

MINUTES

Devens Jurisdiction Framework Committee

Wednesday, May 11, 2022 @ 3:00 p.m.

Video Conference via Zoom

Victor Normand, Co-Chair
Jannice Livingston, Vice Chair

Members Present: Alan Manoian, Robert Pontbriand (Ayer); Victor Normand, Lucy Wallace (Harvard); Michael McGovern, Bryan Sawyer (Shirley); Peter Lowitt, Bill Marshall, (Devens Enterprise Commission), John Katter (Devens Representative-Resident).

Members Absent: Jannice Livingston (Ayer), Tim Bragan (Harvard), Enrico Cappucci (Shirley); Jim DeZutter (DEC); Paul Sellew, Devens Representative-Little Leaf Farms, Odile Smith, Devens Representative-BMS (Devens Stakeholder).

Guests Present: Paul Green (HDJC Member).

Call to Order: The meeting was called to order at 3:01 p.m. by Victor Normand, co-chair.

Meeting Minutes Approval: Lucy requested that the minutes of April 21, 2022 show that Tim Hatch, a Shirley resident, was present as guest. Lucy moved to approve the minutes with this correction. Bill Marshall seconded the motion. The committee unanimously approved the amended minutes.

Response to DJFC Letter to MassDevelopment: Victor opened the discussion of the letter that the DJFC had sent to Chairman Mike Kennealy of MassDevelopment. Victor reported that he sent the letter via certified mail, return receipt requested, and that the receipt showed that the letter was received at the MassDevelopment office on May 25. He called Secretary Kennealy's office and left a message asking whether they had received the letter. Two days later he received a phone call from Susan Saia, who works in the Secretary's office, asking Victor to provide a copy of the letter via email. Victor emailed the letter and Ms. Saia acknowledged receiving it. On May 6, he sent an email to her asking whether Secretary Kennealy had a response, and followed up late yesterday (May 10). Neither of these requests was acknowledged. Victor stated that he has not received a response from Secretary Kennealy. Peter said that the DEC has not received a response to its letter to the Secretary.

Victor asked members to suggest next steps. Michael said this behavior is fine and normal, and suggested that we let it play out longer, because the affairs of government grind slowly. He noted that the MassDevelopment board will meet tomorrow (May 12). Lucy wondered if the MassDevelopment board might delay a response until after the upcoming state election, when there will likely be a change its chairman. She suggested we inquire again on Friday, after the board meeting. She suggested that we work on tasks that don't require a response, such as outreach to the communities to get their input. She doesn't want to see us stop. Peter said that the MassDevelopment Real Estate Board Meeting was yesterday (May 10), and that we should not panic. He agreed with Lucy's suggestion on ways to move forward. Mike agreed with Peter and Lucy. Victor noted that the Secretary could have responded to his multiple inquiries by saying that MassDevelopment was working on a response, but no such reply took place. Victor suggested that the DJFC now copy additional individuals. Mike and John felt that we should allow more time. John noted that Devens residents are asking him what's going on.

Victor asked what we should do if we never get a response. Members discussed when to contact our legislators, with a consensus that we reach out to them for our June meeting. Victor asked how we should respond if our legislators ask for our suggestions as to what actions they should take. Mike said we should ask their advice, and also that we ask for a meeting with the Governor. Lucy said we should lay out our rough schedule, so that can justify why we need to start the planning process, including hiring consultants, now. Lucy noted that this includes the time to first understand how much the consultants will cost, and the time to actually hire the consultants. She proposed we say that Chapter 498 makes MassDevelopment responsible for the concluding phase, including covering the cost. She believes that MassDevelopment can cover these costs, whereas the towns and the DEC cannot jointly underwrite this effort, in part because they receive no revenues from Devens. Lucy suggested avoiding asking the legislature to cover the costs if MassDevelopment continues to avoid doing so. She said we need to remind our legislators that we don't want to see the work at Devens going into disarray because the process of determining future governance completely breaks down. She suggested that we be clear that we are concerned about the overall success of the Devens redevelopment process and we are concerned that the major investment by the state in the recovery of Devens is now at risk. Lucy further noted that Devens residents still do not have a say in their governance; if they feel that their voices are not being heard, their concerns may put pressure on the legislators to act.

