

The Devens Story

What Is Disposition?

- ◆ The Devens disposition process will determine the permanent governmental structure over the Devens Regional Enterprise Zone.
- ◆ Disposition does not include land ownership, as the current property owners will continue to own their land until they choose to sell it.
- ◆ Essentially, the Towns are not being given anything; rather, they are being asked to choose the extent of their responsibility.

DDSC Matrix Categories

- Financial Sustainability
- Education
- Housing
- Zoning
- Utilities
- Municipal Services
- Boundaries
- Environmental Protection
- Transportation
- Legal Issues
- Open Space & Recreation
- Historical Preservation
- Form of Vote to Poll Stakeholders

Devens Past: Creation of the Enterprise Zone

Fort Devens

Originally part of the Towns of Ayer, Harvard, Lancaster and Shirley, Camp Devens was created in 1917 and developed into Fort Devens, a 9,400 acre U.S. Army base. In 1991, Fort Devens was slated for closure, with the 5,000 acre South Post in Lancaster remaining under Army control and the 4,400 acre balance sold to the State of Massachusetts.

JBOS

A Joint Board of Selectmen (JBOS) from the Towns of Ayer, Harvard, Lancaster and Shirley was created to wrestle with base closure issues.

Legislation

In 1993, the State enacted Chapter 498, which

- Established the Devens Regional Enterprise Zone (DREZ).
- Designated the Massachusetts Government Land Bank (now known as MassDevelopment) as the Local Redevelopment Authority.
- Created the Devens Enterprise Commission (DEC).
- Specified the process for ultimate disposition.

The Reuse Plan

Chapter 498 also directed the three Towns and MassDevelopment to develop a Reuse Plan, By-Laws and Regulations for Devens redevelopment. The Reuse Plan, By-Laws and Regulations were approved at simultaneous (often called *Super*)

Town Meetings in 1994 after numerous opportunities for public input. These documents provided the framework for developing Devens.

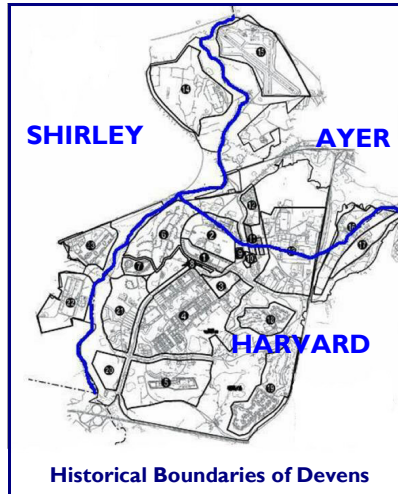
MassDevelopment (MD)

MassDevelopment was authorized to be the developer and provider of municipal services as well as the municipal authority. Chapter 498 also authorized \$200 million for the redevelopment of the DREZ.

DEC

Chapter 498 created the Devens Enterprise Commission (DEC) consisting of 12 members: two each from

Ayer, Harvard and Shirley, and six appointed by the Governor. The DEC functions as a unified regulatory body comprising a planning board, zoning board, board of health, conservation commission, and historic district commission for Devens. To encourage redevelopment, the DEC serves as a *one-stop* permitting agency.



Devens Past: Disposition Begins

Ahead of Schedule

Although Chapter 498 specified that a permanent government structure should be determined "on or before 2033," Devens redevelopment proceeded far ahead of schedule.

Devens Five-Year Review

In the spring of 2002, the Devens Five-Year Review Report recommended that the JBOS take steps to begin disposition planning. In response, the JBOS formed four planning committees:

- Development and Finance.
- Housing.
- Open Space.
- Transportation.

Joint JBOS/MD Meeting

At a joint meeting in October 2003, the JBOS and MassDevelopment Board of Directors

agreed to explore the possibility of accelerating the Devens disposition process. Within a short time, the JBOS formed the Devens Disposition Steering Committee (DDSC).

DDSC

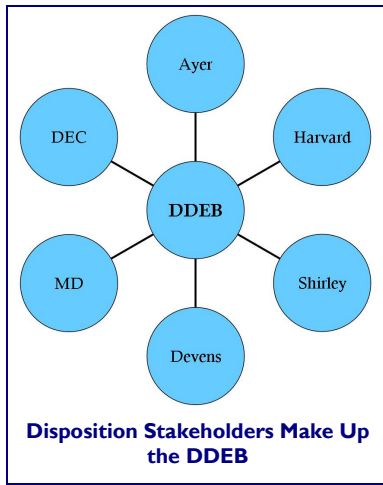
The Devens Disposition Steering Committee (DDSC) spent from October 2003 to May 2004 on two primary tasks:

- To define the participants in the decision process.
- To create an exhaustive matrix of issues that needed to be considered for disposition.

