

Devens Enterprise Commission (DEC)
In-Person/Remote Hybrid Public Hearing and Regular Meeting
Minutes April 30, 2024

Members Present (in person): Robert Gardner, Christopher Lilly, Jim Pinard, Marty Poutry, Paul Routhier, Carl Sciple, Deborah Seeley

Members (remote): William Marshall, Duncan Chapman

Members Absent: Melissa Fetterhoff, Debra Rivera

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

Guests (in person): Gia Coleman (Electric Hydrogen), Ken Jones (Electric Hydrogen), Brent Heinzer (BTH Architect), John Marc-Aurele (MassDevelopment Engineering), Jon Eisenberg (Arup), Scott Jansen (Electric Hydrogen), Kara Gibson (Electric Hydrogen), Beth Stagnone (TPE Solutions), Jonas Angus (TPE Solutions), Tim Hatch (Shirley Resident)

Guests (remote): Ralph Fehlberg (Devens Resident), Laura Scott (Devens Resident), Keith Pruett (Lieutenant State Police), Jesse Tarbell (Sterling Street Brewery), Patrick McCarty (Mac Devens Development), Ed Jaram (King Street Properties), Kasey Ferreira (Howard Stein Hudson), Bill Jackson (7 Jackson Road), Victoria Grimes (Arup), Cindy Carter (Devens Resident), Anne Marie Dowd (Mass Development), Meg Delorier (Mass Development), Robert Jenkins (Mass Development Real Estate), Julie Farrer (King Street Properties)

(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.

(6:52 PM) Mr. Marshall reviewed the agenda of this evening's meeting.

(6:55 PM) Review Minutes:

- **April 4th Draft Minutes** were discussed. Mr. Marshall asked if there were any comments about the minutes and none were made. Mr. Marshall then asked for a motion to accept the minutes as submitted. **The motion was made by Mr. Routhier and seconded by Mr. Chapman. The minutes were approved unanimously by a roll call vote.** Ms. Seeley and Mr. Pinard abstained from voting as they were not present at the April 4th Meeting.

Public Hearing:

- **(6:56 PM) Level 2 Unified Permit application submitted by Electric Hydrogen, on behalf of King 33 Jackson, LLC (Property owner) for a License to store flammables, combustibles, and explosives in accordance with 974 CMR 4.09(6). Property located at 33 Jackson Road, Devens (Parcel ID # 0.13-0021-1000.0) in the Innovation and Technology Business Zoning District.** Ms. Suedmeyer introduced Mr. Ken Jones, EH&S Manager from Electric Hydrogen (EH²). Mr. Jones introduced his team who were at the meeting with him. Then gave a brief overview of what his company will be doing at 33 Jackson Road and the need for larger amounts of the chemicals that are used as their business gets fully operational. So, they have come before the commission to apply for the Flammable License. Mr. Jones went over the plans for storage of the chemicals in two storage locations on two floors. Mr. Jones also noted that they are looking at other alternatives, rather than having to open a large container every time it is needed, possibility of small bags within the larger package. Mr. Angus noted that Mr.

Jones and EH² have been in contact with the Fire Department/Public Safety as well as the Building Inspectors and will continue to do so as standard protocol. EH² will also need to maintain an up-to-date list of flammables stored as changes take place and report them to both Fire and the DEC. Mr. Marshall asked if there were any questions from the commissioners, and Ms. Seeley asked about on site security and Mr. Jones noted that EH² does have 24-hour security on site. Mr. Marshall then asked Mr. Angus if there were any other sites on Devens that store these types of materials. Mr. Angus noted that Vulcan Forms uses a similar material on Devens and that the Fire Department has not had any issues with their storage. Mr. Marshall asked if there were any more questions from the Commissioners or the public and none were asked. Mr. Marshall then asked for a motion to close the hearing. The motion was made by Ms. Seeley and seconded by Mr. Routhier. **The hearing was closed by an unanimously by a roll call vote.** Ms. Suedmeyer then went over the Draft Record of Decision listing the six conditions and noting that there should be no external storage. Should the ROD be approved by the commissioners then it will be signed and will need to be sent to the registry of deeds for recording. Mr. Marshall asked if there were any questions from the commissioners as well as the public, none were asked. **Mr. Marshall asked for a motion to approve this unified permit, the motion was made by Mr. Poutry and seconded by Mr. Lilly. The motion to approve the unified permit was approved unanimously by a roll call vote.**