Victor said that MassDevelopment is a large organization. Reading their board minutes makes it clear that they take action on many fronts. While Devens is discussed at every board meeting, it is not a major activity at the board level. Jessica's letter about withdrawing may make sense to board members. We need a concise response to "Why now?" Peter asked if we should agree to meet every other month, as MassDevelopment previously requested. Bryan said that we should relay the seriousness of the situation to our legislators, and ask for help getting a response, and help getting MassDevelopment back to the table, adding that it will be difficult for us to move forward without MassDevelopment.

Victor asked Lucy to draft a memo of reasons why it is important to get MassDevelopment back into the process and proposed that we discuss this memo at our next meeting.

John noted that two DJFC business stakeholders have missed recent meetings, and that we need to get them back to the table as well. Victor noted that Jessica had recruited their executives to participate in the committee, and the withdrawal of MassDevelopment had probably influenced the decision of these executives to also withdraw.

Paul said that this state of affairs has revealed two major weaknesses in Chapter 498. The first weakness is that it does not call for the process to start until 2030, which we now realize is suboptimal and not what we want. The second weakness is that it leaves the question of who pays for the process unresolved. Lucy asked if he was suggesting an amendment to Chapter 498. Paul said it was the most efficient way to cure the defects. Victor suggested that Chapter 498 be changed to state that MassDevelopment's role as the interim government shall end as of July 1, 2033. He is concerned that MassDevelopment feels otherwise. Paul noted that the legislators work for us, jointly, that they created the legislation, that they created the problem, and they should be the people that we look to resolve it. Paul said that if the legislation requires the process to start now and requires MassDevelopment to fund it, MassDevelopment can't disagree; if they find some other excuse, we just repeat the amendment process.

Alan suggested that we organize, schedule, and jointly conduct a big social gathering, outside of these virtual meetings, which he will host. We will invite our residents, our legislators, and reconnect as neighbors, friends, and colleagues. We can show MassDevelopment how strong we are together. He

suggested that we rent a big van and tour Devens together, as a group, and see what's happening at Devens now. This is another way to show MassDevelopment that we are actively working together. We should visit the companies at Devens, again together. He strongly suggested that we create shared experiences and memories, together. We can show them that we are on fire, together!

MassDevelopment will want to come back. John suggested that these tours would be a good opportunity for our legislators to participate. Alan stated that he has used similar tours in the past 30 years to gain consensus among groups of people by changing the dynamic. He knows it works!

Victor asked Alan to draft an itinerary that he can circulate among the DJFC members, and Alan agreed to create a comprehensive memo laying out his full proposal. Lucy asked him to say how to reach the residents and businesses so that they can participate in our tour. Victor suggested that we make this part of our process rather than a one-time event. Alan concurred and said that his lived experience is that people are much more willing to open up during these live, in-person events in their neighborhoods versus formal, online virtual meetings.

John shared stories of how he and Alan and others were able to hear the personal thoughts of Devens residents during a recent walking tour of the Ayer portion of Devens, and thus agrees with Alan's proposal for a future joint learning effort. It takes the formality out of the process. Alan underlined that getting together for a social event was valuable both for us and for how it would influence MassDevelopment to want to work with us.

Stakeholder Updates: Robert reported that Ayer continues to work on its local committee and efforts, identifying Ayer's priorities regarding Devens. The DJFC website created by Ayer has gone live. He will reach out to MassDevelopment to fill out the public documents that are available on it. Victor asked Paul to explain the purpose for recently circulating Harvard's memo that describes the town's priorities regarding Devens. Paul said he wanted people to understand that the memo reflected Harvard's current, high-level position, that we sought feedback, that we wanted to be alerted to errors of fact, that that we wanted to start a discussion versus anchoring a position. He said he thought that some of the items in the memo were noncontroversial; for example, we will have no influence over the Federal properties. We think the Department of Recreation and Conservation will have a role to play with Mirror Lake. Paul noted that it is not actually a lake; it is a pond, so maybe we can correct its name. Paul noted that even though we say we are basing our ideas on the wishes of the residents, we have not spoken with all of the residents so other opinions are possible. He agreed with Alan's proposal for joint visits to Devens. He said that despite the years of work that the HDJC and its predecessor committee have done on Devens, many Harvard residents are still unaware of what's going on at Devens. He believes there is an undercurrent of "why do we have to worry about this, and why now?" Paul said that he feels that everything in the Harvard memo is negotiable, and that we need to find a way to make this a win-win situation for everybody. Victor noted that the discussion starts with geography and then leads on to the wishes of the Devens residents, businesses, and the DEC. He encouraged each stakeholder to keep working on their memos. Bryan reported the Shirley is still working to populate its committee. John reported that he has been attending meetings of the DEC and DEAC and HDJC. He thinks that many people don't realize that 2033 is not that far away. When he circulated the RFI, a common comment from the Devens residents was that 2033 is not that far away, that they have to get engaged. He heard a variety of concerns from residents. He believes that we need to get MassDevelopment back on board, we need to involve the residents and businesses, and that we (the stakeholders) are not that far apart. He likes the idea of getting together, as proposed by Alan. Bill reported that the DEC has not received a response to their letter to MassDevelopment, either. They will wait a while longer before taking action. The DEC letter is posted on their web site, under the agenda for the previous meeting.

