

Harvard-Devens Jurisdiction Committee Meeting
January 8, 2024
Meeting Conducted Via Zoom

Members attending: Victor Normand, Paul Green, Kara Minar, Don Ludwig, George Glazier, SusanMary Redinger (left at 10:54am), Heather Knowles, John McCormack

Members absent: Tim Myllykangas

Others Present: Jim Geller, John Osborn (Harvard Press)

Victor Normand called the meeting to order at 10:00 AM.

Approval of Minutes:

The 12/4/23 minutes were approved as amended without objection.

Status of 2016 Master Plan Action:

Members reviewed the section pertaining to Devens Jurisdiction of the Master Plan Update document presented and edited at the November meeting (see below).

The updated document was approved unanimously.

Devens Land Availability and MassDevelopment Capital and Operating Budget Update:

Don reported that he has not yet received an update from Meg Delorier of Mass Development despite a follow up email to her. Don will be in touch with her again to get a revised map and a copy of the Mass Development Capital and Operating Budgets for Devens.

Devens Jurisdiction Framework Committee (DJFC) Update/Vicksburg Square (VS):

The DJFC met in December and will meet again this Wednesday. The draft warrant article regarding Vicksburg Square was presented. The Harvard Select Board will be taking up the article on the 30th of January and Victor will attend that meeting. The warrant article would raise the cap to accommodate housing at VS and rezone VS with some restrictions on use (approximately half the units would be rental units and half for sale, a cap on affordable units at 25% except for units designated for elderly or special needs housing). And, the warrant article acknowledges that the legislature and the governor will make the final decision on permanent governance, but it is the choice of the residents that VS in its entirety will be within the town of Ayer.

One way to consider this is as a non-binding referendum which is hopefully strong enough to gain the support of Harvard residents to vote for raising the housing cap to accommodate housing at VS. The DJFC will be taking this up again at their February meeting.

Heather asked for more details on the genesis of this warrant article. . It makes sense for a developer to know there won't be town lines running through VS, and from a school contract standpoint it eliminates the worry of educating children living in VS even if the development is drawn out for years. However, some Devens residents expressed concerns about splitting up portions of Devens and deciding governance before actually deciding ultimate governance

Victor explained that the recommendation came from Janice Livingston (Ayer SB) – She asked if Harvard be willing to give up its portion of VS (which is approximately one quarter)? And she felt that Ayer would be interested in having the VS housing in the town of Ayer. Primarily, the DJFC took it up to be proactive. There is concern about the legislature in general, and Senator Cronin in particular making decisions about Devens on a piecemeal basis and expanding housing and where that might lead. We also want to affirm the way changes are made to the reuse plan is consistent with Chapter 498 and not via a legislative route.

Victor reaffirmed that the VS buildings have been designated as historic buildings and thus cannot simply be demolished.

IF the warrant is approved by all three towns, MassDevelopment still has to approve it. They may object to it, especially the prescriptive part of the zoning, so it may not go anywhere, but it lays out that changes must be made via the super town meeting process.

Victor will be recommending to the DJFC that they begin to evaluate the 4 options that are listed in the RFI document. He suggests forming a matrix listing those options and looking at all aspects – which ones do we have agreement on and which ones present challenges? Victor is going to ask the DJFC to go through the matrix and work through the items which will show where there is consensus already. It's time for all of the stakeholders to put their cards on the table and find out what they would like to see happen and where the challenges are. The document will live on the DJFC website.

Kara suggested also having this committee look at what Harvard's wants are or what aspects we'd like to negotiate for in this stage of the process just as Ayer is doing with VS. Water, sewer, and electricity come to mind which would be helpful for development of Ayer Rd. If Ayer is getting VS what benefit might Harvard achieve? (e.g. utilities)

John – asked for clarification on the 4 options for governance as Victor mentioned above: They are:

1. Devens, own town
2. MD retains oversight
3. Revert back to original historical lines
4. Some combination of the above.

And what the components are of the warrant article?

1. VS placement in Ayer
2. Raising the housing cap for VS
3. What type/amount of housing will be allowed in VS

Regarding the establishment of the 282 housing cap – unknown basis for that number. 100 are historic housing that were included in the agreement so they wouldn't be demolished. Housing was not a major issue of the re-use plan. Commercial development was the primary driver and residents were not the priority.

