

CHAPTER 9 DEVENS

1. THE DEVENS FACTOR

The Devens Regional Enterprise Zone (DREZ) is a unique instrumentality of the state. Created by Chapter 498 of the Acts of 1993, the DREZ is the legal mechanism for acquiring 4,400 acres of the former Fort Devens and redeveloping it as a regional employment center. Chapter 498 designates a quasi-public state agency, MassDevelopment,⁷¹ as the sole entity with power to acquire, maintain, develop, and dispose of property at Devens, and the Devens Enterprise Commission (DEC) as the entity that reviews and permits development proposals. Both are subject to the Devens Reuse Plan, which Harvard, Ayer, and Shirley approved at special town meetings in September 1994. The Devens Reuse Plan is similar to an urban renewal plan in that it relies on the powers of government to restore, reorganize, and reposition property for private development. Chapter 498 also gave MassDevelopment up to \$200 million in funding to pay for infrastructure improvements that would be needed to attract and support industrial growth at Devens.

The overarching goal of the Devens Reuse Plan was to replace all of the 7,000 to 8,000 jobs that were lost as a result of base closure. As a primarily non-residential area, Devens hosts over ninety business, non-profit, and governmental organizations that provide a combined total of over 4,000 jobs. In the earliest days of the redevelopment effort, many of the businesses that moved into Devens brought warehouse and transportation-related jobs to the region. Over time, Devens began to attract more higher-end technology businesses, and the development process accelerated. By almost any measure, Devens has been a successful economic development initiative. One of the key reasons for its success is that Chapter 498 gives significant power to MassDevelopment and the DEC. Establishments that choose Devens are guaranteed fast-track or “unified” permitting from the DEC. Unlike Harvard’s separately elected and appointed boards, the DEC is a combined “one-stop” Planning Board, Conservation Commission, Board of Health, and Historical Commission. In addition, Devens was able to attract new growth through favorable zoning, robust water, sewer, and energy infrastructure, and competitive utility rates.

There are federal agencies still operating at Devens today (2014). When Fort Devens closed in the 1990s, the land disposition process gave priority to federal and state agencies and federally funded programs with space needs that could be met in the existing base facilities. The Army Reserve, the Federal Bureau of Prisons Medical Center, and the U.S. Fish and Wildlife Service all control property that was previously under the Army’s jurisdiction. One consequence of this arrangement is that the land at Devens is divided among several jurisdictions, i.e., MassDevelopment does not control the entire site. Another consequence is that less than 70 percent of the tenants at Devens are private for-profit employer establishments that generate property tax revenue.

The Devens Reuse Plan contemplates Devens as a large office and industrial park with recreation amenities and considerable open space. Devens is limited by law to a maximum of 282 housing units, so its residential population is very small. (A 2015 amendment to the Reuse Plan approved

⁷¹ In 1994 when Chapter 498 took effect, MassDevelopment was known as the Massachusetts Government Land Bank.

a 120-unit senior residence in the Shirley Village Growth District outside of the 282-unit cap.) The status of families living at Devens is complicated. The vast majority actually resides in Harvard and they have the right to vote in Harvard, yet they do not have the same access to municipal, Council on Aging, and school services as residents of Residential Harvard. This is because under Chapter 498, MassDevelopment is the governing body at Devens, so MassDevelopment is responsible for providing the services that Harvard's local government provides to the rest of town. It does so through a combination of contracts for services with one of the three towns (or other towns in the region), arrangements with other state agencies, e.g., the State Police, and hiring its own personnel, such as the Devens Fire Department. The Town should continue to pursue opportunities to provide services under contract to Devens and its residents and/or to regionalize services that can realize cost savings due to economies of scale.

The Devens Regional Enterprise Zone, as currently constituted, has a finite lifespan. By July 1, 2033, a recommendation must be made to the governor and legislature about the future disposition of Devens. At issue is whether it will revert back to the host communities, become a new town, or operate under some type of hybrid arrangement. Disposition is about more than just the economic consequences on Harvard. Any outcome should consider the residents' best interests and how to insure they become fully empowered in a viable community. Some Harvard officials think a decision should be made sooner and that MassDevelopment should have an "exit strategy" that the three towns can review and understand. MassDevelopment has about 240 more acres of land in Harvard to develop under the existing Devens Reuse Plan. From time to time there have been efforts to amend the Reuse Plan, but since all three towns have to approve any amendments to it, MassDevelopment has found it difficult to align the redevelopment process with changing market conditions. Harvard has a vital interest in future decisions about Devens because some 60 percent of the land area at Devens is part of Harvard's historical lands, and it represents about 15% of Harvard's total area.

