

Re: Devens Cap Legislation Update

Tim Bragan <tbragan@harvard-ma.gov>

Mon 9/5/2022 4:36 PM

To: Emer, David (SEN) <David.Emer@masenate.gov>; Erin McBee <emcbee01451@gmail.com>; Kara Minar <kminar01451@gmail.com>

Cc: Charles Oliver <coliver01451@gmail.com>; Don Ludwig <don.ludwig@gmail.com>; Rich Maiore <rich@rocketsocialimpact.com>; Julie Doucet <jdoucet@harvard-ma.gov>; Marie Sobalvarro <msobalvarro@harvard-ma.gov>; Carr, Michael (SEN) <Michael.Carr@masenate.gov>; Szetela, Daniel (HOU) <Daniel.Szetela@mahouse.gov>; Eldridge, James (SEN) <James.Eldridge@masenate.gov>

Thank you. Julie will add this to the agenda.

Timothy P. Bragan

13 Ayer Road

Harvard, MA 01451

tbragan@harvard-ma.gov

From: Emer, David (SEN) <David.Emer@masenate.gov>

Sent: Friday, September 2, 2022 12:06 PM

To: Erin McBee <emcbee01451@gmail.com>; Kara Minar <kminar01451@gmail.com>

Cc: Tim Bragan <tbragan@harvard-ma.gov>; Charles Oliver <coliver01451@gmail.com>; Don Ludwig <don.ludwig@gmail.com>; Rich Maiore <rich@rocketsocialimpact.com>; Julie Doucet <jdoucet@harvard-ma.gov>; Marie Sobalvarro <msobalvarro@harvard-ma.gov>; Carr, Michael (SEN) <Michael.Carr@masenate.gov>; Szetela, Daniel (HOU) <Daniel.Szetela@mahouse.gov>; Eldridge, James (SEN) <James.Eldridge@masenate.gov>

Subject: Re: Devens Cap Legislation Update

Hi everyone,

By Sept. 6, if the Select Board could approve a letter to send by email to Senator Eldridge and Rep. Sena, that should give us enough time to address the issues. I'd also CC Senator Cronin, DEC, DHCD, Shirley town manager, and Ayer town manager on the letter as a courtesy.

In the letter, please include the text of your preferred legislative language and a rationale for that language. You should also include how the Governor's latest proposal is inconsistent with the Town's vote. Erin's email is great as it lays out her position well enough for me to understand. But the budget committee counsel needs more background on the issue.

Thanks,
David

From: Erin McBee <emcbee01451@gmail.com>

Sent: Friday, September 2, 2022 11:18 AM

To: Kara Minar <kminar01451@gmail.com>

Cc: Tim Bragan <tbragan@harvard-ma.gov>; Charles Oliver <coliver01451@gmail.com>; Don Ludwig <don.ludwig@gmail.com>; Rich Maiore <rich@rocketsocialimpact.com>; Julie Doucet <jdoucet@harvard-ma.gov>; Marie Sobalvarro <msobalvarro@harvard-ma.gov>; Emer, David (SEN) <David.Emer@masenate.gov>; Carr, Michael (SEN) <Michael.Carr@masenate.gov>; Szetela, Daniel (HOU) <Daniel.Szetela@mahouse.gov>; Eldridge, James (SEN) <James.Eldridge@masenate.gov>

Subject: Re: Devens Cap Legislation Update

Thanks Kara for this - can we send that comment to Atty Eber and others - should we discuss at the sept 6 meeting?

Sent from my iPhone

On Sep 2, 2022, at 10:32 AM, Kara Minar <kminar01451@gmail.com> wrote:

Hi Tim,

Thank you for sending this Devens Cap legislation language. In reading through the changes, I believe that the language in the latest draft is inaccurate. Under the Supplemental Budget Heading (H. 5260) it states that "...the total commercial and industrial building space to be developed in the Devens Regional Enterprise Zone shall not be more than 12,000,000 *net new square feet*. In our discussion, we voted on permitting an increase from the current 8 million square foot cap up to a 12 million square foot cap *total*, not an additional 12m square feet *net new* so this language does not reflect our discussion/vote.

Also, development SF has always been gross, not net, so this is unclear because it is net of what? The language in Eco Dev S. 3030 is more accurate because it denotes the maximum building area of space to be developed is 12m square feet total in the DREZ, as we agreed.

Best,

Kara

On Thu, Sep 1, 2022 at 12:37 PM Tim Bragan <tbragan@harvard-ma.gov> wrote:

See email below.

Timothy P. Bragan

13 Ayer Road
Harvard, MA 01451

tbragan@harvard-ma.gov

From: Emer, David (SEN) <David.Emer@masenate.gov>

Sent: Thursday, September 1, 2022 12:34 PM

To: Carly Antonellis <cantonellis@ayer.ma.us>; Michael McGovern <mmcgovern@shirley-ma.gov>; Marie Sobalvarro <msobalvarro@harvard-ma.gov>; Tim Bragan <tbragan@harvard-ma.gov>

Cc: Carr, Michael (SEN) <Michael.Carr@masenate.gov>; Szetela, Daniel (HOU) <Daniel.Szetela@mahouse.gov>

Subject: Devens Cap Legislation Update

Dear Town Leaders:

As you may know, I am Senator Eldridge's legislative director and general counsel. He asked me to give you an update on the Devens cap language.

In the spring, Senator Eldridge successfully secured language in S. 3030 to raise the commercial space cap at Devens. S. 3030 is a massive piece of legislation that usually passes on July 31. This year, it didn't. S. 3030 is still bogged up in conference committee due to disputes between the Senate and House on tax policy.

To attempt to pass the Devens cap language as soon as possible, the Governor included Devens cap language in H. 5260. H. 5260 is a supplemental budget for FY22. I hesitate to say it is must-pass legislation as people used to say that about S. 3030.

The Devens cap language in H. 5260 and in S. 3030 are very similar. See comparison below. From my analysis, the only difference is that DEC can issue regs on the calculation of the cap.

Please let me know if you have any questions, concerns or comments on the Devens cap language in H. 5260.

Thank you,
David

Supplemental Budget (H. 5260)

935 SECTION 37. The ninth paragraph of section 10 of chapter 498 of the acts of 1993 is
936 hereby amended by adding the following 2 sentences:- Notwithstanding any general or special
937 law or provision of the Reuse Plan or the Bylaws to the contrary, the total commercial and
938 industrial building space to be developed in the Devens Regional Enterprise Zone shall be not
939 more than 12,000,000 net new square feet. The commission may issue regulations regarding the
940 calculation of total commercial and industrial building space.

Eco Dev (S. 3030)

3630 SECTION 135A. The ninth paragraph of section 10 of chapter 498 of the acts of 1993 is
3631 hereby amended by adding the following sentence:- Notwithstanding any general or special law
3632 or provision of the Reuse Plan or the Bylaws to the contrary, the maximum area of building
3633 space to be developed or used in the Devens Regional Enterprise Zone shall be 12,000,000
3634 square feet.