

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

Attendance

Members Present: Richard Cabelus, Paul Green, Heather Knowles, Rich Maiore, Tim Myllykangas, Victor Normand, Susan Mary Redinger.

Members Absent: George Glazier, Kara Minar, Lucy Wallace

Guests: Jane Biering, Karen Davis (MassDevelopment, Assistant to Jessica Strunkin), Chris Ryan (Harvard Director of Economic Development), Ed Starzec (MassDevelopment Real Estate).

Victor Normand called the meeting to order at 9:02 am.

Approval of Minutes

Paul did not provide minutes of our previous meeting.

Devens Jurisdiction Framework Committee Report

Victor reported on the September DJFC meeting. They asked for some rewrites in the position paper on consensus. Ed and Paul met and agreed on a set of changes. Ed has the revised text. Paul said that the modifications change the focus on the memo from whether or not the negotiators are using Principled Negotiation to whether or not they are negotiating in good faith and making progress. He and Ed removed the reference to the negotiators being able to “boot someone off the island”; instead, the memo will say that it is the responsibility of the facilitator to notify the parties (the sponsors of the negotiators) that things are just not working out. It will be up to the parties to decide what to do. The concept of guardrails and what will happen if negotiations go nowhere is still there. Paul compared the situation to parenting; you want your children to know where the boundaries are located; they can’t be hidden. The idea is for people to know what is acceptable behavior and what is not acceptable behavior right on day one. If they get out of line, Mom and Dad will deal with them. The next meeting of the DJFC is September 13, at which time this should be discussed again.

The next item for discussion will be the preliminary issues & concerns that each stakeholder has documented. The final debate will be on funding, and that is on the agenda for the next DJFC meeting. Dan Rivera has still not responded to the letter from the Harvard Select Board about their change in position on funding. Victor has heard from Jessica that Dan Rivera has said that he feels he has made his position clear; that there is no budget. The Harvard Select Board copied the Select Boards in Ayer and Shirley, and copied Senator Jamie Eldridge and Representative Dan Sena. Victor believes that we still need a consultant to help the volunteers work through the details of disposition.

Jane asked if the refusal of funding a philosophical issue or simply an issue with this year’s budget. Victor responded that this confusion was the reason for the letter from the Select Board. Rich confirmed this. Rich will check with the Select Board on having someone represent Harvard at the upcoming MassDevelopment board meeting. Victor has created a placeholder on the agenda for our question. Victor asked Karen to change his name to Rich’s name on the MassDevelopment board meeting agenda and she agreed.

Vicksburg Square Rezoning

Victor circulated a memo listing opportunities and challenges relating to the rezoning of Vicksburg Square. Victor asked Ed for the timetable for rezoning Vicksburg Square. Ed said that there is no schedule, and no work planned for this fall. The earliest would be in the spring.

The committee discussed the memo that Victor sent out a few days ago compiling the comments of HDJC committee members. We reviewed each item.

The current zoning for Vicksburg Square is named Innovation and Technology Center. The most recent concept is to rezone it for residential, accessory, and compatible other uses (e.g., community uses, the Devens Museum, medical; ground floor uses that are compatible with residential). Victor noted that for all residential use the number was 280 units; if there are accessory uses the 280 number may go down.

See the appendix to these minutes for a copy of the memo under discussion.

One of the opportunities on the list is rental housing; Ed noted that there are no rental units available today on Devens. The Emerson Green 40-unit rental housing building is still “in the pipeline”; they have had some financing challenges. SusanMary asked who would be the landlord; Ed said it would be the developer or their management company. Victor said that Jessica believes that Vicksburg Square lends itself more to rental than to ownership; Victor said he challenges that idea.

We discussed each item. Under Opportunities, Paul noted that changing Vicksburg Square to residential would be compatible with the existing, nearby, residential areas. Heather noted that existing businesses will remain. The area around the field will be mostly residential with just a few businesses. She noted that a larger population might support a store or other community-based services. Ed said that additional housing would support the existing businesses at Devens; those businesses have asked for more diverse housing opportunities than single-family homes. They’d like to make it easier for workers to live nearby. SusanMary agreed that more affordable housing would help local municipal workers, too. Tim asked if the zoning changes would come first, then find developers, or find developers and then do the zoning. Ed said that he felt that the zoning should change first, and that once the zoning changed, it would be possible to find developers.

