

**Devens Enterprise Commission  
(DEC) Public Hearing and Regular Meeting  
Minutes May 31, 2022**

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

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

**Guests:** David Richard (Avantor), Gene Sullivan (Engineer for 35 Saratoga Blvd), Larry Maglin (Health & Safety Engineer at VulcanForms), Scott Dean (Operations at Avantor), Phil Farma (Devens Resident), Steve Goodman (GFI Partner), Hillary Andrews (Parks and Recreation from MassDevelopment), Kan Cram Graphic Engineer 35 Saratoga Blvd), Mike Mahonski (GM VulcanForms), Trip Tyner (Supply Chain Avantor), Michael Morrison (BSC Group Lovell Rd), Chief Kelley (Dir. Public Safety for Devens and Fire Chief), Paul Glavey (Littleton Resident & GFI Supporter), Robert {last name in audible} (35 Saratoga Blvd), Kathy Heagan (BSC Group Lovell Rd), Carlos Silva (President of Ipanema Productions), David Clearmont (112 Barnum Rd), Diana Walden (BSC Group Lovell Rd), Haley Palazola (GFI Partners)

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

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**(6:45 PM) Chairman William 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 this meeting is being recorded by the Devens Enterprise Commission.

**(6:55 PM) Chairman Reviewed Agenda.**

**(6:56 PM) Review Minutes:** April 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. Gardner. The Motion to approve the April 26<sup>th</sup> minutes was **Approved unanimously by a roll call vote. Mr. Chapman abstained from voting due to not being present at the April 26<sup>th</sup> meeting.**

**May 5<sup>th</sup> Minutes** were discussed, and Mr. Marshall asked if anyone had any edits or concerns. Mr. Lilly noted we had a Mr. rather than a Ms. On the 3<sup>rd</sup> page for Ms. Strunkin. Once that was corrected, Mr. Marshall then asked for a motion to accept the minutes and the motion was made by Mr. DeZutter and seconded by Mr. Gardner. The Motion to approve the May 5<sup>th</sup> minutes was **Approved unanimously by a roll call vote. Ms. Seeley abstained from voting due to not being present at the May 5<sup>th</sup> meeting.**

**Public Hearings:**

**(6:58 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.**

Before starting this topic Ms. Seeley informed the Chairman that she would have to recuse herself from this discussion. Mr. Lowitt covered this topic and noted on the advice of our Legal team we should continue this topic until the June 9<sup>th</sup> 7:30 AM Meeting as there are potential conflicts that need to be addressed and he feels they will be resolved by the June 9<sup>th</sup> Meeting. Mr. Marshall asked for a Motion to Continue this topic to the June 9<sup>th</sup> 7:30 AM Meeting and the motion was made by Mr. Gardner and seconded by Mr. Davis. The motion to continue to June 9<sup>th</sup> at 7:30 AM was **Approved unanimously by a roll call vote. Ms. Seeley Abstained**

**(7:02 PM) The Chairman read the legal notice. Level 2 Unified Permit application submitted by VulcanForms Inc., on behalf of PPF Industrial 112 Barnum, LLC (property owner) for a License to store flammables, combustibles and explosives in accordance with 974 CMR 4.09(6). Property located at 112 Barnum Road (Parcel ID # 027.0-0017-0500.09-4-500) in the Rail, Industrial and Trade-Related Uses District.** Mr. Lowitt noted that the owner of 112 Barnum Road, PPF Industrial, has submitted this application on behalf of their tenant VulcanForms to store Flammables and Combustibles on the property. Per Mass General Law the property is required to obtain a license to store the materials. The Licenses are tied to the land and that is why PPF is submitting the application. Mr. Lowitt introduced Mr. Maglin from VulcanForms. He shared a slide set with the Commissioners about the business of VulcanForms. They are looking to house 19 machines in their portion of 112 Barnum Rd. They do have permits from the Fire Department as well as current Inspection reports of the facility and the storage locations. No Questions from the Commissioners or Public on this topic.

