

A DEVENS STORY

- ***Camp Devens is established***
In 1917, the U.S. Government acquired 9,400 acres of land within the communities of Ayer, Shirley, Lancaster and Harvard for the Army's New England Headquarters, known as Fort Devens.
- ***Department of Defense's Base Realignment and Closure Commission (BRAC)***
The Base continued to service the country and the region as Army's New England Headquarters until 1991, when the U.S. Department of Defense's Base Realignment and Closure Commission (BRAC) decided to close parts of Fort Devens in the mid 1990s.
- ***Fort Devens is closed***
Through BRAC, the base was scheduled to close in 1995. The Army decided to retain 4,000 acres known as the South Post (land in Lancaster, south of Route 2). Most of the other land associated with the military base, with the exception of a few parcels on the Main Post and a small parcel west of the Nashua River, would be surplus. Specifically, most of the land north of Route 2 and south of West Main Street in Ayer, known as the Main Post of Devens (land formally within Ayer and Harvard) was surplus along with the North Post, including the Moore Army Airfield, east of the Nashua River and north of West Main Street in Ayer, and the land west of the Nashua River in Shirley. The Army's final troops pulled out in 1996.
- ***Joint Boards of Selectmen (JBOS) is formed***
As a result of the BRAC report in 1991, the Boards of Selectmen from the communities of Ayer, Shirley, Harvard and Lancaster met and formed the Joint Boards of Selectmen (JBOS) for purposes of regionally dealing with the closure of Fort Devens. Knowing the magnitude of the potential financial impact and the quality of life to not only the region, but the Commonwealth as a whole, the JBOS joined forces with the Massachusetts Government Land Bank (later known as MassDevelopment) to explore developmental opportunities for Fort Devens. After meeting on a weekly basis for two-plus years and organizing countless public hearings, the JBOS and the Land Bank jointly put forth a reuse plan and legislation to support the redevelopment of Fort Devens
- ***Chapter 498 of the Acts of 1993***
On January 14, 1994, Governor Weld signed Chapter 498 of the Acts of 1993. Chapter 498 of the Acts of 1993 established the Devens Regional Enterprise Zone, which consists of all land formally known as Fort Devens. Chapter 498 was created because there existed "within the commonwealth substantial unemployment which is detrimental to the welfare of the people of the Commonwealth; that the termination by the United States activities at Fort Devens threatens to result in blight, economic dislocation and additional unemployment, all to the further detriment of the welfare of the people of the Commonwealth; that Fort Devens has operated as a federal enclave, independent of the four towns in which it is located since its inception: that the reuse of Fort

Devens will rehire [sic] financial support from the Commonwealth due to the size and complexity of the Fort Devens property: that the towns of Ayer, Harvard and Shirley have a vital interest in the successful reuse of Fort Devens: that the withdrawal of the military from Fort Devens will have a detrimental effect on the towns of Ayer, Harvard and Shirley and on the north-central region of the Commonwealth without the assistance provided by this act; and that in order to facilitate the reuse of Fort Devens for non-military uses it will be necessary to establish various incentives to attract private businesses to locate and expand their operations at Fort Devens, including providing those businesses tax incentives, relief from inconsistent land use controls, and economic relief through the establishment of Fort Devens as an Economic Target Area and an Economic opportunity Area, and application to establish Devens as a federal enterprise and free trade zone. Therefore, it is the purpose of this act to promote the expeditious and orderly conversion and redevelopment of Fort Devens for nonmilitary uses, including, but not limited to, housing, industrial, institutional, educational, governmental, recreational, conservation, commercial or manufacturing uses, in order to prevent further blight, economic dislocation and additional unemployment, and to aid in strengthening the local economy, the regional economy and the economy of the Commonwealth. It is also the purpose of this Act to provide an interim governmental structure for Devens which will assume specified local authority and duties, in recognition of the state and local partnership necessary for the successful redevelopment of Devens, and the duty of the Commonwealth in this regard to consider local and regional interests.”

The overall goal of Chapter 498 is as follows: “The Devens reuse challenge demands a visionary planning effort grounded in environmental, social, and economic reality. It must be realistic, pragmatic, market driven, flexible, and future oriented and shall be based on the following goals and objectives:

1. Development must be sustainable, which means achieving a balance of economic, social and environmental needs while maintaining and enhancing the natural resource base.
2. Development must provide a diversity of uses to avoid dependence on one use, and to provide opportunities for a range of skills and experience levels.
3. Development must demonstrate the interdependence of economic development and environmental protection and the symbiosis of public and private uses.
4. Development must balance local, regional and Commonwealth interests.
5. Development must foster uses that will create, at minimum, the number of jobs and value of economic activity at Devens in the year one thousand nine hundred and ninety.
6. Development must take advantage of the skills and experience of the regional work force and work to match the skills of the future work force with the needs of industries of the future.
7. Development must foster a long term mix of uses which will enhance the regional economy through future growth potential.
8. Development must build on Devens' unique characteristics to complement the regional economy and expand the economic base.

9. Development must foster an attitude that supports reuse goals, successful redevelopment and the provision of economic activities for individual and collective prosperity.
10. Development must protect and enhance Devens' historical resources.
11. Development must promote public awareness and enjoyment of Devens' environment.
12. Development must protect and enhance the quality of life of the citizens in the host communities, the region and the Commonwealth.
13. Development must provide education, training and retraining tied to business, industry and institutions on base and in the region.
14. Development must ensure an effective, expeditious and efficient clean-up of hazardous materials, including superfund areas, tied to the needs of the Reuse Plan.
15. Development must protect and enhance Devens ecological resources of all-kinds, particularly the aquifer and the Nashua River system.
16. Uses which may negatively impact regional natural resources will be allowed only with appropriate technology and proper mitigation.
17. Development must minimize the off-base impacts of development in areas such as water resources, air quality, view sheds, traffic and noise, limiting the impacts to those necessary to achieve reuse goals and objectives.
18. Development must foster businesses which enhance the environment through technology.

Section 9 of Chapter 498 established the Devens Enterprise Commission (DEC), which consists of 12 members: two member from the town of Ayer, two members from the town of Shirley, two members from the town of Harvard, and 6 members to be appointed by the Governor. All twelve commissioners appointed must have proven expertise in one or more of the following areas: industrial development, housing, finance, business, real estate, environment, planning, transportation or municipal government. The Governor appointed one commissioner to serve as the chairman of the commission and one-commissioner to serve as vice-chairman of the commission.

