

Devens Enterprise Commission (DEC)
In-Person/Remote Hybrid Public Hearing and Regular Meeting
Minutes November 28, 2023

Members Present (in person): Duncan Chapman, Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall, Jim Pinard, Martin Poutry, Debra Rivera, Paul Routhier, Deb Seeley

Staff (in person): Neil Angus, Beth Suedmeyer, Dawn Babcock

Guests (in person): George Markt (Devens Resident), Carl Sciple

Guests (remote): Meg Delorier (VP MassDevelopment), Lt. Keith Pruett (Devens State Police) Lt. Reid Bagley (Devens State Police), David King (Fort Devens Museum, Tony Roselli (Roselli and Clark Audit Firm)

(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 both remotely AND in-person in accordance with the supplemental budget bill signed into law by Governor Healey, further suspending certain open meeting law requirements to March 31, 2025. Interested individuals may attend in-person at this address or listen in and participate by phone and/or on-line by following the link and/or phone # at the top of the agenda. 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, the Chairman informed all attendees that this meeting is being recorded by the Devens Enterprise Commission. Persons with disabilities or requiring interpretation wishing to listen or participate should contact 978.772.8831 x3334.

(6:49 PM) Chairman Marshall noted, we will need to nominate Ms. Rivera as a voting Regional Representative for this meeting. The motion was made by Mr. Poutry and seconded by Mr. Gardner. The nomination was approved unanimously by a roll call vote.

(6:50 PM) Mr. Marshall reviewed the agenda of this evening's meeting.

(6:52 PM) Review Minutes:

- **October 24th Minutes** were discussed. Mr. Poutry found a typo on the 2nd page and there were no other comments or concerns with the minutes. Mr. Marshall asked for a motion to accept the minutes with the typo corrected. **The motion was made by Ms. Seeley and seconded by Mr. Gardner. The minutes were approved by a roll call vote. All members present on October 4th voted in favor, with Ms. Rivera abstaining as she was not present at the October 24th meeting.**

(6:53 PM) Public Hearings:

- **One-Day Wine and/or Malt Beverage License request by Fort Devens Museum for a special event to take place on the third floor of 94 Jackson Road (Parcel ID #019.0-0004-1500.0) on Saturday, December 9, 2023, from 2:00PM to 5:30PM.** Mr. Gardner recused himself from this hearing as he is on the board of the Museum and felt that it could be a conflict. Mr. Angus then handed the floor over to Mr. King from the Fort Devens Museum who went over the plans for the event. They are looking to sell about 100 tickets for the event and will have food and a cash Wine & Malt Beverages bar in the museum during the Army vs. Navy Football game showing. This is the first time in many years that the game will be played in Foxboro so felt that this could be a perfect opportunity to have the event. Mr. King did note that there will be TIPS certified servers as well as Police in the bar area during the event. Mr. Marshall asked if there were any questions from the commissioners or public and none were asked. Mr. Angus then reviewed the staff report, which the applicant currently has two proposed locations for the Bar location, 1) in room 301, 2) in the hallway. They are still trying to iron out the location. Fire has noted that they are fine with either location as long as they maintain a 36" clear path. With the event being inside the waste management will be handled in-house. The Museum staff will ensure that the food and beverages are contained to these areas as they do not want them going

throughout the entire museum. Marty's Corner Café will be doing the catering. Mr. Marshall asked if there were any questions. Lt. Bagley did ask that Mr. King submit the request for a detail by Thursday so they can arrange the schedule for that weekend. Mr. Marshall asked about the ticket sales as well as the time on the liquor license with the kickoff not until 3:00 the license expires at 5:30 which could be right at halftime. Mr. King noted that the tickets are priced at \$30 a person and he does realize the liquor sale will end before the end of the game but wants to ensure everyone has a fun time and a safe ride home. Mr. Marshall asked if there were any questions from the public. None were asked. Mr. Marshall then asked for a motion to close the hearing. **The Motion was made by Mr. Lilly and seconded by Mr. Pinard. The motion to close the hearing was approved by a unanimous roll call vote. Mr. Gardner did abstain from the vote.** Mr. Angus did request the Commissioners to approve the application with the 7 conditions noted on the staff report. Mr. Marshall asked for a motion to approve the application with the 7 conditions. **The motion was made by Mr. Lilly and seconded by Mr. Routhier. The motion to approve the application was approved by a unanimous roll call vote, Mr. Gardner again abstained from the vote.**

New Business:

(7:05 PM) Ms. Delorier wanted to take the opportunity to announce that Lt Bagley will be leaving the Devens State Police at the end of the week and that Lt. Pruettt will be taking his place. On Behalf of the Commission, Mr. Marshall thanked Lt. Bagley for his years of service to Devens.

