

**Devens Enterprise Commission  
(DEC) Public Hearing and Regular Meeting  
Minutes June 28, 2022**

**Members Present:** Dix Davis, James DeZutter, Robert Gardner, Christopher Lilly, William Marshall, Martin Poutry, Paul Routhier (joined at 6:58 PM), Deb Seeley

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

**Guests:** Hayley Palazola (GFI Partner), Robert G. {unable to determine last name} (GFI Partner), Trip Tyner (Avantor), Gene Sullivan (Eugene T. Sullivan Engineering), David Richard (Facilities Mgr. for Avantor), Bob LaRochelle (GFI Partner), John Osborn (Harvard Press), Scott Dean (Avantor joined at 6:58 PM)

**Members Absent:** Duncan Chapman, Melissa Fetterhoff, Jim Pinard, Deb Rivera

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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.

**(6:51 PM) Chairman Marshall Reviewed Agenda.**

**(6:53 PM) Review Minutes: June 16<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 Mr. Lilly and seconded by Mr. Gardner. The Motion to approve the June 16<sup>th</sup> minutes was **Approved unanimously by a roll call vote. Mr. Davis, Mr. DeZutter, and Mr. Routhier abstained from voting due to not attending the June 16<sup>th</sup> meeting.**

**Public Hearings: Continued from the May 31<sup>st</sup> Meeting and June 9<sup>th</sup> Meeting**

**(6:54 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 shared their plans 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. The plan is to have separate entrances for Trucks and Passenger Vehicles. The trucks would use the Barnum Rd entrance with a right turn in and out only in order to help with the line of sight due to the Hill crest on Barnum Road at the driveway entrance and exit. The passenger vehicles will only enter the property from Saratoga Blvd which will also assist in safety. Mr. Sullivan submitted Landscape, Stormwater and Site Lighting plans for review. The Applicant is asking for 2 waivers; 1) to allow the retaining walls to be placed within the Set Back Area; 2) to allow for reduced landscaping requirements. Granting these two waivers will allow them to build the facility and parking lot plans they have submitted. Mr. Marshall asked if there were any questions. Mr. Gardner asked how many employees are you planning for this facility? Mr. Tyner noted that between both buildings (Avantor is located adjacent to the project site and will occupy the building once completed) the staff will be around 450. 29 Saratoga they have 220 so that would make 230 in this building. Mr. Lowitt asked if this is 1 shift or multiple shifts? Mr. Tyner noted that it is 2 shifts, but he doesn't have the split between the 2 shifts at this time. Mr. Lowitt went over the Staff Report and noted that this is in the Rail Industrial Area and is an approved usage for this district as they provide design, manufacturing, and logistics to the biomedical process industry. The plan for this facility is mainly Warehouse with some Office area. With this being in the Rail Industrial and Trade Related District, parking in front of the building is permitted if there is 60 feet

of landscaping between the parking and road. The retaining walls proposed are considered as structures and will also have to meet set back requirements. The project as currently proposed does not meet these requirements. That is one reason why they are looking for the waivers. Mr. Sullivan already commented on the traffic with right hand turns in and out of the facility for trucks, However, Mr. Lowitt still wants to document a few things on that access as it isn't clear as to where the trucks could see passenger vehicles (4' high) coming up the road as they are turning out. So, Mr. Lowitt is requesting the traffic engineer to provide that information. Mr. Sullivan agreed to that request. Mr. Lowitt asked Mr. Richard, Avantor's facilities manager, what types of trucks will be coming, Tractor Tractor or box truck? Mr. Richard noted that it will be a mix of both types will be making deliveries, the majority being 16 wheelers, 20% box trucks. They also have UPS, FedEx trucks and they too will be going to the loading docks. With 16 wheelers needing to take wide turns to get into the loading docks. Mr. Lowitt was wondering if they could limit the box trucks to the docks closer to Barnum Rd. allowing the larger trucks room to make their turns and provide a greater ability to meet the setbacks. There are Concerns on the parking standards used which were based on Professional office which is 4 spaces per thousand but with this being more of a Manufacturing office the appropriate standard is 2 per thousand. This could reduce the required parking and DEC has parking maximums so they should be able to reduce the spaces which will help. Mr. Angus noted that if the site does require more parking than allowed, they can consider going up instead of out with a parking garage. Mr. Lowitt suggested looking at the driveway width as it exceeds the 24' width in some areas and removing some of the parking spaces to the north could allow the developer to move the building up a little and that should accommodate the setbacks. The other ways to address parking could be joining the Devens Transportation Management Association which allows some carpooling, bikes, and other means of transportation. There is a shuttle being redesigned that Avantor can take advantage of. These are all items that the developer has already started to address with DEC and will continue to work on. In addition, we have the need to look at the Utilities, Fire Hydrants, and lighting needs. We will need a new set of plans submitted to address the concerns raised during the meeting and by staff. Mr. Marshall asked if there are any questions and Mr. Lilly asked about the parking. With 2 shifts will parking be an issue if the number of spots is reduced? Mr. Lowitt noted that once the shift split is confirmed staff will look at the parking again. Mr. Angus asked if GFI plans to maintain ownership of the property? Ms. Palazola noted that they are planning to continue to own the property and she also added that the parking is a critical piece of the plan. Mr. Marshall asked who owns 29 Saratoga and he was told that D&D Enterprises owns that property not GFI or Avantor. Mr. Marshall asked if there were any questions from the public. With none being asked Mr. Lowitt asked for a note from Mr. Sullivan to extend this hearing until the July 26<sup>th</sup> 6:45 PM Meeting as well as a request to extend the time to make the decision. Mr. Sullivan said he would send one. Mr. Marshall asked for a motion to continue this topic until the July 26<sup>th</sup> 6:45 PM Meeting and the motion was made by Ms. Seeley and seconded by Mr. Gardner. The Motion to continue to July 26 at 6:45 PM was **Approved unanimously by a roll call vote.**

