

**Harvard-Devens Jurisdiction Committee**  
**Meeting Held using the Zoom Videoconferencing Facility**  
**Minutes of the January 6, 2022 Meeting**  
**Paul Green, Clerk**

## **Attendance**

**Members Present:** Paul Green, Heather Knowles, Rich Maiore, Kara Minar, Victor Normand, SusanMary Redinger.

**Members Absent:** Richard Cabelus, George Glazier, Tim Myllykangas.

**Guests:** **Chris Ryan** (Harvard Director of Economic Development), Ed Starzec (MassDevelopment Real Estate), Lucy Wallace (Harvard resident), Neil Angus (DEC), John Osborn (Harvard Press).

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

## **Approval of Minutes**

The committee reviewed the December 2, 2021 minutes. SusanMary requested two changes; Paul said he would correct the minutes. Paul said that he would add Chris Ryan as a guest who was present. SusanMary moved to approve the minutes and Kara seconded the motion and the committee unanimously approved them.

## **Devens Jurisdiction Framework Committee Report**

The committee met briefly on December 8. Ayer said they are in the process of forming their committee, and are specifically attempting to recruit someone who lives on the Ayer portion of Bates or Auman Street on Devens. Victor reported that the HDJC committee is finalizing its position on Vicksburg Square, that he expected it would be approved and made available for the next DJFC meeting. He informed the DJFC that the HDJC was revisiting its charge from the Harvard Select Board, and said that Lucy added the fact that the charge had been approved in a referendum by Harvard voters.

No other stakeholders submitted reports. Lucy said that the RFI committee has met and circulated a draft memo. Their goal is to create an RFI that will solicit information on the cost of hiring someone to provide recommendations. She expects that the response(s) to the RFI will enable the DJFC to know the likely cost and fairly rapidly create an RFP. Ed confirmed Lucy's remarks and added that starting with an RFI is a good way to ensure we haven't missed something important.

Victor confirmed that members of the Framework Committee believe that understanding the cost is a prerequisite to resolving the issue of who funds the effort.

Lucy said that the DJFC has come to consensus on 2 of the 3 open issues, with a statement that resolution of the 3rd (funding) issue is a work in progress. She asked if Ed could provide an updated MOA with those changes, so that it could be attached to the RFI.

## **Discuss Letter from Eldridge, Harrington and Sena re Devens**

We have a copy of a letter than Senator Jamie Eldridge and Representative Dan Sena and Representative Shield Harrington that was sent to Dan Rivera of MassDevelopment, with copies sent to the 3 towns. The letter requests MassDevelopment to provide additional affordable housing on Devens and also expresses the legislator's strong support for MassDevelopment providing financial support to the 3 towns to conduct studies.

Victor and others said that the need for additional affordable housing likely stems, at least in part, from the situation at Devenscrest Apartments in Ayer, where a developer is trying to evict the residents and renovate the units.

Victor noted that, in his view, nothing in the letter is inconsistent with this committee's position that local governance needs to be resolved before rezoning can be attempted. Lucy noted that the letter does not address the sequencing of local governance versus rezoning. Kara agreed. Victor stressed that adopting a position paper on Vicksburg Square would be helpful in educating people who do not follow the process closely.

Ed noted that even if the towns instantly adopted the zoning changes, it would still likely take 3 years before housing would be available, which is probably too long a wait for residents at Devenscrest.

## **Discuss Response to DEC Vicksburg Square Position Paper**

Victor asked Peter Lowitt if the DEC would be willing to have a discussion with this committee on this topic. Victor said that Peter agreed to this, and Neil Angus confirmed that the DEC was open to a discussion at a future meeting.