The future disposition of Devens could have some implications for land use in Harvard, but it is more likely that the disposition of Devens will affect aspects of running the Town: town management, finance, public facilities, and economic development – a task for which Harvard is not well prepared. Current land use regulations at Devens under the Devens Reuse Plan differ dramatically from the rules that govern development in Residential Harvard. No agricultural land uses exist at Devens, there is a great deal of industrial and large-scale commercial activity, and the residential component is limited. Devens continues to present major opportunities for commercial and industrial growth as well as space for public and institutional buildings. The inclusion of Devens (or part of it) under Harvard's jurisdiction could have some impact on decisions about the C District and the Town Center, but decisions about Devens are many years ahead and they will not be controlled by Harvard alone.

In 2015, Burns & McDonnell prepared two reports entitled "Devens Impact Evaluation & Recommendations" and "Economic and Financial Findings", provided a summary of Master Plan issues related to Devens, and provided next-step recommendations for each of seven Master Plan Elements. The evaluation found that numerous goals and recommendations within this Master Plan mention, do involve, or could involve Devens. Notably, several of the stated goals can likely be realized *regardless* of the final Devens disposition outcome. While resuming jurisdiction could assist with achieving some community goals and recommendations, they could also likely incur some risk and/or cost. Details related to various Master Plan Elements are discussed within the

various Element's chapters of this Master Plan.

Specifically related to financial considerations, BMcD found that, as of 2015, Devens contained a mix of industrial, commercial, and residential uses that would be a significant source of new tax revenue should Harvard resume jurisdiction. Of note from the Economic and Financial Findings report, the 2016 tax revenue impact (property + other fees) of resuming Devens jurisdiction was projected at \$4.0 million, with \$4.58 million projected in new municipal expenses, an operational deficit of \$573,400. Over the long-term, however, the gap between revenues and expenses is projected to close as the Bristol-Myers Squibb TIF agreement matures and additional land is developed. By 2023, new revenues are projected at \$5.68 million, with \$5.63 million projected in municipal expenses, yielding an operational surplus of \$62,000. (All figures are in 2015 dollars).

Devens will continue to present both challenges and opportunities to the Town of Harvard regardless of disposition. The redevelopment of Devens over the past 20 years has been a success, yet the path forward has challenges. Proper assessment and continued actions on the part of the Town of Harvard, such as through its Master Plan process, can assist local officials with setting appropriate goals and working towards them in an informed manner.

A summary of issues and recommendations compiled within the BMcD reports are included below as a "Devens Matrix"

2. DEVENS MATRIX

Land Use Element		
Issue	Devens Effect	Recommendations
Provide greater percentage of land for commercial and industrial uses.	Harvard portion of Devens contains 19.9 acres zoned commercial and 633.0 acres zoned industrial.	Investigate the level and extent of changes to Harvard's current zoning structure that would be required to achieve a land use mix comparable to what would be realized by resuming jurisdiction.
Provide more diverse housing opportunities.	<p>Multiple housing stock options (new or refurbished).</p> <p>Increased housing choice diversity provided by existing housing within Devens, (including Grant Road) which is generally denser than required by Residential Harvard's large-lot zoning.</p> <p>Opportunities for additional Chapter 40B and/or senior housing units without affecting any areas within Residential Harvard. (25% of Devens housing must be affordable, per 1994 Reuse Plan.).</p>	<p>Assuming jurisdiction is resumed, consider potential opportunities for further diversifying housing stock within Devens, to provide a wide range of housing choices.</p> <p>**See Population & Housing Element Summary below for additional details.**</p>
Natural Resources & Open Space Element		
Issue	Devens Effect	Recommendations
Conservation of natural, historic and cultural resources.	Includes Rogers Field, Mirror Lake, other open space areas	Assess need to adjust land use regulations and/or strategies (such as Conservation Restrictions).
Preservation of Harvard's defining landscapes.	Harvard afforded a greater say in protection of viewsheds and natural resources	<p>Identify if additional resources will be required by the Harvard Planning Board to process applications within Devens.</p> <p>Assess potential changes to Harvard Zoning Bylaw to include viewshed issues related to Devens.</p>

Natural Resources & Open Space Element (continued)		
Issue	Devens Effect	Recommendations
Protection of local watersheds and aquifers.	Harvard afforded a greater say in protection of viewsheds and natural resources	Identify if additional resources will be required by the Harvard Conservation Commission to process applications within Devens.
Open Space Action Plan implementation.	<p>Existing Devens Open Space Plan with its own action items</p> <p>Possible revenue-generating opportunities via active recreational facilities (especially Rogers Field and Mirror Lake).</p> <p>Increased maintenance and management responsibilities (both active recreation and conservation lands).</p>	<p>Assess the viability of combining the Harvard and Devens open space plans, checking for areas of both compatibility and potential goal or action-related conflicts. Identify additional resources required.</p> <p>Investigate the potential for extending the management structure currently used at Mirror Lake at Bare Hill Pond, or for placing both facilities under the same management.</p> <p>Assess potential recreational-based revenue opportunities for the Town of Harvard from Rogers Field and Bare Hill Pond.</p>

