waivers were discussed regarding shade trees on internal and perimeter parking for a specific area of the site and from groundplane treatment on west side of parking garage in order to retain existing trees. A perspective slide was presented in support of the waiver request to show that they screened the architecture of the building from Lake George Street.

Mr. Angus went through the staff report for the project. A few issues remaining. He reviewed their strategies to reduce single occupancy vehicle use and multi-modal paved trail along front of the property. Shared access with MWCC the southern entrance. Using existing entrance approved for 45 Jackson and the need for coordination with MD Engineering was mentioned. Proposing 312 spaces with reserve parking in the parking garage which can accommodate master plan build out. Wetlands perspective the trail takes advantage of existing trail and fence line will minimize and avoid adverse impacts to the wetlands. The analysis should be done for the entire property. A stone wall in the rear of the property will be assess for archeological significance. No spill response plan until tenant identified, as well as Industrial Performance Standards which will need to be addressed once a specific tenant and their HVAC needs are determined. A background noise study is being conducted by the applicant. Air quality issues will be addressed once a tenant and their needs are assessed. The buildings will comply with the stretch code. They are working to comply with the Viewshed requirements and the landscaping and its benefits to the project were discussed. Staff will work with applicant to intensify landscaping in some areas and lighten it in others to work toward their desired architectural visibility. Lighting will be assessed to assure minimal impact as we are in the viewshed. MS4 conditions will be applied to the site, similar to those conditions required for 45 Jackson. Irrigation well is proposed. Staff encourages uses of green infrastructure and cisterns as we seek to find the right balance for the project. Site logistics and coordination between buildings needs to be worked out. Shared parking with cross easements may need to put in place if the projects are subdivided. No concern with the proposed increase in FAR for the conceptual master plan as each building will come back for the Commission's review. Staff will work with the applicant to meet the DEC regulations for landscaping. The groundplane treatment is supported by our peer review LA (IBI) and has created suggested conditions to allow it.

Staff recommends continuing to the May 6<sup>th</sup> meeting. No comments received to date.

Questions? JDZ Who is responsible for assuring that the tenant is an allowed use. The applicant is required by condition that they review the tenant with the DEC to be sure they are reviewed and approved by the DEC as to their use being allowed in the ITB district. Tyson Reynoso asked a clarification question about the garage. Will garage require separate level 2 approval? Additional parking requires level 2 permit. If need for additional parking is demonstrated, the Commission can authorize an administrative review of the parking garage. Mr. Lowitt concurred that an administrative review would be acceptable if the Commission agrees. Mr. Reynoso stated that he would be comfortable with a future administrative approval. Mr. Marshall suggested it be made a condition of approval.

M/S/V to Continue Public hearing to May 6, 2021 morning meeting at 7:30 AM. JDZutter motion, Bob Gardiner second, Motion approved unanimously by roll call vote.

**Scannell Properties #460 LLC Level 2 Unified Permit Application for the construction of a +/- 150,843 square foot manufacturing building and associated site improvements on a ~25 acre parcel. Project located at 16 Bulge Road in the Innovation & Technology Business Zoning District.** The chair read the legal notice and opened the hearing. Mr. Lowitt introduced Matt Boone who introduced the Scannell Properties, the site developer. John Stabach from VHB will be presenting on their behalf. 151,000 sf manufacturing facility. Biotech products and component. Mr De Zutter requested that the applicant define the type of pumps being proposed to be built in the facility.

