

**Harvard-Devens Jurisdiction Committee  
Meeting Held using the Zoom Videoconferencing Facility  
Minutes of the September 2, 2021 Meeting  
Paul Green, Clerk**

## **Attendance**

**Members Present:** Richard Cabelus, Paul Green, Heather Knowles, Kara Minar, Victor Normand, SusanMary Redinger, Lucy Wallace.

**Members Absent:** George Glazier, Rich Maiore, Tim Myllykangas.

**Guests:** Karen Davis (MassDevelopment, Assistant to Jessica Strunkin).

Victor Normand called the meeting to order at 9 am.

## **Approval of Minutes**

Lucy moved and SusanMary seconded the motion to approve the minutes of our May 6, 2021 meeting. The committee unanimously approved the motion.

## **Devens Jurisdiction Framework Committee Report**

Victor reported that each stakeholder was asked to provide an update on recent work, and only Harvard had continued to meet, and that Harvard had developed draft position papers on funding, consensus and goals & concerns of Harvard. Jessica Strunkin told the Framework Committee that as a result of internal discussions, MassDevelopment had determined that it had no budget for funding, and no plans for a budget (to fund the work of the Framework Committee). He said this was a surprise to the other members of the committee.

He raised the topic of the rezoning of Vicksburg Square without knowing the eventual government structure of Devens, and the Framework Committee put this topic onto its agenda for its next meeting.

## **Review of Discussion with Harvard Select Board**

Victor reported on a recent update he gave to the Harvard Select Board. He recalled that the reason that the town of Harvard had approached MassDevelopment was to request that they fund a consultant, building on the recommendation in the recently issued Harvard Master Plan. When we asked MassDevelopment for funding, they asked that we coordinate with the other parties (towns, etc.) at Devens. So the Harvard Select Board sent a letter to Dan Rivera, CEO of MassDevelopment 5 weeks ago. He has yet to respond.

Kara said she would follow up with Tim Bragan to see if we have received a response. Victor said that our letter laid out a case for why MassDevelopment should fund the effort, and asked that they respond in kind, and not merely say that they have no budget for it.

At the September 1st meeting, the Framework Committee decided to discuss consensus, to help finish the drafting of the Memorandum of Agreement. They discussed the Harvard paper on consensus, and Victor said that unlike the previous attempt to change the structure of Devens, which required only 4/5 approval of the stakeholders, everyone on the Framework Committee agreed that the stakeholders should require unanimous approval. There were some questions about the wording of the statement, and Paul Green and MassDevelopment were tasked with redrafting the memo.

Victor expects that funding will be the primary discussion topic for the next meeting. He does not expect much discussion of Harvard's issues & concerns.

The Framework Committee asked for the town administrators to meet with Jessica Strunkin to discuss the funding issue. We should learn more at our next Framework Committee meeting.

Kara reviewed the history of Harvard's interactions with MassDevelopment regarding Devens and noted that the entire reason for the existence of the Framework Committee is that MassDevelopment asked us to coordinate with the other communities and stakeholders before they would fund a consultant. Lucy noted that no other town has written a similar letter to MassDevelopment; thus far, the concerns and communication have been between Harvard and MassDevelopment. Kara said it is very disconcerting that we have followed MassDevelopment's requests all along, only to be denied funding. Victor asked Jessica for clarification, and all she could offer is that there is a change of administration (a new CEO) at MassDevelopment.

SusanMary noted that we had met with Jamie Eldridge and Dan Sena and asked where we stand with respect to them. Victor said that Jamie had asked to be copied on the letter to Dan Rivera, which was done.

Victor said that Ayer is close forming its own Devens Jurisdiction Committee. Shirley has done nothing as yet; they have unfilled position on other important committees so will probably not try to create a parallel committee. Paul noted that the Ayer town planner will do a walking tour on Auman Street to try to recruit a member of the public who lives in historic Ayer, on Devens, by going door to door. He found that very encouraging.

## **Vicksburg Square Rezoning**

Victor suggested that we compile arguments both for and against rezoning Vicksburg Square at this time, and see how many, and what type of, arguments we can come up with. The goal is to bring all of the issues to the fore. He believes the focus to date has been on economic development rather than on community development. The Framework Committee will discuss this in its next meeting.

