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DEVENS IN THE NEWS:

[Healey administration moves to eliminate Devens housing cap and convene working group to plan housing at Devens](#)

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<https://www.harvardpress.com/News/Breaking-News/healey-administration-moves-to-eliminate-devens-housing-cap-and-convene-working-group-to-plan-housing-at-devens>

The \$3.5 billion economic development bond bill sent to the Legislature by Gov. Maura Healey shortly after noon Friday contains provisions that, if passed, clear the way for additional housing at Devens, including the redevelopment of Vicksburg Square.

The sweeping legislation, named the [Mass Leads Act](#), aims to strengthen Massachusetts' leadership in life sciences while launching new investments in climate technology and applied artificial intelligence.

However, to the surprise of local officials, buried within the bill are provisions that would pave the way for substantially more housing to be built at Devens

One section of the legislation removes any limit on the number of units of housing or square feet of commercial and industrial space that can be developed at Devens. A second calls on the secretary of economic development and the secretary of housing and livable communities to convene a working group that includes representatives from the towns of Ayer, Harvard, and Shirley, MassDevelopment, and the Devens Committee within 30 days of the act's passage to create a plan for more housing in Devens. The plan must assess the feasibility of allowing up to 400 multifamily residential units at Vicksburg Square, as recommended last month by the Devens Jurisdiction Framework Committee. The group would have 180 days to report its findings.

A cap of 282 units of housing was set in 1993 when Devens was created by an act of the Legislature. While state Sen. John Cronin, who represents Shirley, introduced legislation last year to eliminate the cap, that effort failed and the cap remains in place. Two years ago, however, Chapter 498, the act that created Devens, was amended—with the support of the select boards of the three towns—to allow up to 12 million additional square feet of industrial and commercial space to be developed. That's more than Devens Enterprise Commission, the region's permitting agency, says is available.

The bill itself says that the bylaws regulating the development of housing in Devens or the permitting of projects by the Devens Enterprise Commission are not to be modified (see box below.). A summary of

the bill distributed by the governor's office Friday provided additional nuance. "These proposed changes do not suggest that an unlimited amount of housing or development should occur at Devens. Instead, these sections propose to move past a cap framework established in the early 1990s," it read.

The summary adds that the call for a working group is "in recognition that it is important to discuss the local permitting process, in partnership with the community, including Harvard, Ayer, and Shirley." However, the bill makes no mention of using a super town meeting, the process for making changes to the Devens Reuse Plan to which the three towns agreed in 1993.

In a so-called super town meeting, the town meetings of Ayer Shirley and Harvard meet separately and simultaneously to debate and vote on changes to the Devens bylaws. Within the past 10 years, MassDevelopment has used a super town meeting twice to alter zoning at Devens. In 2015, the three towns approved construction of senior housing on state land in Shirley, including an increase in the housing cap for that specific project. And in 2016 the three towns approved a zoning change that has led to the construction of the Commonwealth Fusion campus on Hospital Road.

State Sen. Jamie Eldridge, who represents Harvard and Ayer, said he was feeling "blindsided." Although he has had discussions and meetings with the governor's housing and economic development secretaries, and MassDevelopment CEO, Dan Rivera, he said he had received no advance notice that Devens would be part of the governor's economic development bill. He noted that the three towns and the Devens framework committee had shown leadership by voting unanimously for housing at Vicksburg Square and had attempted repeatedly to open a dialogue with MassDevelopment and the office of economic development. "I would respectfully submit that this proposal by the administration is not a dialogue but a monologue."

A spokesperson for Cronin provided the following statement: "Senator Cronin has not reviewed the Governor's bill's language yet but looks forward to continued engagement with stakeholders across the region to build much-needed housing in North Central Massachusetts."

The Press asked MassDevelopment and the state Executive Office of Economic Development for comment but had yet to hear from them as of Friday evening.

The filing of the bill is only the first step in its becoming law, an aide to Eldridge told the Press Friday. Next stop is the House of Representatives where the Ways and Means Committee will get a chance to redraft it, after which it will move to the floor where members can offer amendments. Then it's off to the Senate where the same will happen. Once the Senate passes its version, both versions will head to a conference committee to iron out any differences before it is sent to Healey's desk, where she can sign it, or send back parts she doesn't like. If the working group language survives, he said, the working group would need to convene within 30 days of the day after Healey signs it into law. "So the race to the end of formal sessions is on," he said.

