

Devens Enterprise Commission (DEC)
In-Person/Remote Hybrid Public Hearing and Regular Meeting
Minutes May 28, 2024

Members Present (in person): William Marshall, Jim Pinard, Marty Poutry, Debra Rivera, Paul Routhier, Carl Sciple, Deborah Seeley

Members (remote): Duncan Chapman, Robert Gardner, Christopher Lilly

Members Absent: Melissa Fetterhoff

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

Guests (in person): Jonas Angus (TPE Solutions), Beth Stagnone (TPE Solutions), Brent Heinzer (BTH Architect), Kasey Ferreira (Howard Stein Hudson)

Guests (remote): Keith Pruett (Mass State Police), Meg Delorier (VP MassDevelopment), Robert Jenkins (MassDevelopment Real Estate), Cindy Carter (Devens Resident), Matthew Kalinowski (Boston University Student), Ishika Shah (Boston University Student), Rick Beibstein (Boston University Professor)

(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.

(6:50 PM) Chairman Marshall noted, we will need to nominate Ms. Rivera as a voting Regional Representative for this meeting. The motion was made by Ms. Seeley and seconded by Mr. Routhier. The nomination was approved unanimously by a roll call vote.

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

(6:53 PM) Review Minutes:

- **May 9th 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. Lilly and seconded by Mr. Pinard. The minutes were approved unanimously by a roll call vote.** Mr. Chapman abstained from voting as he was not present at the May 9th Meeting.

Public Hearing - Continued:

- **(6:56 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 noted that he has been working closely with the applicant and their engineers and architects since the last meeting and they have made great progress on meeting most of the Devens Rules and Regulations. They have decreased the number of waivers they will be requesting with the adjustments they have made. The engineer has also adjusted their plans to include more porous pavement on the walkways and decrease the lightening to bring it into compliance with DEC lighting and the Viewshed Limits. They will need to coordinate with Devens Utility as closest Utility box is already at capacity, so they are looking at connecting to the Utility box

at 27 Jackson Road. Mr. Ferreira noted that they will need to get their utilities, water, and fire from the Jackson Road connections. Mr. Marshall asked if there were any questions. Mr. Pinard asked if they are planning to connect to Gas and Mr. Ferreira noted that they are still looking at that option but at this point they are planning to be 100% Electric. Mr. Marshall asked if there were any questions for the Public and none were asked. Mr. Marshall then asked for a motion to close the hearing. **The motion to close the hearing was made by Mr. Pinard and Seconded by Ms. Seeley. The hearing was closed by a unanimous roll call vote.** Mr. Angus then went over the Wetlands Order of Conditions. He noted that there was really only 1 special condition referencing the Record of Decision conditions. Mr. Marshall then asked for a motion to approve the Wetlands Order of Conditions. **The motion to approve the Wetlands Order of Conditions was made by Mr. Pinard and seconded by Mr. Routhier. The motion to approve was unanimously approved by a roll call vote.** Mr. Angus then went over the Waivers being requested. He noted that there were only four waivers being requested and believes they are all within reason especially seeing the adjacent property is wetlands that cannot be developed. Mr. Marshall asked for a motion to approve the Waivers. **The motion was made by Ms. Seeley and seconded by Mr. Lilly. The motion to approve the waivers was approved by a unanimous roll call vote.** Mr. Angus then went over the Draft Record of Decision. There were only six findings in the ROD and the main one was for a Geo Tech study to be conducted on this property to confirm the design and loading on the retaining walls. Mr. Angus then went through the Conditions. Mr. Marshall asked both the Commissioners and Public if there were any questions and none were asked. Mr. Marshall then asked for a motion to approve the Record of Decision. **The motion was made by Mr. Gardner and Seconded by Mr. Lilly. The motion to approve the Record of Decision was approved by a unanimous roll call vote.** Mr. Marshall noted that this site has been brought before the Commission before and has proven to be a difficult site. So, this shows how the DEC and Applicant have worked together to resolve challenges and hopes it progresses smoothly for them.

Old Business:

- **(7:26 PM) Devens and Boston University Research Project: Policy Suggestions on Reuse of Waste Materials from Construction and Deconstruction Activities.** Mr. Kalinowski and Ms. Shah from Boston University shared a slide deck they have put together for a project they have been working on with the Eco-Efficiency Center and DEC regarding the strategy for reuse of construction materials rather than it going to landfills. The main challenge they found is long term storage of the materials. Mr. Marshall asked if there were any questions. Mr. Chapman asked what do the bigger projects do here, isn't there a location they can sort and store materials until their next project? We do have a few companies who do reuse materials which has been good. Mr. Angus also noted this is the reason we are adding requirements for Pre-Demo Audits to our Demolitions permits to try to repurpose and save what we can. Mr. Poutry asked what about hazardous waste? Mr. Angus did note that there are guidelines for that. Mr. Kalinowski noted that there are resources in Boston, Boston Building Resources, which may be able to assist. Mr. Marshall thanked the students from Boston University for all their work.
- **(7:35 PM) Draft Solid Waster Recycling and Management Plan for Demolition Projects:** Mr. Angus shared a draft document that would be submitted by Applicants that apply for demolition permits. The goal of this plan is to get contractors to work with property owners to explore reuse potential as part of the demolition process and provide guidelines and resources to assist them in doing so. Mr. Marshall asked how much will this project cost the applicant rather than just disposing of the materials? Mr. Angus noted that while it may take a little extra time, in the long run they should see savings on both disposal costs and potential revenue from selling re-purposed materials. Mr. Routhier stated that this recycling should be done before Demo begins and based today's prices, they could get \$185 - \$200 a ton for material that is reuseable. Ms. Seeley asked if this is optional, would we be able to review in a year to see if this is working as expected? Mr. Angus doesn't see any reason we wouldn't be able to revisit this in a year to check on the progress. Mr. Marshall asked for a motion to add this document to the Demo Permit Application. **The motion was made by Ms. Seeley and Seconded by Mr. Poutry. The motion to add this document to the Demo Application was approved unanimously by a roll call vote.**

- **(8:03 PM) Extended Producer Responsibility Resolution Adoption:** Mr. Angus did note that this had been reviewed back in April. The State is looking to create a group to explore opportunities to minimize waste generation and encourage recycling and reuse by manufacturers to reduce the burden of disposal costs that are typically borne by the consumer. This could aid in reducing operating costs and landfilling. Mr. Angus reviewed the Draft letter that would need to be approved and signed then sent to the Mass Product Stewardship Council showing our support. Mr. Marshall asked if there were any questions, none were asked. Mr. Marshall then asked for a motion to sign and adopt this proposal. **The motion to sign this letter was made by Mr. Pinard and Seconded by Mr. Lilly. This motion was approved unanimously by a roll call vote.**
- **(8:08 PM) Devens Shuttle Update:** Mr. Angus noted that they have been working with MART to look into options for King Street Properties Pathway campus and are working with Electric Hydrogen and CFS on Ayer MBTA to Devens shuttle service, as well as Alewife to Devens shuttle service.

New Business:

- **(8:10 PM) Draft FY2025 Budget Review:** Mr. Angus shared the FY25 Expense Budget and noted the line items that he is looking to increase from last year's budget and noted why. Mr. Marshall noted that Mr. Angus did bring the budget to the executive committee on the 21st of May, and they did not see any issues with Mr. Angus' plans. Mr. Marshall then asked if there were any questions, and none were asked. Mr. Marshall asked for a motion to accept the FY25 Budget. **The motion to accept the budget was made by Mr. Pinard and seconded by Mr. Gardner. The motion to accept the FY25 Budget as presented was approved by a unanimous roll call vote.**
- **(8:18 PM) Devens Jurisdiction Framework Committee Discussion – Social Services:** Mr. Marshall noted that Mr. Angus has put together a list of social services that Devens currently offers for the "Status Quo" scenario in the DJFC matrix. Commissioners reviewed the list. Mr. Pinard asked if the Recreation Department has quantified numbers of visitors to Devens during the sport season. Ms. Delorier said that Devens Rec. does have that, but she doesn't have that number at her fingertips but would say that the number is upwards of 300,000.
- **(8:24 PM) Read File:** Ms. Suedmeyer noted that there are three articles. 1) Watson Marlow has achieved Lead Gold status. 2) Electric Hydrogen secures \$100M credit facility from HSBC, JP Morgan, Stifel Bank and Hercules Capital. 3) Pocket Forest Brings Together Those Serving Nature
- **(8:27 PM) Social Media Minute:** Mr. Angus shared his screen with LinkedIn, and Facebook posts the DEC has made in the last few months.

Public Comment:

- **(8:33 PM)** Mr. Marshall asked if there were any questions from the Public in the room or on Zoom. None were asked.
- **(8:34 PM)** Mr. Marshall noted the next scheduled meetings are June 6th at 7:30 AM, (Zoom Meeting) and June 25th at 6:45 PM, (Hybrid Meeting).

(8:36 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. Routhier and seconded by Mr. Lilly. The motion to adjourn was unanimously approved by a roll call vote.

List of Exhibits

- Agenda
- May 9th Draft Minutes
- Public Hearing
 - 33 Lake George Road - Continued
 - Revised Site Plans
 - Guard Rail and Wall Design Letter
 - Response to Arcadis Comments
 - Response to DEC Comments
 - Response to Nitsch Comments
 - Supplemental Data Reports
 - Design Review Approval from MassDevelopment
 - Revised Waiver Request List
 - Draft Record of Decision
 - Draft Wetland Order of Conditions
- Old Business
 - Devens and BU Presentation
 - Draft Solid Waste
 - Extended Producer Responsibility
 - Extended Producer Responsibility Draft
- New Business
 - Draft FY25 Budget
 - DJFCM
 - Read File