

Harvard Devens Jurisdiction Committee Meeting  
November 6, 2023: 10AM  
Meeting Conducted Via Zoom

Members attending: Victor Normand, Paul Green, SusanMary Redinger, Kara Minar (left 10:19am), Don Ludwig, John McCormack, Tim Myllykangas, Heather Knowles (joined 10:15am)

Members absent: George Glazier

Others Present: Neil Angus (DEC), Carl Sciple (DEC), Tim Hatch (Devens resident), John Osborn (Harvard Press)

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

**Approval of Minutes:**

9/6 Minutes were approved as amended without objection.

10/2 Minutes were approved as amended without objection.

**Master Plan Updates Relating to Devens**

The Planning Board had asked the HDJC to review the objectives and action items relating to Devens Jurisdiction listed in the 2016 Master Plan (MP). Paul and Kara reviewed the document (see below) they had prepared that addressed the action items.

Members discussed the four items and aligned on a status for each item as well as amendments to the draft.

1. "Determine Harvard's preferred outcome..." – Yellow (Help Needed).
2. "Identify Governance Changes..." – Yellow (Help Needed).
3. "Parties planning for the disposition of Devens..." – Yellow (Help Needed).
4. Work with the neighbors..." – Yellow (Help Needed).

Members debated whether or not #4 was in the scope of the HDJC. For now, members aligned on keeping it in the update as a place to track the issues involving connectivity between Harvard and Devens and indicate that this is a collaborative effort involving at least the Transportation Committee and the Planning Board.

**Land Availability**

Don Ludwig has not yet heard back from Meg Delorier from Mass Development (MD) on his request for an updated Land Use Map of Devens (see below). Victor invited Neil Angus from the DEC to comment on the map introduced at the October HDJC meeting and provide any information on changes to the map since it was created a couple of years ago, as well as what

the DEC's take is on the issue of MD setting aside land for public/municipal purposes in the future (e.g. school construction). Victor said that he knew, for example, that two parcels listed as available in Shirley (one near the hospital and the other on the site of the old sports arena) are under construction. Neil indicated that SMC (a medical device manufacturing company on Devens at 18 Independence Dr.) is expanding and building a facility on 11 Grant Rd in the 8 acre parcel. There is no development at this time in the Shirley Village Growth district but 2 Life Communities (who built the Shirley Senior Housing Development is looking at potentially building another 60 units there. Just east of that, Commonwealth Fusion is constructing something on the 13 acre parcel, so that is no longer available. There is no construction on Oak or Maple; Commonwealth Fusion recently purchased that land.

There aren't any other developable sites that Neil is aware of. There are a couple of sites on Lake George, but Acumen Engineering recently built a facility there and that site is marked as developed.

On the map, the pale green parcels are classified as open space and recreation which allows for municipal type uses. Many of them are under conservation restrictions (e.g. Mirror Lake, Esker, Conservation Area and Robbins Pond Conservation area which are all permanently protected lands for conservation purposes. However, the Willard Field Complex, the United Native American Cultural Center, and the playground are all open space and act as buffers between the industrial zoned lands and residential zoned lands. There are other lands that could potentially be used for municipal purposes under the current zoning. Harvard could choose to rezone parcels if it resumes jurisdiction of Devens as long as they aren't under conservation protection.

Victor pointed to the potential need to identify up to 10 acres to build a new middle school. He identified a 10 acre parcel adjacent to Rogers Field and in the midst of a residential neighborhood that could be ideal for a school.

Members discussed the options for land suitable for a school including Vicksburg Square or the field parcel without consensus on a solution. Neil suggested there might be an opportunity for regionalization. Paul suggested working with the Harvard School Committee in asking them to reach out to the Ayer and Shirley School Committees to send a letter to MD asking them to identify suitable areas in Devens for constructing a school. There is a real possibility of the student population increasing if future residential development occurs. Members debated the HDJC's role in this issue. Victor suggested that Paul work with SusanMary to formulate a motion in advance of the next meeting.

Heather (Devens representative member of the School Committee SC), expressed concerns over the HDJC getting ahead of itself and telling the SC what to do or how to solve a potential problem. Don suggested taking this request directly to MD. John suggested it was a zoning issue, but Neil affirmed that schools can be placed into any zone. The residential land (in red on the map) could be used for a school and there are only 18 units left in the buildout capacity which would not need all of the land designated for residential use.

