

DEVENS JURISDICTION FRAMEWORK COMMITTEE

Wednesday, October 11, 2023, at 3:00 p.m.

This meeting will be held both virtually, via the Zoom video conferencing service, and in person in the Select Board Meeting Room in the Town Hall at 1 Main Street, Ayer MA. Members of the DJFC and members of the public may attend via either method.

Town of Ayer is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84104518938>

Meeting ID: 841 0451 8938

One tap mobile

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Dial by your location

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• +1 309 205 3325 US

• +1 312 626 6799 US (Chicago)

• +1 646 931 3860 US

Meeting ID: 841 0451 8938

AGENDA

- ❖ **Call to Order (Representative from Ayer, hosting today)**
- ❖ **Recognition of Neil Angus as the new DEC representative**
- ❖ **Meeting Minutes Approval**
 - > April 12, 2023
 - > July 12, 2023
- ❖ **Stakeholder Update**
 - > Town of Ayer
 - > Update from Alan Manoian on local Ayer/Devens Committee
 - > Town of Harvard
 - > Town of Shirley
 - > Devens Representatives
 - > Discussion on additional comments to RFEI
 - > Devens Enterprise Commission
- ❖ **MassDevelopment Update:**

RECEIVED

OCT 04 2023

TOWN OF AYER
TOWN CLERK

1:00pm


➤ Meg Deloria's Comments on MassDevelopment's Future at Devens

❖ **Old Business**

- Approval of the RFEI Document
- Vicksburg Square Governance and Zoning (Report from HDJC)
- Continuation of Advancing the Planning Date Discussion

❖ **New Business**

❖ **Public Comment**

❖ **Items for the Next Meeting Agenda**

❖ **Adjourn**

DJFC agendas and meeting minutes are posted at:
<https://devensjfc.weebly.com>

Devens Jurisdictional Framework Committee

Quarterly Meeting

April 12, 2023, 3pm

Vicksburg Conference Room

33 Andrews Parkway on Devens

Meeting Minutes

Attendance:

Town of Ayer:

Jannice Livingston (Vice-Chair)
Alan Manoian

Town of Harvard:

Victor Normand (Chair)
Richard Maiore
Tim Bragan

Town of Shirley:

Bryan Sawyer
Michael McGovern

Devens Enterprise Commission:

Carl Sciple
Bill Marshall
Neil Angus

Devens Community Representatives:

John Katter
Marissa Rivera

Call to Order: The meeting was called to order at 3:05pm by Victor Normand (Chair)

Carl Sciple introduced himself as the Harvard appointed replacement for Jim DeZutter on the DEC and that he is awaiting confirmation from the Governor's Office.

Approval of the January 11, 2023 Meeting Minutes:

Motion: A motion was made by Richard Maiore and seconded by Jannice Livingston to approve the meeting minutes from October 12, 2022. Motion Passed Unanimously.

Town of Ayer Update:

Jannice Livingston turned the Town of Ayer update over to Alan Manoian. Alan Manoian presented to the board how successful the Ayer/Devens Envision 2033 Symposium, that was held on February 24 and 25, was. The two-day Symposium attracted numerous people and received significant press coverage. Alan went on to say it was a good start to Ayer's process and that they received a number of interested individuals who wanted to learn more and get involved with the process.

Locations on Devens of interest to Ayer to include Vicksburg Square; the Nashua Riverfront; the Auman Street Neighborhood and other areas. The Symposium will also involve attendees in becoming citizen planners with respect to Devens in terms of drawing their vision and plans for the future on maps. John

Town of Harvard Update:

Rich Maiore discussed the fact that the Select Board heard from the public, as it pays closer attention, even though a final decision is down the road and they wanted to know what the options are beyond taking it back. This was from people and individuals that may not have been involved in Harvard when the Town Meeting voted to look at taking Devens back. We are trying to figure out how we incorporate that while staying true to the original vote. Victor Normand stated that is the direction the Harvard Committee is taking and trying to draw out from stakeholders how they feel about zoning and the things that aren't glamorous.

Town of Shirley Update:

Bryan Sawyer stated that Shirley was in the same place they were a few months ago. We did establish a committee and are now looking to populate it. We are not there yet but that is our goal to garner interest in this process and populate our committee.

Devens Community Update:

John Katter reported from the Devens perspective they formed a group of residents, which includes Marissa Rivera and others that go door-to-door and enroll residents in a database to connect them and address the issue being talked about here at this meeting. This is not a committee it is an informal group of residents and our first challenge is registering voters so that Devens is represented and our voice heard. He said they have doubled voter registration and have a strong turnout to populate the Devens Committee. We are looking to take a cue from Ayer and have a spring event with the DEC and Devens Committee and talk about everything, something of a hybrid of what has already been done in other communities. Neil Angus said that the DEC would love to reach out and help with the discussion for Devens residents and the Devens Committee.

Devens Enterprise Commission Update:

Bill Marshall thanked Alan Manoian for the program Ayer put together. He also thanked Neil Angus for speaking at the Ayer symposium. He then went on to state that the Devens Enterprise Commission is ready to assist with institutional knowledge to all of the committees. We can explain how Devens became what it is today. Neil Angus included Keena Keel's comments from the "Chat" feature of zoom that "she had missed the beginning of the meeting and please note that as a Devens resident I am not interested in being a part of Ayer." Neil wanted to make sure that this became part of the record.

MassDevelopment Update:

Jannice Livingston relayed that the meeting with MassDevelopment on February 6th with Dan Rivera, Meg Delorier, and the MassDevelopment Chief of Staff (which was attended by Ayer, Harvard, and Shirley) made it clear that MassDevelopment was pulling back from being involved in this process as it thought the prior staff were doing all of the work. She said they were told that the towns need to drive the bus on this and that they would pay for the consultant in the future. She said it was clear that they are out of the process.