The DDSC defined six *Stakeholders* in the disposition process:

- Town of Ayer.
- Town of Harvard.
- Town of Shirley.
- Devens residents.
- MassDevelopment.
- DEC.

Devens Present: The DDEB



DDEB Membership

The Devens Disposition Executive Board (DDEB) was formed in September 2004. The 15 DDEB members include

- One Selectman each from Ayer, Harvard, and Shirley.
- One Planning Board member each from Ayer, Harvard and Shirley.
- One resident or business person each from Ayer, Harvard and Shirley.
- Two Devens residents.

- One Devens business community representative.
- One MD Board member.
- One MD staff member.
- One DEC member.

DDEB Funding

The DDEB obtained \$390,000 in state funding for its work.

DDEB Mission

The DDEB mission is to

- Ensure all matters relating to disposition are addressed.
- Prepare a disposition

recommendation.

- Recommend an approval process.

Consensus

The DDEB agreed to use the process of consensus in making decisions relating to its mission. Further, to prevent a single stakeholder from preventing consensus, the DDEB agreed that five of the six stakeholders must support any disposition agreement through both a Super Town Meeting/Caucus and a ballot question.

Devens Present: DDEB Subcommittees

Subcommittees Established

As one of its first tasks, the DDEB established six subcommittees. Several of these subcommittees built on the work of the JBOS Planning Committees.

Membership

Membership for each subcommittee was open to any interested person.

Tasks

The DDEB charged each subcommittee with a list of tasks derived from the DDSC matrix of issues. Subcommittees provided an interim report in June 2005, with a final report due in spring 2006.

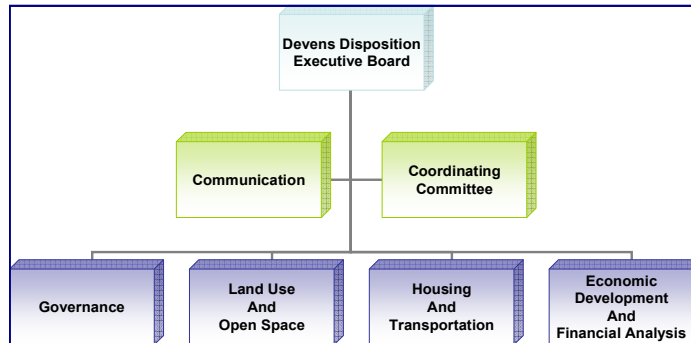
The Subcommittees

The six subcommittees and their primary task are:

- *Coordinating Committee*: Coordinate the process and ensure its openness.
- *Communication*: Ensure effective interaction of the DDEB with the

community at large.

- *Governance*: Evaluate alternatives for final disposition.
- *Land Use and Open Space*: Evaluate current land use patterns and identify future densities and land uses that co-exist in a sustainable manner.



- *Housing and Transportation*: Provide recommendations concerning housing types, density as well as transportation infrastructure needs.
- *Economic Development and Financial Analysis*: Assess the financial implications of disposition alternatives.

Devens Present: The 2005 MOU

Disposition Mechanism

In March 2005, the DDEB Stakeholders signed a Memorandum of Understanding (MOU) to define the mechanism to send the disposition legislation and report to the State Legislature as required in Chapter 498.

Primary Components

The 2005 MOU had five primary components:

- Defined the six Stakeholders.
- Five of six Stakeholders must approve.
- Ballot question in the November 2006 general election.
- Super Town Meetings/Caucus held within one month of the general election.
- The DDEB will develop the draft legislation and report prior to the Town Meetings and ballot question votes.

What's an MOU ?

An MOU (memorandum of understanding) is a written agreement between the parties that sign it.

It provides common ground as the Stakeholders continue to move the disposition process forward.

The MOU is an important part of the consensus process being used in disposition.

Devens Present: Four Scenarios

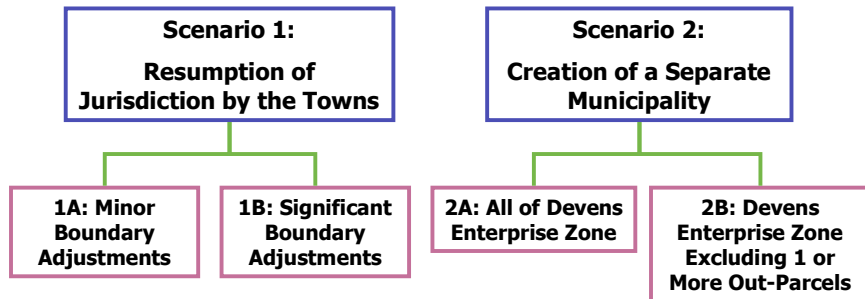
Focus on Four Scenarios

As part of determining the most effective way to pursue disposition, the DDEB established four possible disposition scenarios in December 2004.