Paul said that the notion of rezoning Vicksburg Square is a specific example of a general problem that the entire study process will face over the next 11 years. We can't and don't want to stop the redevelopment of Devens while we figure out the transition. So somehow, in parallel, we are going to have to both figure out the permanent government structure and the transition to it, and also deal with changes to the existing zoning. Either that, or we are all going to have to agree to freeze the zoning because there are just too many moving pieces. He has no position on which course to take. We asked that we give some thought to the general problem as well as dealing with this specific case. He noted that, as far as he knows, there is no specific request to rezone Vicksburg Square on the table; he classified it as a wish list item from MassDevelopment.

Lucy said that MassDevelopment had been working on a proposal and was planning to hold public meetings but because of the pandemic, they put a halt to those meetings. She said they definitely had a plan. Heather said that Victor and she went to a lot of meetings, and that the onset of the PFAS water pollution problems also got in the way. Heather said that she has seen a document on the rezoning proposal. Victor said that there is a web site devoted to rezoning Vicksburg Square.

Kara noted that our only real leverage is rezoning. We are being asked to rezone but we don't know the overall plan for the next 10-11 years. Victor quoted Peter Lowitt as saying that he believed Harvard would hold rezoning of Vicksburg Square hostage.

Victor has offered to appear before the MassDevelopment Board Meeting on October 14, and asked for direction from this committee.

Heather said that Harvard holding up the redevelopment of Vicksburg Square to get money for disposition didn't sit well with her. She also noted that Harvard isn't the only party to have concerns about the redevelopment. She is concerned about the reaction of Devens residents. Paul repeated his suggestion that we need to look at the broader problem, as he noted earlier. He also noted that Harvard has proposed to use Principled Negotiation and it is not principled negotiation to say that we will stonewall until you give us what we want. If we really believe in it, we have to use it now. Kara emphatically said that she thinks MassDevelopment is stonewalling Harvard and the Framework Committee. Kara said that everyone comes to the table with the chips that they have. Paul said that we have the option of escalating to Jamie and Dan; holding up rezoning is not our only option. He'd like to know why MassDevelopment changed their mind. He noted that, in his time dealing with customers of his employer, he didn't answer their questions, they would make up an answer, and the answer they made up would be far worse than the truth. This is similar; we are assuming all sorts of dark and evil things. They should just tell us their reason. If they feel hemmed-in by this process and they want a few more good years (to redevelop Devens), they should just say that. We are adults. We can deal with it. Kara said that MassDevelopment has never been open about their activities. Heather noted that this committee is not representative of the entire town; we can't predict how the town will vote on rezoning. Kara clarified that she is not suggesting that we completely agree to anything MassDevelopment wants to do at Vicksburg Square; just that we are not ready to go forward with rezoning until we understand what will happen in the community over the next 10 years. Heather agreed with that statement and says that we have to collaborate with MassDevelopment. Kara feels that MassDevelopment is steamrolling the communities and not being transparent. Victor expects that a point-by-point response by Dan Rivera will keep people from imagining hostage-taking. We need him to respond. Using the offices of Jamie and Dan to inquire when we will get a response may help. SusanMary noted that Harvard, Ayer, (Shirley) and the Devens residents need to agree on a plan for Vicksburg Square before it can move forward. It isn't about withholding, it is about ensuring that the residents of Harvard, Ayer, and Devens have a plan that works for them. We can then agree to it. Heather said that redevelopment could wait until after 2033. SusanMary said that redevelopment could be a boon to the area, so why wait. Victor noted that even if MassDevelopment had not brought up rezoning, it would be a major issue in any future plan, as it is problematic on its surface, because it spans the historic town boundaries. Victor also noted that we should not be negotiating with ourselves; we need a response from MassDevelopment, and he asked Kara to bring the matter back to the Select Board.

Lucy brought the discussion back to the proposal to have each stakeholder make up a list of pros and cons about rezoning Vicksburg Square before we understand the direction that jurisdiction is taking. She said he made it clear that clarity would come

out of the discussion and negotiations, well before the matter goes to the governor and legislature. Lucy feels that the Vicksburg Square rezoning effort will be more significant than most other type of changes that will arise before disposition. If we can get through this one, it will provide us with a model for getting through the other changes.