Population & Housing Element		
Issue	Devens Effect	Recommendations
Increasing Harvard's housing type diversity.	Integrating population and providing services for 282 units (cap per 1994 Reuse Plan). After Grant Road, 22 units can be added.	<p>Assuming jurisdiction is resumed, consider potential opportunities for further diversifying housing stock within Devens if the existing housing cap were modified or removed.</p> <p>Assuming jurisdiction is resumed and the Devens housing cap is maintained, consider ways for remaining allowable units within Devens to provide additional housing stock diversity.</p>
Meeting affordable housing goals.	25% of Devens housing must be affordable, per 1994 Reuse Plan	Investigate residential build-out scenarios to determine actions and numbers of units required to meet affordable housing goals with and without Harvard resuming Devens jurisdiction.
Ensuring that new housing is harmonious in design with existing community character.	A portion of former officers housing is in Ayer.	As part of weighing disposition options, investigate the ability to allow existing Devens neighborhoods to remain intact and within the same jurisdiction.

Harvard's Economy Element		
Issue	Devens Effect	Recommendations
Adding acres of commercial land (currently limited to Ayer Road C District).	Existing commercial and industrial areas.	Investigate the level and extent of changes to Harvard's current zoning structure that would be required to achieve a level of commercial and industrial space comparable to what would be realized by resuming jurisdiction.
C District limitations: Lack of sewer & water infrastructure Market potential Size of existing lots (some undersized) Zoning requirements.	4.3 million sq. ft. of additional commercial space.	Update previous studies and/or perform new studies (as needed) to assess costs of extending sewer and water infrastructure from Devens to the C-District. Assess full impact (including traffic) of a build-out of the Ayer Road C-District, under existing conditions and with upgraded utilities.
Ease of permitting.	Existing consolidated permitting process.	If jurisdiction is resumed, consider provisions to allow a consolidated permitting process to continue within Devens.

Cultural Resources Element		
Issue	Devens Effect	Recommendations
Preserving historic structures and locations.	Vicksburg Square on National Register of Historic Places, numerous sites on State Register.	If jurisdiction is resumed, consider further study of, and listing, additional potentially-eligible sites to the NRHP and MHP.
Preparing a comprehensive community-wide historic resources survey.	Studies of historic resources have been completed; additional sites may be eligible for NRHP.	If jurisdiction is resumed, include Devens information within a comprehensive survey; consider previously-identified follow-up items (as appropriate).
Considering adoption of a demolition delay bylaw.	Future of Vicksburg Square remains uncertain.	If pursued, consider special provisions for some resources within Devens.
Historic resource oversight.	Due to additional historic resources, increases the oversight responsibilities of the Historic Commission.	Consider need for additional funding and/or staff to support Commission activities.

Community Services & Facilities Element		
Issue	Devens Effect	Recommendations
Maintaining an adequate government structure for delivery of services and provision of community facilities.	Assuming jurisdiction would likely require additional municipal management.	Investigate the governmental structures, resources, and staffing levels maintained by towns comparable to a combined Harvard and Devens. Investigate extension of public utilities from Devens to Harvard.
Capacity to manage current municipal services.	Devens (through MassDevelopment) has departments such as fire, police, and public works. Jurisdiction would likely require expanded Harvard staff and equipment.	Perform detailed department-based resource and needs assessment to identify resources anticipated to be required if jurisdiction is resumed. Investigate additional opportunities to maximize resources through regionalization efforts.

Circulation & Traffic Element		
Issue	Devens Effect	Recommendations
Ayer Road traffic, including from Devens	Redevelopment has contributed to increased Ayer Road traffic Trucks from Devens commonly use Ayer Road instead of Jackson Road.	Summarize previous traffic studies and update as needed. Approach MassDevelopment and/or MassDOT for mitigation measures.
General road access to Devens	No existing direct road access between Harvard and Devens. The Harvard- Devens road network discontinuity is unusual, but not unprecedented.	Perform routing and feasibility study to identify potential connections and approximate anticipated costs.
Bikeway opportunities	The potential of a Harvard-Devens bikeway has been noted in several documents.	Further investigate bikeway viability and potential funding sources.