

**Town of Harvard
Devens Disposition Evaluation Criteria
Adopted: 3 May 2005**

**Updated and revised to include public comments from the public hearing that was held on
September 20, 2007**

At the Harvard Town Hall meeting room at 7:30PM

**Please note that these notations have not been amended or accepted by the Harvard Board of
Selectman and will be edited at a future public hearing held by the BOS.**

Scenario 1: Jurisdiction to the Towns	Scenario 2: Formation of New Town
Completion of the Reuse Plan	
Ownership of all properties on Devens is defined and a plan in place to develop and transfer ownership records so that the Town of Harvard can assess and tax in accordance with current allowable use.	Ownership of all properties on Devens is defined and a plan in place to develop and transfer ownership records so that the new town can assess and tax in accordance with current allowable use.
Ownership of all structures and parcels on the site must be clearly established and agreed to prior to disposition. The taxable status of all property still owned by the State must be established and commercial uses on state property subject to local taxation.	Ownership of all structures and parcels on the site must be clearly established and agreed to prior to disposition. The taxable status of all property still owned by the State must be established and commercial uses on state property subject to local taxation.
Those structures not in use and without a funded plan in place for their reuse, or without a clearly identified reuse, must be removed from the site. Prior to disposition an inventory of existing unused structures must be conducted and those found to be derelict and/or for which no future use has been identified, must be demolished and the debris removed from the site. The remaining parcel must be left in a condition suitable for its subsequent intended reuse.	Those structures not in use and without a funded plan in place for their reuse, or without a clearly identified reuse, must be removed from the site. Prior to disposition an inventory of existing unused structures must be conducted and those found to be derelict and/or for which no future use has been identified, must be demolished and the debris removed from the site. The remaining parcel must be left in a condition suitable for its subsequent intended reuse.
An acceptable plan must be in place by which current land owners on Devens are informed and transitioned into the new system of operations with the Town of Harvard	An acceptable plan must be in place by which current land owners on Devens are informed and transitioned into the new system of operations with the town created.
A funded joint transition plan (needs more definition) must be in place.	A funded joint transition plan (needs more definition) must be in place.
Development at Devens, while maximizing its potential for economic growth and job creation, must integrate into the fabric of Harvard and provide a sense of community for Devens residents. Furthermore it must not adversely impact the environment or surrounding towns.	Development at Devens, while maximizing its potential for economic growth and job creation, provide a sense of community for Devens residents. Furthermore it must not adversely impact the environment or surrounding towns.

Scenario 1: Jurisdiction to the Towns	Scenario 2: Formation of New Town
Development must satisfy goals of 1994 Reuse Plan: that development be economically, environmentally and socially sustainable while maintaining and enhancing the natural resource base and that there be a diversity of uses to provide range of employment opportunities	Development must satisfy goals of 1994 Reuse Plan: that development be economically, environmentally and socially sustainable while maintaining and enhancing the natural resource base and that there be a diversity of uses to provide range of employment opportunities
Financial Sustainability	
All expenses related to the administration and provision of public services for Devens, including capital and education costs, must be balanced by revenues originating from Devens or increases in other sources of funds (e.g. state and federal) on an annual basis.	All expenses related to the administration and provision of public services for Devens, including capital and education costs, must be balanced by revenues originating from Devens or the provision of other sources of funds (e.g. state and federal) on an annual basis.
Taxation of commercial and industrial activities on Devens must raise revenues at a level so as to cover all operating and ongoing capital costs as well as generating enough revenue to develop a capitalization and stabilization fund which will be sufficient to maintain public infrastructure and defer other expenses related to their presence on the site.	Taxation of commercial and industrial activities on Devens must raise revenues at a level so as to cover all operating and ongoing capital costs as well as generating enough revenue to develop a capitalization and stabilization fund which will be sufficient to maintain public infrastructure and defer other expenses related to their presence on the site.
Anticipated levels of taxation for commercial and industrial properties on Devens must be competitive with regional norms <u>(this data must be verified and updated)</u> and not adversely impact the viability of commercial and industrial activities in Harvard or the surrounding towns,	Anticipated levels of taxation for commercial and industrial properties on Devens must be competitive with regional norms <u>norms (this data must be verified and updated)</u> and not adversely impact the viability of commercial and industrial activities in Harvard or the surrounding towns,
The status of Devens as a Regional Enterprise Zone, as defined in Chapter 498, should be maintained during the transition from jurisdiction by MassDevelopment to jurisdiction by Harvard and the provision of services on Devens should be consistent with maintaining its attractiveness to existing and new businesses both during and after the transfer of jurisdiction. The Devens Enterprise Commission should remain the sole permitting authority during transition but its membership should be expanded to include two Devens residents, independent of the town's appointees. Following the transfer of jurisdiction the DEC shall be disbanded and jurisdiction over land use matters shall be the responsibility of Harvard's land use boards.	
A minimum value of 5.5 million square feet <u>(this number needs to be clarified and verified for its validity)</u> and a target value of 6 million square feet of commercial, industrial, and R&D development should be achieved within the Harvard portion of Devens to support and enhance the fiscal stability of the unified town with the expanded	

