

**Devens Enterprise Commission
(DEC) Public Hearing and Regular Meeting
Minutes April 7, 2022**

Members Present: Dix Davis, James DeZutter, Robert Gardner, Chris Lilly, William Marshall, Marty Poutry, Paul Routhier, Deb Seeley Duncan Chapman joined at 7:43

Staff: Peter Lowitt, Neil Angus, Dawn Babcock

Guests: Jon Stabach – VHB 16 Bulge, Doug Hartnett – Highpoint Engineering & King Street Properties, Hilde Karpawich – Highpoint Engineering & King Street Properties, Tyson Reynoso – King Street Properties, Jeremy Smart – Scannell Properties, Julie Farrer – King Street Properties

Members Absent: Deb Rivera, Melissa Fetterhoff, Jim Pinard

Chairman William Marshall called the meeting to order at 7:30 AM

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.

(7:36 AM) Reviewed Agenda:

(7:36 AM) Review Minutes: March 29th 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. Gardner and seconded by Mr. Poutry. The Motion to approve the minutes was **Approved unanimously by a roll call vote.**

Public Hearings: Continues from March 29th Meeting

(7:38 AM) 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 the applicant has not responded to comments so he would recommend this hearing be continued to the April 26th 6:45 PM Meeting. The motion to continue this topic to the April 26th 6:45 PM meeting was made by Mr. DeZutter and Seconded by Mr. Gardner and was approved unanimously by a roll call vote. Mr. Angus noted that the Mullin Rule Affidavits from Mr. Marshall and Mr. Lilly will be added to the exhibits.

(7:39 AM) Scannell Properties #460 LLC Level 2 Unified Permit Application for an amendment to their unified permit issued on May 5, 2021 to consider an alternate light and heavy duty pavement detail in accordance with 974 CMR 3.04(3)(a)2.c.. Property located at 16 Bulge Road (Parcel ID #016.0-0018-0200.0) in the Innovation & Technology Business Zoning District. Mr. Angus recognized Mr. Stabach of VHB. Mr. Angus noted this is not a Waiver as noted on the March 29th meeting. Scannell Properties is looking to propose an alternative pavement design provided they submit Engineering information supporting this request. Which they have done and our Engineering team has reviewed the information and they are comfortable with the proposal with a few minor conditions. Mr. Angus noted the conditions again from March 29th meeting.

No questions were asked from the Commissioners. No questions from the Public. Motion was made to close the public hearing was made by Ms. Seeley and seconded by Mr. Gardner. The motion to close this hearing was Unanimously approved by a roll call vote.

Motion to approve the Level 2 permit with the Staff recommendations made by Mr. Gardner and seconded by Mr. Routhier. Before the vote taken Mr. Angus noted that the Mullin Rule Affidavits from Mr. Marshall and Mr. Lilly

will be added to the exhibits, allowing them to vote on the project. The Motion to approve the Level 2 Permit with the staff recommendations was approved Unanimously by a roll call vote.