Under Challenges, Victor noted that the lack of permanent government might limit developer interest. Without knowing which town will govern housing at Vicksburg Square, he feels that a developer will be reluctant to create for-sale housing. Victor noted that there are over 200 Harvard voters registered at Devens; adding rental housing at Vicksburg Square might double that number. Paul said he would look at Devens voting data for our next meeting. It is a reasonable speculation that people vote in their own interests, and so depending on what’s on the ballot, Devens residents

may or may not tend to vote in Harvard. The school votes tend to draw Devens residents.

Victor noted that no one is born or dies at Devens; they are born or die in Shirley, Ayer, or Harvard. Heather noted that the government will not deliver a social security card to Devens residents; you must pick it up in person.

SusanMary noted that the school system is at capacity, and if housing is added at Devens, we could get another 150 children. We will need lead time to deal with this.

Heather said that she would send in several additional items for the memo. She said that the residents have consistently said they would like all Devens residents to be gathered into one town. The current physical split of Vicksburg Square across the historic boundary between Harvard and Ayer could complicate such a solution. Also, adding so many rental units would change the balance of housing at Devens from 100% ownership to closer to 50-50 owner vs. rental, and would change the character of the community. Lastly, changing the zoning doesn't guarantee saving the buildings. Ed said that it would require significant approvals to tear down the buildings, but if not maintained, they might fall down on their own. Chris commented that he had some comments he would share with Victor. Victor asked both Chris and Heather to resend their items, and he would revise it for the next meeting.

Other Business

Paul noted that MassDevelopment posts the notices of Framework Committee meetings on the exterior door of their office building at 33 Andrews Parkway at Devens. They claimed they were posting them online, but he checked the most recent online newsletter, per their statement, but saw no such posting. He has raised this issue with MassDevelopment and will keep after them. He suggested that MassDevelopment use the town clerks in Ayer, Harvard, and Shirley for their posting but that this suggestion was rejected by them.

SusanMary asked for a discussion at our next meeting of our charge, objectives and timeline. Victor agreed.

Public Comment

No public comment.

Next Meeting

Our next meeting is scheduled for November 4, 2021, on Zoom.

Adjournment

Victor adjourned the meeting at 10:00 am. The vote to adjourn was unanimous.

Attachments

1. Memo listing Opportunities and Challenges relating to rezoning Vicksburg Square.

Vicksburg Square Residential Re-Zoning

The following is a listing of reasons both for and opposed to re-zoning Vicksburg Square from commercial to residential use.

Opportunities	Challenges
Increase to the existing housing supply at Devens	Limited developer interest without knowing the expected permanent government
Meet the need for affordable rental housing in the Devens region	A “for sale” component to residential development is unlikely given the wide variation in property values among the various permanent government options
Historic preservation of existing buildings	There could be as many as four different outcomes for providing municipal services to future residents
Current deteriorated condition of the existing buildings is a blight on the Devens community	Unlike Vicksburg Square, permanent government for the recently approved Shirley residential re-zoning is a near certainty
It could take another ten years before permanent government is decided	Voting on town budgets and overrides may or may not directly affect residents in the long run
Opportunity for variety of unit sizes and, therefore, a range of costs to serve young adults, families, seniors looking to downsize.	In the interim, residents would be receiving town clerk services from two different towns; Vicksburg Square straddles the historic boundary of Harvard and Ayer.
Potential mixed use opportunity to provide on-site services for residential population, ranging from convenience (drug store, bank) to professional (health care) if allow limited retail/office.	It could be considered spot-zoning of residential use within the much larger Innovation and Technology Business area.
	Super Town Meeting will be asked to vote on re-zoning without knowing what responsibilities to serve residents they will be taking on in the future.
	Will double the population of Devens without providing parallel increase in normal community services (COA, recreational non-school opportunities such as those provided by HAA)
	MD is not an elected body ultimately answerable to its citizens