

***Devens Enterprise Commission (DEC)  
Public Hearing and Regular Meeting  
Minutes July 13, 2023***

**Members Present:** Duncan Chapman, Dix Davis, Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall, Martin Poutry, Paul Routhier, Deb Seeley

**Staff:** Peter Lowitt, Neil Angus, Beth Suedmeyer, Dawn Babcock

**Guests:** Carl Sciple (Harvard Resident), Laura Pasquarella (Barlo Signs – 16 Bulge Rd), Robert Jenkins (MassDevelopment), Steve Adams (Banker Tradesman)

**Members Absent:** Jim Pinard, Debra Rivera

**(7:30 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.

**(7:31 AM) Mr. Marshall reviewed the Agenda of this morning's meeting. Mr. Marshall noted that this meeting is a Historic Meeting as we have a virtual change of command with this being Peter's last week with us and Neil taking over.**

**(7:35 AM) Review Minutes:**

- **June 8th Minutes** were discussed. Mr. Lowitt requested modifications to the Budget discussion as well as splitting the minutes between the regular meeting and the Executive Committee Meeting. Mr. Marshall asked if anyone objected to tabling these minutes until the next meeting to give Ms. Babcock time to make the modifications Mr. Lowitt noted. Mr. Marshall then asked if everyone was okay with tabling these until the July 25<sup>th</sup> meeting there were no objections so the minutes will be tabled until the July 25<sup>th</sup> 6:45 PM Meeting.

**(7:39 AM) Public Hearings:**

- **Level 2 Unified Permit Application for a building-mounted sign waiver request (increase in allowable size) by Barlo Signs, on behalf of Watson Marlow (lessee) and the building owner Scannell Properties. Property located at 16 Bulge Road (Parcel ID #016.0-0018-0200.0) in the Innovation and Technology Business District.** Mr. Angus noted that this was advertised as required. Mr. Marshall read the public notice. Mr. Angus introduced Ms. Pasquarella from Barlo Signs representing Scannell Properties & Watson Marlow. Mr. Angus noted that about 1.5 years ago the commission approved the Watson Marlow's building at 16 Bulge Road, and they now have their Certificate of Occupancy and are now looking to put signage on the building. We have already approved some directional signage to help identify the property. Our sign regulations allow a 100 square foot sign, this building is quite large, and the applicant feels this is too small and the staff agrees with that. Under the DEC sign regulations, we do have an allowance for an increase of up to 50%. The applicant has done a mockup for us showing what a 150 square foot sign would look like. They still felt this was too small, so they are looking for a waiver for a sign with a 168% Increase (268 square foot sign). Mr. Angus then turned it over to Ms. Pasquarella who showed mockups for the commissioners to see the sign at 100, 150, and 268. She wanted to make sure the commissioners knew that the building's length is equivalent to 1.5 football fields in size and the majority of the sign is the blue portion of the sign. Mr. Chapman asked if there is a plan to expand the building in the future. Ms. Pasquarella noted that they are planning to go up not out. Mr. Angus did note

