

Harvard-Devens Jurisdiction Committee
Meeting Held using the Zoom Videoconferencing Facility
Minutes of the April 1, 2021 Meeting
Paul Green, Clerk

Attendance

Members Present: Jane Biering, George Glazier, Paul Green, Heather Knowles, Kara Minar, Victor Normand, SusanMary Redinger, Lucy Wallace.

Members Absent: Tim Myllykangas.

Guests: Sen. Jamie Eldridge, Daniel Szetela (aide to Dan Sena), Rep. Dan Sena (part-way thru), Matt Flokos (Harvard Press), Karen Davis (MassDevelopment, Assistant to Jessica Strunkin), Chris Ryan (Harvard Planner), Ed Starzec (MassDevelopment, Real Estate).

Victor Normand called the meeting to order at 9:01 am.

Approval of Minutes

SusanMary moved to approve the minutes of the March 4 meeting; Lucy seconded the motion and the minutes were unanimously approved.

Presentation to Legislative Delegation with Discussion

Members of the Committee presented their suggestions and concerns to Senator Eldridge and aide Szetela. Part-way through the meeting, Rep. Sena joined the meeting as well. The prepared notes for this section are attached to these minutes.

Victor briefly reviewed the history of this committee and the formation of the larger Devens Jurisdiction Framework Committee. Victor noted that we intended to review the following topics: Timeframe, Town Boundaries, Infrastructure, and the Role of MassDevelopment at Devens going forward.

Lucy reviewed the history of the redevelopment of the Devens, noting that local government was suspended and the redevelopment effort was assigned by the state to the Land Bank, now known as Mass Development. Residents do not have a vote in the redevelopment effort. (Read memo). Lucy noted that the meetings of the Framework Committee have been suspended due to the pandemic. She emphasized that the time is now to figure out what we want to happen at Devens because determining the future of Devens is complicated and getting it approved by the citizens will take time.

SusanMary reviewed the facts and concerns related to the boundaries of Harvard, Ayer and Shirley, and the peculiarities involved with returning Devens back into the surrounding towns. Since some residential areas and even some buildings straddle historic town boundaries, we believe that some adjustments may be necessary to those boundaries.

Paul reviewed the facts and concerns relating to the infrastructure at Devens. He noted that the infrastructure systems (water, gas, electricity, telephone) straddle the historic town boundaries, and that this will continue to be true even after disposition. He added that the Commonwealth Fusion company that recently located at Devens was attracted

to Devens by the canonical advantages of Devens; available land, fast, unified permitting, preexisting utilities, adjacency to Boston. We want to retain those qualities after disposition.

Jane reviewed the unified permitting process of Devens. She noted that the unified, one-stop permitting process used at Devens has been extremely successful, helping to attract over 100 businesses employing over 4000 people. She noted that we would like to retain the unified permitting process, that membership of the DEC should come from the local communities, and that some of the DEC's other responsibilities should be considered during the creation of a permanent government structure.

Victor reviewed the existing role of MassDevelopment at Devens, noting that the situation at Devens is unique in that MassDevelopment is not only the redevelopment agent but also fills the role of local government. In all other cases in the state, local government retains jurisdiction during redevelopment. So there will need to be a transitional period as responsibilities transfer from MassDevelopment to the towns, and a key question will be to determine the criteria for initiating this transfer.