Scenario 1: Jurisdiction to the Towns	Scenario 2: Formation of New Town
housing targets	
Assure ability to tax or to receive payment in lieu of taxes from MassDevelopment for leased lands and undeveloped lands zoned for development owned by the state.	Assure ability to tax or to receive payment in lieu of taxes from MassDevelopment for leased lands and undeveloped lands zoned for development owned by the state.
Education	
The issue of where children will be schooled should be resolved <u>prior to disposition of the DREZ and the DEAC should continue to work to address the uncertain future of the educational contracts for all school age children residing in the DREZ for at least a 10-year period moving forward from time of turnover</u> . Harvard school system will be responsible for all school age children residing with the boundaries of Harvard. Any educational transition of responsibility shall occur before all other municipal transfers of jurisdiction.	The issue of where children will be schooled should be resolved <u>prior to disposition of the DREZ and the DEAC should continue to work to address the uncertain future of the educational contracts for all school age children residing in the DREZ for at least a 10-year period moving forward from time of turnover</u> . Any educational transition of responsibility shall occur before all other municipal transfers of jurisdiction.
Levels of reimbursement and financial support must be determined and be made legally binding with State as part of the disposition legislation.	Levels of reimbursement and financial support must be determined and be made legally binding with State as part of the disposition legislation.
If schooling to be provided by Harvard, there must be an acceptable plan which accommodates the increased population. This plan must be acceptable from a financial as well as a community viewpoint as to whether new schools will be built, where and for which grades	<u>If schooling to be provided by another municipality, there must be an acceptable plan which accommodates the increased population. This plan must be acceptable from a financial as well as a community viewpoint as to whether new schools will be built, where and for which grades</u>
At no point in time should estimated enrollment levels resulting from Devens disposition exceed the existing physical school capacity or cause class sizes to exceed standards set by the school committee.	<u>At no point in time should estimated enrollment levels resulting from Devens disposition exceed the existing physical school capacity or cause class sizes to exceed standards set by the school committee.</u>
A neighborhood elementary school should <u>be developed is currently under study by a school facilities committee for the construction or renovation of</u> and school facilities <u>constructed or renovated</u> on Devens to serve the needs of the community with secondary schooling provided at Bromfield. <u>If sites are to be considered at Devens for a new school, they must be secured in the near future to prevent their development by alternative uses allowed in the DREZ</u>	A neighborhood elementary school should be developed on Devens to serve the needs of the community.
Housing	
It is important to Harvard that regional needs be considered in any housing plan but that these needs not be met in a way that is detrimental <u>(what defines detrimental? Is the limit of affordable housing and ensure that they exist on scattered sites throughout residential zones in the DREZ?)</u> to the Devens community	It is important to Harvard that regional needs be considered in any housing plan but that these needs not be met in a way that is detrimental to the Devens community