Scenario 1

Under Scenario 1, Ayer, Harvard and Shirley would resume governance over Devens land that was historically in their jurisdiction. This scenario had two sub-scenarios.

- **Scenario 1A:** Minor adjustments to Town boundaries to solve service or administrative problems, such as a boundary passing through the middle of a building.
- **Scenario 1B:** Significant adjustments to Town boundaries to rationalize zoning uses, improve provision of municipal services, and create a



Devens community under a single Town's jurisdiction.

Scenario 2

Under Scenario 2, a new municipality would be created from Devens land that was once in Ayer, Harvard and Shirley. This scenario had two sub-scenarios.

- **Scenario 2A:** Town boundaries would be established along the former Fort

Devens boundaries as defined by Chapter 498 (Devens Regional Enterprise Zone).

- **Scenario 2B:** Town boundaries would be established along the former Fort Devens boundaries as defined by Chapter 498 (Devens Regional Enterprise Zone), but might exclude one or more out-parcels or some portion of the out-parcels.

Devens Present: Scenarios Studied

Initial Studies and Criteria

During 2004 and most of 2005, the DDEB and its subcommittees considered all four scenarios in the initial studies and in the Stakeholder Criteria developed.

MassDevelopment Hires Planner

In early 2005, MassDevelopment's Board of Directors allocated up to \$1 million to hire the planning firm Sasaki to prepare a revised Devens Reuse Plan.

Region-wide "Charrette" Meetings

Sasaki conducted two open planning workshops in March 2005, with approximately 90 attendees from the six

Stakeholders. In June 2005, Sasaki presented a housing development plan based on the two previous workshops.

DDEB Hires Planning Consultant

In March 2005, the DDEB hired VHB to do peer review of Sasaki's work as well as the DDEB's Financial Model.

Success Criteria

In May 2005, at DDEB's request, each Stakeholder submitted a list of success criteria for each of the two main disposition scenarios.

Out-Parcel Master Planning

In September through December 2005, Sasaki presented workshops in Ayer and Shirley outlining a Master Plan for North Post and the Shirley Village Growth Area.

Housing Studies

In the summer of 2005, the DDEB and MassDevelopment released results from two separate housing market studies indicating the region could absorb between 2,300 to 2,700 new residential units over a 20 year period. In addition, the DDEB study determined that the Financial Model being used was sound.

Devens Present: Consensus Develops

Housing Number

During the summer of 2005, the DDEB requested MassDevelopment, the Towns and Devens residents to try to reach consensus concerning the number of residential units and density. The results of these discussions reduced the number of units from 2,300 to 1,800.

Stakeholder Working Group

In December 2005, the DDEB and its Coordinating Committee formed a Stakeholder Working Group in an attempt to resolve outstanding differences and determine which scenario had the greatest chance for consensus.

After several meetings and following discussions in which five of the six Working Group Stakeholders favored Scenario 2B, the Working Group unanimously recommended that the full DDEB proceed toward Scenario 2B as the outcome most likely to achieve consensus.

Scenario 2B Working Proposal

After receiving the Stakeholder Working Group's recommendation, the Coordinating Committee submitted a Scenario 2B Working Proposal and Timetable to the DDEB, who then forwarded it to the Stakeholders for

their endorsement.

Working Proposal Endorsement

In January 2006, the DDEB, with a 13-2 vote, directed Stakeholders to focus on Scenario 2B, though financial analysis would continue on 1A as well. In February, five of the six Stakeholders agreed to continue to pursue Scenario 2B exclusively. The Town of Ayer voted to explore Scenario 1A if another Stakeholder voted to support either 1A or 1B; otherwise, Ayer would support Scenario 2B.