New Business:

Victor Normand discussed the MOA and RFEI and asked about finalized documents. Alan Manoian said once the documents are ready then he and other Town's Planners could get them out to a wide group of

interested companies. The Board agreed that both a municipal and State process would be used to solicit interest in the RFEI. Victor asked about the MOU and if the committee needed to finalize it and approve it. Paul Green (Harvard's Devens Jurisdiction Committee member) said there is already an agreement on the MOU back in January of 2022.

Public Input:

Paul Green, Harvard resident and member of the Harvard Devens Jurisdiction Committee, suggested that the committee create a high-level planning document that could be revised yearly that contains a timeline of the activities undertaken by the DJFC and the communities. Victor said that was a nice idea and that it would be included in the next agenda.

Next meeting is in Shirley at either the Town Hall or the Library on June 14th.

Adjournment:

A motion was made by Tim Bragan seconded by Jannice Livingston to adjourn the meeting at 3:55pm. The motion carried unanimously. The meeting was adjourned.

Minutes recorded and submitted by Tim Bragan, Harvard Town Administrator.

DEVENS JURISDICTION FRAMEWORK COMMITTEE

Wednesday, July 12, 2023 at 3:00 p.m.

This meeting will be held both virtually, via the Zoom video conferencing service, and in person at the Vicksburg Conference Room in the MassDevelopment offices at 33 Andrews Parkway on Devens. Members of the DJFC and members of the public may attend via either method.

Meeting Minutes

❖ Call to Order (Representative from Shirley, hosting today)

1. Mr. Victor Normand called the meeting to order and performed roll call
 - a. Meeting quorum was met
 - b. Mr. Normand handed over the meeting to the host community representative Bryan Sawyer

❖ Meeting Minutes Approval

- 1) None at this time

❖ Stakeholder Update

1) Town of Ayer

- a) Ms. Jannice Livingston advised that they have received application for their local committee
- b) She is hoping their first meeting will be in August

2) Town of Harvard

- a) Mr. Victor Normand advised that his committee continues to meet
- b) Mr. Normand advised his committee wanted to request that DJFC an amendment to 498 and move the planning date to 2024 or as soon as possible
- c) Mr. Normand advised this was being pushed by the actions of Senator Cronin
- d) He also provided an overview of previous agreements between MassDevelopment and DEC in regards to amendments to 498
- e) The above reason are why Harvard is requesting to move up the planning date

3) Town of Shirley

- a) Mr. Bryan Sawyer advised that Shirley has created a committee, but it has not added members yet

4) Devens Representatives

- a) Mr. John Katter advised that they continue to educate Devens residents about 498
- b) He advised there has been large strides in residents education on the 498

- c) Devens is considering creating a new committee of Devens only residents to work solely on jurisdiction issues

5) Devens Enterprise Commission

- a) Mr. Neil Angus advised Peter Lowitt is retiring from the Commission
- b) He also advised that Jim DeZutter has also resigned and is being replaced
- c) Mr. Peter Lowitt advised that they are providing a lot of information to Devens residents to help further residents education
- d) Mr. Peter Lowitt advised that he is in support of moving up the planning date, and is wanting to include rezoning Vicksburg Square

❖ MassDevelopment Update: *if any*

- 1) NA

❖ New Business

- 1) Mr. Normand gave an updated on the draft request for expressions of interest document
 - a) He advised that it has been a whole committee effort to develop this document
 - b) He also advised the hope to approve the whole document at the next meeting of the DJFC
- 2) Mr. Normand expressed how advancing the planning date would help create more activity from Mass Development
 - a) Mr. Sawyer confirmed with Mr. Normand that if the planning date was advance that the submission would still be three years from its start
 - b) Ms. Livingston wanted to know if a Supper Town Meeting would be required to advise the plan, and if so would it bring more attention to 498
 - c) Through discussion many different aspects of advancing the planning would need to be discussed and decided on
 - d) Mr. Sawyer requested if moving forward that the committee makes sure there is enough time to complete all necessary steps
 - e) Mr. Normand advised that a full service consulting firm would help provide what would be required
 - f) Mr. Rich Maiori advised he doesn't support moving the date up without also rezoning Vicksburg square and funds for a consultant
 - g) Mr. Normand advised that a decision would need to be made on which community Vicksburg Square is located in, if not split
- 3) Ms. Livingston advised that advised Ayer is willing to permanently host future meetings, but requested each community take turns completing meeting minutes

❖ Public Remarks

- 1) Mr. Paul Green advised he is looking at a timeline of what still needs to be complete
 - a) Mr. Green also advised that the state could push out the end date if they wanted to

- b) He also advised he supplied a draft on how the committee should make decisions without bias
- c) He also advised the committee they should consider regionalizing the utilities provided
- 2) Mr. Lance Neilson advised of his thanks to the committee and disapproval for the industrial cap and Senator Cronin's actions
- 3) A resident wanted to know if previous consultant work will assist with current timeline

❖ **Items for the Next Meeting Agenda**

- 1) RFEI Vote
- 2) Advancing the Planning date
- 3) Vicksburg Square jurisdiction and zoning

❖ **Public Comment**

- 1) Mr. Mike Louse (sp) advised his committee is seeking to hold a Vicksburg Square brainstorm meeting to come up with a plan
- 2) Mr. Paul D. expressed his concern about how Vicksburg Square can be redeveloped due to its condition
- 3) Mr. Green advised that previous developer plans for Vicksburg Square were to make it all adorable rental housing to be able to make the project viable due to tax credits and other financial assistance