that there have been plans discussed to expand to the left of the existing building, not up. But they will need to come back to the commission when they do plan to start this expansion. Mr. Marshall asked the commissioners if they had any questions. Mr. Lilly asked Mr. Angus if we need to find extortory circumstances to increase to 150 sq ft, what will we need to find to increase to 268 sq ft? Mr. Angus responded if they go with the 150 sq ft it does not require a waiver it can be approved administratively if the DEC allows, but the 268 sq ft size will require a waiver and they would still need to demonstrate that exceptional circumstances specific to this site exist. Ms. Suedmeyer asked if they considered just using the "Watson Marlow" logo as their sign and eliminating the other "Fluid technology Solutions" text portion to maximize the size of the logo. Ms. Pasquarella noted that their point of contact with Watson Marlow was fine with just the blue portion of their sign but with it being a global company the global marketing team was not in agreement with just the Watson Marlow being on the front of the building as around the world they have the full Watson Marlow Fluid Technology Solutions on all their buildings around the globe. Ms. Seeley asked if there is an opportunity for additional signs on the property? Ms. Pasquarella noted that there are no plans for other signs near the road. Mr. Chapman noted the solution of a monument sign would be a good solution. Mr. Angus noted that they do allow 30 sq ft monument signs. Plus, there is no limit to directional signs so once the people are at the location Watson Marlow can have as many directional signs as needed. Mr. Marshall asked if there were any other questions? Mr. Marshall asked if the freestanding signs at King Street Properties are a 30 sq ft sign? Mr. Angus noted that they are. He also noted the building is highly visible from the golf course and less from Bulge Road. Ms. Fetterhoff asked Ms. Pasquarella if they had been working with the company for a monument sign? And she noted that they have not been working on that. Mr. Angus did note that there are other options for the company to go with. Ms. Pasquarella then presented a possible 4th option - a 200 square foot building-mounted sign as a potential compromise. Mr. Marshall asked the public if they had any questions. Hearing none he turned to meeting over to Mr. Angus to go over the Staff Report. Mr. Angus noted that if the applicant is in agreement to go with the 150 sq ft sign the applicant can modify their request and the DEC would just need to make a finding once the hearing is closed then they can direct the staff to issue the permit as there isn't a need for the waiver. Mr. Angus said that if they want the 268 sq ft sign he would recommend denial of the application due to the fact that it is in excess of 50% allowed in our regulations and there are other options which have been discussed today during this meeting. Mr. Angus talked about the fourth option which the Applicant presented today (200 sq ft). If the Commission wanted to consider this, Mr. Angus noted he has prepared a draft record of decision. Mr. Marshall then asked Mr. Angus if the DEC is in agreement of the 200 sq ft sign, would they be able to approve that today in this meeting and Mr. Angus said yes. Ms. Pasquarella noted that they would be willing to go with the 200 sq ft sign if the committee is. Mr. Marshall does not want to close the hearing until the committee knows of all the options: 150 sq ft, 268 sq ft which will require a waiver and the last option would be a 200 sq ft sign which will also require a waiver. Mr. Marshall asked if anyone had any questions about these 3 options. None were asked. Mr. Marshall then noted that once the Hearing is closed, he will request a motion on any one of these options and if there are multiple motions, we will have to vote on all of them. Mr. Marshall asked for a Motion to close the hearing. The motion to close the hearing 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. Marshall asked if anyone would like to make a motion on one of the 3 options. **Mr. Lilly made the motion to adopt the 1<sup>st</sup> option in the staff report of 150 sq ft, with a finding that the size of the building and setback from Bulge Road are considered "exceptional site conditions" unique to this parcel and development. Ms. Seeley seconded the motion.** Mr. Marshall then made sure everyone was aware that the DEC would set the size of the sign to 150 sq ft. **The motion was approved by a majority roll call vote. Ms. Fetterhoff and Mr. Gardner both voted no on the 150 sq ft and stated they were in favor of the 200 sq ft sign.**

## New Business:

- **(8:08 AM) 39 Jackson Road – Confirmation of Use Determination:** Mr. Lowitt stated that the staff had received a letter from representatives of King Street Properties, and they are in the final stages of negotiation with Ascend Elements Inc. which is an independent manufacturing of advanced battery using recycled materials. They have provided a Use Letter which cites components of our bylaw that it will be industrial use which is allowed in our Innovation Technology District as well as research and development use which is also allowed in this district. Mr. Marshall stated that this presentation shows that the proposed use, as presented, appears to be consistent with the allowable uses in the Innovation and Technology Business District. Mr. Marshall then asked if there were any questions, and none were asked. **The Motion to approve the Determination of Use was made by Mr. Gardner and seconded by Mr. Poutry and was approved unanimously by a roll call vote.**
- **(8:14 AM) FY24 Development projections:** Mr. Lowitt noted that a lot of the income for this fiscal year will come from the fit up of the shells that are now being filled. Mr. Lowitt then went over the list of projects that are in process and expected to come in within the next year. Mr. Marshall asked if there were any questions, none were asked.
- **(8:29 AM) Read File:** Ms. Suedmeyer went over the articles in the Read File. There are multiple articles regarding the companies within Devens and the awards they have won / granted, along with an update and photos of the Ayer-Devens Pocket Forest Project and the Ayer-Devens Pollinator Meadow project. The other item to highlight was the change in command at the Devens Garrison from Col. Trent Colestock to Lt. Col. Joshua Bloom.
- **(8:32 AM) BMS Project:** Mr. Angus noted that BMS has two minor projects that he would like to see if the Commission is okay with them being managed administratively by staff. The first being a lift station that is currently within the LSCC building and they are looking to move it outside. This move would entail a small building as well as a small amount of plumbing work to be done. Mr. Marshall asked if there were any questions, none were asked. Mr. Angus then showed the 2<sup>nd</sup> project which is a 20x50 concrete pad down by the Queenstown gate in their cooling tower area. This project will be converting existing paved area to concrete. They have always had expansion plans for the cooling tower system. They would like to put a condenser unit on the pad to filter out the minerals before the water goes to the pretreatment system. Mr. Marshall asked if there were any questions, none were asked. Mr. Marshall then asked for a motion to approve the handling of these 2 projects administratively. **The motion was made by Mr. Routhier and seconded by Mr. Gardner. The motion was approved unanimously by a roll call vote.**

