

**Harvard Devens Jurisdiction Committee  
Meeting Held at Harvard Town Hall, Harvard, MA  
Minutes of the February 7, 2019 Meeting  
Paul Green, Clerk**

## **Attendance**

**Members Present:** George Glazer, Paul Green, Heather Knowles, Erin McBee, Kara Minar, Victor Normand, SusanMary Redinger, Lucy Wallace.

**Members Absent:** Tim Myllykangas,

**Guests:** Chris Ryan (Town of Harvard), Bob Ruzzo (MassDevelopment), Ed Starzec (MassDevelopment), Peter Lowitt (Devens Enterprise Commission).

## **Approval of Minutes**

The meeting was called to order by Victor Normand at 9:30 am.

The committee reviewed the minutes. Lucy Wallace offered a correction, which the committee accepted. SusanMary moved to accept the minutes and Heather Knowles seconded the motion, which passed unanimously.

## **Department Heads and Committee Chair Feedback Updates**

Paul reported that SusanMary has completed her interviews and turned them in. He reported that he has completed two interviews. Paul passed out the current record of interviews. Heather reported that she has two future meetings set up. Victor stressed the importance of linking the department chairs to the work of this committee.

## **Town Updates**

Since the last meeting, Victor and SusanMary attended a Selectmen's Meeting in Ayer, which included the Ayer Town Administrator. Ayer intends to form a committee to the HDJC. Victor and Lucy attended a Selectmen's meeting in Shirley. One selectmen thought that the JBOS should be activated; the other two selectmen were receptive to our approach. Lucy feels that the Shirley board appreciated our contact.

## **MassDevelopment Updates**

Victor reported that we have received a response to our letter, and asked members for their comments. The committee reacted favorably to the letter. Ed indicated that the intent of the response was to hold a facilitated discussion, perhaps over multiple meetings, to discuss the framework for this decision-making process that we are launching. He said that there is definitely a need for each town (and other Devens parties) to decide on their priorities (aka success criteria) ahead of time. He further noted that the parties should prepare for this discussion using on a common checklist. The checklist would list the topics to be addressed, the level of detail that would be discussed, and a schedule. The purpose is to ensure that there are common expectations among the parties. The facilitated discussion would design a phased process (for negotiating return of jurisdiction). When the parties agree on the process, each would sign a memorandum of agreement. At that point, MassDevelopment and the parties would be ready to hire a consultant to begin the effort.

Lucy suggested that "charette" is not the appropriate term for the effort. Victor agreed.

The committee struggled with whether Harvard was ready to enter such a process planning effort, or would need to do some work to prepare for it. There was some confusion over the

goal of this first step. Ed stressed that the goal is to have a single process that all parties can use. It is not the goal, at this time, to work out the areas of agreement and disagreement between the parties.

Bob explained that Chapter 498, the enabling legislation, specifies that the 3 towns, the DEC, and MassDevelopment have the responsibility to agree on a plan. He stressed that the process should be transparent and that there should be a way for people to participate. Perhaps the 5 parties can agree, in the MOA, how the residents and businesses can participate in the process.

Peter Lowitt pointed out that Devens is a moving target, as the population continues to increase as housing is developed. Lucy pointed out that about one-third of Harvard has moved to town since redevelopment effort started in 1996, and may not know the history.

Lucy wants the Devens residential community to know we are sensitive to their staying a single community (in the same town) and the business community to know that we will abide by the Reuse Plan and current zoning, rather than radically change it.

Bob announced that Jessica Strunkin is the new Senior Vice President of Devens for MassDevelopment. She formerly held various positions with the Metrowest Partnership. She is familiar with the 495 area. One of her early tasks will be to work on traffic issues, which is an area that the MassDevelopment team at Devens has already started working on.

Kara stressed that the MOA should include a timeline.

Lucy suggested that the timeline should give each party an amount of time for “getting its act together” prior to entering negotiations.

