

Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes May 30, 2023

Members Present: Dix Davis, 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 Development), Alan Fluet (Mack Devens Development), Meg Delorier (EVP for MassDevelopment), Robert Jenkins (Sr. VP. Real Estate for MassDevelopment) Shane Melone (Devens DPW & Rec), Hillary Clark (Devens Recreation), Lt Reed Bagley (Mass State Police), Carl Siple (Harvard Resident), Cindy Carter (Devens Resident), Mary Iannuzzi (Devens Resident), Susan Gabriel (Devens Resident), John Catter (Devens Resident), Anthony & Regina Todd (Devens Resident), Laura Skolnick (Devens Resident), Keene Keel (Devens Resident), Christine Parlee (Devens Resident)

Members Absent: Duncan Chapman, James DeZutter, Melissa Fetterhoff, Jim Pinard, Debra Rivera

(6:45 PM) 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.

(7:00 PM) Mr. Marshall reviewed the Agenda of this evening's meeting.

(7:03 PM) Review Minutes:

- **May 4th 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 Ms. Seeley and seconded by Mr. Gardner. The Motion to approve the May 4th minutes was Approved unanimously by a roll call vote. Mr. Lilly Abstained as he was present for the May 4th meeting.**

(7:04 PM) Public Hearings:

- **Event Permit and One-Day Wine and/or Malt Beverage License request by MassDevelopment (Devens Recreation) for a Food and Craft Festival to take place on Museum Field at 27 Antietam Street (Parcel ID #31-99-900) on Sunday, June 4, 2023, from 11AM to 6PM.** Mr. Angus noted that this is the second year for this festival, he then introduced Ms. Clark from Devens Parks and Recreation who has requested this license. Ms. Clark went over the plans for the event noting that this year's event will be only one day, June 4th, from 11:00 AM – 6:00 PM she also noted that the Beer Garden area will be closer to the inflatables to help with the unattended minors while parents were in the Garden. They are also going to allow children 12 and under in the Beer Garden with an adult. Mr. Angus noted that this was approved by our legal team last year and done at one of the other events last year with no issues. Ms. Clark noted that the Beer Garden will have police in the garden while liquor is being served. She also noted that ID's will be checked while entering (a wrist band will be given to those 21 and over) and will also be checked at the service counter. The people doing the checking will be Tips Certified Servers from the beer truck companies. Mr. Marshall then asked if there were any questions from the Commissioners, none were asked. He then asked the public, Ms. Iannuzzi asked who would be checking IDs and Ms. Clark noted that it will be Tips Certified Servers doing the verification. Mr. Marshall asked Lt Bagley if he had any comments or concerns, and his concern had already been addressed so he is fine with the event. Ms. Suedmeyer then went over the Staff Report and recommended approval of the application. Mr. Marshall asked

for a motion to Close the Hearing. **The motion was made by Mr. Routhier and seconded by Mr. Gardner. The motion to close the hearing was approved Unanimously by a roll call vote. Mr. Marshall then asked for a motion to approve the 1-Day Malt Beverage – Beer License. The motion was made by Mr. Lilly and seconded by Mr. Poutry. The motion to approve the 1 Day Malt Beverage and Beer License was approved unanimously by a roll call vote.**

(7:21 PM) Public Hearings Continued:

- **Level 2 Unified Permit Application for site plan approval by Mack Devens Development 11, LLC.** Continued from April 25th and May 4th meetings. Mr. Angus introduced Patrick McCarthy and Alan Fluet and noted that since the last meeting we have had meetings with the Applicant, MassDev, and both our and the applicant's Peer Review Consultants. The applicant has submitted design review modifications and they are still working on site plan revisions to address some outstanding comments. Mr. Angus went over the staff report, focusing on updated plans to screen the building from all four streets. The largest concerns were screening in the rear of the building, but the Applicant will be retaining some of the vegetation currently there, as well as the side facing Grant Road, which is across from Aspire Care Center. Here, they have increased their planned landscaping and are currently working with MassDevelopment on this to ensure the vegetation can grow to maturity in the space provided. Mr. Angus said they have been working with the DEC and Applicant's Sound Consultants while waiting on the final sound study reports to be submitted. With the truck traffic being low for this facility (8 to 12) average daily trips (ADT) meaning 16 to 24 trips in/out, they are working to ensure the sound levels stay within limits and Mr. Angus has asked the applicant to confirm that this is only during defined daytime hours. The Applicant is still working with their sound consultants and will get back to us shortly. On the lighting standpoint, Mr. Angus wants to make sure that all lighting is dark sky compliant and has a low temperature range to prevent any light pollution issues. Mr. Angus also noted that they have suggested a condition to have the loading docks equipped with shore power to avoid the need for trucks to be idling, which will also help with any noise and pollution issues. There are a couple of issues with traffic circulation, they do need to provide an updated drawing with the Grant/Jackson intersection improvements. There is also a plan for a pedestrian trail that will connect with the Pathways existing trail when King Street Properties continues their path in front of 57, and 75 Jackson Road. Mr. Angus noted seeing we still have not seen the updated plans he is suggesting a continuation of this hearing until the June 8, 2023, 7:30 AM meeting, if the applicant is agreeable to the extension. Mr. Marshall asked the commissioners if they had any questions, none were asked. Mr. Marshall also asked if there were any questions from the public, Ms. Skolnick noted that the greenery being shown doesn't seem to be very much and she would like to know if there is a plan to have more planted? Mr. Angus noted that the DEC has asked for the applicant to beef up their plans to screen the facility. Ms. Skolnick also asked if there could be plants that block all year round or a berm. Mr. McCarty noted that they have met with DEC and MassDev to discuss the concerns and they have made modifications that have been submitted around 5:30 tonight so DEC may not have had a chance to look at them as yet. He noted that they have made a number of modifications but are not quite there yet so he is in agreement of the continuance to the June 8th meeting. Mr. Marshall asked if there were any questions, with none being asked. Mr. Marshall then asked for a **motion to continue this hearing until the June 8, 7:30 AM meeting. The motion was made by Mr. Gardner and seconded by Mr. Poutry. The Motion to continue the hearing to the June 8, 7:30 AM meeting was Approved by a unanimous roll call vote.** Mr. Lowitt then asked Mr. McCarty to submit a formal letter or email requesting the continuation of the hearing date as well as the 75 days in which to permit the project.

New Business:

- **(7:34 PM) Moore Field Sign Permit Request – MassDevelopment:** Mr. Angus noted that Mr. Melone and Ms. Delories of MassDevelopment are also on the line to field any questions. They are looking to update the sign at the Moore Field to a proposed sign which will provide a better identity of what is up there as the current sign just notes the State Police. The reason it is coming before the commissioners tonight is because the sign that is proposed is slightly bigger than we allow. We allow up to 30 square feet. The current sign is roughly 30

square foot. Our regulations do allow the commission to approve a larger sign as long as it is no more than 50% larger than the current sign. The new sign will be a 40.5 square foot sign which is under 50% larger as well as it will be set back off the road. Mr. Angus noted that the sign will be doing two things. 1st being bringing the sign into conformity and 2nd will be easier to read from the road. Ms. Delorier noted that the current sign makes the location look like it is a State Police site and not a Devens site so changing this sign will aid in bringing the area into conformity with the rest of Devens. She would also like to thank Mr. Melone for his persistence in getting this sign updated. Mr. Gardner gave the history of the name for the Moore Field and suggested the field be rededicated when the sign is installed. Ms. Delorier noted that she would be happy to do that. Mr. Marshall asked for a motion to approve the staff issuing the waiver for the new sign at Moore Field. **The motion was made by Mr. Routhier and seconded by Ms. Seeley. The motion to approve the sign was approved by a unanimous roll call vote.**

- **(7:43 PM) Review DEC Meeting and Public Hearing Schedule and the Application Submission Schedule for July – December 2023.** Mr. Lowitt noted that the schedule has been drafted for the 2nd half of the year's Meetings and asked the commissioners to look at the schedule and if they had any conflicts to let Ms. Babcock know.
- **(7:44 PM) Pathway Campus Master Plan – minor amendment 33, 39, 45, 57 & 75 Jackson Road:** Mr. Lowitt noted that the overall campus adjustment is for the parking lot of the master plan for the entire campus. They have submitted a minor adjustment to their master plan and the DEC has reviewed their modified parking plans which shift spaces between lots and do not see any issues with the new plan. They are using a Ratio of 1:13 parking for the area, which we are comfortable with. Mr. Lowitt has administratively approved the amendment but wanted to make sure the commission is informed of these changes.

