

Harvard Devens Jurisdiction Committee Meeting
Public Information Session
October 19, 2022

Members attending: Victor Normand, SusanMary Redinger, Paul Green, Heather Knowles, Kara Minar, Don Ludwig, Kara Minar, George Glazer

Members absent: Tim Myllykangas

Victor Normand called the meeting to order at 7:12

Plan Public Meeting on Harvard's Summary Plan

Victor Normand welcomed the public and gave an overview of the evening's agenda. He provided a background for the formation of the HDJC and the charge from the SB to look at resuming jurisdiction of Devens based on a vote at the 2017 ballot to develop a plan for resuming jurisdiction.

Victor and members of the Committee presented the Summary Plan (see below) and took questions from members of the public.

Devens Residential Community: George Glazier and Heather Knowles spoke to the regarding the Devens residential community.

Devens residents have expressed their strong preference to keep all 282 housing units in the same jurisdiction. Harvard's plan proposes doing that but will require moving town and county lines.

Duncan Chapman (DEC commissioner and Harvard resident) asked about the impact to Vicksburg Square given that the Harvard/Ayer line goes right through one of the buildings.

Bob O'Shea (Harvard resident) commented that making county lines requires Land Court approval which is a complicated process. Victor agreed and indicated that is one of the reasons the HDJC is pushing to start this process sooner rather than later.

Pam Brown (Harvard resident) asked how the Devens and Ayer residents feel about Harvard indicating that they want to take over the houses currently within the Ayer historical boundaries. Victor again indicated that this was another area where discussion needs to happen. Of the 9 areas being addressed this evening the committee feels that agreement could easily be reached on 5 of them and beginning the work with areas of consensus could provide momentum for the work to get done.

Municipal Services. SusanMary Redinger provided an overview of municipal services and indicated that Harvard will need to determine how to provide the range of services to Devens. Harvard will need to expand their staffing or outsource services in order to provide sufficient services to the increased population and commercial enterprises. Educational services are

already being provided and have been since 2013 to Devens students and families have consistently expressed their satisfaction with

Bob O'Shea asked if the new Recreation Director could be involved in the planning process given the athletic facilities in place at Devens.

Rich Maiore (Select Board chair and Harvard resident) thanked the committee for their work and asked if a new school needed to be built at Devens as he had previously heard mentioned.

Joe Schmidt (Harvard resident) asked about the utility/services (water, sewer, electric).

Chris Tracey (Zoom attendee) asked as Mass Dev't has tried to attract businesses, they have given tax incentives how will the reduced revenue affect Harvard. Victor indicated that the current calculations being done are based on the assessed values as well as the actual taxes being collected and those expected based on when the tax reductions phase out.

Ira O___ (? Resident) (inaudible) provided anecdotal background on the military activity at Devens and its role in the commonwealth. Victor commented that the active fire range will stay in place and in operation.

Duncan Chapman agreed that reserving space for a future school is a good idea.

Erin McBee (Select Board member/Harvard resident) asked about any potential benefit from the Fusion enterprise at Devens. There is none that we know of.

Paul Green thanked attendees for coming (53 on line, 35 in the audience). Paul provided an overview of the utilities in place at Devens which also cross the historical boundaries. Devens will always need a unified utility service. It is the only non-public, non-private, unregulated utility in the state. The proposal is to keep it just the way that it is and just change the management of it from the Mass Development board to a newly formed utility commission (elected citizens from Harvard, Ayer, and Shirley). One of the reasons industry is attracted to Devens is that the permitting process is fast-tracked and the electricity cost is below National Grid rates.

Providing the utilities does cost money, and there are regulations, but you can set your rates, set aside your reserves and if there is money left at the end of the year, you can offset taxes through a PILOT program (Payment in lieu of Taxes).

Ben Meyers (Harvard Resident) asked about who will provide internet and TV services. Paul answered that right now it is Comcast. The HDJC is not proposing changing that.

