

Harvard-Devens Jurisdiction Committee
Meeting Held using the Zoom Videoconferencing Facility
Minutes of the November 4, 2021 Meeting
Paul Green, Clerk

Attendance

Members Present: Richard Cabelus, Paul Green, Heather Knowles, Kara Minar, Tim Myllykangas, Victor Normand, SusanMary Redinger.

Members Absent: George Glazier, Rich Maiore.

Guests: Jane Biering (Harvard resident), Karen Davis (MassDevelopment), John Osborn (Harvard Press), Chris Ryan (Harvard Director of Economic Development), Ed Starzec (MassDevelopment Real Estate), Lucy Wallace.

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

Approval of Minutes

The committee reviewed the September 2, 2021 and October 7, 2021 minutes. SusanMary moved to approve the minutes and Paul seconded the motion and the committee unanimously approved them.

Devens Jurisdiction Framework Committee Report

Victor reviewed the recent DJFC meeting. MassDevelopment offered no new information on funding. Peter Lowitt of the DEC offered to match any funding provided by the towns. Victor said he felt it was not appropriate for the towns to fund the consultants, but that it was appropriate for the DEC to share the cost with MassDevelopment.

Victor asked Robert Harley, counsel to MassDevelopment, to clarify the sources of funding from Devens for MassDevelopment's use. Harley confirmed that the funds received by MassDevelopment from Devens are restricted and can only be used by MassDevelopment at Devens. Some government funds raised at Devens (e.g., sales taxes) do not flow through MassDevelopment and are not restricted in this way. Victor reminded everyone that MassDevelopment suggested the creation of the MOA and suggested that the work of the Framework Committee follow the process outlined in Chapter 498. Victor noted that the towns are simply asking for Devens project funds to be spent on the effort to resolve the future of Devens.

The DJFC intends to discuss Vicksburg Square at its December meeting, which will be held after the December HDJC meeting. Victor noted that the Vicksburg Square redevelopment appears to be headed towards rental housing. Victor said he had reviewed the parameters of the Emerson Green housing development now underway at Devens, and that MassDevelopment and DEC representatives confirmed that the developer is proceeding to create 40 units of rental housing, in addition to about 80 units of for-sale housing. The developer has faced some difficulty obtaining financing, which has delayed the start of construction. Victor was concerned that the Emerson Green developer might change his mind about creating rental housing if Vicksburg Square was also going to be rental housing. Victor stated that Emerson Green is a mixed-use project which has both market-rate and affordable units and he believes that this approach should also be followed for development in Vicksburg Square.

Victor noted that the funding issue is on the DJFC agenda for its next meeting and he hopes that more information will be forthcoming then.

Vicksburg Square Rezoning

Paul reported on the Devens Enterprise Commission meeting that took place earlier in the day, which he sat in on. Peter Lowitt introduced the Vicksburg Square topic, said he would like to write a position paper from the DEC to be sent to the DJFC. After discussion by the commissioners, including a discussion of the history of Vicksburg Square (to which Paul contributed), Peter said that he would propose that the DEC match any non-in-kind funds put forth by the towns towards Devens disposition planning. Paul said that he had reminded Peter and the commissioners that simply adding residential zoning to the existing Vicksburg Square zoning would probably elicit an objection from the Harvard Planning Board, based on a similar objection to a different Devens rezoning proposal a few years ago. The Harvard Planning Board had characterized that effort as a “wild card” zoning. Peter responded that they would visit the planning boards before making a proposal. All DEC commissioners spoke in favor of the idea of rezoning Vicksburg Square for housing. No commissioners raised any objections.

Heather reported that the Devens Educational Advisory Committee also is concerned about the Vicksburg Square rezoning effort and will weigh in later on when they have had time to study it.

Heather also confirmed that the Emerson Green developer is moving ahead on creating rental housing. Ed said that one of the reasons that developer was chosen was that they would create rental apartments, and that both MassDevelopment and the DEC support this goal. He said it is a 15 month construction process. Victor reminded everyone that the Harvard Affordable Housing Trust has committed \$140,000 to the project to support the creation of affordable housing.