Scenario 1: Jurisdiction to the Towns	Scenario 2: Formation of New Town
The additional housing developed should provide for a diverse housing stock, including market rate, affordable, senior and special needs housing such that a balanced community is formed in the Devens residential area.	The additional housing developed should provide for a diverse housing stock, including market rate, affordable, senior and special needs housing such that a balanced community is formed in the Devens residential area.
Total housing developed within the Harvard section of Devens should not exceed 600 to 800 units, depending on unit type, in order to maintain the character of the town and its school system. <u>How is character defined? Is it the density per acre e.g. Harvard has 1.5 acre minimum zoning – would that be extended into the DREZ? Should there be a cap? What number should be there (if any)</u>	
Rate of housing development should be managed to be in keeping with the town's capacity to provide municipal services. This growth management must take into account additional growth occurring elsewhere in Harvard	Rate of housing development should be managed to be in keeping with the town's capacity to provide municipal services.
<u>A complete assessment of resources areas and analysis of any proposed development must be performed to determine compatibility of these resource areas to adjacent development. The first step is to establish resource protection zones, then define areas for housing</u>	
<u>Mass Development should be limited from selling land for 40B developments that would bypass local zoning and any agreed upon housing cap. (FYI – It was reported that the Sasaki report had estimated the capacity of the land and utilities to absorb housing to be approximately 4000 units)</u>	<u>Mass Development should be limited from selling land for 40B developments that would bypass local zoning and any agreed upon housing cap.</u>
<u>The maximum allowable residential development of 282 units should not be isolated and surrounded completely by commercial development</u>	<u>The maximum allowable residential development of 282 units should not be isolated and surrounded completely by commercial development</u>
Utilities	
Sewer, water and other necessary regional districts must be established for the operation and maintenance of regional facilities and be adequately funded through user fee revenues.	Sewer, water and other necessary regional districts must be established for the operation and maintenance of regional facilities and be adequately funded through user fee revenues.
<u>All existing utilities Sewage and water facilities must be in good operating condition and adequately capitalized to make any needed improvements and a clear understanding of the ownership of these utilities is necessary prior to disposition- An analysis of all utility needs in Harvard that could be serviced by existing utilities in the DREZ needs to be investigated.</u>	<u>All existing utilities Sewage and water facilities must be in good operating condition and adequately capitalized to make any needed improvements. and a clear understanding of the ownership of these utilities is necessary prior to disposition An analysis of all utility needs in Harvard that could be serviced by existing utilities in the DREZ needs to be investigated.</u>
<u>Mass Development's ability to committee to sell or commit any utility in</u>	<u>Mass Development's ability to committee to sell or commit any utility in</u>

Scenario 1: Jurisdiction to the Towns	Scenario 2: Formation of New Town
<p><u>the DREZ to another entity must be limited and a complete investigation of how these utilities could be regionalized to the benefit of the surrounding communities.</u></p>	<p><u>the DREZ to another entity must be limited and a complete investigation of how these utilities could be regionalized to the benefit of the surrounding communities.</u></p>
Zoning	
<p>Adequate and sustainable buffers/zoning must be in place between incompatible uses (<u>what defines "incompatible uses"?</u>) within Devens and surrounding community. <u>These buffers/zoning requirements must survive disposition (currently to change zoning requires a Super Town Meeting)</u></p>	<p>Adequate and sustainable buffers/zoning must be in place between incompatible uses within Devens and the Harvard town boundary</p>
<p><u>Command and control of all zoning and boundary changes should continue to reside with the towns and require a Super Town meeting to be amended.</u></p>	<p><u>Command and control of all zoning and boundary changes should continue to reside with the towns and require a Super Town meeting to be amended.</u></p>
<p>Opportunities should be present for the (<u>establishment of commercial activities – can this be better defined?</u>) that support the resident population of the site and provide commercial services not now present in the Town of Harvard.</p>	<p>Opportunities should be present for the establishment of commercial activities that support the resident population of the town and complement services provided in the neighboring towns.</p>
<p>Local road access from Devens into Harvard <u>should be expanded is essential if jurisdiction is to be regained-substantial residential development were to occur in the Salerno Circle area.</u> Provisions must be made to ensure safe traffic flow while minimizing disruption to existing traffic patterns, <u>and</u> excluding commercial through trucking and commuter traffic <u>and mitigating the effects upon the neighborhoods along the route(s).</u> <u>The successful merging of these communities is a necessary component of the reintegration of the community at Devens into Harvard.</u> Access to connect the Devens area with rest of Harvard via foot and bike paths should be provided <u>prior to disposition.</u></p>	<p>Development parcels in the corridor defined for return to Harvard extending from the Jackson Gate to the Barnum Road Gate, including Salerno Circle, should be developed for commercial and industrial activity. Development at Salerno Circle should be low rise and not adversely impact the viewshed from Prospect Hill.</p>
<p>Continuity of zoning elements such as site standards and intensity of development should be preserved except for areas where the use has been changed through the disposition process.</p>	
<p>Limited changes in zoning within the boundaries of the Devens Regional Enterprise Zone should be permitted from those established in the disposition plan for a period of at least 15 years and should survive transfer of jurisdiction. Development of affordable housing on parcels within the boundaries of the area defined as the Devens Regional Enterprise Zone through the</p>	<p>Limited changes in zoning within the boundaries of the Devens Regional Enterprise Zone should be permitted from those established in the disposition plan for a period of at least 15 years and should survive transfer of jurisdiction. Development of affordable housing on parcels within the boundaries of the area defined as the Devens Regional Enterprise Zone through the</p>

