

DEVENS JURISDICTION FRAMEWORK COMMITTEE

Wednesday, November 8, 2023, at 3:00 p.m.

This meeting will be held both virtually, via the Zoom video conferencing service, and in person in the Select Board Meeting Room in the Town Hall at 1 Main Street, Ayer MA. Members of the DJFC and members of the public may attend via either method.

Town of Ayer is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

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AGENDA

- ❖ **Call to Order (Representative from Harvard, hosting today)**
- ❖ **Stakeholder Update (for other than agenda items)**
 - Town of Ayer
 - Town of Harvard
 - Town of Shirley
 - Devens Representatives
 - Devens Enterprise Commission
- ❖ **MassDevelopment Update:**
 - None
- ❖ **Old Business**
 - RFEI Document final review/potential vote
 - Vicksburg Square Governance and Zoning Continuation of Discussion
- ❖ **New Business**
- ❖ **Public Comment**
- ❖ **Items for the Next Meeting Agenda**
- ❖ **Adjourn**

DJFC agendas and meeting minutes are also posted at: <https://devensjfc.weebly.com>

FOURTH DRAFT CONTENT – FOR POLICY DEVELOPMENT

Request for Expressions of Interest (RFEI)

for

Consulting Services to Assist in the Development of a Recommendation for a Permanent Governmental Structure for the Devens Regional Enterprise Zone (“Devens”)

Revised October 23, 2023

Introduction

The Devens Regional Enterprise Zone (DREZ) was established in 1994 with the towns of Ayer, Harvard and Shirley (the towns comprising Ft. Devens) simultaneous approval of the 1993 Devens Reuse Plan and Zoning Bylaws, and the passage of Chapter 498 of the Acts of 1993, as amended (Chapter 498), following the decision of the Base Closure and Realignment Commission to close Ft. Devens. MassDevelopment (previously the MA Land Bank) was charged with the task of redeveloping the Army base to civilian use in accordance with the Reuse Plan, which defined residential, commercial, industrial and recreational zones. Devens was established as an Economic Target Area and an Economic Opportunity Area to attract redevelopment. As MassDevelopment was given the authority to tax businesses and residents, it was also charged with providing all usual municipal services except for those provided by town clerks. As a result, residents vote in the underlying town in which they reside, but not on matters pertaining to the DREZ.

Chapter 498 anticipated a 40-year redevelopment window and set out a process for establishing the permanent local government structure: the towns, MassDevelopment and the Devens Enterprise Commission are to submit a recommendation to the Governor and General Court by 2030. In anticipation of developing this recommendation the towns, MassDevelopment and the Devens Enterprise Commission formed the Devens Jurisdiction Framework Committee (DJFC).

The Devens Jurisdiction Framework Committee (DJFC) is issuing this Request for Expressions of Interest (RFEI) for consulting services related to the development of a recommendation for the permanent governmental structure for the ongoing operation and administration of the Devens Regional Enterprise Zone (Devens) as contemplated by Section 23 of Chapter 498 of the Acts of 1993¹, as amended (“Chapter 498”). While various government structures will be considered, all must conform to current law and the constitution of the Commonwealth of Massachusetts.

The DJFC is an eighteen-member steering committee comprising three representatives from each of six identified stakeholders including the Town of Ayer, the Town of Harvard, the Town of Shirley, MassDevelopment, the Devens Enterprise Commission (DEC) and Devens business and Devens residents.

The DJFC’s vision is that a transparent, data-based planning process will result in a consensus recommendation in the form of a Study and a Joint Report which will be submitted to the Governor, the Secretary, the Clerk of the House and the Clerk of the Senate consistent with the requirements of Chapter 498.