Paul clarified a comment from a previous HDJC meeting. We had heard that there were no rental units at Devens. The DEC commissioners had corrected him, noting that the Shirley senior-restricted housing at Devens is rental, and that several investor-owned homes at Devens are available to rent, as well as of course the Emerson Green rental housing that is underway.

Kara asked if the 40 units count towards the Harvard affordable housing number. Victor explained that the DEC has two levels of affordability, and that the state Department of Housing and Economic Development does the accounting. As long as some units qualify under their criteria, all 40 units will count towards the Harvard goal, under existing 40B precedence. Chris reported that Harvard is at 5.8% based on a 2010 baseline, and that we will may drop down a little once the baseline changes to 2020.

Vicksburg Square Rezoning Position Paper

Victor asked if anyone wanted to discuss aspects of the draft position paper. Heather was concerned that the current format is confusing because some of the arguments are not actually opposites. She prefers a positive section and a negative section. Jane agreed with Heather. She suggested restricting the paper as follows: 1. Should Vicksburg Square be rezoned (yes or no). 2. If “yes”, then when? Prior to permanent governance or post permanent governance? Victor believes the underlying assumption is that Vicksburg Square is moving towards rezoning for residential use. The question is when should this happen. Jane asked if we are examining whether it should ever be rezoned to residential use, separately from the question of when to rezone it. Victor stated that it could be the case that some groups could object to rezoning for residential use. Heather pointed out that a super town meeting could only approve or disapprove a motion to immediately rezone Vicksburg Square. Jane offered to help restructure the paper so that it would be easier for people to understand it.

Victor asked people to list the major arguments for and against rezoning Vicksburg Square. Lucy said that there were two points in time where the parties could rezone; now, or at the point where the parties have agreed on the future governance of Devens and are ready to draft a formal document. She hopes to see a written memo come out of the work so far. Victor said he thinks that the Framework Committee could agree on the permanent government structure within a year, followed by many years to implement it. So a decision on Vicksburg Square rezoning might only be delayed for a year. SusanMary asked who was the intended audience for the paper. Clarifying this would help us create the paper. Victor said that he felt that each town should look at Devens from the point of view of what was best for their town, get together to find common ground, and work on the differences. He wants to look at Vicksburg Square from the viewpoint of community development, not merely economic development. Thus, which community ends up with Vicksburg Square matters. SusanMary also offered to work on the revision. Kara said that the redevelopment of Devens is in its final stages. But many foundational decisions remain to be made but cannot be made until we know who will govern Devens and provide services to its residents. Adding residents (in Vicksburg Square) who won't know where their children will go to school in the long term isn't reasonable. Victor added that if all of the housing at Vicksburg Square is rental, then 60% of the housing at Devens will be rental housing. He said that based on his background in housing, that's not a good mix. Lucy said she feels the main argument for the paper is explaining why we feel the decision on rezoning Vicksburg Square should be delayed until we understand disposition. She emphasized that she does not want another super town meeting vote on Vicksburg Square to fail; that we have had too many such failed attempts, and that these failures sour the relationship between the towns and MassDevelopment. She feels that the inability to know what obligations the town will inherit when Devens returns to the towns will inhibit voter's willingness to rezone; people are cautious and will want answers to their questions. Heather said that Emerson Green will be 120 units when complete; Vicksburg Square is proposed to be 300 units. Richard suggested that each town develop a position paper, and both Ed and Victor confirmed that this is the plan. Heather also volunteered to work on the position paper. Heather and Kara both said that all residents need to know where we are going before making this decision. Tim agreed that having a high proportion of rental units is an issue for him. He thinks that the consultant should be able to answer many of the open questions. He'd like to look at it as one big picture, as the decisions are interrelated.

Victor noted that there has been so much development completed at Devens, that it is unlikely that there will be much rezoning at disposition.