The DEC was to serve as the “one-stop” permitting authority. Like the Boards or Commission in most communities (Board of Selectmen or Planning Boards), the commissioners do not establish the rules, but simply enforce them.

Section 10 of Chapter 498 directed the three communities and the Land Bank to develop a Reuse Plan and By-Laws for the future of Fort Devens and the means for its approval. After multiple hearings on proposed Reuse Plan and By-Laws, the communities of Ayer, Harvard, and Shirley simultaneously held a “Super Town Meeting” to adopt or reject the Reuse Plan and By-Laws of the re-development of Fort Devens. The Reuse Plan and By-Law were adopted by all three Towns at a Super Town Meeting on December 7, 1994.

In addition, Section 23 outlines the procedure for a determining a permanent government structure for the Devens Enterprise Zone on or before 2033.

The full text of Chapter 498 can be found at <http://www.devensec.com/ch498/dec498toc.html>

- ***The Devens Reuse Plan, By-Laws, and Regulations***

The Reuse Plan, By-Laws, and Regulations as set forth Chapter 498 and adopted for by the three communities on December 7, 1994 governs land development activities within Devens. The By-Laws established objectives, policies, and standards to promote the expeditious and orderly conversion and redevelopment of Fort Devens for primarily civilian uses, including, but not limited to, industrial, commercial, residential, recreational, and conservation uses; and for the development of public facilities, utilities, and infrastructure necessary to support those uses. This document would serve as the “bible” for the commissioners relative to the redevelopment of Fort Devens.

Like many zoning ordinances, zoning and by-laws, the writers of these documents at the time knew that they had not produced perfect documents, which would need to be changed from time to time but only with the consent of the communities involved.

The Reuse Plan, By-Laws, and Regulations contain descriptions of the permitting process, industrial/commercial development and housing density and limits, education, public works, public safety, natural resource requirements.

The full text and maps of Reuse Plan, By-Laws, and Regulations can be found at <http://www.devensec.com/bylaws/bylawstoc.html>

- ***Ahead of the 2033 schedule***

Through the diligent efforts of all parties involved with the redevelopment of Fort Devens combined with the flourishing economy in the late 1990s, the redevelopment proceeded years ahead of schedule. In 2003, according to MassDevelopment, 3.5 million square feet of the Reuse Plan’s 8.5 million square feet of commercial/industrial projection has been built-out, 106 housing units of the housing cap of 282 was completed and the question remained, what happens next?

The ultimate disposition of Devens still clouded the future of Devens. People who resided at Devens tried to figure out their future, the borders of Devens, and whether Devens would become its own community. Communities looking to plan for future capital needs were uncertain what to build and/or what size of facility to build should Devens land come back to the town. For example, the Town of Harvard, which has the largest percentage of the former military base, may seek to build a school should the Devens land revert to its historical boundaries, or Harvard may elect to construct a new facility on the old Devens land to accommodate the potential housing units going back to Devens. If the land (and the housing units) does not come back to Harvard, then the town may explore a smaller facility at another location.

- ***Devens 5-Year Review document is released***

The Devens By-Laws mandate a five-year review of the implementation of the Devens Reuse Plan. The JBOS contracted with Community Design Partnership, Inc. of Boston, in association with Bennett Associates, in February 2001 to assist in the preparation of the five-year review. Community Design Partnership released its report entitled “Tri-Town Five-Year Review of the Devens Reuse Plan” in May 2002. The report recommended that the JBOS take steps to begin disposition planning with MassDevelopment and DEC. This led to the formation of the following four planning committees: Development and Finance, Housing, Open Space, and Transportation Committee. The five year review also called for a detailed environmental study, economic assessment, and master plan of the Shirley and Ayer North Post areas.

For a copy of the 5-year review please see www.devensdisposition.com.

- ***Joint meeting between the JBOS and MassDevelopment Board of Directors***

At a joint meeting of the JBOS and the MassDevelopment Board of Directors in October 2003, realizing the success of the redevelopment of Devens, the JBOS and the Board of Directors agreed to explore the possibility of accelerating the schedule of the Devens disposition process.

- ***Devens Disposition Steering Committee (DDSC) is formed***

In the fall of 2003, with the hope of putting many disposition issues to rest, the JBOS recommend that the formation of a “Devens Disposition Steering Committee” (DDSC) to work as an Independent Working Group sanctioned by the Joint Boards of Selectmen, the Towns of Ayer, Harvard, and Shirley and MassDevelopment. The DDSC consisted of the following individuals:

- 1 Member from each of the Boards of Selectmen in Ayer, Harvard, and Shirley (total 3 members)
- 1 Member from each of the Planning Boards from Ayer, Harvard, and Shirley (total 3 members)
- 1 Resident from Devens and a Representative from the Devens Business Community (total 2 members)
- 1 Member of the MassDevelopment Board of Directors
- 1 Member of DEC

The DDSC primary mission is to assist in laying the groundwork for determining the ultimate disposition on the former military army base known as Fort Devens. The first meeting of the DDSC convened on January 29, 2004.

The DDSC continued to meet throughout the spring working on the initial planning for the disposition of Devens as charged by Ayer, Harvard, Shirley and MassDevelopment. The primary goal of the DDSC was to identify all issues surrounding the disposition of Devens, to target a timeline for a final disposition decision, and to define what professional resources the communities would need for their efforts.

- ***DDSC matrix of issues***
The DDSC began its work on identifying issues and questions to be addressed as part of the disposition recommendation process by listing any and all thoughts of the committee and those present at their meetings on large easels. This work was transcribed and organized by the Town Administrators and MassDevelopment staff into fourteen major categories. Items on the Matrix of Issues could be easily addressed; other weightier items will require great effort to resolve; yet all will eventually need satisfactory resolution for all parties involved. A copy of the Matrix of Issues can be obtained at www.devensdispostion.com.
- ***DDSC planning process budget***
Due to the complexity of the determining the ultimate disposition, the DDSC developed a budget that would assist the communities with professional assistance during the planning process. Various funding mechanisms needed to advance the disposition work were discussed by the DDSC including grants, special legislation, MassDevelopment/Devens funds, and in-kind services from the DEC and the towns. The Town Administrators presented a budget of \$390,000, which the DDSC by accepted. Major funding would provide for a project administrator, planning consultants, and other administrative support.