Victor asked every committee member to send him their thoughts on rezoning Vicksburg Square for residential use before disposition, in whatever form is convenient. He will compile and distribute them. Do not assume that the redevelopment will wait until after disposition. SusanMary recalled that many key issues were raised the last time there was a proposal to rezone Vicksburg Square, and asked if we could make those memos available.

## **Other Business**

No other business.

## **Public Comment**

No public comment.

## **Next Meeting**

Our next meeting is scheduled for October 7, 2021, on Zoom.

## **Adjournment**

Victor adjourned the meeting at 9:59 am. The vote to adjourn was unanimous.

## **Attachments**

1. Victor Normand Report to the Harvard Select Board on the activities of the HDJC.
2. July 20, 2021 article on Devens from the Lowell Sun.

# Harvard/Devens Jurisdiction Committee

June 14, 2021

Amended for June 22, 2021

To the Select Board Report:

I will be addressing the Board, reporting on the activities of the Harvard/Devens Jurisdiction Committee (H/DJC) over the past six months.

Topics to be discussed include the development of draft position papers on these topics:

- Consensus

- Consultant Funding

- Goals and Issues

Copies of these papers are included with this report and were submitted to the Devens Jurisdiction Framework Committee for consideration as part of a Memorandum of Agreement (MoA) between the parties. The final version of the MoA will come before the Select Board for review and ratification.

Additionally, the H/DJC met with Senator Jamie Eldridge and Representative Dan Sena recently and provided them with an update on the work of the Committee.

At its May meeting the H/DJC discussed the matter of a proposed zoning change from commercial to residential use for Vicksburg Square, and its advisability before a determination on permanent government has been made.

I will be prepared to discuss these items in detail at the pleasure of the Board.

Submitted on behalf of the Harvard/Devens Jurisdiction Committee by:

Victor Normand, Chair

# Harvard/Devens Jurisdiction Committee

June 14, 2021

Amended for June 22, 2021

The memo above was prepared prior to the June 9, 2021 meeting of the Devens Jurisdiction Framework Committee. What follows is a summary of that meeting.

All parties were represented at that public meeting which was intended to prepare for more substantive meetings to follow. Additionally, each stakeholder was asked to comment on related activities engaged in over the past six months. Except for Harvard's work on the open MoA items, none of the others had made any progress except for MassDevelopment.

Jessica Strunkin, Executive VP for Devens, announced that an internal group had met and she was charged with informing the DJFC that MassDevelopment had no budget for funding consultants and no plans to provide funding.

Subsequent to the meeting, I spoke to Ms Strunkin seeking clarification of MassDevelopment's position. I informed her that the funding position was in complete contradiction to the written communication received by the Town of Harvard in February on 2019. Her only response was that a new administration was now in place at MassDevelopment.

The consultants to Harvard's most recent Master Plan, Burns/McKinney, clearly established that the Town's ability to make an informed decision on its role in the eventual form of permanent government at Devens, required extensive support from qualified consultants. Without funding from the Devens project, the value of the DJFC is questionable.

At a minimum, Mass Development's CEO, Dan Rivera, should be asked to respond to the HDJC's position paper on Funding.

## NEWS

# MassDevelopment tells towns no funding available to study future government

Ayer, Shirley, Harvard ceded land for former base Fort Devens



U.S. Rep. Lori Trahan gets a tour of emerging businesses at Devens, with State Rep. Jamie Eldridge and Devens EVP Jessica Strunken, as Kristen Cullen, head of public affairs with Commonwealth Fusion Systems, points out the construction site, where magnets for fusion will be manufactured and tested. SUN/Julia Malakie

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By **JACOB VITALI** |

PUBLISHED: July 15, 2021 at 4:36 a.m. | UPDATED: July 20, 2021 at 6:50 a.m.

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HARVARD — MassDevelopment told the Devens Jurisdiction Committee last month there was “no budget” to hire a consultant to study a future municipal government structure at the former Army base. Now, the committee is seeking more in-depth answers.