Lucy noted that the reuse plan and bylaws established the cap on residential limits. We don't need to change Chapter 498 to change the zoning or the cap. A super town meeting can make these changes. Victor said that the most recent example of this was the super town meeting vote to approve senior restricted housing in Shirley and to exempt it from the housing cap. Ed said that the Trinity proposal a few years ago for Vicksburg Square was for 277 units. Kara asked SusanMary for the projected number of students per unit, and she responded it is 0.68. There are many factors that go into the projection, including the number of bedrooms and the presence of seniors.

Victor said he would work with the volunteers and bring a revised document to the next meeting.

Other Business

No other business.

Public Comment

No public comment.

Next Meeting

Our next meeting is scheduled for December 2, 2021, on Zoom.

Adjournment

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

Attachments

Draft Vicksburg Square position paper.

Vicksburg Square Residential Re-Zoning

November 4, 2021

The following is a listing of reasons both for and opposed to re-zoning Vicksburg Square from commercial to residential use before a decision is made on permanent government along with counter arguments.

In Support of Re-Zoning	Counter Arguments
Increase the existing housing supply at Devens	All of the housing currently allowed by zoning and the Reuse Plan has not been permitted or built.
Meet the need for affordable and market rate rental housing in the Devens region	The redevelopment of Vicksburg Square should meet a variety of regional housing needs. (Rental, ownership, affordable, senior, & special needs). Emerson Green at Devens is two thirds homeownership and one third rental.
Historic preservation of existing buildings	Existing agreements with the Massachusetts Historical Society insure that any redevelopment of Vicksburg Square will comply with historic preservation requirements.
Residential Vicksburg Square would be a good compliment to the existing residential neighborhood	There is some concern among Devens residents regarding adding a large rental residential population which could effectively double the existing population.
Current deteriorated condition of the existing buildings is a blight on the Devens community	Re-zoning by way of Super Town Meeting and the development of housing is more likely to be successful if as many concerns as possible are addressed ahead of time, particularly in which town(s) future residents legally reside and vote.
It could take another ten years before permanent government is decided	The structure and charge of the Devens Jurisdiction Framework Committee could produce a consensus <u>recommendation on permanent government</u> possibly within a year. With this recommendation, passage of a zoning change at Super Town Meeting is more likely. The Report required by Chapter 498 on permanent government and a period of transition is what could take another 10 years to complete; it would not impede the redevelopment of Vicksburg Square

Vicksburg Square Residential Re-Zoning

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In Support of Re-Zoning	Counter Arguments
Opportunity for variety of unit sizes and, therefore, a range of costs to serve young adults, families, seniors looking to downsize.	Homeownership should be part of the mix consistent with the ratio used for Emerson Green
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.	Only on a scale that does not adversely effect similar service providers in neighboring towns and Devens Common
Overall increase in housing units supports accessory uses favored by residents.	See above
Increased supply supports the housing needs of Devens businesses	According to the 2020 Donahue Report the average wages of Devens workers is over \$90,000, suggesting that homeownership might best meet their needs
All rental development would significantly increase the affordable allocation for both Ayer and Harvard.	Devens should not have a disproportionate number of affordable housing units compared to other towns.

In Opposition to Re-Zoning	Counter Arguments
There is demonstrated limited developer interest, in for-sale housing,	Developer interest is essentially unknown until the re-zoned property is marketed
A “for sale” component to residential development is unlikely given the wide variation in property values among the various permanent government options	For sale developers will design their development to the lowest priced (safest) local market.
There could be as many as four different outcomes for providing municipal services to future residents	The presently developed housing at Devens faces the same potential outcome. This does not seem to have affected sales of new homes.
Communities are unable to assess future educational needs with certainty if population on Devens increases significantly.	Under the current scenario, MassDevelopment contracts to send students to Harvard
Unlike Vicksburg Square, permanent government for the recently approved Shirley residential re-zoning is a near certainty to be incorporated into Shirley	The town Hall, library, police station and elementary school along with the recently developed senior housing remain within the Devens Enterprise Zone
Voting on town budgets and overrides may or may not directly effect residents in the long run	There is no evidence that Devens residents have ever voted as a block

Vicksburg Square Residential Re-Zoning

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