- **(7:15 PM) Level 2 Unified Permit application for Site Plan and Wetland Notice of Intent submitted by Jonas Angus - TPE Solutions for the construction of a +/-31,511 sf building with associated parking, grading, drainage, landscaping, lighting and utility improvements on a proposed +/- 6.65 acre parcel located at 33 Lake George Street (Parcel ID # 008.0-0021-0401.0), Devens, MA in the Innovation & Technology Business Zoning District.** Mr. Angus introduced Mr. Jonas Angus and Ms. Beth Stagnone from TPE Solutions. Ms. Stagnone noted that TPE Solutions is looking to move their business from Shirley to 33 Lake George Street in Devens as they have outgrown their current space in Shirley. Ms. Stagnone then turned the floor over to Mr. Kasey Ferrera from Howard Stein Hudson as the engineer of the project. Mr. Ferrera went over the development plans including grading, drainage, driveways, parking, landscaping as well as the building. Mr. Marshall asked if there were any questions from the commissioners and Mr. Pinard asked what the height of the building with it being in the viewshed district. Mr. Ferrera noted that it would be 39 foot tall with screening bringing it to under 45 feet. Mr. Pinard then asked if the access drives can be reduced, but Mr. Angus noted that the number of driveways have been designed to keep truck traffic separate from passenger vehicle traffic for safety reasons. Mr. Marshall then asked if there were any questions from the public, Mr. Tim Hatch, a Shirley Resident asked if there is a reuse plan in place for their existing building as TPE Solutions is one of the top taxpayers in Shirley. Mr. Angus noted that MassDevelopment and the applicant went through the noncomplete agreement process and TPE Solutions has received a letter from Shirley Town Administrator. Mr. Bill Jackson of 7 Jackson Road asked about the increase of traffic on Lake George Road and the ownership of the road. Mr. John Marc-Aurele from MassDevelopment Engineering stated that Lake George is a public road to 33 Jackson Road and these Lake George Street properties and will be maintained. There may be some intersection improvements at Jackson and Lake George to accommodate the increase in turning movements. Mr. Angus noted that there are still a number of items to be addressed so he would recommend to continue the hearing until the May 9th 7:30 AM meeting which would give the applicant time to address them. Mr. Marshall asked for a motion to continue this hearing until the May 9th 7:30 AM Meeting. **The motion was made by Mr. Gardner and Seconded by Mr. Pinard. The motion to continue to the May 9th 7:30 AM Meeting was unanimously approved by a roll call vote.**
- **(7:56 PM) Application from Mass Brewing LLC (dba Sterling Street Brewery) for a Farmer Series Pouring Permit Application to authorize the sale of malt beverages on property located at 57 Jackson Road, in Devens, MA (Parcel ID# 013.0-0021-0.100.0) (building #65 Jackson Road) within the Innovation & Technology Business Zoning District.** Mr. Angus introduced Ms. Julie Farrer of King Street Properties who introduced Mr. Jesse Tarbell from Sterling Street Brewery. Mr. Tarbell went over the plans of operation as well as the hours, Monday – Friday 3:00PM – Midnight, Saturday 10:00 AM – Midnight and Sunday 11:00 AM – Midnight. Mr. Angus then shared the floor plan of 65 Jackson showing the areas where the Malt Beverages would be served. Mr. Angus also noted that the patio area will need to be enclosed to ensure alcohol consumption remains contained in the designated area, this is also an ABCC regulation. Mr. Marshall asked if there were any questions and Mr. Pinard asked if the

victualler license has already been issued for this business? Mr. Angus noted that it has been, but they have not been operating until they are able to obtain the pour permit. Mr. Pinard then asked why the request for the extended hours on the permit? Mr. Tarbell noted that they are requesting extended hours should there ever be a special event, but 99.9% of the time the service will be for the standard hours not past 10PM on most days. Mr. Angus noted that the pour permit will require a yearly renewal. Mr. Marshall asked if there were any questions from the Public, none were asked. Mr. Angus noted that they have been working with Public Safety and Lieutenant Pruett noted that he sees no issues as long as the ABCC regulations are adhered to. Mr. Angus then went thru the staff report and noted that he would include the 7 conditions noted in the staff report on the permit if it is approved. Mr. Routhier asked about the fencing around the patio area. Mr. Angus noted that it doesn't need to be an actual fence as long as there is some form of barricade between the patio and the rest of the property. Mr. Marshall asked the public if there were and none were asked. Mr. Marshall then asked for a motion to close the hearing, the motion was made by Mr. Gardner and seconded by Mr. Pinard. **The hearing was closed by an unanimously by a roll call vote. Mr. Marshall then asked for a motion to approve the issuance of the Pour Permit with the 7 conditions noted. The motion was made by Ms. Seeley and seconded by Mr. Routhier. The motion to issue the pour permit was approved by a unanimous roll call vote.**

New Business:

- **(8:15 PM) Devens Jurisdiction Framework Committee Discussion – Open Space (Status Quo)** Mr. Marshall noted that the DJFC met last month, and he is very pleased with the outstanding work Mr. Angus has done compiling the information for the disposition matrix spreadsheet they are reviewing. Mr. Angus noted that the first section reviewed was the Administration and at the next meeting they will be looking at Open Space. Mr. Angus is proposing submitting the list on behalf of the DEC and will do his best to ensure the committee knows the level of services currently available to Devens residents and businesses. Mr. Marshall did note that with Mr. Riveria's resignation he is not sure what that will mean regarding MassDevelopment and the possibility of rejoining the table for discussions, we will have to wait and see. Mr. Marshall noted that the DEC will continue to provide information for both organizations where possible, as far as supplying information for the spreadsheet.
- **(8:24 PM) Level 1 Earth Removal Permit – relocation from 11 Grant Road to 59 Grant Road – Administrative Approval.** Mr. Angus introduced Mr. Patrick McCarty of McCarty Companies who noted that there is still a lot of excess soil they are dealing with at 11 Grant Road, and they have been meeting with MassDevelopment with the possibility of moving this excess soil to 59 Grant Road – an area that was cleared a while ago for the disposal of soil from the Grant Road project so there really isn't a lot to clear now to accept the soil. Mr. McCarty shared their site plan which shows an 18-foot-high landscape berm and the planting of 35 trees and 25 shrubs which will help to further screen Commonwealth Fusion Systems facility. Mr. Marshall asked if there were any questions and Mr. Pinard asked if they knew of the excess soil from the start and will there be a time restriction for the movement of the soil? Mr. McCarty did note that they knew would have some excess soil when they first started but they didn't realize until work really started that they would have so much soil to be removed to ensure stable ground for the building. Mr. McCarty did note that with the location across the street it wouldn't be feasible to have more than 3 to 4 trucks. They need to get the results from the soil tests before they can begin so, once those are received it should be around 3 to 4 weeks of moving soil. Mr. Angus noted that since this was already an approved laydown area that was under-utilized and the material is associated with an existing Level 2 Unified Permit and involved minimal tree removal, that an administrative approval was appropriate in this case. The mound would be planted and stabilized to enhance the existing buffer between businesses and residents. Mr. Angus went over the conditions that would be included on this approval, including, hours of operation (7AM-7PM – no work on Sundays or holidays), no left turns out of the site, proper stabilization, containment, and dust control, chemical testing, and a coordination meeting with DEC and MassDevelopment prior to commencement of activities. Mr. Marshall asked if there were any other questions. Ms. Delorier of MassDevelopment just wanted to add that Engineering and Anne Marie Dowd of MassDevelopment have been working with Mr. McCarty on this soil management project.

- **(8:38) Read File:** There were a number of articles in this file tonight; MassDevelopment announcement of Dan Rivera's resignation; the ribbon cutting at Electric Hydrogen; the Pocket Forest celebration; Housing crisis, Coming Home to Devens; Clear Path For Veterans received Outdoor Recreation Grant; Top GreenTech Companies listed Ascend Elements, Commonwealth Fusion Systems, and Electric Hydrogen; Environmental Business Council Community Choice Award Nomination – Ayer/Devens Pilot Pocket Forest (vote now). There were also a few staff updates: State Audit is taking place; Shared photos of the Earth Day Events, Pocket Forest Planting at Ayer Shirley Regions Middle School, Pilot Pocket Forest Site 1st Birthday Celebration; and the Devens Farmers Market Dates Announced and CSA Online Ordering is Open. Mr. Angus wanted to recognize the Devens and Shirley DPW staff for all their hard work in assisting with the pocket forest and earth day events.

Old Business:

- **(8:46 PM) None**

Public Comment:

- **(8:46 PM)** Mr. Marshall asked if there were any questions from the Public in the room or on Zoom. None were asked.
- **(8:47 PM) Mr. Marshall noted the next scheduled meetings are May 9th at 7:30 AM, (Zoom Meeting) and May 28th at 6:45 PM (Hybrid Meeting).**
- Mr. Marshall did ask Ms. Delorier if there were any comments or updates regarding the resignation of Mr. Rivera. Ms. Delorier noted that MassDevelopment has named Dan O'Connell as the Interim CEO, and they will be hiring a Search Firm to find a full-time replacement for Mr. Rivera. Mr. Gardner asked that we should extend an invitation to Mr. O'Connell to attend one of our meetings so he can introduce himself to the Commissioners and the Commissioners can introduce themselves to him and so he can get a better understanding of the work we are doing in Devens. Mr. Marshall agreed. Ms. Delorier noted that she would be happy to pass the invitation on to Mr. O'Connell.

(8:51 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. Gardner and seconded by Mr. Poutry. The motion to adjourn was unanimously approved by a roll call vote.

List of Exhibits

- Agenda
- April 4th Draft Minutes
- Public Hearing
 - 33 Jackson Road – Flammables License
 - Application
 - Determination of Completion (DOC)
 - Public Notice
 - Supporting Report
 - Building Floor Plans
 - Building Fit-Out Details for Hazardous Materials
 - Storage Permit from Devens Fire Department
 - Processing Permit from Devens Fire Department
 - Cover Letter
 - Emergency Action Plan
 - Staff Report
 - Draft Record of Decision
 - 33 Lake George Street – Unified Permit

- Application
- Determination of Completion (DOC)
- Public Notice
- Site Plan
- Project Narrative
- Building Design
- Climate Mitigation
- Staff Report
- 33 Lake George Revised Site Plan
- 33 Lake George Revised Landscape Plan
- 33 Lake George Presentation from Howard Stein Hudson
- 65 Jackson Road Sterling Brewery Pour Permit
 - Application
 - Public Notice
 - Description of Premises
 - Proposed Floor Plan
 - Devens Food Menu
 - Staff Report
- New Business
 - DJFC Status Quo Open Space and Recreation Memo
 - Level One Earth Removal Permit
 - 59 Grant Level One Plans
 - Read File