Erin McBee asked if the current permitting processing and the DEC governing structure would stay the same and Paul indicated in the affirmative.

Victor spoke about the Unified, Expedited, One-Stop permitting in place at Devens. The HDJC recommends keeping that in place. Currently two town residents from each town on the DEC. The other members are from throughout the region. Gradually as the terms from non-residents the seats would be filled by residents. The paid staff overseeing the permitting process would remain the same.

Zoning: The HDJC recommends no changes to the zoning process. Mass Development would stay as the redevelopment agency for any undeveloped/unsold sites at Devens. They would still get land sale and lease money from any of the properties they still own at Devens.

Utilities/Zoning/Permitting/Development are all of high interest to the Devens businesses and any plan to resume jurisdiction should require the building of replacement reserves in case of any improvements/changes needed in the future.

Public Lands: Mirror Lake would transition to the Department of Conservation and Recreation. Land under conservation restriction would continue to be zoned that way.

Barbara Romero (Harvard resident) asked if the commercial land yet to be developed could be switched to be residential use instead. Victor explained that Harvard is currently zoned 95% residential and 95% of Devens is commercial. There are no very large parcels left to be developed in Devens. Spot zoning (taking commercial into residential) is not going to happen. The building of the utilities was based on commercial use so putting in residential would not be prudent. The only exception is Vicksburg Square which is currently zoned commercial and that would have to be re-zoned. Any zone change has to be approved at a Super Town Meeting of Harvard, Ayer and Shirley.

Bob O'Shea commented that there are many playing fields at Devens and wondered if the plan is to place them under the control of the Dept of Conservation and Recreation. Victor said the HDJC is only proposing that for Mirror Lake. There is a question of capacity within Harvard to support the recreational lands. The administration of those fields is something that has to be worked out.

Connectivity: (1) Open Old Mill Road for emergency vehicles, school buses as well as pedestrian/bike traffic; (2) Open Depot Rd to limited access (truck exclusion)
Victor Normand adjourned the meeting without objection at 11:02am.

Joe Schmidt asked about the proposal for the fire department currently on Devens. Victor indicated that there is no proposal by the HDJC. He noted that Ayers does have a full time fire department and it could be possible to have Ayer provide that service. There are complex needs on Devens due to the size/nature of the businesses.

Bob O'Shea – is in favor of connectivity and sees the benefit of adding villages with differing characteristics. We can treat Devens like a bigger community and integrate it as much as possible.

Environmental: Mass Development and the Military have resolved/mitigated over 90% of the known sites. The regulation and investigation is overseen by the Army, the Mass Dept of Environmental Protection (MDEP) and the EPA. The Army is forever on the hook for any contamination on the site. Our recommendation is to keep all of that in place.

Taxation and Municipal Finance: Don Ludwig indicated that all of the towns need to build a joint omnibus budget and a capital plan for resuming jurisdiction and that work will probably require the hiring of a consultant. Mass Development has made some of the financial data available. The data we do have show that the tax revenues (including the tax incentives) are sufficient to cover the current costs of running Devens. Another question involves capital projects. There is a new public safety building in the works which will require borrowing funds. How will the bond be repaid? If a school is built how would that be funded? We are starting to see more data coming in from Mass Development.

Bob O'Shea: Are there accounting functions that can be used or taken over that Mass Development is doing better than we currently are? Don answered that it's a question of capacity that has to be worked out.

Ben Meyers: Has heard that information from Mass Development has not been easy to get nor has it been robust. Don indicated that we are working with them and providing them with a full list of all that we need. The information isn't in the format that we need, but Don has said we can begin working with it. Ben asked about the commercial cap that the towns recently authorized to increase and how long before the cap was reached. It's not known for sure, but Don indicated that we're close.

Joe Schmidt: Is there a parcel map of Devens? Victor said every piece of land has been identified on the assessor's maps. The HDJC has received the 2020 parcel analysis. Joe asked if any of the commercial/recreation lands cross boundary lines. Yes, there are and that points to the benefit of working on this plan sooner rather than later.

