

**Devens Enterprise Commission  
(DEC) Public Hearing and Regular Meeting  
Minutes July 26, 2022**

**Members Present:** Duncan Chapman, Dix Davis, James DeZutter, Robert Gardner (joined at 7:02 PM), William Marshall, Martin Poutry, Deb Seeley

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

**Guests:** Hayley Palazola (GFI Partners), Trip Tyner (Avantor), Steve Goodman (GFI Partners), Gene Sullivan (Eugene T. Sullivan Engineering), David Richard (Facilities Mgr. for Avantor), Bob LaRochelle (GFI Partners), Scott Dean (Avantor), Joe Bisceglia (MassDevelopment), Tyson Reynoso (King Street Properties), Julie Ferrer (King Street Properties), Doug Hartnett (Highpoint Engineering/King Street Properties), Paul Glavey (GFI Partners), Brian Pearce (King Street Properties Signage)

**Members Absent:** Christopher Lilly, Melissa Fetterhoff, Jim Pinard, Paul Routhier

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**(6:45 PM) Chairman 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 are recording this meeting.

**(6:53 PM) Chairman Marshall noted that before the meeting can begin, 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. DeZutter and seconded by Ms. Seeley. The motion was approved unanimously by a roll call vote.**

**(6:57 PM) Chairman Marshall Reviewed Agenda.**

**(6:57 PM) Review Minutes: June 26<sup>th</sup> 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. Davis. The Motion to approve the June 26<sup>th</sup> minutes was **approved unanimously by a roll call vote of those eligible to do so. Mr. Chapman and Ms. Rivera abstained from voting due to not attending the June 26<sup>th</sup> meeting.**

**Public Hearings: Continued from the May 31<sup>st</sup> Meeting and June 16<sup>th</sup> Meeting**

**(7:01 PM)** The Chairman read the legal notice. **Level 2 Unified Permit Application for the construction of a +/- 154,000 sq.ft. new industrial building, with associated grading, landscaping, parking, stormwater, and utility improvements. Property located at 35 Saratoga Boulevard (Parcel ID #021.0-0-0013-01600.0) in the Rail, Industrial, Trade-Related Zoning District.**

Mr. Lowitt introduced Mr. Sullivan, Eugene T. Sullivan, the civil engineer for the project at 35 Saratoga. Mr. Sullivan reviewed the modifications made to the plans shared at earlier meetings for 35 Saratoga Blvd and the development of 9.12 Acres for Avantor to use for their distribution center and 2 story office building, located above the warehouse. They are still requesting a waiver for a retaining wall between this property and the existing Avantor building at 29 Saratoga. Mr. Sullivan noted they would like to see if planting more trees on the Avantor property could be done allowing more space for parking and building on this property. Mr. Sullivan commented that they are looking at not striping all the parking spaces noted earlier but keeping them available should the space be needed at a later date. So going from 323 spaces to 283 spaces. With their currently being a wooded area between this property and the adjacent DOD Building, Mr. Sullivan doesn't see any issues on that side of the property. The applicant agreed to install a landscape screen on that side of the property should the woods on the DOD property be removed. Mr. Marshall asked if there were any questions from the Commissioners as well as the

Public. With no questions from either Mr. Marshall handed the floor back over to Mr. Lowitt who noted that the updated plans had just come in yesterday and the Landscaping plans have not been received yet. So, he would recommend continuing this hearing until August 30, 2022, at 6:45 PM to give everyone ample time to review. Mr. Lowitt also requested that Mr. Sullivan submit memo requesting an extension as well. Mr. Sullivan said he would be happy to do that. Mr. Marshall then asked if there were any questions and there were none asked by the Commissioners or Public. So, Mr. Marshall asked for a motion to continue this hearing to the meeting scheduled for August 30, 2022 @ 6:45 PM. The motion was made by Mr. DeZutter and seconded by Mr. Poutry. The motion to continue this hearing to the August 30<sup>th</sup> 6:45 PM Meet **was approved unanimously by a roll call vote.**