Meanwhile, a draft warrant sent to MassDevelopment CEO Dan Rivera and secretary of economic development Elaine Hao by the Devens framework committee proposing a super town meeting to rezone Vicksburg Square remains unanswered.

Editor's Note: This story has been corrected and updated. This is a developing story and will be updated as more information becomes available.

Mass Leads Act: Devens

SECTION 145. Said section 10 of chapter 498 of the Acts of 1993, as so amended, is hereby further amended by inserting at the end the following paragraph:- Notwithstanding the provisions of any general or special law to the contrary, and notwithstanding any provision to the contrary in the Devens Reuse Plan or By-laws: (i) there shall be no square foot limit or cap on the amount of commercial or industrial development that may occur within Devens; and (ii) there shall be no limit or cap on the number of residential units that may be developed within Devens. Nothing in the foregoing sentence shall modify other provisions of the By-Laws regulating the development of housing within Devens or requiring the issuance of development permits by the Devens Enterprise Commission for specific projects.

SECTION 146. Within 30 days after the effective date of this act, the Secretary of Economic Development and the Secretary of Housing of Livable Communities shall convene a working group that includes representatives from the Towns of Ayer, Harvard and Shirley, the Massachusetts Development Finance Agency, and the Devens Committee to determine a strategy and plan to provide for increased housing production within Devens, including, but not limited to, the feasibility of allowing up to 400 multi-family residential units in the Innovation and Technology Center zoning district established by Article V(A)(13) of the By-laws. The Secretaries of Economic Development and Housing and Livable Communities shall report the findings of the working group within 180 days after the effective date of this act.

The Associated Governor's Press Release:

<https://www.mass.gov/news/governor-healey-files-mass-leads-act-to-grow-economy-support-businesses-attract-talent>

DEC approves site plan for town water connection to Devens

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<https://www.harvardpress.com/News/News-Articles/dec-approves-site-plan-for160town-water-connection-to-devens>

The town is one step closer to being able to put the Devens water connection project out to bid. When it is complete, town water will be supplied by the Devens water system instead of by the two wells on Pond Road. The town voted to approve the project at Special Town Meeting in February 2023 after one Pond Road well was closed for coliform contamination, and both tested positive for PFAS (perfluoroalkyl and polyfluoroalkyl substances).

At a Feb. 8 hearing, the Devens Enterprise Commission, which acts as the permitting authority for Devens, voted to approve the permit for the section to be constructed on Devens land. That includes the water line extension as well as the pump station and associated site improvements.

The DEC also voted to approve a list of 18 conditions that must be met, which include ensuring emergency vehicle access to the site, lighting regulations, and stormwater, wetlands, and erosion control requirements.

Engineering firm Tighe & Bond submitted the necessary components to apply for the permit, including the design documents, a stormwater management plan, and a wetland Notice of Intent, which describes

the measures that will be taken to protect wetlands, including limits on vegetation clearing and a 26-foot wetland buffer zone.

The Devens Soil Management Policy does not allow any excavated soil from Devens to leave without being screened and tested. According to Department of Public Works Director Tim Kilhart, that's because the soil at Devens may contain unexploded ordnance. Just a few weeks ago, during development of a site near Jackson Road and Givry Street, an unexploded mortar shell was discovered and detonated by the state police bomb squad. Before any excavation begins on the Devens water connection site, all workers who will be present during excavation will be required to view an unexploded ordnance video, provided by the Devens Fire Department.

Earlier this week, Town Administrator Tim Bragan told the Press the town had just received the easement it needed from CSX, the rail-based transportation company that owns the land around the railroad tracks at the end of Depot Road. The water main that comes from the pumping station will need to be installed under those tracks, as will the electrical supply for the station.

One more step remains before the project goes to bid, the intermunicipal agreement between the town and MassDevelopment. That agreement will outline the terms of water usage, including rates and how water used to put out fires will be billed. Bragan said he expects all the outstanding issues in the agreement to be resolved in the next few weeks. Then it will be up to the Water and Sewer Commission and the Select Board to approve it.

The town filed a wetland Notice of Intent with the town's Conservation Commission last winter to explain how it will handle the various wetland crossings along Depot Road. At a hearing Jan. 4, the commission voted unanimously to approve its standard conditions for the project, with no special conditions required.

Last fall, the town applied for a low-interest loan from the state to pay for the \$4.85 million project, and Bragan said as soon as the intermunicipal agreement is approved by all the necessary parties, the loan will be granted. The project is expected to begin early this summer.