

Devens Enterprise Commission (DEC)
In-Person/Remote Hybrid Special Meeting / Public Hearing
Minutes January 6, 2026

Members (in person): Christopher Lilly, James Pinard, Martin Poutry, Debra Rivera, Paul Routhier

Members (remote): Duncan Chapman, Melissa Fetterhoff (left at 9:29 PM), William Marshall, Carl Sciple (joined at 6:19), Deborah Seeley

Members Absent: Robert Gardner

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

Guests (in person): Mike Lannan (Tech Environmental), Josh Mitchell (Republic Services), Angelo Liquori (Republic Services), Greg Wirsen (GSE), Michael Green (Republic Services), Jim Lampke (Legal for Devens Enterprise Commission),

Guests (remote): Greg Tocci (Cavanaugh/Tocci), Rebecca Brown (GPI), Jeff Bandini (Nitsch Engineering), Liam Mahony (Cavanaugh/Tocci)

Moderator: John Shea (counselor with Verrill-Law)

(6:07 PM) Chairman Marshall called the meeting to order

Mr. Marshall read that the Devens Enterprise Commission (DEC) Meeting is being held in-person and virtually pursuant to the March 28, 2025, Act signed by the Governor extending the ability of state and local public meetings to be held in a hybrid or remote format through June 30, 2027. 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, we wish to inform all attendees that this meeting will be recorded by the Devens Enterprise Commission.

(6:13 PM) Chairman Marshall did the roll call for the meeting

(6:14 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. Routhier and seconded by Mr. Lilly. The nomination was approved unanimously by a roll call vote.

(6:16 PM) Chairman Marshall reviewed the agenda for the meeting and then read a statement regarding tonight's meeting before turning the meeting over to Mr. Shea as the moderator of the meeting tonight.

(6:19 PM) Mr. Shea went over the procedures for tonight's meeting and the prehearing orders and acknowledgements received December 17, 2025, as well as the introductory remarks and pre-filed testimony. Mr. Shea went over the application package and the responses received. The traffic study, sound study, noise analysis. Mr. Shea noted that there was a site visit earlier in the day. Mr. Shea noted that the presentations will be presented under oath as Mr. Shea will be acting as the judge over the proceedings for the public hearing. This way the commissioners will only need to listen to the presenters and the zoom recording will act as the transcript. Mr. Shea also noted that no questions can be asked unless recognized by the moderator. Mr. Shea noted that along with Site Assignment there will be a Unified Permit discussed during tonight's meeting.

(6:46 PM) Mr. Shea then swore in Mr. Greg Wirsen of Green Seal Environmental. Mr. Wirsen gave the presentation for the general application, noting that they are looking to modify their hours of operation from Monday – Friday 7:00AM – 5:00PM and Saturday 7:00AM – Noon, to Monday – Friday 5:00AM – 9:00 PM and Saturday 7:00AM – 1:00 PM. Maintenance hours will be 24/6 Monday – Saturday with all building doors closed. Mr. Wirsen shared the layout of the facility and where each type of material is and will be processed on the site. Mr. Wirsen noted the Fire Suppression systems that are being used within the facility. Mr. Wirsen addressed the odor control, with the doors all on one side of the facility preventing a wind tunnel and there is an atomizer misting system installed to help control the odor and dust. In regard to Rodent Control, they do have a 3rd party covering this and will continue to

work with them. Mr. Wirsen noted that currently they are using an Anticoagulant poison which does kill the rodents but should any other animal consume the rodent the chemical will affect them as well. So, they are working with the company looking into other options to use to control the rodents. Mr. Shea asked if there were any questions for Mr. Wirsen, Mr. Pinard asked if they will be receiving material until Midnight? Mr. Wirsen noted that they will receive material until 9:00PM and then processing the material and maintenance will continue until Midnight. Mr. Routhier asked about machine maintenance, should it be necessary, will that take place on Sundays? Mr. Wirsen noted that no work of any type will be done on Sundays. Mr. Lampke asked why the need to increase the hours? Mr. Wirsen noted that the additional hours will allow the truckers who start early to deliver their loads and prevent backlog as well as being available later in the day should trucks be running late for some reason. Mr. Lampke asked Mr. Shea, if there are more questions for Mr. Wirsen later in the meeting, can he be called back to address them? Mr. Shea said that he can be if needed.

