

DEVELOPMENT

Towns back bid to scrap Devens' growth limitations

Harvard offers some push-back

By **M.E. Jones**

Correspondent

DEVENS » MassDevelopment, the quasi-state agency in charge of Devens, has unsuccessfully tried three times to rezone historic Vicksburg Square and a fourth bid to do so, in 2020, stalled early on, derailing plans to repurpose the area for commercial and residential uses and save its once fine old brick buildings, now vacant and deteriorating.

So far, there has been no apparent attempt to try again.

Now, MassDevelopment seems to be re-focusing on its original mission: business development.

As with the earlier tries, the last attempt to rezone Vicksburg Square would have culminated with super town meetings, held simultaneously in the host towns of Ayer, Harvard and Shirley, with approval required from all three towns, per the protocols set out in the Devens Reuse Plan and its enabling state legislation, Chapter 498.

The towns have historic boundaries within the 4,000-acre enclave that became part of the former military base, which closed in 1996.

Specifically, MassDevelopment wants to lift the 8.5-million-square foot commercial development cap baked into Devens bylaws, it's stated aim being to remove a roadblock that could end a success story too soon.

That was basically the case Devens Enterprise Commission representatives made to Shirley, Ayer and Harvard select boards earlier this summer, seeking their back-

ing for a request to state lawmakers to amend Chapter 498 and change the targeted bylaw, by-passing the super town meeting process.

A separate entity from MassDevelopment, DEC is the one-stop permit authority for Devens, with locally appointed members from each host town and the Devens community, plus members appointed by the governor.

All three select boards have voted to back the move and sent letters of support to the state Legislature. Ayer and Shirley boards did so unconditionally, while Harvard's nod came with conditions.

According to the DEC representatives — Director Peter Lowitt, Chairman Bill Marshall and Environmental Planner Neil Angus — who made their pitch to the boards earlier this summer, Devens' commercial growth may reach the 8.5 million square foot limit by the end of this year or early in 2023.

Absent the requested bylaw change, future re-development of areas that needed remediation, such as Salerno Circle, Shirley Village Growth and the North Post could be jeopardized, Lowitt said.

Besides, the 8.5 million-square-foot number was "arbitrary" to begin with, he said, citing a 2008 Massachusetts Environmental Policy Act decision that allowed a Devens business — Bristol-Myers Squibb — to extend its building height beyond the previously set limit.

But the MEPA ruling didn't apply to others, going forward.

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"Nobody changed the bylaws ... it takes all three towns to do that," Lowitt said.

A joint effort by stakeholders that was endorsed by Ayer, Harvard and Shirley voters, the Devens Re-use Plan laid out parameters for Devens redevelopment and created its bylaws. Codified in state law, the bylaws can only be changed via super town meeting, with unanimous results.

But Lowitt said there's another way. The state Legislature can amend Chapter 498, he said, with backing from all three select

boards.

The DEC presentation — posted on its website — paints a picture of Devens as an eco-conscious, economic driver for the area and a model for low-impact, sustainable growth. By limiting growth, the cap jeopardizes that scenario.

Growth will still be carefully planned, however. With a rigorous set of rules that businesses coming to Devens or looking to expand there are subject to, DEC's regulatory roster incorporates "green" building practices and eco-friendly landscaping.

There's also a master plan that includes linking new building projects into a network of trails, creating contiguous walking paths wherever possible. In ad-

dition, the community — which also encompasses 282 residential homes — offers protected open space, recreation areas and bus service for workers.

DEC's proposal was met with no resistance from the Shirley Select Board, which after a few questions and brief discussion voted unanimously to send a letter of support to the state Legislature.

DEC representatives met with some friendly fire, however, when they visited the Ayer Select Board, along with MassDevelopment's President and CEO Dan Rivera, who attended the meeting virtually.

"What's the rush?" asked Ayer Select Board Chair Jannice Livingston.

Citing a recent spike in business activity, Lowitt said Devens would soon reach the 8.5 million-square-foot limit. "We're at 7.44 million ... now," he said, with another 680,000 square feet earmarked for development.

In addition to DEC oversight, Angus, the environmental planner, underscored "regional benefits" Devens provides.

"We've integrated patterns and reused existing infrastructure ..." among other things, he said. DEC's website notes 2,100 acres of open space and recreation land.

Lowitt cited 6,000 jobs created on MassDevelopment's watch. He also mentioned the Eco-Efficiency Center that brings Devens' businesses together and fosters partnerships with others throughout the area and touted results of a third-party certification process that netted Devens a 4-star rating for sustainability, "one of only 70 in the world to get it," he said.