(7:07 PM) 2023 Audit Review from Roselli, Clark & Associates. Mr. Angus did note that the audit was conducted earlier this year and then turned the floor over to Mr. Roselli who also noted that the audit is much earlier this year with the actual review in September and October and the report out tonight November 28th. Mr. Roselli went over the financials he commented that there are still a few items from years past that he and Ms. Blood (accountant) are working through, but we are in good shape. Mr. Roselli noted that the 2022 Investments took some of the on-hand cash and moved that into different Money Markets which is also aiding in the increase of Income, but we still have a large reserve on hand should we need it. Mr. Marshall asked if there were any questions for Mr. Roselli and none were asked. Mr. Angus commented that the reason for the large influx of cash over the past few years has been due in part to the number of clean room projects being built, such as those at King Street Properties, BMS, Watson Marlow, SMC, and Jabil. Mr. Chapman asked if we should be doing something else with the increase in available funds? Mr. Angus said that we are looking at increasing the number of special projects and possible additional green building incentives to help meet the Devens Forward Climate Action Plan Goals. Mr. Marshall commented that this is a nice operating income to have to carry us through any lean years that may come up. Also, in the next 5 to 6 years, we could have requests for funding to support the Devens disposition process.

(7:18 PM) Review DEC Meeting and Public Hearing Schedule and the Application Submission Schedule for January – June 2024 Neil shared the January – June 2024 draft schedule of monthly meetings and the Submission Schedule for Applications with the Commissioners and asked them if there were any dates that raised concerns for them. No concerns were raised. Mr. Marshall then asked for a Motion to approve the January – June meeting and submission schedules, and **the motion was made by Mr. Gardner and seconded by Mr. Lilly and the motion was approved unanimously by a roll call vote.**

(7:41 PM) Read File: Mr. Angus listed the articles in the read file: **Shirley TM to consider selling a piece of land for the Shirley Senior Housing.** This proposal didn't pass in Shirley. Seems a number of the people who attended the meeting wanted to keep the small piece of land they were looking at by the school for possible school growth in the future. **Pollinator Meadow Ribbon Cutting and signage.** The event had a great turnout, and the DEC was thankful for the help of DPW to get this up and running. **Honor Quilt** Mr. Sciple was one of the recipients of the quilts given to Veterans in Harvard. **Legislators to meet with state officials to urge release of money for study of Devens' future.** This was an article about the state legislators working to secure funding for the Devens disposition process. **The Devens Committee is exploring steps to rezone Vicksburg Square for housing.** The Devens Jurisdictional Framework

Committee is discussing adjusting the town/country boundaries around Vicksburg Square to make it all part of the jurisdiction of Ayer. **Golf Digest** has listed Red Tail Golf Course as one of the top 10 best courses in New England. **Sterling Street Brewery** moving into 65 Jackson Road (Amenities Building), Mr. Angus noted that Devens doesn't have any more Liquor Licenses so they will be looking for a Pour Permit once they have received the Farmer Brewery license from the state. The Amenities Building will be for the employees of the King Street Properties as well as open to the public.

Mr. Routhier asked about the Vicksburg Square topic, and if we have any input on the change before they move forward with rezoning? Mr. Angus did note that we do but this is just in the initial discussion phase. The important part of this discussion is to not delay the potential rezoning of Vicksburg Square until final disposition of Devens. They can be worked on concurrently. Mr. Chapman asked who is providing leadership on the Vicksburg topic. Mr. Angus noted that the committee working on this consists of the three towns, residents, businesses, as well as Devens residents and businesses, and the DEC. Mass Development is absent from the table but with them being the owner of the property, the committee is hoping they come back to the table sooner than later. Mr. Marshall noted that this request to change the zoning is mainly due to the deterioration of Vicksburg Square and Ayer is looking to save Vicksburg Square and get more housing. Mr. Marshall brought up the Shirley Housing topic noted earlier not getting approved. This is a needed small issue that has very little impact on anything other than positive aspects of providing housing for those in need, yet it failed to pass. With housing being such an issue in all MA, we really need more than just lip service on the housing issue, or nothing will get done. We (MA) really needs a comprehensive statewide process that takes it out of the hands of the towns where a minority opposition can shape the housing issues going forward. Vicksburg Square is a much more complex process than Shirley Elderly Housing so we may need to partition the legislature to intervene to get something accomplished. Mr. Marshall noted the deteriorating of the brick and mortar of the building which is adding to the decline of the building. Mr. Chapman asked if there isn't someone who can do some maintenance on the building to help slow that down? Mr. Routhier suggested there really needs to be an engineering inspection of the building to see if it can even be saved. Mr. Angus has noted that Mass Development has been doing some maintenance on the buildings over the years to keep them safe and secure but there is always more that can be done. Mr. Angus asked Ms. Delorier if MassDevelopment was planning any maintenance to the Square. She also stated that they have done a number of things to try to maintain the square, but the vacancy of the building is causing more damage than the ivy growing on the outside. Ms. Delorier did note that Mass Development is the owner and has been doing as much as possible but each time they brought a plan forward it was shot down by the three towns. So MassDevelopment is not leading the action again - they will leave that to others. She also noted that Devens does still have the housing cap in place. Mr. Marshall did note that maybe it is time for legislators to step up on the housing issues as it is a statewide issue. Ms. Seeley asked if the Devens Committee has had any conversations with the Senators? Mr. Marshall noted that they have, and that Senator Cronin did submit a proposal that would help with the Vicksburg Square and housing cap items, but it got shot down.

