

**Devens Enterprise Commission
(DEC) Public Hearing and Regular Meeting
Minutes February 22, 2022**

Members Present: James DeZutter, Melissa Fetterhoff, Robert Gardner, Chris Lilly, Paul Routhier, Marty Poutry, Deb Rivera, Deb Seeley, Bill Marshall Dix Davis joined at 7:16 PM
Staff: Peter Lowitt, Neil Angus, Dawn Babcock
Guests: Brian Pearce, Doug Hartnett, Julie Ferrer, Tyson Regnoso (all representing 45 Jackson Road); James Lampke (Legal) joined at 6:57 PM
Members Absent: Duncan Chapman, Jim Pinard, Marty Poutry

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 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, Mr. Marshall informed all attendees that this meeting is being recorded by the Devens Enterprise Commission.

(6:50 PM) After doing a roll call Mr. Marshall noted that we Ms. Rivera to appoint Alternate Ms. Rivera to be a voting member for tonight's meeting. The motion was made by Mr. DeZutter and seconded by Mr. Gardiner. The motion to appoint Ms. Rivera was **unanimously approved by a roll call vote.**

(6:52 PM) Reviewed Agenda:

(6:54 PM) Review Minutes: Feb 3rd 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 Ms. Seeley and seconded by Mr. Gardner. The Motion to approve the minutes was **Approved unanimously by a roll call vote.**

(6:55 PM) Public Hearings:

King Devens LLC Level 2 Unified Permit – 45 Jackson Road. Mr. Marshall read the Public Hearing notice for the King Devens LLC Permit. Mr. Marshall handed the call over to Mr. Angus who noted that this is for a waiver for an additional free standing sign further in on the property owned by King Devens LLC. He then turned the call over to Mr. Hartnett from HighPoint Engineering who is representing the King Devens LLC for this request. Mr. Hartnett noted that the sign will not be lighted as well as the distance between the original sign and the other reason is due to the robust landscaping on the property and the offset from the road. Mr. Angus then went over the Staff Report and noted that seeing the public comment period hasn't closed. Mr. Angus recommended to continue this hearing until the next meeting on March 3rd at 7:30 AM to allowing the allotted time for the towns/public to comment. Mr. Angus then offered to answer any question. Mr. Lilly then asked with the number of buildings slated for this property will we be seeing more of these requests in the future? Mr. Angus noted that this concern has been raised with King Devens and they are working on a signage master plan. Which we will be reviewing most likely in the near future. Each request needs to be reviewed on its own merit. Mr. Reynoso of King Devens LLC noted that with the berm and landscape screening it is most likely that additional waivers will be required as they feel that the one sign at the main entrance will not be enough to direct guests and employees to the proper facility. Mr. Lowitt noted that with the berms on the edges of the property the additional sign is needed and we will review additional requests as needed. Mr. Marshall noted that with this sign not being lit will it catch

lights from vehicles passing? Mr. Pearce noted that yes and that they felt that was the best option for the property and the scale is adequate for visibility.

Mr. Marshall opened the hearing to the public for questions. None were asked. He asked for a motion to move to continue the meeting to March 3rd at 7:30 AM. The Motion was made by Mr. Gardner and seconded by Mr. Lilly and the motion was **Approved unanimously by a roll call vote.**

(7:12 PM) New Business

- **(7:12 PM) Virtual Read File** Mr. Angus noted that the virtual read file was distributed earlier there were a few items brought to the commissioner's attention. Mr. Marshall asked to hear any questions for the commissioners
- **(7:13 PM) Social Media Minutes – Review of Twitter, Facebook, Posts** Mr. Lowitt noted that there are a number of blogs and again asked it be shared and liked.

(7:15 PM) Old Business

- **(7:15 PM) Conflict of Interest Training Reminder**

Mr. Angus noted that a few others had joined the call, Counsel Mr Lempke and Mr. Davis.

(7:17 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.

Before going into Executive Session Mr. Marshall noted the next meeting is March 3rd at 7:30 AM and for the March 29th meeting Mr. DeZutter will need to step in as the Chair of the meeting as Mr. Marshall will not be in attendance.

(7:20 PM) Mr. Marshall then entertained a motion to go into Executive Session to discuss the following topics:

- **To consider the purchase, exchange, lease or value of real property where an open session may have a detrimental effect on the negotiating position of the body;**
- **To discuss strategy with respect to litigation where an open session may have a detrimental effect on the litigating position of the body**

Motion made by Mr. Gardiner, seconded by Mr. DeZutter and **approved by unanimous roll call vote.**

(8:40 PM) Adjournment The Commission came back into public session and on a motion by Mr. Davis, seconded by Mr. Gardiner **unanimously voted to close the public hearing.**

List of Exhibits:

- Agenda
- Meeting Minutes
 - February 6th
- Staff Report – King Devens LLC 45 Jackson Road
- Virtual Read File 2-22-22