

Devens Jurisdiction Framework Committee

Meeting Minutes from January 10, 2024

Attendance: Victor Normand (Chair/Harvard); Jannice Livingston (Vice Chair/Ayer); Mike McGovern (Clerk/Shirley); Robert Pontbriand (Ayer); Alan Manoian (Ayer); Bryan Sawyer (Shirley); Neil Angus (DEC); William Marshall (DEC); John Katter (Devens Representative); Marissa Rivera (Devens Representative; Joined at 3:30pm)

Call to Order:

The January 10, 2024 meeting of the Devens Jurisdiction Framework Committee was called to order at 3:00pm by Victor Normand in the First Floor Meeting Room of the Ayer Town Hall.

Approval of Meeting Minutes (December 13, 2023):

The Committee reviewed the DRAFT meeting minutes from December 13, 2023.

John Katter stated that the DRAFT meeting minutes did not capture some of the key points of discussion with respect to the discussion on the proposed Warrant Article. He stated he would send the points for consideration to be added to the DRAFT meeting minutes.

Victor Normand asked that John Katter send the points in writing and that the approval of these DRAFT meeting minutes be deferred to the next meeting.

William Marshall pointed out that his name was spelled wrong in the DRAFT minutes.

Stakeholder Updates:

Town of Ayer:

Jannice Livingston wished everyone a Happy New Year and asked Alan Manoian to provide the Town of Ayer's Stakeholder Update.

Alan Manoian reported that the local Ayer Committee met in early December. An analysis on each parcel of Devens that is in Ayer is being looked at. He stated that the local Ayer Committee is going to begin meeting with Town Departments regarding municipal services and the impact on municipal services if portions of Devens were to come under Ayer's jurisdiction.

Town of Harvard:

Victor Normand reported that the local Harvard Committee recently met and decided to put a finer point on the issue of education and the education contract between MassDevelopment and Harvard. The Committee will also be looking at the impacts of potential future housing expansion on education services and the education contract.

Town of Shirley:

Mike McGovern stated that there was no update from the Town of Shirely.

Devens Representatives:

John Katter reported that the turnout for the Devens community meeting and election in December was robust. He wanted to welcome

The turnout for the Devens Committee election in December was robust again this year as more and more Devens residents become engaged and activated in determining their future. We would first like to thank those members who served on the committee in the recent past who decided not to run for another term. Their contributions and willingness to serve the community are appreciated by all.

We are pleased that Tracey Clark has decided to stay on in a member capacity after deciding not to run again for the chairperson role. We thank him for his stewardship of the Committee as well as the smooth transition.

We are very pleased to welcome Laura Scott as the incoming Devens Committee Chairperson as well as Ralph Fehlberg as a member as well. Laura and Ralph have had very distinguished careers in both government and civilian positions and bring a tremendous amount of experience that should round out the committee nicely.

Laura has articulated the desire to continue the focus on resident engagement and jurisdiction that was started by the committee. The committee are our elected representatives and as such have the full support of the Devens Residents representatives on the DJFC as well as the Devens Connect Team. Anything we can do to increase the engagement of the Devens Committee with residents, we will do.

In terms of obtaining additional feedback from Devens residents on the proposed decoupling of Vicksburg square called for in the warrant article discussed at the last DJFC, we are hearing the same feedback you heard firsthand from residents at the last DJFC meeting. That they are against any redrawing of town boundaries or promising of parcels of Devens to any town in advance of final disposition. The residents were pleased to hear Ms. Livingston clarify the intent of the first paragraph and offer its removal from the document altogether.

We will continue to engage with residents, legislators and other stakeholders on Devens in the upcoming weeks and months and hold another in person meeting in the Spring to ensure all residents are aware of initiatives impacting them. In addition, our outreach to Devens businesses on behalf of residents continues as they, like us, have a vested interest in the final disposition of Devens.