Zoom attendee Marc Sevigny asked how would Mass Devt fund themselves if the towns start collecting taxes? Victor: Rental and sales income would continue to go to Mass Devt for use at Devens, e.g. paying bonds for capital projects.

Michael Alves, Devens resident, asked what happens to the tax rate for Devens residents if Harvard resumes jurisdiction. Don indicated that there will be a new assessment and a new tax rate. The hope is that a recalculated residential and recalculated commercial rate would be blended so all residents would see a reduction in their taxes.

Erin McBee asked for clarification on Mass Development income (land sale). The current sale price is \$165,000 - \$170,000 per acre for commercial land. A 10 acre site would result in ~\$1.65M in revenue to Mass Development. Tax revenue would flow to the town after jurisdiction.

Paul Green added that the tax rate would be subject to vote by Harvard/Devens residents if jurisdiction goes forward. His personal hope is that if we are wise about how we spend money to run Devens, then he finds it hard to believe that Harvard taxes will go up and he can't see that in order for it to work and pass the vote, we have to show that it will be revenue favorable.

Bob O'Shea asked about timing. How long before things are worked out? Would it be in time to handle Harvard's shortage of land for athletic fields? Paul explained that Ayer and Shirley are behind us in the planning process. Each town will produce its list of needs/wants/desires. Hopefully within a couple of years we could sit down and work things out. We hope to do that well in advance of 2033. The legislature runs on a two-year cycle. They will have to approve whatever plan we agree to and that could take up to two years. We need to also build in transition time. So, we want to move forward on this now. His belief is that Mass Development needs to pay for a consultant to help with this work.

Jim Farrell (Harvard resident): Is Mass Development saying that they'd like to keep things how they are now and stay as Devens? Paul responded that the enabling legislation passed in 1994 says that the study is to begin no later than 2030 and is to be complete by 7/1/33 when the towns hand over the plan. He can't speak for Mass Development.

Victor summarized by saying that the potential benefits include lower tax rates for Harvard and Devens residents and Devens business; more diverse housing opportunities; Devens would gain control over how their services are run; Devens students would attend Harvard schools by right, not by contract.

Rich Maiore – This is one option. We voted on it at town five years ago without any debate. The SB will be asking/pushing what are the other options? The DEC has called out 4-5 different scenarios: Devens becomes its own town, lands revert according to historical boundaries; boundary lines are re-drawn; Mass Development retains authority. All of these options need to be reviewed.

Michael Alves (Devens resident) Our current electric rate is 12.23%. Commonwealth Fusion will be a showcase; they are not a powerplant but they'd like to have one on a bigger lot. Paper payments for utilities, not electronic.

Stu Sklar (Harvard resident) – thanked the committee for their hard work and appreciates the information outlined and the aspects for people to consider.

Victor asked attendees to send any other comments or questions to the gmail address and thanked them for attending.

The meeting was adjourned at 8:40pm.

Respectfully submitted,

SusanMary Redinger, recording secretary

Link to recording: https://harvardcabletv.com/search-all-videos/?vimeography_gallery=26&vimeography_video=762469839

Link to plan on line: https://www.harvard-ma.gov/sites/g/files/vyhlf676/f/uploads/hdjc_initial_plan_summary_rev.09-01-2022.pdf

Harvard-Devens Jurisdiction Committee

Initial Plan Summary Version: 09/01/2022

Background

Passage of Ballot Question #4 at the 2017 Town Elections directed the Select Board to “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 the Town of Harvard...”

The Harvard-Devens Jurisdiction Committee (HDJC) was subsequently formed by the Select Board in February 2018 and charged with developing the plan. This “Initial Plan Summary” is intended to provide an *overview* of the major elements to be addressed in a comprehensive plan for Harvard’s resumption of jurisdiction of its historical lands within Devens. This outline plan is intended to stimulate public inquiry and debate and may or may not contain all elements of a final plan.