The full text of Section 23 of Chapter 498 is excerpted below:

SECTION 23. Permanent Government Structure. On or before July first, two thousand and thirty, the commission, the boards of selectmen of the towns with the advice of the planning boards, and the bank [MassDevelopment] shall initiate a study, hereinafter called the study, concerning permanent government structure for the ongoing operation and administration of Devens. The study shall evaluate alternative structures for government, ownership and operation of open space, recreation, and other lands and facilities, infrastructure, easements, equipment and records, with such alternative structures, including by not limited to, town government and joint entities or combinations thereof, or the bank and joint entities or combinations thereof, or the bank and the commission, and shall identify transition costs and further investments needed. During the preparation of the study, public participation shall be encouraged and public hearings held. On or before July 1, 2033, the commission, the boards of selectmen of the Towns, and the Bank shall submit the study and a joint report to the Governor, the

¹ <https://www.devensec.com/ch498/dec49823.html>

Secretary and to the Clerk of the House and the Clerk of the Senate recommending a permanent government structure for the ongoing operation and administration of Devens. Such report shall also identify any surplus funds that have been generated during the development of Devens, after considering the costs of funding appropriate reserve accounts, costs of retiring all bonds, notes and other debt instruments issued to maintain and develop Devens, and all the Commission's and Bank's unreimbursed costs related in any way to the redevelopment of Fort Devens, including, without limitation, all costs incurred in the operation, maintenance and development of Devens, and recommend how any such surplus funds and any future surplus funds shall be distributed, which recommendation shall include distributing all or a portion of such surplus to the Towns.

Purpose of the RFEI

One purpose of this RFEI is to notify the consulting community of an anticipated Request for Proposals (RFP) for this project. Equally importantly, however, the RFEI is intended to provide a forum for consultant feedback on the proposed planning process to the DJFC. Specifically, the DJFC is interested in recommendations related to the proposed scope of services, staffing requirements, timeline (not to exceed 18 months) and overall project fee. Consultants are expected to disclose any conflicts of interest.

To fulfill the requirements of Section 23 of Chapter 498, the DJFC has identified the below tasks as key components of a prospective consultant scope of services. This prospective scope is intended to serve as a starting point for potential consultants and is not likely to be the same scope of services included in the anticipated Request for Proposals (RFP).

Note that the DJFC does not see this as a “blank slate” planning exercise similar to the disposition plan prepared in 2006 which included proposals for an amended Devens Reuse Plan and amended Devens By-Laws. Since 2006, the buildout of Devens has significantly advanced. Accordingly, the DJFC does not believe that a “blank slate” planning exercise is now appropriate.

PROSPECTIVE SCOPE OF WORK

Task 1. Public Outreach and Communication

The DJFC expects that the consultant team will design and implement an open and transparent public planning process including but not limited to regularly-scheduled public meetings and hearings including interactive workshops when appropriate. This effort will also require a comprehensive and constantly-updated website dedicated to the project. Meetings will need to be publicly noticed consistent with the requirements of Chapter 498 and the various DJFC member entities. The DJFC will look to the consultant team to suggest additional outreach and communication strategies to ensure that a broad segment of the stakeholder population is engaged in the planning process.

Task 2. Data Collection

It is the intent of the DJFC that this be a data-driven planning process. To that effect, the consultant team will be charged with collecting up-to-date data from MassDevelopment as well as the other stakeholders. The use of a geographic information system (GIS) is strongly encouraged as a central organizing tool for this process. Specific areas for evaluation include, but are not limited to, the following items:

- **Foundational Documents:** The consultant team will be provided with links to electronic copies of Chapter 498, the Devens Reuse Plan and the Devens By-Laws as well as relevant planning documents from the surrounding communities. The consultant will also be provided with a final copy of the DJFC Memorandum of Agreement.
- **Base Mapping:** MassDevelopment's Engineering Department will make available relevant base mapping in GIS format.

- Assessor's Data: The Devens Assessor will make available the most recent ownership and valuation information for Devens properties in database format. Current tax rates will be provided for Devens and the three towns.
- Devens Municipal Services Overview: MassDevelopment and the DEC will make their departmental heads available at reasonable intervals and for reasonable periods of time to meet with the consultant team to quantify the current and projected level of service, costs and associated resources required for the ongoing operation of Devens.

