

Devens Jurisdictional Framework Committee

Meeting Minutes for October 11, 2023

Attendance: Victor Normand (Chair); Jannice Livingston (Vice Chair); Alan Manoian; Robert Pontbriand; Rich Maiore; Bryan Sawyer; Mike McGovern; Neil Angus; Marissa Rivera

Absent: Tim Bragan; Rico Capucci; Bill Marshall; John Kater

Also In Attendance: (See Attached Sign-In Sheet)

Call to Order:

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

Recognition of Neil Angus as the new DEC representative:

V. Normand recognized Neil Angus as one of the new DEC representatives to the Committee and asked for a motion to accept Neil to the Committee.

Motion: A motion was made by J. Livingston and seconded by R. Maiore to accept Neil Angus as a DEC representative to the Committee. **Motion passed 9-0.**

Meeting Minutes Approval:

The Committee reviewed the DRAFT meeting minutes from April 12, 2023 and July 12, 2023.

Motion: A motion was made by R. Maiore and seconded by R. Pontbriand to approve the meeting minutes from April 12, 2023. **Motion passed 9-0.**

Motion: A motion was made by R. Pontbriand and seconded by J. Livingston to approve the meeting minutes from July 12, 2023. **Motion passed 9-0.**

J. Livingston stated that she would update the webpage accordingly with the minutes.

Stakeholder Updates:

Town of Ayer:

Alan Manoian provided an update from the Town of Ayer. The Town has formed its local committee, the Devens Resolution Committee. The Committee needs two additional members who are Ayer residents living on Devens. The Committee met on August 9; August 30; and on September 27 toured Devens, specifically the portions that were historically in Ayer. It is a great, energized Committee and we are making progress.

J. Livingston emphasized the need for two Ayer residents living on Devens to be on the Devens Resolution Committee so that their voices are heard.

Alan Manoian stated that the charge of the Committee is to formulate by the deadline of 2033, an Ayer specific report which includes a fiscal assessment in terms of a recommendation on disposition from the Town of Ayer.

N. Angus asked if all options were on the table.

Alan Manoian stated that everything is on the table. There is no specific agenda or preconceived notions. The Committee is very open-minded.

J. Livingston stated that we had a lot of applications and interest to the extent that the Ayer Select Board expanded the size of the Committee. The Committee understand that you can't just go in there and take it.

Alan Manoian stated that the symposium Ayer did back in March served the Town well and people came together.

N. Angus stated that the DEC would be happy to participate and provide any background information on existing conditions at Devens for the Committee.

Town of Harvard:

V. Normand provided an update for the Town of Harvard. He stated that the Harvard Committee has met three times since our last Framework meeting. The Harvard Committee is now a standing Committee and not just an ad hoc Committee in Harvard.

V. Normand stated that we have looked at the timeline proposed by Chapter 498, and we are in support of potentially moving up that planning date. We have also looked at the issue(s) of rezoning Vicksburg Square. We were provided information from the DEC that shows approximately 289 acres remaining of developable land. If you take out the North Post and Salerno Circle you end up with only about 115 acres. We also looked at the concept of setting aside some land on Devens for public purposes (i.e. a school). We have been looking at the MassDevelopment Budget and next month they will be releasing the new MasDevelopment Budget. In examining the current TIFs, none of them appear to extend beyond 2033. The deadlines for these TIFs as well as the issues of debt schedules could extend beyond 2033 and what does that mean in terms of disposition.

Town of Shirley:

M. McGovern provided an update from the Town of Shirley. He stated that as usual, not a lot to discuss. We are still looking for members on an upcoming Select Board Meeting Agenda to form our local committee. Unfortunately, it has been difficult to recruit local interest in that we have a small pool of residents that are focused on other Town matters currently. We will continue the effort to form a local committee.

J. Livingston asked if it was the potential length of the commitment to be on the committee that is a deterrent? That was a challenge in Ayer.

