

Devens Enterprise Commission
(DEC) Public Hearing and Regular Meeting
Minutes August 4, 2022

Members Present: Duncan Chapman (joined at 8:36 AM), Dix Davis, James DeZutter, Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall, Martin Poutry (joined at 7:40 AM), Paul Routhier (joined at 7:45 AM), Deb Seeley

Staff: Peter Lowitt, Neil Angus, Dawn Babcock

Guests: Tom Kinch (Resident), Mark Eclipse (PCA Architects – Amenity Building Architect), Hillary Andrews (Parks and Recreation), Doug Hartnett (Highpoint Engineering), Rob Nagi (VHB), Matthew O'Brien (Vivo Architecture – Biomufacturing Building), Peter Stefanini (Vivo Architecture -Biomufacturing Building) Adam Prichard (VHB), Hanna Loope (Wagner Hodgson Landscape Architect), Hilde Karpawich (Highpoint Engineering), Julie Farrer (Project Manager for King Street Properties), Lt. Reid Bagley (State Police), Beth Suedmeyer (DEC New Hire)

Members Absent: Jim Pinard, Deb Rivera

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

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 the Devens Enterprise Commission is recording this meeting.

(7:35 AM) Mr. Lowitt introduced Tom Kinch a long time resident and Honorary Mayor of Devens as he is leaving Devens in the near future. Mr. Lowitt noted Mr. Kinch will be greatly missed at Devens. Mr. Lowitt then introduced Beth Suedmeyer to the Commissioners as she will be joining the Devens Enterprise Staff as our new Associate Planner starting on September 6th.

(7:41 AM) Chairman Reviewed Agenda.

(7:40 AM) Review Minutes:

- **July 26th 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. DeZutter and seconded by Mr. Davis. The Motion to approve the July 26th minutes was **Approved unanimously by a roll call vote. Ms. Fetterhoff and Mr. Lilly abstained from voting due to not attending the July 26th meeting.**
- **February 22nd Executive Session 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 Ms. Seeley. The Motion to approve the February 22nd Executive Session minutes was **Approved unanimously by a roll call vote.**
- **May 31st Executive Session 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. Davis. The Motion to approve the May 31st Executive Session minutes was **Approved unanimously by a roll call vote.**

Public Hearings:

- **(7:46 AM)** The Chairman read the legal notice. **Event Permit and One-Day Wine and/or Malt Beverage License request by MassDevelopment (Devens Recreation) for the Fort Devens Day** celebration to take place on Rogers Field at 100 Sherman Ave and within portions of the Buena Vista Street Right-Of-Way on Saturday, August 20, 2022, from 4PM to 10PM (rain date Sunday, August 21, 2022, 4-10PM). Mr. Angus, before turning the floor over to Ms. Andrews, noted that she has been working with the Army as well as the town of Ayer to ensure this event is a success. Ms. Andrews noted that the majority of the event will be on the Military portion of the community, but Devens will have live music, food trucks and touch a truck (thanks to the Army) on the (Rogers Field) Devens portion. This event will be similar to the Food Truck and Craft Festival that took place in June just a much larger scale. With this being a larger event, they are planning to ID everyone entering the fenced off alcohol area as well as at the service counter and will be issuing wrist bands after their ID has been checked. This will help to identify those of legal drinking age. There will also be a police officer in the fenced area at all times. The fenced area will have a

maximum capacity of 600. The vendors will be licensed with the Nashoba Board of Health. Parking will be managed with the Parks and Rec. Mr. Marshall asked if there were any Questions from the Commissioners and then the Public. None were asked. Mr. Marshall than asked for a motion to close the hearing. The motion was made by Mr. Davis and seconded by Mr. Routhier. The Motion to close the hearing was **Approved unanimously by a roll call vote**. Mr. Angus then reviewed the Conditions for the 1 Day License (7) and the Event (4). Mr. Marshall then asked if there were any questions from the Commissioners and the then the Public. Lt. Bagley of the State Police asked to speak. Lt. Bagley would like to request that the service of alcohol end at 8:45 PM to ensure there won't be any serving when the fireworks start. Ms. Andrews noted that she has no issue with the 8:45 PM Last Call. Mr. Marshall asked for a motion to approve this Event/1Day Alcohol Application. Mr. Gardner made the motion to approve this Event/1Day Alcohol Application with the End Time for Service at 8:45 PM, Mr. Lilly seconded the motion. The motion to approve this application was **Approved unanimously by a roll call vote**.