Heather indicated that Devens residents are split on housing. Those who want Devens to become its own town are in favor of more housing because they believe it will help. Those who don't want to lose out on the Harvard schools are worried about increasing the housing cap because the elementary school is currently near/at its limit in some grades.

Our goal as the town of Harvard is not to satisfy Senator Cronin who doesn't represent Harvard or have our best interest in mind. He has left us blindsided and has not been collaborative. Victor says he's been lobbying Senator Eldridge and Representative Sena with that sentiment.

Paul suggested using the wording "exempt VS" from the housing cap which would make it clearer, rather than "raising" the cap, and to do the same for Shirley as well – if the Shirley representatives are agreeable and that may also satisfy Senator Cronin. Members expressed support of both those suggestions.

As for the school contract, it could be renegotiated such that if there are changes to the housing caps in Shirley and VS to indicate that students residing there would not be educated by HPS.

George expressed interest in ensuring Rogers Field, Community Center, Ball Fields, Soccer Fields, Housing the old bachelor officers quarters and current open space are part of the discussion. These items need to be discussed. The people that live and work in this area need to have a vote vs. having a solution imposed on them.

Response to letter in the Press by Bill Marinelli

Victor suggested responding to a recent letter in the Press submitted by Bill Marinelli regarding Devens. The letter contained some errors and Victor reviewed some talking points he prepared for the committee (see below).

Members agreed that no response was necessary due to both the invalidity of Mr. Marinelli's statements and the apparent lack of support in the community for them. The better option would be to continue informing the public of the work we are doing (either via a presentation to the public or updates via the SB meetings).

Devens, the towns and MD have a financial interest in maintaining the status quo. Getting their financials might show that MD is deriving significant money that supports their own operation. A third of their revenue goes to MD staff. The real issue is money and MD will be doing everything they can to maintain the status quo. George added that the REAL issue should be supporting the people of Devens. The ultimate decision needs to be shared between the towns, the residents of Devens and the commercial entities. Let the people and the businesses decide what's best.

Other Business:

Paul indicated that he and SusanMary had met and discussed approaching the Harvard School Committee in addressing the need for MD to set aside land for building a school in the future. He would like to have this topic added to a future agenda and will have something to present then. Heather asked to be included in any meetings on this topic. Any development of VS will need to have the question of where students will be educated addressed first. Making jurisdictional issues clear up front is important to what kind of housing gets placed where.

Annual Report:

Paul has sent the draft around to members (see below). If members have comments please send them to Victor who will review them. Substantial changes will be brought to members at the next meeting.

Public Comment:

None.

Adjournment:

The meeting was adjourned at 11:06 am without objection.

Respectfully submitted,

SusanMary Redinger
HDJC

Harvard-Devens Jurisdiction Committee
Master Plan Updates relating to Devens
Paul Green, Kara Minar, SusanMary Redinger
November 6, 2023

This version is a DRAFT for DISCUSSION PURPOSES. It has not been approved by the HDJC.

Determine Harvard's preferred outcome on Devens. Enter negotiations with Ayer, Shirley, and MassDevelopment.	At the 2017 Town Elections, voters endorsed the development of a plan to resume political jurisdiction of Harvard's historic lands within Devens. In June 2018, the Harvard Select Board established the HDJC and charged it to develop that plan. The HDJC issued a position paper in September 2022 with its recommendations to the Town on various aspects of Devens. The Devens Jurisdiction Framework Committee was formed in September 2019 by MassDevelopment, the Devens Enterprise Commission, and the Towns of Ayer, Harvard, and Shirley to craft a comprehensive analysis and plan for Devens per Chapter 498. Representatives of Devens residents and businesses joined the effort. Work began but MassDevelopment withdrew in April 2022 and stated that they do not intend to return until 2030, when required to do so by Chapter 498. The HDJC continues to research issues, work with other Town committees, and develop recommendations to the Town.	Yellow
Identify governance changes and staffing needs if the Town decides to resume jurisdiction of Devens.	The DJFC is drafting a Request for Expression of Interest (RFEI) to begin the process of engaging with private consulting firms specializing in government reorganizations. The HDJC believes that professional assistance will be required to address this item.	Yellow
The parties planning for the disposition of Devens should petition the Legislature to convert the Utility Department into a public utility to manage the water, sewer, electric, gas and stormwater systems.	Action on this item depends on the outcome of the multiparty negotiations, which have not yet begun.	Yellow
Work with the neighbors along the Devens boundary and the residents of Devens to explore opportunities and	The Planning Board, Transportation Committee, and HDJC share responsibility for this item. HDJC work on this item has not yet begun.	Yellow

