

MINUTES

Devens Jurisdiction Framework Committee
Wednesday, September 14, 2022 @ 3:00 p.m.
Video Conference via Zoom

Victor Normand, Chair
Jannice Livingston, Vice Chair

Members Present: Jannice Livingston, Alan Manoian, Robert Pontbriand (Ayer); Victor Normand, Don Ludwig (Harvard); Bryan Sawyer (Shirley); Peter Lowitt, Bill Marshall (Devens Enterprise Commission); John Katter (Devens Representative-Resident).

Members Absent: Tim Bragan, Rich Maiore (Harvard); Enrico Cappucci, Michael McGovern (Shirley); Jim DeZutter (Devens Enterprise Commission); Odile Smith (Devens Representative-BMS).

Guests Present: Matt Barragué, Phil Fama, Marissa Rivera, Dana, Maria Day, Tim Hatch (Devens residents); Paul Green (Harvard Resident), Jim DeZutter (DEC), Danillo Sena (State Representative), John Osborn (Harvard Press).

Call to Order: The meeting was called to order by Victor Normand, chair at 10:01 am.

Meeting Minutes Approval: Peter moved and Jannice seconded a motion to approve the amended minutes of August 10, 2022 without correction. The vote to approve was unanimous. Jannice moved and Peter seconded to approve the minutes of the March 9, 2022 meeting. The vote to approve was unanimous.

Status of Participants: As the meeting waited to hear from Ms. Dew, the chair asked each stakeholder to report on any progress in their area. Robert Pontbriand reported that Dan Rivera of MassDevelopment had accepted an invitation to appear before the Ayer Select Board on Tuesday, September 20. Robert, Alan, and Jannice are working to get the Ayer residents re-engaged in the Devens process. Bryan is working with Shirley residents to get several board positions filled. Paul reported that Harvard has a public meeting planned for Wednesday, October 19 in the Hildreth Elementary School gymnasium to review the initial position paper that Harvard distributed to this committee in an earlier meeting. Ice offered to provide a copy of the paper to anyone who requests it, and noted that it is also available on the home page of the Harvard-Devens Jurisdiction Committee at <https://harvard-ma.gov>. Victor noted that people from any of the stakeholders are welcome to attend. John Katter reported on the formation of a committee of Devens residents. Every resident has been contacted and many of them have expressed interest in serving. He reported that Marissa Rivera, a 3rd-generation Devens resident, has been nominated to be the second Devens resident on the DJFC. Victor said that her membership will be voted upon by the full committee at the next meeting. She works in transportation demand management in Boston. Peter said that the DEC is working on a new business representative to the DJFC and hopes to have someone to nominate soon.

Presentation to Amanda Dew, Deputy Policy Director, Maura Healy Campaign: Ms. Dew had a last-minute conflict and was unable to attend the live meeting. She promised to view the recording. Therefore, the committee went ahead with its presentation as planned. [Editor's note: Ms. Dew watched the recording on October 4.]

Robert provided a brief summary of the Devens project and the history of the Devens area. The Army base was constructed in 1917 using undeveloped land in Lancaster, Ayer, Harvard, and Shirley. The proximity of the railroad in Ayer also influenced the location. The base formally closed March 31, 1996. For 79 years, Fort Devens was a significant contributor to the economic, cultural, community and historical life of north-central Massachusetts. State legislation, known as Chapter 498 of the Acts of 1993, created a plan for the redevelopment of what it called the Devens Regional Enterprise Zone. Chapter 498 created the Devens Enterprise Commission as the local permitting authority, gave MassDevelopment the responsibility to manage the transition to civilian use, and called upon the towns, the DEC, and MassDevelopment to send a report to the governor and legislature by July 1, 2033, on the future disposition of the enterprise zone. Zoning changes require the unanimous approval of the 3 towns, acting via simultaneous town meetings (known as a super town meeting). In September, 1994, Ayer, Harvard, and Shirley approved the Devens Reuse Plan, which guided the redevelopment process. The towns have approved some, but not all, proposed modifications to the reuse plan. Starting in 2018, the Devens Jurisdiction Framework Committee was formed with 6 stakeholders (Ayer, Harvard, Shirley, the DEC, MassDevelopment, and Devens residents & businesses), each having 3 representative on the committee. Lauren Liss, the CEO of MassDevelopment at that time strongly supported the work of the DJFC and the participation of MassDevelopment. The COVID-19 pandemic forced a pause in the work of the DJFC in 2020 and 2021, and then MassDevelopment stepped away early in 2022. This led to another pause while the DJFC and individual members attempted to bring MassDevelopment back to the process.