The committee reviewed the draft position paper. Heather offered a clarification on affordable housing which was adopted. Victor noted that Devens itself does not have an affordable housing goal. Victor stated that the units of affordable housing at Devens are applied to the numbers for each of the 3 towns, based on the location of the housing. Ed noted that there are 3 categories of affordable housing at Devens: low income, moderate income, and special needs. As of two months ago, Harvard's affordable housing figure is 5.75%, Ayer is 7.38%, and Shirley is 4.39%. Other members also offered suggestions for our response. Victor said that our comments will be provided to the Framework Committee, which was our source for the DEC position paper. We can also share it with the Harvard Select Board and Planning Board. Paul moved and Kara seconded to approve our response, as modified. The motion was unanimously approved.

## **HDJC Vicksburg Square Rezoning Position Paper**

Lucy asked that the paper have a release date at the top, since we have circulated multiple versions of the document. After some discussion, Heather moved to approve the paper, Kara seconded the motion, and the committee unanimously voted to approve the document. Victor will distribute it to the Framework Committee, Harvard Select Board, and Harvard Planning Board.

## **Discuss Harvard Vision Statement**

Victor reviewed our charge from the Select Board and from the voters of Harvard. He quoted from the charge: “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 Harvard.” Victor noted that the Framework Committee is following a different process but that this committee still owes Harvard voters a plan. Victor distributed the outline of a plan, and recommended that we limit the number of details in our position paper, since we expect that a consultant will delve into many details.

The outline lists areas where we already have a position on an outcome, without getting into many specifics about how we accomplish that outcome. Kara suggested that we add environmental issues to the outline. Kara noted that the current Harvard Master Plan deals with many of these same issues. She also noted that we should reassure the business community that there will be no major changes that affect them. Victor noted that another aspect of our charge is to hold public meetings, and this document will help educate and inform the public when we hold these meetings in Harvard and in Devens. SusanMary said that the vision statement will help us inform the consultant. Lucy asked that the vision statement recap the charge as its lead paragraph. She noted that the charge is now 5 years old. Kara, Lucy and Paul volunteered work with Victor to help fill out the vision statement. Ed noted that the vision exercise can serve as Harvard’s “issue statement” for the MOA. Victor hopes that each town will draft a similar paper. His goal is to have the Select Board and Planning Board endorse the finished statement. Paul said that he believes that the underlying resumption-of-jurisdiction issues are complex and interrelated. He thinks that having a position paper will make it easier for us to talk to citizens about the issues, and will help answer people’s concerns. Kara suggested that the statement also be shared with the School Committee, and that we seek feedback from each Harvard board before finishing our statement.

## **Other Business**

No other business.

## **Public Comment**

No public comment.

## **Next Meeting**

Our next meeting is scheduled for February 3, 2022, at 10 AM, on Zoom.

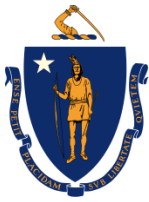
## **Adjournment**

Victor adjourned the meeting at 10:08 am. The vote to adjourn was unanimous.

## **Attachments**

- Letter sent to MassDevelopment by the local legislators

- Approved version of HDJC Response to DEC Vicksburg Square paper
- Approved HDJC Vicksburg Square Position Paper
- Draft Outline of a HDJC Vision Statement



The General Court of the Commonwealth of Massachusetts  
State House, Boston, MA 02133-1053

December 27, 2021

Dan Rivera, President and CEO  
MassDevelopment  
99 High Street  
Boston, MA 02110

**Re: Our support for MassDevelopment building more housing in Devens**

Dear Mr. Rivera,

Thank you very much for meeting with us on October 26, 2021 to discuss the creation of more housing at Devens, including at Vicksburg Square. We appreciate the time you have taken to discuss opportunities to create a range of housing at Devens, as well as your leadership as the President and CEO of MassDevelopment. By collectively representing the towns of Ayer, Harvard and Shirley, we represent all of the planned community of Devens. We are proud of the place that continues to be a leader statewide for economic development, critical non-profit organizations, support for Massachusetts veterans, provider of critical social safety net services for people living in the shadows of life, and a growing residential community.