Mr. Marshall asked for a Motion to Continue this topic to the June 9<sup>th</sup> 7:30 AM Meeting and the motion was made by Mr. DeZutter and seconded by Mr. Davis. The motion to continue to June 9<sup>th</sup> at 7:30 AM was **Approved unanimously by a roll call vote.**

**(7:15 PM) The chairman read the legal notice. Event Permit and two (2) 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 Friday, June 3, 2022, from 4PM to 7PM and Saturday, June 4, 2022, from 11AM to 3PM.** Mr. Angus Introduced Ms. Andrews from the Parks and Recreation Department of MassDevelopment. Mr. Angus reviewed the Staff Report and showed the location of the event. Ms. Andrews gave an overview of the two days events as well as the security and layout for the events. Mr. Angus noted that they are planning for up to 2000 people over the two days, but MassDevelopment has done a number of large events, so they are prepared even though they don't expect all 2000 people to be there at one time. Mr. Marshall asked for Questions from the Commissioners as well as the Public so Mr. Angus then moved onto the conditions that will be noted on the License. Motion to close the public hearing was made by Ms. Seeley and seconded by Mr. Gardner. The Motion to close the public hearing was **Approved unanimously by a roll call vote.** Mr. Marshall then asked for a motion to approve the (2) 1 Day Wine and/or Malt Beverage Licenses. The motion was made by Mr. Davis and seconded by Mr. Lilly. The Motion to issue the 2 Licenses for the 1 Day Wine and/or Malt Beverage Licenses was **Approved unanimously by a roll call vote.**

**(7:27 PM) The chairman read the legal notice. Event Permit and One-Day Wine and/or Malt Beverage License request by Ipanema Productions Inc. for the Summer Fest Concert event to take place on Willard Field at 21 Antietam Street (Parcel ID #31-99-1000) on August 7, 2022, from 11AM to 9PM.** Mr. Angus introduced Mr. Silva of Ipanema Productions. Mr. Silva has been working closely with MassDevelopment, Public Safety and the State Police to ensure this event goes off without any hitches. This event will be taking place on the Willard Field Complex and will be in a 300 x 200 square foot area fenced off due to this being a ticketed event. Within that fenced area there will be 3 additional 30x30 square foot areas fenced off where the Wine and Malt Beverages will be served. Mr. Silva noted that he is taking extra safety measures and will have extra security (25 people), metal detectors, and conduct bag searches. There will also be 6 state police offices at the event. 3 of them will be in the 3 bar fenced in areas while the other three will be throughout the entire event area, and that one of the officers will have a bomb sniffing K-9 with him/her. Mr. Marshall asked if the Commissioners have any questions. Mr. Gardner asked if there are any complaints from Fitchburg regarding the event held there. Mr. Silva responded that he knows of none but suggests we call the airport, fire and police. Mr. Angus noted also that Mr. Silva supplied a list of other events he was responsible for, and Mr. Angus had given the list to the Public Safety and State Police and Mr. Kelly noted that as of this afternoon they have not gotten any negative responses. Mr. Routhier asked how many people are they expecting at the event. Mr. Silva expects no more than 2500 and really like 2000. Mr. Routhier noted that traffic was a mess in Fitchburg for these events all the way to route 2. Mr. Silva noted that the traffic set up in Fitchburg is different than Devens as they have only 1 road into the event and was the cause of the traffic congestion. With Devens having multiple ways in and out they do not see traffic being an issue. But he will work with the police to ensure traffic moves as smoothly as possible. Mr. Routhier asked when the event is scheduled to end, and Mr. Silva noted his permit has it ending at 9:00 PM but he is planning to end at 8:30 PM with last call at 8:00 PM. Mr. Angus noted that they are required to get a signed contract from MassDevelopment before the permit is issued. Mr. Lilly asked about the bars being spread out throughout the event. Does this cause issues with security? Mr. Silva took this question and he noted that there are going to be buffer fences around the bars that will prevent passing to people outside the bar areas, and there will be bracelets given out that denote them being eligible to enter the bars. Mr. Marshall asked if there are any questions from the public, there were none.

