

**Devens Enterprise Commission  
(DEC) Public Hearing and Regular Meeting  
Minutes November 4, 2021**

**Members:** Duncan Chapman, Dix Davis, Jim DeZutter, Melissa Fetterhoff, Marty Poutry, Paul Routhier, Deborah Seeley

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

**Guests:** Donna Bulger (Exec. Dir. Of Clear Path); Paul Green (Harvard Citizen) John Osborn (Harvard Press)

**Absent:** Bill Marshall, Chris Lilly, Deb Rivera, Robert Gardner,

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Vice Chair Jim DeZutter, called the meeting to order at **7:49** AM.

Mr. DeZutter 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 following the link and phone # above. 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. DeZutter informed all attendees that this meeting is being recorded by the Devens Enterprise Commission.

Mr. DeZutter made an adjustment to the agenda and brought the topic up from New Business and Introduced Dawn Babcock to the Commission as the new Executive Assistant to the Devens Enterprise Commission

**(7:53 AM) Minutes:** The Commission reviewed the draft meeting minutes for June 29<sup>th</sup>, July 15<sup>th</sup>, July 27<sup>th</sup>, Aug. 5<sup>th</sup>. The Committee decided to vote on all the meeting minutes at one time as they had no edits or omissions to note on any of the meeting minutes. **The Motion to approve the June 29<sup>th</sup>, July 15<sup>th</sup>, July 27<sup>th</sup>, Aug. 5<sup>th</sup> as presented was made by Mr. Davis and seconded by Ms. Fetterhoff; Approved Unanimously by a roll call vote.**

**Public Hearings:**

**(7:56 AM) Event Permit and One-Day All Alcoholic Beverage License request from Clear Path for Veterans New England for the Journey Home 5K/10K event being held on Sunday November 7<sup>th</sup>, 2021 from 9:00 AM to 12:00 PM at 84 Antietam Street Devens, MA (Parcel ID#031.0-0002-0400.0).**

Mr. Angus introduced Donna Bulger to speak to the committee about this event. Ms. Bulger noted that the event will be a 5 K loop and the 10K portion of the run will be doing the loop twice. Unlike the run in May this one will not be crossing over Jackson Rd. The beer garden will be set up in their fenced in area on the property and they will have licensed servers, as well as a police officer in the area. The liquor will be purchased from an ABCC Approved vendor. And they will have a police cruiser on Jackson Rd during the run with their lights on to let drivers know there is activity ahead. Ms. Bulger did note that they have 85 runners signed up for the event.

Mr. Angus reviewed the staff report with the proposed conditions of approval. No comments from the commissioners. The Vice Chair requested public comment. Hearing none, **a motion to close the public hearing was made by Mr. Routhier and seconded by Ms. Seeley; Approved Unanimously by a roll call vote.**

**Motion to approve the one day all alcoholic beverage license request with the conditions listed in the staff report, was made by Ms. Seeley and seconded by Ms. Fetterhoff ; Approved Unanimously by a roll call vote.**

**(8:06 AM) Event Permit and One-Day All Alcoholic Beverage License request from Clear Path for Veterans New England for their Grand Opening Culinary Event being held on Thursday November 11<sup>th</sup>, 2021 from 6:00 PM to 10:00 PM at 84 Antietam Street Devens, MA (Parcel ID#031.0-0002-0400.0)**

Mr. Angus re-introduced Ms. Bulger. Ms. Bulger noted that this event is being sponsored by the Mass Restaurant Association, Marinetti Liquors & Bob Mullen Distributors as well as 110 Grill. This event is an open house celebrating the Grand Opening of the Culinary Program and will have guest chefs preparing appetizers that will be served with beer and wine. The event will be held in the Dining Area as well as the patio (weather permitting). Currently there will be 150 people attending. For parking they are planning to use their existing lot as well as the municipal lot behind as there are no other events taking place on the 11<sup>th</sup> in the area. Ms. Bulger noted that some of the sponsors wanted to donate liquors but Ms. Bulger declined their offer and the liquor will be purchased from an ABCC Approved vendor.