The towns had concerns about the influence or perceived influence of MassDevelopment on the work of the staff and consultants should significant funding come from MassDevelopment resources. MassDevelopment representative assured the DDSC that all consultants, regardless of their funding source, would prove responsive to all parties' needs. Through diligent assistance from the communities, state senators and state representatives, the towns secured \$390,000 in the Commonwealth's General Appropriations Act (the Commonwealth's Fiscal Year 2005 Budget).

- ***DDSC proposed schedule for determining final disposition***
As previously mentioned, in October 2003, the JBOS suggested reviewing the disposition timeline of 2033 as identified in Section 23 of Chapter 498. The initial thought when the DDSC process began was to present final disposition to the communities in a November 2005 ballot question. After several months of meetings, the DDSC discussed the advisability and feasibility of concluding work on the finals disposition of Devens in time for a November 2005 ballot question. Due to the issues that remained outstanding and upon reviewing the Matrix of Issues defined above, the DDSC concluded that a full 2 years of work remained.
- ***DDSC final report***
After 10 DDSC meetings held between January and May 2004, the DDSC held its final meeting and concluded its business on May 24, 2004. At its final meeting, the DDSC issued a final report which included the activity that occurred over the previous 5 months, but more important, established the process of moving forward to final disposition that the Board that would undertake.

A copy of the Devens Disposition Steering Committee can be obtained at www.devensdispostion.com.

- ***The Devens Disposition Executive Board (DDSB) is formed***

After much discussion and many meetings, the DDSC reached consensus on the composition of the Devens Disposition Executive Board (DDEB). The major conflict that divided the DDSC revolved around whether Section 23 of Chapter 498 was applicable today and should therefore be strictly adhered to, and who should participate or become “stakeholders” in the decision process.

The final report of the DDSC recommended that the DDEB membership structure include representation from the Towns of Ayer, Harvard, and Shirley, Devens residents and businesses, MassDevelopment and the DEC. A fifteen member board was agreed to with 60% of the membership coming from Ayer, Harvard and Shirley. The DDEB representation was as follows:

- One Member from each of the Boards of Selectmen in Ayer, Harvard, and Shirley (total 3 members)
- One Member from each of the Planning Boards from Ayer, Harvard, and Shirley (total 3 members)
- One Resident or Business Person from each of the Towns of Ayer, Harvard, and Shirley (total 3 members)
- Two Residents from Devens and One Representative from the Devens Business Community (total 3 members)
- One member of the MassDevelopment Board of Directors
- One staff member from MassDevelopment
- One Member from DEC

The mission of the Devens Disposition Executive Board (DDEB) is to ensure that all matters concerning the completion of the Devens Reuse Plan, as contained in the Devens Disposition Steering Committee Matrix of Issues, are addressed in preparation for a decision on the final disposition of Devens. Further, the DDEB shall prepare a recommendation to the parties identified in Section 23 of Chapter 498 on the final disposition of Devens and recommend a process for approval and acceptance by the voters.

In addition, Devens Disposition Executive Board offered the proposed goals of the Board:

1. Organize the Committee that will work to meet the mission goals and objectives.
2. Initiate and implement a planning process (Charrette) that will involve, inform and educate all stakeholders of data gathered and issues involved, and encourage their input to reach a disposition solution.
3. Secure funding and services from the State, MassDevelopment and the Towns, and other sources to complete the work.
4. Recommend all necessary full time/part time employment and consultants required to support the DDEB.
5. Assess what has been accomplished to date under the first ten years of the Devens Reuse Plan.
6. Identify concerns, issues and problems that must be resolved and develop sound and acceptable disposition recommendations.

7. Recommend an update of the Devens Reuse Plan, as appropriate, in accordance with Chapter 498.
8. Develop a transition plan for the successful and sustainable disposition of Devens.
9. Ensure all actions and future actions conform to Chapter 498.
10. Compile, distill and evaluate all data and suggestions gathered; and under the requirements and guidance in Section 23 Chapter 498, recommend a permanent government structure(s) and jurisdiction(s).
11. Determine advisability and feasibility of a vote within two years and establish action items for the vote.

- ***DDEB established subcommittees***

One of the first courses of action was the establishment of subcommittees to assist the DDEB in disposition. The following 5 Subcommittees were formed with identified missions and responsibilities:

- 1. Coordinating Committee**

The mission of the Coordinating Committee is to support the activities of the DDEB and the other Committees to ensure that the disposition and future planning for Devens is an open, transparent and inclusive process for residents, businesses, stakeholders and interests of the surrounding communities. The Coordinating Committee is an integral part of the public planning process. Membership on the Committee would include the three town administrators, a Selectman from each town, a Devens Committee member, a DEC representative, and staff from MassDevelopment.

- 2. Communication Committee**

The Communication Committee is charged with ensuring effective interaction of the DDEB and its Committees with the community at large, including residents, business people, regional interests, voters, civic organizations, and Devens employees, among others. This group will engage the communities directly to provide education about the disposition process and the work of the DDEB, and also will seek input and feedback from broad segments of regional constituents.

Responsibilities of the Communications Committee

- Conduct community surveys and stakeholder interviews
- Ascertain voter interest
- Coordinate public meetings
- Prepare/respond to communications
- Handle media relations, communications, and outreach
- Develop web site and content

- 3. Governance Committee**

The mission of the Governance Committee is to evaluate alternatives for the final disposition of Devens. The committee will research topics to make recommendations as to whether jurisdiction over all or a portion of the former military base should be returned to Ayer, Harvard and Shirley using the historic or new town lines, or whether it should evolve into a new town. The

committee will also investigate whether some municipal services could be provided regionally.

