

# DEVENS JURISDICTION FRAMEWORK COMMITTEE

**Wednesday, December 13, 2023, at 3:00 p.m.**

This meeting will be held both virtually, via the Zoom video conferencing service, and in person in the Select Board Meeting Room in the Town Hall at 1 Main Street, Ayer MA. Members of the DJFC and members of the public may attend via either method.

Town of Ayer is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84104518938>

**Meeting ID: 841 0451 8938**

## AGENDA

- ❖ **Call to Order**
- ❖ **Approval of Meeting Minutes**
  - 8 November 2023
- ❖ **Representative from Shirley Hosting Today**
- ❖ **Stakeholder Update (for other than agenda items)**
  - Town of Ayer
  - Town of Harvard
  - Town of Shirley
  - Devens Representatives
  - Devens Enterprise Commission
- ❖ **Old Business**
  - RFEI Update
  - Vicksburg Square “Super” Town Meeting Draft Article
  - Letter to Secretary Hao with Responses
- ❖ **New Business**
  - Process for Amending the Reuse Plan by “Super” Town Meeting
- ❖ **Public Comment**
- ❖ **Items for the Next Meeting Agenda**
- ❖ **Adjourn**

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DJFC agendas and meeting minutes are posted at:

<https://devensjfc.weebly.com>

**Devens Jurisdictional Framework Committee**

**\*\*\*\*DRAFT\*\*\*\* Meeting Minutes from November 8, 2023**

**Attendance:** Victor Normand (Chair); Jannice Livingston (Vice Chair); Alan Manoian; Robert Pontbriand; Rich Maiore; Bill Marshall; Mike McGovern; Neil Angus; John Katter; Kristen Cullen

**Absent:** Tim Bragan; Rico Capucci; Bryan Sawyer; Marissa Rivera

**Call to Order:**

The meeting was called to order at 3pm by Victor Normand in the First Floor Meeting Room of the Ayer Town Hall.

**Meeting Minutes Approval:**

The Committee reviewed the DRAFT meeting minutes from October 11, 2023.

R. Pontbriand advised of some ministerial errors to be corrected in the meeting minutes.

**Motion:** A motion was made by J. Livingston and seconded by R. Maiore to approve the meeting minutes from October 11, 2023 as amended. **Motion passed 10**

**Stakeholder Updates:**

***Town of Ayer:***

Alan Manoian advised that the Town's local Committee continues to meet and there is a lot of renewed energy and enthusiasm. Ayer's local Committee is going to be looking at industrial properties on Devens as well as the potential implications of a split tax rate on Devens.

***Town of Harvard:***

Victor Normand advised that the Town's local Committee has looked at the Land Availability Study at its last meeting at which Neil Angus from the DEC joined us. We discussed the idea of setting aside land on Devens for a future municipal purpose (i.e., school or other municipal facility). We are going to request that MassDevelopment consider setting land aside for this purpose. We also discussed a new topic which is the school contract between Harvard and MassDevelopment. What would trigger Harvard to revisit this contract was one of the discussed points. We are also looking forward to reviewing the FY 2025 MassDevelopment Budget.

***Town of Shirley:***

M. McGovern advised that there was no new update at this time.

***Devens Representatives:***

John Katter advised that they are going to have their first in-person resident meeting this Saturday and the topic of the meeting will be focused on jurisdiction and what are our priorities with respect to issues of jurisdiction.

***Devens Enterprise Commission (DEC) Update:***

Neil Angus attended the recent Harvard meeting at which open space was discussed as well as setting aside land for future municipal purposes. There are only 18 housing units left under the existing housing cap on Devens. He also worked on the RFEI which is a topic for discussion later today.

V. Normand asked what the status of the Emerson Green units is.

N. Angus advised that it is at 46 units and the developer is working on securing final financing.

V. Normand asked if the development includes any amenities.

N. Angus stated no.

***MassDevelopment Update:***

MassDevelopment was not present at the meeting and there has been no new communication from them at this time.

**Old Business:**

***RFEI Document Final Review/Potential Vote:***

V. Normand advised that the subcommittee met to review the RFEI. The subcommittee consisted of Victor Normand, Neil Angus, Mike McGovern, and John Katter. The final DRAFT of the RFEI was sent to the DJFC.

N. Angus provided an overview of the final DRAFT RFEI. The subcommittee added social cultural list of services and highlighted to improve current level of services. Under Task #4 they included land use as well as social cultural resources and regional services. They also added staffing needs as a consideration. They removed any reference to Super Town Meeting in the RFEI and V. Normand prepared a DRAFT cover letter to be issued with the RFEI.

