Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes January 31, 2023

Members Present: Duncan Chapman, Dix Davis, James DeZutter, Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall, Martin Poutry, Deb Rivera
Staff: Peter Lowitt, Neil Angus, Beth Suedmeyer, Dawn Babcock
Guests: Phil Fama (Resident), Angela Chang (Resident), Jim Gellir (Resident), Jeff Lowe (Resident) Paul Chiou (Resident), Meg Delorier (Acting EVP for MassDevelopment), Robert Jenkins (MassDevelopment)
Members Absent: Paul Routhier, Debra Seeley, Jim Pinard

(6:45 PM) Chairman William Marshall called the meeting to order and did a roll call.

Mr. Marshall read that the 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. 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.

(6:50 PM) Chairman Marshall noted, we will need to nominate Ms. Rivera as a Regional Representative for this meeting. He then asked for a Motion to Nominate Ms. Rivera which was made by Mr. Gardner and seconded by Mr. DeZutter. The motion was approved unanimously by a roll call vote.

(6:51 PM) Mr. Marshall reviewed the Agenda of this evening's meeting.

(6:52 PM) Review Minutes:

- **December 20th Minutes** were discussed. 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. Davis and seconded by Mr. Poutry. The Motion to approve the December 20th minutes was **Approved by a roll call vote. Ms. Rivera abstained from voting as she was not present for the December 20th meeting.**

Public Hearings:

None to review for this meeting.

New Business:

(6:54 PM) Annual Report: Mr. Marshall noted that every year the staff prepares an annual report that goes into the three towns reports as well as our website. The staff team split the report into 3 sections and Mr. Angus started off by going over the summary of 2022 then giving a brief summary of the 2022 Project Highlights. Mr. Angus then handed the deck over to Mr. Lowitt who reviewed the Permitting Summary for 2022. Mr. Lowitt did note that we were down 21 permits from last year but still doing well dollar wise. Mr. Lowitt noted unfortunately when MEPA removed the 8.5 million square foot development cap in the 2007 MEPA project amendment, our Devens By Law wasn't changed. With a quick turnaround needed, we enlisted the Legislators, and they were able to get the By Law changed. We do still have environmental restrictions that we have been able to stay within. Mr. Lowitt noted that Rapid Refill received a permit to become the first package store on Devens. Lieutenant Bagley had some concerns regarding the license, and we were able to put a few restrictions in our letter to the owner that covered the concerns the state police had voiced. The enforcement of the Truck Routes is still a work in progress. We are working to enforce this with the help of the residents in Devens as well as the State Police. Mr. Lowitt stated that Covid is still an issue in the US and if anyone needs COVID tests, we have them in our office for any Devens Resident. Mr. Lowitt stated that we are in the process of putting a moratorium on groundwater irrigation wells. The reason for this moratorium is to prevent the spread of PFAS through ground water as much as possible. Mr. Lowitt also added that we are continuing to work with Nashoba Associates Board of Health and Central Mass. Mosquito. The Intake Center which was opened in December has been running smoothly and still under its capacity. The other topics covered were Transportation, Green and Complete Streets, Old Mill Road Bike Path that will connect towns, rail (CXS and SmartWays) and MDOT is looking to bring back the North Station to North Adams route. Mr. Lowitt wrapped up his section with Open Space and the fact that Devens is ahead of the curve, having already met President Bidens initiative to preserve 30% of the communities open

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space by 2030. Mr. Lowitt then handed the deck over to Ms. Suedmeyer and she gave updates on the Devens Forward Sustainability Initiatives, Green Buildings, Pocket Forest Project that Devens has partnered with Ayer on, Farmers Market which is coming again this year, Loaves and Fishes, Eye Tracking project with Tufts on Goddard Street, and the Vegetated roofs and walls. Ms. Suedmeyer also gave the highlight of the Devens Eco-Efficiency Center as they continue to grow and with the opening of the Intake center have been lucky enough to find space for their furniture portion within 33 Andrews Parkway, so they now have both stores under one room which has made it very nice for shoppers as well as the team. Mr. Angus wrapped up the overview with the DEC Operations update, Five Year Review update, the next full 5-year plan is scheduled for 2025. DEC Website as we are looking to update the site, and the increase of using social media to get our news out. Mr. Angus noted that the Audit for FY22 has been completed and we are scheduled to get a report out on Thursday February 9th at the 7:30 AM Meeting. 2023 is going to be another busy year here at Devens. Mr. Davis asked with the arrival of the Intake Center in Devens, has Devens had any issues? Mr. Angus responded that there have not been any issues and the center has been underpopulated based on the number permitted, and the agencies managing the center have been very easy to work with. Mr. Gardner asked about the moratorium on groundwater wells inquiring if it will have a negative effect on the development. Mr. Lowitt answered Mr. Gardner's question that the companies are actually in favor of the moratorium as it will prevent the risk of PFAS, and other contaminants being spread on their property and the risk of law suits. Mr. Marshall added that the annual reports have been done for 20+ years and feels they are a benefit to the towns, residents, and businesses. Mr. Marshall then asked if there were any questions from the public. Mr. Fama asked for the status on the Grant Road Apartments? Mr. Lowitt responded that DEC has approved the 6 additional units and that the project is waiting on MassDevelopment to release the property. Mr. Marshall asked if a vote was needed to accept the Annual Report. Mr. Angus noted that a vote is required so he can proceed on finalizing the report and posting it. Mr. Marshall then asked for a motion to approve the report with the minor edits discussed during this meeting. **The Motion was made by Mr. Gardner and seconded by Mr. Davis. The motion to approve the report with the minor edits was approved by a roll call vote.**

(7:35 PM) Read File: Mr. Angus reviewed the documents that have been put in the read file rather having handouts: 1) Loaves and Fishes award for the donations from the Farmers Market, 2) NRWA thank you note for our donation and attending the retirement party for Elizabeth, 3) Harvard Press article of Mr. Lowitt's retirement, 4) Profit / Loss statement.

Old Business:

(7:37 PM) Staff Vacation Carry-over Correction: Mr. Angus noted that during the December 8th meeting the vacation hours reported were transposed as well as swapped. Mr. Angus commented that the hours listed before were actually the hours that were used not remaining.

Staff Member	Days Used in 2022	Days Un-Used in 2022	One-time Payout of
Peter Lowitt	19.25	17.65	2.65
Neil Angus	7.5	32.23	17.23

Mr. Marshall asked for a motion to accept the corrected carry-over numbers. **The Motion was made by Mr. Gardner and seconded by Mr. DeZutter. The motion to approve the corrected days was approved by a roll call vote.**

(7:40 PM) Public Comment – Mr. Marshall asked if there are any questions from the public.

There were no questions or comments.

Mr. Marshall then noted the upcoming meetings. February 7th 7:30 AM the Monthly Meeting which we will have an update from MassDevelopment Utilities Department and the 2022 Audit Report out. Then the next meeting is on **February 28th 6:45 PM Public Hearing. Mr. Lowitt also noted that the DEC will be hosting a Korean Delegation of Graduate Students Feb. 6th and 7th and invited any of the Commissioners to join if they would like.**

(7:44 PM) Mr. Marshall asked for a motion to adjourn the Public Hearing. The motion was made by Mr. DeZutter and seconded by Mr. Lilly. Adjournment was concluded unanimously by Roll Call.

List of Exhibits

Agenda

Minutes

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- December 20th

Public Hearing

- **None**

New Business

- **Annual Report – Draft**
- **Read File**

Old Business

- **Memo regarding Vacation Carry-Over Payout Update**

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