

Devens Enterprise Commission (DEC)
In-Person/Remote Hybrid Public Hearing and Regular Meeting
Minutes November 19, 2024

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

Members (remote): Melissa Fetterhoff

Members Absent: Duncan Chapman, Robert Gardner

Staff (in person): Neil Angus, Dawn Babcock

Staff (remote): Beth Suedmeyer

Guests (in person): Carl Sciple (Harvard) Kenneth Feyl (LYF Architects – YMC), Richard Howard (YMC America), Kristen LaBrie (Howard Stein Hudson Associates – YMC), Jon Karp (Charter – YMC)

Guests (remote): Keith Pruett (Mass State Police), Meg Delorier (EVP MassDevelopment), 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.

(6:49 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. Poutry and seconded by Mr. Routhier. The nomination was approved unanimously by a roll call vote.

(6:50 PM) Mr. Marshall reviewed the agenda of this evening's meeting.

(6:51 PM) Review Minutes:

- **October 29th Draft Minutes** were discussed. Mr. Marshall asked if there were any comments about the minutes Mr. Angus noted that Mr. Sciple was noted as a Commissioner by mistake, he should be a guest still. No other questions or comments were asked. Mr. Marshall then asked for a motion to accept the minutes with the modification. **The motion was made by Ms. Seeley and seconded by Mr. Lilly. The minutes were approved by a roll call vote.** Ms. Fetterhoff and Mr. Pinard abstained from voting as they were not present at the October 29th Meeting.

Public Hearing:

- **(6:52 PM) Charter Construction Management, LLC on behalf of LNA NEWCO, LLC** Level 2 Unified Permit including site plan approval for the construction of a ~11,325 gross square foot addition to an existing building, including new loading docks, parking, stormwater management, landscaping, and utilities. Property located at 8 Charlestown Street (**Parcel ID#0.19.0-0004-1600.0**) in the Innovation & Technology Business and Open Space and Recreation Zoning Districts. Mr. Angus introduced the team working on this project and then handed the floor over to Mr. Kenneth Feyl from LYFarchitects. Mr. Feyl noted that he would be starting off sharing the architectural plans for this project. Mr. Feyl noted that this is an 11,000 Square Foot expansion, which will allow them to move their testing area from the existing building into the new larger area. This will also have a high base area which will allow them to assemble their filters. They will also be relocating their loading docks to the new