J. Livingston stated that this is great work, and we need to get this RFEI issued.

The Committee reviewed the final DRAFT RFEI and there were no further changes.

**Motion:** A motion was made by J. Livingston and seconded by R. Maiore to approve the RFEI and authorize it to be formally issued. **Motion passed unanimously (10-0).**

V. Normand then asked how the Committee wanted to distribute it.

M. McGovern advised that we will need to follow MGL Chapter 30B with respect to issuing the RFEI. It is a specific legal process. He stated that R. Pontbriand and he would work on issuing the RFEI. It will take approximately a month to put the package together; it should be advertised for another month at which time respondents would submit their proposals; and then we will need a formal process to open and review the proposals. We will need a formal review committee. The whole process should take approximately two months at a minimum. He will develop a task list.

J. Livingston stated that we should keep this item as an update item on the next meeting's agenda.

***Vicksburg Square Governance and Zoning Continuation of Discussion:***

V. Normand stated that the intent of this item is in part to get action on Vicksburg square. This urgency stems off of recent unilateral legislative actions by Senator Cronin and the State regarding the future of Vicksburg Square which did not include the Towns and local entities in those decisions and potential actions. We need to be involved in the process and proactive.

J. Livingston stated that we need to put forth a proposal designed to resolve the issue of Vicksburg Square; make some progress on the issue; and frankly to get MassDevelopment back at the table. If you look at the boundaries of Vicksburg Square, the majority of it is in Ayer with a small portion in Harvard. Ayer needs to work with Harvard resulting in Ayer taking over Vicksburg Square and perhaps there is something equitable in trade for Harvard. Ayer's local Committee is going to be looking at this. We come to a mutual agreement, and we move forward. The bottom line is that we need action. We need to take care of Vicksburg Square and determine its future, not the State.

V. Normand agreed that something needs to happen, and we want local control and involvement, especially on matters of housing. Super Town Meeting is the current vehicle for zoning changes. Perhaps Super Town Meeting establishes Vicksburg Square in its entirety to be in the Town of Ayer pending the ultimate outcome of jurisdiction. The zoning change would cover about 20 acres and could address the appropriate distribution of residential use. We need to refine this and move forward. We need to outline the Super Town Meeting Requirements as well as outline the process for us to initiate a Super Town Meeting as historically it has always been initiated by MassDevelopment.

N. Angus stated that he would look into the Super Town Meeting process.

V. Normand stated that we need to clarify the distribution of housing units issue (i.e., affordability cap; housing types; etc.).

J. Katter stated that it is important to bring some of the stakeholders up to date on the recent call with the Legislative Delegation. Some of us were not invited to that call. We need to see if the State feels there are separate paths to Vicksburg Square or could there be two concurrent tracks. We need to be invited to the next meeting.

V. Normand stated that at the end of the day, the State Legislature makes the final decision with respect to jurisdiction. We need a clear statement that Vicksburg Square is in Ayer pending the final decision with respect to jurisdiction. This is similar to the issue of Keady Way in Shirley.

R. Pontbriand stated that this effort could bring MassDevelopment back to the table.

J. Livingston agreed and stated that MassDevelopment will not come forward without action.

V. Normand stated that we need to develop a proposed Article for a Super Town Meeting and have clarity on that process.

N. Angus asked if we in essence would be parsing off Vicksburg Square and if that would be problematic instead of looking at the whole of Devens?

J. Katter stated that was his concern as well.

J. Livingston stated that the ultimate disposition report would be based on the facts as to what would be best for the ultimate jurisdiction of Vicksburg Square. But we need to make some progress on Vicksburg Square by stating that it is in Ayer; move forward with the appropriate development of Vicksburg Square; and ultimately the final recommendation on jurisdiction will be in the final report.

J. Katter stated that there is no doubt that redrawing of lines and boundaries can be done separately from the issues of jurisdiction. But this is a jurisdictional committee, and should this be part of our agenda?

V. Normand stated that is a valid point. We have seen past examples this year of the State inserting itself without us being involved. I do not think we have been pre-emptive on the issue of Vicksburg Square.

N. Angus stated that we can do both processes in tandem. We need to clearly delineate and separate both tasks.

J. Katter concurred with N. Angus that we do need to clearly separate and delineate the tasks of Vicksburg Square from the overall jurisdiction issue.

V. Normand stated that we need to resolve Vicksburg Square in a manner that all communities are involved and that we have everyone's support.