DEVENS DISPOSITION EXECUTIVE BOARD

Disposition Scenario 2B

- Create Town of Devens
- Return a portion of Barnum Road east of the Guilford Railroad to Harvard
- Return North Post east of the Nashua River to Ayer
- Return land west of the Nashua River to Shirley

Disposition Process Timeline

Stakeholder Working Group Proposal

- Framework describing disposition outcome
- Endorsement by Stakeholders (2/16/2006)



Memorandum of Understanding

- Drafted by Governance Committee
- Detailed agreement description
- Defines outcomes, processes to achieve outcomes, and timelines
- Provides basis for drafting legislation
- Endorsement by Stakeholders (6/1/2006)



Report: Revised Reuse Plan and Draft Legislation

- Required under Chapter 498
- Drafted by Governance Committee
- Public hearings at draft stage
- Endorsement by Stakeholders (7/6/2006)



Stakeholder Approval

- Submission of ballot question (8/3/2006)
- Town Meetings (10/2006)
- Vote on ballot question (11/7/2006)
- Submission to the Legislature (12/2006)

Find additional information about The Devens Story at www.devensdisposition.org

Devens Future: The 2006 Disposition MOU

MOU Outline

In anticipation of an eventual scenario recommendation, the Governance Committee began drafting a Disposition MOU outline in December 2005.

MOU Draft

In February 2006, The DDEB charged the Governance Committee to draft the Disposition MOU and the Coordinating Committee to resolve conflicts between competing Stakeholder MOU items.

MOU Structure

The Disposition MOU consists of three sections:

- **Preamble:** Lists the parties, goals of the MOU and process description.
- **Agreement:** Lists areas of consensus.
- **Action Items:** Lists tasks to be completed before the November 2006 vote.

MOU Criteria

Stakeholders held a series of public meetings to develop MOU criteria. In mid-March, Stakeholders submitted these criteria to the Governance Committee, which then identified items requiring conflict

resolution or clarification before forwarding them to the Coordinating Committee.

Conflict Resolution

In late March 2006, the Coordinating Committee convened a series of Stakeholders Working Group meetings to resolve conflicts among MOU items.

Draft MOU Distribution

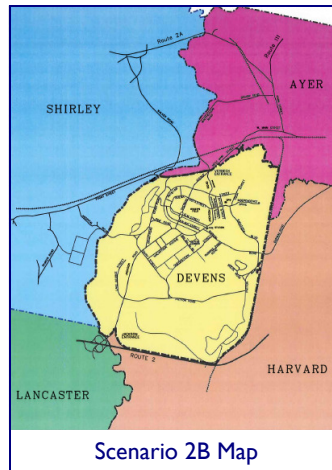
In April 2006, the Governance Committee will distribute the draft MOU to the DDEB and the Stakeholders.

Public Hearings

Stakeholders will hold Public Hearings on the draft MOU during April 2006 and report comments or issues to the DDEB in early May.

MOU Adoption

The Disposition MOU will be presented to the DDEB for final adoption in June 2006.



Scenario 2B Map

Devens Future: The Decision

The Report

Following acceptance of the Disposition MOU by at least five of the six Stakeholders in June 2006, the Governance Committee will present the two documents that make up the Report required by Chapter 498 to the DDEB for Stakeholder distribution.

- Legislation to amend Chapter 498
- The 2006 Devens Reuse and Zoning Plan

Public Hearings

The Stakeholders will conduct individual Public Hearings on the Legislation and Reuse/Zoning Plan. Using comments generated by these Hearings, the Governance Committee will submit the amended Report to the DDEB for adoption in July 2006.

Ballot Question

The Governance and Coordinating Committees will draft the Ballot Question and submit it for approval at the DDEB's August meeting. Upon approval, the DDEB will submit the Ballot Question to the Secretary of State for approval to be on the November 7, 2006 ballot.

Public Hearings

Multiple Public Hearings on the Report and Final Devens Disposition will be held by the Stakeholders during the months of August, September and October, 2006.

Super Town Meeting

A Super Town Meeting will be held in the Towns of Ayer, Harvard and Shirley. Devens will hold a Caucus.

The Report and Final Devens Disposition Plan will be included in a single non-amendable Warrant Article.

Ballot Question

The Ballot Question to approve the submission of the Report to the Legislature will be on the November 7, 2006 General Election ballot in the Towns of Ayer, Harvard and Shirley. Devens residents will

vote in the Town in which they reside.

Submission to the Legislature

Upon approval by at least five of the six Stakeholders, the Report will be submitted to the Legislature in December 2006.

The Disposition Report must be accepted by at least five of the six Stakeholders through a series of nine Yes or No votes.

Ayer

- Town Meeting
- Ballot Question

Harvard

- Town Meeting
- Ballot Question

Shirley

- Town Meeting
- Ballot Question

Devens

- Caucus

MassDevelopment

- Board of Directors Vote

DEC

- Committee Vote