We write to express our strong support for MassDevelopment playing a leadership role in developing a diversity of housing at Devens. We believe that as a quasi-public state agency, MassDevelopment should be a leader in housing production. We were proud to work closely last session with Governor Baker's Secretary of the Executive Office of Housing and Economic Development Mike Kennealy to support and vote for the so-called "Housing Choice" zoning reforms, in the spirit of Governor Baker's call to dramatically increase housing production in communities across Massachusetts. Given Secretary Kennealy's role as the Chair of the Board of Directors of MassDevelopment, we believe it is critical that MassDevelopment leads by example on housing production to send a strong message to all communities of the need to build more housing.

In addition, given the impressive economic development at Devens, we believe it is important that Devens is home to workforce housing to provide an option for an increasing number of Massachusetts residents who are working at or near Devens. Secondly, recognizing that the housing crisis has hit the Nashoba Valley area and the core mission of the reuse of Devens according to Chapter 498 of the Acts of 1993, MassDevelopment plays a key role in reducing the challenges of housing stability for the region.

That is why, first and foremost, we want to express our public support for MassDevelopment having conversations with the towns and municipal officials of Ayer,

Harvard and Shirley, and the resident committees and residents of Devens to discuss turning Vicksburg Square buildings into housing. We recognize the history of these efforts in the past by MassDevelopment, which is why we believe these conversations should be happening sooner rather than later.

Related to that, we also want to express our strong support for MassDevelopment providing the three towns with financial support to conduct independent studies on the future of Devens, a subject of which we are hearing more and more about. It is absolutely critical that MassDevelopment is providing very specific contributions, and value to the three towns that have their political boundaries run through Devens.

Finally, on the subject of Vicksburg Square, we want to express our public support that in the spirit of the Chapter 40B affordable housing law that at least 25% of housing build at Vicksburg Square is affordable with a significant amount of that affordable housing reserved for Massachusetts residents at 30% to 50% of the Area Median Income (AMI) of the North Central Massachusetts housing region, with a local preference for Nashoba Valley residents.

Regarding affordable housing, including both subsidized housing and market rate multifamily housing, we want to express our hope that MassDevelopment will now look to more aggressively ensure that any additional housing allowed under the housing cap be truly affordable to working families. Specifically, our requests include:

1. With the completion of the second phase of the Emerson Green market rate single family homes, we hope that MassDevelopment will now be pushing the developer to construct the long-promised apartment building to ensure that new multifamily housing is part of the housing options available at Devens. We can't help but notice that the multifamily housing is the last housing to be built as part of the Emerson Green development, which raises serious questions about the commitment by MassDevelopment to ensure that a diversity of housing stock is created at Devens.
2. With a remaining 14 units of homes left to be built under the housing cap, we urge MassDevelopment to require that all of those units be affordable, between 30% and 80% of AMI. We specifically want to note that during our October 26th meeting you spoke about these housing units being affordable.
3. Given the interest of Clear Path for Veterans New England to build supportive housing for senior veterans, we urge MassDevelopment to sell at least one property at Devens to Clear Path for a below-market price. As a quasi-public state agency administering state-owned land, we believe that MassDevelopment has an obligation to provide financial incentives to non-profit organizations that are providing social safety net services to vulnerable populations, including veterans. There are plenty of precedents for this, including MassDevelopment selling a building to the Loaves and Fishes Food Pantry for \$1.00 over a decade ago.

Again, thank you very much for meeting with us on October 26th. We want to reiterate that given that MassDevelopment plays a key role in the Baker-Polito Administration to build housing, we believe it is critical that MassDevelopment lead the way to build housing at Devens and that any Massachusetts governing body that owns or oversees public land should prioritize the creation of truly affordable housing. If MassDevelopment is not going to lead on housing production at Devens, why would other communities or community leaders build affordable housing?