Mr. Marshall then asked for a motion to close the public hearing and the motion was made by Mr. Routhier and seconded by Ms. Seeley. The Motion to close the public hearing was **Approved unanimously by a roll call vote**. Mr. Angus then went over the conditions that will be added to the 1 Day License if approved. Mr. Marshall then asked for a motion to approve the 1 Day Wine and/or Malt Beverage License. The motion was made by Mr. Davis and seconded by Ms. Seeley. The Motion to issue the License for the 1 Day Wine and/or Malt Beverage License was **Approved by majority roll call vote with eight Yes and one No vote from Mr. Gardner**.

**(7:50 PM)** The chairman read the legal notice. **Level 2 Unified Permit Application by MassDevelopment for a Wetland Notice of Intent for bridge and road repairs and drainage improvements to Lovell Road within 100 feet of wetlands and Catacoonamug Brook. Project located in the Lovell Road Right-Of-Way in Devens (Shirley), MA, off of Hospital Road.** Mr. Angus turned the discussion over to the BSC Group who is here on behalf of MassDevelopment. Ms. Walden of BSC Group presented a short slide show of the plans for the bridge deck road repairs and drainage improvements. Mr. Marshall asked the Commissioners if there were any questions. None were asked. Mr. Marshall then asked if there were any questions from the public and none were asked. Mr. Angus then presented the Staff Report. Mr. Angus noted that these improvements will make significant improvement to the water quality that is getting into the brook. The 30-day appeal time has expired but Mr. Angus would like to continue this topic to the Jun 9<sup>th</sup> 7:30 AM Meeting to give the applicant additional time to address open items. Which will allowing us to draft a Record of Decision prior to the meeting on June 9<sup>th</sup> at 7:30 AM. Mr. Lowitt also added that he has had conversations with MassDevelopment, and they will be coming back to do a full bridge repair on this project once they are able to secure funding. Mr. Marshall asked the Commissioners and Public for any question, but none were asked. Mr. Marshall than asked for a Motion to Continue this topic to the June 9<sup>th</sup> 7:30 AM Meeting. Motion was made by Mr. DeZutter and seconded by Ms. Seeley. The Motion to continue this topic to the June 9<sup>th</sup> 7:30 AM Meeting was **Approved unanimously by a roll call vote**.

#### **New Business:**

**(8:00 PM) Montachusett Regional Planning Commission Representative Nomination** Mr. Lowitt noted that he has represented DEC in the past and is happy to continue to represent DEC with Mr. Angus as his alternate. Mr. Marshall asked for a Motion to nominate Mr. Lowitt as the Representative and Mr. Angus as the alternate. The motion was made by Mr. Gardner and seconded by Mr. Poutry. The Motion to nominate Mr. Lowitt and Mr. Angus was **Approved unanimously by a roll call vote**.

#### **Old Business:**

No Old Business

**(8:05 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.

**(8:08 PM) Motion to Adjourn Public Hearing and go into Executive Session was read by Mr. Marshall** the motion was seconded by Mr. DeZutter a roll call vote it was unanimous to close the public hearing.

#### **List of Exhibits:**

- Agenda
- Meeting Minutes
  - April 26<sup>th</sup>
  - May 5<sup>th</sup>
- 35 Saratoga Boulevard
  - SPR April 6, 2022
  - SPR April 21, 2022
  - Plan Circulation Memo April 14, 2022
  - Supplemental Filing
  - IBI Group First Review
  - Application

- Determination of Completeness
- Public notice
- Stormwater Report
- Zoning Table
- Revised Site Plan
- Application Response to Peer Review from Nitsch
- Application Response to Peer Review from IBI
- Staff Report
- 112 Barnum Road
  - Combustible Dust Program
  - Application
  - Determination of Completeness
  - IPS Checklist
  - Public Notice
  - Staff Report
- Concert
  - D22-040 Application
  - Public Notice
  - Staff Report
- Food Truck and Craft Festival
  - D22-046 Application
  - D22-047 Application
  - Public Notice
  - Staff Report
- Lovell Road
  - Stormwater Report
  - Plans
  - Abutter Report
  - Bridge
  - Draft NOI
  - Plan
  - Public Notice
  - Staff Report
- New Business
  - MRPC Devens Appointment Form