In 2019, MassDevelopment, the quasi-public state agency that manages Devens, aided in the formation of the Devens Jurisdiction Framework Committee (DJFC) which is composed of representatives from Ayer, Harvard, and Shirley, MassDevelopment, the Devens Enterprise Commission, and Devens residents and businesses. The task of the DJFC is to coordinate the efforts of the Devens stakeholders in determining local municipal governance of Devens and to submit a recommendation to the Governor and Legislature, as required by Chapter 498 of the Acts of 1993.

The DJFC’s task is similar to that of the HDJC but is broader in scope. It can consider a range of options for the future governance of Devens, such as the creation of Devens as a standalone town, for example.

Consultant Services

The HDJC has taken the position that MassDevelopment should fund the cost of the consultant services required to develop a complete plan for Devens future governance. Funding for consultant services is seen as an appropriate and required expense of the Devens redevelopment project.

HDJC Initial Plan Summary

The essence of the HDJC plan is that Devens will be returned to Harvard and by extension to each of the other two towns from which it was assembled by the Army in 1917. This first draft of a plan is explained below.

Residential Community – Devens residents have previously requested that their residential community be kept together and not be split up among separate towns. An element of Harvard’s “resumption of its historical lands” plan is that

Harvard-Devens Jurisdiction Committee

Initial Plan Summary Version: 09/01/2022

The entire residential community of Devens will become part of Harvard. This will add all 282 homes authorized under the Reuse Plan to Harvard.

Boundary Changes – The historical boundary will be changed to include the approximately 40 housing units on Bates and Autumn Streets, now part of the Town of Ayer, thus keeping the Devens residential community together.

Municipal Services – Harvard will be responsible for providing all municipal services, including education (which Harvard now provides by contract with MassDevelopment). This can be accomplished by a variety of means:

- Expanding existing staff, facilities and equipment where needed within existing Harvard departments.
- Contracting with third parties for services; or
- Regionalizing specific services with other communities.

Utilities - Obtain legislative approval for the creation of a Devens “super” municipal utility which will be managed by an independent commission for the benefit of ratepayers. This retains the present organization and operation of Devens utilities for providing electric, gas, water, and for servicing wastewater, and additionally, storm water services.

A local utility commission, appointed for staggered long terms would replace the MassDevelopment Board. This proposal changes only the governing structure but would not change operations or the geographic area currently served by Devens utilities. Legislation must include provision for adequate initial capital for infrastructure maintenance and rate stabilization.

Unified Permitting – Unified Permitting remains in place. Members of the Devens Enterprise Commission will be locally appointed as terms of current commissioners expire, rather than being appointed by the Governor.

Zoning/Reuse Plan - The Reuse Plan and Devens Zoning Bylaws remain unchanged.

Public Lands – The ownership and operation of Mirror Lake as a public facility should transfer to the state Department of Conservation and Recreation. Future ownership and management of other open space areas now owned by MassDevelopment must be resolved. Entities holding conservation restrictions or

Connectivity, Traffic and Transportation – Consider a limited re-opening of Old Mill Road to Patton Road. This access would be gated and available only for pedestrians,

bikes, and emergency vehicles. Also, consider adding another access road (perhaps reconnecting Depot Rd with Salerno Circle) which would exclude trucks by design.

Environmental – Maintain existing agreements with US Army, EPA and the Massachusetts Department of Environmental Protection to ensure the high-level protections are maintained. Harvard must have status as a party of interest in these agreements.

Taxation and Municipal Finance – The HDJC believes that a thorough understanding of the impact on local taxes and municipal finance is critical to any discussion of Harvard resuming jurisdiction over its former lands at Devens. This applies equally to both Harvard and Devens.