Committee Updates: Victor said that no recent work has been done on the RFI or RFQ. Lucy summarized how Harvard had educated its citizens about Devens in the 2006-2008 timeframe; it also used buses to take citizens on a tour of Devens. She noted that we, the towns, need to bring our communities closer together.

New Business: No new business.

Items for Next Meeting Agenda: Lucy will write a memo that explains why we need to keep this process going. Alan will produce an itinerary for a community-wide meeting. We will discuss our standard items. Next meeting is scheduled for June 8, 2022 at 3pm.

Public Comment: No public comment.

Adjourn: Lucy moved and Bill seconded to adjourn the meeting. The vote to adjourn was unanimous. The meeting adjourned at 3:56 pm.

Attachments:

1. DJFC Letter to Secretary Kennealy.
2. Chronology of DJFC activities since previous meeting.
3. Harvard Plan Summary.

DEVENS JURISDICTION FRAMEWORK COMMITTEE

**33 Andrews Parkway
Devens, MA 01434**

April 21, 2022

Mike Kennealy, Chairman
MassDevelopment
99 High Street
Boston, MA 02110

Dear Chairman Kennealy:

On April 6, 2022, the members of the Devens Jurisdiction Framework Committee (DJFC) received an email from Jessica Strunkin, Devens EVP (attached) informing us that MassDevelopment will no longer be participating in the work of the Committee. The DJFC has been meeting for more than two years on the very important matter of determining the future permanent government at Devens and we were surprised to learn now that the work of the committee was no longer considered part of the primary mission of MassDevelopment at Devens. The Framework Committee appreciates the opportunity to open a dialogue to discuss this development.

It will be difficult for the DJFC to move forward constructively without the involvement of all stakeholders. MassDevelopment's knowledge and expertise on all things Devens is unsurpassed and we are at a loss as to why MassDevelopment is not continuing to work with us in this planning process.

Finally, we ask your assistance in bringing the agency back to the table. CEO Dan Rivera has been generally unresponsive to requests for assistance by the DJFC and others. It is unfortunate that the matter has risen to this level, however, we feel strongly that our failure to act in this fashion would be contrary to the expectations of the communities we represent.

We look forward to your response in advance of our upcoming meeting on May 11, 2022.

Sincerely,

Victor Normand
Co-Chair, Devens Jurisdiction Framework Committee

DEVENS JURISDICTION FRAMEWORK COMMITTEE

**33 Andrews Parkway
Devens, MA 01434**

Approved by the following members of the DJFC present and voting at our meeting on April 21, 2022.

Town of Ayer

Alan Manoian
Jannice Livingston, Vice-Chair, DJFC
Robert Pontbriand

Town of Harvard

Victor Normand
Lucy Wallace
Tim Bragan

Town of Shirley

Bryan Sawyer
Michael McGovern

Devens Enterprise Commission

Bill Marshall
Jim DeZutter
Peter Lowitt

Kennealy Letter – Timeline

4/21. DJFC composes letter to Mike Kennealy

4/22. Letter sent to Mike Kennealy at MassDevelopment's main office in Boston, certified receipt requested

4/25. Letter confirmed received

4/26. VN called Secretary Kennealy's office; left message asking for response

4/28. VN received call from Susan Saia asking for a copy of the letter

4/28. VN emailed letter to Susan

4/28. Susan acknowledged receipt of letter

5/6. VN emailed Susan for an update, reminded her of the 5/11 DJFC meeting

5/10. VN called Susan and left message requesting an update

5/11 No response

Harvard-Devens Jurisdiction Committee

Plan Summary

Version: 04/07/2022

Background

Passage of Ballot Question #4 at the 2017 Town Elections directed the Select Board to “begin planning for and initiate discussions with appropriate parties with the goal of presenting a plan to the Town of Harvard voters to resume jurisdiction over the land presently part of Devens formerly under the jurisdiction of the Town of Harvard...”