❖ **Adjourn**

Mr. Bryan Sawyer made a motion to adjourn. Neil Angus seconded. Motion passed unanimously 8-0

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Overarching DEC Comments on Draft RFEI

Approved by the Devens Enterprise Commission 9/26/23

1. MassDevelopment is a key stakeholder that is no longer involved in this process (Chapter 498 requires them to but not until 2030) but the DEC is committed to working with other stakeholders to advance this process where feasible and work to get MassDevelopment back to the table.
2. Most important element is to ensure the existing level of service to Devens businesses and residents is evaluated and maintained. This is included in the third paragraph on page 5.
3. Need to also consider how the existing military (state and federal) and other federal uses such as the prison hospital and Shriver Job Corps should factor into this process.
4. Any Level of Service Evaluation should also include:
 - Regional services (911, HHW, Transit)
 - Social services (Loaves and Fishes Food Pantry, Clear Path for Veterans, Transitions Women's Shelter)
 - Cultural amenities (United Native American Cultural Center, Devens Museum, Freedoms Way National Heritage Area)
 - Recreational services (Regional athletic fields, community center, trails, disc golf, skating, cross-country skiing, etc.)
5. Devens was established as a regional entity to benefit the region and Commonwealth as a whole. While Devens has attracted a considerable amount of development, it is always evolving, with businesses coming and going, growing and shrinking. It was set up with incentives to attract private businesses to locate and expand their operations in Devens, including businesses tax incentives, Economic Target Area and an Economic Opportunity Area, and Federal enterprise and free trade zone. These designations should be factored into any disposition discussions.
6. Consensus as defined in the 1/26/23 draft MOU (not agreed upon yet). Consensus can't be achieved without MD at the table.
7. Consider impacts beyond fiscal (Task 5) for each scenario. Consider regional economic, environmental and social impacts?

Comments from Devens Residents:

1. Requirement for supertown meeting vote. Section 23 of 498 does not require this – just town BOS to submit study and joint report. Supertown meeting does not represent Devens residents and businesses.
2. If no supertown meeting vote, Devens residents and businesses should be able to vote as a separate entity as the 6th stakeholder representing the interests of Devens.

Note: Vicksburg Square restoration and reuse for housing is a priority that should not be delayed as part of this disposition discussion as there is an existing crisis and immediate need for the region and commonwealth.

THIRD DRAFT CONTENT – FOR POLICY DEVELOPMENT

Request for Expressions of Interest (RFEI)

for

Consulting Services to Assist in the Development of a Recommendation for a Permanent Governmental Structure for the Devens Regional Enterprise Zone (“Devens”)

Revised May 10, 2023

Introduction

The Devens Regional Enterprise Zone (DREZ) was established in 1994 with the towns of Ayer, Harvard and Shirley (the towns comprising Ft. Devens) simultaneous approval (Super Town Meeting) of the 1993 Devens Reuse Plan and Zoning Bylaws, and the passage of Chapter 498 of the Acts of 1993, as amended (Chapter 498), following the decision of the Base Closure and Realignment Commission to close Ft. Devens. MassDevelopment (previously the MA Land Bank) was charged with the task of redeveloping the Army base to civilian use in accordance with the Reuse Plan, which defined residential, commercial, industrial and recreational zones. As MassDevelopment was given the authority to tax businesses and residents, it was also charged with providing all usual municipal services except for those provided by town clerks. As a result, residents vote in the underlying town in which they reside, but not on matters pertaining to the DREZ.

Chapter 498 anticipated a 40-year redevelopment window and set out a process for establishing the permanent local government structure: the towns, MassDevelopment and the Devens Enterprise Commission are to submit a recommendation to the Governor and General Court by 2030. In anticipation of developing this recommendation the towns, MassDevelopment and the Devens Enterprise Commission formed the Devens Jurisdiction Framework Committee (DJFC).

On behalf of the Devens Jurisdiction Framework Committee (DJFC), the Massachusetts Development Finance Agency (MassDevelopment) is issuing this Request for Expressions of

Commented [1]: Devens resident comment relayed by John Katter: Are there any examples of how this has been done somewhere else effectively?

Commented [2]: Resident comment shared at May Devens Committee meeting: Can we include a requirement for the consultant to engage & seek feedback from experts who have participated in similar redevelopment efforts in other areas of MA or the US?

Commented [3]: Response from Victor Normand: there are no comparable examples where towns have given up their taxing authority.

Commented [AN4]: With MD not at the table, who will take the lead on this?

Interest (RFEI) for consulting services related to the development of a recommendation for the permanent governmental structure for the ongoing operation and administration of the Devens Regional Enterprise Zone (Devens) as contemplated by Section 23 of Chapter 498 of the Acts of 1993¹, as amended (“Chapter 498”). While various government structures will be considered, all must conform to current law and the constitution of the Commonwealth of Massachusetts.

The DJFC is an eighteen-member steering committee comprising three representatives from each of six identified stakeholders including the Town of Ayer, the Town of Harvard, the Town of Shirley, MassDevelopment, the Devens Enterprise Commission (DEC) and Devens business and Devens residents.

The DJFC’s vision is that a transparent, data-based planning process will result in a consensus recommendation in the form of a Study and a Joint Report which will be submitted to the Governor, the Secretary, the Clerk of the House and the Clerk of the Senate consistent with the requirements of Chapter 498.

