

**Devens Enterprise Commission
(DEC) Public Hearing and Regular Meeting
Minutes October 25, 2022**

Members Present: Duncan Chapman, James DeZutter, Melissa Fetterhoff, Robert Gardner, Christopher Lilly, William Marshall (joined at 7:00 PM), Martin Poutry, Deb Seeley

Staff: Peter Lowitt, Beth Suedmeyer, Dawn Babcock

Guests: Donna Bulger (Clear Path for Veterans), Nick Nadeau (Clear Path for Veterans), Steven Goodman (GFI), David Richard (Facilities Manager Avantor), Bob Larochelle (GFI Partners), Maria Syrniotis (Congresswoman Lori Trahan's office), Robert Jenkins (MassDevelopment), Meg Delorier (EVP Devens Operations and Dir of Military Operations for MassDevelopment), Jeff Black (VHB), Bob Gibson (GFI Partners), Curtis Quitzau (VHB), Paul Glavey (GFI), Jamie Eldridge (Senator), Lt Reid Bagley (State Police)

Members Absent: Dix Davis, Jim Pinard, Deb Rivera, Paul Routhier

(6:49 PM) Vice Chairman James DeZutter called the meeting to order

Mr. DeZutter had Mr. Angus read that the 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. Angus informed all attendees that the Devens Enterprise Commission is recording this meeting.

(6:50 PM) Mr. Angus Reviewed Agenda at Mr. DeZutter's request.

(6:58 PM) Review Minutes:

- **September 27th Minutes** were discussed, and Mr. DeZutter asked if anyone had any edits or concerns. None were noted. Mr. DeZutter then asked for a motion to accept the minutes as written and the motion was made by Ms. Seeley and seconded by Mr. Poutry. The Motion to approve the September 27th minutes was **Approved unanimously by a roll call vote.**

7:00 PM Chairman Marshall arrived and thereafter chaired the meeting

Public Hearings:

- **(7:02 PM)** The Chairman read the legal notice. **Event Permit and One-Day All Alcoholic Beverage License** request by Clear Path for Veterans New England for the **Devens Dog & Music Festival** to take place on **Museum Field at 27 Antietam Street** (Parcel ID #31-99-900) on Saturday October 29, 2022, from 10 AM – 3 PM. Rain date of Sunday October 30, 2022. Mr. Lowitt handled this hearing and introduced Ms. Bulger from Clear Path for Veterans who will be hosting the event. Ms. Bulger went over the plans for the day, which included the lay out of the vendors, schedule for the event and the safety measures put in place for the event. State Police in the fenced area where the Alcohol will be served, Animal Control Officer on site, as well as several volunteers. Lt. Bagley confirmed State Police will be in attendance. Mr. Marshall asked if there were any questions from the Commissioners and Public. Mr. Angus asked if there was a rain date that should be noted in case? Ms. Bulger noted that the rain date is Sunday October 30, 2022, with the same hours. Mr. Marshall then asked for a motion to close the hearing. The motion was made by Mr. Gardner and seconded by Mr. Poutry. **The hearing was closed by a unanimous roll call vote.** Mr. Marshall then asked for a motion to Approve this Application, the motion was made by Mr. Gardner and seconded by Mr. DeZutter. The motion to approve the application was **Approved unanimously by a roll call vote.**
- **(7:14 PM)** The continued hearing of **35 Saratoga Blvd** was opened. Mr. Angus noted that there are several outstanding items, and the DEC Staff would prefer to have the conditions resolved prior to action but a Draft Record of Decision has been prepared and sent out for review. Mr. Angus then went over the 5 waivers that have been submitted by the applicant. There were a couple of questions by the commissioners regarding the number of continuations for this hearing. Mr. Lowitt recognized their concerns. He noted that a few of the continuations are due to timing of the meeting and the Applicant needing to review and act on concerns/question from our review teams. Mr. Angus then reviewed the Conditions (A-R) and noted that there are a lot of them but feels confident that they will be able to get them resolved prior to the issuance of the Building Permits. Mr. Lilly noted that there are a lot of holes in the plan and asked if this is an issue

