

Harvard-Devens Jurisdiction Committee
Meeting Held using the Zoom Videoconferencing Facility
Minutes of the January 7, 2021 Meeting
Paul Green, Clerk

Attendance

Members Present: Jane Biering, George Glazier, Paul Green, Kara Minar, Tim Myllykangas (by phone), Victor Normand, SusanMary Redinger, Lucy Wallace.

Members Absent: Heather Knowles.

Guests: John Osborn (Harvard Press).

The meeting was called to order by Victor Normand at 9:00 am.

Approval of Minutes

As the minutes were only distributed the day before the meeting, the committee agreed to postpone approving them until our next meeting.

Review Charge to HDJC

SusanMary noted that our charge from the town instructs us to explore resuming jurisdiction along Harvard's historic boundaries. It does not offer any other scenarios. Kara echoed SusanMary's statement, saying that she is concerned that we are straying from the instructions give to us by Town Meeting. Members recommended that we discuss the matter with the Harvard Select Board and determine how to respond to the Framework Committee. Victor noted that Chapter 498 does not presuppose any particular path forward, and that the scenarios listed in the MOA were generated by the Framework Committee. Members felt that any scenario which does not re-enfranchise residents of Devens should be removed from the list of potential outcomes (e.g., maintenance of the status quo). Further, some of the scenarios do not pertain to the operation of municipal government (i.e., regional management, which we think pertains not to government operation but to joint economic development). Harvard assumed that the towns would want to resume jurisdiction based on their historic boundaries, which is why our charge is limited to that outcome.

Victor noted that the report called for by Chapter 498 will be used during the public debate to inform residents and elected officials of the results of the study. Even if some of the scenarios are not acceptable to Harvard or the other towns, having the consultant document the reasons why particular scenarios have been rejected will inform the the public by providing answers to any questions that they might pose.

Kara remains concerned that exploring non-viable scenarios will increase the cost of the study and complicate the ultimate vote on the path forward.

SusanMary feels that if the towns and other parties agree on a plan and submit it to the Legislature, our wishes are unlikely to be ignored.

Lucy suggested that Victor speak with Jamie Eldridge and discuss the implication of a possible tension between the mutual desires of the towns and the desires of MassDevelopment. She also recommended that the HDJC goes back to the Select Board before raising our concerns over the scenarios to the Framework Committee. Kara recommended that Victor and Lucy explore this area of concern with the other two towns.

Paul said he basically agreed with both Kara and Victor, and having advocated for articles at town meeting, remained concerned about the possibility of the discussion going off the rails if a full set of options are not considered. He recommended that we separate the language of the MOA from the position taken by the HDJC on behalf of Harvard. He noted that Harvard will be at the negotiating table and that Harvard Town Meeting will vote on the plan. So he is not concerned if some undesirable scenarios “leak through” into the MOA. He also noted that the success of Devens as an economic engine has hinged, in part, on the presence and quality of the infrastructure at Devens, and of its streamlined permitting process. He noted that Devens is both an industrial park and a residential area, which makes it unique among military base redevelopment efforts. He is concerned that if Harvard only deals with its historic area, then we will fragment the management of the utilities and of the industrial area, which he said will fragment our advantage in attracting and maintaining the economic engine that is Devens. The Commonwealth already has examples where adjoining towns cooperatively manage an industrial park. We don’t have an example of where adjoining towns cooperative manage an industrial park overlaid with a residential area. He wants to retain the option to design a regional management structure for the industrial areas as part of the study. He feels it is to our long-term economic advantage to do this.

George said that the residents of Devens want what any resident wants; to have good schools, to maintain their property values, and responsible development that is compatible with the surroundings. He approves of giving the towns control over their lands so that they can exert local control over development.

Jane said she agrees with SusanMary and is concerned about providing unnecessary options. She suggested that the consultant’s report specifically explain why the status quo option was not recommended, as it is not sustainable over the long term. She asked Paul to further explain his concerns about the infrastructure.

Paul noted that the Devens utilities (fresh water, waste water, electricity, telephone, natural gas, internet) cover all of Devens; they are not aware of the historical town boundaries. it is economically infeasible to rebuild them to acknowledge historic town boundaries. He stated, rather firmly, that the utilities will continue to serving the Devens area no matter where the political boundaries are drawn. The existing utility infrastructure won’t change due to disposition. Therefore, the planning process has to deal with this reality. He noted that the study must deal with both the political aspects of the study and the management of the physical infrastructure.

Lucy noted that the towns can request that the Legislature create an economic opportunity area, and a regional utility management structure. She agrees that the presence of existing utilities and the one-stop permitting process has made Devens attractive to enterprises.

Paul suggested that we ask the Select Board to amend our charter to include dealing with the future of the Devens utilities.

Victor said that including a structure for the management of Devens utilities in the legislation that resumes jurisdiction is appropriate.

Tim noted that his experience, in helping businesses to relocate, is that speed is of critical importance to his clients. He said that some of his clients will not even consider a location if it appears that it will take too long to gain approval for their undertaking. He thinks some of the scenarios can be resolved via early discussions, but also leans towards being more prepared than necessary. He seeks a balance between too few and too many options. Being prepared to

answer a question does not necessarily require us to fully consider that option. He also noted that power rates are important to industrial customers, who often have big power demands.