Responsibilities of the Governance Committee:

- Identifying how to manage the transition/disposition □
- Exploring models for future governance
- Maintaining relationships with state and federal resident entities
- Defining boundary expectations and a process for establishing community borders
- Identifying alternatives for the ownership of utilities
- Identifying and assessing alternatives for providing municipal services, including education
- Understanding the legal aspects of disposition

4. Land Use, Open Space, and Resource Protection Committee

The mission of the Land Use, Open Space, and Resource Protection Committee is to evaluate current land use patterns at Devens, develop alternatives, and identify desired future densities and land uses that co-exist in a sustainable manner. The committee should also consider the disposition and future management of open space, recreational facilities, and other natural and cultural resources at Devens. The committee shall review current plans and the future impact of environmental remediation activities. Efforts should be made to align community design and development patterns so as to be consistent with alternative modes of transportation that moderate automobile use. The Committee will need to understand the constraints of existing land uses, evaluate the size and type of residential populations that are optimum for the future success of each envisioned disposition outcome, assess the balance between new housing development and commercial development initiatives, and identify regulatory frameworks to balance future growth and development in a manner that is consistent with the overall goals of each disposition outcome.

Responsibilities of the Land Use, Open Space, and Resource Protection Committee:

- Exploring the need and potential goals for specific area plans, plans for Devens as a whole and for the region.
- Evaluating density and the optimum balance between housing and commercial development
- Defining and evaluating sustainability/Smart Growth initiatives.
- Developing or evaluating housing and economic development concepts that complement those in the host communities or facilitate the creation of a separate town or other independent entity.
- Evaluating zoning and land use regulations
- Identifying public facilities and amenities needed to support the possible disposition outcomes.
- Coordinating/managing recreation facilities and programs
- Balancing the amount of land needed for recreation/protection versus development

- Assessing historic preservation initiatives and strategies to re-use historic buildings
- Reviewing the status of areas to complete and undergo environmental cleanup/remediation
- Assessing ongoing water quality initiatives and future water quantity needs

5. Housing and Transportation Committee

The mission of the Housing and Transportation Committee is to ensure that future housing development at Devens provides a variety of housing types and densities to ensure opportunities for a wide range of income groups and household sizes. The committee will also define what transportation infrastructure is needed to serve future growth and development, including improvements that may be necessary to provide sufficient access and safety accommodations for automobiles, rail, pedestrians and bicyclists. The committee will evaluate the types of housing that complement the existing stock in the host communities, reconcile those considerations with the need to provide a variety of housing options within Devens, and determine the desired number and types of housing units needed to constitute a “town” or other disposition outcomes. The committee will need to understand the current and future housing market conditions in the region, with a focus on understanding how anticipated absorption rates will affect future phasing of development. The committee must also define the impacts that housing development will have on the demand for municipal services.

Responsibilities of the Housing and Transportation Committee: □

- Identifying future desired population levels and demographics for each disposition outcome
- Assessing the need for affordable housing
- Evaluating market studies of housing demand
- Understanding absorption rates and their effect on the neighboring towns
- Identifying appropriate levels of density
- Designating multiple housing types
- Assessing existing and future transportation needs/demands
- Identifying impacts and improvements needed for the existing regional roadway network
- Examining access and connections to surrounding communities
- Ensuring access to commuter rail
- Identifying alternatives to accommodate alternative modes of transportation to minimize automobile use

6. Economic Development and Financial Analysis Committee

The Economic Development and Financial Analysis Committee are charged with assessing the financial implications of future disposition alternatives. The committee shall oversee development of a financial model that incorporates assessment of future revenues, financial impacts of commercial and residential development, the provision of municipal services, and the impacts of future land development alternatives on property taxes. The committee shall also examine the impact of commercial and residential development on the

economic and social sustainability of the communities, with an emphasis on business development and job creation for the region. The committee shall have interaction with each of the other committees to ensure that there is an understanding of each committee's goals and recommendations. The committee will assess the financial implications of various future disposition and development alternatives.

Responsibilities of the Economic Development and Financial Analysis Committee:

- Assessing the job creation potential of alternative development plans
- Assessing development plan alternatives' financial impacts on the local communities or on a new Devens community
- Developing and managing a financial model
- Assessing real estate tax impacts of different development scenarios
- Understanding project phasing/schedule and costs of projects that remain to be completed
- Understanding project phasing/schedule and costs of new infrastructure projects needed for future development
- Assessing the financial impacts of tax-exempt state and federally owned property
- Identifying the costs for local oversight of environmental clean-up/remediation

- ***DDEB assigns DDSC Matrix of Issues to subcommittees to analyze and report back findings to the DDEB***

The DDEB then revisited the items on the Matrix of Issues and assigned each of the tasks to the appropriate DDEB Subcommittee. The fourteen major categories of the Matrix of Issues would serve as a blueprint for the DDEB Subcommittees. In many situations, items within the Matrix of Issues "crossed-over" Subcommittee lines and were assigned to multiple, if not all five, Subcommittees; however, one Subcommittee was defined as the lead Subcommittee for that particular item. For example, although the Land Use and Open Space was the lead Subcommittee on the plans for Salerno Circle, the other four subcommittees reviewed this issue as well.

A copy of the Matrix of Issues with the assigned Subcommittee can be obtained at www.devensdisposition.com.

- ***DDEB stakeholders sign Memorandum of Understanding (MOU)***

Because in March 2003 the DDEB determined the desirability of submitting a report and related draft legislation recommending the disposition of Devens on or about December 1, 2006,, all the parties associated with the disposition entered into an MOU defining the mission to ensure that all matters concerning the completion of the Devens Reuse Plan are addressed in preparation for a decision on the final disposition of Devens. The MOU defined:

- The objective of the voting process
- Which Stakeholders had a vote in the process
- That five-sixths (5/6) of the Stakeholders must support the disposition of Devens for an affirmative vote