## Old Business:

- **(8:41 AM) DJFC Report:** Mr. Marshall gave an update on the DJFC (Devens Jurisdictional Framework Committee) Meeting that was held on July 12<sup>th</sup>. There was a discussion of section 23 of chapter 498 which states that a plan will be started on or before 2030. Representatives from the Town of Harvard have proposed that the DJFC file legislation to move the date to the 2026-2027 range which would start the official disposition process much earlier and bring MassDevelopment back to the table. There was also a suggestion of dealing with the Vicksburg Square rezoning issue concurrently. Mr. Marshall is hoping the planning process will start in the next 3 to 4 years. Mr. Lowitt noted that there are 6 stakeholders: Devens Residents/Businesses, Ayer, Harvard, Shirley, MassDevelopment, and DEC. Each town has 3 representatives. Mr. Lowitt wanted to add having the DEC review the RFEI (Request for Expressions of Interest) for consultant services, to the next DEC Agenda to ensure the Commission can review and provide input into the process. Mr. Lowitt noted that any process needs to include the analysis of existing and future levels of service for Devens and the surrounding towns. Mr. Lowitt noted that this analysis is critical to ensure the Devens residents and businesses have the same level or better service going forward. Mr. Angus asked that the commissioners approve him as a representative to the DJFC for DEC replacing Mr. Lowitt. Mr. Marshall asked for a motion to appoint Mr. Angus as the replacement for Mr. Lowitt on the

**DFJC. The motion was made by Ms. Seeley and Seconded by Mr. Chapman. The motion to appoint Mr. Angus was approved unanimously by a roll call vote.**

Mr. Marshall wanted to give Mr. Lowitt and Mr. Angus an opportunity to give a quick presentation before moving on to the Public Comment.

Mr. Lowitt just noted that we just have to look at the headlines and the weather to understand the importance of climate change and the sustainable development that is at the core of redeveloping Devens. Mr. Lowitt noted that Devens has been a leaders in this area for years and under Mr. Angus' leadership we will continue to be leaders. He appreciated the opportunity to work with all of you.

Mr. Angus Noted that he would like to thank Mr. Lowitt for all his support over the 16 years working together and is looking forward to continuing to move Devens forward. As noted with all the 3<sup>rd</sup> party certifications we have received (STAR and LEED for Cities and Communities), we are demonstrating that we are doing what the reuse plan has directed us to do. It does get more challenging as Devens continues to get developed and fewer parcels are available, but we will be able to continue to overcome these challenges under his leadership. Mr. Angus believes he will be able to carry the torch that Mr. Lowitt lit so brightly.

**(8:57 AM) Public Comment** Mr. Marshall asked if there were any questions from the public. None were asked.

**(9:00 AM)** Mr. Marshall then noted the upcoming meetings. July 25<sup>th</sup> 6:45 PM Public Hearing – our first hybrid meeting, and the August 3<sup>rd</sup> 7:30 AM Meeting.

**(9:01 AM)** Mr. Marshall asked for a **motion to adjourn the meeting. The motion was made by Mr. Gardner and seconded by Mr. Davis. Adjournment was concluded unanimously by roll call.**

#### List of Exhibits

#### **Agenda**

#### **Minutes**

- Minutes June 8<sup>th</sup>

#### **Public Hearing – 16 Bulge Road**

- Watson Marlow Sign Waiver Staff Report

#### **New Business:**

- 39 Jackson Rd
  - Use Approval Request Letter
- FY24 Projected Development
- Read File