Victor asked our members who are Devens residents to speak. The first to speak was Heather Knowles, who has lived in Devens since 2002. Both she and her husband have been active in Devens and have enjoyed living at Devens. She believes that Devens residents should elect their representatives rather than have them appointed. She noted that most residents support keeping the residents together in one town after disposition, and that the process should be transparent and that Devens residents should be able to be involved. She thinks that the process will be long and that starting now is important. Jamie asked Heather to describe the committees that presently exist and that are staffed by Devens residents. She supports returning the land more or less along the historic boundaries, and supports returning her home to Harvard. She believes that residents should vote on what town they wish to join. George then spoke. He has lived in Devens for 5 years, and is a former Army officer who was stationed in Devens for a time. He said that Devens is a fantastic place to live, work, and raise a family. It is a destination for recreation, and a great place to walk and ride bikes; it is very safe. The historic residential areas are beautiful with wide, shaded streets. He favors keeping the business and residential areas separated to protect the property values of the residents; he is the treasurer of his homeowner association. Jamie said that he is at Devens every week. Jamie asked what decisions the homeowners associations get to make. George said that they deal with maintenance, snow plowing, and issues related to living in a historic district. No one has a driveway; they share a back alley, which is part of their HOA property and needs maintenance. The fees vary by HOA. George pays \$58/m in HOA fees, which covers snow plowing, lawn mowing of common areas, and a maintenance fund. George favors restoring his home to Harvard, as his kids go to Bromfield, he votes there, and he is essentially a resident of Harvard now.

Victor said that he believes that the county boundaries are determined by the town boundaries, such that if a town boundary that is also a county boundary changes (as has been suggested for Devens), then the county boundary automatically changes. Jamie said this is a good question but he doesn't know for sure.

We then discussed the reasons for wanting to hire a consultant (or a consulting firm). Lucy reviewed Harvard's experience working with a consultant on the recent Harvard Master Plan, where the consultant was very helpful. She noted that the towns get no tax revenues from Devens; not even the dog licensing fees. The Devens planning process will be a major financial burden and she hopes that funding will be available to the towns.

In response to a question from Jamie on whether the towns are working together, Victor noted that the 3 towns, Devens residents, and MassDevelopment are all working, as members of the Devens Jurisdiction Framework Committee, to agree on the role of a future consultant. There has been good cooperation to date.

Dan Sena joined the meeting at this point.

Kara asked if the American Rescue Plan or redevelopment funds in general, could be applied to pay for the consultant. Jamie said he would be happy to advocate for state funding for these efforts. Kara also raised the issue of the COA (Council on Aging); the Harvard COA has taken responsibility for getting older residents vaccinated against COVID. She would like Devens residents to be able to access our COA and our library, but we would also like to receive funding to cover these additional residents. Lucy said that the Harvard COA newsletter is sent to Karen Davis, who distributes it to Devens residents. But Harvard COA social services are not available to Devens residents; we don't have the staff to be able to add them.

Victor asked Ed and Karen to speak. Ed has worked for MassDevelopment on Devens tasks since 2004. He didn't hear anything today that he thinks MassDevelopment would object to. Karen said her role is to attend and keep Jessica Strunkin informed of our work.

Victor gave Jamie the last word. He thanked Victor for reaching out to him and noted that he has been involved with many aspects of Devens over the years. He has not heard much from Devens residents or people from Ayer or Shirley. He is happy to advocate for the study on the future of Devens. He will keep in touch.

Other Business

No other business.

Public Comment

No public comment.

Next Meeting

Set for May 6, 2021.