Victor said he feels that addressing the utility infrastructure along with political jurisdiction makes a lot of sense. He is happy to meet with Jamie Eldridge.

Kara asked if we could offer a hybrid scenario of our own, joining both the utility and political topics. Victor agreed.

Review Draft MOA - Goals and Concerns section

Victor suggested that Harvard draft its goals and concerns sections and share it with the other two towns. We could use this section to make our position on the utilities known to the other parties.

Kara said that we can also note that Harvard is still interested in having MassDevelopment continue its economic development activities.

(SusanMary leaves)

Tim said that each town will need to adopt the zoning of Devens when it resumes jurisdiction, as an overlay district.

Victor said that all of the positions on the Devens Enterprise Commission (DEC) should be filled by residents of one of the 3 towns. We can keep what works and still enfranchise residents.

Kara remains concerned about leaving scenarios in the MOA that Harvard will not accept. Paul pointed out that if we adopt his proposal that the study has to be approved by the unanimous consent of the 6 parties, then we can block scenarios we feel would harm Harvard.

Paul reported that in 2008, when he met with Jamie as part of the 2B process, he felt it was pretty clear that our local legislatures would pay close attention to the will of the people in their district. He isn't terribly worried about the Legislature going against the will of the towns. He doesn't claim to represent Jamie's views and thinks that we should still meet with him.

Victor said that people should submit goals and concerns to Paul for collation and discussion at our next meeting. Paul said people should send any changes to any of the sections of the MOA to him for collation prior to the next meeting.

SusanMary sent a message via chat before she left, saying that the MOU (she meant MOA) can explain our (Harvard's) position and that the MOA should get sign-off by the Select Board. See the full message, below.

Other Business

No other business.

Public Comment

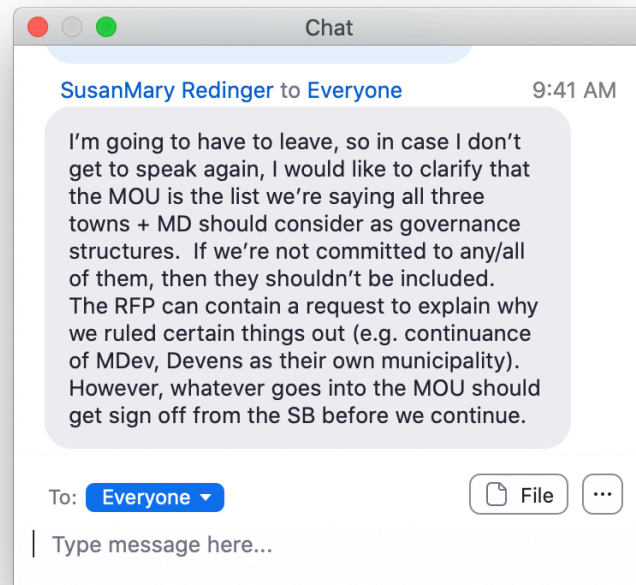
There were no public comments.

Next Meeting

Set for February 4, 2021.

Adjournment

Victor adjourned the meeting at 10:04 am. The vote to adjourn was unanimous.



Harvard-Devens Jurisdiction Committee

Adopted February 27, 2018 – Amended June 5, 2018 and August 14, 2018

Passage of Ballot Question #4 at the 2107 Town Elections directed the Board of Selectmen to “begin planning for and initiate discussions with appropriate parties with the goal of presenting a plan to the Town of Harvard voters to resume jurisdiction over the land presently part of Devens formerly under the jurisdiction of the Town of Harvard...”

Accordingly, the Harvard-Devens Jurisdiction Committee is charged with instituting a process for developing a plan to resume jurisdiction, including, but not limited to, the following tasks:

- Manage the process and timeline to collect and report additional information as requested by the Board of Selectmen;
- Provide status reports to the Board of Selectmen on at least a quarterly basis;
- Meet with Harvard Town Departments and Committees to review and seek input on Devens topics as set forth in the 2016 Master Plan;
- Meet with MassDevelopment and Devens Departments (particularly DPW, Fire and DEC) to review and seek input on Devens topics as set forth in the 2016 Master Plan;
- Hold periodic public meetings to inform and seek input from the general public, including Devens residents. It is recommended that an initial kick-off meeting be held to provide an overview of the findings in the 2016 Master Plan and proposed next steps;
- Upon the request by the Board of Selectmen prepare a draft “Request for Qualifications” for a planning consultant to assist in the development of a plan. An initial proposed scope of work is outlined in the attached draft RFQ, dated 12/11/17, and set forth in the 2016 Master Plan;
- Seek funds to underwrite the cost of consultant services;
- Following the issuance of the RFQ, review proposals and recommend a consultant firm to the Board of Selectmen; and
- Keep state legislators, MassDevelopment, and key stakeholders informed as work progresses.

The Committee, which will be appointed by the Board of Selectmen, shall be comprised of 9 Harvard and Devens residents and the Town Planner. Recommended appointees are:

- Two members of the Board of Selectmen
- One member of the Planning Board
- Members-at-Large: Six residents, at least one of whom lives on Devens.

It is recommended that the Committee be provided seed money in the amount of \$5,000 to cover initial costs associated with preparing and disseminating documents such as the RFQ and grant applications.

Attachments:

12/11/17 Draft Request for Qualifications
Devens Matrix from 2016 Harvard Master Plan