- That no one entity has a veto power; however, any entity can attach a dissenting opinion as an addendum to the report submitted to the legislature
- That Section 23 of Chapter 498 could not be amended to explicitly include Devens residents in the process but rather that Devens residents shall be included by consensus of the other 5 entities through approval of this memorandum
- The mechanism in the towns to vote to submit the report and draft legislation, namely, a town meeting followed closely by a question on the November 2006 ballot
- That an affirmative simple majority vote of both the town meeting and the ballot question shall be required to designate the town as having voted in favor of the report and draft legislation
- That the town meetings shall occur as a Super Town Meeting and be held simultaneously in Harvard, Ayer, and Shirley within 1 month prior to the November 2006 general election
- That under the supervision of the Devens Committee and simultaneously with the Super Town Meetings, Devens residents legally registered to vote in Ayer, Harvard, or Shirley shall vote in a Caucus on acceptance of the report and draft legislation using a town meeting format
- That Devens residents may cast their votes on the November 2006 ballot question in the towns in which they are legally registered to vote and that there shall be no separate count of the Devens resident's votes on the November 2006 ballot question
- That an affirmative simple majority vote of the Devens Caucus shall be sufficient to signify approval to submit the report and draft legislation on behalf of the Devens residents
- That the draft legislation and report shall be developed by the Devens Disposition Executive Board, in close consultation with the entities represented on the Board, prior to the town meeting and ballot question votes. The entities voting on the adoption of the report and legislation shall do so without revision or amendment, including amendment at any town meeting. A vote by an entity that includes a revision or amendment to the report or draft legislation shall be considered a negative vote by that entity
- And finally, that there will be no separate vote of the Devens businesses on the report and legislation. MassDevelopment shall poll Devens businesses and incorporate their opinions into its decision process

The MOU may be amended by a unanimous vote of MassDevelopment, the Commission, the Boards of Selectmen of Ayer, Harvard, and Shirley, and the Devens Committee .

- ***The four (4) disposition scenarios are developed. (Disposition 1A, Disposition 1B, Disposition 2A, and Disposition 2B)***

As part of determining the most effective way to pursue disposition, the DDEB through the Coordinating Committee established four scenarios to assist in determining the ultimate disposition of Devens. For purposes of this exercise, the land would either 1) return to initial towns as it was pre-1917 or 2) the Devens

Enterprise Zone would become its own community, or 3) a combination thereof. Within each of the two scenarios, two sub-scenarios were also created: From this point forward, these scenarios were referred to 1A, 1B, 2A, and 2B. The description of the four scenarios follows:

1. Resumption of Governance by the Towns

Under this scenario, Ayer, Harvard, and Shirley would resume governance over Devens land that was historically in their jurisdiction. Towns would provide municipal and educational services to residents within their boundaries. Residents would pay taxes and have the right to vote in the Town in which their property is located. Two sub-scenarios should be considered:

- a. Minor adjustments to Town boundaries that might be made to solve service or administrative problems (*e.g.* a boundary that passes through the middle of a building or lot may be moved).
- b. Significant adjustments to historical Town boundaries would be made to rationalize zoning uses with town boundaries, improve the provision of municipal services, and create a Devens community under one town jurisdiction.

2. Creation of a Separate Municipality

Under this scenario, a new municipality would be created from land in Ayer, Harvard, and Shirley that make up what is currently known as Devens. The new town, Devens, would provide municipal and educational services to residents within its boundaries. Residents would pay taxes and vote in Devens. Two sub-scenarios should be considered:

- a. Town boundaries would be established along the former Fort Devens boundaries and those defined by Chapter 498 (Devens Regional Enterprise Zone).
- b. Town boundaries would be established along the former Fort Devens boundaries, those defined by Chapter 498 (Devens Regional Enterprise Zone), but may exclude one or more out-parcels or some portion of the out-parcels identified as:
 - 1) Lands west of the Nashua River (Shirley)
 - 2) Salerno Circle (Harvard)
 - 3) Moore Air Field and the McPherson Road corridor (Ayer)

The land defined by the out-parcels (with adjustments) will be absorbed by the appropriate town. The absorption may be accompanied by other town line boundary adjustments, such as the return of jurisdiction to one or more towns.

- ***DDEB requests stakeholders develop success Criteria relative to the disposition scenarios.***

In order to focus the efforts of its working committees, the DDEB developed a description of the following two disposition scenarios: (1) the return of jurisdiction to the towns and (2) the creation of a separate town of Devens. Each stakeholder was asked at the January 6, 2005 DDEB meeting to establish a set of outcomes that must be achieved in order for it to accept each of the disposition scenarios. The stakeholders submitted their success criteria on May 5, 2005.

- ***DDEB attends consensus training***
On January 21, 2005 and February 4, 2005, members of the DDEB participated in consensus based decision-making training to enable all of the participants in the disposition planning process to address the issues and concerns of all parties in a manner that strengthens trust and respect among the parties.
- ***MassDevelopment hires Sasaki as planner***
Reflecting the Commonwealth's new focus on housing supply as a critical component to economic development, MassDevelopment's Board of Directors voted to allocate up to \$1 million to hire a planning firm to help the agency prepare a revised reuse plan for Devens.

The Commonwealth's Designer Selection Board (DSB) issued a RFQ in September 2004 for a firm to assist MassDevelopment with planning for Devens disposition. Nine firms submitted qualifications. Three firms were short-listed and interviewed. The highest ranking firm, Sasaki Associates of Watertown, entered into a contract with MassDevelopment in early 2005.

Sasaki was hired for a number of reasons. First, the firm was engaged to help MassDevelopment understand the development potential of its considerable Devens land holdings and to help the agency formulate its own preferred plan and criteria for future development. The firm's extensive experience with similar projects across the country and throughout the world has proved invaluable in this effort. Second, Sasaki was hired to help facilitate the overall planning and outreach process with all of the identified stakeholder communities and groups. To this effect, Sasaki prepared and facilitated three well-attended public meetings to discuss disposition-related issues. Lastly, Sasaki has been available to consult on discrete planning-related matters as they arise in the disposition process. Examples of topics the firm has addressed have included the North Post, Salerno, and low-impact infrastructure design.

Through Sasaki, MassDevelopment contracted with a number of sub-consultants who have worked both directly for MassDevelopment and sometimes in the interest of all stakeholder parties. These sub-consultants include the following: Donald Powers Architects, which has advised MassDevelopment on the design of residential units at Grant Road and elsewhere; Elton+Hampton Architects, which has contributed its expertise in green construction techniques to help MassDevelopment identify appropriate specifications for future housing; Daedalus Projects, construction cost estimators; Hyla Ecological, which has undertaken rare species studies in the Environmental Business Zone and along MacPherson Road; Bonz and Company Real Estate Advisors, which has prepared a residential market study; and Zimmerman Volk Associates, which is analyzing additional housing market data.