Mr. Angus reviewed the staff report with the proposed conditions of approval. There were no comments from the Commissioners. The Vice Chair requested public comment. Hearing none, **a motion to close the public hearing was made by Mr. Davis and seconded by Mr. Poutry; Approved Unanimously by a roll call vote.**

Mr. Poutry noted he had attended the Music/Dog Festival last week put on by the Applicant and was very impressed with the entire event and he is pleased to see that Clear Path is having this event on Veterans Day. Mr. Angus noted that this isn't an event that requires an event permit as it is being held within their own property lines.

**Motion to approve the one day all alcoholic beverage license request with the conditions listed in the staff report, was made by Mr. Routhier and seconded by Ms. Fetterhoff; Approved Unanimously by a roll call vote.**

**New Business:**

**(8:12 AM) Discussion Rezoning of Vicksburg Square:** Mr. Lowitt led the discussion. Harvard has requested that the DEC and the other component members of the Harvard-Devens Jurisdiction Committee (DJC) provide a list of pros and cons for rezoning Vicksburg Square in the near term. Mr. Lowitt has committed the DEC to match any funds that the towns provide that are not in kind to pay for a consultant that Harvard has requested be used to assist with the jurisdiction process. The Commissioners were encouraged to add their thoughts to the list of why Vicksburg Square should be rezoned in the near term.

Mr. Lowitt presented a memo regarding Vicksburg Square rezoning that he prepared to get the discussion going. Key points included that without intervention the National Register Building will succumb to the elements. Governor has done a number of executive declarations regarding a housing emergency and issued a number of rulings showing the connection between the availability of housing and the success of economic development efforts. More housing is needed. Prior market studies over the past 20+ years of the sale of the property under its current innovation technology center zoning have all stated that the property needs to be rezoned to residential in order to redevelop it. Past efforts brought to the town meeting have shown a viable path to redevelop these properties using the combination of historic tax credits and low income tax credits. 25% of the units redeveloped will be deemed restricted to account for low income & workforce housing requirements.

Mr. Lowitt asked for feedback from the commissioners and will summarize the discussion in a memo for the DJC based on the Commission's input this morning. Mr. Davis thought this would be effecting only the town of Harvard that would benefit from this rezone. Mr. Lowitt clarified that the Country boundary actually goes thru Ayer and Harvard so not just Harvard will benefit.

Mr. Routhier – would like to have Shirley, Ayer also included to give their pros and cons of this. Mr. Lowitt noted that they have been invited to meetings to do just that however Mr. Lowitt doesn't have their information as this time.

Donna Bulger commented that the building Clear Path is now in is in the same neighborhood as Vicksburg Square and it was in rough shape when they took ownership. Ms. Bulger would like to invite anyone interested in a tour of their location to see the potential if Vicksburg was renovated. As for Housing Devens needs it as to attract people for employment with the companies in the area.

Mr. Davis asked about the Approvals required to make this change and Mr. Lowitt responded that the majority of the communities, the DEC, and Mass Dev need to approve. Mr. Davis asked out of the 5 communities/stakeholders, how many yes votes are required. Mr. Lowitt - said not 100% sure but believe it

is simple majority 3 of the towns plus Mass Development and the Commission. Harvard resident Paul Green said that he believes it is all 5 not a simple majority.

Mr. DeZutter commented that he has watched this go on for 20+ years and he is in favor of this rather than watching the property go to pot and the community being brought down because of it.

Mr. Lowitt explained next steps. Today to generate ideas. Mr. Lowitt will send around a memo he drafts based on today's meeting and then the memo will be sent to DJC because we have been asked to do so.

Mr. Angus commented that, as far as getting this on the agenda for the Super Town Meeting that is on the "to do list" of Mass Development.

