



Marching orders

Residents of a former Army base move toward self-rule, but skeptics see a plot to push through more development **BY RAY HAINER**

► **DEVENS** This former US Army base has turned into limbo for the 250 or so people who now live here. Depending on their address, they vote in Ayer or Harvard, two towns that contributed land for the base in 1917. Because the Devens community is too small to support its own school system, their children attend school in Shirley, another neighboring town. They pay property taxes, but they have no official voice in municipal affairs; this not-quite-town is run instead by MassDevelopment, the state's finance and development authority.

Some of the residents, who have been here for up to five years, are eager to start living in, rather than on, Devens. "From my perspective, this is the old 'taxation without representation,'" says Mike Boucher, chairman of the citizens' advisory committee. "We feel that the best scenario for us would be for Devens to become a town."

That possibility gathered momentum in early June, when the various town and regional boards that have a stake here agreed on a preliminary plan for an independent Devens. This November, the registered voters of Ayer, Harvard, and Shirley will have the chance to move the plan forward, and with the blessing of the Legislature, Devens would become the 352d town in Massachusetts on July 1, 2010. The unanimity among the boards should not be taken for universal support among residents, however. Although everyone involved sympathizes with those on Devens who desire self-rule, a number of residents, both on the former base and in the neighboring towns, are suggesting that the new town of Devens may be independent in name only.

IN 1994, TWO years before the Army handed Fort Devens over to Massachusetts, the state Legisla-

ture passed a bill that made the base a regional economic development zone until 2033. That law included a streamlined, 75-day permitting process that is credited with attracting business to Devens; outlined the principles of sustainable design and environmental protection that have guided development; and provided \$200 million in bonding capacity to fund the transformation from military to civilian use. According to MassDevelopment, the economic development zone now has 85 businesses that employ more than 4,200 and have invested nearly \$450 million in capital ranging from the 49-employee Xinetics, a maker of "precision motion-control devices," to a packaging plant for the shaving-products company Gillette that employs 1,000. And this spring, pharmaceutical maker Bristol-Myers Squibb announced that it would build a \$660 million plant with about 550 employees on the former Army base. At present, the commercial facilities in Devens take up far more space than do the 105 homes here.

The Reuse Plan, a 58-page document written in 1994, placed an emphasis on commercial and industrial development, and especially high-tech business. Although one of the plan's objectives was to "promote the evolution of a neighborhood" in Devens, the number of housing units on the base was capped at 282. During the boom economy of the mid 1990s, the state focused on business expansion, says Robert Culver, president and CEO of MassDevelopment. Still, he says, "To have the major economic development zone in the Commonwealth—complete with expedited permitting, complete with 75 businesses—not address the economic development issue of housing was a real oversight."

Around the time the first residents started mov-

ing into renovated military housing, in the spring of 2001, MassDevelopment’s board of directors released a report stating that the authority “should analyze its investments at Devens from the perspective of a real estate developer to determine its return on investment.” From that perspective, additional housing must have been attractive: Development activity on Devens, which had been quite rapid at first, had entered a “trough,” according to annual reports by the permitting board. An independent report commissioned by Ayer, Harvard, and Shirley also noted the need for more housing in the region and recommended that within five years the three towns and MassDevelopment decide on the “disposition” of Devens—that is, who would ultimately assume jurisdiction over it.

The disposition process began in earnest in late 2004, with the formation of an executive board whose 15 members represent the six stakeholders on Devens: the towns of Ayer, Harvard, and Shirley; Devens residents; MassDevelopment; and the Devens Enterprise Commission, the 12-member board that oversees the permitting process, and which also serves as a planning board, zoning board of appeals, and board of health. The executive board

will also vote on the same day. If five of the six stakeholders approve the package, it will be put on the November ballot in the three towns. If two of the three towns approve the ballot question (as before, Devens residents will vote in Harvard or Ayer), and the Legislature approves the plan, Devens will become independent four years from now.

The plan would remove a cap of 282 housing units.

If that happens, Devens will gain the authority to tax its residents and businesses. A true board of selectmen and school committee will replace the advisory committees, and many of the other town boards and positions typical in Massachusetts towns will be created. Devens will also begin holding a traditional town meeting to pass the annual budget.

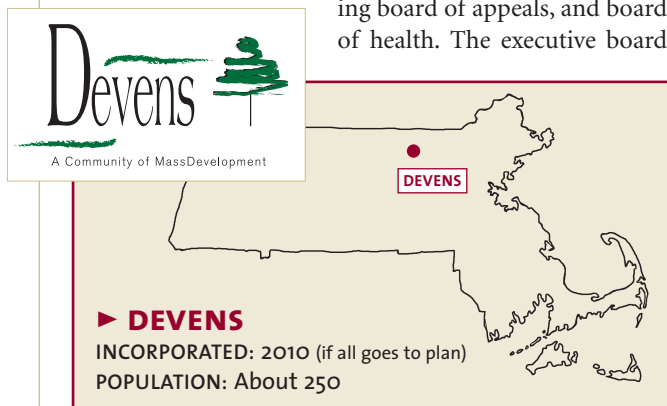
Even before the official incorporation in 2010, approval of the disposition package will also remove the cap of 282 housing units. The revised reuse plan (as spelled out in the MOU) allows for 1,650 new units on the former base, though 500 would be on the parcels of land that would revert to surrounding towns. The housing in Devens will include “cluster” and mixed-use developments, and high-density neighborhoods of up to 24 units per acre. Up to half of the units will be multi-family housing, and at least 200 will be reserved for the elderly. Nearly 9 million square feet of additional commercial and industrial space is also planned. Traffic from the new development will mainly be directed south, where the main Devens thoroughfare connects with Route 2. Residents can also drive two to three miles north or west to reach MBTA commuter rail stations in Ayer and Shirley.