R. Maiore stated that we all seem to be saying the same thing. We could set up a subcommittee to look at Vicksburg Square. We can do both. We need to address Vicksburg Square. The recent call with the State Legislative Delegation was to share a high-level approach to Vicksburg Square and they were supportive of this conceptual approach.

J. Katter stated that we are not all in agreement. We have other things to work out first and all of the Stakeholders need to be at future calls/meetings with the State Legislative Delegation.

M. McGovern asked for clarification on what the intent of the Super Town Meeting Warrant Article would be.

V. Normand stated to show definition and forward motion and detail on the type of housing at Vicksburg Square and hopefully to get MassDevelopment engaged with us and ultimately to get Super Town Meeting to approve the necessary zoning change.

Alan Manoian stated that he recently walked all of Vicksburg Square. It is very unique and distinct from the rest of Devens. Built in 1928-1929, it is almost one hundred years old. We need to be very serious about historic preservation and redevelopment with an urgency to save. In 1994 Vicksburg Square was not a priority. MassDevelopment are not experts on historic redevelopment. WE have a housing crisis. People cannot afford to live here anymore. This is an urgency of housing and historic preservation. We need to clearly communicate these concerns and needs to MassDevelopment.

J. Livingston stated that Mass Historic needs to get involved.

V. Normand stated that we either make progress on Vicksburg Square or just keep meeting. I do not think we have a lot of time. Talking with Senator Eldridge we need to show action in 2024 on Vicksburg Square.

J. Katter stated that we need to talk about this more. Attaching the issue of resolving Vicksburg Square separately to jurisdiction slows things down on all fronts.

V. Normand asked how it slows it down?

J. Katter stated that he does not have the specific answer today, but we need to discuss it further.

V. Normand asked if J. Kater would bring this issue up to your people and asked Bill Marshall and Neil Angus to do the same with the DEC.

M. McGovern stated that we should reach out to the State Legislature about the issue of changing boundaries as that is their jurisdiction and we need to find out how realistic that is. It is a good starting point.

N. Angus stated that this is a big challenge but a big opportunity. He agrees with Alan that the DEC wants to see Vicksburg Square historically preserved and reused appropriately. Is changing the boundary an obstacle? Could we approach it another way by developing an intermunicipal agreement for Vicksburg Square? Do we set up a separate subcommittee?

J. Livingston stated that we still need to address/fix zoning at Vicksburg Square. We can work on that while working on all the other issues/questions of Devens disposition and jurisdiction.

V. Normand stated that Senator Cronin's recent legislative proposal would have taken away all local control.

J. Livingston stated that we should move forward with developing a Super Town Meeting process for resolving the zoning of Vicksburg Square.

V. Normand proposed that in terms of next steps on this issue: V. Normand and R. Pontbriand will meet to draft a proposed Super Town Meeting Article for the next meeting to review and discuss; N. Angus will research the Super Town Meeting Process; and M. McGovern is going to develop a list for the RFEI process.

**New Business:**

V. Normand referenced the recent letter sent to Secretary Hao from the State Legislative Delegation.

R. Maiore stated that it would be great if all three Select Boards sent a follow-up letter.

J. Livingston stated that the letter should come from this Committee.

V. Normand stated that he will prepare a DRAFT letter from this Committee for the Committee to review, and it will include the request that MassDevelopment re-engage.

**Public Comment:**

John Geller (Resident on Devens): He has lived on Devens since 2005. The Discussion I heard today is encouraging. On the cynical side it looks like the Towns have come to the realization that control could be taken away from the Towns on housing by the State. Things have changed. My comment is if you add boundaries of Vicksburg Square into the discussion will it make it cloudy and very difficult for the State to get behind you? If you are in Ayer, it has minimal impact. Boundary issues will make it more confusing and more difficult.

Paul Green (Harvard Resident): I suggest that for Public Comment you let the public speak and not respond as we do at Harvard Select Board meetings. I would recommend that the Committee put together a calendar/schedule with tasks. Could show this to the State. Within the 10-year schedule we could do the study in three years. While MassDevelopment is not at the table, but they have been responding to the Harvard Committee. They could be half-involved. Have the State bring out engineers to evaluate the conditions at Vicksburg Square. We do not know the true conditions of Vicksburg Square. If they are too far gone then perhaps, they should be torn down? But no one knows definitively.