B. Sawyer stated that all communities are different. For example, the issue(s) of Vicksburg Square impact Ayer and Harvard differently than Shirley in which there is not a direct impact to Shirley. Many of the large businesses on Devens are not in Shirley's boundaries. What is pressing in Shirley is the issue of additional Senior housing. That is the hot topic in Shirley right now. We will continue to work on getting a local committee formed.

M. McGovern stated that for many the year 2033 is still far down the road and they do not see it as an immediate or pressing matter for Shirley.

Devens Representatives:

M. Rivera provided an update from the Devens Representatives. She stated that they are developing a mailing list to reach out to all Devens residents. They also had an informational table out at the August fireworks event on Devens. We have also sent a poll around to residents to gain their input. WE are looking at a version of a future symposium. We are focusing on our voice as a residential community. She referenced comments and concerns about the DRAFT REI document and wanted to ensure that the Devens Representatives comments are incorporated.

J. Livingston passed out the DRAFT comments that the DEC put together with respect to the DRAFT REI.

N. Angus stated that his offer to Devens residents is the same as to Ayer, anyway the DEC can be of assistance, let us know.

The Committee discussed the concerns raised by the Devens Representatives with respect to their vote and input in the process. The Devens Representatives would like the same level of vote as was the case in the 2006 Scenario 2B in which Devens had a vote. We are concerned that as written, the DRAFT RFEI dilutes Devens voice.

J. Livingston asked how would you be diluted?

M. Rivera stated that we are looking for additional clarification and information with respect to the DRAFT RFEI in terms of Devens vote.

Alan Manoian stated that he would like to make an observation. He is concerned by the gradual incremental approach of Devens asserting itself as its own community. The residents living on Devens are either Ayer or Harvard residents depending on their location. There appears to be a drift from Ayer and Harvard. You are either Ayer or Harvard residents living on Devens. There seems to be a reinforcing cultural shift occurring.

M. Rivera stated that there is not a cultural shift. We have been receiving a consistent message from Devens Residents since 2001 that they see themselves as a distinct community.

Alan Manoian asked, do they not see themselves as residents of either Ayer or Harvard.

Lois Russo (Member of the Public) stated that she does not want to be a resident of Ayer. The only thing I do in Ayer is vote. Many do not want to be Ayer residents.

Paul Bonnie (Member of the Public) stated Devens has its own zip code, and it is its own community.

Michael Alves (Member of the Public) stated that when many of us bought our homes on Devens it was marketed as the Devens community. We are a distinct community.

V. Normand stated that he has concerned about the proposed language from the Devens Representatives that they have a distinct vote in disposition. From the beginning of this effort, we collectively chose consensus as the approach. It could be misleading that Devens has a vote. There is a very strong impression that residents of Devens at Super Town Meeting would have standing at each of the Town Meetings in Ayer and Harvard.

N. Angus stated that the issue of jurisdiction for Devens is unique. Unlike villages or neighborhood sections within Ayer that are all within the jurisdiction of Ayer, the Devens portion of Ayer is part of the Devens Regional Enterprise Zone and under separate jurisdiction.

Regina Todd (Member of the Public) stated that consensus has not yet been agreed to. Chapter 498, Section 23 does not require Super Town Meeting Votes. Mass Development and the DEC could initiate the study process. The Select Boards and DEC could formulate recommendations. There is no provision for Super Town Meeting. If Framework Committee goes beyond 498, then Devens similar to 2B should have a vote. A precedent was already set in 2006.

J. Livingston pointed out that Super Town Meeting has been used for Vicksburg Square and any zoning changes.

Regina Todd stated that the Devens Reuse Plan has Super Town Meeting provisions for zoning changes. However, in terms of Chapter 498 for disposition it is silent on Super Town Meeting.

N. Angus state that Chapter 498, Section 10 mentions Super Town Meeting. Each Town must hold a Super Town Meeting for any zoning changes. In terms of the issues of permanent governance there is no mention of the Super Town Meeting. It is an issue of permanent governance versus the reuse plan.

V. Normand stated that this would not be a minor change but substantial and should be brought back to the Select Board's for review and further discussion.

