

## MINUTES

### Devens Jurisdiction Framework Committee

Wednesday, June 8, 2022 @ 3:00 p.m.

Video Conference via Zoom

Victor Normand, Co-Chair  
Jannice Livingston, Vice Chair

**Members Present:** Jannice Livingston, Alan Manoian (Ayer); Victor Normand, Lucy Wallace (Harvard); Bryan Sawyer (Shirley); Jim DeZutter, Peter Lowitt, Bill Marshall, (Devens Enterprise Commission); John Katter (Devens Representative-Resident).

**Members Absent:** Robert Pontbriand (Ayer); Tim Bragan (Harvard); Enrico Cappucci, Michael McGovern (Shirley); Paul Sellow, Devens Representative-Little Leaf Farms, Odile Smith, Devens Representative-BMS (Devens Stakeholder).

**Guests Present:** Carly Antonellis (Ayer), Neil Angus (DEC), Paul Green (HDJC Member and Harvard resident), Don Ludwig (Harvard Select Board member), Sen. Jamie Eldridge, Daniel Szetela (Staff for Rep. Sena), Phil Fama (Devens resident), Susan Gabriel (Devens resident), Tim Hatch (Devens resident), John Osborn (Harvard Press).

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

**Meeting Minutes Approval:** Minutes of the May 11, 2022 meeting were not available prior to this meeting. They will be reviewed at the next meeting.

**Response to DJFC Letter to MassDevelopment:** Victor noted that no one associated with the DJFC has received a response from Mike Kennealy of Mass Development. Sen. Eldridge and Rep. Sena have been invited to this meeting to discuss how we should proceed.

**Committee Updates:** Victor discussed the rationale for a memo that he wrote in conjunction with Lucy Wallace that explains why negotiations over the future government structure of Devens should begin now. The memo is informally titled "Why Now?" It lays out the steps involved in the planning process and provides estimates of the time necessary to accomplish each one. The process and time estimates are based on Lucy's experience working in the long-term planning arena. (See the Attachments, below, for a copy of this memo). The memo also discusses the history of the redevelopment at Devens and the role of MassDevelopment as the interim government and their responsibility to act in the public interest. While Devens residents can stand for election or appointment to the boards and committees of the towns in which they reside, those town boards and committees have no say in the operations of Devens. MassDevelopment acts as the local government for Devens, along with the DEC which handles all permitting for Devens. The committee members discussed proposed changes to the memo. Victor will revise it and bring it back to the next DJFC meeting for further discussion.

John Katter noted that Devens residents are getting much more engaged in the question of Devens governance.

Committee members discussed their concerns with Sen. Eldridge. He does not believe that MassDevelopment will rejoin the effort or contribute funding to the planning effort until there is a change in leadership in the State House. He will work to secure state funding. Committee members stated that if we engage with our residents (both town and Devens), and make progress, that will encourage MassDevelopment to re-engage. Multiple DJFC members pointed to the significance of the activities at Devens to areas such as cancer research and energy generation; these activities will have worldwide impacts. This just underscores the importance of the planning effort the committee in which the committee is engaged.

Lucy asked whether amending Chapter 498 might be the way to force MassDevelopment to re-engage and pay for the effort. Sen. Eldridge suggested that such an amendment might have to be pre-approved by the 3 towns. Lucy noted that the 3 towns must approve any zoning changes, per Chapter 498. Sen. Eldridge said that a simple amendment to Chapter 498 would be possible and appropriate for the next legislative session. Paul Green noted that in addition to changing the start date for the planning effort, and clarifying that MassDevelopment will pay for the planning effort, an amendment to Chapter 498 should also state that MassDevelopment's role in local government will cease on or before a date certain.

Victor opened the discussion to guests attending the meeting. Susan Gabriel and Phil Fama are new residents of Devens and are trying to understand the planning effort. Phil asked to whom he could address questions. Victor said that he was the appropriate contact for this committee. John offered to be a contact for Devens residents. Neil Angus offered to be a contact for the DEC. Senator Eldridge provided his Senate email address. See the table below for these email addresses.

**Stakeholder Updates:** This agenda item was not discussed.

**Plan DJFC Meeting with Devens Residents & Businesses:** Jannice Livingston proposed that the DJFC hold a public meeting where residents of any town attend and discuss the future of Devens. This method will allow everyone to get answer to their questions and everyone will be able to hear the same answers at the same time, and interact with each other as a community.

Alan Manoian proposed that we hold a social event for the members of the DJFC to get to know each other better, and that we follow up by holding a series of meetings with residents of Devens.

The DJFC members discussed how we should go about meeting with residents. Victor suggested that when we return to in-person meetings, we hold them at Devens and open the meetings up to everyone.

Alan described previous visits to Devens residents living on Bates and Auman street that he conducted earlier in the year, and suggested a schedule for members of the DJFC and guests to tour other areas of Devens. Victor asked him to draw up a plan to bring to our next meeting. These visits were recorded and are available on the Ayer public access web site.

Sen. Eldridge noted that if he visits Devens without informing MassDevelopment, he gets pushback from MassDevelopment. He doesn't experience this when he visits any other town. He said that Devens has the feel of a company town. Neil reminded everyone that the doors of the DEC are always open and they are able and willing to host meetings. He is willing to help Alan produce the tours and discussions.