Tasks to be considered include:

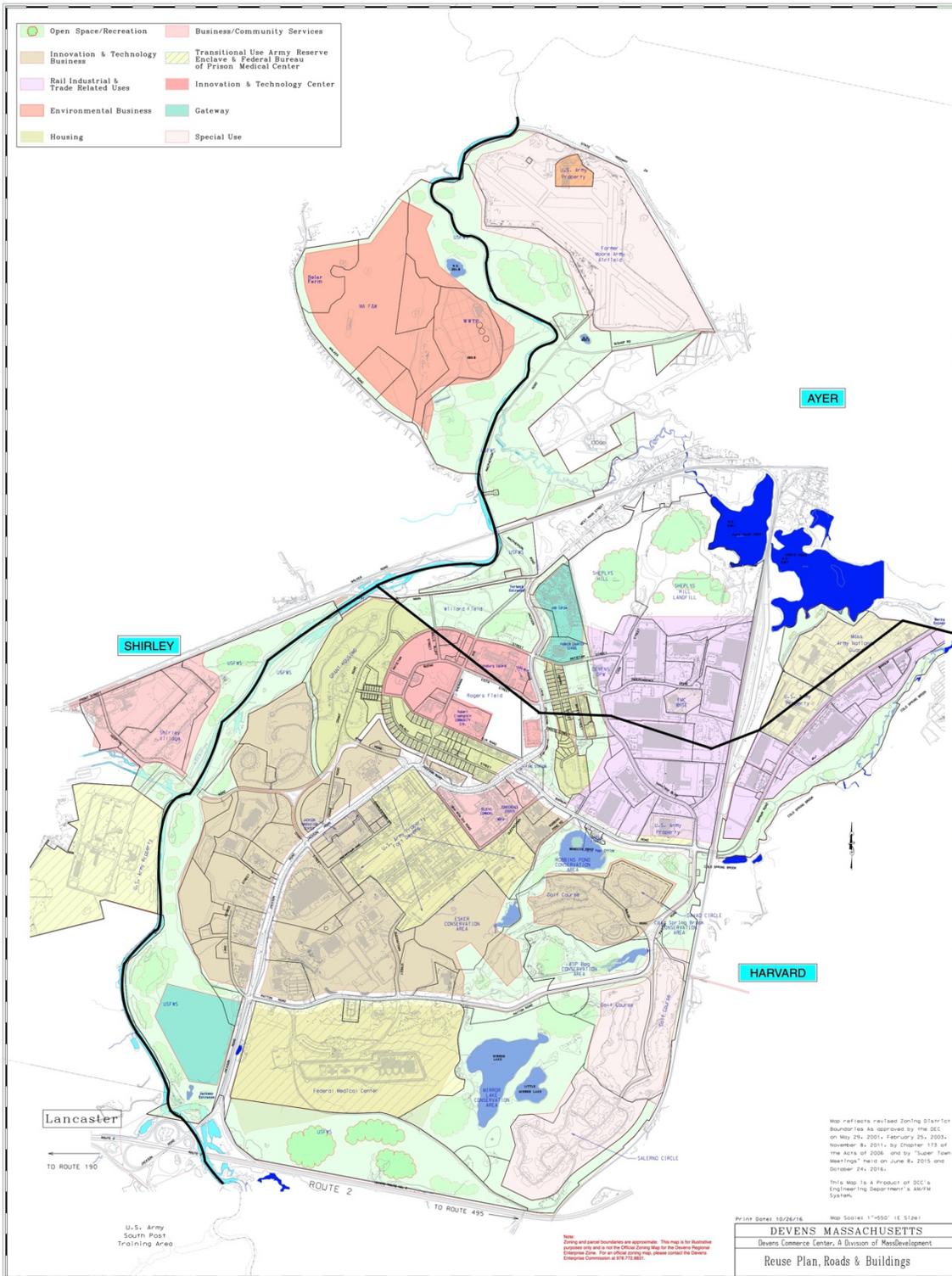
- Develop combined operating and capital budgets, including potential long term debt schedules.
- Merge Harvard and Devens property assessments.
- Develop projected tax rates assuming residential/commercial-industrial split rates.
- Analyze impact of split tax rate (residential vs. commercial/industrial) on Harvard's existing tax base.
- Review projected life of major capital investments (utilities, roads and equipment).
- Develop potential future capital obligations.