Devens Enterprise Commission (DEC):

William Marshall reported that the DEC met in December reviewed the rules for calling a Super Town Meeting. The DEC unanimously agreed that a Super Town Meeting should be held as quickly as possible for the issue of Vicksburg Square to avoid further deterioration of the buildings.

Neil Angus reported that the DEC recently discussed the proposed warrant language for a Super Town Meeting as well as the maintenance issues at Vicksburg Square. He stated that a structural evaluation was last conducted in 2017 at which time the buildings were deemed structurally sound.

Additionally at that time, indoor air quality was deemed a concern. Getting the buildings repurposed is a laudable and timely goal.

The issues of the DEC contributing funding to a study were discussed. The DEC is waiting to hear from the State on the \$400,000 originally proposed by Senator Eldridge for a study. The DEC also discussed the issues of education and the intermunicipal agreement process. He further stated that there are 81 acres for residential development remaining at Devens. Only 12 units remain under the housing cap.

John Katter stated that we are in alignment that Vicksburg Square needs to be saved. The challenge comes when rezoning/reconstruction involves boundaries prior to jurisdiction. When Vicksburg Square gets tied to the issues of jurisdiction is where things get complicated.

Neil Angus stated that he agreed with John Katter. The redrawing of boundaries at this time should be off the table until jurisdiction is resolved.

Jannice Livingston stated that she was under the impression that the issues of redrawing boundaries were off the table until the issues of jurisdiction are resolved. What should be on the table is finding a way in which we can move forward with Vicksburg Square while simultaneously working on jurisdiction. Additionally, one positive is that the discussion of this issue has gotten people to pay attention and be involved. Also, the intent was to hopefully get MassDevelopment re-engaged and back at the table. We need to move forward with an appropriate Super Town Meeting Warrant Article and leave the issues of the boundaries to the State to determine as a result of the jurisdiction study and recommendations.

Old Business:

RFEI Update:

Mike McGovern and Robert Pontbriand advised that they have met regarding the development of the DRAFT RFEI and that they plan to have a DRAFT for review and discussion for the February meeting.

Review Meeting Timeline:

John Katter stated that meeting at 3pm is problematic for Marissa Rivera and me as well as many of our constituents.

Mike McGovern stated that night meetings this time of year are difficult due to the municipal budget process.

Robert Pontbriand concurred with Mike McGovern. The municipal budget process from January through April is a very busy time in the evening. In fact, this meeting room may not be available during that time as it is used for budget meetings in the evening.

John Katter stated that he appreciates this and perhaps we could revisit the meeting timeline in the future.

Alan Manoian asked John Katter if the Devens Community Meetings were open to the public and when do they occur.

John Katter stated that they meet at 6:30pm on the first Wednesday of the month at 33 Andrews Parkway and they are open to the public to attend.

Jannice Livingston stated that at this time we will keep the meeting schedule and times status quo and revisit in the future.

Consider Forming a Vicksburg Square Committee:

Victor Normand stated that it is unclear what the Vicksburg Square Committee would actually do, especially without MassDevelopment involvement.

Neil Angus stated that the Committee would focus on Vicksburg Square. It would be separate from this Committee and run parallel to the Devens Jurisdiction Framework Committee.

Jannice Livingston asked what the specific charge of the Vicksburg Square Committee be.

Victor Normand asked what would be an example of a committee agenda? The reason he asks is that questions raised by the public over Vicksburg Square should be addressed by this Committee but that is not our expertise. That is the expertise and purview of MassDevelopment who are not at the table and would not be on this Vicksburg Square Committee.

Jannice Livingston asked if perhaps this Vicksburg Square Committee would get the attention of MassDevelopment.

Neil Angus stated perhaps. We should definitely be focusing on the process for final disposition and not Vicksburg Square itself. That is why the idea of a separate Vicksburg Square Committee is being proposed.