Specific municipal services to be analyzed include public safety (police, fire, EMS/ambulance, etc.), public works (plowing, road maintenance, mowing and landscaping, facility maintenance, etc.), utilities, education, development permitting (by the DEC), engineering, environmental, recreation, senior services, veterans services, regional services, social services, cultural amenities, and others. An analysis of Key Performance Indicators (KPIs) for the levels of service in these areas should be undertaken as well as an evaluation of how they will be maintained or improved under the various disposition scenarios.

- Three Towns' Capacity Overview: In the context of evaluating town government of Devens as contemplated by Section 23 of Chapter 498, the consultant team will meet with the municipal department heads to understand the current capacity of their departments to serve Devens and to develop an assessment of what additional staffing and capital investments will be required to maintain or improve current levels of service. The towns of Ayer, Harvard and Shirley will make staff (town administrators and department heads) and the chairs of town committees/boards available to meet with the consultant to assess the towns' (jointly and individually) capacity to provide municipal services including public safety (police, fire, EMS/ambulance, etc.), public works (plowing, road maintenance, mowing and landscaping, facility maintenance, etc.), utilities, education, development permitting, engineering, environmental, recreation, senior services, veterans services, and others.
- Devens Capital Projects. MassDevelopment will review its capital project program with the consultant. These projects include items such as utility system upgrades, road and

facility improvements, demolition projects, and others. MassDevelopment will also share information regarding any current indebtedness associated with capital projects.

- Devens Real Estate Market Overview: MassDevelopment staff will review its projections for residential and commercial growth at Devens with the consulting team to help inform the consultant team's forecasts.
- Administrative costs and capital projects associated with completion of the Devens Reuse Plan as separate and distinct from Devens municipal services and capital projects as described above.

The DJFC will look to the consultant team to identify additional data that would be useful to the planning process.

Task 3. Stakeholder Criteria Development

The consultant will work with each of the six stakeholders individually to create a list of clear “success criteria” for the permanent governance of Devens across a range of topics. Expanding upon the Goals and Issues memoranda prepared by each stakeholder pursuant to the **DJFC Memorandum of Agreement**, the success criteria represent the minimum standards under which each stakeholder would consider a given disposition alternative to be successful.

Following are some hypothetical examples of success criteria:

- “All Devens residents should reside within the same municipality”
- “Land use permitting at Devens should continue to be performed on a unified and expedited basis and should remain under the control of the DEC”
- “Commercial and residential property tax rates should remain stable.”

The consultant team will guide the development of the success criteria in a manner that facilitates comparison between stakeholders. These criteria will be used by the consultant team in Task 5 below to evaluate the relative consistency of each alternative scenario with each stakeholder's criteria, providing a general assessment of which scenarios might be more likely to

gain consensus support. This analysis may also suggest potential hybrid scenarios for additional consideration.

Task 4. Scenario Development

The consultant will assist the stakeholders to develop initial disposition scenarios for analysis.

These scenarios have been previously defined to include:

- Status quo continues beyond 2033
- Areas of the regional enterprise zone revert back to the respective municipal entities for control and governance
- Devens the enterprise zone becomes its own town
- Hybrid model or some other framework of governance

Stakeholders may work individually or collectively in this process. Stakeholder(s) should only develop scenarios that have a reasonable potential for consensus approval.