The full text of Section 23 of Chapter 498 is excerpted below:

SECTION 23. Permanent Government Structure. On or before July first, two thousand and thirty, the commission, the boards of selectmen of the towns with the advice of the planning boards, and the bank [MassDevelopment] shall initiate a study, hereinafter called the study, concerning permanent government structure for the ongoing operation and administration of Devens. The study shall evaluate alternative structures for government, ownership and operation of open space, recreation, and other lands and facilities, infrastructure, easements, equipment and records, with such alternative structures, including by not limited to, town government and joint entities or combinations thereof, or the bank and joint entities or combinations thereof, or the bank and the commission, and shall identify transition costs and further investments needed. During the preparation of the study, public participation shall be encouraged and public hearings held. On or before July 1, 2033, the commission, the boards of selectmen of the Towns, and the Bank shall submit the study and a joint report to the Governor, the Secretary and to the Clerk of the House and the Clerk of the Senate recommending a

Commented [AN5]: Need to also consider how the existing military (state and federal) and other federal uses such as the prison hospital and Shriver Job Corps should factor into this process

Commented [6]: Comment from Devens resident: The RFEI makes no direct mention of "Devens residents." Can we either replace "residential interests" with "Devens residents" or more clearly define "residential interests"?

Commented [7]: This comment is from someone John Katter spoke with: There's a lot of use of the word consensus, but it's poorly defined - I think it means general agreement, but we haven't been able to achieve that in some 20 years of sustained conversations, so I doubt that we would be able to do so in this next iteration. I think we need more detailed language around this point, else it is doomed to spiral toward the drain as in prior attempts. I think that consensus is desirable, but as one of several criteria, not as a vaguely defined uber criterion. So maybe something like the consultant should put together a set of alternatives based on the problem definition (devens = new town, etc.), and then filter them by a set of evaluation criteria (stakeholder approval, education outcomes for projected school population, municipal services coverage, etc.) - right now it says that all these things will be considered but to only present alternatives that have "consensus" - seems backward to me
Ed: Good comment from someone perhaps not aware of the lengthy definition of consensus in the MOA. Maybe we should footnote it with a reference.

Commented [AN8]: Consensus as defined in the 1/26/23 draft MOU (not agreed upon yet). Consensus can't be achieved without MD at the table

Commented [AN9]: Not at table currently

¹ <https://www.devensec.com/ch498/dec49823.html>

permanent government structure for the ongoing operation and administration of Devens. Such report shall also identify any surplus funds that have been generated during the development of Devens, after considering the costs of funding appropriate reserve accounts, costs of retiring all bonds, notes and other debt instruments issued to maintain and develop Devens, and all the Commission's and Bank's unreimbursed costs related in any way to the redevelopment of Fort Devens, including, without limitation, all costs incurred in the operation, maintenance and development of Devens, and recommend how any such surplus funds and any future surplus funds shall be distributed, which recommendation shall include distributing all or a portion of such surplus to the Towns.

Purpose of the RFEI

One purpose of this RFEI is to notify the consulting community of an anticipated Request for Proposals (RFP) for this project. Equally importantly, however, the RFEI is intended to provide a forum for consultant feedback on the proposed planning process to the DJFC. Specifically, the DJFC is interested in recommendations related to the proposed scope of services, staffing requirements, timeline (not to exceed 18 months) and overall project fee. Consultants are expected to disclose any conflicts of interest.

Commented [10]: John Katter relays this comment from a Devens resident: "Should consultancies with conflicts be precluded from participating ? Principals with conflicts or ownership stakes that could be impacted by the study?"
Ed: Certainly any consultant with a financial interest in Devens would be precluded from contracting for this work. The committee may wish to discuss how to address less blatant potential conflicts.

To fulfill the requirements of Section 23 of Chapter 498, the DJFC has identified the below tasks as key components of a prospective consultant scope of services. This prospective scope is intended to serve as a starting point for potential consultants and is not likely to be the same scope of services included in the anticipated Request for Proposals (RFP).

Note that the DJFC does not see this as a "blank slate" planning exercise similar to the disposition plan prepared in 2006 which included proposals for an amended Devens Reuse Plan and amended Devens By-Laws. Since 2006, the buildout of Devens has significantly advanced. Accordingly, the DJFC does not believe that a "blank slate" planning exercise is now appropriate.

PROSPECTIVE SCOPE OF WORK

Task 1. Public Outreach and Communication

The DJFC expects that the consultant team will design and implement an open and transparent public planning process including but not limited to regularly-scheduled public meetings and hearings including interactive workshops when appropriate. This effort will also require a comprehensive and constantly-updated website dedicated to the project. Meetings will need to be publicly noticed consistent with the requirements of Chapter 498 and the various DJFC member entities. The DJFC will look to the consultant team to suggest additional outreach and communication strategies to ensure that a broad segment of the stakeholder population is engaged in the planning process.

Task 2. Data Collection

It is the intent of the DJFC that this be a data-driven planning process. To that effect, the consultant team will be charged with collecting up-to-date data from MassDevelopment as well as the other stakeholders. The use of a geographic information system (GIS) is strongly encouraged as a central organizing tool for this process. Specific areas for evaluation include, but are not limited to, the following items:

- Foundational Documents: The consultant team will be provided with links to electronic copies of Chapter 498, the Devens Reuse Plan and the Devens By-Laws as well as relevant planning documents from the surrounding communities. The consultant will also be provided with a final copy of the DFJC Memorandum of Agreement.
- Base Mapping: MassDevelopment's Engineering Department will make available relevant base mapping in GIS format.

Commented [AN11]: Not yet finalized

Commented [AN12]: Again, MassDevelopment not at the table currently

- **Assessor's Data:** The Devens Assessor will make available the most recent ownership and valuation information for Devens properties in database format. Current tax rates will be provided for Devens and the three towns.

Commented [13]: This is from someone John Katter spoke with: I didn't see any mention of an analysis of the business sector - revenues, employees, TAX CONTRIBUTIONS, especially around any sweetheart deals provided up front to attract businesses that may expire in future - what's the bottom line assessment of the business sector to any future disposition? Ed: I think this section generally addresses the comment but we may want to be more specific

- **Devens Municipal Services Overview:** MassDevelopment and the DEC will make their departmental heads available at reasonable intervals and for reasonable periods of time to meet with the consultant team to quantify the current and projected level of service, costs and associated resources required for the ongoing operation of Devens.

