

Harvard-Devens Jurisdiction Committee Meeting
December 4, 2023
Meeting Conducted Via Zoom

Members attending: Victor Normand, Paul Green, Kara Minar, Don Ludwig, Tim Myllykangas (left at 10:31am)

Members absent: George Glazier, SusanMary Redinger, Heather Knowles, John McCormack

Others Present: Neil Angus (DEC), John Osborn (Harvard Press)

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

Approval of Minutes:

The 11/6/23 minutes were approved as amended without objection.

Status of 2016 Master Plan Action:

The discussion of this topic was tabled until the next meeting. The current version of this memo is included in the appendix to these minutes.

Devens Land Availability Update:

Don Ludwig reported that he has not heard anything new from Meg Delorier of Mass Development. The financials are in the process of being completed. Meg is working on getting us an updated map (of for-sale parcels).

Victor would like to receive a copy of their next year's budget from MassDevelopment. Don will discuss this request with Meg. The financial documents were attached to a recent newsletter and they appear to show some growth, but it is difficult to determine what's going on as there are mysterious line items for depreciation and non-revenue expenses. Having next year's budget details would help.

There was a recent groundbreaking ceremony for the new Devens community service building with Senator Cronin and Representative Sena in attendance, along with the military base Commander and Secretary Hao. However, no representatives from the towns of Shirley, Ayer or Harvard were there. No HDJC members are aware that any local officials had been invited.

Victor will pass along the newsletter to members who can find out in it how to sign up to be on the distribution list for future publications. (See www.devenscommunity.com; "Sign up for updates").

Devens Jurisdiction Framework Committee Update:

Victor reported that the committee finalized the request for expressions of interest (RFEI) document which is intended to get an idea of the cost to provide consulting services to facilitate the work that needs to be done to determine the ultimate disposition of Devens.

Robert Pontbriand (Ayer Town Manager) and Mike McGovern (Shirley Town Administrator) from the DJFC have been charged with formally publishing this document, which should be done just after the first of January. The DJFC hopes to get feedback on the projected cost of the consulting services and to hear from an interested entity that already has some experience in municipal finances and operations.

The committee also received a copy of a communication between Senators Jamie Eldridge and John Cronin and Representative Sena to Secretary Hao (Secretary of Economic Development for the Commonwealth and chair of the MassDevelopment Board). The letter requests a meeting with Secretary Hao to talk about funding to provide consulting services. The DJFC asked Victor to be in communication with Secretary Hao to express support of the meeting and to add a request that MassDevelopment rejoin the DJFC.

Victor's letter was acknowledged by Secretary Hao and he also received a letter from Dan Rivera who said he was working on setting up a meeting with the so-called Devens delegation, Secretary Hao and himself.

Victor will send along his letter and the responses to the Select Board as well as to the DJFC.

Vicksburg Square

Victor reported that at a recent Zoom meeting which Senator Cronin attended he made it clear that something needs to be done in 2024. Senator Eldridge subsequently confirmed this sentiment. Victor reported that the DJFC is concerned that if the towns take no action, the matter might be taken out of local control – meaning the administration or Senator Cronin might initiate an amendment to Chapter 498. The DJFC has taken this matter seriously. It is not in favor of supporting an amendment as other changes could easily be inserted into it. The DJFC reiterated that Chapter 498 requires using a super town meeting (to change the zoning).

Victor reported that Neil Angus was tasked with determining the process to initiate a super town meeting. Robert Pontbriand and Victor were charged with drafting an article for a super town meeting to approve (which they've done) and will present that to the DJFC next week. Essentially it will be an article with 3 components which are (1) raising the housing cap specifically and exclusively for Vicksburg Square; (2) changed zoning to allow residential use only in Vicksburg Square while also attaching metrics regarding percentage of rental units, percentage of senior or special needs units, and percentage of units that qualify as affordable, and (3) a statement acknowledging that while final governance will be determined by the

legislature and the Governor, the towns request that all of Vicksburg Square be incorporated into the Town of Ayer.

Victor noted that Ayer's representatives to the DJFC have proposed that all of Vicksburg Square should end up in Ayer. If all three towns vote to approve this proposal at a super town meeting then it can't be ignored by the legislature.

HDJC members next discussed the pro's and con's of this approach.

Kara noted that the question of which school system would serve the new residents of housing at Vicksburg Square would be a big open issue and felt it should be addressed right from the start of these discussions. She noted that under the current arrangement, children living in housing at Vicksburg Square would be eligible to enroll in the Harvard Public School. Any child who enrolls in the Harvard Schools can remain until their graduation, but if and when Vicksburg Square becomes part of Ayer, children entering school after that point will become eligible to enroll in the Ayer Public Schools rather than in Harvard. She strongly believes we should try to avoid this disruption. She pointed out that the value of a residence may well depend, in part, on which school system educates the children.