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Chapter 40B process should not be permitted as long as housing within the zone meets the states 10% affordable housing goal.	Chapter 40B process should not be permitted as long as housing within the zone meets the states 10% affordable housing goal.
<u>Greater definition of future of the development at Salerno Circle is necessary.</u>	
Municipal Services	
Land must be made available on Devens, free and clear of contamination, in order to provide for all Town needs and operation (schools, public works, public safety, <u>conservation</u> , cemetery etc.)	Land must be made available on Devens, free and clear of contamination, in order to provide for all Town needs and operation (schools, public works, public safety, cemetery etc.)
A plan for the maintenance of all roads, recreation areas, and public facilities under the jurisdiction of the Town of Harvard must be in place. Any equipment, buildings, and yard facilities should be transitioned to the town in good operating condition	A plan for the maintenance of all roads, recreation areas, and public facilities under the jurisdiction of the Town must be in place. Any equipment, buildings, and yard facilities should be transitioned to the town in good operating condition
Adequate equipment, facilities, and access must be in place to provide public safety services (police, fire, ambulance) to the site <u>and meet the ISO requirements of the businesses and government facilities within the DREZ.- Any/all specific public safety requirements for any Army, prison, state or federal facility shall be provided by, and fully funded by said agency.</u>	Adequate equipment and facilities must be in place to provide public safety services (police, fire, ambulance) to the site <u>and meet the ISO requirements of the businesses and government facilities within the DREZ. Any/all specific public safety requirements for any Army, prison, state or federal facility shall be provided by, and fully funded by said agency.-</u>
Harvard should be given ownership of (or option to own) such resources as needed for future municipal expansion Appropriate fire and ambulance service should be provided to the Devens area without undermining the existing volunteer services provided in Harvard.	The town should be given ownership of (or option to own) such resources as needed for future municipal expansion
An acceptable plan must be in place and adequately funded to meet the municipal service needs of the entire community based on customary or generally acceptable standards.	An acceptable plan must be in place and adequately funded to meet the municipal service needs of the entire community based on customary or generally acceptable standards.
Boundaries	
Town boundaries should be adjusted to maintain a unified Devens community under one jurisdiction and where desirable to maintain entire commercial and industrial parcels within a single jurisdiction.	Define a new town boundary in the corridor area from the Jackson Road entrance to the Barnum Road entrance. Area to the south and east of this newly defined boundary to be part of the Town of Harvard. Other considerations: rational road connections and buffers between existing residential and commercial/industrial areas.
<u>The boundaries of any parcel or building that is split by a town or line shall be adjusted to locate that parcel or building in a single</u>	

Scenario 1: Jurisdiction to the Towns	Scenario 2: Formation of New Town
<u>Jurisdiction.</u> <u>Existing boundaries shall be changed to allow all existing residential dwellings shall be located within a single jurisdiction.</u>	<u>Existing boundaries shall be changed to allow all existing residential dwellings shall be located within a single jurisdiction.</u>
Environmental Protection	
All areas of concern regarding contamination and landfills must be clearly identified All sites requiring remediation must meet the most stringent cleanup criteria applicable for their intended reuse and must have a plan that includes a timetable for completion and a guarantee of funding adequate to complete the remediation task in place.	All areas of concern regarding contamination and landfills must be clearly identified All sites requiring remediation must have a plan that includes a timetable for completion and a guarantee of funding adequate to complete the remediation task in place
Determination that remaining contamination could have no adverse impact on the Town of Harvard	All recreation and natural resource areas must have a plan for their maintenance in place with funding and responsibility for the maintenance clearly identified and secured.
Must have a agreement as to how future identification of contamination will be resolved to protect the Town of Harvard from liability and ensure funding for clean up.	Determination that remaining contamination could have no adverse impact on the Town of Harvard
Ongoing monitoring of groundwater along the northern boundary of South Post to enable discovery of release or threat of release of contamination and subsequent remediation	Must have a agreement as to how future identification of contamination will be resolved to protect the Town of Harvard.
An aquifer protection plan must be established and funded to protect the water supply Permanent protection of open space lands. <u>Viewshed protections shall be established and must survive disposition</u>	Ongoing monitoring of groundwater along the northern boundary of South Post to enable discovery of release or threat of release of contamination and subsequent remediation. Permanent protection of open space lands. <u>Viewshed protections shall be established and must survive disposition</u>
Transportation	
A site should be provided for a commuter rail terminal similar to that in South Acton. A Regional commuter rail hub should be established within the DREZ or the surrounding towns that with has adequate parking and access from major transportation arteries that and does not exacerbate traffic problems on local roads.	<u>A Regional commuter rail hub should be established within the DREZ or the surrounding towns that has adequate parking and access from major transportation arteries and does not exacerbate traffic problems on local roads.</u> A site should be provided for a commuter rail terminal similar to that in South Acton with adequate parking and access that does not exacerbate traffic problems on local roads.
Improved and more frequent rail service between Devens and Boston. <u>With consideration for a possible re-establishment of the Lowell/Worcester/Fitchburg rail service.</u>	Improved and more frequent rail service between Devens and Boston. <u>With consideration for a possible re-establishment of the Lowell/Worcester/Fitchburg rail service.</u>
Provide multiple connections between Devens and Harvard via foot and bike paths.	Provide multiple connections between Devens and Harvard via foot and bike paths.