Ed suggested that one of the initial steps of the process would be to document existing conditions and distribute this factual information to all parties.

Victor stressed that we try to take the time to “get it right”. It is important to be open and inclusive. It is important to protect the Commonwealth’s investment in this region. Devens is both a local and a state-wide concern.

Chris noted that the facilitator should have the trust of all parties.

Kara raised a concern about whether we should use the term MOA (Memorandum of Agreement) or MOU (Memorandum of Understanding). She pointed out that an MOA can be considered a legally binding document, while an MOU not necessarily legally binding. The meeting discussed this issue without reaching a consensus.<sup>1</sup>

Victor asked that all of the parties participate in the selection of a consultant.

Bob said that Jessica Strunkin would attend our next meeting.

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<sup>1</sup> Per Wikipedia, “A memorandum of understanding (MOU) is a type of agreement between two (bilateral) or more (multilateral) parties. It expresses a convergence of wills between the parties, indicating an intended common line of action. It is often used either in cases where parties do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement. It is a more formal alternative to a gentlemen’s agreement. Whether a document constitutes a binding contract depends only on the presence or absence of well-defined legal elements in the text proper of the document (the so-called “four corners”). ...”

After much discussion among members, Lucy summarized that we are looking at a two-step process. Step One is to use a facilitator to work with the parties to design a process, leading to an MOA or MOU that binds the parties to that process. Step Two is to hire a consultant to work with the parties using the agreed-upon process and come up with a proposal to resume jurisdiction. Victor noted that there will be a Step Three that is the implementation of the agreement.

Lucy is concerned that the towns may want some professional help in defining their issues of concern as preparation for Step One.

Paul said that we are trying to linearize a rather complicated process, and that we shouldn't try to solve it all today. He summarized a brainstorming process pioneered by Edward de Bono in his book "Six Thinking Hats, An Essential Approach to Business Management", published by Little, Brown, & Company. [Editor: What follows is an expanded version of the remarks that Paul described in the meeting. We are in the "blue hat" phase of the process, in which we talk about process. de Bono's next brainstorming phase is "white hat", in which facts are put forward. His next phase is the "green hat" or creative phase where we generate ideas and write them on note cards. His next phase groups the ideas (note cards) into related sets. The final three phases are yellow, black, and red, in which, respectively, positive remarks, negative remarks, and emotional remarks about the ideas are presented. At this point, everyone on the team has had a chance to generate, group, and analyze the ideas. The final stage is for the team to use multivoting to select the highest priority ideas to pursue.]

Paul said that the facilitator will need to manage the process such that the people who have been involved with Devens for a long time, and are deeply invested in it, don't get ahead of the process.

Victor suggested that "some of us" reach out to the people in the other two towns, and the DEC, to talk about the process. He and Lucy and Chris will try to do this before our next meeting.

Chris suggested that it might be valuable to convene a working group (of the five entities) ahead of selecting the facilitator to get buy-in on choosing a facilitator.

## **Devens Resident Outreach**

Victor asked Heather and George if they would coordinate a meeting between members of our committee and the Devens residents. The purpose is to give them an update on what is happening, and have them get to know us. We discussed whether to use the existing committee structures or to set up an overall meeting. George and Heather agreed to take on this task and decide on the format of the meeting. Victor asked that the meeting not take place on a Monday, Friday, or a weekend.

## **Devens Budget Review**

Victor has a copy of the Devens annual budget. He suggested that members sign up for the Devens Community News. Kara offered to help review the budget on behalf of our committee. Victor asked Bob and Ed if there was a balance sheet for Devens. Bob reported that the Devens Fund is an element of the overall MassDevelopment budget, and is reported on the agency web site. He also noted that the agency's budget is difficult to understand due to the many restricted funds. Bob asked Ed to track down a balance sheet, which would show reserves and capital assets. Bob reminded the meeting that \$25M in capital expenses are planned to invest in the Devens water infrastructure over the next 4 years.