Jannice Livingston stated that she understands Victor Normand's point and concern and she can see Neil Angus' point as well. Vicksburg Square really became back in the focal point after Senator Cronin attempted to take legislative action without the knowledge or involvement of any of us Stakeholders. We cannot ignore Vicksburg Square or that future legislative action may occur again. Perhaps we need a Subcommittee on Vicksburg Square as we have other subcommittees or working groups on other things such as the RFEI and the Warrant Language efforts.

Bryan Sawyer stated he likes the idea of a subcommittee of this Committee to be focused on Vicksburg Square.

Victor Normand pointed out that a working group is not a public group subject to the Open Meeting Law. Once you have a committee it creates a public process, public expectations, and legal requirements governing the meetings being open to the public.

[Marissa Rivera, Devens Representative joined the meeting at 3:30pm]

Jannice Livingston stated that we should consider a Vicksburg Square working group at this time in which there is no formal authority and no formal decision-making power.

Robert Pontbriand stated that at this time, a Vicksburg Square working group would be in order but not a committee. MassDevelopment needs to be part of the Vicksburg Square discussion and be at the table. Until that happens, progress on Vicksburg Square is going to be limited in scope. However, we should continue to monitor Vicksburg Square and future developments.

Victor Normand stated that we need to come to consensus on the Super Town Meeting Warrant Article and then the ball is in MassDevelopment's court to respond.

John Katter raised the points of the need for a current engineering study for Vicksburg Square and what that would cost and who would pay for that.

Victor Normand stated that in his opinion MassDevelopment should be doing this and paying for it.

Mike McGovern stated that an engineering study would be at least \$250,000. He recently had an engineering study done for two roofs in Shirley and that cost \$40,000.

[John Katter, Devens Representative left the meeting at 3:40pm]

Mike McGovern further stated that he is not opposed to a working group on Vicksburg Square, and he concurred with Robert Pontbriand that MassDevelopment needs to be here and part of the whole process. We have gotten some outside attention by focusing on Vicksburg Square and we should continue to do so. MassDevelopment is well aware. Our goal is to get them back to the table.

Robert Pontbriand proposed that for the February Meeting we focused on establishing consensus on the Super Town Meeting Warrant Article; we give further thought to the idea of a Vicksburg Square Working Group; and that we consider another formal letter from this Committee to MassDevelopment asking them to return to the table for the purposes of jurisdictional planning and for the purposes of discussing the future of Vicksburg Square.

Alan Manoian stated that in terms of Vicksburg Square we need to develop a common vision for its future.

New Business:

Begin Review of Possible Forms of Permanent Government:

Jannice Livingston stated that we have previously discussed this and that had been four general conceptual options for governance.

Victor Normand proposed that we need to begin to develop a matrix of various possible forms of permanent governance so that we can look to areas for consensus; identify areas of disagreement; and this would be useful information for potential consultants charged with the disposition and governance study. Ayer and Harvard have been looking at some of this and we should incorporate the four general conceptual options that Jannice Livingston mentioned which we discussed previously. I think we need a working group to further develop this proposed governance matrix. I would like to recruit Neil Angus to be one it as well as representatives from our various stakeholders.

Jannice Livingston stated that as we develop this, we need to be open to what one Stakeholder may not like, may actually be best. We also have some of this effort underway by the local Committees; so, do we need a working group?

Victor Normand stated that by having a working group it would begin to centralize, organize, and focus the various Stakeholders ideas on governance.

Marissa Rivera proposed that we could look at each function such as education; utilities; public safety; etc. and apply each of these along each governance option.

Victor Normand stated that this would be an opportunity for Stakeholders to put something forward.

Alan Manoian stated that as a certified planner, this is no longer just a planning project but has a very strong socio-cultural element and we need to focus on that as well and be looking to get an appropriate expert in this socio-cultural planning field to weigh in.

Victor Normand proposed that the Governance Working Group be composed of Alan Manoian (Ayer); Marissa Rivera (Devens Rep); Neil Angus (DEC); Mike McGovern (Shirley); and Victor Normand (Harvard).