Don will reach out to Meg as to what the process for identify potential parcels would be. Heather will update the SC at their next meeting and begin the discussion with them about this and will bring it back to the HDJC at the next meeting.

Victor asked SusanMary to review the issue of capacity at the Harvard Public Schools should residential development occur above the cap established in the re-use plan. SusanMary indicated that based on studies done in the past that looked at the impact of residential development on school age populations including a 2003 study done by Citizens Housing Planning Association. In that study, it was put forth that a 200 unit development could produce a range of 12 – 75 students. Factors affecting the number of students include owned vs. rental units (rental = fewer students) and size of the units. 1 Bedroom units result in .04 kids, 2 Bedroom units add .27 students and 3 Bedroom units add 1.2 students per unit. However, because Harvard is a highly ranked school district, the it will attract higher numbers of families with school-aged children than the norm. For example, the small units across from AllTown attracted mainly families with students.

SusanMary then showed members the Enrollment Projection tool used by the school district to predict future student population. Enrollment has decreased overall from a high in 2005, but due to an influx of families with younger children, and a record number of births in Harvard in 2022, followed by another high number in 2023, there will be a rise in class sizes and overall student population that could cause capacity issues at the elementary level. There are no capacity issues forecasted for the middle and upper grades.

The current contract between the Harvard Public Schools and MD includes a two-year out clause, which, if enacted, would mean that all students enrolled up to that point would remain in the district until they graduate.

Victor suggested that if there is significant residential development at any point in the future either on Devens, or even within Harvard itself, there is a point at which capacity will be an issue, and the problem can't be solved when the capacity becomes an issue, it has to be addressed well before that. It is necessary to allocate the land ahead of time, and the opportunity of doing that is now, when there are still parcels available.

Neil reiterated the need to look at all of the uses on Devens including open space and residential that could be used for municipal purposes. He reminded members that there is a charter school on Devens and there is the Ayer/Shirley middle school. Additionally, there are daycares (child and adult) a transitional women's shelter, a food pantry, veteran's housing, the Shriver job corps –all of which are public type uses so keep in mind that there are other municipal type uses occurring at Devens.

### **Devens Framework Jurisdiction Committee Update**

Victor addressed the recent work of the DFJC regarding changes in zoning. At the last meeting, members of the HDJC agreed to come up with an RFI (request for expressions of interest) to

essentially get an idea of how much it would cost to bring consultants in to advise the towns on resolving disposition. Jamie Eldridge has put \$400k in a bond bill to cover this cost. The DFJC members also discussed the issue of Vicksburg Square (VS) and how to get MD to work with them on this. The Harvard Select Board Chair, Rich Maiore, proposed dealing with VS now and put all of it in the town of Ayer and at the same time raise the housing cap and change the zoning exclusively for VS. The DFJC will be meeting again within a week to discuss again.

Heather asked if Ayer was indeed interested in VS and Victor replied that the two Ayer members of the Framework Committee represented that they were in favor of taking all of VS. Doing so would require a Super Town Meeting. Deciding VS without resolving all jurisdictional issues was again raised as a concern without resolution by members.

