

**Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes February 8, 2024**

Members Present: Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall, James Pinard, Martin Poutry, Paul Routhier, Debra Rivera, Deborah Seeley

Staff: Neil Angus, Beth Suedmeyer, Dawn Babcock

Guests: Carl Sciple (Harvard Resident), Lt Keith Pruett (State Police), Tom Mahanna (Tighe and Bond), April Locke (Tighe and Bond), Mary Danielson (Tighe and Bond), Tim Kilhart (Harvard DPW), Meg Delorier (VP MassDevelopment), David Braithwaite (never announced himself)

Members Absent: Duncan Chapman

(7:32 AM) Chairman William Marshall called the meeting to order and did a roll call.

Mr. Marshall read that the Devens Enterprise Commission (DEC) 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. 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. Angus informed all attendees that the Devens Enterprise Commission is recording this meeting.

(7:36 AM) Chairman Marshall noted, we will need to nominate Ms. Rivera as a voting Regional Representative for this meeting. The motion was made by Mr. Gardner and seconded by Mr. Poutry. The nomination was approved unanimously by a roll call vote.

(7:37 AM) Mr. Marshall reviewed the agenda of this morning's meeting.

(7:36 AM) Review Minutes:

- **January 30th Minutes** Mr. Marshall asked if there were any edits or comments, none were mentioned. Mr. Marshall asked for a motion to accept the minutes as posted. **The motion was made by Mr. Gardner and seconded by Mr. Poutry and the motion to accept the minutes was approved by a roll call vote.** Both Ms. Seeley and Mr. Lilly abstained as they were not present for the January 30th meeting.

Public Hearings:

- **(7:40 AM) Continued from January 30th meeting, Level 2 Unified Permit, including Site Plan and Wetland Notice of Intent from the Town of Harvard Public Works Department for the construction of a water line extension, new Booster Pump Station, and associated site improvements for the interconnection of the Devens water system to the Town of Harvard, MA. Property located at 39 Sheridan Road (003.0-0099-0203.0) and 3 Marne Street (011.0-0019-0200.0), Devens, MA in the Special Use and Open Space and Recreation Zoning Districts.** Mr. Marshall reopened the hearing and handed it over to Mr. Angus, who noted since the last hearing Tighe and Bond the applicants engineer has revised the plans to address the outstanding comments and have submitted updated plans. Mr. Angus then turned to meeting over to Ms. Locke from Tighe and Bond who noted that they have updated their plans with the stormwater design revisions as well as revisions based on the document they received yesterday. Ms. Danielson of Tighe and Bond added that they have met with Red Tail Golf Course to understand their requirements regarding any repairs and general timeline coordination. Mr. Angus brought up the concern based on the notes made about stockpiling excess materials at the Harvard DPW. He wants to remind everyone that no excess soil materials can leave Devens unless it has gone through proper soil management procedures. Mr. Angus noted that this has been noted in the Draft Record of Decision that he has prepared. Should the commissioners be comfortable acting on this application, he feels that the outstanding items are minimal and can be addressed in the Record of Decision as conditions. Mr. Marshall asked if there were

any questions, Mr. Lilly asked if this is a water line only project or will we be establishing any new wells or zones of restrictions? Mr. Angus confirmed this is correct. This is a water line connection with the main part of the application being a booster pump station which will aid in getting the water to Harvard. This is within the Devens water management act permit and within our capacity. Mr. Marshall noted that three Mullin Affidavits have been added to the Record of Decision as exhibits; Mr. Chapman, Mr. Lilly, and Ms. Seeley. Mr. Marshall asked if there are any questions from the public – hearing none. Mr. Marshall asked for a motion to close the public hearing. **The motion to close the hearing was made by Ms. Seeley and seconded by Mr. Lilly. The motion to close the hearing was approved unanimously by a roll call vote.** Mr. Angus noted that this application also includes a Wetland Order of Conditions in addition to the site plan approval for the waterline connection and a booster pump station. Mr. Angus requests that the Commission act on the Wetland Order of Conditions first. Mr. Marshall asked if there were any questions, none were asked. Mr. Marshall then asked for a motion to approve the Wetland Order of Conditions. **The motion was made by Mr. Gardner, seconded by Mr. Routhier the motion. The motion to approve the Wetland Order of Conditions was approved unanimously by a roll call vote.** Mr. Angus went through the Draft Record of Decision and noted that he has updated all the exhibits as well as added an email received by Ms. Locke last night. There are no waivers being requested with this application. But there are a couple of unique findings for this project; the booster pump station is considered an accessory municipal use in open space as this area is considered open space and recreation zone. A second finding was that the applicant has incorporated measures to avoid impacts to the resource areas. This project does meet all the other site plan criteria. Mr. Angus did note that this is the first application we have received that the applicant filled out the embodied carbon reduction guidelines check list and noted a few items that will be used on this project. Mr. Angus then went through the conditions. Mr. Angus noted the date of issuance will be February 9th not February 14th as noted, so he will modify that. Mr. Angus did mention the road access to this project is right on the edge of an estimated priority habitat for endangered species (Blanding’s Turtle), so we ask that they consult with the Natural Heritage Endangered Program to ensure there are no issues. Mr. Marshall asked if there were any questions, none were asked. Mr. Marshall then requested a Motion to approve the unified permit with the amendments discussed. **The motion was made by Mr. Gardner and seconded by Mr. Poutry; the motion to approve the unified permit was approved unanimously by a roll call vote.**

New Business:

- **(7:59 AM)** Mr. Angus updated the commissioners on the one item in the **Read File** – in the Worcester Business Journal there was an article that **36 Saratoga Blvd** (home of New England Sheets) had been sold.

Old Business:

- **(8:01 AM)** Mr. Marshall asked if there was any old business to cover and Mr. Angus noted that there have been a few Truck Violations recently on Buena Vista Blvd. For one company this is the 4th time they have been spoken to and will be receiving a fine with their certified letter. Mr. Angus has also notified Lt. Pruet and he has increased the police presence in that area.

(8:05 AM) Public Comment Mr. Marshall asked if there were any questions from the public. None were asked.

(8:06 AM) Mr. Marshall then noted the upcoming meetings. **February 27th at 6:45 PM** Public Hearing - hybrid meeting, and the **March 7th 7:30 AM** zoom meeting.

(8:08 AM) Mr. Marshall asked for a motion to adjourn the meeting. **The motion was made by Mr. Routhier and seconded by Ms. Seeley. Adjournment was concluded unanimously by roll call.**

List of Exhibits

- Agenda
- Draft Minutes for the January 30th Meeting
- Public Hearing – 39 Sheridan Road
 - Applicant Revised Plans and Response to Comments
 - Wetland Order of Conditions
 - Record of Decision Draft
- New Business
 - Read File

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