

Memorandum



Date: January 3, 2024

To: DEC Members

From: Neil Angus, Director
Devens Enterprise Commission

Subj: Devens Jurisdictional Framework Committee – update on proposed warrant language for rezoning Vicksburg Square

On November 21, 2023, the Chair of the Devens Jurisdictional Framework Committee (DJFC) distributed draft warrant language for Vicksburg Square:

Warrant Article for a Super Town Meeting

To see if the voters in the Towns of Ayer, Harvard, and Shirley (herein referred to as the Towns) gathered at Town Meeting in their respective towns on the same day and at the same time will approve the following change to the Devens Reuse Plan:

1. *While permanent government at Devens will eventually be determined by the Legislature and the Governor, it is the choice of the Towns that the land and buildings collectively known as Vicksburg Square shall be entirely and permanently within the jurisdiction of Town of Ayer, and*
2. *That the current zoning for Vicksburg Square shall be amended to include housing, and*
3. *That the number of housing units shall not exceed 400 to be configured as follows:*
 - a. *25% of units as rental housing*
 - b. *25% of units as elderly and/or special needs rental housing*
 - c. *50% of units to be housing for sale to families and individuals*

Within each configuration there shall be exactly 25% of the units defined as affordable except that the elderly and/or special needs housing may exceed 25% affordable.

This draft warrant language was put forth as a starting point for discussions with the DJFC on changing the zoning for Vicksburg Square to allow housing – a discussion that would run parallel to the future final disposition of Devens. At our November 28th meeting, the DEC discussed the proposed warrant language and the following points:

1. Changing jurisdictional boundaries will unnecessarily complicate this issue.
2. Housing cap needs to be addressed.
3. The percentage of units in the draft warrant language can be simplified by referencing the existing requirement in the Devens Bylaws and Reuse Plan for 25% of the units to be reserved for low-income and special needs populations.
4. The DJFC should consider a separate committee to deal with Vicksburg Square in tandem with disposition discussions – so the DJFC can remain focused on the larger plan for permanent disposition.
5. Sense of urgency to redevelop Vicksburg Square before it deteriorates any further and preserve an iconic and historic Devens landmark, while at the same time helping with the state's affordable housing crisis.
6. It is imperative to bring MassDevelopment back to the table on Vicksburg as the property owner.

7. There are mechanisms under Chapter 498 to work together with the Towns and change the zoning for Vicksburg Square without needing to change jurisdictional boundaries.
8. Any proposed warrant language would need to be more specific about what area constitutes "Vicksburg Square" as the Vicksburg Square Redevelopment Historic Preservation Plan includes 12 buildings. Proposed warrant language would also need to include text and map changes to both the Devens Reuse Plan and Devens Bylaws Article IX. This could be something a separate committee works on.
9. Housing crisis is a statewide issue requiring a state solution
10. Ongoing maintenance of the buildings to slow down deterioration. Mass Development maintains them to keep them safe and secure but unconditioned space (unoccupied) is a concern for accelerated deterioration.
11. Previous plans for rezoning of Vicksburg led by MassDevelopment were unsuccessful so they are reluctant to lead again.

DEC Staff relayed some of these comments to the DJFC at their December 13, 2023 meeting. **At this meeting, there was consensus among the DJFC that item #1 in the proposed Warrant language above was a non-starter and it was agreed that it should be removed.** DEC Staff also reviewed Chapter 498 of the Acts of 1993 with the DJFC, which provides a mechanism for zoning amendments but it requires MassDevelopment to be part of the process:

Process for Proposing Amendments to the Devens Reuse Plan

Section 10 of Chapter 498 of the Acts of 1993 outlines the steps required to make any substantial changes to the Reuse Plan or bylaws:

A substantial revision to the Reuse plan or bylaws is not effective until MassDevelopment and the Towns, following public hearings, have approved said revision, and all three of the Towns have accepted said revision, pursuant to the following process:

1. *MassDevelopment and the Towns hold two or more public hearings, as they determine appropriate, in the Devens Region to receive public comment on the proposed Reuse Plan and Bylaw amendments. Notice of said public hearings shall be provided in a newspaper or newspapers of general circulation in the Devens Region at least fourteen days prior to the dates established for said hearings.*
2. *Within 30 days of the last public hearing held by MassDevelopment and the Towns, submit the proposed revision(s) to the board of selectmen of each of the Towns.*
3. *Within 90 days of receipt of the proposed revision(s), the board of selectmen of each of the Towns shall convene a town meeting to be held at the same date and time in each of the Towns for the purpose of adopting or rejecting, by majority vote of each town meeting, the revision(s). Each Town shall vote to adopt or disapprove the revisions as submitted. No amendments to the revisions shall be made by the Towns.*
4. *Each Town shall, within 30 days of an adoption or rejection of the revision(s) at a town meeting, provide MassDevelopment and the Devens Enterprise Commission with a written notification stating whether town meeting adopted or rejected the revision(s).*
5. *Adoption of the revision(s) by at least three of the Towns shall constitute final acceptance of the revision(s).*

Without MassDevelopment at the table, this process cannot move forward. Devens residents and businesses should also have a voice. At previous DJFC meetings, it was agreed that the Vicksburg Square rezoning issue could be dealt with separately but run parallel to the permanent disposition discussions. Questions arose on whether or not the DJFC was the appropriate entity to be leading the Vicksburg Square rezoning discussion as it is not directly tied to final jurisdiction. The DJFC Chair suggested that he would be open to setting up a sub-committee to discuss Vicksburg if MassDevelopment agreed to come back to the table. Their participation, as the landowner, is crucial for any process to move forward.