#### **Public Hearings: New**

**(7:11 PM)** The Chairman read the legal notice. **King 39 Jackson, LLC Level 2 Unified Permit for a waiver request to place a second freestanding monument sign on their property located at 39 Jackson Road (Parcel ID #013.0-0021-1002.0) in the Innovation & Technology Business Zoning District.** Mr. Lowitt introduced Mr. Hartnett from Highpoint Engineering who shared a presentation for the 2<sup>nd</sup> free-standing sign at 39 Jackson Road. The Applicant seeks a waiver from the regulations to construct this second freestanding sign because they feel that a building entrance-canopy mounted address sign, when viewed from the primary access driveway, will be obscured by landscape vegetation that was approved under the 39 Jackson Road Level 2 Unified Permit. The Commission granted a similar waiver for 45 Jackson earlier this year. The sign will be approximately 24 square feet in area, non-illuminated, and mounted on a 24" high cast in place concrete foundation pedestal which will be mostly obscured by shrubs and groundcovers when viewed from the site driveway: Mr. Lowitt noted that the applicant has done a great job staying with the DEC guidelines and suggests approving this application. Mr. Marshall asked if there were any questions from the Commissioners and then the Public, hearing none. Mr. Marshall asked if the 30-day time period had lapsed, and Mr. Lowitt noted that the time had lapsed and there have been no written comments submitted. Mr. Marshall asked for a motion to close the hearing which was made by Ms. Seeley and seconded by Mr. Davis. The motion to close the hearing **was approved unanimously by a roll call vote.** Mr. Lowitt then reviewed the Draft Record of Decision and Mr. Marshall asked for a motion to approve the waiver and the motion was made by Mr. Chapman and seconded by Mr. Poutry. The sign waiver **was approved unanimously by a roll call vote.** Mr. Lowitt then reviewed the Findings and Conditions with the Commissioners. Mr. Marshall asked for a motion to approve this application. The motion was made by Mr. DeZutter and seconded by Mr. Davis. The motion to approve this application **was approved unanimously by a roll call vote.**

**(7:25 PM)** The Chairman read the legal notice. **King 33 Jackson, LLC and King 45 Jackson, LLC Level 2 Unified Permit for a waiver request to place a third freestanding monument sign on property located at 45 Jackson Road (Parcel ID #013.0-0021-1001.0) in the Innovation & Technology Business Zoning District.** Mr. Angus introduced Mr. Hartnett of Highpoint Engineering who presented on behalf of King 33 Jackson LLC. The Applicant seeks a waiver from the regulations to construct this third freestanding sign because of the need for visibility from Jackson Road. This sign location is dictated by the internal driveway network, current property line configuration, and the need to properly identify the 33 Jackson second floor entrance. The third freestanding address sign will be for the benefit of 33 Jackson Road freestanding identity sign placement, but on 45 Jackson Road. The sign will be approximately 24 square feet in area, non-illuminated, and mounted on a 24" high cast in place concrete foundation pedestal in full compliance with DEC requirements. As being requested tonight for 39 Jackson Road and already requested and approved for 45 Jackson Road. Mr. Marshall asked if there were any questions from the Commissioners and then the Public, hearing none. Mr. Angus reviewed the Staff Report and commented that there was a suggestion to modify the property lines a small amount, so that this sign would be on 33 Jackson. But after looking into it, it was decided that this would not be feasible. That is why they are requesting the waiver. Mr. Marshall asked if this 30-day time period had lapsed as well? Mr. Angus noted that the time had lapsed and there have been no written comments submitted. Mr. Marshall asked for a motion to close the hearing which was made by Mr. Davis and seconded by Ms. Seeley. The motion to close the hearing **was approved unanimously by a roll call vote.** Mr. Angus then reviewed the Draft Record of Decision and Mr. Marshall asked for a motion to approve the waiver and the motion was made by Mr. DeZutter and seconded by Mr. Gardner. The sign waiver **was approved unanimously by a roll call vote.** Mr. Angus then reviewed the Findings and Conditions with the Commissioners. Mr. Marshall then asked for a motion to approve this application. The motion was made by Mr.