Mr. Marshall asked if there was any other New Business. Mr. Marshall noted that seeing everyone is here tonight he would like to have a photo of the Commissioners taken. Mr. Pinard asked if the gravel movement from King Street Properties to Red Tail has been completed? Mr. Angus noted that it was underway. Mr. Pinard also asked about Grant Road Development? Mr. Angus noted that the multifamily building that has yet to be developed would be the end of the 2nd phase of the development and that the developer is working with MassDevelopment and banks on funding for the project. Mr. Pinard asked if the multi-family apartment was the last building for their project and Mr. Angus noted that is not the last thing there is actually one more phase that hasn't been cleared to start until the 2nd phase is completed. Phase 3 includes a four-unit town home, two more duplexes on Central Park, and a series of single-family homes along Goddard Street, paralleling Grant Road. Ms. Delorier noted that she has met with the developer, and they are committed to getting their financing and hope to be working in the spring. Mr. Markt has a concern that had been brought up at the last meeting here (MassDev Board of Directors) he is concerned that the developer hasn't

addressed the issues. Mr. Angus noted that the developer has met with a number of the residents that voiced concerns and Mass Development is scheduling a meeting for the developer and residents to meet at a future date. Ms. Delorier noted that the developer has acknowledged that they do in fact own responsibility for the issues and are working with the residents to get them rectified. Mr. Markt noted that he is just looking to get the grass mowed and snow removal going forward. Ms. Delorier said that they are working to get the streets converted from private roadways to public streets but that will require a vote from DEC, MassDev Board of Directors and Now Communities is working hard to get this completed as well.

Old Business:

(7:52 PM) Making it Public – Devens Community Art Project Call for Volunteers Ms. Suedmeyer noted that the Advisory Committee has been formed which consists of residents, business as well as the three town's cultural counsels and are looking for a DEC commissioner also be on the committee. Mr. Angus had spoken to Ms. Fetterhoff, and she has agreed to join the committee. Mr. Marshall asked for a motion to have Ms. Fetterhoff represent the DEC on the Advisory Committee. **The motion was made by Ms. Seeley and Seconded by Mr. Gardner. The motion to have Ms. Fetterhoff represent the DEC was approved unanimously by a roll call vote.**

(7:54 PM) Embodied Carbon reduction Guidelines Press Release. Mr. Angus noted that back in the May/June time frame we had adopted the set of embodied carbon reduction guidelines, and he would like to share that they have now been published to help developers reduce the carbon footprint of their projects early on in the planning phase. There has been a press release on this that went out on Monday and Mr. Marshall gave a great quote on the release and it has gone out to Boston Globe, Nashoba Valley Voice, and Harvard Press.

(7:57 PM) Public Comment: Mr. Marshall asked if there were any questions from the Public in the room or on Zoom. None were asked.

(8:08 PM) Next scheduled meetings December 7th at 7:30 AM, (Zoom Meeting) and December 19th at 6:45 PM (Hybrid Meeting). Mr. Marshall noted that the December 7th meeting we will have the annual renewals for Liquor and Victular Licenses on the agenda. Ms. Fetterhoff noted that she, Ms. Seeley, and Mr. Pinard will not be able to attend the meeting on the 7th due to an NVCOC event taking place that morning.

(7:59 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. Gardner and seconded by Mr. Chapman. The motion to adjourn was unanimously approved by a roll call vote.

List of Exhibits

- Agenda
- Hybrid Meeting Procedures
- Draft Minutes – October 24th
- Public Hearing Legal Notice for Fort Devens Museum One-Day Wine and Malt beverages Special License
- Staff Report – Fort Devens Museum
- Meeting Schedule for Jan – Jun 2024
- Application Submission Schedule Jan – Jun 2024
- Devens Enterprise Financials 2023
- Communication with Governance
- Virtual Read File