**New Business:** Paul asked the committee to decide where committee minutes should be posted. Jannice proposed that the DJFC web site hold the minutes, and members readily agreed. Paul requested that a committee member take over the compilation of the minutes. John said that it is a work in progress to

address how to notify Devens residents of committee activities. Neil noted that the DEC has a Facebook page and can post agendas and meeting notices. Lucy volunteered to compile future minutes for a while; and Peter said that he would have the DEC staff take over later on.

**Items for Next Meeting Agenda:** Further discussion of “Why Now?” memo. Draft an amendment for Chapter 498. Settle the role of a clerk who will post agendas. The next meeting will be July 13.

**Public Comment:** See above, under Committee Updates.

**Adjourn:** Jannice moved and Lucy seconded a motion to adjourn. The meeting ended at 4:20 pm.

**Attachments:**

1. The “Why Now?” memo.

**Email addresses:**

Name	Email address
Neil Angus	<a href="mailto:neilangus@devensec.com">neilangus@devensec.com</a>
Sen. Eldridge	<a href="mailto:james.eldridge@masenate.gov">james.eldridge@masenate.gov</a>
John Katter	<a href="mailto:major1303@aol.com">major1303@aol.com</a>
Victor Normand	<a href="mailto:VNormand@aol.com">VNormand@aol.com</a>

# PLANNING FOR DEVENS LOCAL JURISDICTION

## WHY NOW?

06/08/2022

The purpose of Chapter 498 of the Acts of 1993 as stated in Section 1 of the Act, was to create jobs through the thoughtful reuse and redevelopment of the closed Army base at Devens and to provide for an interim local government structure.

The questions that need to be asked now that the redevelopment project is nearing substantial completion is: Does MassDevelopment's role as the interim local government serve the public interest or the interest of MassDevelopment? Or is it time for MassDevelopment to begin the transition to its more traditional and more limited role as the exclusive local redevelopment authority at Devens?

Unlike the Devens Enterprise Commission, MassDevelopment has no dedicated local governing board. Its operating and capital budgets for Devens are not subject to any public review process; it operates a full-service utility system that is not regulated as a public utility or as a municipal utility; it has the authority to set local taxes and fees and commit a portion of them toward long term debt that could become the obligation of some future permanent government; and it has developed personnel policies, adopted pay scales and entered into collective bargaining agreements that similarly could complicate future governance.

Most importantly, the residents on Devens must rely solely on the judgement of MassDevelopment to make all decisions effecting the education of children, public safety, public works, and all other matters that rightfully belong to a town. Devens residents have no right to vote for those who govern them, nor the right to be elected as local office holders, rights guaranteed by the Massachusetts Constitution.

Even if you agree that MassDevelopment's role on Devens as the local governing entity needs to eventually come to an end but believe now is not the time to address it, consider the following three key points in Section 23 of Chapter 498: First: "On or before July 1, 2030, the DEC, the Selectmen of Ayer, Harvard and Shirley, and MassDevelopment shall initiate a study concerning the permanent government structure for Devens. The study should consider ownership and operation of open space, recreation, other lands, and facilities; infrastructure; easements; equipment and records.... and shall identify transitions costs and other investments as needed."

Second: "During preparation of the study public, participation is encouraged, and public hearings shall be held."

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Third: “On or before July 1, 2033, the DEC, the Selectmen of Ayer, Harvard and Shirley, and MassDevelopment shall submit the study and a joint report to the Governor, Secretary, Clerk of the House, and Clerk of the Senate recommending permanent government ...for Devens.”

Why must we start planning for local jurisdiction (permanent government) of Devens now if we could have close to 8 years until the study is to be initiated and up to 11 years until the study and recommendation are due?

1. Careful planning of all the factors involved in moving from MassDevelopment overseeing daily municipal operations of Devens to other local government entity(ies), as well as assuring public participation as the process evolves, will take time if it is to be successful. Three years between initiating a study and submitting a study and recommendation may not be enough time.
2. We do not want to jeopardize the success of the Devens project, especially the level of commercial redevelopment which benefits this region. Businesses do not like uncertainty. Careful planning for the future is necessary to avoid uncertainties.
3. As the residential population grows, the need to address their disenfranchisement will become more critical.
4. Rezoning of Vicksburg Square is not likely to pass the towns’ Super Town Meetings without the direction of local jurisdiction being understood, further jeopardizing the ability to redevelop those iconic, historic buildings.
5. There are many steps involved in preparing the study and recommendation, which will take years to complete, including the need of the parties to:
  - Agree on contents of the plan and finalize the Memorandum of Agreement (MOA) among the parties.
  - Identify level of funding needed for the study to be paid with Devens project funds.
  - Issue an RFP and retain consultant.
6. Once the consultant is on board, there will be several more years as the consultant:
  - Assesses and narrows options for permanent government
  - Collects data

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- Assesses financial impacts on towns and Devens community
  - Holds public hearings as elements of study are prepared
  - Holds public hearings on draft study
  - Develops a proposal for transition period
  - Develops the recommendation per Section 23, Chapter 4998
  - Holds public hearings on the recommendation
7. Once the consultant's work has been completed:
- Select Boards must convene Super Town Meetings to approve the study and recommendation
  - MassDevelopment and DEC must approve the study and recommendation
  - The study and recommendation must be submitted to the Governor and Legislature for approval, which will need to conform to a legislative schedule.