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Scenario 1: Jurisdiction to the Towns	Scenario 2: Formation of New Town
Vehicle connection(s) into Harvard must prohibit commercial trucking and discourage or effectively prohibit commuter traffic.	
Legal	
Ownership of all public facilities, roads, etc to be maintained by the Town of Harvard must be transferred to the Town of Harvard Participation in government affairs in the town of Harvard by Devens residents prior to transfer of jurisdiction should be facilitated by providing non-voting seats on elected boards and appropriate representation on appointed committees and boards.	Ownership of all public facilities, roads, etc to be maintained by the town must be transferred to the Town of Harvard
Required disposition-related investments in infrastructure or increases in operating costs that must be incurred by the Town of Harvard prior to transfer of jurisdiction must be offset by fees or other payments, and special bonding authority, as needed, in order to maintain-ensure the towns fiscal health and provide financial stability. <u>Mass Development should support a similar effort/investment in the return to jurisdiction process as they did during their preparations for the run up to 2B in 2006.</u>	
Transition to jurisdiction by Harvard should occur as rapidly as possible to provide full civic representation to Devens residents, but should occur only after financial stability criteria have been met and environmental remediation liabilities have been addressed. Economic development activities should be focused at achieving those goals in the minimum possible time.	
Open Space and Recreation	
<u>A plan for All recreation and natural resource areas has been created</u> must have a plan for their maintenance in place with funding and responsibility for the maintenance clearly identified and secured.	<u>A plan for all recreation and natural resource areas has been created must have a plan for their maintenance in place with funding and responsibility for the maintenance clearly identified and secured.</u> All recreation and natural resource areas must have a plan for their maintenance in place with funding and responsibility for the maintenance clearly identified and secured.
Open space lands should have been inventoried and identified as recreation, conservation, corridor, or road greenway <u>as part of the Open Space and Recreation Plan (OSRP) prepared by the JBOS appointed Land Use committee. A schedule for its acceptance by Mass Development and the JBOS.</u>	<u>Open space lands have been inventoried and identified as recreation, conservation, corridor, or road greenway as part of the Open Space and Recreation Plan prepared by the JBOS appointed Land Use committee. A schedule for its acceptance by Mass Development and the JBOS.</u> Open space lands should be inventoried and identified as recreation, conservation, corridor, or road greenway
Permanent protection must be provided for conservation lands	<u>Permanent protection must be provided for conservation lands</u>

Scenario 1: Jurisdiction to the Towns	Scenario 2: Formation of New Town
<p>according to Article 97 of the state constitution <u>should be provided as soon as practicable.</u></p>	<p><u>according to Article 97 of the state constitution should be provided as soon as practicable</u>Permanent protection must be provided for conservation lands according to Article 97 of the state constitution.</p>
<p><u>Bike and non-vehicular pathways have been designated in the OSRP and should be constructed as soon as practicable.</u></p>	<p><u>Bike and non-vehicular pathways have been designated in the OSRP and should be constructed as soon as practicable.</u></p>
<p>Historic Preservation</p>	
<p>Redevelopment of Devens must be sensitive to historic landscape and development patterns of site, particularly in the vicinity of the existing National Historic District. <u>Efforts should be made immediately by Mass Development to secure a future and provide the necessary funding to stabilize and reconstruct significant historic structures on Devens</u></p>	<p>Redevelopment of Devens must be sensitive to historic landscape and development patterns of site, particularly in the vicinity of the existing National Historic District. <u>Efforts should be made immediately by Mass Development to secure a future and provide the necessary funding to stabilize and reconstruct significant historic structures on Devens</u></p>
<p>Form of Vote to Poll StakeholdersNEW SECTION – CHARACTER</p>	
<p><u>Neighborhoods within the DREZ need to be established that reflect the character of the area. The “style” of neighborhood is significant when considering constructing additional housing.</u></p>	<p><u>Neighborhoods within the DREZ need to be established that reflect the character of the area. The “style” of neighborhood is significant when considering constructing additional housing.</u></p>