Regina Todd (Resident on Devens): I would suggest that major topics brought up should have ample time for discussion and that all constituencies be included. It is imperative that there is more pre-work and deliberation. With respect to Vicksburg Square, we know the history and I am glad to see the Town rallying about it. The Harvard Committee recently expressed the point of accelerating the timeframe for the disposition study and that the point of accelerating disposition was to use Vicksburg Square. I am also aware that Harvard and the Towns have discussed the boundary issue before. Residents on Devens and other Stakeholders need a seat at all tables where these matters are discussed.

J. Livingston asked for clarification.

Regina Todd stated that her point is that all information and all deliberations must be public, forthcoming and available to all Stakeholders and the public.

J. Livingston agreed and stated that she likes doing everything in front of everyone.

Regina Todd stated that it is imperative that there is an equal seat for all stakeholders at the table and that all information and decisions are transparent.

**Items for the Next Meeting Agenda:**

- RFEI Process Update
- Special Town Meeting Process Update
- DRAFT Special Town Meeting Warrant Article for Review and Discussion
- DRAFT Follow-up Letter to Secretary Hao from the DJFC

**Adjournment:**

**Motion:** A motion was made by R. Maiore and seconded by J. Livingston to adjourn the meeting at 4:40pm. **Motion passed 10-0.**

The meeting was adjourned at 4:40pm.

Minutes recorded and submitted by Robert Pontbriand.

Minutes reviewed and approved by the Committee on \_\_\_\_\_.

Signed: \_\_\_\_\_

Robert A. Pontbriand



# DJFC

## Warrant Article for a Super Town Meeting

To see if the voters in the Towns of Ayer, Harvard, and Shirley (herein referred to as the Towns) gathered at Town Meeting in their respective towns on the same day and at the same time will approve the following change to the Devens Reuse Plan:

1. While permanent government at Devens will eventually be determined by the Legislature and the Governor, it is the choice of the Towns that the land and buildings collectively known as Vicksburg Square shall be entirely and permanently within the jurisdiction of Town of Ayer, and
2. That the current zoning for Vicksburg Square shall be amended to include housing, and
3. That the number of housing units shall not exceed 400 to be configured as follows:
  - a. 25% of units as rental housing
  - b. 25% of units as elderly and/or special needs rental housing
  - c. 50% of units to be housing for sale to families and individuals

Within each configuration there shall be exactly 25% of the units defined as affordable except that the elderly and/or special needs housing may exceed 25% affordable.

Devens Jurisdiction Framework Committee  
13 Ayer Road  
Harvard, MA 01451

Secretary Yvonne Hao  
Executive Office of Economic Development  
One Ashburton Place, Room 2101  
Boston, MA 02108

# Devens Jurisdiction Framework Committee

13 Ayer Road  
Harvard, MA 01451

Secretary Yvonne Hao  
Executive Office of Economic Development  
One Ashburton Place, Room 2101  
Boston, MA 02108

Dear Secretary Hao,

The Devens Jurisdiction Framework Committee (DJFC) was originally formed in 2019 at the urging of MassDevelopment for the purpose of beginning the process for determining permanent government at Devens. The Committee consists of public officials and residents of the towns of Ayer, Harvard, and Shirley, as well as members of the Devens Enterprise Commission, a Devens resident and representative from Devens businesses. MassDevelopment was an original member of the DJFC until withdrawing in 2022 coinciding with the change in agency administration.

MassDevelopment's staff involvement with the work of the DJFC is critical as is the Agency's financial support. Recently, the Devens Legislative Delegation wrote to you asking for your assistance in securing an initial financial commitment of \$400,000 for consulting services to support the work of DJFC. The Delegation has acted to include those sums in a general bond bill that requires action by the Healey-Driscoll Administration. More appropriately, MassDevelopment could easily provide consultant funding from the existing Devens Fund as a legitimate project expense.

Your assistance as Chair of the MassDevelopment Board of Directors in getting the Agency back into the DJFC planning process, along with needed financial resources would be greatly appreciated.