“The Devens Rescue Plan” was adopted by the towns of Ayer, Shirley and Harvard in December 1994. The plan outlines MassDevelopment’s control of the former base and says its authority would last for no more than 40 years. Land from each of the three towns was used to establish the army base in 1917 during World War I.

When the base closed, MassDevelopment took charge of its redevelopment. In exchange, they receive all revenue associated with the project — including funding from the federal government.

In the time MassDevelopment has had control of Devens, a diversified enterprise portfolio has emerged. MassDevelopment’s 2020 annual Devens report shows the project has brought more than 6,000 jobs and over 95 businesses to the area.

As 2034 draws nearer, there have been discussions over what comes next. Will Devens incorporate as its own town? Will the land and its residents become part of their original three towns again? What are the advantages and disadvantages of each approach?

Those are the questions for a consultant to study, committee Chair Victor Normand said.

Former MassDevelopment CEO Lauren Liss supports bringing in a consultant, Normand said. However, Liss wanted all three towns to be engaged. He said Liss told him once the three towns came to a memorandum of agreement outlining how they would like to go forward, MassDevelopment would hire a consultant.

Liss stepped down as the agency’s CEO in January and was succeeded by former Lawrence Mayor Dan Rivera.



After reaching an agreement, Normand said MassDevelopment's Executive Vice President for Devens Jessica Strunkin rejected a position paper on how to fund the consultant's services. The position paper asks MassDevelopment to accept the full cost. Sharing cost was reportedly a nonstarter for the three towns.

"She informed us about a month ago that there's no budget for funding and no plans to fund it," Normand said.

In a report to the Harvard Select Board on June 22, Normand said he had approached Strunkin for further clarification, reminding him of Liss' view. He says Strunkin told him, "a new administration was now in place at MassDevelopment."

MassDevelopment told The Sun it had not committed to funding a consultant, and had no plans to fund consultants solely or partially in the fiscal year 2022 budget.

MassDevelopment also cited a draft Memorandum of Agreement between their agency, the three towns and the Devens Enterprise Commission — which acts as the former base's regulatory and permitting authority.

The memorandum, it said, concerns the operation of the Devens Jurisdiction Framework Committee and is under review by all five parties. It added there are multiple items to be addressed including the definition of consensus and payment for consultant work.

Normand did not have an exact estimate of how much a consultant would cost but speculated it would be "hundreds of thousands" of dollars. He understands the cost may be high but said it is justified given the scope of the work, which extends beyond the capabilities of volunteers.

Ayer Town Manager Robert Pontibrand and Shirley Town Administrator Michael McGovern were not available for comment.

When Normand's committee was first established, it was tasked with studying the advantages and disadvantages of Harvard receiving its portion of the installation back. Early on, the committee was in communication with MassDevelopment about its mission and asked the agency to fund the consultant's work.

"We knew based on the work that had been done by the most recent Master Plan Steering Committee in Harvard, the consultants there laid out an outline of things that needed to be dealt with, and made it clear it was pretty extensive and that there would need to be a full-service consulting firm that had some experience with municipal government and management."

While the eventual loss of Devens would be a loss of a lucrative revenue base for MassDevelopment, it will also be relieved of providing municipal services. Currently, MassDevelopment is responsible for education, police, fire and public works costs at Devens.

“It’s inevitable that Devens will have permanent government,” Normand said.

Through his work with the Devens Jurisdiction Committee, he gets the sense there is growing political disenfranchisement. Voters in the Harvard portion, for example, cast their ballots in Harvard.

“They’re voting for Select Board members that don’t represent them, they’re voting for or against override issues that have no effect on them,” Normand said.

MassDevelopment told The Sun that Devens has a high-performing, full-time government, administered by their agency and the Devens Enterprise Commission. In their view, the setup has allowed for successful economic development projects.

The Devens Enterprise Commission is administered by 12 commissioners — six of whom are nominated by the governor. Ayer, Shirley and Harvard also appoint two commissioners each. In addition to acting as the regulatory and permitting authority, it also functions as a board of health, conservation commission, zoning board of appeals, historic district commission and planning board.

State Sen. Jamie Eldridge, D-Acton, declined to comment. State Rep. Dan Sena, who represents Harvard, Shirley and Ayer’s second precinct, also did not comment.