

**Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes June 8, 2023**

Members Present: 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: Patrick McCarty (McCarty Engineering), Alan Fluet (Mack Devens Development), Meg Delorier (EVP for MassDevelopment), Jason Gilbert (Clear Path for Veterans, Chief Operations Officer) Carl Sciple (Harvard Resident),

Members Absent: Duncan Chapman, 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.

(7:35 AM) Review Minutes:

- **May 30th 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. Gardner and seconded by Mr. Davis. The Motion to approve the May 30th minutes was Approved unanimously by a roll call vote. Ms. Fetterhoff Abstained as she was not present for the May 30th meeting.**

(7:39 AM) Public Hearings Continued:

- **Level 2 Unified Permit Application for site plan approval by Mack Devens Development 11, LLC.** Continued from April 25th, May 4th, and May 30th meetings. Mr. Angus noted that DEC has been working with the applicant on the open outstanding items. Mr. Angus then introduced the applicants, Patrick McCarty, and Alan Fluet. Mr. McCarty went over the plans that were submitted just before the May 30th meeting and noted all the changes that have been made since our last review. Mr. McCarty went over the adjustments to the driveway as it will now align with the driveway for 75 Jackson Road, the modifications with the pedestrian path as well as the installation of trellis' on the sides of the building for creeping vines to help screen the building. As for the front of the building they are planning to dress that up a bit with a 4' stone veneer by the entrance to the building. There are no modifications to the Demo/Construction plans with the exception of the adjustment to the location of the driveway. They are planning to widen the pavement at Grant/Jackson which will allow the trucks to turn without having to cross the center line, and the Fire Truck turning plans have been modified to ensure the turning radius allows enough room for the new fire truck. Landscaping will be increased around the perimeter of the entire building. At the loading docks they are looking to increase the plantings on top of the berm, adding more of a sound barrier. They have received comments from Nitsch Engineering regarding the Stormwater plans and after reviewing the comments Mr. McCarty feels that they will be handled in short order. He also received the notes for the Landscape and the in-house landscape architect does not see reason for concern. They are still doing some fine tuning. Mr. McCarty did note that there have been some concerns brought forward regarding the size of the building in reference to the piece of land. After looking at requirements from the tenant he is offering to take a 10' strip off the building as it parallels Grant Road. This