Peristaltic, medical grade pumps for bodily circulation will be manufactured at the facility in clean room. The applicant is seeking two waivers, one to allow greater than 10% of parking to be allowed in front of the facility along Bulge Road. Providing greater screening of the building from the golf club. Mr. De Zutter asked the name of the company. At this point it is being kept secret. The presentation continued including renderings and elevations. Regional context was provided as the site is on the former Daveo housing area. The Activity Use Limitation for the site was discussed and the site has been remediated. A soil management plan will be required. They are currently planning to maintain phase 1 soil on site. It's a 25 acre site, the applicant responded to Mr. Routhier's question about its size. A habitat study identified the site as a potential Blandings turtle site. A barrier has been installed in compliance with NHESP requirements. The front portion of the site is within zone II water supply protection overlays district. Stormwater Management has been designed to comply with DEC stormwater management requirements. The development is bordered by slope resource areas. A perimeter pathway for the occupants is the only activity proposed within the slope setbacks on the top of the slope. Access was discussed, with four loading docks, dumpster and recycling areas are proposed for the rear of the area as well as liquid nitrogen storage tanks with monthly deliveries. Parking is to the building front off a central curb cut off Bulge Road. Separate service and trucks on loop road from passenger vehicles in the parking area. 299 Parking spaces proposed based on utilizing ridesharing. 15 EV Charging stations proposed. Fire Department access reviewed. Employee gathering areas were discussed as well. Utilities were also discussed. Sewer runs through the site to the Golf Course Maintenance facility. A new sewer line will be provided through Bulge Road for the Golf course maintenance facility as the line on site will need to be relocated. The Applicant discussed the need to double the facility size with a future phase if demand warrants it. Stormwater details were reviewed. Pretreatment is included. Landscaping was presented as well. Pedestrian connection provided to Bulge Road. Applicant is working with Staff to enhance and increase Bulge Road buffer as much as possible. Peer review has been received and revisions are being made to comply with them. It has been designed to comply with Industrial Performance Standards, both noise and vibration. The nitrogen tank filling operations will need to be managed to comply with noise ordinance requirements. HVAC equipment will need to be site and specified to comply with them as well. Scheduling of deliveries of nitrogen will need to be made during the daytime, non weekends. No air permits required at this time. Lighting will be designed to comply with DEC requirements for illumination. Greenhouse Gas mitigation was discussed. Matt Boone noted that the tenant is very sustainable and their goal for 2030 is to be carbon neutral and the facility will be LEED Gold.

Questions: Paul Routhier questioned the potential noise violation source. It's the pump on the truck that will cause the potential violation. He recommended installing an electric ground mounted pump to bring it into compliance.

Staff report was presented by Mr. Lowitt. Crucial aspects of the project entail screening it from the golf course which generates their need for a waiver to allow parking in excess of 10% in front of the building. Excess dirt will be added to berms and landscaping in front of the building. Access off of Bulge was noted. Western drive is left turn out only. MassDevelopment is discussing reconfiguring Y intersection into a T intersection in the future. Ed Starzec mentioned they are actively pursuing grant funding to secure that improvement. He discussed the stone dust perimeter path and he mentioned they have agreed to preserve the existing WWI trenches in the NNW corner. A potential

trail system connection behind the maintenance facility which goes around Robins Pond has the potential to connect to the facilities perimeter trail. Off of Bulge Road there is another trail through the woods to Barnum Road and this is also a potential sidewalk connection to be part of the Bulge Road improvements. Excess pavement width is a concern. This could be reduced in some straightaway areas from 20' to 14' with 6' of reinforced turf. Is this one shift or one shift. It's a 24 hour operation. It seems an excessive amount of parking for three overlapping shifts. Matt Boone will discuss with the tenant to achieve their minimum parking needs. This will be discussed as part of peer review comments. He referred the Commission to the staff report for additional information on the project. In depth discussions are continuing on the project. The noise study has involved bringing Tech environmental into play to work with the Applicant to make sure the protocol is properly presented. The LEED Gold facility is welcomed and solar PV parking canopies would be great as well. Devens Engineering's comments were discussed. MS4 permit requirements will be required. Discussion of the need to preserve landscaping on the western undeveloped side of the site is needed to balance soil on site or off site and preserving specimen landscape trees. We received a question from the public Harvard Town Planner asked question about waste generation anticipated from the facility. Reply is that it will be connected to Devens sewer and comply with the Sewer Department connection rules and regulations.

Staff recommends continuation of the public hearing until May 6 morning meeting.

Public comments: None.

M/S/V, Bob Gardiner, Marin Poutry to continue public hearing to the May 6, 2021 meeting at 7:30AM. Motion approved unanimously by roll call vote.