- **(8:05 AM)** The Chairman read the legal notice. **King Devens LLC** Level 2 Unified Permit including site plan and subdivision approval for the demolition of an existing building, construction of a new 145,000 gross square foot biomanufacturing building and a separate 8,300 gross square foot amenity building, including parking, stormwater management, landscaping, and utilities. Property located at **57 Jackson Road** (Parcel ID#0.13.0-0021-0100.0) in the Innovation & Technology Business Zoning District. Ms. Farrer of King Street Properties noted that they have most of the same companies as they had for 45 Jackson but wanted to note that they have PCA Architects joining the team to work on the amenity building, which will be at 65 Jackson Road. This address hasn't been approved yet, but the request has been submitted with plans to move the property lines to split the land to allow for 65 Jackson Rd. Ms. Farrer then turned the meeting over to Mr. Hartnett from Highpoint Engineering and he went over the plans to demolish the existing building on 57 Jackson, adjust the property line to allow 65 Jackson Road and erect a 145K square foot Biomanufacturing Building as well as the 8.3K square foot Amenity Building at 65 Jackson Road. Mr. Hartnett went over the parking, traffic, landscape, and stormwater plans as well. With the earth needing to be moved the developer would like to move the soil from 57/65 to 75 Jackson Road as fill will be needed for that project. The main driveway off Jackson Rd. for employees will grant access to all three properties and the trucks will enter from Givry Street. The entrance off Jackson Rd will have an Auto Court tying the three properties together. Mr. Hartnett noted that the two office buildings will have the same look as the existing building and the Amenity Building will have a military feel with a swept wing look to the building and a camo color to the exterior. The Amenity building will be open to employees as well as the public. The building will have overhead doors that on nice days can be open to give a fully open feel to the eating area. The Amenity Building use has already been approved by the commissioners for 50% recreation and <50% eatery. They are looking at a Food to Table type of business for the eatery side of the building and a gym and meeting rooms on the recreation side. Mr. Hartnett also showed that the View Line from Fruitland's and Prospect Hill in Harvard will not be impacted by these buildings. Mr. Marshall asked the commissioners and then public if there were any questions. Hearing none, Mr. Lowitt then noted that there are still several items that need to be addressed such as Jackson Road improvements, Drainage, Parking and Landscaping. So, Mr. Lowitt would suggest this hearing be continued until August 30, 2022, at 6:45 PM. Mr. Lowitt also requested that the applicant submit a letter for an extension. Mr. Marshall asked the commissioners and public for questions. No questions were asked. Mr. Davis did note that the applicant has done an impressive job on the thoroughness of this application. Mr. Marshall asked for a motion to continue this hearing. The motion was made by Ms. Seeley and seconded by Mr. Davis. The motion to continue this hearing until August 30, 2022, at 6:45 PM was **Approved unanimously by a roll call vote**.
- **(8:38 AM)** The Chairman read the legal notice. **King Devens LLC** Level 2 Unified Permit including site plan and subdivision approval for the construction of a new 275,000 gross square foot biomanufacturing building including parking, stormwater management, landscaping, and utilities. Property located at **75 Jackson Road** (Parcel ID#0.18.0-0021-0900.0) in the Innovation & Technology Business Zoning District. Mr. Angus turned the floor over to Ms. Farrer who in turn turned the meeting over to Mr. Hartnett. Mr. Hartnett noted that this hearing is part of the joint plan presented minutes ago for 57 Jackson Road and this building will have the same exterior look as 33, 39, 45 and 57 Jackson Road. As will the landscape. They are designing a 5-story parking garage should the complex require one in the future. And this will be in place of some of the parking spaces in the plan presented today. The parking garage will be at the same height as the office buildings so there will be no viewshed issues. Mr. Hartnett noted that when King Street Properties bought the site MassDevelopment required a stormwater easement to the Hospital Road Stormwater Basin and this easement defines the work that can be done around the basin. Landscaping and pavement were discussed in the previous hearing. Mr. Marshall asked the Commissioners and then Public if there are any questions, none were asked. Mr. Angus went over the staff report and noted that the sound study will need to be updated when the building is occupied. Mr. Angus suggested the applicant work with MassDevelopment regarding extending the sidewalk on Givry for pedestrian safety. Parking: Handicap and Share Ride Spaces will need to be revisited. As Mr. Lowitt did earlier Mr. Angus has asked that this hearing be continued until the August 30, 2022, 6:45 PM Meeting to allow ample time for all items to be addressed. Mr. Marshall asked the Commissioners and then Public for Questions, hearing none. Mr. Marshall asked for a motion to continue this hearing to August 30, 2022, at 6:45 PM and the motion was made by Mr. Gardner and seconded by Mr. Davis. The motion to continue this hearing was **Approved unanimously by a roll call vote**.

New Business:

- **(8:56 AM) Quarterly Staff Report** Mr. Lowitt noted that the team has been too busy working on the applications that have come in so would like to move this topic out. Mr. Angus noted the report will be ready for the August 30, 2022, 6:45 PM meeting.

Mr. Marshall asked if there was any other new business which Mr. Lowitt noted there was none.

Old Business:

- **(8:57 AM) Commercial Development Cap:** Mr. Lowitt said that the legislation was folded into the economic development bill. Legislators failed to pass the Economic Development Bill, so we are currently in limbo. Mr. Lowitt has met with our legislative delegation, who have assured us that at some point over the remainder of the summer to early fall the legislature will move the Economic Development Bill forward in an informal session and we have been assured that the Development Cap will be part of that. Mr. Lowitt noted that we as the Commission have done everything possible to get this addressed. Mr. Marshall confirmed and is confident that this will be addressed in the next few months.

(8:59 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.

Mr. Marshall then noted the dates for the next two meetings

(9:00 AM) Mr. Marshall asked for a motion to adjourn the meeting. The Motion to Adjourn was made by Mr. Gardner and seconded by Mr. DeZutter and was **Approved unanimously by a roll call vote.**

List of Exhibits:

- Agenda
- Meeting Minutes
 - July 26th
 - February 22nd Executive Session
 - May 31st Executive Session
- Event Permit – Fort Devens Day
 - Application
 - Narrative
 - Staff Report
- King Devens LLC – 57 Jackson Road
 - Application
 - Site Plans
 - Stormwater Report
 - Traffic Impact Study
 - Determination of Completeness
 - Revis Civil Site Plan
 - Responses to DEC Comments
 - Responses to Nitsch Comments
 - Staff Report
- King Devens LLC – 75 Jackson Road
 - Application
 - Site Plans
 - Stormwater Report
 - Traffic Impact Study
 - Determination of Completeness
 - Revis Civil Site Plan
 - Responses to DEC Comments
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 - Staff Report