He also pointed out that DEC holds several conservation restrictions in the Ayer part of Devens that would revert to that town if the current Devens model "goes away." He added that people from Ayer, Harvard and Shirley work at Devens, and that this proposal "all but guarantees" those jobs will last.

As far as land use goes, "we do a parcel by parcel analysis every five years" that is posted on the DEC website, Lowitt said. "We're happy to provide (more) information...as requested."

Livingston also had a bone to pick with Rivera. The Devens Jurisdiction Committee, on which she serves, has invited MassDevelopment to the table several times, with no response, she said. The advisory group is tasked with discussing scenarios for Devens future after MassDevelopment decamps. She invited Rivera to the next meeting.

"It's very important," she said.

Rivera promised to be there. Explaining why the

agency has not been more involved in the disposition process thus far, he cited other irons in the fire pertaining to Devens, from a collapsed bridge to education money.

"We have some work to do," he said.

But Livingston persisted. "We haven't heard from you until tonight," she said. When it comes to communication, "you're not a very good neighbor ... we're being ignored."

Select Board Member Scott Houde asked: "Does this impact the (residential) housing cap, too?"

The answer was no. "This is (about the) commercial cap only," Lowitt said.

According to Lowitt, state Sen. Jamie Eldridge, D-Acton, has said the Legislature is prepared to act on the request as soon as all three towns sign off.

Without further discussion, the Ayer Select Board voted to support the request.

At its July 19 meeting, the Harvard Select Board also agreed to back DEC's request, but with caveats.

According to preliminary meeting notes provided by Assistant Town Administrator Marie Sobalvarro, conditions the board attached to its endorsement, are as follows:

First: Raise but do not remove the development cap, resetting it to 12 million square feet.

Second: No future bylaw revisions to be forwarded outside the super town meeting process, as defined in Chapter 498.

Finally, Harvard wants MassDevelopment to support Eldridge in requesting that MassDevelopment pay for a consultant to help guide jurisdiction discussions. A similar request was rejected by MassDevelopment's Executive Vice President for Devens Jessica Strunkin last year.

Responding to a reporter's recent email, Lowitt said those issues were being addressed.

"Senator Eldridge is working on either amending the language or having MassDevelopment enter into an MOU, (Memorandum of Understanding) agreeing not to exceed 12 million square feet" of commercial development, he wrote. "And to codify that Dan Rivera will meet with Harvard in August, 2022. " And finally, "to support Sen. James Eldridge" in requesting that Mass Development fund a consultant to assist the Jurisdiction Committee.

Lowitt provided an update in an Aug. 23 email. "Senator Eldridge drafted legislation and it was rolled into the Economic Development Bond Bill, but it's stuck in limbo at the moment," he wrote, adding that Eldridge expects it to move forward in September.

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Walter Isaac Scott of Tewksbury



Walter I. Scott, age 94, passed away Sept 1, 2022. Beloved husband of the late Lillian (Camm) Scott. Father of Dawn Boyce and her husband Charles, the late David W. Scott and his surviving wife Robin, Daniel Scott and his late wife Cheryl, and Dale Scott and his wife Catherine

He leaves numerous grandchildren and great grandchildren.

Calling hours Wednesday., Sept. 7, from 4-7 p.m. at the Farmer & Dee Funeral Home, 16 Lee St., Tewksbury. Funeral services Thursday, Sept. 8, at 10 a.m. at the First Baptist Church, 1500 Andover St., Rte. 133, Tewksbury. Please meet at church. Interment to follow at St. Mary Cemetery, Tewksbury. In lieu of flowers, donations in his memory may be made to Friends of the Elderly, 175 Chandler St., Tewksbury, MA 01876. For obituary see www.farmeranddee.com

Robert L. Newton, Sr.

PEPPERELL - Robert Lewis Newton, Sr., a longtime resident of Pepperell, died peacefully in his home on August 16, 2022. He was 80 years old. Robert was born on December 4th, 1941, in Iowa Falls, Iowa. He went to school at the West

Central School of Agriculture in Morris, MN, where he played football and was on the swim team. After one year in college, he joined the US Army and was stationed at Fort Devens, MA. He moved to Ashby, MA where he married and became a father to three children. He moved to Pepperell in 1976 and after working for HB Knowles Oil Inc. for many years, started his own business called Newton and Newton.



He enjoyed singing in Church, had a passion for traveling, and