New Business

- **(7:46 AM) Determination of Use Request from King Street Properties – 57 Jackson Road Amenity Building**
Mr. Lowitt noted that King Street Properties is looking for a Determination of use for their Amenity Building which has been part of their development master plans. It is proposed to be located at 57 Jackson Road which is part of the KSP Campus. This building will house a Café Food and Beverage / Tap Room, Multi-Purpose Space, Conference Rooms. After consulting with the Legal Counsel and there are 2 sections of the By-laws and Regulations that are pertinent. The first is our definition of Accessory Use, under our Rules and Regulation notes that it has to be on the same lot and it has to be less than 50% of the building. The second item Definition Small Scale Retail from our by-laws which says Accessory use for retail notes that it has to be in the same building as proposed greater use. After multiple discussions with King Street Properties and our Legal Counsel Mr. Lowitt recommends that the Commission make a finding that the proposed amenity building uses are allowed in the Innovation Technology Business Zoning District if the building is on the same lot and subject to the applicant establishing that and maintaining the small scale retail components of the building are less than 50% of the amenity building area. Mr. Lowitt then offered to field any questions the Commissioners may have. Mr. Marshall asked for questions. Mr. Marshall asked if this is in place of internal cafeterias. Mr. Hartnett from Highpoint responded, No this will be for the entire campus as well as the public to access. Mr. Angus noted that this just a request not confirmation of the use of the building. Future requests will be submitted when development gets closer. Mr. Marshall asked for the motion to approve the Determination of Use the Amenity Building and that was made by Mr. Gardner and seconded by Mr. Chapman. The request was approved unanimously by a roll call vote.
- **(7:55 AM) Municipal Vulnerability Preparedness Program** Mr. Lowitt has drafted a letter of support to establish pocket forest regional grant with Ayer. Mr. Lowitt is looking forward to working with Ayer like we have in Harvard in the past. Mr. Marshall asked if there are any questions from the Commissioners. Mr. DeZutter asked about the size of the forest areas. And will they be maintained going forward. Mr. Lowitt noted that the areas are 20K Sq. Feet or less. And there are a number of experts currently on the team. Mr. Angus added that these aren't large areas so not something you can walk through but more to keep the environment. Mr. Angus also noted that students from Parker Charter School will be doing studies on the effects these spaces will have going forward. Mr. Marshall asked if both Devens and Ayer will have these forests. Mr. Lowitt noted that the 1st one will be in Devens and then the 2nd year will be Ayer. Mr. Marshall asked for a motion to accept the letter as drafted by Mr. Lowitt. The Motion was made by Mr. Gardner and seconded by Ms. Seeley. The Motion to accept the letter as drafted was approved unanimously by a roll call vote.
- **(8:04 AM) FY23 Budget Review** Mr. Lowitt noted that we expect to exceed or come very close to our Revenue goal for the year and then reviewed the line items of the expense side of the budget. One of the Expense items raised a few questions. Goddard Street Project, Mr. Marshall asked what the intent of this project is, to increase the value of the homes? Mr. Lowitt responded that will be part of the study being conducted by the Students from Tufts. Mr. Marshall also asked with this being a Model will that increase the traffic coming to see the street? Mr. Lowitt noted that it could. Mr. Angus added that the developer of these houses is all for showing the model to the point he has even written it into the P&S Contracts. The other expense line item that got questions was the Salaries. Mr. Marshall asked if our budget is in line with Mass Development. And Mr. DeZutter asked about the New Hire in the budget. Mr. Lowitt said he would circle back with Mass Development to ensure we are in line with them and as for the new hire with Mr. Lowitt's plan to retire getting close he and Mr. Angus are looking to hire a Planner to replace Mr. Angus in hope that the Commissioners promote Mr. Angus to Director. Mr. Marshall asked the commissioners to review the documents and they will review/discuss/vote on the budget at the May 5th 7:30 AM Meeting after Mr. Lowitt confirms Increase is in line with Mass Development as well as having Mr. Brewer & Ms. Harding invited to the May 5th 7:30 AM Meeting to review the anticipated Revenue based on the projects for FY23. Then the vote to adopt the Revenue Budget will be done in May.

Old Business

(8:27 AM) 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. Lowitt requests to continue this topic until the April 26th @ 6:45 PM as Mass Development has yet to respond to our Comments. Mr. Marshall asked if this is a Level 1 Application. Mr. Lowitt noted that this isn't a Level 1 Application but rather than Wet Lands request of Determination of Applicability. Motion to table this request to April 26th at 6:45 PM was made by Mr. Gardner and seconded by Ms. Seeley. The motion to table this topic until the next meeting on April 26th at 6:45 PM has been Unanimously approved by a roll call vote.

(8:29 AM) Other Business/Topics: Mr. Lowitt noted there may be an executive session called at the end of the April 26th meeting

Mr. Chapman asked for a future topic – a Forester type position in the future for Devens.

Mr. Lowitt noted Devens Jurisdiction Committee as a topic for the April 26th 6:45 PM meeting

Mr. Angus shared we are partnering with Ayer and US Fish and Wildlife the Erath Day Event planned for April 22nd 2:00 – 6:00 PM on MacPherson Rd

(8:32 AM) Public Comment - Mr. Marshall asked if there were any questions or comments from the public. There were no comments or questions at this time.

(8:34 AM) Adjournment the motion to Adjourn was made by Mr. Poutry seconded by Mr. Gardner and by a roll call vote it was unanimous to close the public hearing.

List of Exhibits:

- Agenda
- Meeting Minutes
 - March 29th
- Amended Record of Decision for 16 Bulge Road – Scannell Properties #460, LLC
- Memo Determination of Use Request for 57 Jackson Road Amenity Building
- Letter from Douglas Hartnett, Highpoint Engineering – 57 Jackson Road Amenity Building
- Draft memo for Main Streets Regional Pocket Forests Pilot Projects
- Detailed Project Description – Main Streets Regional Pocket Forest Pilot Project
- Memo from Mr. Lowitt – Budget Memo for FY2023
- FY2023 Budget Excel Spreadsheet
- Mullin Rule Affidavits from Mr. Marshall and Mr. Lilly for the Brennan Consulting Inc. on behalf of Mass Development / Devens – Public Safety Building 270 Barnum Road topic
- Mullin Rule Affidavits from Mr. Marshall and Mr. Lilly for the Scannell Properties LLC – 16 Bulge Road Consider alternate pavement options