### **Public Comment**

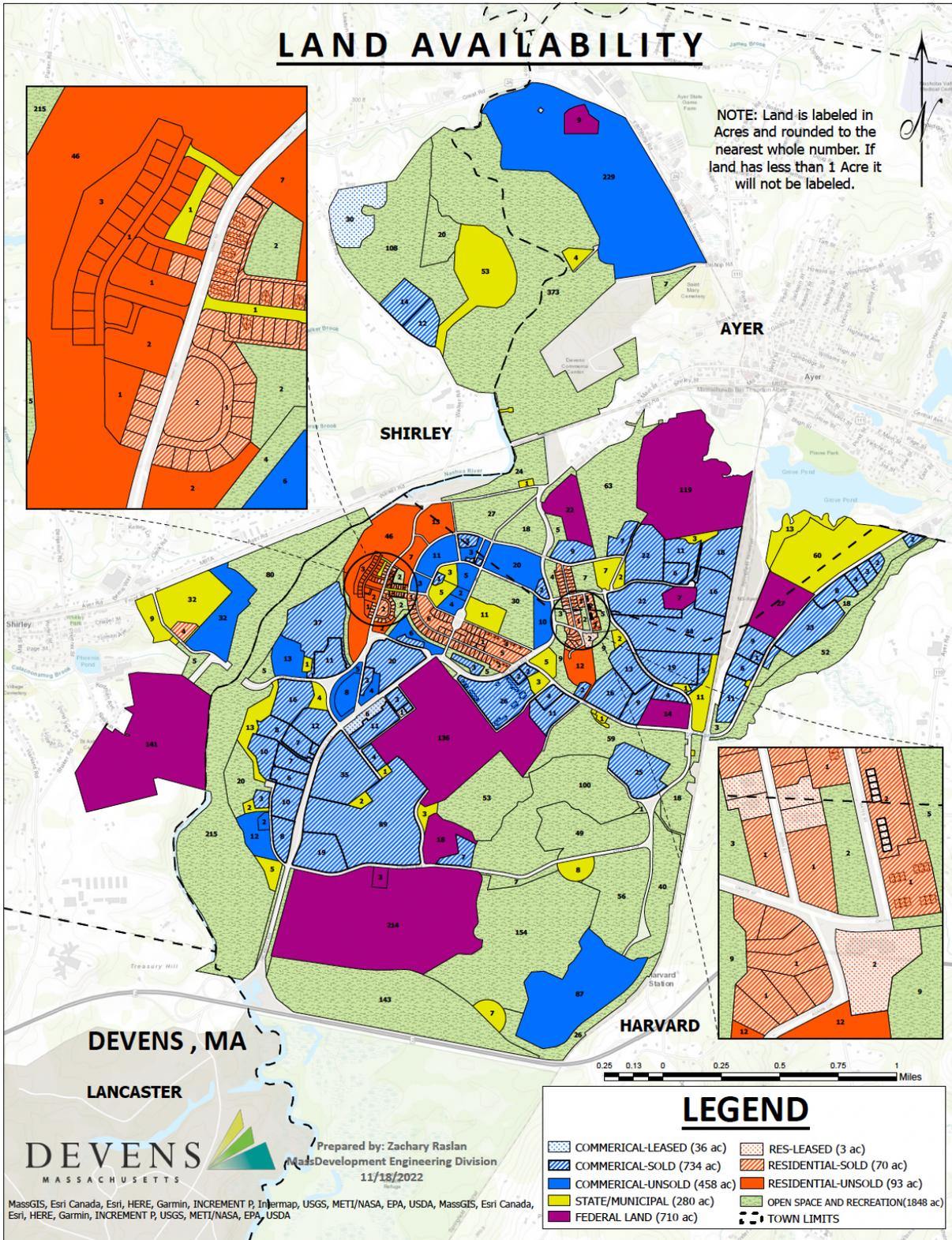
Tim Hatch, a Devens resident, raised a question about the power of Shirley to buy/sell land from/to MD and his voting rights as a Devens resident. Residents of Shirley will vote on Monday night at a special town meeting to acquire 4.6 acres of land on Devens. He was ultimately advised to speak to the town clerk.

The meeting was adjourned without objection at 11:28 AM.

**Harvard-Devens Jurisdiction Committee**  
**Master Plan Updates relating to Devens**  
**Paul Green**  
**Kara Minar**  
**October 19, 2023**

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

Determine Harvard’s preferred outcome on Devens. Enter negotiations with Ayer, Shirley, and MassDevelopment.	HDJC issued a position statement in September, 2022 with recommendations on various aspects of Devens. Negotiating committee has been formed and is meeting. Representatives of Devens residents and businesses have been added to the set of participants. MassDevelopment has withdrawn until 2030.
Identify governance changes and staffing needs if the Town decides to resume jurisdiction of Devens.	Request for Expression of Interest (RFEI) being drafted to begin the process of engaging with private consulting firms specializing in government reorganizations.
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.	Pending the outcome of the multiparty negotiations.
Work with the neighbors along the Devens boundary and the residents of Devens to explore opportunities and challenges for restoring vehicular access between Devens and Harvard.	(Unclear whether this is within the scope of our mandate)



Links to studies covered by SusanMary's review of residential development on student population:

[https://www.chapa.org/sites/default/files/f\\_1239203891HousingSchoolAgeChildren.pdf](https://www.chapa.org/sites/default/files/f_1239203891HousingSchoolAgeChildren.pdf)

<https://www.mapc.org/enrollment/>

<https://www.pschousing.org/news/new-housing-doesnt-automatically-bring-new-students-and-inflate-your-school>

[https://www.pschousing.org/sites/default/files/HC-SchoolAgeChildren\\_0.pdf](https://www.pschousing.org/sites/default/files/HC-SchoolAgeChildren_0.pdf)