There was consensus from the Committee to proceed with this Governance Working Group.

Public Comment:

The Committee took Public Comment as follows:

Paul Greene (Harvard Resident): Stated that he learned recently that Senator Cronin wants to focus on housing but not necessarily Vicksburg Square for housing at Devens. He also stated that it is totally appropriate to balance an open approach with possible options in terms of Vicksburg Square as well as issues of governance. Focusing on concrete possibilities is important.

Ken Diskin (Ayer Resident): Asked about the language for the Super Town Meeting and who drafted it.

Jannice Livingston stated that a working group of this Committee drafted it, and we are trying to get consensus from this Committee before presenting to MassDevelopment.

Ken Diskin (Ayer Resident) stated that he is concerned that MassDevelopment is not at the table and is not involved.

Regina Todd (Resident on Devens): Stated that the engineering review of Vicksburg Square was not a full study. In 2019 they took the 2012 study to leverage going into the buildings. One of the buildings is far worse than the others in terms of conditions. She believes it was the largest building on the north side. If that building was gone there is more leverage. Devens Residents are identifying parcels that should be developed to bring housing to Devens, some parcels need rezoning and the issues of raising the housing cap and zoning changes by Super Town Meeting need to be considered.

Mike McGovern asked for clarification as to who should do this study.

Regina Todd (Resident on Devens): Stated that MassDevelopment should be requested to do it.

Susan Gabriel (Resident on Devens): Ask for clarification from Alan Manoian as to what he meant by socio-cultural planning.

Alan Manoian stated that socio-cultural planning is about a feeling of place. Identifying and feeling about a place among various constituencies and stakeholders on the place. Many of you have lived there for twenty plus years and you have developed traditions and a culture. Social connectivity with place is the focus. An important facet of this study needs to be the human aspect.

Susan Gabriel (Resident on Devens): Asked if the proposed matrix on governance would be broader and look at regionalization and the impact of Devens on the region.

Victor Normand stated yes and that the regional impact of Devens will be factored into any study or analysis.

Phil Farmer (Resident on Devens): Proposed an idea for Vicksburg Square in which the façade of the buildings is restored/preserved while the issues of jurisdiction are worked out. This way the visible façade of the buildings is preserved and not destroyed or become an eyesore. Additionally, the facades will be saved, and housing could be looked at elsewhere while jurisdiction is resolved and perhaps there is another use for Vicksburg Square besides housing. At least the visible and historic facades would be preserved.

Jannice Livingston stated that Vicksburg Square is on the historic register, yet MassDevelopment has not done anything to protect or preserve it. We as the public need to discuss why we put things on a historic register to protect them and then nothing is done to actually protect them from deterioration.

Neil Angus stated that the DEC would be the point of contact for any modifications in terms of permitting and approval. MassDevelopment needs to develop the plan and fund it. It is a worthwhile conversation to have with MassDevelopment.

Alan Manoian stated that historic preservation is largely focused on visible exteriors.

Ken Diskin (Ayer Resident): Asked how many Super Town Meeting Warrant articles are being proposed.

Victor Normand stated one at this time.

Items for the Next Meeting Agenda:

The next meeting was scheduled for Wednesday, February 14, 2024 at 3pm in the First Floor Meeting Room of the Ayer Town Hall.

The Committee reviewed the items for the next meeting agenda as: approval of meeting minutes; RFEI Update; Super Town Meeting Warrant Article Update; Governance Workgroup Update; and Stakeholder Updates.

Adjournment:

Motion: A motion was made by Victor Normand and seconded by Alan Manoian to adjourn the meeting at 4:27pm. **The motion passed unanimously.**

The meeting adjourned at 4:27pm.

Minutes recorded and submitted by Robert Pontbriand.

Minutes reviewed & approved by the Committee on ***14 February 2024, Jannice Livingston, Vice-Chair DJFC***