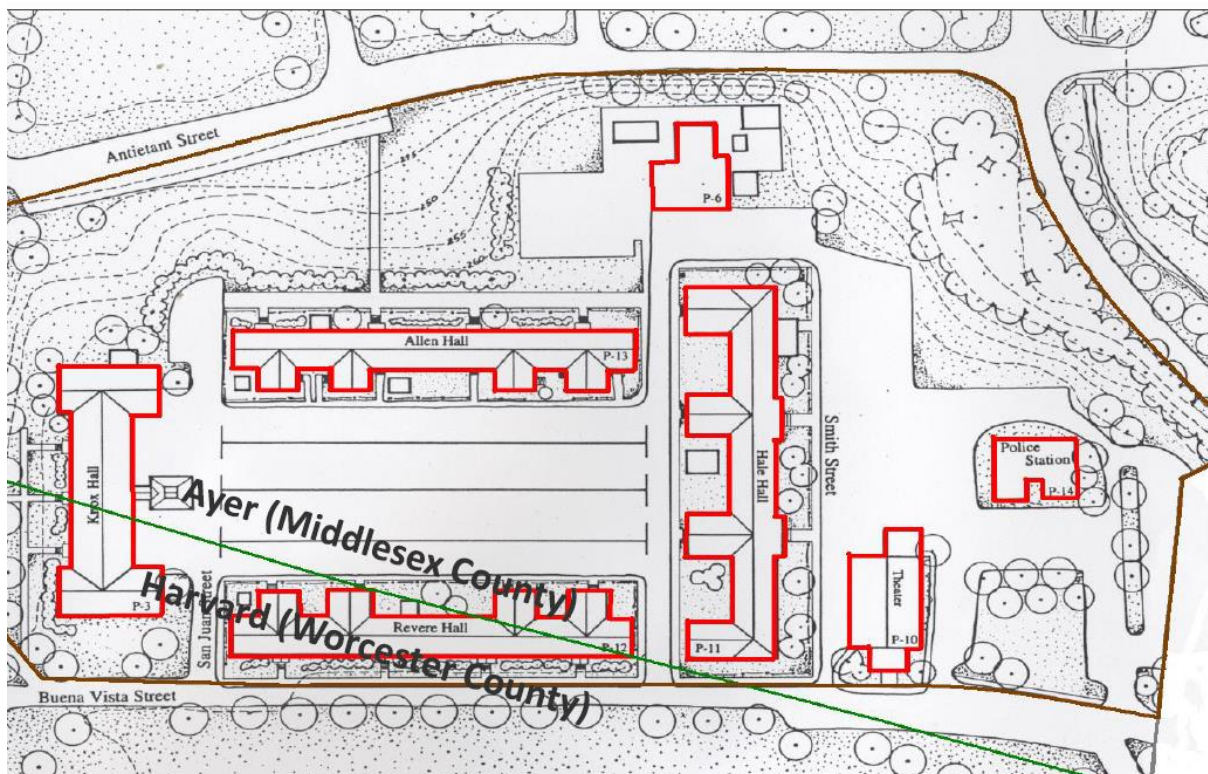
Questions remain as to who would lead and fund any initiative to rezone Vicksburg Square but the DEC has previously offered to match any funding that the Towns of Ayer, Harvard, and Shirley are willing to contribute to this process and the same offer could be extended to any initiatives to re-zone Vicksburg Square. State legislators have also met with MassDevelopment and staff from Secretary Hao's office to

discuss the \$400,000 that had been included in a 2022 bond bill for the future disposition of Devens. It is unclear whether or not this funding, if available, could be used for any parallel efforts to re-zone Vicksburg Square, or if it would only be available for permanent jurisdiction process.

The education of any new children has been a pressing issue for Harvard as they have the current school contract for educating Devens residents. This is an issue that would need to be addressed as part of any rezoning process but it does not have to be a reason for delaying any action. Inter-municipal agreements can be developed to work out these types of issues, as they have for many other regional services to and from Devens.

Discussions about the existing undeveloped residentially zoned lands in Devens have surfaced recently and the desire to look at housing opportunities within Devens in a more holistic sense than just Vicksburg Square. There are approximately 81 acres of undeveloped land in Devens that are currently zoned for residential uses, but with only 12 units remaining under the 282 unit housing cap, there would need to be some action on the part of the Towns, Devens, MassDevelopment, the DEC and the legislature to allow any significant additional housing in Devens. While a more comprehensive study of housing in Devens is certainly warranted, it is something that should be considered as part of the entire final disposition process. Changing the zoning for Vicksburg Square to allow for housing has been a more pressing matter not only for helping to tackle the state's affordable housing crisis, but also to preserve and protect these iconic landmark buildings that are listed on the National Register of Historic Places.

The DJFC meets again on January 10, 2024 and will be discussing the idea of setting up a separate committee to focus solely on the Vicksburg Square re-zoning issue, apart from the permanent governance discussion. The Vicksburg Square rezoning warrant language discussion is scheduled to be taken up again at the February 2024 DJFC meeting. Staff is seeking any additional feedback from the DEC on the proposed warrant in advance of this February meeting.



Vicksburg Square Parcel: Approximately 19.6 acres - 17.4 in Ayer (89%) and 2.2 acres in Harvard (11%)