The Harvard-Devens Jurisdiction Committee (HDJC) was subsequently formed by the Select Board in February 2018 and charged with developing the plan. This “Plan Summary” is intended to provide an *overview* of the major elements to be addressed in a comprehensive plan for Harvard’s resumption of jurisdiction of its historical lands within Devens.

In 2019, MassDevelopment, the quasi-public state agency that manages Devens, aided in the formation of the Devens Jurisdiction Framework Committee (DJFC) which is composed of representatives from Ayer, Harvard, and Shirley, MassDevelopment, the Devens Enterprise Commission, and Devens residents and businesses. The task of the DJFC is to coordinate the efforts of the Devens stakeholders in determining local municipal governance of Devens and to submit a recommendation to the Governor and Legislature, as required by Chapter 498 of the Acts of 1993.

The DJFC’s task is similar to that of the HDJC but is broader in scope. It can consider a range of options for the future governance of Devens, such as the creation of Devens as a standalone town, for example.

Consultant Services

The HDJC has taken the position that MassDevelopment should fund the cost of the consultant services required to develop a complete plan for Devens future governance. Funding for consultant services is seen as an appropriate and required expense of the Devens redevelopment project.

HDJC Plan Summary

The essence of the HDJC plan is that Devens will be returned to Harvard and by extension to each of the other two towns from which it was assembled by the Army in 1917. This plan is explained below.

Residential Community – Devens residents have previously requested that their residential community be kept together and not be split up among separate towns. An element of Harvard’s “resumption of its historical lands” plan is that the entire residential community of Devens will become part of Harvard. This will add all 282 homes authorized under the Reuse Plan to Harvard.

Harvard-Devens Jurisdiction Committee

Plan Summary

Version: 04/07/2022

Boundary Changes – The historical boundary will be changed to include the approximately 40 housing units on Bates and Autumn Streets, now part of the Town of Ayer, thus keeping the Devens residential community together.

Municipal Services – Harvard will be responsible for providing all municipal services, including education (which Harvard now provides by contract with MassDevelopment). This can be accomplished by a variety of means:

- Expanding existing staff, facilities and equipment where needed within existing Harvard departments;
- Contracting with third parties for services; or
- Regionalizing specific services with other communities.

Utilities - Obtain legislative approval for the creation of a Devens “super” municipal utility which will be managed by an independent commission for the benefit of ratepayers. This retains the present organization and operation of Devens utilities for providing electric, gas, water, and for servicing wastewater, and additionally, storm water services.

A local utility commission, appointed for staggered long terms would replace the MassDevelopment Board. This proposal changes the management structure but would not change the geographic area currently served by Devens utilities. Legislation must include provision for adequate initial capital for infrastructure maintenance and rate stabilization.

Unified Permitting – There will be no change except that members of the Devens Enterprise Commission will be locally appointed as terms of current commissioners expire, rather than being appointed by the Governor.

Zoning/Reuse Plan - No changes are contemplated at this time, although the rezoning of Vicksburg Square for residential development may be sought by MassDevelopment. The HDJC advocates agreement on future governance before Vicksburg Square is rezoned to allow up to 300 additional housing units.

Public Lands – MassDevelopment should transfer ownership and operation of Mirror Lake as a public facility to the state Department of Conservation and Recreation. Future ownership and management of other open space areas now owned by MassDevelopment must be resolved. Entities holding conservation restrictions or other interests in open space must be consulted.

Harvard-Devens Jurisdiction Committee

Plan Summary

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Connectivity, Traffic and Transportation – Consider a limited re-opening of Old Mill Road to Patton Road. This access would be gated and available only for pedestrians, bikes, and emergency vehicles. Also, consider adding another access road (perhaps reconnecting Depot Rd with Salerno Circle) which would exclude trucks by design.

Environmental – Maintain existing agreements with US Army, EPA and the Massachusetts Department of Environmental Protection to ensure the high-level protections are maintained. Harvard must have status as a party of interest in these agreements.