- ***Two (2) region-wide Charrettes take place***
On March 12, 2005 and March 19, 2005, Sasaki Associates conducted planning workshops for approximately 90 attendees at the Devens Conference Center. At the first workshop, the group identified three critical issues: housing, economic

development, and community character (balance). At the second workshop, the attendees identified the key elements of the critical issues. For housing, the group preferred a variety of housing stock located contiguous to the center and noted that Vicksburg Square offered a unique opportunity for alternative housing. Attendees also sought a wide mix of economic development opportunities, focused on growth jobs in clean industries. They also sought to develop a walkable community, buffered from the industrial and commercial development that preserved the historic character of Devens, while preserving view sheds and open vistas.

- ***DDEB subcommittees submit interim report***

At the June 2005 DDEB meeting, the subcommittee submitted its interim reports of its findings to the DDEB with the final reports due in the spring of 2006.

- ***Third Charrette meeting held to incorporate subcommittees' interim reports***

On June 23, 2005, Sasaki Associates held the third and final planning workshop. Drawing from the preferences identified at the March planning workshops, Sasaki presented a plan for the development of housing in the Grant Road area. A mix of housing densities and types was included in order to meet the various housing needs of the region.

- ***DDEB hires VHB as planning consultant to perform various tasks, including housing studies and a peer review of the financial model***

In March 2005, the DDEB voted to secure a planning consultant to perform various tasks such as housing marketing analysis and a review of the financial model developed by the Development and Finance Committee. In addition, the successful vendor would provide a peer review) to the DDEB and the surrounding communities of work performed by Sasaki. Acting through its fiscal agent, the Town of Ayer, the DDEB solicited bids from firms to provide a broad range of consultant services and financial analyses on an as-needed basis. Services required included:

- Economic development and related financial analysis
- Housing demand surveys and market analysis
- Demographic research
- Regional and multi-jurisdictional planning
- Traffic and transportation planning
- Environmental planning
- Land use and zoning review

Based on the bid submissions received, at the April 2005 meeting DDEB voted unanimously to award the contract to Vanasse Hangen Brustlin (VHB). The \$390,000 secured by the DDEB from the state legislature paid for this contract.

VHB began work immediately and submitted its report to the DDEB in June 2005. In summary, VHB reported that over the next two decades the region would require additional square footage for the commercial/industrial base and support an additional 2,300 housing units (an amount consistent with Sasaki estimates). VHB also determined that the financial model used by the

Development and Finance Committee was sound in determining the financial impact to the Towns of Ayer, Harvard and Shirley under either scenario.

- ***Stakeholders submit success criteria” to DDEB***

In order to focus the efforts of its working committees, the DDEB asked each of the stakeholders to undertake two initiatives. First, the stakeholders should develop a description of two disposition scenarios that it would like all of the working committees to consider. Broadly, these two scenarios are: 1) the return of jurisdiction to the towns and 2) the creation of a separate town of Devens. As previously stated, variations on each of these scenarios will be considered, namely, Scenarios 1A, 1B, 2A and 2B. The concepts embodied in this document have already been the subject of discussion by each of the stakeholders in the disposition process.

The second initiative was to establish a set of evaluation criteria to guide the development of the specific components (e.g. housing, commercial development, municipal services) that will comprise each of the scenarios. To enhance the success of the disposition process, the DDEB believed that each of the stakeholders identify those outcomes that are necessary for acceptance of the disposition scenarios.

This comprehensive, but not necessarily complete, list of the issues to be addressed by any set of evaluation criteria was developed by the Devens Disposition Steering Committee, the predecessor to the DDEB. These issues were developed into a matrix in which they were assigned to be addressed by one or more of the working committees.

The DDEB requested that the stakeholder criteria be organized such that each of the two disposition scenarios is addressed separately, perhaps as two separate documents. Furthermore, the DDEB asked that when considering each scenario the stakeholders organize their evaluation criteria into the same major categories, which are:

- Completion of the Reuse Plan
- Financial Sustainability
- Education
- Housing
- Utilities
- Zoning
- Municipal Services
- Boundaries
- Environmental Protection
- Transportation
- Legal
- Open Space
- Historical Preservation
- Transition Period

By taking this approach, the DDEB synthesized a common set of criteria from the stakeholder inputs and ensured that each of the working committees knew of the most important concerns. The evaluation criteria had to be a set of disposition outcomes rather than descriptions of processes or issues. While a commonality of interests clearly exists in many areas, a process that involves six stakeholders may have differing and perhaps conflicting expectations for the scenarios.

A copy of the final “Success Criteria” can be obtained at www.shirley-ma.gov.

- ***North Post master planning takes place***

As part of the planning process, MassDevelopment and the stakeholders proposed to study the Airfield, Environmental Business Zone, Shirley Village Growth Area I and MacPherson Road Corridor (“Project Areas”) as a supplement to the Devens Disposition master plan. This study defined multiple tasks that Sasaki would undertake including:

- Site Reconnaissance, Analysis and Documentation. This exercise would require the consultant to familiarize itself with the project areas and their context through site visits and study of relevant documents (including previous consultant studies). Sasaki would assess attributes of the project areas and their surroundings, legal and regulatory constraints, potential influences of surrounding land uses, and adequacy of road network on the site’s development potential.
- Assessment of existing transportation conditions, including the inventory of North Post road system, in terms of road widths and paving as well as intersection geometries, existing and potential transit services and facilities, for purposes of estimating mode split of traffic generated by future development and peak-hour turning movement traffic counts.
- Workshops featuring an analysis of existing conditions (including a summary of any findings of the ongoing natural resource study, relevant information from 2005 master plan analysis and related sub-consultant studies), proposed alternative preliminary development programs and open space conservation options for community review and response, and engaging the participating public in identifying additional potential land uses.
- Development of conceptual plans for the project areas based on community input and regulatory and physical constraints. For each of the project areas development alternatives, Sasaki was to prepare a summary of required investments in site remediation, infrastructure, and other associated improvements. Plans for the Airfield, Shirley Village Growth Area I and the Environmental Business Zone to illustrate layout of development areas, as well as areas not suitable for development or otherwise proposed for open space use, use patterns, roadway and circulation patterns.
- Documentation of community workshops and their findings via a PowerPoint presentation to communities and a hard copy and electronic copy for the stakeholders.