Mr. Chapman commented that as a realtor in the area he supports all of the comments raised. Demand for housing has been through the roof.

Harvard resident Paul Green commented that at the prior 3 Super Town meetings on rezoning Vicksburg Square, Shirley voted in favor of the zone change 3 times, Ayer voted against 3 times, and Harvard voted against 2 times in favor 1 time.

Mr. Lowitt stated 25% of the units would be required to be rehabbed for Low Income / Workforce Housing. The balance would help support the cost for the developer.

Ms. Seeley asked if it is possible to have it Mixed Use with Retail. Mr. Chapman stated mixed use is consistent with surrounding towns.

Ms. Fetterhoff is very in favor of this and wants to know what Mr. Lowitt needs from the Nashoba Valley Chamber Commerce to move forward. Mr. Lowitt wants your input and suggests everyone attend the DJC meeting next week to show their support.

Mr. Routhier asked where are we with the Historical Society with these buildings? Mr. Lowitt noted that the building would need to be rehabbed to meet National Register District Building Standards.

Mr. DeZutter asked if Mr. Lowitt could summarize the comments from this meeting and put it to paper and send it out to the committee.

Mr. Davis would like to know what Mass Development's plan for the Property is; to sell the property and oversee the development, or retain ownership and hire a developer? Mr. Lowitt says this is a Mass Development piece of Property so they will need to decide how they want to handle this. The DEC would just have the Permit oversight piece.

Mr. DeZutter – From his perspective he sees no negative to doing this now rather than later. All the Committee Members agreed with Mr. DeZutter regarding no negatives to the rezoning of Vicksburg Square in the near term.

Harvard resident Paul Green commented that in the past, MassDevelopment had looked at rezoning to allow for Industrial as well as Residential uses which was voted down by Harvard. Mr. Green would recommend that MassDevelopment look at one use or the other, not both for Vicksburg.

Mr. DeZutter asked if there is a motion authorizing Mr. Lowitt to capture the notes from today's meeting and present to the DJC. Ms. Fetterhoff said she is comfortable with Mr. Lowitt preparing and sharing the comments from today's meeting and Mr. Routhier agrees send the document and keep the ball moving.

**Motion to authorize Mr. Lowitt to compile the thoughts of the Commission on the need for the near term rezoning of Vicksburg Square and to share them with the Devens Jurisdiction Committee after circulating them to the commissioners - made by Mr. Davis and Seconded by Ms. Fetterhoff; Approved Unanimously by a roll call vote.**

**(8:44 AM) DEC Draft Meeting Schedule for the next 6 months:** Mr. Lowitt reviewed the draft meeting dates and asked Commissioners to identify any conflicts. Mr. Poutry wanted to know if we are going to in person or will remain in Zoom. Mr. Chapman wanted to see if we could do a hybrid meeting. Mr. Angus noted we can't do that until the building is open.

Mr. Angus noted there is no Old Business and the other New Business items (Social Media Minute and Virtual Read File) should be deferred to the next meeting as Ms. Fetterhoff has to leave the meeting and that will result in us not having a quorum.

**(8:50AM) Public Comment:** None.

**Motion to adjourn made by Ms. Fetterhoff and seconded by Mr. Davis; Approved Unanimously by a roll call vote.**

Meeting adjourned at **8:51** AM

#### **List of Exhibits –**

- November 4, 2020 Meeting Agenda;
- Draft Minutes June 29<sup>th</sup>, July 15<sup>th</sup>, July 27<sup>th</sup>, Aug. 5<sup>th</sup>, 2021

- Virtual Public Hearing Procedures
- Clear Path Grand Opening One-Day Liquor License Staff Report
- Clear Path Veterans Run One-Day Liquor License Staff Report
- DEC Draft Meeting Schedule Jan-June 2022
- MEMO from peter Lowitt to DEC regarding Vicksburg Square rezoning and jurisdiction

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