would reduce the size of the building by 5,530 square feet. Which will allow more space for grading and landscaping along Grant Road. Mr. McCarty did note that time is of the essence for all parties, the tenant is looking forward to moving in, SMC is looking to expand their space at 18 Independence as well as the contractors looking to get work done before the snow falls. With the historic fill on 11 Grant Rd not being compacted when it was moved on to the property, they will need to go down about 10 feet and start to bring product back and compacting it before they can start pouring the footings which could take several months. So, they would like to get a conditional approval today so they can start work and that would get them mobilized in mid-July at the earliest. Mr. Marshall asked if there were any questions. Mr. Gardner asked why there are so many loading docks in the plan with the truck count so low. Mr. Fluet noted that they are for logistical purposes to limit back up on the property. Mr. Routhier asked if the docks were for drop and swap? Mr. Fluet said that some docks are reserved for Werfen (Ryder) trucks while the other few bays will be used for the one-off trucks (Box Trucks, FedEx, Supply Deliveries ...) to ensure there isn't a back-up. Mr. Marshall then asked if there were any questions from the public? No questions were asked so the call was handed over to Mr. Angus to review the Staff Report. Mr. Angus did note they have been working on the outstanding issues with DEC and MassDevelopment since the last meeting and the remaining issues outstanding can be addressed via the conditions of approval. MassDevelopment has issued a Design Review Letter and once the remaining details are worked out that will be finalized. The big issue is the proximity of the building to Grant Road, which the applicant has already addressed and agreed to decreasing the size of the building. Traffic and Sound study details still need to be reviewed by our consultants. Mr. Marshall asked the Commissioners if they had any questions. Mr. Gardner asked Mr. Angus what would he recommend with these remaining conditions still open? Mr. Angus noted that the staff report listed three options for the commission and conditions were included in the draft record of decision to adequately address all open items. Mr. Gardner asked if the Applicant would be willing to continue until the July 13th meeting? Mr. McCarty noted that delaying until the July 13th meeting would delay the start and delay Werfen from moving from their current location to this new building which will delay both companies from their growth plans as well as being a high risk of getting into the winter weather causing more delays. Mr. Marshall has noted that in the past a number of permits have been approved with a list of conditions noted on them and the track record has been positive. Mr. Marshall asked if the public had any questions. Ms. Delorier just wanted to note that MassDevelopment is in favor of the approval with the conditions noted and will work with DEC as well as the applicant to ensure the conditions are met. Mr. Marshall asked for a motion to close the public hearing. The motion was made by Ms. Seeley and seconded by Mr. Davis. **The Motion to close the hearing was approved by a majority vote. Mr. Gardner voted no.** Mr. Angus shared the draft record of decision with the commissioners. Mr. Angus reviewed the two waivers in the ROD and suggested the commissioners vote on the waivers before proceeding. Mr. Marshall asked for a motion to approve the waivers. The motion was made by Mr. Davis and seconded by Mr. Lilly. **The Motion to approve the two waivers was approved by a majority vote. Mr. Gardner voted no.** Mr. Angus then went through the findings noted on the ROD, as well as the draft conditions of approval that would be amended to include the building square footage reduction. There are a lot of conditions, but Mr. Angus feels that they are achievable. Mr. Marshall asked if there were any other questions and hearing none, Mr. Marshall asked for a motion to approve the Unified Permit with noted conditions as amended. The motion was made by Mr. Routhier and seconded by Mr. Davis. **The Motion to approve the unified permit with the conditions as amended was approved by a majority vote. Mr. Gardner voted no.**

New Business:

- **(8:32 AM) Determination of Use Request - Forge Health Services - Clear Path for Veterans Tenant – 84 Antietam Street.** Mr. Angus noted that Forge Health Services will be moving into 84 Antietam location with Clear Path for Veterans. Mr. Gilbert from Clear Path is also on the call today to answer any questions the commissioners may have. Mr. Angus noted the reason this is coming before the board is because this is a new use in the building. The Concern was that they had applied for a Clinic status from the state and this district is not zoned for clinics. Clear Path has supplied a new Use Letter stating that the clinic will be offering Educational and Counseling Services geared towards veterans, which is allowed in this district. Mr. Gilbert

noted that Mr. Angus covered everything quite nicely. Mr. Marshall asked if there were any questions. None were asked. Mr. Marshall then asked for a motion to approve the use request. The motion was made by Ms. Seeley and seconded by Mr. Gardner. **The motion to approve the Determination of Use Request was approved by a unanimous roll call vote.**