challenges for restoring vehicular access between Devens and Harvard.		
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HDJC

- Comparing Devens to life on a military installation

Anyone in the military has the option to vote by absentee ballot. Residency on a military installation is usually only for a few years and there is no expectation by a resident that they will have any say in how the base is operated.

- Using the example of the Turnpike as a template for permanent State control of Devens

Giving up control of the Turnpike would result in a loss of revenue to the Commonwealth, giving up control of Devens would not affect corporate and individual tax revenue to the state.

- The unlikely scenario of the State will ever be turning over control of Devens to three small towns or a handful of residents.

What control would the state be giving up once all the developable land and buildings are sold? The towns, small as they are, have vastly more experience providing municipal service than MassDevelopment. Admittedly, the Devens Enterprise Commission with responsibility for expedited permitting has a more critical role to play in the long-term future of Devens businesses.

- How increased commercial tax revenue is not worth completely disrupting the character of the town.

Devens is nearly built out as envisioned by the Reuse Plan. Other than increased traffic on Ayer Road, what impact has redeveloped Devens had on the town of Harvard? One benefit of increased property tax revenue might be the addition of professional and other municipal staff which could result in better services to all Harvard residents and relieve some of the burden placed on volunteers.

Background

The Harvard-Devens Jurisdiction Committee (HDJC) was charged by voters in a non-binding referendum in 2017 and by the Select Board in 2018 with developing a plan to resume jurisdiction over the portion of Devens that was once part of Harvard.

In 2018, representatives of Ayer, Harvard, and Shirley, MassDevelopment and the Devens Enterprise Commission (DEC), formed the Devens Jurisdiction Framework Committee (DJFC) to coordinate the activities of all parties with a stake in the future of Devens.

MassDevelopment resigned from the effort in March 2022 but the remaining parties continued their efforts. MassDevelopment stated that they intend to return in 2030.

Activities in 2023

The HDJC met virtually 11 times during the year. Recordings of HDJC meetings are available at harvardcabletv.com; search using "Devens Jurisdiction".

The HDJC received detailed financial information from MassDevelopment. Their operation at Devens generates income well in excess of expenses but they are also servicing a significant level of debt and are heavily investing in infrastructure improvements. We created an outline of issues relating to Devens jurisdiction, which is intended to facilitate future negotiations, and received approval from the Select Board to share it with the other stakeholders.

We had hoped to settle the question of new town boundaries prior to any rezoning. However, in response to an effort by Senator John Cronin of Shirley to have the legislature override local control and rezone Vicksburg Square for housing, remove the housing cap, and modify the reuse plan, Harvard and the other stakeholders began discussions about accomplishing those goals using existing processes. We emphasized that any zoning changes should come before a Super Town Meeting, not via an amendment.

We believe MassDevelopment has nearly completed its work at Devens, so we proposed moving up the timeline for disposition. We prepared a timeline in which stakeholders could come to final agreement by 2027 instead of 2033. This effort was tabled to focus on the effort to rezone Vicksburg Square.

Public interest and participation in the HDJC working meetings remained strong, particularly by people living in Devens. The HDJC is grateful for the interest and participation of members of the public.

Respectfully submitted,

George Glazier
Paul Green, Clerk
Heather Knowles, Vice Chair
Donald Ludwig; Select Board Rep.
John McCormack; Planning Board Rep.
Kara Minar; Select Board Rep.
Tim Myllykangas
Victor Normand, Chair
SusanMary Reddinger, Recording Secretary