#### **New Business:**

**(7:36 PM) Encumber Balance of Line Item 6975 for Green Street Design and Implementation** Mr. Lowitt would like to encumber part of the FY22 Budget of account 6975 for the Goddard Street Project. Nitsch is under contract to bring Goddard Street up to 25% of the design standards. After meeting with Developer, MassDevelopment Engineering & Utilities, Devens Fire, and DPW there has been agreement on which concepts from the student's report will be implemented into the 25% design and Nitsch will be bringing that back to the same group above in Mid-July. 6975 is the account Renewable Green Building Incentives account. We have expended \$49,961.25 and are looking to encumber the remaining dollars \$50,038. The contract for the 25% design services is to conclude August 2022 in the amount of \$20,000. The balance remaining would be used to get the design drawings to 75%. Mr. Marshall asked if approval is needed, and Mr. Lowitt responded that yes it is required as the dollars are currently in the FY22 Budget and he is looking to carry it over to the FY23 Budget. Mr. Marshall asked for a motion to encumber the remaining dollars in line item 6975 to the FY23 Budget. Mr. DeZutter made the motion, and it was seconded by Mr. Poutry. The Motion was **Approved unanimously by a roll call vote.**

**(7:40 PM) Quarterly Staff Report** Mr. Angus noted that the Quarterly Staff Report is not ready for viewing he hopes to have it ready in July or August.

**(7:41 PM) Social Media Minute** Mr. Angus shared the number of posting on LinkedIn, Facebook, Twitter, and our Website. NWSA, MassDevelopment, Recreation, Great Exchange and Health postings.

**Old Business:**

**(7:44 PM) Commercial Development Cap** Mr. Marshall noted that this has been an ongoing issue that we are now entering the public domain. Mr. Lowitt said he was hoping to have Mr. Marshall and Ms. Seeley give their opinion of the presentation made to the Shirley Select Board last night by Mr. Angus and Mr. Lowitt. Mr. Marshall noted that the men did an outstanding job presenting the issue to the board and outlining the next steps. Back in 2008 Devens was significantly below the commercial development cap requirements utilizing 8.5MSF and MEPA eliminated the cap from their requirements, retaining performance standards. However, the Devens Bylaws were never modified at that time. So, we are now proposing the area Select Boards (Ayer, Harvard & Shirley) to send a letter of support to the Legislators to have the cap lifted this fiscal year, so we are up against a tight timeframe. Mr. Marshall is happy to report the Select Board from Shirley has agreed to send the letter. Mr. Marshall noted that they also had a Zoom meeting with Representative Sena, and Senator Eldridge last evening and presented our case to them. They both are in support of our request and assured that if they get the letters from the towns, they will ensure this change can be done expeditiously. Ms. Seeley was happy with the way the presentation was received by the Select Board and noted that one of the board members noted that they are very supportive of what is happening at Devens and pleased to see the changes and the impact it has had on the town of Shirley. All 3 Board Members support the request to remove the cap and Ms. Seeley hopes the letter gets sent quickly to the Legislators. Mr. Marshall asked for questions. Mr. Gardner asked if the Senator would take the lead to move the request through the house and senate? Mr. Marshall said it appears so as long as he has the letters of support from the towns. Mr. Gardner asked if the meeting with the Ayer Select Board is still scheduled for July 13<sup>th</sup>. Mr. Lowitt noted that is correct and that he would love to have Mr. Gardner, Mr. Poutry and Mr. Pinard join he and Mr. Angus at that meeting. Mr. Marshall noted that they have requested an audience with the Select Board of Harvard as well and it looks like that may be the 19<sup>th</sup> of July. Mr. Lowitt noted that Legislators noted that once they have the approvals from the three towns, they will see about changing the Bylaws but with this being an inhouse change, seeing it is relative to the three towns and Devens it should be done between July and January. Mr. Marshall asked if there were any other questions which there were none. Mr. Marshall then asked Mr. Lowitt about the meeting he mentioned with the Harvard Press. Mr. Lowitt said he met with Mr. Osborn earlier today and asked if Mr. Osborn had any other questions Mr. Osborn didn't have any additional questions other then, why isn't Mass Development Leading the Charge on this change and the land developer? Mr. Lowitt responded with "We are too". Mr. Angus added that is more a Simple Administrative Change. They are not being asked for anything more for Devens. Mr. Marshall added that this is a critical change as Devens wouldn't want to have no change from 2023 to 2034 if this isn't removed. Mr. Lowitt noted that they are going to be sharing the presentation on the Devens Website as well as the MEPA letter for everyone to look at.

**(7:58 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.

**(8:00 PM)** Mr. Marshall asked for a motion to adjourn the meeting. The Motion to Adjourn was made by Mr. DeZutter and seconded by Mr. Poutry and was **Approved unanimously by a roll call vote.**

**List of Exhibits:**

- Agenda
- Meeting Minutes
  - June 16<sup>th</sup>
- 35 Saratoga Boulevard
  - Mullin Rule Affidavit for Dix Davis & James DeZutter
  - Staff Report
  - Barnum Rd Access – Truck Report