**5. New Business:**

**Nashoba Regional Greenway Coalition presentation** by Neil Angus, AICP. We are participating in the new greenway program. Neil discussed how we are attempting to facilitate regional transportation connections. We were approached by Littleton to participate in Nashoba regional greenways coalition. Bolton, Sudbury, Harvard, Littleton, Devens, and other communities seeking transportation for other than just cars. Old Mill Road is a potential connection. We are working collaboratively to develop safe connections between the 14 towns across MAPC and MRPC regional planning agencies. Harvard, Ayer and Devens are receiving technical assistance from MRPC to look into improving connections to create a share the road mindset for the region. This is being chaired by Gary LaCroix of Littleton. JDZ asked "What trail is it crossing Rt 2 in a flyover on Route 2". Mr. Lowitt replied it's the Bruce Freeman Rail Trail.

**Proposed Regulation Amendments.** Staff has submitted proposed changes to the DEC's Code of Massachusetts Regulations (CMR) as required by the Devens MS4 permit and Conservation Law Foundation Settlement with a public hearing slated for May 25, 2021.

**6. Old Business:** None

**7. Public Comment:** None.

**8. 9:02PM: Adjournment:** M/S/V Motion to adjourn. Bob Gardiner, second Martin Poutry. Motion approved unanimously by roll call vote.

**Meeting materials:**

- Agenda
- US Fish and Wildlife Service (78 Hospital Road) ADA Boardwalk Staff Report
- US Fish and Wildlife Service (78 Hospital Road) ADA Boardwalk Draft Wetland Order of Conditions
- US Fish and Wildlife Service (78 Hospital Road) ADA Boardwalk Unified Permit Draft Record of Decision
- US Fish and Wildlife Service (78 Hospital Road) ADA Boardwalk Tree Removal
- King Devens, LLC (45 Jackson Road) Application Cover Letter
- King Devens, LLC (45 Jackson Road) Application Supporting Information
- King Devens, LLC (45 Jackson Road) Site Plans
- King Devens, LLC (45 Jackson Road) Photometric Plan
- King Devens, LLC (45 Jackson Road) Geotechnical Report
- King Devens, LLC (45 Jackson Road) Soil Management Plan
- King Devens, LLC (45 Jackson Road) Traffic Impact Analysis
- King Devens, LLC (45 Jackson Road) Determination of Completeness
- King Devens, LLC (45 Jackson Road) Public Hearing Notice
- King Devens, LLC (45 Jackson Road) Applicant Response to DEC Comments 4-16-21
- King Devens, LLC (45 Jackson Road) Applicant Response to Landscape Review Comments 4-16-21
- King Devens, LLC (45 Jackson Road) Applicant Response to Traffic Review Comments 4-16-21
- King Devens, LLC (45 Jackson Road) Revised Site Plans 4-23-21
- King Devens, LLC (45 Jackson Road) Revised Traffic Impact Study 4-15-21
- King Devens, LLC (45 Jackson Road) Staff Report
- Scannell Properties #460 LLC (16 Bulge Road) Application
- Scannell Properties #460 LLC (16 Bulge Road) Application Supporting Information
- Scannell Properties #460 LLC (16 Bulge Road) Site Plans
- Scannell Properties #460 LLC (16 Bulge Road) Stormwater Report
- Scannell Properties #460 LLC (16 Bulge Road) Traffic Impact Analysis
- Scannell Properties #460 LLC (16 Bulge Road) Determination of Completeness
- Scannell Properties #460 LLC (16 Bulge Road) Public Hearing Notice
- Scannell Properties #460 LLC (16 Bulge Road) Applicant Response to Comments
- Scannell Properties #460 LLC (16 Bulge Road) Revised Site Plans — 16 Bulge
- Scannell Properties #460 LLC (16 Bulge Road) Floor Plan — 16 Bulge
- Scannell Properties #460 LLC (16 Bulge Road) Revised Stormwater Report
- Scannell Properties #460 LLC (16 Bulge Road) Turtle Protection Plan
- Scannell Properties #460 LLC (16 Bulge Road) Staff Report