- **(7:48 PM) Read File:**

Mr. Angus went over the articles within the Read File:

- Smartway Forum – 20 local/regional businesses attended. Looking forward to continuing to work with the EPA and Devens Eco-Efficiency Center on these events.
- Devens Housing Cap elimination proposed Budget amendment, by Senator Cronin, representing Shirley. This has been pulled from the budget and we have been told it is no longer under consideration. This was a surprise to DEC as well as the residents. This amendment was to remove the housing cap in the Residential districts and allow housing in the Innovation Technology Center Zone Area (Vicksburg Square).
- Living Wall system that has been installed in the DEC Office. It is made out of live moss and made by a startup from MIT. Natural air filtration provides benefits to employees, productivity, and social elements. With us it is showing residents/companies we are practicing what we preach.
- Letter from the Town of Ayer to MassDevelopment, BOD, Ms. Delorier regarding the noise coming from the Moore Airfield activities. MassDevelopment is going to be working with the town of Ayer to discuss further. Mr. Angus asked Ms. Delorier if MassDev had reached out to Ayer and scheduled a meeting. Ms. Delorier noted that they have responded to Ayer's request and are now waiting for Ayer to get back to them with dates to work with for the meeting. Mr. Angus asked if a copy of the letter could get sent to us so we could share with our commissioners.

Mr. Marshall asked if there were any questions on any of these topics. Mr. Catter noted that he is a resident and the representative of the Jurisdiction Committee, and duty bound to bring any questions/concerns forward. His only comment is he would like to find a way to be notified before these decisions are brought forward rather than finding it out after the fact. He understands the people at this meeting found out the same time they did but would like to see if there is a way to let the effected people know before. He also understands affordable housing is critical and Devens has always stepped up in the past. He would just like to figure out a way that will allow the residents to be part of the conversation prior to the information being made public. Mr. Marshall noted that there is a plan to have a disposition report completed by 2033 or so but the housing issues aren't going to wait until 2033. This is a key central point in Gov. Healey's agenda and hopefully we can work together to achieve this goal.

Ms. Skolnick is wondering if there is a way to find out who Sen. Cronin was working with on this amendment? They rarely work alone on these. Mr. Marshall asked Mr. Angus to reach out to the office of Sen. Cronin's office to see if we can see who he had worked with on this. Mr. Angus said he would and also told the others on this meeting that they too can reach out to Sen. Cronin or the DEC anytime they have questions or concerns. He also noted that we do have a Public Comment section on our agenda for every meeting they are welcome to come to the meeting and voice their concerns. Mr. Lowitt noted that there is a comment in the chat room about how did we get our notified? Mr. Lowitt noted that Sen. Eldridge called him asking if he knew anything about this amendment and that is how the DEC found out about it. Ms. Delorier noted that a legislator can file legislation without having it being requested by a constituent. Ms. Delorier also noted that this amendment has not been withdrawn, it was just not acted upon along with a number of other amendments that were attached to the budget.

- **Old Business:**
- **(8:02 PM) Update of the Making it Public – Public Art Project:** Ms. Suedmeyer gave an update on the grant MassDev/DEC has been awarded from MAPC to install a temporary art piece here in Devens. She is planning to be at the Food Truck Festival this weekend looking for input from the public as to the location of the art piece. Ms. Suedmeyer noted that if anyone knows of an artist or anyone interested in being part of the selection committee, please let Ms. Suedmeyer.
- **(8:05 PM) Remote / Hybrid Meeting Update:** Mr. Marshall noted that we have been in the Remote meeting for some time but would like to start working towards in person meetings again. Mr. Marshall then handed the topic over to Mr. Angus who talked about moving to a Hybrid starting in June. The Executive Committee had discussed it in a little more detail, because we have an active Hearing, they thought it was a good idea to take advantage of the fact that we are still able to do hybrid/virtual meetings as the attendance at our meetings has been much greater with the virtual. This will allow better access for the commissioners as well as the public. So, with the commission's consent we will be going with our 1st of the month morning meeting be an all-virtual meeting and the end of the month evening meeting will be a hybrid style meeting having both in person and virtual. He said as long we have approval from the commissioners, we will begin this on the June 27th meeting.

(8:09 PM) Public Comment: Mr. Marshall asked if there are any questions from the public. There were no questions or comments.

(8:10 PM) Mr. Marshall then noted the upcoming meetings. June 8th 7:30 AM the Monthly Meeting and June 27th 6:45 PM Public Hearing. June 8th meeting there will be a concurrent executive committee meeting.

(8:12 PM) Mr. Marshall asked for a **motion to adjourn the Public Hearing. The motion was made by Ms. Seeley and seconded by Mr. Davis. Adjournment was concluded unanimously by Roll Call.**

List of Exhibits

Agenda

Minutes

- May 4th

27 Antietam St. Festival

- Application
- Staff Report

11 Grant Road

- Staff Report

Moore Field Sign Permit Request

- Moore Field Permanent Sign
- Moore Field Signage request
- Moore Gate Photo
- Proposed New Sign

Draft DEC Meeting/Public Hearing & Application Schedules July – December 2023

Pathway Campus Master Plan

- Master Plan Letter of adjustment request on parking

Read File