Adjournment

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

Attachments

1. Notes for Today's Discussion with Legislators
2. Map of Devens with historic town boundaries

Disposition Timeframe – LW

1. 40-year Devens redevelopment project begun in 1993 with the towns' approval of the Devens Reuse Plan and Chapter 498 of the Acts of 1993.
2. Section 1 of Chapter 498 suspended the underlying local government and created an interim governmental structure (assumed by the Land Bank – now MassDevelopment) to oversee the redevelopment of Devens. In so doing, *Devens residents were disenfranchised* from local governing decisions afforded to all other residents of the 3 towns through local town meetings and election of local officials.
3. Section 23 of Chapter 498 directs the towns, DEC and MassDevelopment to initiate a study on or before 2030 “concerning permanent government structure for the ongoing operation and administration of Devens.” The study should consider alternative government structures, “ownership and operation of open space, recreation, and other lands and facilities, infrastructure, easements...and identify transition costs and further investments needed.”
4. Section 23 also directs the towns, DEC and MassDevelopment on or before July 1, 2033 to submit the study and joint report to the Governor and Legislature recommending permanent government structure to be established by replacing Chapter 498 with legislation creating permanent government for Devens.
5. MassDevelopment has formed the Devens Jurisdiction Committee to bring the 5 stakeholders together to develop a plan for addressing the required study.
6. Time is of the essence to accomplish this work. Tasks before us include:
 - Entering into a MOA (draft in process but interrupted by pandemic) articulating framework for study.
 - Issuing an RFP or RFQ for consultant services and select a consultant.
 - Overseeing consultant work and coordinate multiple public hearings to assure public participation in study and recommendations.
 - Obtaining stakeholder agreement on the study and recommendation for permanent government structure for Devens, including approval by vote of town meetings, DEC and MassDevelopment board.
 - Submitting the study and joint report prior to July 1, 2033 so that legislation can be drafted and adopted.

7. This is a multi-year endeavor. While 9 years seems generous, the complexity of the study and the need for public endorsement necessitate that work begin in earnest now.

Boundaries – SMR

Devens is comprised of land from Harvard (Worcester County) and Ayer and Shirley (Middlesex County). The historical boundaries of the towns and counties that ran through Devens have not been altered by Chapter 498 or the Reuse plan.

Of the 4,400 acres comprising Devens, 61% of it falls within Harvard's historical boundaries, 23% in Ayer, 16% in Shirley.

If we follow the past examples of base closures where land has been returned to historical boundaries under the BRAC process there are a few boundary issues that will need to be addressed:

Particular areas of interest:

1. There are three main residential areas in Devens. Two of which fall completely within Harvard's historical boundaries, but one straddles Harvard and Ayer. (Show map with lines)
2. Vicksburg Square (shared between Harvard and Ayer) becomes especially problematic if developed as proposed a few years back into residential buildings with the dividing line running right through two of the buildings.
3. Lastly, some commercial properties ranging in size from small to very large, straddle the boundary between Harvard and Ayer.

In Harvard's 2016 Master Plan, it was concluded by residents (which included input from Devens residents) that: "existing neighborhoods within Devens should be kept intact to the extent practical. Due to some Devens neighborhoods crossing historic town boundaries, special or additional provisions may be required during the disposition process. Devens residents have also consistently expressed their strong preference that all residences at Devens are under the same political jurisdiction.

If for some reason the proposal for disposition ended up with Devens as its own entity, then a decision would need to be made as to which county it fell under as it straddles Worcester and Middlesex County. We have not as part of our work on this committee studied the impacts at the county level of either option. Middlesex has twice as many residents as Worcester County, but we have not had discussions as to how adding land, residents and businesses to a county would impact it one way or the other.

The voters in Harvard and the Select Board have specifically asked that the implementation of permanent government be studied by restoring Harvard's historic town boundaries. The Harvard Devens Jurisdiction Committee has met

with representatives of Ayer and Shirley and suggested that they also support a similar study as a starting point for further negotiations. The Draft Memorandum of Understanding now being worked on by the Devens Jurisdiction Framework Committee would provide for these studies.

Devens Infrastructure – PG

The following statement represents the position of the Harvard-Devens Jurisdiction Committee of the Town of Harvard. We have yet to discuss our position with the other members of the Devens Framework Committee.

Because Fort Devens was developed from farmland and operated as an Army base for most of the 20th century, its utility infrastructures (fresh and wastewater systems, natural gas supply, electricity and telephone systems, cable and internet service, and so forth) are contained within the boundary of Devens and not constrained in any way by the historic town boundaries. There is no viable economic justification to rebuild these key systems along town boundaries. Thus, we believe that the management of these utilities must reside in a single entity, jointly managed by the towns. There is little precedent for such an entity in the state. Chapter 498 offers little guidance in this area, and it gives the towns no say in the disposition of the utility infrastructure.