Respectfully,

Victor Normand, Chair  
Devens Jurisdiction Framework Committee

# Devens Jurisdiction Framework Committee

13 Ayer Road  
Harvard, MA 01451

CC:

## Town of Ayer

Jannice Livingston, Vice-Chair Select Board  
Robert Pontbriand, Town Manager  
Alan Manoian, Director Ayer Office of  
Community and Economic Development

## Town of Shirley

Brian Sawyer, Clerk Select Board  
Michael McGovern, Town Administrator  
Enrico Cappucci, Resident

## Devens Enterprise Commission

William Marshall, Chair  
Neil Angus, Director

## Town of Harvard

Richard Maiore, Chair Select Board  
Timothy Bragan, Town Administrator  
Victor Normand, Chair Harvard Devens  
Jurisdiction Committee

## Devens

John Katter, Resident  
Marissa Rivera, Resident (Alternate)  
Odile Smith, Vice President and Site Head  
BMS  
Kristen Cullen, Head of Public Affairs,  
Commonwealth Fusion Systems

## Devens Delegation

James B. Eldridge, State Senator  
John J. Cronin, State Senator  
Danillo A. Sena



● **Hao, Yvonne (EOED)**

**From:** yvonne.hao@mass.gov

**To:** Vnormand

**Cc:** James Eldridge, Cronin John (SEN), Sena Danillo - Rep. (HOU)



Tue, Nov 28 at 5:20 PM



Hi Victor, thanks so much for this very thoughtful letter, and sincere apologies for the delay. I went on our first family vacation with my husband and both our daughters since 2019! It was good to have the tie together, and I'm just catching up now.

Thanks for the work from you and the DJFC and the Devens Legislative Delegation, and I will share it with Dan Rivera as well. Very best, Yvonne



99 High Street  
Boston, MA 02110

Thursday, November 30, 2023

Main: 617-330-2000  
Fax: 617-330-2001

Victor Normand, Chair  
Devens Jurisdiction Framework Committee  
13 Ayer Road  
Harvard, MA 01451

massdevelopment.com

Dear Mr. Normand,

At the request of Secretary Yvonne Hao, I am replying on her behalf to your recent letter, emailed on November 21, concerning the work of the Devens Jurisdiction Framework Committee (DJFC).

Maura Healey  
*Governor*

As you know, the enabling legislation that created Devens says that on or before July 1, 2030 the DEC, the Towns and MassDevelopment will “initiate a study ... concerning permanent government structure for the ongoing operation and administration of Devens.” Recommendations are due to the Legislature in 2033.

Kim Driscoll  
*Lieutenant Governor*

While we are well ahead of that schedule, we also recognize that the future governance structure and operation of Devens are issues of great interest to the Towns of Ayer, Harvard and Shirley—as they are for MassDevelopment. It will take collaboration among all stakeholders to achieve the best outcome in the timeframe provided by the statute.

Yvonne Hao, Chair  
*Secretary of Economic Development*

MassDevelopment is committed to participating in collaborative discussions with the Towns at the appropriate time. To that end, Secretary Hao and I will be meeting soon with the Devens Legislative delegation and expect to discuss the timeline for the DJFC’s work and MassDevelopment’s role in the DJFC planning process, as well as potential funding sources for related consulting work.

Dan Rivera  
*President and CEO*

If I can be of further assistance, please feel free to reach out to me directly at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Rivera", written over a horizontal line.

Dan Rivera  
President and CEO

cc: Yvonne Hao, Secretary  
Ashley Stolba, Undersecretary  
Meg Delorier, Executive VP Devens Operations

## **Process for Proposing Amendments to the Devens Reuse Plan**

Section 10 of Chapter 498 of the Acts of 1993 outlines the steps required to make any substantial changes to the Reuse Plan or bylaws:

A substantial revision to the Reuse plan or bylaws is not effective until MassDevelopment and the Towns, following public hearings, have approved said revision, and all three of the Towns have accepted said revision, pursuant to the following process:

1. MassDevelopment and the Towns hold two or more public hearings, as they determine appropriate, in the Devens Region to receive public comment on the proposed Reuse Plan and Bylaw amendments. Notice of said public hearings shall be provided in a newspaper or newspapers of general circulation in the Devens Region at least fourteen days prior to the dates established for said hearings.
2. Within 30 days of the last public hearing held by MassDevelopment and the Towns, submit the proposed revision(s) to the board of selectmen of each of the Towns.
3. Within 90 days of receipt of the proposed revision(s), the board of selectmen of each of the Towns shall convene a town meeting to be held at the same date and time in each of the Towns for the purpose of adopting or rejecting, by majority vote of each town meeting, the revision(s). Each Town shall vote to adopt or disapprove the revisions as submitted. No amendments to the revisions shall be made by the Towns.
4. Each Town shall, within 30 days of an adoption or rejection of the revision(s) at a town meeting, provide MassDevelopment and the Devens Enterprise Commission with a written notification stating whether town meeting adopted or rejected the revision(s).
5. Adoption of the revision(s) by at least three of the Towns shall constitute final acceptance of the revision(s).