

Harvard-Devens Jurisdiction Committee Rezoning Vicksburg Square

Recommendation

The Harvard Devens Jurisdiction Committee (HDJC) believes firmly that it is critical for the stakeholders to come to consensus on final disposition and local governance of Devens before taking a proposed rezoning of Vicksburg Square to the three towns for approval at a Super Town Meeting. In addition, HDJC believes that any rezoning effort should provide clarity on the type and mix of residential uses, along with any ancillary uses, in order to estimate the population to be served by the local governing entity and the degree to which local housing needs are being met.

Changing zoning in Devens requires approval by all three towns voting simultaneously in a Super Town Meeting. It is a complicated and time-consuming process under the best of circumstances. And until the governance question is resolved, it is not actually clear what the towns would be voting for...a recipe for failure or for poor decision-making.

In fact, the three towns have voted down the rezoning idea twice in the past....in 2009 and 2012. And if it fails yet again, the outlook for a successful redevelopment will seem even more elusive.

Rationale

Our reasoning here is straightforward: until final disposition and local governance are resolved, any effort to rezone and redevelop Vicksburg Square for largely residential use will most likely fail. There are simply too many unknowns for voters, as witnessed by the previous two failed votes. Without having clarity on the character of the housing to be developed and who will be permanently providing services, the towns will, once again, be reluctant to approve a rezoning.

The HDJC offers the following further detail for its recommendation:

TOWNS WON'T SUPPORT: Until the residents of Ayer, Harvard, and Shirley know what town (or towns) will have ultimate responsibility for Devens (and for Vicksburg Square in particular), they will be unlikely to vote in support of a zone change that could add several hundred new households to Devens. They won't know – no one will know -- the most basic implications of a zoning change: Who will levy and collect property taxes on Vicksburg Square? Will there be a mix of rental/ownership? Only rental? Only ownership? What will be the number of units, estimated number of residents? Of seniors? Of children? In what town would the children attend school? What town would be responsible for providing services for these residents? Should the town and county lines through Vicksburg Square which is presently divided 70% in Ayer (Middlesex County) and 30% in Harvard (Worcester County) be changed so it is all in one town?

Given that Devens does not have its own school district; MassDevelopment has been contracting with neighboring towns for this service. Currently, MassDevelopment has chosen

to contract with Harvard to educate the students residing in Devens. The potential addition of several hundred units at Vicksburg Square means there will be a significant number of new children to educate. It is unlikely that Harvard residents will endorse the redevelopment of Vicksburg Square without having a good understanding of its impact on the schools. Discussions and planning for where students will be educated permanently must take place before any proposals about Vicksburg Square are put forth in order for the effort to succeed.

DEVELOPERS WON'T BITE: Until governance is resolved, even if the three towns did vote to change the zoning, developers are unlikely to take full advantage of the opportunity to develop mixed use housing. Why? Developers, and their lenders, succeed when there are the fewest unknowns and uncertainties. Marketing residential development also involves marketing the larger community. Potential home buyers or renters want to know "where they are living."

Furthermore, current Devens homeowners will want the future redevelopment of Vicksburg Square to enhance, not decrease, their investment in their homes. With certainty of future governance known, a wider and deeper pool of developers will vie for Vicksburg Square. MassDevelopment took advantage of such a competition when choosing a developer for Emerson Green, which is now becoming a new neighborhood, all in one town. And in the end, they chose a developer whose proposal will result in a mix of housing; two thirds homeownership and one third rental, both with affordable housing components. Should Vicksburg Square be developed as all rental, as both MassDevelopment and the Devens Enterprise Commission expect, over sixty percent of all the housing in the Devens community will not be owner occupied. This would drastically change the character of the community and would not be a consistent distribution of housing types with either the current mix or that of surrounding towns.

MassDevelopment has taken great pains to develop the commercial and industrial areas of Devens with diverse, stable, growing, and ground-breaking businesses, resulting in the successful implementation of the Devens Reuse Plan. In order to attract residential development as complimentary to the commercial development, the need is to attract the same level of committed developers. The need for a significant percentage of housing available for first time homebuyers is important to the region, where such buyers have been priced out of the market, and to the Devens workforce whose average annual income exceeds \$90,000. With future governance known, developers will respond to this opportunity.

UNKNOWN CAN BECOME KNOWN SOONER RATHER THAN LATER: It is likely that resolving the unknown of Devens disposition could happen sooner rather than later. The structure and charge of the existing Devens Jurisdiction Framework Committee could produce a consensus recommendation on permanent government in a timely manner, ready for a Super Town Meeting, which could also include the re-zoning of Vicksburg Square. The enabling legislation, Chapter 498 of the Acts of 1993, Section 23 provides that the decision on permanent governance can be made anytime **on or before July 31, 2030**. Section 12 of the Act also provides that MassDevelopment (successor to the Massachusetts Government Land Bank) **shall be the interim government until July 31, 2033**. Determining future local governance now will be good for the redevelopment of Vicksburg Square and not interfere with the ongoing implementation of the Reuse Plan by MassDevelopment.

The HDJC wants Devens to continue to thrive and is particularly interested in helping to bring about a resurgence of development at historic Vicksburg Square, an iconic property on Devens. We know that rezoning, if supported by the towns, could bring exciting housing opportunities to the area. All the parties involved in this process want it to succeed. The most effective way to do that is to resolve unknowns, and then move ahead with the rezoning effort. Attempting to do the reverse would divert the time and energy from the work of resolving the all-important governance question and likely lead to another failed Super Town Meeting vote.

Unanimously approved:
Harvard Devens Jurisdiction Committee
January 6, 2022