J. Livingston asked what does this mean for the RFEI.

V. Normand stated that he is concerned about the precedent. The purpose of the RFEI was to get costs for the study. The study could ultimately recommend a different mechanism from Super Town Meeting.

J. Livingston stated that we need to get this document out there. Are we putting too much initial thought into this. Perhaps a bulleted list of what we want.

B. Sawyer stated that instead of specific language, do we need that or basic/general language. We need to go through this process and there will be different opinions, but the consultant will take all viewpoints into consideration.

J. Livingston stated that we need to get back to basics and have the professional consultant guide us.

M. Rivera stated that what she is hearing from Devens residents it that if the mechanism of Super Town Meeting is removed that would work.

N. Angus stated what if we just remove the Super Town Meeting language from the RFEI at this time.

R. Maiore stated let's remove the Super Town Meeting language and we need to get the RFEI out.

V. Normand stated that Task 9 in the DRAFT RFEI is where we would remove Super Town Meeting and rewrite.

J. Livingston stated that the same working group can handle this and get it out on the street.

V. Normand stated that we would set up a meeting of the working group to do this.

Devens Enterprise Commission (DEC) Update:

N. Angus provided an update from the DEC. They have met two times to review and discuss the RFEI and provided comments to this Committee. The biggest issue is that MassDevelopment is not at the table. The DEC would consider accelerating the timeline. The most important element to the DEC is that the existing level of services is maintained on Devens. He also asked what about the existing military, are they an additional stakeholder that we should engage? We also need to look at regional services such as Regional Dispatch Center; Household Hazardous Wates Center; regional transportation; and social services on Devens. What are the social impacts on Devens including cultural and recreational amenities. The DEC hopes we can address Vicksburg square concurrently.

J. Livingston stated that in terms of engaging the military. How? They are going to tell you we are not part of the community. They come in and they leave. How are you going to engage them?

N. Angus stated that things have changed with the military over the years. There is a new Commander who is making efforts. They should probably be at the table to some extent.

J. Livingston stated that we continue to invite MassDevelopment including to this meeting, and they continue to decline.

MassDevelopment Update:

MassDevelopment was not present, but the Committee discussed Meg Delorier's recent comments on MassDeveopment's future at Devens.

V. Normand stated that recently it was publicly reported per Meg Delorier that MassDevelopment is on Devens as long as the Legislature needs them to be. One option is that nothing changes. Having a long history with Mass Development, that was not the sentiment in the beginning. There has to be some level of self-governance for Devens Residents. It is not a problem until it is not a problem. There is less than a democratic government up there. The recent actions by the State taking over the Community Center and Senator Cronin's proposed bill are recent examples.

R. Pontbriand stated that in order for us to truly be successful in terms of the issues of disposition of Devens, MassDevelopment needs to be at the table and an active partner, and they are not. We should not be reading about their views in the newspaper, we should be interacting and discussing them here at this Framework Committee.

Old Business:

Approval of the RFEI Document:

J. Livingston stated that hopefully we will approve this at the next meeting.

Vicksburg Square Governance and Zoning (Report from HDJC):

J. Livingston stated that we know how problematic Super Town Meeting has been in the past. The issue of jurisdiction of Vicksburg Square has always been the question and the problem. A small portion of it is in Harvard and the rest of it in Ayer. It is supposed to be historic and protected yet it is rotting away. There is a critical need for housing not only in this region but across the State. A State Senator tried to take it through a proposed bill. We need to get down to the nitty gritty. Right now, Harvard give up your portion of Vicksburg and give to Ayer. Have Vicksburg rezoned. Let's get this address and rezoned and then we can all be a part of the discussion and make it housing. A portion would have to be affordable housing. We need to get past affordable housing being a bad thing, because it is not. Resolve jurisdiction; rezone; building housing; and work together. We all want it to be successful and beautiful. This could bring MassDevelopment back to the table. We have talked about Vicksburg Square for generations, ho do we get this done?

M. Rivera stated that from the Devens residents' perspective we want to see something happen. Not just raise the housing cap. We need to specifically look at the volume and type of housing.