DeZutter and seconded by Mr. Davis. The motion to approve this application **was approved unanimously by a roll call vote.**

**(7:38 PM)** The Chairman read the legal notice. **MassDevelopment Finance Agency** Level 2 Unified Permit for a Wetland Notice of Intent to replace 400 feet of a failing 60" diameter corrugated metal culvert pipe with a new 60" diameter corrugated plastic pipe. Property located along the **Willow Brook Corridor adjacent to Jackson Road and West Main Street** in the Open Space and Recreation Zoning District. Mr. Angus noted that this project is part of a larger project that Ayer is working on currently on West Main Street, which has received a joint Mass Works Grant which included Ayer, Devens Enterprise Commission and MassDevelopment. This grant is for road improvements and includes Burbank Gate, and drainage improvements to name a few. Mr. Angus then introduced Mr. Bisceglia from MassDevelopment Engineering and he presented why this requires the Wetland Notice of Intent. MassDevelopment does have a plan to daylight the brook and do plan to do that. However, with the PFAS issue that isn't an option at this time, so they are looking to replace the culvert in the meantime. The plan is split the project into two phases. The construction company would like to start as soon as possible as the drought we are currently in will aid in minimizing the runoff into the wetlands if any. They are looking at a week or less to complete per phase of the project. Mr. Marshall asked if there were any questions from the Commissioners. None were asked. Mr. Angus noted that this will be a temporary fix until the PFAS issued is resolved. Once that is resolved MassDevelopment can move forward with their Master Plan to daylight the brook. This will have many positive results once it has been completed. It will help to control flooding as well as be a benefit to the wildlife in the area. Mr. Marshall asked if there are any questions from the Commissioners and the Public none were asked. Mr. Angus then went through the Draft Wetland Record of Decision, and he reviewed the 7 special conditions that go with this Wetland Record of Decision. Mr. Marshall asked for a motion to close this hearing and the motion was made by Mr. Gardner and seconded by Mr. Davis. The motion to close the hearing **was approved unanimously by a roll call vote** Mr. Angus then reviewed the Draft Record of Decision pointing out that there was no Waiver, so he just reviewed the Findings and Conditions for this application. Mr. Marshall asked the Commissioners and Public if there were any questions and none were asked. Mr. Marshall asked for a motion to approve this application. The motion was made by Mr. Gardner seconded by Ms. Seeley the motion to approve this application **was approved unanimously by a roll call vote**

**New Business:**

No new business

**Old Business:**

**(8:00 PM) Devens Commercial Development Cap follow-up discussion** Mr. Marshall gave an update on the 3 Select Board meetings he, Mr. Lowitt, and Mr. Angus attended and also thanked the Commissioners who joined for their respective towns, {Ms. Seeley Shirley; Mr. Gardner & Mr. Poutry Ayer; Mr. Chapman & Mr. DeZutter Harvard}. Mr. Marshall noted that Mr. Rivera; CEO of MassDevelopment joined the Ayer and Harvard Meetings. Mr. Gardner commented that Mr. Marshall deserves a thank you as well for his work for all three meetings. Mr. Lowitt noted that he spoke to Senator Elbridge's aid, and they expect this to go through in the next week or two.

**(8:08 PM) Public Comment** - Mr. Marshall asked if there were any questions or comments from the public. There were no comments or questions asked.

**(8:09 PM)** Mr. Marshall noted the upcoming meetings August 4<sup>th</sup> @ 7:30 AM and August 30<sup>th</sup> @ 6:45 PM

**(8:10 PM)** Mr. Marshall asked for a motion to adjourn the meeting. The Motion to Adjourn was made by Mr. Davis and seconded by Mr. Gardner and was **approved unanimously by a roll call vote.**

**List of Exhibits:**

- Agenda
- Meeting Minutes
  - June 28<sup>th</sup>
- 35 Saratoga Boulevard

- Updated Site Plans
- Raised Island
- Staff Report
- Updated Staff Report (7/25/22)
- SPR Filing Revised
- SPR Revised
- Stormwater Report Revised
- Sight Lines Revised
- 33 45 Jackson Road
  - L2 Sign Waiver
  - Determination of Completeness
  - Staff Report
  - Record of Decision
- 39 Jackson Road
  - L2 Sign Waiver
  - Determination of Completeness
  - Staff Report
  - Record of Decision
- Willow Brook
  - Application
  - By-Pass Plan
  - Determination of Completeness
  - Wetland Order of Conditions
  - Staff Report
  - Record of Decision

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