At 7:28, Mr. Shea called a 5-minute recess.

(7:32 PM) Mr. Shea reconvened the hearing and swore in Mr. Greg Tocci of Cavanaugh Tocci Associates – Sound Consultant for the Applicant. Mr. Tocci shared his presentation regarding the noise analysis his company has compiled for the application. Mr. Tocci noted that they had ten devices around the property line to gather noise data and went over his report in detail, concluding that anticipated noise the levels during the extended hours will be below the Devens Enterprise Commission limits. Mr. Lampke asked when the sound studies were conducted. Mr. Shea noted that the two sound studies were January 2023 and November 2025. Mr. Tocci noted that the 2023 studies have been updated and the 2025 study results have been included in the reports submitted. Mr. Tocci noted that the Day time study was between 5:00 AM – 9:00 PM, and the nighttime study was between 9:00 – Midnight. There were no Sunday or Holiday hours within the studies. Mr. Lilly asked about the sound levels in neighboring towns and Mr. Tocci noted that some of the data collection devices are located in Ayer as well as Devens. Mr. Tocci noted that the truck volume increase would be during the day time hours but the sound levels will still be close to the current values. Mr. Angus asked about the transient sounds. Mr. Tocci noted that the main one was the pushing of containers across the pavement. There were a few other questions about the sound studies that were asked and answered.

(8:33 PM) Mr. Shea swore in Ms. Rebecca Brown of GPI. Ms. Brown gave a high-level summary of the traffic studies that GPI has conducted for Devens Recycling. She noted that there are three intersections that are affected by the business operations and the increased hours will not increase the traffic, it will really only spread the traffic out and they are figuring for a 2% increase yearly with about 19 additional trips in the morning and maybe 6 to 8 additional trips on Saturdays. Ms. Brown noted that peer reviews did note possible congestion at the Jackson Road / Patton Road intersection but there is currently a plan in the process for modifications to be made at this intersection by MassDevelopment. The facility's driveways, entrance, and exits will be maintained to ensure a clear line of site. Ms. Brown noted that the studies GPI has done are not showing any safety risks, and that the trips may increase about 1 car every four minutes. Ms. Brown also noted that the truck route signage will need to be updated to ensure clear visibility of them. Ms. Suedmeyer noted that the summer traffic is heavier than December due to the Athletic Events that take place in Devens between Spring and Fall. Ms. Brown noted that she doesn't see the increased hours causing any issues traffic wise. Mr. Angus did note that with the Athletic Events in the summer it would make sense to conduct traffic monitoring during these months as Devens hosts a number of events on weekdays as well as weekends. Mr. Brown agreed with this.

(9:07PM) Mr. Shea swore in Mr. Jeff Bandini from Nitsch Engineering. Mr. Bandini noted that Nitsch Engineering is the Peer Review Consult on traffic operations that is working for Devens Enterprise Services for this meeting. Mr. Bandini noted that he has reviewed the traffic studies from GPI submitted in June 2025 and updated October 2025. Mr. Bandini was able to furnish a peer review letter dated December 18th with 20 comments noted on the methodology included in the study and GPI replied in writing December 31st and Nitsch was able to review GPI's responses and put together a response letter dated January 2nd within that they found most of GPI's responses to the Nitsch's initial 20 comments to be satisfactory. Mr. Bandini noted a number of the conditions Nitsch would have recommended for

conditions for the approval of this project have already been noted by GPI so the only main concern is the traffic monitoring program going forward. There were no additional questions asked of Mr. Bandini.