At a minimum, the following information will be developed for each scenario:

- Proposed geographic delineation of jurisdiction (map format)
- Proposed approach to provision of municipal services, including
 - Land Use Permitting
 - Education
 - Utilities
 - Public Works
 - Police
 - Fire
 - EMS/Ambulance
 - Recreation

- Environmental
- Engineering
- Regional Services
- Transportation Demand Management
- Social Services (Council on Aging, Veterans Services, Board of Health, etc.)
- Cultural Services/Amenities
- Financial implications to existing municipal governments of providing municipal services in Devens
 - Approach to residential growth
 - Approach to development permitting
 - Approach to governance, including
 - Annual budgeting
 - Taxation
 - Public representation
 - Staffing needs
 - Voting
 - Transition timeline including key milestones and criteria

Task 5. Fiscal Analysis of Alternatives

The consultant will develop an overall financial model for the operation of Devens that takes into account current and projected revenues and expenses based upon the assumptions underlying each alternative. The model should be readily configurable to allow for changes to the scenarios. The output of the model will be a summary report detailing the estimated financial impact

(positive or negative) for each of the six defined stakeholders under each scenario on an annual basis over a ten year period.

Task 6. Recommended Alternative

The consultant team will review the results of the fiscal analysis of the alternatives in light of the success criteria with the goal of identifying a recommended alternative that is supported by all of the stakeholders. This may require the development of additional compromise alternatives for analysis. The consultant will facilitate discussions between the stakeholders as needed to attempt to resolve issues.

Task 7. Transition Plan

The consultant will lead an effort to prepare a phased plan for the transition to permanent governance, including a timeline and milestones.

Task 8. “Surplus Funds”

The consultant shall address the matters specifically raised in Section 23 of Chapter 498. In particular, working with MassDevelopment and the DEC, the consultant will identify any surplus funds that have been generated during the development of Devens, after considering the costs of funding appropriate reserve accounts, costs of retiring all bonds, notes and other debt instruments issued to maintain and develop Devens, and all of the DEC’s and MassDevelopment’s unreimbursed costs related to the redevelopment of Fort Devens, including, without limitation, all costs incurred in the operation, maintenance and development of Devens, and recommend how any such surplus funds and any future surplus funds shall be distributed, which recommendation shall include distributing all or a portion of such surplus to the Towns.

Task 9. Document Recommended Scenario for Public Meetings

The consultant will prepare informational materials for use in the public outreach process. At a minimum, this will include a clear written description of the recommended scenario supplemented with maps and other graphics as appropriate. The consultant will work with the DJFC to produce a standard Powerpoint presentation to be used at public meetings. Consultant staff will be part of the presentation team and available to answer questions as needed. The consultant team may be needed to support administrative aspects of public meetings including drafting and running public notices, scheduling and setting up for meetings, taking notes, etc.

Task 10. Study and Joint Report Preparation

Assuming the recommended scenario is supported by the DJFC, the consultant will prepare a Study and Joint Report summarizing the results of the planning process in a format suitable for submission to the Governor, the Secretary, the Clerk of the House and the Clerk of the Senate in compliance with the requirements of Chapter 498.

Consultant Team

The DJFC expects that the selected consultant team will offer a depth of experience in the following areas:

- Consensus building, facilitation and process management
- Public engagement and outreach
- Verbal and written communication skills
- Database management and geographic information systems
- Municipal finance
- Municipal operations including detailed familiarity with management of major departments
- Financial modeling
- Real estate economics

- Urban and regional planning

DRAFT

Transmittal

To: Consultant Firms

From: Devens Jurisdiction Framework Committee (DJFC)

Subject: Request for Expressions of Interest (RFEI)

November 2023

The transition of Fort Devens from military to civilian use has nearly reached its redevelopment goals. As required by the enabling legislation a plan for permanent government at Devens must be undertaken sometime within the next six years. The DJFC has initiated the planning process.

The attached RFEI document is intended to solicit responses from qualified full-service consulting firms in the form of commentary on the tasks to be accomplished and estimates of likely costs to fully fund the consulting assignment.

The information provided is not a detailed scope of work, rather its purpose is to set forth the broad parameters of the tasks for consultants. Once funding has been secured a comprehensive Request for Proposals will be issued.

Your interest in providing consulting services and your estimate of potential consultant fees is greatly appreciated.