J. Livingston stated that she kind of agreed. We have to solve this issue. It is going to cost us all more money in the future as it deteriorates.

M. Rivera stated that she understands, and we need a broader context.

J. Livingston stated that a State Senator tried to take it before, the state could take it again.

Michale Alves (Member of the Public) asked for clarification of Ayer's position on Vicksburg Square. You want it to be affordable housing?

J. Livingston stated parts of it.

Michael Alves asked just housing for Vicksburg Square.

J. Livingston stated that we are open.

Alan Manoian stated that originally in 1929 when constructed it was mixed use with ground floor businesses and services and residential on the upper levels.

Michael Alves asked what Harvard's view is.

V. Normand stated that housing would be appropriate, but we do not have any specifics.

R. Maiore stated that he is supportive of housing. We need to start to solve this now. I would like further discussion about Vicksburg Square with the State and what they can do. I am not in favor of just sitting and doing nothing.

Michael Alves asked what Shirley's view is.

B. Sawyer stated that historically Shirley has been in favor of housing at Vicksburg Square. We are also in favor of mixed use and mixed income housing. This will indirectly impact Shirley. We do need to reach a consensus, resolve, and move on.

Michael Alves asked what the DEC's view is.

N. Angus stated that it is not up to us, but we are in support of housing as well as mixed-use. The devil is always in the details. Let's look at those details and figure it out. Housing is a good option. How do we make it work and get support from the State.

J. Livingston stated that if we can resolve Vicksburg Square, I think we could then accelerate the planning date.

Paul Greene (Member of the Public) thanked J. Livingston for her bold vision of Vicksburg Square. We tried this in 2013 and it failed. Harvard turned it down as there was no mixed use. We asked Trinity to add amenities and they wouldn't. I voted for it, but many voted against it.

V. Normand stated that there is a big difference from 2013 assuming there is a meeting of the minds and also the issue of moving the boundary.

Paul Greene stated that it is not a requirement to move boundaries. WE deal with this all the time.

J. Livingston stated that people are asking that we move the boundaries and resolve this.

Paule Greene stated that it is important to keep all residential units together in one community.

J. Livingston stated that we need to fix this and all work together.

Paul Greene stated if Ayer takes it over do you have room in the schools. Tax costs for students. Additional issues need to be looked at.

J. Livingston stated that Ayer is currently talking about building a new elementary school. We have a migrant shelter from the State in Ayer. We need to move forward on Vicksburg Square and develop the appropriate housing.

Paul Greene stated that the issue is not as simple as being proposed and is very complex. My last comment is in response to Vicksburg Square is falling apart. As an engineer, that argument carries zero water with me. MassDevelopment is ultimately responsible for the structures currently.

J. Livingston stated that she is pleased that we are having this discussion and wants everyone to continue to ponder this for the next meeting.

New Business:

J. Livingston stated that she has linked the meeting videos to the website but cannot find the July 2023 meeting.

V. Normand stated that in terms of issuing the RFEI we should really meet again in a month.

M. Rivera stated that the 3pm meeting time is a challenge for her and others that have to work.

V. Normand stated that he would circulate some alternate times for the next meeting and make an effort to be accommodating.

The Committee selected November 8, 2023 at 3pm in Ayer with the note that an effort will be made to select a later starting time if possible.

V. Normand stated that Harvard will take the minutes at the November 8, 2023 meeting.

Public Comment:

Alan Manoian asked if it was possible to get into Vicksburg Square.

N. Angus stated no as it is not safe to go in.

Items for the Next Meeting Agenda:

J. Livingston stated that the two major issues at this time are the issuance of the RFEI and Vicksburg Square for the next meeting.

V. Normand stated that he will bring the land availability study to the next meeting.

Adjournment:

Motion: A motion was made by R. Maiore and seconded by J. Livingston to adjourn the meeting at 4:50pm. **Motion passed 9-0.**

The meeting was adjourned at 4:50pm.

Minutes recorded and submitted by Robert Pontbriand.

Minutes reviewed and approved by the Committee on November 8, 2023

Signed: 

Robert A. Pontbriand