Paul noted that MassDevelopment could have a separate education contract with Ayer for the education of children living at units in Vicksburg Square. Paul said that he had spoken with Bonnie Heudorfer, a Harvard resident and an expert on housing issues, who told him that rental units in general, and one and two bedroom rental units specifically, are unlikely to produce many school-age children. He suggested that the HDJC invite Bonnie to attend a future meeting to go into these calculations in depth. He would like to see Ayer formally request that MassDevelopment enter into a contract with it to educate children living at Vicksburg Square.

Paul said he's also concerned that the term "Vicksburg Square" is vague and that any article should be specific about which areas are up for rezoning.

Paul said his personal preference is to move up the deadline and resolve all the issues. He feels that with 3 years of good solid work the parties would resolve all open issues, not just the housing issues. This would enable the towns to resume jurisdiction and gain access to the tax revenues from Devens much sooner than 2033.

Kara agreed that moving up the timeline and settling all the issues sooner would benefit everyone, but MassDevelopment does not appear to agree with that option. She suggested that the parties split the work into two parallel tracks; one on housing and one on the remaining issues. She is concerned that handshake agreements are unenforceable and leave too much uncertainty to renters and owners. She would like to see the legislature settle the jurisdiction issue at the same time as the zoning change.

Victor noted that HDJC members have indicated, via a formal vote, that they don't want to separate out jurisdiction of Vicksburg Square without addressing all of disposition along with it.

We hoped that would bring MassDevelopment back into the discussions. However, the new state administration has split the housing function from economic development and recreated it as a department. It is laser focused on developing more housing in the state and Senator Cronin is actively pushing for housing at Vicksburg Square. Dan Rivera has consistently said MassDevelopment won't participate in determining permanent governance at Devens until 2030 so we could lose control at the local level. The DJFC has decided that it can't wait. The proposed article is similar to the existing expectations that the senior housing on Devens that's in historical Shirley will become part of Shirley, and most of the existing housing on Devens that's in historical Harvard will become part of Harvard. While nothing has been written down, that's the expectation. The proposed article is stronger; it explicitly says that Vicksburg Square should become part of Ayer. If it passes at a super town meeting, it will be a very strong message to a developer and to its residents that this is what will happen, and it will be hard for the state to ignore it. It won't be a rumor, it will be an actual vote.

Kara noted that it was gutsy for a new senator to propose legislation that affects his colleagues without speaking to them first. Kara suggested that Harvard establish connections with the Governor and our legislative delegation and present our concerns directly as they may not know our side of the story.

(Tim Myllykangas leaves the meeting at this point. His departure drops the number of members to 4, which is less than a quorum. This ends the formal meeting. The remaining minutes reflect the informal discussion that continued after he left).

Don agreed that there is a clear mission from our legislators to create more housing. He felt that we had to continue with our efforts.

Victor added that Senator Cronin supports Dan Rivera's desire to separate the issue of jurisdiction from the issue of additional housing. Paul said that after speaking with Senator Eldridge, he feels that Eldridge agrees with Cronin. Victor said that Eldridge has given us a year to make progress on rezoning Vicksburg Square on our own.

Kara felt strongly that we should continue to insist that jurisdiction be settled at the same time as housing, that we should make our best case as to why it is important. Victor asked who would be the messenger, and who would receive the message. He noted that MassDevelopment has a full-time staff to work with the governor and legislature, and that MassDevelopment is seen as the good guys.

Paul said that he had suggested to Senator Eldridge that the deadline get moved up, without any indication from the senator that he agreed with this request. The senator had asked if Harvard would stand in the way of rezoning, and stated that Harvard had a reputation of overstudying everything. Paul warned that if we pushed back, it would have to be done in a way that appeared that we were helping to solve the problem, not that we are trying to delay, defer, or undermine it.

Paul is also concerned that the HDJC and DJFC seem to only be able to work on one thing at a time. If they are working on rezoning Vicksburg Square, then they aren't working on disposition. He's like to see the towns stand up parallel committees focused on rezoning Vicksburg Square. Failing that, he reiterated his desire to just move up the deadline and tackle everything.

Victor noted that Dan Rivera's statement is that MassDevelopment is just following the plan (Chapter 498) as laid out by the legislature. It calls for them to be at Devens until 2033. So, basically, Victor doesn't think it is likely that we can get MassDevelopment to agree to change the date, and without that support, it is not likely that the legislature will change it, either.

Victor noted that once the language for the super town meeting articles is approved by the DJFC, the DEC and MassDevelopment will need to approve them, and public hearings will need to be held, before super town meeting itself can take place. We will be giving them a plan for housing at Vicksburg Square. If they don't approve it, the pressure will be on them, not the towns. The concerns of the Devens residents will also be a factor. Some may want to preserve the status quo or have Devens become its own town. It isn't clear today how these dynamics will play out.

Public Comment:

No members of the public wished to make any comments.

Adjournment:

The meeting was adjourned at 10:45 am without objection.

Appendix:

Devens Annual Report for 2023:

<https://www.devenscommunity.com/assets/about/pdfs/Devens-Annual-Report-2023.pdf>

Draft HDJC Submission to Planning Board:

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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