Commented [14]: This is from someone John Katter spoke with: I saw in the paper last week that Harvard may be looking to connect to the Devens municipal water supply - it made me think about that as a future cost entry. I think the analysis needs to look at any current or projected shared services (emergency call center in the old school across from the fire station, any other shared utilities etc.) as well as analysis of the high number of 1-offs in Devens (charter school, clearpath, Shriver) Ed: I think this section generally addresses the comment but we may want to be more specific

Specific municipal services to be analyzed include public safety (police, fire, EMS/ambulance, etc.), public works (plowing, road maintenance, mowing and landscaping, facility maintenance, etc.), utilities, education, development permitting (by the DEC), engineering, environmental, recreation, senior services, veterans services, and others. An analysis of KPIs for the levels of service in these areas should be undertaken as well as an evaluation of how they will be maintained or improved under the various **disposition scenarios**.

Commented [AN15]: If we are considering existing level of service, we should also include existing regional and social services such as:
Regional services (911, HHW, Transit)
Social services (Loaves and Fishes Food Pantry, Clear Path for Veterans, Transitions Women's Shelter)
Cultural amenities (United Native American Cultural Center, Devens Museum, Freedoms Way National Heritage Area)
Recreational services (Regional athletic fields, community center, trails, disc golf, skating, cross-country skiing, etc.)

- **Three Towns' Capacity Overview:** In the context of evaluating town government of Devens as contemplated by Section 23 of Chapter 498, the consultant team will meet with the municipal department heads to understand the current capacity of their departments **to serve Devens and to develop an assessment of what additional staffing and capital investments will be required.**

Commented [AN16]: To prevent economic blight in the region, Devens was established with incentives to attract private businesses to locate and expand their operations, including businesses tax incentives, Economic Target Area and an Economic Opportunity Area, and Federal enterprise and free trade zone. These should be factored into any disposition discussions and scenario alternatives.

The towns of Ayer, Harvard and Shirley will make staff (town administrators and department heads) and the chairs of town committees/boards available to meet with the consultant to assess the towns' (jointly and individually) capacity to provide municipal services including public safety (police, fire, EMS/ambulance, etc.), public works (plowing, road maintenance, mowing and landscaping, facility maintenance, etc.), utilities, education, development permitting, engineering, environmental, recreation, senior services, veterans services, and others.

Commented [17]: Devens resident comment relayed by John Katter: Level of service needs to be part of this : Sewage, water , electric , roads, police, fire and any other recommended level of service KPIs.

- **Devens Capital Projects.** MassDevelopment will review its capital project program with the consultant. These projects include items such as utility system upgrades, road and facility improvements, demolition projects, and others. MassDevelopment will also share information regarding any current indebtedness associated with capital projects.

Commented [AN18]: This assumes that towns will be taking over jurisdiction. Makes sense to assess current capacity of Towns to understand that as different scenarios are evaluated in the RFP process but the assessment for additional staffing will depend on the scenario.

- Devens Real Estate Market Overview: MassDevelopment staff will review its projections for residential and commercial growth at Devens with the consulting team to help inform the consultant team’s forecasts.
- Administrative costs and capital projects associated with completion of the Devens Reuse Plan as separate and distinct from Devens municipal services and capital projects as described above.

Commented [19]: I think this will be a little confusing for prospective bidders without more context. Can Victor flesh this out?

The DJFC will look to the consultant team to identify additional data that would be useful to the planning process.

Task 3. Stakeholder Criteria Development

The consultant will work with each of the six stakeholders individually to create a list of clear “success criteria” for the permanent governance of Devens across a range of topics. Expanding upon the Goals and Issues memoranda prepared by each stakeholder pursuant to the DJFC Memorandum of Agreement, the success criteria represent the minimum standards under which each stakeholder would consider a given disposition alternative to be successful.

Commented [20]: This is a comment from someone John Katter spoke to: “I see no mention of Vicksburg, which seems like a miss - how can we not talk about the largest left undeveloped parcel on Devens? “. Ed: I think that housing/Vicksburg would be addressed in the stakeholder criteria here

Following are some hypothetical examples of success criteria:

- “All Devens residents should reside within the same municipality”
- “Land use permitting at Devens should continue to be performed on a unified and expedited basis and should remain under the control of the DEC”
- “Commercial and residential property tax rates should remain stable.”

The consultant team will guide the development of the success criteria in a manner that facilitates comparison between stakeholders. These criteria will be used by the consultant team in Task 5 below to evaluate the relative consistency of each alternative scenario with each stakeholder’s criteria, providing a general assessment of which scenarios might be more likely to gain consensus support. This analysis may also suggest potential hybrid scenarios for additional consideration.

Task 4. Scenario Development

The consultant will assist the stakeholders to develop initial disposition scenarios for analysis.

These scenarios have been previously defined to include:

- Status quo continues beyond 2033
- Areas of the regional enterprise zone revert back to the respective municipal entities for control and governance
- Devens the enterprise zone becomes its own town
- Hybrid model or some other framework of governance

Stakeholders may work individually or collectively in this process. Stakeholder(s) should only develop scenarios that have a reasonable potential for consensus approval.

At a minimum, the following information will be developed for each scenario:

- Proposed geographic delineation of jurisdiction (map format)
- Proposed approach to provision of municipal services, including
 - Education
 - Utilities
 - Public Works
 - Police
 - Fire
 - EMS/Ambulance
 - Recreation
 - Environmental
 - Engineering
 - Transportation Demand Management

Commented [21]: Devens resident comment relayed by John Katter: Status quo needs to be included as well.