- **(8:36 AM) FY24 Development projections and Budget discussion:** Mr. Lowitt stated that in the interest of time he suggests moving the FY24 Development Projections topic to the July 13th 7:30 AM meeting. Mr. Lowitt then went on to the Budget Discussion. Mr. Lowitt noted the growth in the Commission's income, and he expects the growth to continue in FY24 as previously approved projects continue to build out and new projects are on the horizon. At the Auditors' recommendation, we have moved some income funds to Rockland Trust. Mr. Lowitt reviewed the Expense budget the key line items, including encumbering funds from Goddard Street, renewable green building incentives and Tufts eye-tracking project. Mr. Marshall asked if there were any questions, none were asked. Mr. Marshall asked for a motion to approve the budget. Mr. Gardner made the motion to approve the budget and seconded by Mr. Davis. **The motion to approve the FY24 Budget was approved by a unanimous roll call vote.**
- **(8:46 AM) Embodied Carbon Reduction Checklist for Devens Projects – overview and draft discussion** Mr. Angus reviewed a plan he would like to include in the Unified Permit Package going forward. Buildings have a huge carbon footprint and since we are looking for ways to meet the states emissions carbon reduction targets, this could be a good tool for developers and projects in Devens. This isn't a requirement but like the Green Infrastructure Guidelines, it is to get the applicants thinking of this going forward. So, we would call this a Guidance check list. We are also offering tools to help them to achieve this where they can. Mr. Angus noted he would like the commissioners to support including this checklist in the Unified Permit Package. Mr. Poutry noted he had just been to a tradeshow, and this was one of the top topics of conversation during the event. Mr. Marshall asked for a motion to approve adding this checklist to the Unified Permit Application Package. The motion was made by Mr. Gardner and seconded by Mr. Poutry. **The motion to approve including the Embodied Carbon Checklist in the Unified Permit Package was approved by a unanimous roll call vote.**
- **(8:57 AM) Read File:** Mr. Lowitt suggested waiting on the Read File topic until the meeting on July 13th.
- **(8:59 AM)** there was an Executive Committee Meeting on May 23, 2023, which the Committee needed to formalize votes and then report back to the full Commission on. Mr. Angus noted that the regular meeting would resume after the Executive Committee meeting. Chairman Marshall then temporarily adjourned the regular DEC meeting.
- **(9:08 AM) the meeting reconvened.**

Old Business:

- **(9:08 AM) The Public Meeting reconvened and Mr. Marshall brought forward the recommendations from the Executive Committee to the full Commission.** First being the Treasurer positions; the Executive Committee has recommended Mr. Poutry for this position. Mr. Gardner made the motion to approve Mr. Poutry to the position of Treasurer, and it was seconded by Mr. Routhier. **The election of Mr. Poutry to Treasurer was approved by a roll call vote with all commissioners voting in favor (Mr. Poutry abstained).** The second topic of the Executive Committee was the recommendation of the Vice Chair. Mr. Marshall brought the recommendation of Ms. Seeley to the Commissioners and is approved will be brought forward to the Governor's office, Mr. Gardner made the motion to recommend Ms. Seeley to the Governor's office for the position of Vice Chair, and it was seconded by Mr. Routhier. **The recommendation of Ms. Seeley to the Governor's office for the position of Vice Chair was approved by a roll call vote with all commissioners voting in favor (Ms. Seeley abstained).** Ms. Seeley thanked the Chairman and the committee. The next topic is the Salary for the new Land Use Administrator / Director Mr. Marshall noted that they are recommending the salary of \$150K starting July 1st, 2023. The motion was made Ms. Seeley

and seconded by Mr. Gardner **The Motion for Mr. Angus' salary to be \$150K starting July 1st was approved unanimously by a roll call vote.** Mr. Marshall did note that this isn't going to be an easy position as there isn't a lot of land left, and the remaining land will be difficult to work with, but Neil has proven to be a capable and valuable asset to the Commission.

- **(9:15 AM) Commissioner and Director Updates:** Mr. Angus noted that there is only one item at this time. Mr. Lowitt is currently the appointee for the Montachusett Joint Transportation Committee and with him retiring Mr. Angus would like the commission to make a motion to name Mr. Angus as the Devens Representative for the MJTC, with Ms. Suedmeyer as the alternate. Mr. Gardner made the motion and Mr. Lilly seconded the motion. **The motion to name Mr. Angus as the MJTC Representative for Devens and Ms. Suedmeyer as the Alternate was approved Unanimously by a roll call vote.**
- **(9:16 AM) Public Comment:** Mr. Marshall asked if there are any questions from the public. There were no questions or comments.

(9:17 AM) Mr. Marshall then noted the upcoming meetings. June 27th 6:45 AM Public Hearing and the July 13th 7:30 AM the Monthly Meeting.

(9:19 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

- May 30th

Public Hearing – 11 Grant Road

- Staff Report
- Draft Record of Decision

Determination of Use Request – Forge Health Services at Clear Path for Veterans 84 Antietam Street

Proposed FY24 Budget with FY23 Actuals

Embodied Carbon Reduction Checklist

Read File