We believe that the towns must have a strong voice in the future operation of the utilities, because the economic viability of the Devens redevelopment area depends on maintaining reliable, high-quality, low-cost delivery of these services.

We note that the existing Devens utility infrastructure, which has proven to be highly successful, is essentially a municipal utility that is owned and operated by MassDevelopment, a quasi-public state agency. We expect that a healthy debate will arise between those who believe that the utility infrastructure should be sold to investor-owned, regulated monopolies and those who believe that it should be spun off as a municipal utility, jointly owned and operated by the towns.

Will the legislature consider a request by the parties to create one or more municipal utilities for Devens, jointly owned and managed by the towns?

Unified Permitting - JB

- As you know, Devens has a unified, one-stop permitting process that has been extremely successful. All applications are acted on in less than 75 days, often in less than 45 days.

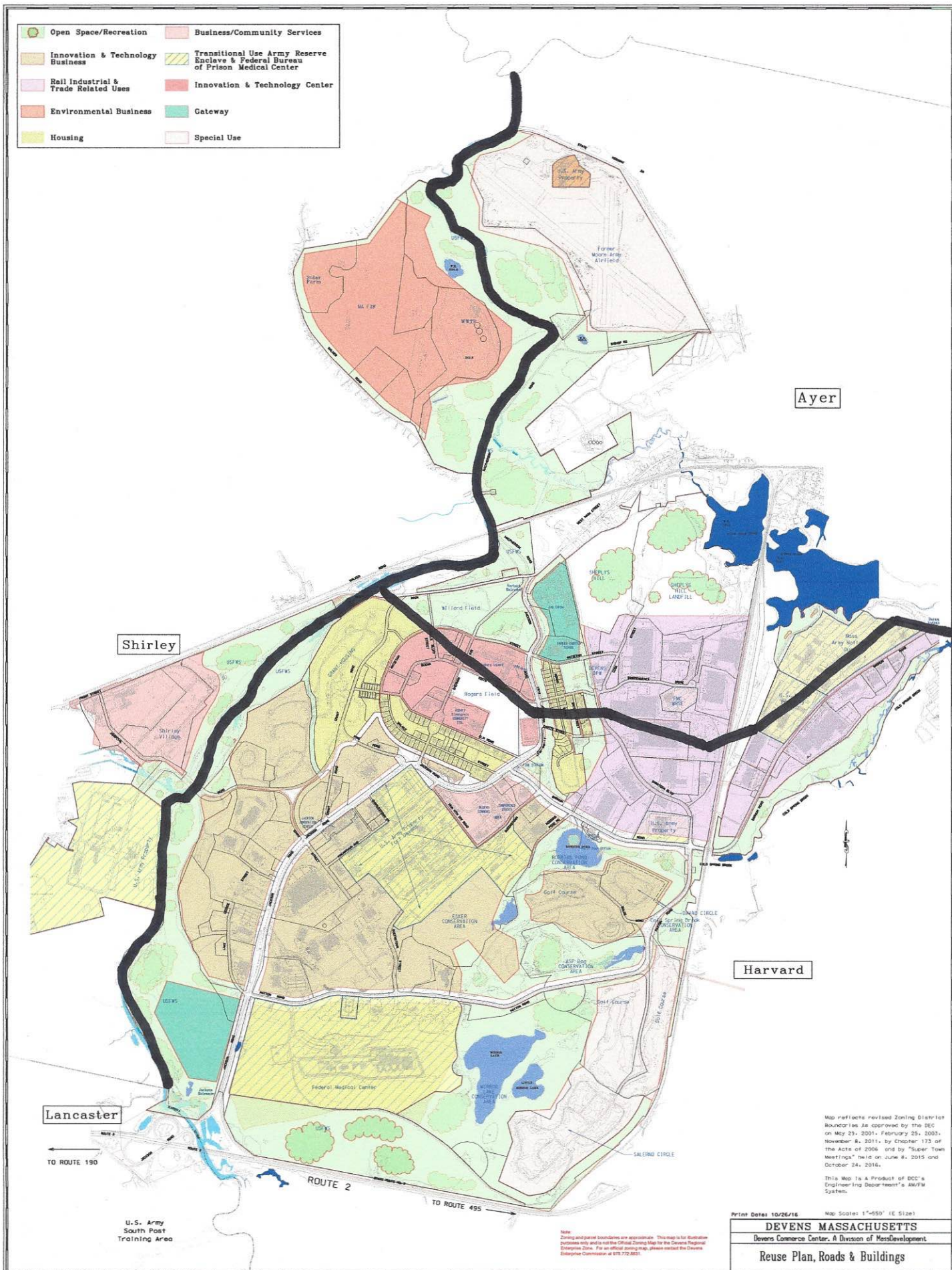
- Largely as a result of this streamlined process, Devens has attracted more than 100 companies, employing over 4000 workers since the base closed.