Commented [22]: Source: 9/14/22 DJFC meeting, 22:22 - 23:28 in this recording: <https://vimeo.com/750442382>

Commented [AN23]: If we are considering existing level of service, we should also include existing regional and social services such as:
Regional services (911, HHW, Transit)
Social services (Loaves and Fishes Food Pantry, Clear Path for Veterans, Transitions Women's Shelter)
Cultural amenities (United Native American Cultural Center, Devens Museum, Freedoms Way National Heritage Area)
Recreational services (Regional athletic fields, community center, trails, disc golf, skating, cross-country skiing, etc.)

Commented [24]: Traffic calming/mitigation of commuter and industrial traffic related to Devens businesses and events has been one of the most consistently engaged-upon issues for the Devens Committee over time (Buena Vista & Grant as two notable past & current examples).

The original disposition plan references the development & implementation of comprehensive TDM measures including incentivizing flex hours, promoting the commuter rail, & developing a commuter shuttle system. For residents, continued attention to and improvement of measures to reduce congestion will be an important component of scenario evaluation.

- Council on Aging, Veterans Services, Board of Health, etc.
- Financial implications to existing municipal governments of providing municipal services in Devens
- Approach to residential growth
- Approach to development permitting
- Approach to governance, including
 - Annual budgeting
 - Taxation
 - Public representation
- Voting
- Transition timeline including key milestones and criteria

Commented [25]: I understood this to be what Robert Pontbriand was asking for

Commented [AN26]: Include additional staffing/personnel needs here

Commented [27]: Restored because "voting" is broader than "election of municipal officials, and surely we want the consultant to look at this broadly

Task 5. Fiscal Analysis of Alternatives

The consultant will develop an overall financial model for the operation of Devens that takes into account current and projected revenues and expenses based upon the assumptions underlying each alternative. The model should be readily configurable to allow for changes to the scenarios. The output of the model will be a summary report detailing the estimated financial impact (positive or negative) for each of the six defined stakeholders under each scenario on an annual basis over a ten year period.

Commented [AN28]: Should there be an evaluation of the overall regional economic, social, and environment impacts of each scenario?

Commented [29]: Stakeholders are defined in document intro as "six identified stakeholders including the Town of Ayer, the Town of Harvard, the Town of Shirley, MassDevelopment, the Devens Enterprise Commission (DEC) and Devens business and residential interests" - want to ensure that usage of the term is consistent in referring to that group throughout the document

Task 6. Recommended Alternative

The consultant team will review the results of the fiscal analysis of the alternatives in light of the success criteria with the goal of identifying a recommended alternative that is supported by all of the stakeholders. This may require the development of additional compromise alternatives for

analysis. The consultant will facilitate discussions between the stakeholders as needed to attempt to resolve issues.

Task 7. Transition Plan

The consultant will lead an effort to prepare a phased plan for the transition to permanent governance, including a timeline and milestones.

Commented [AN30]: We should add a sentence at the beginning of task 7 and 8 stating that "If the preferred alternative does not involve the status quo, the Consultant team will lead an effort...."

Task 8. "Surplus Funds"

The consultant shall address the matters specifically raised in Section 23 of Chapter 498. In particular, working with MassDevelopment and the DEC, the consultant will identify any surplus funds that have been generated during the development of Devens, after considering the costs of funding appropriate reserve accounts, costs of retiring all bonds, notes and other debt instruments issued to maintain and develop Devens, and all of the DEC's and MassDevelopment's unreimbursed costs related to the redevelopment of Fort Devens, including, without limitation, all costs incurred in the operation, maintenance and development of Devens, and recommend how any such surplus funds and any future surplus funds shall be distributed, which recommendation shall include distributing all or a portion of such surplus to the Towns.

Task 9. Document Recommended Scenario for Super Town Meeting

The consultant will prepare informational materials for use in the public outreach process leading up to Super Town Meeting. At a minimum, this will include a clear written description of the recommended scenario supplemented with maps and other graphics as appropriate. The consultant will work with the DJFC to produce a standard Powerpoint presentation to be used at the required public hearings leading up to Super Town Meeting. Consultant staff will be part of the presentation team and available to answer questions as needed. The consultant team may be needed to support administrative aspects of Super Town Meeting including drafting and running public notices, scheduling and setting up for meetings, taking notes, etc.

Task 10. Study and Joint Report Preparation

Assuming the recommended scenario is supported at Super Town Meeting, the consultant will prepare a Study and Joint Report summarizing the results of the planning process in a format suitable for submission to the Governor, the Secretary, the Clerk of the House and the Clerk of the Senate in compliance with the requirements of Chapter 498.

Consultant Team

The DJFC expects that the selected consultant team will offer a depth of experience in the following areas:

- Consensus building, facilitation and process management
- Public engagement and outreach
- Verbal and written communication skills
- Database management and geographic information systems
- Municipal finance
- Municipal operations including detailed familiarity with management of major departments
- Financial modeling
- Real estate economics
- Urban planning

Commented [AN31]: Add regional planning

Delorier says MassDevelopment's future at Devens will be decided by state, not the agency

BY JOHN OSBORN | August 18, 2023

For the past year, local committees studying the future governance of Devens have assumed that once the former military base is fully developed, MassDevelopment, the agency charged with that task, will close up shop and leave.

But at a recent monthly meeting of the Devens Committee, an elected five-member panel of residents that advises MassDevelopment, acting Devens Executive Vice President Meg Delorier said that was not the case.

"MassDevelopment is done when ... the Commonwealth tells us we're done," Delorier said at the Aug. 9 meeting.