In short, a thorough analysis by consultants with municipal finance experience is required.

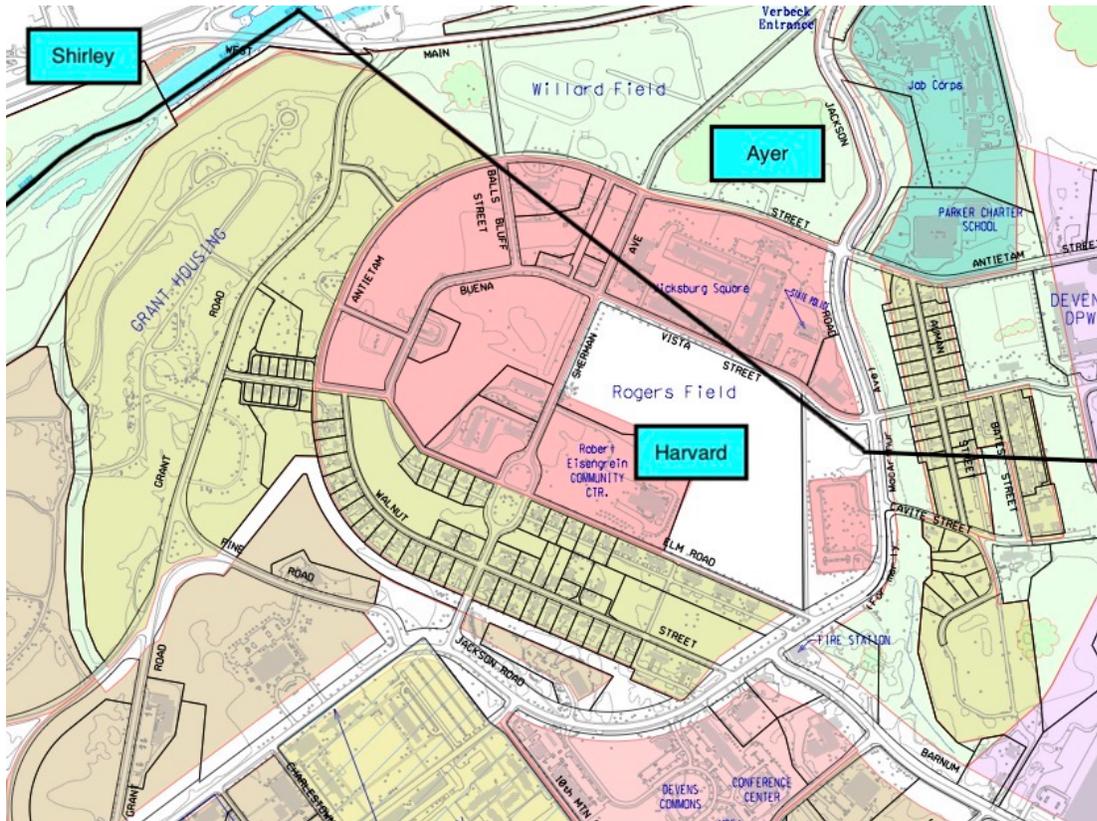
In Conclusion

While this initial summary plan represents a possible future vision for a combined Devens-Harvard community, many details still need to be addressed; there will be questions raised, and various options presented. The current efforts of the larger Devens Jurisdiction Framework Committee (DJFC) are progressing slowly, and it will likely take years for the DJFC to reach a consensus. This initial plan summary provides a basis for citizen engagement within Harvard as well as the larger Devens community.

Appendix A. Map of Devens showing Historical Town Boundaries



Appendix B. Devens Housing Areas



Devens housing areas, shown in yellow, are along Grant Road, Walnut Street, Elm Road, Cavite Street, Bates Street, and Auman Street. Bates and Auman Street straddle the Harvard-Ayer town boundary.

The yellow area at the bottom of the image is a portion of the U.S. Army Fort Devens compound and is not used for civilian purposes.