that will be put on the staff to do a lot of heavy lifting to ensure they are all completed. Mr. Lowitt noted that this is normal lately and he is confident that it won't be too much for the recently augmented DEC Team. The Chairman opened the floor for public comment. Ms. Syrniotis noted that the Congresswoman and her team did take a tour of the facility and support the project. Mr. Goodman noted that they do follow through and they aren't going anywhere as they have a few other projects in process within the DREZ. Mr. Marshall asked for a Motion to close the hearing and the motion was made by Ms. Seeley and seconded by Mr. Gardner. The motion to close the hearing was **Approved unanimously by a roll call vote**. Mr. Angus then reviewed the Record of Decision and noted that there are a lot of additional exhibits which were added to the draft ROD and highlighted in red on the draft being shown on zoom in order for the Commission to discern the additions. Mr. Marshall noted that the Waivers listed earlier need to be approved first and asked for a motion to approve the Waivers. The motion was made by Mr. Gardner and seconded by Mr. Lilly. The Waivers were **Approved unanimously by a roll call vote**. Then Mr. Angus went over the Findings and Conditions. Noting that the conditions of approval include language requiring cleaning up the plans prior to building permits being issued. Mr. Marshall then asked if there are any other Questions from the Commissioners or the Public and none were asked, so Mr. Marshall then asked for a motion to Approve the Unified Permit. The motion was made by Mr. Lilly and seconded by Mr. Poutry. The Motion to Approve the Unified Permit was **Approved unanimously by a roll call vote**.

- **(8:08 PM) 31 Independence Drive** Mr. Lowitt noted that the applicant would like to withdraw their application without prejudice. Mr. Lowitt also requested that the Unified Permit fee paid be transferred to the resubmitted application once it is received. Mr. Marshall asked for a motion to accept the withdrawal and carry the fee over. The motion was made by Mr. Gardner and seconded by Mr. DeZutter. The motion to accept the withdrawal and to transfer the fee was **Approved unanimously by a roll call vote**.
- **(8:10 PM)** The Chair opened the continued hearing for **Commonwealth Fusion Systems** Request for an amendment to their original Level 2 Unified Permit for the construction of a +/-147,000 sf fusion energy research and development facility (CFS-2) and associated site improvements. Amendments include a reduction in overall impervious area, decrease in main building size, increase in motor generator building size, and associated site modifications. Property located at **111 Hospital Road, Devens, MA (Parcel ID:018.0-0007-0200.0)** in the Innovation & Technology Business District. Ms. Suedmeyer handled this hearing and noted that they have received the review comments from the Consultant as well as Mass Development and these have all been accepted by the applicant. Ms. Suedmeyer noted that she would recommend approving the application. Mr. Lowitt noted that we will need to make sure there are no questions from the public. Mr. Angus noted that Mr. Quitzau and Mr. Black of VHB are also on the call for this hearing. Mr. Marshall then asked if there were any questions from the Commissioners or Public and none were asked. Mr. Marshall asked that a motion be made to close the hearing and the motion was made by Mr. DeZutter and seconded by Mr. Gardner. The hearing was closed by a unanimous roll call vote. Ms. Suedmeyer then reviewed the Draft Record of Decision and noted the modifications to the site plan. Ms. Suedmeyer then reviewed the Findings and the Conditions (5 additional conditions submitted in addition to the original Conditions for this project). Mr. Marshall asked if there were any questions. Mr. DeZutter asked the purpose of the amendment and Ms. Suedmeyer noted that there were a number of Modifications to the building and impervious surfaces that the DEC felt it warranted a review by the Commissioners. Mr. Marshall asked for a motion to Approve this Amendment Application. The motion was made by Mr. DeZutter and seconded by Mr. Lilly. The motion to approve this Amendment Application was **Approved unanimously by a roll call vote**.