## **Town Meeting Report**

Lucy has prepared a report for the Harvard Annual Town report. Victor asked if we should distribute a one-page handout for Harvard annual town meeting. The consensus was that we should do this. Lucy volunteered to write up the memo, and Paul offered his assistance. Town meeting is Saturday, May 4.

## **Pending Task Assignments**

Lucy will alert the Select Board to our request for communications funds.

Paul will alert all members and guests to the location and time of future meetings.

Paul will send approved minutes to representatives of Ayer, Shirley, MassDevelopment and the associated State Senators and Representatives.

Paul will check into adding documents (including the 2002 Tri-Town review) to our web page.  
\*\*Done. Send such docs to Julie Doucet or to Paul (who will forward them to Julie).\*\*

Members of the committee should continue to send write-ups of their meetings with department heads and committee chairs to Paul.

George and Heather will arrange a meeting with Devens residents.

Kara will get familiar with the Devens budget.

Ed or Bob will track down a balance sheet for Devens.

Bob will assist in arranging a meeting between Jessica Strunkin and our committee.

Lucy will work on the handout for Town Meeting, with help from Paul.

Victor, with help from Lucy and Chris, will reach out to Ayer and Shirley, and will meet with Peter Lowitt and the staff of the DEC.

Ed asked people to send recommendations for a facilitator to him.

## **Adjournment**

Victor adjourned the meeting at 10:25 am.

## **Attachments**

1. Response from Lauren Liss, President and CEO of MassDevelopment.
2. Description of the HDJC for the Select Board's section of the 2018 Harvard Annual Report.



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February 1, 2019

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Harvard, MA 01451

Victor Normand, Chair  
Harvard/Devens Jurisdiction Committee  
Harvard Town Hall  
13 Ayer Road  
Harvard, MA 01451

Dear Ms. Wallace and Mr. Normand:

Thank you for your letter of January 8 regarding planning for the future of the Devens Regional Enterprise Zone – the community we all refer to simply as Devens. We applaud the Town of Harvard's proactive approach to thinking about the future governance of Devens and appreciate the openness you have demonstrated by inviting MassDevelopment staff to participate in your monthly committee meetings.

I want to state at the outset that MassDevelopment considers the continuing re-development of Devens to be one of our proudest endeavors. We also recognize that whatever has been achieved thus far cannot be considered entirely successful until a permanent future for Devens is assured. Further, we understand and agree that careful analysis and planning are essential to ensuring that the ongoing stewardship of Devens is addressed appropriately.

Your request has reminded us that it is often helpful to return to the "source" when contemplating the best way forward. In this case, Chapter 498 of the Acts and Resolves of 1993 ("Chapter 498"), which created the Devens Enterprise Commission (the "Commission"), provides the road map for what our legislature had in mind in the way of planning for the future of Devens.

As you know, Section 23 of Chapter 498 sets forth the legislature's expectations for the creation of a "Permanent Government Structure." Specifically, that section directs that on or before July 2030, the three towns (Ayer, Shirley, and Harvard), the Commission and MassDevelopment (as the successor to the Land Bank) initiate a joint study to evaluate alternative structures for government, and to evaluate a number of other matters including but not limited to infrastructure, and at the same time evaluate

CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

MIKE KENNEALY  
Chairman

LAUREN A. LISS  
President and CEO



transition costs or further investments that may be needed. In addition, all five parties are directed to submit to the Governor and the legislature, on or before July 1, 2033, both the study and a joint report with recommendations.

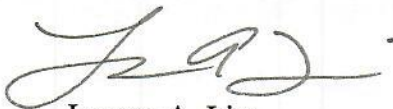
While the final joint report is not due for over a decade, we again agree with you that time spent now cooperatively developing a mutual framework for identifying issues is time well spent. We strongly believe that, as contemplated in Chapter 498, this planning endeavor is best advanced with all five parties involved at the outset, working together towards our common goal. We also feel strongly that any discussion regarding the permanent governance of Devens should include a role for Devens residents and businesses in the planning process.