- We would like to make it clear that we believe that keeping this Unified Permitting process in place is vital to the continued success of the area's economic development.
- We would also like to make it clear that Harvard believes that no matter what permanent governance decision is finally arrived at for Devens, the unified permitting process should be kept in place.
- Membership in the DEC should come from the community or communities that it ends up serving, of course, so there may well be some changes needed there, but we believe the DEC itself should maintain its authority.
- A thorough review of all statutory responsibilities of the DEC separate and apart from its permitting authority should also be part of the discussion on permanent government.
- We are very interested in hearing your thoughts on the topic.

MassDevelopment - VN

- There has always been and remains some confusion as to exactly what the establishment of permanent government means with respect to the role of MassDevelopment.
- The undertaking of a typical redevelopment project would be the responsibility of a legislatively created local redevelopment authority, commonly known as an LRA. The LRA would be funded by appropriation from the legislature, grants, leases and land sales.
- In every other redevelopment project in the Commonwealth local government remains responsible for the provision of municipal services such as public education, police and fire protection and public works. By agreement with the three towns that underlie Devens, that responsibility was temporarily given up and an additional source of revenue, property taxes, diverted to MassDevelopment for use by the Devens project.
- The establishment of permanent local government at Devens would effectively align the Devens project with all other redevelopment projects in the Commonwealth with respect to broad responsibilities and revenues.
- MassDevelopment would continue to redevelop any land or buildings it owns, collect rents and land sale proceeds but not property taxes. And it would no longer be responsible for providing municipal services.
- The permanent government would not take title to any land or buildings zoned for development and once all such property is sold or leased, only then would MassDevelopment's role at Devens end.

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| | Open Space/Recreation | | Business/Community Services |
| | Innovation & Technology Business | | Transitional Use Army Reserve Enclave & Federal Bureau of Prison Medical Center |
| | Rail Industrial & Trade Related Uses | | Innovation & Technology Center |
| | Environmental Business | | Gateway |
| | Housing | | Special Use |



Map reflects revised Zoning District Boundaries As approved by the DEC on May 29, 2011, February 25, 2003, November 8, 2011, by Chapter 173 of the Acts of 2006 and by "Super Town Meetings" held on June 8, 2015 and October 24, 2016.

This Map is a Product of DEC's Engineering Department's AM/FM System.

Print Date: 10/26/16 Map Scale: 1"=650' (E Size)

DEVENS MASSACHUSETTS
 Devens Commerce Center, A Division of MassDevelopment
 Reuse Plan, Roads & Buildings

Note:
 Zoning and parcel boundaries are approximate. This map is for illustrative purposes only and is not the Official Zoning Map for the Devens Regional Enterprise Zone. For an official zoning map, please contact the Devens Enterprise Commission at 978.772.8851.