Sincerely,



James B. Eldridge  
**State Senator**  
*Middlesex & Worcester District*



Sheila C. Harrington  
**State Representative**  
*1st Middlesex District*



Danillo A. Sena  
**State Representative**  
*37th Middlesex District*

CC: Mike Kennealy, Secretary, EOHED  
Jessica Strunkin, Executive Vice President Devens, MassDevelopment  
Board of Directors, MassDevelopment  
Board of Directors, Devens Enterprise Commission  
Robert A. Pontbriand, Ayer Town Manager  
Timothy P. Bragan, Harvard Town Administrator  
Michael McGovern, Shirley Town Administrator

**Harvard-Devens Jurisdiction Committee**  
**Response to Devens Enterprise Commission Statement**  
**On Proposal to Rezone Vicksburg Square at Devens**

**Approved by the HDJC on January 6, 2022**





## MEMO

**TO:** Devens Jurisdiction Committee  
**FROM:** Peter Lowitt, FAICP Director, Devens Enterprise Commission  
**DATE:** November 4, 2021  
**RE:** Why Rezone Vicksburg Square to allow residential uses in the near term

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The Town of Harvard has requested that the component members of the Devens Jurisdiction Committee, one of whom is the DEC, provide a list of pros and cons for rezoning Vicksburg Square in the near term. The Commission met to discuss this issue and voted at its meeting to November 4, 2021 to send a summary of the discussion points to the Devens Jurisdiction Committee for their consideration:

- Without an intervention in the near term, the National Register buildings comprising Vicksburg Square will succumb to the elements.
- **Agreed. This supports the need to deal with the issue of permanent government in the near term in conjunction with rezoning.**
- The Governor has declared a housing emergency and has repeatedly shown the connection between the availability of housing and successful economic development.
- **Agreed. And first time homebuyers are an equally important part of the needed housing mix.**
- Prior market studies and over twenty years of efforts to sell the property under its current Innovation Technology Center zoning have all stated that the property needs to be rezoned to residential in order to redevelop it.
- **Agreed**
- Vicksburg Square is the iconic emblem of the former Fort Devens and representative of the US Army's presence in New England.
- **Agreed**
- Past efforts brought to town meeting have shown a viable path to redevelop these properties using a combination of Historic Tax Credits and Low Income Tax Credits.
- **Both of these development options programmatically exclude homeownership which would leave the Devens residential community with over 60% of all housing as rental housing.**

- Redevelopment will have multiple regional benefits, including twenty five percent of the units redeveloped will be deed restricted to count towards the underlying communities low income and workforce housing requirements.
- **An important factor, but not an overriding consideration. While the towns struggle to achieve the 10% goal, is it fair to place so much of that burden on to the Devens community which according to the Reuse Plan must have 25% of its housing as affordable.**
- Mixed use should be considered by MassDevelopment to help underwrite the redevelopment costs for the project. Allowing some minor retail uses should be discussed. Limited retail should be discussed and input sought by MassDevelopment as part of their rezoning process for Vicksburg Square. The Commissioners encourage MassDevelopment to continue to meet with the host communities and seek input into the rezoning process.
- **Agreed**
- The region needs the affordable and workforce housing component to support its continued growth and economic development. Housing will attract people for the jobs within the Devens Regional Enterprise Zone and surrounding communities.
- **The average annual income of the Devens workforce, according to the 2020 report of the Donahue Institute at Umass, is over \$90,000. The Reuse Plan requires that any housing developed at Devens shall have an affordable housing component, again should Devens be asked to bear a disproportionate affordable housing burden in order to address the housing needs of the region?**
- Housing is currently not available or affordable in our communities.
- **Overstated here, but nonetheless a real issue for Devens and the towns**
- There is a need for rental housing. Shirley Meadows is restricted to deeply affordable senior rental housing. The Emerson Village Green rental housing is permitted, but has yet to be built but would still not meet the current demand.
- **One of the reasons why we are seeing a shortage of rental housing and escalating rents is that many who today live in rental housing would have by now moved on to homeownership had affordable opportunities existed. Also, the lack of wealth among individuals and families of color can be largely attributed to the historic lack of access to home ownership.**
- If the iconic buildings of Vicksburg Square are not preserved through rezoning and utilized, it will reflect poorly on the Commonwealth's redevelopment efforts and the businesses will take notice of this failure to invest in the area's future.
- **Agreed. Again, this supports the need to deal with the issue of permanent government in the near term in conjunction with rezoning.**
- The demand for housing of all types is through the roof. The Governor's housing initiative and legislation to change how housing is voted on in town meeting (changing it to a simple majority

for rezoning efforts) illustrates the need for action and the legislature's support for efforts to create more housing.