Chapter 498, the 1994 act that created Devens, does not specify a date for MassDevelopment's departure. What Chapter 498 does require is that no later than July 1, 2030, the agency and the towns of Shirley, Harvard, and Ayer begin a joint study of available options for the future permanent governance of Devens. That study and its recommendations are due to the governor and Legislature by July 1, 2033.

Local government services are provided today by MassDevelopment and paid for with business and resident property taxes. Tax rates are set by the MassDevelopment board of directors, who also approve the community's annual budget. But unlike the 351 municipalities in Massachusetts, Devens residents have no say in either their taxes or the budget.

MassDevelopment President and CEO Dan Rivera has been quoted as saying that the agency does not expect to be involved in the governance of Devens once its work of redevelopment is done. "We have

no dog in that fight," he told the Ayer Select Board more than a year ago. But last Wednesday Delorier reminded listeners that the decision was not the agency's to make.

"In 2033 the governor and the General Court can say, we like the way things are going in Devens, we don't want things to change, we don't think things are ready to change, and MassDevelopment is going to stay in place."

"MassDevelopment doesn't have an out," she added. "Contrary to what some people have heard, MassDevelopment can't turn around in five years and say, we're done, we're turning the lights out, good luck to whatever you decide with disposition. That can't happen."

For Mike Alves, vice chair of the Devens Committee, word that MassDevelopment "won't leave us hanging" was reassuring. "We feel really lucky," he wrote to the Press. "They care about their work, about Devens, about the businesses and us."

Harvard Select Board Chair Rich Maiore and Victor Normand, who chairs the Harvard committee studying the future disposition of Devens, were surprised.

Both were present at a Feb. 2022 meeting with Rivera in which he reportedly said MassDevelopment would move on when development was complete.

"Meg's statement is the first time I've heard MassDevelopment float the idea of staying beyond 2033," wrote Maiore. "This has implications for jurisdiction especially for residents of Devens."

Said Normand in an email to the Press: “Meg [Delorier] is correct when she says that only legislation can relieve MassDevelopment of its Devens obligations under Charter 498. However, the clear legislative intent was that MassDevelopment would act as the ‘interim’ agency for local governance.” The Massachusetts Constitution guarantees its citizens the right to self-government, he noted, but the current arrangement leaves Devens residents disenfranchised.

The fact that the town clerk function was specifically excluded by Chapter 498 from municipal services to be provided by MassDevelopment is an acknowledgement that representative governance (i.e., voting) was problematic and to be sorted out at a fu-

ture date, Normand wrote. “So, ... in my opinion, the status quo is not a viable option.”

Delorier to remain acting EVP

In other news, Delorier told the Devens Committee last Wednesday that she expected to remain acting executive vice president for Devens indefinitely. “I love what I’m doing. I have a fabulous team, a great group of people that I work with every single day.”

Delorier said there were no plans to replace former EVP Jessica Strunkin, who left in 2022. Strunkin is currently community relations and local government affairs principal at Commonwealth Fusion Systems in Devens

Thoughts on the Future of Vicksburg Square

Victor Normand

SusanMary Redinger

Paul Green

August 29, 2023

Introduction

The purpose of this memo is to discuss whether the people of Devens, Ayer, Harvard, and Shirley should settle the question of the future governance of the portion of Devens known as Vicksburg Square separately from, and ahead of, all other questions about the future governance of the Devens Redevelopment Enterprise Zone. By “governance”, we refer to which local government(s) will administer Vicksburg Square or Devens. Vicksburg Square straddles historical areas of both Ayer and Harvard.¹ Please see the map later in this memo.

This memo reviews the discussions on this topic that both the Devens Jurisdiction Framework Committee (DJFC) and Harvard-Devens Jurisdiction Committee (HDJC) have held thus far.

The impetus for opening a discussion about Vicksburg Square stems from the failed attempt by State Senator John D. Cronin (D; Worcester and Middlesex District, which includes the Town of Shirley) to amend Chapter 498 of the Acts of 1993 (the legislation governing Devens) to eliminate the housing cap at Devens.² See the end of this memo for the text of his proposed amendment. He had proposed an amendment to the Fiscal 2024 Massachusetts State Budget.

While Senator Cronin’s proposed amendment was not adopted by the Massachusetts Senate, nonetheless his proposal has led to a discussion among the parties engaged in determining the future of Devens as to its merits. We do not doubt that Massachusetts currently faces a shortage of housing, nor do we doubt that actions by federal, state, and local governments can have a positive influence on the production of additional units of housing.

To the best of our knowledge, Senator Cronin did not seek prior approval from the people who would be the most affected by removing the housing cap, nor did he seek the prior approval of their local elected officials. Senator Jamie Eldridge has confirmed that he was aware of Senator Cronin’s proposal. Members of the Harvard-Devens Jurisdiction Committee became aware of Senator Cronin’s proposed amendment only a few days before it was considered by the Senate.

Senator Cronin’s amendment would have overridden the Devens Act (Chapter 498), the Devens reuse plan, and the Devens zoning, as well as bypassed the requirement that any changes to Devens zoning be approved by a Super Town Meeting for the residents of Ayer, Harvard, and Shirley. His amendment would have added housing to the pre-existing allowed uses in the Innovation and Technology Center zone. It also would have eliminated the housing cap and

¹ Should Devens become a separate town, this distinction would not matter.

² See proposed Amendment 282 on <https://malegislature.gov/Budget/SenateDebate>

eliminated the limitation on the total maximum number of square feet of building space at Devens. His proposed amendment was only 179 words but it would have radically and permanently altered the status quo at Devens and denied the people of Devens, Ayer, Harvard, and Shirley any voice in the matter.