Taxation and Municipal Finance – The HDJC believes that a thorough understanding of the impact on local taxes and municipal finance is critical to any discussion of Harvard resuming jurisdiction over its former lands at Devens. This applies equally to both Harvard and Devens.

Tasks to be considered include:

- Develop combined operating and capital budgets, including potential long term debt schedules.
- Merge Harvard and Devens property assessments.
- Develop projected tax rates assuming residential/commercial-industrial split rates.
- Analyze impact of split tax rate (residential vs. commercial/industrial) on Harvard's existing tax base.
- Review projected life of major capital investments (utilities, roads and equipment).
- Develop potential future capital obligations.

In short, a thorough analysis by consultants with municipal finance experience is required.

In Conclusion

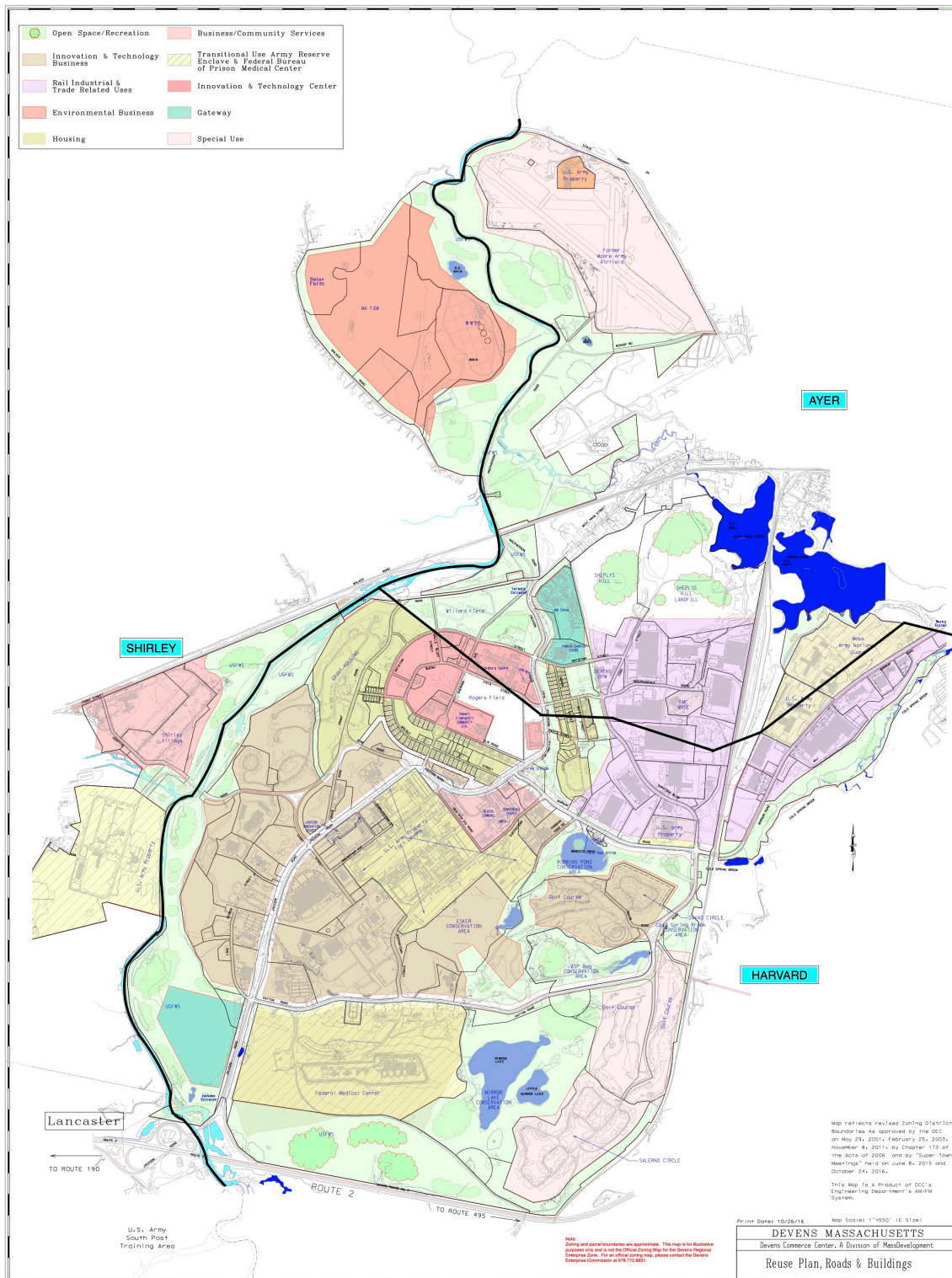
While this summary plan represents a future vision for a combined Devens-Harvard community, many details still need to be addressed; there will be questions raised, and various options presented. The current efforts of the larger Devens Jurisdiction Framework Committee (DJFC) are progressing slowly and it will likely take years for the DJFC to reach a consensus. This summary provides a basis for citizen engagement within Harvard as well as the larger Devens community.