- **The good news is that at Devens, it only takes a simple majority to change zoning, the bad news, according to some developers, is that it take all three towns to agree by simple majority, simultaneously, to change zoning.**
- The Nashoba Valley Chamber of Commerce is on record as supporting the rezoning of Vicksburg Square in the near term.
- **That is good.**
- The Commissioners believe there are no negatives to rezoning as quickly as possible.
- **That is surprising.**
- Rezoning and the adaptive reuse of the Vicksburg Square buildings will help Devens meet the Reuse Plan sustainable redevelopment goals as well as the greenhouse gas emission reduction goals of the Devens Forward Climate Action and Resilience Plan through the adaptive reuse of these historic structures and the retention of the embodied energy in the existing buildings.
- **Agreed.**
- The rezoning will bring in additional residents who will help support the region's businesses and the Town of Ayer's West Ayer Village redevelopment which includes retail.
- **Agreed.**
- Regional affordable and workforce housing goals (helping both Ayer and Harvard meet their goals)
- **Ayer and Harvard should help Devens by supporting a balance housing production plan including rental housing and homeownership, both with affordable housing components.**
- Opportunities for additional regional support services (veterans housing and senior housing, mixed in with market-rate apartments)
- **It should not be a surprise that many veterans and seniors want to own their homes as well.**
- Devens has the existing infrastructure to support this density of development
- **Agreed**
- Urgent need for rezoning was repeated by the Commission throughout the meeting.
- **Then, let's make it happen by crafting a better plan, not merely taking the path of seemingly least resistance being driven by developers of large scale rental housing.**

**Harvard-Devens Jurisdiction Committee  
Rezoning Vicksburg Square  
Approved January 6, 2022**

Recommendation

The Harvard Devens Jurisdiction Committee (HDJC) believes firmly that it is critical for the stakeholders to come to consensus on final disposition and local governance of Devens before taking a proposed rezoning of Vicksburg Square to the three towns for approval at a Super Town Meeting. In addition, HDJC believes that any rezoning effort should provide clarity on the type and mix of residential uses, along with any ancillary uses, in order to estimate the population to be served by the local governing entity and the degree to which local housing needs are being met.

Changing zoning in Devens requires approval by all three towns voting simultaneously in a Super Town Meeting. It is a complicated and time-consuming process under the best of circumstances. And until the governance question is resolved, it is not actually clear what the towns would be voting for...a recipe for failure or for poor decision-making.

In fact, the three towns have voted down the rezoning idea twice in the past....in 2009 and 2012. And if it fails yet again, the outlook for a successful redevelopment will seem even more elusive.

Rationale

Our reasoning here is straightforward: until final disposition and local governance are resolved, any effort to rezone and redevelop Vicksburg Square for largely residential use will most likely fail. There are simply too many unknowns for voters, as witnessed by the previous two failed votes. Without having clarity on the character of the housing to be developed and who will be permanently providing services, the towns will, once again, be reluctant to approve a rezoning.

The HDJC offers the following further detail for its recommendation:

**TOWNS WON'T SUPPORT:** Until the residents of Ayer, Harvard, and Shirley know what town (or towns) will have ultimate responsibility for Devens (and for Vicksburg Square in particular), they will be unlikely to vote in support of a zone change that could add several hundred new households to Devens. They won't know – no one will know -- the most basic implications of a zoning change: Who will levy and collect property taxes on Vicksburg Square? Will there be a mix of rental/ownership? Only rental? Only ownership? What will be the number of units, estimated number of residents? Of seniors? Of children? In what town would the children attend school? What town would be responsible for providing services for these residents? Should the town and county lines through Vicksburg Square which is presently divided 70% in Ayer (Middlesex County) and 30% in Harvard (Worcester County) be changed so it is all in one town?

