

**Devens Enterprise Commission  
DEC Public Hearing & Meeting  
Minutes April 9, 2020**

**Members:** Duncan Chapman, Dix Davis, Jim DeZutter, Melissa Fetterhoff, Robert Gardner, Christopher Lilly, Robert Markley, William Marshall, Marty Poutry, Paul Routhier

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

**Absent:** William Castro, Jim Pinard, Debra Rivera

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This meeting was held virtual via Zoom Meeting in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A. s.20.

W. Marshall called the meeting to order at 7:34 AM and read the agenda. W. Marshall took roll call and went over the virtual meeting procedures. The following individuals were also in attendance: Deven Chauhan (BMS), Anthony Haskell (BMS), Curt Quitzau (VHB)

**7:37 AM Continued Level 2 Unified Permit application submitted by Bristol-Myers Squibb for a proposed +/- 240,000 gross square foot building (Cell Therapy Facility), a +/-44,800 gross square foot expansion to the existing central warehouse building, a +/-600-space above ground parking structure, and new cooling tower. Property located at 38 Jackson Road (Parcel ID # 9-4-200), Devens, MA in the Innovation & Technology Business District.**

N. Angus went over the staff report indicating staff worked with the applicant to address all open items. The applicant has agreed to construct the green roof/wall as required for the Cell Therapy Facility (CTF) but the FDA would not allow green roofs on their warehouse expansion due to potential contamination and product storage requirements. They will provide the FDA restrictions to the DEC. Since about 70 feet of CTF will be visible from the viewshed area the applicant has agreed to paint the building the same color as the original phase buildings and the buildings mechanicals will not have any reflective materials. The applicant did reach out to the Town of Harvard with no comments received. N. Angus noted we don't have full details on the parking garage and warehouse as the design details are not finalized but we can address this with a condition. He reported there were some issues with the landscaping but those have been addressed. The applicant will have excess soil and we are working together with MassDevelopment to identify a relocation plan. We can add a condition to address this as well. W. Marshall reported J. DeZutter and R. Markley have both supplied Mullin Rule Affidavits and are confident they can vote on this project after reviewing the meeting material and recording from March 24, 2020. Questions – C. Lilly indicated he has a concern about the waiver on viewshed since the applicant has not yet provided the FDA restrictions. A. Haskell reported that was his error and he did submit late last night. He noted with landscaping or vegetated roof/walls can attract pests and the water in the vegetated roof/wall could also contaminate their processes. Public comment: none. **M/S/V** J. DeZutter, R. Gardner to close the public hearing; approved unanimously. P. Lowitt went through the draft Record of Decision and noted Anthony's email on the green roof and FDA requirements will be added to the list of exhibits. The applicant has requested the additional green wall/green roof waiver. **M/S/V** R. Gardner, M. Poutry to approve the 4 requested waivers; approved unanimously. P. Lowitt continued through the Findings and Conditions and indicated staff recommends conditional approval of the Level 2 Permit. N. Angus noted the Record of Decision will be amended to include the Mullin Rule Affidavits as well. **M/S/V** D. Davis, R. Gardner to approve the Level 2 Unified Permit for the BMS CTF Phase 3 with conditions and waivers as presented; approved unanimously by roll call vote.

**8:12 AM New Business: FY2020 Budget Discussion (non-profit funding in wake of COVID-19)**

P. Lowitt reported he would like the Commission to consider setting aside \$50,000 to support Devens non-profits in FY2021 considering the COVID-19 crisis. P. Lowitt went over the list of 10 non-profits noting each could receive \$5,000 in funding from the DEC to help them in this unprecedented time. R. Gardner, M. Fetterhoff and R. Markley recused themselves from the discussion as they sit on one or two of the boards on the non-profit list. J. DeZutter asked why we wouldn't consider funding this fiscal year considering our position. P. Lowitt indicated we certainly could. W. Marshall asked if this should be part of the new budget as well as the current fiscal year. D. Davis noted given the current surplus we should help if we can. **M/S/V** J. DeZutter, D. Davis to amend the FY2020 budget to increase the total by \$50,000 to include funding these non-profits:

Fort Devens Museum \$5,000 **M/S/V** J. DeZutter, D. Davis; approved, R. Gardner recused;

Loaves and Fishes \$5,000 **M/S/V** J. DeZutter, D. Davis; approved;

Nashua River Watershed Association \$5,000 **M/S/V** J. DeZutter, D. Davis; approved; R. Gardner recused;

Nashoba Valley Chamber of Commerce \$5,000 **M/S/V** J. DeZutter, D. Davis, approved; R. Gardner, M. Fetterhoff and R. Markley recused themselves.

Guild of St. Agnes \$5,000 **M/S/V** J. DeZutter, D. Davis; approved;  
Clear Path for Veterans New England \$5,000 **M/S/V** J. DeZutter, D. Davis, approved;  
Freedoms Way National Heritage \$5,000 **M/S/V** J. DeZutter, D. Davis; approved;  
Seven Hills Foundation \$5,000 **M/S/V** J. DeZutter, D. Davis; approved;  
Central Massachusetts Veterans \$5,000 **M/S/V** J. DeZutter, D. Davis; approved;  
United Native American Cultural Council \$5,000 **M/S/V** J. DeZutter, D. Davis; approved.  
Note for the record FY2020 Budget and FY2021 Budget amended to increase each fiscal year \$50,000 – **M/S/V** J. DeZutter, D. Davis approved unanimously.

**8:51 AM Old Business: COVID-19 Board of Health Update**

P. Lowitt indicated we have posted the most up-to-date guidelines on the DEC website. We've shut down the office, one of us has been in the office each day. N. Angus has been working closely with the Nashoba Associated Boards of Health and DEC Legal Counsel Jim Lampke to ensure state guidelines are being followed on all active projects. The essential projects continue to operate and report weekly – BMS, Devens Village Green and Little Leaf Farms. The Women's Institute project at 27 Hospital Road has shut down. Staff is trying to keep on top of all projects and their status to ensure public health and safety and is posting regular updates on the DEC's website. He reported the Nashoba Valley Chamber of Commerce has also been posting informative updates. N. Angus displayed his homemade mask, out of a cotton t-shirt. W. Marshall thanked staff for the great work.

**8:59 AM Certificate of Appreciation for retired Commissioner Armen Demerjian**

N. Angus displayed the Certificate of Appreciation for A. Demerjian indicating his 13 years of service to the DEC. W. Marshall noted A. Demerjian was a wealth of knowledge and he was a great supporter of Devens including having been a business owner and resident. We thank him for his time and dedication.

**9:02 AM Public Comment:** None

P. Lowitt indicated our next meeting will be held on May 7<sup>th</sup> and we'll send notice. W. Marshall wished everyone a happy Easter and Passover and to stay safe.

**9:02 AM M/S/V** J. DeZutter, D. Davis to adjourn, approved unanimously.

**List of Exhibits –**

- Agenda
- Virtual Hearing Procedures
- Staff Report 4/7/20 RE: BMS CTF Phase 3
- Draft Record of Decision 4/9/20 RE: BMS CTF Phase 3
- FY2021 Budget Narrative RE: Amendments
- Certificate of Appreciation for retired Commissioner Armen Demerjian