building. Mr. Feyl also noted that there are plans to renovate some of the existing building as well. Mr. Feyl then discussed the elevation for the plans as well as the material that will be used for the exterior of the building. They are planning to use the same brick as the existing building, precast base, light grey panels, dark grey pilasters, blue panel at the top of the building. Mr. Feyl also noted that the new building will be below the existing building so it should not interfere with the View Shed. Mr. Feyl then turned the floor over to Kristien LaBrie from Howard Stein Hudson Engineering to review the plans for the exterior of the property. Ms. LaBrie noted that there are currently 53 parking spaces, and they currently have 51 employees should they need additional parking at times when they do own the property next door at 4 McArthur, which has parking available. In 2006 the main building had an addition proposed and permitted for Administrative Space engineered by Hancock Engineering. This plan already had green fields designed. Currently there are sidewalks that surround the site. The proposed site for the addition is off the existing gym. They are proposing two filtration basins. The property is very flat so there isn't a lot of natural grade. The existing stormwater system will remain as is, seeing they haven't had any issues, and it seems to still be draining quickly. There will be two new connections into the stormwater system, but it should be able to handle the additions. There is a plan for snow storage on site and if needed to be hauled away. There are three docks proposed so all trucks will come off of Jackson onto Peggy with an area for dumpsters as well. There is a proposed bike rack area and there will be 3 spaces that will be EV Ready for installation at a later date. Ms. LaBrie then went over the two infiltration basins, one taking the runoff from the new roof and the second handling the runoff from the pavement. There will also be a walkway that will have the 2% grade which will ensure it is ADA access. They also added a sidewalk that will go to a new entrance. There are some mounds around Peggy and Jackson to increase screening as well as prevent any soil being taken offsite. Utilities modifications will be minimal. The existing water will be used. There is a proposed fire line which will cover the new building. The current bathrooms within the facility are tied to a manhole that is on the military property, and they are having issues with that line so they are looking at disconnecting from that line and connecting to another domestic sewer line and there is one floor drain that will be connected to manhole and then to a stub. But they need to ensure they can access these lines. If they are not able to, they will reroute to manholes on Jackson. They do have a proposed transformer coming off of Jackson for the new addition. As for landscaping, they have a robust plan to ensure screening from Jackson as well as Peggy. They are planning to screen the transformer along with the new building, and the plans show a 14-foot wall which will screen the trucks when they are being unloaded and loaded. The existing mature trees along Jackson will be retained. The proposed lighting plans will be to light the new paved area as well as wall packs that will be used on the side of the building. The existing lighting will remain. The Truck Turning Plan was presented. The first two bays will be for the larger trucks and the third being for the smaller trucks like garbage trucks. The View Shed concerns shouldn't change as the new building is lower than the existing buildings. They currently see 8 to 9 trucks a month and they don't see an increase of them, just shifting from the current loading dock on Charlestown Street. Mr. Marshall asked if there were any questions. Mr. Sciple asked if there was any contaminated soil found during their initial studies? Ms. LaBrie noted that they did testing and there were no contamination found. Mr. Pinard asked if the retention basins will be tied together, or will they be separate? Ms. LaBrie noted that there would be separate basins. Mr. Pinard asked about the size of the trucks that enter the facility, and will they be able to make the turn into the facility? Mr. LaBrie confirmed that the largest truck is a 62-foot truck, and they are able to make the turns into the facility. Mr. Marshall asked for Public Comment/Questions, none were asked. Mr. Angus recognized the representative of the owner attending the meeting tonight and wanted to give him an opportunity to explain what this expansion will mean for their company Richard Howard, the Controller for YMC. Mr. Howard noted that they currently have less than ideal environment to bring their customers into the area to do testing and acceptance of their products. The main incentive for this addition is to improve the customer experience as well as being able to do some more onshore building and bringing some items back to the US from China and Japan. Mr. Angus quickly went through the staff report. The main issues are the parking and truck access and closing up the entryway as much as possible and allowing more screening of the area. The Engineers are working on a few tweaks to the plans and Mr. Angus has asked them to submit updated renderings to ensure enough screening is in place, and place, and where they will be moving their company logo. Mr. Angus noted that there is a small number of adjustments so he expects them to be complete in time for the December 5th meeting and he will then have a Draft Record of Decision prepared for that meeting. Mr. Angus noted that if there are no more questions

he would like to recommend this hearing be continued to the December 5th meeting as they will have their updated renderings and Mr. Angus will have the draft ROD. Mr. Marshall then asked if there were any other questions. Mr. Lilly asked about the loading docks and how many trucks can they accommodate at one time? Ms. LaBrie noted that two can be parked at the docks at one time, the third dock is more for waste management. **Mr. Marshall asked for a motion to continue the hearing to the December 5th, 7:30 AM Virtual Meeting. The motion was made by Mr. Routhier and seconded by Mr. Lilly. The motion to continue the hearing to December 5th was approved unanimously by roll call vote.**

New Business:

- **(7:32 PM) Administrative Change for 57 and 75 Jackson Road Level 2 Unified Permit Amendment – Elimination of Crowd Manager requirement from Owner Operations and Maintenance Plan for Campus (Condition #4)** Mr. Angus noted that King Street Properties, after reviewing this requirement in their recent Record of Decision with their legal counsel, would like to request that the fourth condition noted on the Record of Decision that was issued at the last meeting be relinquished from the property owner and transferred to the Occupant (Sterling Street Brewery), as they understand the requirement but feel it is better to be the tenants responsibility and not in the overall facility management plan. Mr. Angus noted that the requirement would still be part of the Public Safety regulations (527 CMR). Mr. Angus did note that this is a minor amendment and can do this administratively and he just wanted to make sure the Commissioners were aware of the change. Mr. Angus also noted that he spoke with the Fire Chief about this change as he is the one to enforce this regulation and he is in agreement with Mr. Angus. Mr. Marshall asked if there were any questions? Mr. Routhier asked if this Crowd Manager position is a requirement for all establishments that sell liquor? Mr. Angus noted that it will all depend on the capacity of the event and what is being done at the event. Amplified music and attendance over 100 people they will need to comply. Mr. Pinard noted that recently there was a function at the Conference Center that Fire was there doing a headcount as people walked in and asked if this is a standard going forward. Mr. Angus noted that this all stems from the nightclub fire in Rhode Island where the exits were blocked and a number of people died during the fire. Mr. Marshall asked if there were any questions, none were asked. Mr. Marshall then noted that the Commission is okay with making this administrative change to the Record of Decision.
- **(7:37 PM) Devens Jurisdiction Framework Committee Discussion – Unified Permitting:** Mr. Marshall gave an overview of the matrix and how things are progressing. Mr. Angus stated that he is working on a list of status Quo requirements for Unified Permitting. Mr. Angus did note that he hasn't drafted the status quo for the Unified and Expedited permitting process but he will be working on that and will send a copy out to the commissioners prior to reviewing with the DJFC. Mr. Marshall wanted to bring everyone up to date. Through the town of Ayer, the DJFC has received a \$300K Grant from the state to assist in establishing the basics of what the jurisdiction process will look like. At the last meeting, the committee elected Mr. Angus to be part of the working group, and they have had a meeting but are not ready to bring anything forward. Mr. Marshall also noted that the Economic Development Bill has been approved and is just waiting for the Governor's signature. Once signed it will eliminate the commercial cap all together. The housing cap will be eliminated as well, but this will not change the zoning space. There is still about 80 acres undeveloped zoned for residential. The third part of this is that the two Secretaries; Secretary Augustus (of housing and livable communities) and Secretary Hao (of economic development) are to convene a working group of the stakeholders, within 30 days of the implementation of the act to look at the possibility of up to 400 housing units into the innovation and technology district which will include Vicksburg Square. The working group has 180 days to report back. Mr. Chapman has expressed interest in being part of the working group.
- **(7:47 PM) Mr. Marshall noted that he received a very nice note from Mr. Angus and his wife thanking the committee for their donation to the food pantry in honor of his mother.**
- **(7:48 PM) Ms. Seeley asked if she could give an update from a Shirley Perspective.** Ms. Seeley shared that there was a special town meeting last night and the town passed the MBTA Communities Act. The planning board shared their zoning overlay district. There was a lot of discussion about the residents; not like the idea of being

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told by the state of what they need to do but once they got past that and down to the article itself. The problem that happened last night was there was a citizen's petition that was presented which had a different overlay district shown of about 15 acres which is owned by a developer. The planning board overlay identified land alongside the railroad tracks near the Shirley Village District, which a good portion of this land is has a lot of undevelopable land. The planning board noted that Shirley is required to accommodate up to 650 units but the land in this overlay will allow about 30 units. The plan is a slow growth plan.

- **(7:50 PM) Read File:** Mr. Angus noted that there are a couple of articles: Beacon had a nice article of the Embodied Carbon guidelines. The Mass Municipal Association will be hosting a meeting at the Conference Center this Friday. There are also two articles from the Harvard Press and Worcester Telegram about the Economic Development Bill.

(7:50 PM) Old Business:

- Mr. Marshall asked if there was any old business, Mr. Angus noted that there wasn't any.

Public Comment:

- **(7:51 PM)** Mr. Marshall asked if there were any questions from the Public in the room or on Zoom. None were asked.
- **(7:52 PM)** Mr. Marshall noted the next scheduled meetings are December 5th at 7:30 AM, (Zoom Meeting) and December 17th at 6:45 PM, (Hybrid Meeting).

(7:53 PM) Mr. Marshall asked for a motion to adjourn. The motion was made by Mr. Lilly and seconded by Mr. Routhier. The motion to adjourn was unanimously approved by a roll call vote.

List of Exhibits

- Agenda
- October 29th Draft Minutes
- Public Hearing
 - 8 Charlestown Street
 - Application
 - Revised Application
 - Site Plans
 - Response to Comments
 - Supplemental Data Report (SDR)
 - Staff Report
- New Business
 - 57 & 75 Jackson Road Amendment
 - Read File

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