(9:16 PM) Mr. Shea swore in Mr. Mike Lannan from Tech Environmental. Mr. Lannan noted that Tech Environmental is the Consult on odor and noise that is working for Devens Enterprise Commission. Mr. Lannan noted that the Odor, Noise and Dust will not change much with the hour changes that Devens Recycling is requesting, as well as the goal of this request is to allow Devens Recycling to do what they are requesting without increased disturbance to the neighbors. Mr. Lannan commended Cavanaugh Tocci for their modeling of the evening hours (9:00 – 12:00) as they have the property line 8 receptor just north of the door where the municipal solid waste comes in, at that door it is registering 65 DBA with the door open but at receptor 8 at the property line it was registering only 30 DBA which is a good sign. So, he is not worried about that level as it is the average sound. Mr. Lannan noted that the DEC has an impulsive rule that it can't be more than 10 DBA over the base line for more than one minute. Mr. Lannan noted that there was a requirement for a berm to go in at the edge of the Rail line that would assist in the sound buffer. This was not installed likely due to limited space but he noted that a much shorter berm or wall could be installed on the upper level closer to the doors, to help ensure noise levels remain compliant for neighbors, and allow Devens Recycling to do what they are requesting. But the height of the wall can be noted in the conditions. Mr. Lannan noted that if an additional wall is requested in the conditions, it should be close to the facility rather than the property line and it can be reflective facing the facility and absorptive facing the neighbors as we don't want to reflect sound or railcar movements during late hours. With internal sounds like the grinders Mr. Angus had suggested a 6-month trial period, which Mr. Lannan is in agreement with. Mr. Lannan noted that the applicant is coming with all their requests as this process is lengthy as well as costly so why not ask for everything and now. Our job is to review their request and ensure their proposed expansion of operations will comply with the DEC Industrial Performance Standards for noise, air, and odor. Mr. Lannan noted that control of the doors was important and the DEC can consider a reasonable number of times they can open the doors to bring the trains in and out at night while not disturbing nearby residents. For the noise concerns Mr. Lannan noticed today during the site visit that the vent fans on the building, which he understood were supposed to be closed, are actually open cages to the outside. They are facing the fields rather than the residents but can be conditioned to be properly blocked to reduce noise, contain odor, and also reduce fugitive dust emissions. Also, regarding the doors for the extended hours, it really is a bell curve and not really an increase in noise during non-peak hours. Mr. Routhier asked about the process of the unloading and the scrapping of a container in the parking area, which was the case today. Mr. Wirsen noted that the sound most likely is the box scrapping on the concrete and not the container doors slamming and the container movement that was seen today can and should be addressed. Mr. Lannan noted that the container outside today was most likely the guy just wanted to get the container inside and shut down as it was the end of the day but agreed there should be other ways of moving it to look into. Mr. Lannan then commented that during today's site visit he noticed that there was definitely some odorous materials in the facility, likely due to the fact that they are not cleaning the floor at night and he noticed that trucks were dropping their loads and filling the intermodal container from the same side so they were not doing the process of first in first out. This may be just because the time constraints aren't allowing them to move all the material. Mr. Lannan believes the main thing they need to ensure that as little material is left on the floor as possible and have the ability to install a recirculating system if it is needed in the future if odor becomes an issue. The last item is dust, the misting system that is currently in the facility can have a benefit in the summer for odor, the main concern Mr. Lannan saw today was the fan system is not keeping the facility at a negative pressure as conditioned in the original site assignment. In the warmer months, the misting system is able to keep the dust down but really couldn't be converted to assist year-round due to freezing. Mr. Lannan would recommend going to a dry particulate system that would recirculate throughout the facility to keep the particulates down. This could be a condition or explored but it would be up to Devens Recycling. Mr. Lannan would recommend such a request.