New Business:

- **(8:19 PM) Public Art Grant Application Opportunity** Ms. Suedmeyer updated the Commissioners on Devens intent to apply for [Making It Public for MA Municipalities](#), a grant partnership with the New England Foundation for the Arts (NEFA), Metropolitan Area Planning Council's Arts & Culture Department (MAPC) and Forecast Public Art (FPA). This Grant offers training, technical assistance, and funding for procurement of temporary public art installations. A draft DEC support letter will be discussed/approved. Ms. Suedmeyer noted that this opportunity will have DEC partner with MassDevelopment as the grant offers training to 2 committee members from different organizations to 5 training sessions next spring. Ms. Delorier noted that Ms. Davis would be the partner representing MassDevelopment. Ms. Suedmeyer then reviewed the draft letter of support that she will send if it is approved. Mr. Marshall asked if there were any questions, and none were asked. Mr. Marshall then asked for a motion to approve the request to apply for the Public Art Grant. The motion was made by Ms. Seeley, seconded by Mr. Poutry and the motion was **Approved unanimously by a roll call vote**. Ms. Delorier on behalf of MassDevelopment noted

that she and Ms. Suedmeyer had talked, and it was left in a slight limbo, but she believes the two agencies will work great together and this project will be very successful.

- **(8:24 PM) The movement of the December Public Hearing from December 27th to the 20th.** Mr. Lowitt noted that he would like to see about moving the meeting from Dec. 27th to Dec 20th so it wouldn't be in the middle of the holidays. Mr. Lowitt asked the commissioners to check their calendars to see if that would work for everyone. Mr. Marshall asked if there were any questions/concerns. Mr. Chapman noted that he likes the idea of moving it up should people have plans over the Holiday week. Mr. Marshall than asked for motion to move the meeting from December 27th into December 20th made by Mr. Chapman and seconded by Mr. DeZutter. The motion to move the meeting was **Approved unanimously by a roll call vote.**
- **(8:25 PM) Mr. Lowitt noted that we have already met our Revenue goals for FY23, and we still have 8 months to go.**
- **(8:27 PM) Read File** Mr. Angus noted that the Virtual Read File wasn't posted but it will be shortly and would like the Commissioners to look at it. Mr. Chapman did attend the Harvard meeting noted on the read file and he suggested the other Commissioners read that file. Mr. Marshall did give Harvard kudos for leading with the planning efforts. Mr. Lowitt noted that Devens Residents have a committee and have been working on this as well.

Old Business:

- **(8:33 PM) Mr. Marshall asked if there was any Old Business** None was noted.

(8:35 PM) Public Comment - Mr. Marshall asked if there were any questions or comments from the public.

Ms. Delorier noted that the MassDevelopment Sr. VP of Real Estate – Robert Jenkins is new to MassDevelopment and is on the call tonight.

Mr. Marshall noted the upcoming meeting. November 3rd at 7:30 AM Monthly Meeting, and November 29th at 6:45 PM the Public Hearing.

(8:37 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. DeZutter and seconded by Mr. Lilly. Unanimous approval was secured.

List of Exhibits

Agenda

Minutes

- September 27

Devens Dog and Music Festival

- Application
- Event Details
- Staff Report

35 Saratoga Blvd

- Revised Site Plans
- Updated Traffic Report
- Updated Stormwater Report
- Waiver Requests
- Updated Peer Review Comments from Nitsch
- Updated Peer Review Comments from IBI Group
- Draft Record of Decision

31 Independence Dr

- Withdrawal Letter

111 Hospital Road

- Staff Report
- Draft Record of Decision
- Response to Stie Plan and Stormwater Comments
- Response to Landscape Comments

Public Art Grant Application Opportunity

- Draft letter of Support