Harvard-Devens Jurisdiction Committee

Plan Summary

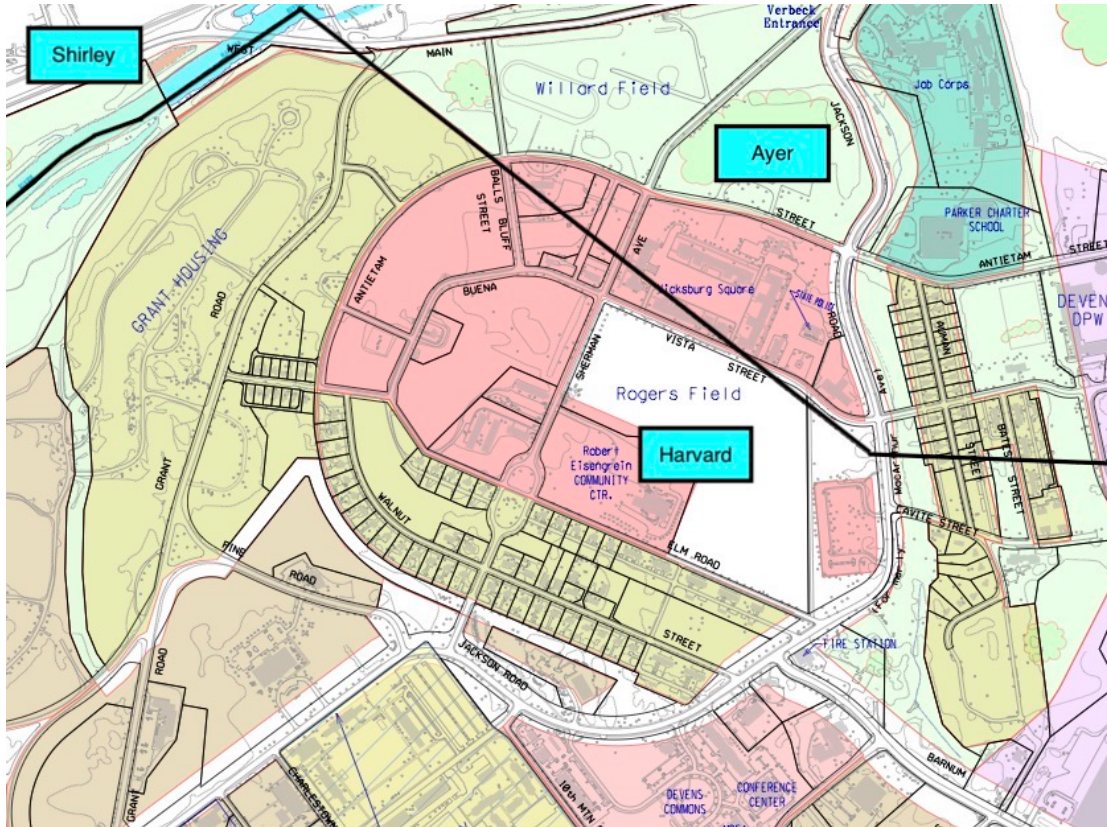
Version: 04/07/2022

Appendix A. Map of Devens showing Historical Town Boundaries



Harvard-Devens Jurisdiction Committee Plan Summary Version: 04/07/2022

Appendix B. Devens Housing Areas



Devens housing areas, shown in yellow, are along Grant Road, Walnut Street, Elm Road, Cavite Street, Bates Street, and Auman Street. Bates and Auman Street straddle the Harvard-Ayer town boundary.

The yellow area at the bottom of the image is a portion of the U.S. Army Fort Devens compound and is not used for civilian purposes.