Accordingly, MassDevelopment proposes that all five parties agree to a series of facilitated meetings or "charrettes," for the purpose of developing a framework for a collaborative planning process going forward. Frankly, what concerns us is that unless a common framework is established at the beginning for what it is that needs to be done and what questions need to be answered during the planning process, focusing only on the interests of individual parties may hinder, rather than inform, the development of a joint plan. Thus, we believe that we would all benefit from a common starting point and a common understanding of how that starting point was identified.

Ultimately, we are hopeful that this initial planning process would culminate in the execution of a Memorandum of Agreement ("MOA"), in which all the parties memorialize the agreed-upon planning process. After an MOA is finalized, initial conceptual work could begin in the new fiscal year through the assistance of a consultant retained under a MassDevelopment procurement. We believe that this collaborative approach would best enable us all to begin to identify the basic facts and circumstances as they exist today and to develop a fundamental financial framework. This framework will form the baseline for projections undertaken during the course of the planning effort, towards our ultimate mutual goal of developing a joint recommendation regarding the permanent governance of Devens.

Again, thank you for your continued partnership and we look forward to continuing to work together on this important endeavor. Please not hesitate to contact Ed Starzec (617) 330-2035 or me if you have any questions or comments.

Sincerely,



Lauren A. Liss  
President and CEO

cc: Timothy P. Bragan, Harvard Town Administrator  
Jannice L. Livingston, Chair, Ayer Board of Selectmen  
Robert Pontbriand, Ayer Town Manager  
Debra Flagg, Chair, Shirley Board of Selectmen  
Michael McGovern, Shirley Town Administrator  
William P. Marshall, Chairman, Devens Enterprise Commission  
Peter C. Lowitt, Director, Devens Enterprise Commission

To: Harvard-Devens Jurisdiction Committee  
From: Lucy Wallace  
Date: February 23, 2019  
Re: 2018 Select Board Annual Report re Harvard-Devens

As requested at our last meeting, below is the section on Devens included in the Select Board's report in the 2018 Town Annual Report.

The Future Relationship with Devens: Devens lies within roughly 20% of the town's political boundary. The 1994 Devens Reuse Plan, adopted by Ayer, Harvard and Shirley, informed the state's intensive effort led by MassDevelopment to convert the Army base into a regional economic engine which today is a great success. This largely commercial-industrial area, along with its considerable open space and recreation lands and limited housing, may offer a potential opportunity to balance Harvard's largely residential profile and put the town in a more sustainable position. At the 2017 Town Elections the voters endorsed the development of a plan to resume jurisdiction of Harvard's lands within Devens and in June 2018 the Select Board approved a charge and appointed the Harvard-Devens Jurisdiction Committee. Comprised of nine members (two Selectman, one Planning Board member, one School Committee member, four residents from Harvard and two residents from Devens), the Committee has met monthly and developed a course of action to implement its charge. It has reached out to MassDevelopment, which is now sending two representatives to the Committee's meetings, and the boards of selectmen of Ayer and Shirley to advise them of our work, particularly to encourage the other two boards to undertake a similar planning effort. Clearly this is the first step in a longer process by the three towns and MassDevelopment to develop a recommendation for Devens' permanent local government by 2032 to present to the state legislature for approval by 2033. Whatever the outcome, it will be important to assure a smooth transition to local governance and, therefore, the Committee has met with our state legislators to keep them informed as well.

MassDevelopment continues to contract with Harvard Public Schools to educate the children of Devens residents. A proposed rezoning of Vicksburg Square to allow 300+ residential units could have an impact on our projected school population. MassDevelopment intends to take the requisite zoning amendment to a Super Town Meeting for approval in the late spring of 2019.