- ***MassDevelopment releases its housing marketing analysis indicating a future need of 2,700 new housing units for the region***

In the summer of 2005, MassDevelopment commissioned Bonz and Company to prepare a comprehensive study of the regional housing market. The purpose of this study was to summarize the current market outlook for residential real estate and to develop preliminary product and pricing recommendations.

This study looked at a wide range of market characteristics within a broad area including the Route 2 corridor, extending east to the I-495 corridor, west to I-190, south to Route 9, and north to the New Hampshire border. The analysis considered demographic indicators including population, age, and income; residential market indicators including average costs and rents; building permit data; and information on employment trends such as commercial occupancy rates, job creation, and commute patterns. The study also included an extensive analysis of comparable and competitive projects within this area.

The study concluded that if a suitable product type for this market was built first to set the tone for the introduction of newer types of product (i.e., the higher density smart growth housing proposed at Grant Road and other sites), tone could expect absorption of more than 2,700 new residential units over a 20 year period.

The study indicated that residential development would likely focus on traditional single-family homes in the first five years. In subsequent years, the buildout would reflect a growing emphasis on “new urbanist” housing including smaller single-family units, townhomes, condominiums, and apartments. The study specified residential densities from a low of four units per acre to a high of 25 units per acre in multifamily areas, and a broad range of unit sizes and target prices to appeal to a variety of demographics.

- ***DDEB re-visits the success criteria” to determine what issues have obtained consensus and what issues need further discussion and review***

At the December 8, 2005 meeting of the DDEB, the Governance Committee developed an outline of a Memorandum of Understanding as a mechanism to focus the efforts of the DDEB process and to set forth a general description of the work to be done prior to a November 2006 vote. The Coordinating Committee integrated the disposition success criteria of the stakeholders to determine areas of consensus and issues that need resolution.

- ***DDEB discusses viability pursuing the four (4) disposition scenarios simultaneously***

A major concern with the motion to direct the stakeholders to enter in to negotiations with one another to work out a consensus agreement for Scenario 2B was that doing so would preclude the timely analysis of the alternative scenarios. Financial analysis of all four scenarios would move forward at the same time but stakeholder negotiations should focus only on Scenario 2B at this time.

- ***DDEB directs stakeholders to focus their efforts on the Devens Disposition 2B Scenario***

By 14-2, the DDEB voted to focus its efforts on the Devens Disposition 2B Scenario with only a representative from Ayer and a representative from Harvard voting in the minority.

- ***Meeting conducted with each of the stakeholders in a public forum to discuss housing numbers and the success criteria***
A presentation highlighting the remaining areas of contention between the stakeholders was the focus of a Coordinating Committee meeting held in January. The Coordinating Committee facilitated the discussion, which made use of a series of PowerPoint slides to compare the various stakeholders' preferred housing numbers on a parcel-by-parcel basis. In most instances where the differences were small, a medium ground solution was deemed acceptable. In the few cases where numbers diverged significantly, additional off-line negotiations were needed. For example, the Devens residents and MassDevelopment should work directly with each other to address densities at Grant Road.
- ***MassDevelopment drops its housing requirements from 2,700 units to 1,800***
As directed by the DDEB, MassDevelopment engaged each of the stakeholder communities in one-on-one dialogues with the intent of putting unresolved issues to rest. One of the main results of these discussions was the reduction of the proposed housing number. This figure, which had started at approximately 2,700 homes, was subsequently refined as MassDevelopment's land planning process progressed. By the date of the third public workshop in June 2005, the number had fallen to 1,900 to 2,300 homes (the 400 unit range was due to uncertainty as to whether Salerno would be built out for commercial or residential purposes). Subsequent discussions, particularly with the Devens residents, revealed areas of concern with the planning, so the number dropped to its currently proposed 1,800 units. MassDevelopment's final round of changes moved proposed homes further away from existing units, reduced density in the proposed expansion of downtown Devens, and limited the number of multi-family units and townhomes in the plan, reducing overall density.
- ***A stakeholders working group is created and has multiple meetings to resolve outstanding issues to present to DDEB in January 2006.***
For more than a month, a Stakeholder Working Group, sanctioned by the Coordinating Committee and DDEB, met to resolve outstanding differences and develop a conceptual basis for proceeding with disposition via Scenario 2B by all the parties. The Stakeholders Working Group consisted of one representative from the Towns of Ayer, Harvard and Shirley, MassDevelopment and Devens. After an initial five-way meeting at which substantial agreement existed on most critical issues, the group convened a series of two- and three-way conversations resolving the remaining reciprocal issues.
As a result, the Stakeholders Working Group developed a proposal for the basic framework that would guide the path to disposition and presented that proposal to the Coordinating Committee on January 9, 2006.

- ***January 2006 – the Coordinating Committee submits and DDEB approves the 2B proposal and timetable and sends it to the stakeholders for acceptance or amendment***

At its meeting on January 12, 2006, the Coordinating Committee presented a working proposal and timetable for disposition to assist the DDEB in the final disposition process. The proposal resulted from more than 16 months of discussion and analysis in which all stakeholders have worked cooperatively to develop a consensus-driven disposition proposal. The timeline submitted and approved by the DDEB included dates for the following milestones to keep the process moving forward:

- A framework that described the disposition outcome and requested an endorsement by stakeholders by a defined date
- Instruction of the Governance Committee to draft a Memorandum of Understanding (MOU) outline detailing the description of the agreement that defines outcomes, processes to achieve outcomes, and timelines for endorsement by the Stakeholders
- A basis for drafting legislation and timetables
- A draft and final report for the revised Reuse Plan of Devens and legislation as required under Chapter 498. Said legislation would be drafted by MassDevelopment legal staff and incorporate issues raised in the MOU. Sasaki would draft the Devens Reuse Plan
- Public hearings would be conducted during the draft stage for eventual endorsement by stakeholders
- Ballot language approved and submitted to Commonwealth’s Secretary of State
- Special Town Meetings
- Question placed on statewide ballot in November 2006
- Submission of legislation and report to the Legislature for enactment

- ***January & February 2006 - A series of public forums regarding the DDEB 2B-proposal and timetable***

As a result of the DDEB action in January that directed stakeholders to focus their efforts on the Devens Disposition 2B Scenario, each of the stakeholders conducted public meetings with respect to the acceptance of the 2B Scenario. As a result of the hearings, five of the six stakeholders agreed to continue to pursue 2B exclusively, with only the Town of Ayer in the minority opinion. In fact, Ayer voted to explore Scenario 1 if and only if another Stakeholder voted to support one of the Scenario 1 options. If no other Stakeholder supported Scenario 1, then Ayer would support 2B .