(9:40 PM) Mr. Shea swore in Mr. Neil Angus from Devens Enterprise Commission. Mr. Angus noted that there have been a number of issues discussed tonight, the key ones being Noise, Odor, and Dust and that all the industrial performance standards need to be adhered to. Mr. Angus believes with some carefully crafted conditions we can ensure the Applicant addresses all the issues. One of the main issues is control of the doors and ensuring all activities occur within the building. The applicant had also originally agreed to a number of community commitments and

tonight the applicant has agreed to implement the commitments that were not implemented during the original site assignment. One thing he did want to raise up was that a request for Saturday operating hours was initially denied and the applicant came back with modifications and the DEC granted a 6-month trial period. This was a good strategy and the Commission could consider the 6-month trial period again to see how extended operating hours actually work and see how the concerns are handled. Mr. Shea asked Mr. Wirsen if they have any concerns with Mr. Angus' suggestions. Mr. Wirsen agreed with the suggestions from Mr. Angus. Mr. Pinard asked what the track record has been? Mr. Wirsen noted that he is aware of one noise complaint recently and comments of the control of the doors have been rectified. There have also been some truck route infractions that too have been rectified. Mr. Angus did note that they have had some issues raised due to outdoor storage and door operations as well as truck route infractions in the past, but the applicant has been very responsive to rectify these issues.

(9:49) Mr. Shea noted that he is going to recognize the blanket admission of all the pre-filed testimony submissions and presentations. Mr. Shea asked that Mr. Lampke, Mr. Wirsen and Mr. Angus all review the administrative record to ensure it is complete as to referencing all the admitted documents. Mr. Shea then gave closing direction to the next steps. The DEC has until February 20th, 2026, to issue the modified and amended decision with the assistance of counsel. This decision needs to include a brief statement noting the reasons and facts supporting the modification. Each Commission member needs to review the record and discuss it at a public meeting, deliberate and vote during this public meeting. The board can grant the modifications as long as they can prove that the changes will not constitute a danger to the public based on the documents reviewed. The decision of the modifications needs to be posted in the papers within 7 days of its issuance. Any appeals need to be brought to the superior court where they will review in on the administrative record with briefs and oral arguments to the judge. Mr. Shea concluded with requesting the Chairman to request a motion to close the hearing. Mr. Angus noted that there is a Unified Permit also attached to the hearing that can be handled in the same timeframe as Mr. Shea had noted.

(9:54 PM) Mr. Marshall noted the next scheduled meetings are January 8th at 7:30 AM, (Zoom Meeting) and January 27th at 6:45 PM, (Hybrid Meeting).

(9:55 PM) Mr. Marshall thanked Mr. Shea for moderating the meeting and then asked for a motion to close the hearing and adjourn. The motion was made by Mr. Routhier and seconded by Mr. Pinard. The motion to close the hearing and adjourn was unanimously approved by a roll call vote.

List of Exhibits

- Agenda
- Public Hearing — 45 Independence Drive Site Assignment
- Public Hearing — 45 Independence Drive Application
- Public Hearing — 45 Independence Drive Determination of Completeness
- Public Hearing — 45 Independence Drive Operation and Management Plan
- Public Hearing — 45 Independence Drive Prehearing Order
- Public Hearing — 45 Independence Drive Memo to DEC
- Public Hearing — 45 Independence Drive Certification Greg Wirsen
- Public Hearing — 45 Independence Drive Applicant Response
- Public Hearing — 45 Independence Drive JB Filing Packet Pre Filed Testimony
- Public Hearing — 45 Independence Drive Sound Engineering Response to Peer Review
- Public Hearing — 45 Independence Drive Applicant Response to Nitsch Traffic RTC
- Public Hearing — 45 Independence Drive JBL Filing and Certificate of Service
- Public Hearing — 45 Independence Drive Pre-Filed Testimony Packet
- Pre-filed Testimony of Neil Angus