Note that while the informal description of the matter under consideration is “Vicksburg Square”, the Vicksburg Square area itself is only a small portion of the “Innovation and Technology Center” zone. Please refer to the attached zoning map, in which the Innovation and Technology Center is indicated in orange. Going forward, the parties should seek clarity on whether their discussion pertains just to Vicksburg Square and its historic buildings, or whether it pertains to the entire Innovation and Technology Center zone.

Reaction of the Devens Framework Jurisdiction Committee

At their July 12, 2023 meeting, in reaction to news about Senator Cronin’s efforts, members of the Devens Framework Jurisdiction Committee (DJFC) considered a proposal to separate the question of future governance of Vicksburg Square from the question of the overall governance of Devens. While the minutes of that meeting are not yet available, two of us (Victor and Paul) were present for the discussion, and we think it is fair to say that most DJFC members were intrigued by the idea but also raised many important questions about the process that would be used to carry out the changes. DJFC Members stated that being proactive with respect to Vicksburg Square could address the housing shortage while protecting the scope and intent of the Devens Reuse Plan. The DJFC added this topic to the agenda for their October meeting to provide time for local consideration in advance of their next meeting.

Points to Consider

The Harvard-Devens Jurisdiction Committee discussed these issues at its meeting on August 2, 2023. Members discussed these issues at length and raised the following questions and concerns. We will discuss them again at our upcoming meeting on September 6, 2023.

- Which group should take the lead in Harvard to deal with the notion of carving out the governance of Vicksburg Square? Should it be the Select Board or the HDJC?
- What process should the parties follow to establish a consensus on the future governance of Vicksburg Square?
- What process should the parties use to ratify their consensus and demonstrate that fact to the Legislature? Will a vote by the respective Select Boards be sufficient, or should the parties hold a Super Town Meeting?
- When the governance of Vicksburg Square is settled, does this remove pressure on Mass Development and the parties to settle the remaining issues?
- Will MassDevelopment cover the costs of consultants for the entire disposition process once the governance of Vicksburg Square is settled?
- Will MassDevelopment cover the costs of determining governance of Vicksburg Square?

- What are the logical boundaries of the carve out for Vicksburg Square? Does it include playing fields, access corridors, or additional taxable parcels to provide revenue to support the costs of providing services?
- What additional municipal services (education, transportation, etc.) will be required to support new residents?
- How will the parties pay for the costs of hiring experts to advise them on the changes to local government that will be needed?
- Can the issues surrounding the rezoning of Vicksburg Square be separated from the larger issues of determining future local government at Devens? How would the parties limit their discussion to just issues surrounding Vicksburg Square?

HDJC members generally support the goal of accelerating the redevelopment of Vicksburg Square as well as the goal of converting the abandoned Army office buildings into modern housing. No one argued against either of these goals.

HDJC members raised the following points of concern. We think it is fair to say that members were pessimistic about the wisdom of trying to split out the future governance of Vicksburg Square from the overall governance of Devens, for the following reasons.

- Everyone involved agrees that housing created at Vicksburg Square should lie within one town, as opposed to being split over two towns by the historical town boundaries.
- Devens representatives on the DJFC and HDJC have long stated that they would like to stay together, either as their own town, or when joining an existing town. The Devens Committee (elected by all Devens residents) has yet to formally adopt this position.
- Whichever town agrees to take new housing units located at Vicksburg Square will also want sufficient additional property tax revenue from Devens to support the cost of educating the additional school children and of providing additional municipal services. It is unlikely that the property tax revenue solely from new units of housing will be sufficient. The parties will be hard-pressed to limit their discussion to Vicksburg Square.
- The number of additional bedrooms will strongly influence the number of additional school children. Until a developer puts forth a specific proposal for creating housing at Vicksburg Square, the parties will have to make assumptions that may not prove to be accurate and which will tend to force worst-case decisions.
- The towns have long been on record as unwilling to pay for the costs of professional consulting firms. Even just discussing the future governance of Vicksburg Square will require the use of consultants. Who will pay these costs?
- No one knows what type of housing will be proposed for Vicksburg Square. It could be market-rate, mixed market and subsidized, or all subsidized (aka affordable). The willingness of voters to enact the necessary zoning changes rests on their level of comfort with whatever plan is proposed.
- The total number of adults and children, particularly the number of school-age children, will heavily depend the number of new housing units and on the number of bedrooms in each unit. It may also depend on the mix of market-rate versus affordable units, and

whether any units are age-restricted. Parties may be unwilling to commit to a plan for governance until MassDevelopment releases a specific proposal for new housing at Vicksburg Square.

Budget Amendment ID: FY2024-S3-282

ECO 282

Devens Housing Cap Elimination

Mr. Cronin moved that the proposed new text be amended by inserting after section __ the following section:-

Section __. Chapter 498 of the Acts of 1993, as previously amended, is hereby further amended by inserting the following paragraph:-

“Notwithstanding the provisions of any general or special law or rule or regulation, plan, reuse plan, by law or ordinance to the contrary, and to advance the regional development objectives for which the Devens Regional Enterprise Zone was established, and to ameliorate the ongoing housing crisis in the Commonwealth, residential, irrespective of the number of units, shall be a permitted use and housing a development goal in zoning district established by Article V(A)(13) of the Devens By-laws, any limitation on the maximum number of square feet of building space to be developed and/or used in Devens under the Reuse Plan and By-Laws established pursuant to section 10 of chapter four hundred ninety-eight of the Acts of 1993 and any limitation on the total number of residential units to be allowed in Devens under said Reuse Plan and By-Laws shall not apply to any submission of a development plan for unified permitting in accordance with 974 CMR 1.00 et seq. for consideration and approval by the Devens Enterprise Commission created by section 11 of said chapter four hundred ninety-eight.”