- ***February 2006 – Governance Committee develops an outline of the Memorandum of Understanding (MOU) as defined in the approved 2Bproposal and timetable***

The Governance Committee was charged with drafting an outline for the MOU. The Coordinating Committee will resolve conflicts between competing MOU items. The outline for the MOU shall include all items and acceptance criteria that stakeholders believe must be identified and/or resolved as they relate to disposition. The MOU outline is as follows:

- Jurisdiction
- Municipal Services
- Utilities
- DEC/Permitting
- Boundaries
- Ownership
- Zoning
- Housing and Commercial Development
- Education
- Reuse Projects
- Financial Sustainability
- Environmental/Historic Protection
- Open Space/Recreation
- Transportation
- Other

- ***March 2006 – Items and acceptance criteria to be incorporated into the MOU due from stakeholders***

All stakeholders submitted their MOU items, requirements and acceptance criteria to the Governance Committee on March 15, 2006. The MOUs were reviewed to determine which issues the Stakeholders have reached consensus on, which issues require further clarification, and which issues conflict with other stakeholders' issues.

- ***March 27, 2006 – MOUs are reviewed by the Governance Committee and Coordinating Committee***

The Coordinating Committee in conjunction with the Governance Committee reviews the MOU and attempts to resolve conflicts. Final review of the MOU by the Coordinating Committee should conclude by April 3, 2006.

- ***April 2006 – Working committees final reports due***

The Coordinating Committee requests that all working committees submit their Final Report to the Coordinating Committee on or before April 1, 2006.

- ***April 2006 - Draft of MOU distributed to DDEB and Stakeholders***

The Governance Committee will draft the MOU with input from all stakeholders for distribution to the DDEB and the stakeholders at the April 6, 2006 meeting. If, in the opinion of the DDEB, the MOU is sufficiently advanced and sufficient consensus exists to proceed, the DDEB will direct the Governance Committee to begin drafting the legislation. Similarly, we will make an assessment on MOU zoning issues and, if sufficient consensus exists, request the process of drafting zoning bylaws begin.

- ***April 2006 - Stakeholders conduct public meetings on MOU***

The stakeholders will conduct individual public meetings on the MOU. The individual stakeholders will establish future dates and times for these meetings.

- ***May 2006 - Comments on MOU from the public meetings due from stakeholders***
- ***May 2006 - Continued review of the MOU***
The Coordinating Committee continues to review and attempt to resolve any conflicts regarding the MOU.
- ***May 2006 - DDEB begins to draft necessary legislation and disposition reuse/zoning plan***
Based on all issues presented in the MOU, the Governance Committee will begin to draft the necessary Legislation and a new Devens Reuse and Zoning Plan. The Legislation and the 2006 Devens Reuse and Zoning Plan will incorporate all the following: the future of DEC; the permitting process; future boundaries of Ayer, Harvard, Shirley and Devens; any ownership issues; zoning requirements; housing numbers; commercial build out; education issues; environmental/historic protection issues; open space/recreation issues; and transportation issues.
- ***June 2006 – DDEB to adopt MOU***
The MOU, as amended, is presented to the DDEB to for final adoption at the June 1, 2006 DDEB meeting.
- ***June 2006 - The draft legislation and disposition reuse/zoning plan is distributed to the DDEB and the stakeholders***
The Governance Committee will draft the 2006 Devens Reuse and Zoning Plan (with input from all stakeholders) and the MOU for distribution to the DDEB and the stakeholders at the June 1, 2006 DDEB meeting.
- ***June 2006 - Stakeholders conduct public meetings on legislation and disposition reuse/zoning plan***
The stakeholders will conduct individual public meetings on the legislation and the new Reuse and Zoning Plan. The individual stakeholders will establish dates and times for the public meetings.
- ***July 2006 – Legislation and 2006 Devens Reuse/Zoning Plan based on approved MOU presented to DDEB for adoption.***
The 2006 Devens Reuse and Zoning Plan, as amended, is presented to the DDEB to for final adoption at the June 6, 2006 DDEB meeting.
- ***July 2006 – Ballot question drafted***
The Governance Committee and Coordinating Committee will begin drafting the question to appear on the November 7, 2006 statewide ballot.
- ***August 2006 – Ballot question subject to DDEB approval***
The DDEB will take up the question of approving the ballot question at its August 3, 2006 meeting.

- ***August 2006 – Ballot question submitted to the Commonwealth’s Secretary of State for inclusion on the November ballot*** as required by Massachusetts General Law
- ***August 2006 & September 2006 – Stakeholders conduct public hearings on legislation, reuse/zoning plan, and final disposition***
The Towns of Ayer, Shirley and Harvard have not yet scheduled these public meetings.
- ***October 2006 – Stakeholders conduct a Super town meeting regarding legislation, reuse/zoning plan, and final disposition***
A super Town Meeting will be held in the Towns of Ayer, Harvard, and Shirley and on Devens in October 2006 to approve the Legislation, Disposition Reuse/Zoning Plan, and Final Devens Disposition Plan. This will be a “yes” or “no” vote, and cannot be amended. A “Super Town Meeting” means that a Town Meeting will be held simultaneously in Harvard, Ayer, and Shirley within 1 month prior to the November 2006 general election. The date of the Super Town Meeting has yet to be determined. Five of the six stakeholders must approve the plans for it to be approved.
- ***November 2006 – State election includes the ballot question regarding disposition***
The question to approve the Legislation, Disposition Reuse/Zoning Plan, and Final Devens Disposition Plan will again be before the Towns of Ayer, Harvard, and Shirley and Devens residents at the November 7, 2006 statewide election. This too will be a “yes” or “no” vote. Five of the six stakeholders must vote in favor of the plans for it to be approved.