Robert listed some of the open questions that pertain to the disposition process. Does the status quo continue after 2033? Does the area of the regional enterprise zone revert back to the municipal entities for governance? Does the Devens enterprise zone become its own town? Will there be some hybrid framework for the governance of Devens? This committee has been studying these questions, with all stakeholders at the same table. All 3 towns have relationships with MassDevelopment and the DEC; multiple regional efforts have been successfully put in place over the years; we are all interconnected. Robert believes that the history and spirit of regional cooperation strongly influenced both the formation and the ongoing successful work of the Devens Jurisdiction Framework Committee. Getting MassDevelopment back to the table is an important aspect of the work of this committee.

Dan Sena asked when MassDevelopment withdrew. Victor said that they formally notified the committee in April, 2022, about a year into the tenure of Dan Rivera as CEO. Jannice noted that Mr. Rivera has not met with Ayer or the other other towns, whereas previous CEOs did meet with the towns. She expects Dan to attend the next Ayer Select Board meeting on September 20.

Victor asked Peter to describe the role of the DEC. Peter wants to make the next governor aware of the proposal to raise the cap on commercial development from 8.5 million square feet to 12 million square feet. The change is in a pending bill. Peter expects to bump up against the current cap in the next 6 months or so. Devens contributes over \$4B to the state economy. The DEC asks the next governor to have MassDevelopment re-engage in the process and provide a point of contact. Other issues to be considered are "taxation without representation" as residents pay taxes but do not have an elected body that represents their interests. There is an artificial housing cap that limits the number of dwelling units to 282. There is also an executive order to create more housing in the commonwealth, which seems at odds with the cap. There is concern about losing some of the iconic architectural features at Devens, such as the Vicksburg Square buildings, which is listed on the national historic register. Peter said that it needs to be rezoned to residential use to permit its redevelopment. There are various options for disposition, as Robert noted earlier. He noted that the unified permitting process managed by the DEC is a unique and vital authority that has attracted many businesses to Devens.

Victor spoke with Senator Jamie Eldridge earlier today, who was unable to attend this meeting due to a conflict. He noted that MassDevelopment, like Massport and Mass Housing are quasi-independent agencies are off-budget. He is concerned about the level of oversight of these agencies by the legislature. The governor has a say because he or she appoints their board members. Victor does not expect Mr. Rivera to change his mind when he appears before our select boards.

Jannice added that the residents of Devens vote in the underlying towns; they can also run for election in that town, but she believes it would be difficult for them to get elected due to concerns about whether they actually live in the town. She believes that the work of the DJFC will provide Devens residents with an opportunity to put forth their views in a way that effectively promotes their interests.

Victor reported that Dan and Jamie have inserted a proposal for funding for the work of the DJFC in a proposed bill and he hopes that it will pass and be signed.

Paul said that one way that Representative Sena can help us will be to inform us about the length of time that the Legislature will need to turn our eventual report into legislation and get approved and signed. His personal belief is that we should allot 2 years for this process. We can be responsible for the time needed to get our towns to approve any agreements but we need help from Dan and Jamie for understanding the process for approval at the state level.

Victor presented the points that he plans to raise with Ms. Dew, or the similar representative of whichever candidate is elected our next governor. He hopes to get a commitment from the next administration to make the Secretary of Housing and Development aware of Devens, as that person appoints the head of MassDevelopment. He also wants to see a line of communication between this committee and the executive branch. Robert added 3 points. He stressed the urgent need for MassDevelopment to return to work with this committee. He stressed the need for funding to hire consultants and do the work of this committee. He is concerned that MassDevelopment will try to extend their mandate beyond 2033. Both Victor and Jannice strongly concurred with this last concern. Peter added that the DEC is concerned about the rezoning of Vicksburg Square, about the earnest participation of MassDevelopment, about maintaining the unified permitting system, and about the intention of MassDevelopment to build out to the 282 housing limit as soon as next year. He suggested that they have a reason for wanting to hit that limit, and that this committee needs to think about this. He is concerned that even once they return to the process, they may not seriously engage.

Victor noted that 25% of the MassDevelopment staffing is at Devens. Alan added that it is their flagship property in their portfolio.

Victor noted that Dan Rivera will first meet with the Ayer Select Board on September 20, and later that same evening, meet with the Harvard Select Board.

Items for Next Meeting Agenda: John proposed that the DJFC vote on the membership of Ms. Rivera as an alternative member for himself. Jannice suggested that we engage with the Devens residents to help place pressure on the political systems.

Public Comment: No public comments.

Adjourn: Jannice moved and Peter seconded the motion to adjourn at 10:50 am. The motion carried unanimously.