Given that Devens does not have its own school district; MassDevelopment has been contracting with neighboring towns for this service. Currently, MassDevelopment has chosen to contract with Harvard to educate the students residing in Devens. The potential addition of several hundred units at Vicksburg Square means there will be a significant number of new children to educate. It is unlikely that Harvard residents will endorse the redevelopment of Vicksburg Square without having a good understanding of its impact on the schools. Discussions and planning for where students will be educated permanently must take place before any proposals about Vicksburg Square are put forth in order for the effort to succeed.

**DEVELOPERS WON'T BITE:** Until governance is resolved, even if the three towns did vote to change the zoning, developers are unlikely to take full advantage of the opportunity to develop mixed use housing. Why? Developers, and their lenders, succeed when there are the fewest unknowns and uncertainties. Marketing residential development also involves marketing the larger community. Potential home buyers or renters want to know “where they are living.”

Furthermore, current Devens homeowners will want the future redevelopment of Vicksburg Square to enhance, not decrease, their investment in their homes. With certainty of future governance known, a wider and deeper pool of developers will vie for Vicksburg Square. MassDevelopment took advantage of such a competition when choosing a developer for Emerson Green, which is now becoming a new neighborhood, all in one town. And in the end, they chose a developer whose proposal will result in a mix of housing; two thirds homeownership and one third rental, both with affordable housing components. Should Vicksburg Square be developed as all rental, as both MassDevelopment and the Devens Enterprise Commission expect, over sixty percent of all the housing in the Devens community will not be owner occupied. This would drastically change the character of the community and would not be a consistent distribution of housing types with either the current mix or that of surrounding towns.

MassDevelopment has taken great pains to develop the commercial and industrial areas of Devens with diverse, stable, growing, and ground-breaking businesses, resulting in the successful implementation of the Devens Reuse Plan. In order to attract residential development as complimentary to the commercial development, the need is to attract the same level of committed developers. The need for a significant percentage of housing available for first time homebuyers is important to the region, where such buyers have been priced out of the market, and to the Devens workforce whose average annual income exceeds \$90,000. With future governance known, developers will respond to this opportunity.

**UNKNOWN CAN BECOME KNOWN SOONER RATHER THAN LATER:** It is likely that resolving the unknown of Devens disposition could happen sooner rather than later. The structure and charge of the existing Devens Jurisdiction Framework Committee could produce a consensus recommendation on permanent government in a timely manner, ready for a Super Town Meeting, which could also include the re-zoning of Vicksburg Square. The enabling legislation, Chapter 498 of the Acts of 1993, Section 23 provides that the decision on permanent governance can be made anytime **on or before July 31, 2030**. Section 12 of the Act also provides that MassDevelopment (successor to the Massachusetts Government Land Bank) **shall be the interim government until July 31, 2033**. Determining future local

governance now will be good for the redevelopment of Vicksburg Square and not interfere with the ongoing implementation of the Reuse Plan by MassDevelopment.

The HDJC wants Devens to continue to thrive and is particularly interested in helping to bring about a resurgence of development at historic Vicksburg Square, an iconic property on Devens. We know that rezoning, if supported by the towns, could bring exciting housing opportunities to the area. All the parties involved in this process want it to succeed. The most effective way to do that is to resolve unknowns, and then move ahead with the rezoning effort. Attempting to do the reverse would divert the time and energy from the work of resolving the all-important governance question and likely lead to another failed Super Town Meeting vote.

**Harvard-Devens Jurisdiction Committee**  
**Draft Vision Statement**  
**January 6, 2022**

HDJC Vision Statement – Harvard to resume political jurisdiction over land at Devens that historically were part of the town.

Boundary Changes

Municipal Services

Utilities

Unified Permitting

Zoning

Public Lands

Connectivity

Taxation and Municipal Finance