The Devens Enterprise Commission, whose members are nominated by the towns and appointed by the governor, will retain control over the 75-day permitting process in the economic development zone—including those parcels returned to surrounding towns—until 100 percent of the residential development and 90 percent of the commercial and industrial development outlined in the MOU is complete, or until the end of 2026.

“MassDevelopment, as well as the Devens Enterprise Commission, feels very strongly that the unified permitting process should be maintained in the Devens enterprise zone, regardless of jurisdiction,” says William Marshall, the chairman of both the enterprise commission and the disposition executive board. Marshall, who lives in Lowell, is the president and CEO of the Ayer-based North Middlesex Savings Bank, which opened a branch on Devens in 2001.

studied two main scenarios—the Devens land reverts back to the three towns, or Devens becomes its own town—and this past January overwhelmingly endorsed the latter proposal, with the condition that large parcels of land along the Devens border be returned to each of the three towns.

Since then, the stakeholders have worked to draft a memorandum of understanding (MOU), a “nonbinding statement of intentions” that will be used as a framework for a revised reuse plan and zoning bylaws, and for the legislation that would incorporate Devens as a town. In October, the residents of Ayer, Harvard, and Shirley will vote on a package including these documents at simultaneous town meetings, while the residents of Devens will vote in a town-meeting-style caucus. MassDevelopment’s board of directors and the enterprise commission



BUT IF DEVENS becomes independent, its town meeting and the MassDevelopment board of directors, as long as they are in agreement, could change any zoning bylaw, and that has been perhaps the most controversial aspect of the MOU. Currently, town meetings in Harvard, Ayer, and Shirley all must approve any substantial revisions to the Reuse Plan or bylaws for the Devens enterprise zone, which cover such matters as restrictions on building height and density. The proposed shift in zoning control has led some residents, both on Devens and in Harvard, to claim that independence for Devens is, in fact, an elaborate end run around the constraints of the Reuse Plan.

“I think MassDevelopment’s plan is to get the towns to walk away by saying, ‘We’re going to give you this land,’ and then do what they want with Devens,” says Mary Leonhardt, a Devens resident who has been one of the most outspoken critics of independence.

This point of view was expressed several times at the Harvard board of selectmen’s meeting on June 6, at which the board approved the MOU, by a 3-2 vote. (Harvard has been the most influential town in the independence process, in part because it has the most at stake: It once included more than 60 percent of the Devens enterprise zone.) A member of that town’s planning board suggested that MassDevelopment’s goal was to get the three towns “off its back,” while another resident said, “I believe they [MassDevelopment] are culling out the towns so that they can have free rein.” Several residents also cautioned the members of the Devens committee, who had come to the meeting to lobby for independence, that MassDevelopment may dominate their new town government.

“What kind of good government are the people over in Devens going to get?” asked Nils Nordberg, a former state representative who lives in Harvard. Nordberg was referring to what he sees as the inherent conflict in having MassDevelopment run Devens—of having “the developer be the town,” as he put it. “This may very well be the first time that we have a company town created in Massachusetts,” he said. “This does not seem to be a town desired by residents. This is a town desired by the managers.”

Dave Winters, a member of the Devens Committee, took issue with the implication that Devens would be a company town. He emphasized the Devens residents’ lack of political representation—“We need relief”—and assured the crowd of 60 or so that citizens will control all the governance functions in the town of Devens. “We’ll be much more in control of our destiny than we are now,” he said.

Richard Montouri, MassDevelopment’s senior vice president of Devens operations, dismisses as “not accurate” the suggestion that MassDevelopment will control the Devens government. “Devens is going to be a town,” he says. “It’s going to have the same control and authority as any other community.”

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The governance arrangement between MassDevelopment and the citizens of Devens will not be included in the disposition package that will be voted on this fall, and will instead be contained in a side agreement. The two sides hope to have a draft in place for residents to study before the October caucus, but because it will be separate from the disposition package, there is no fixed deadline. Although they have yet to flesh out the details, they apparently agree on the outlines: MassDevelopment “will have no municipal authority,” says Mike Boucher, chairman of the Devens Committee.

The agency will, however, continue to fund many of the services on the former base. The town of Devens may fund and oversee some municipal services, such as police (currently provided through a contract with the State Police), but it is unclear how much revenue the town will have available. Devens residents already receive Chapter 70 school aid, but the town may not receive other state aid (besides funding MassDevelopment receives from the state).

“There’s a question of how much, if any, they would receive in other state funding, because of the size of the population,” says Montouri.

Lottery aid, the main component of state aid apart from Chapter 70 funds, is calculated using the entire property value of a town divided by the population, so Devens, with dozens of large businesses and few residents, is likely to receive very little state aid for the foreseeable future. According to models created by the disposition executive board’s finance committee, Devens isn’t expected to have 1,000 residents until at least 2011 (when it would probably still be the state’s smallest town east of Worcester, apart from island communities), and will not “break even” (that is, get enough revenue from property taxes and state aid to cover the town’s expenses) as a community until around 2017, when the town should have about 900 housing units.

Out of necessity, therefore, and in order to ensure high-quality municipal services, MassDevelopment will almost certainly provide direct funding for functions such as the Department of Public Works, currently the economic development zone’s biggest line item, for several years after Devens becomes a town. Boucher, explaining how such an arrangement between the town and the agency might work, says, “MassDevelopment would be funding the DPW, but the DPW personnel would answer to the board of selectmen.”

JOHN KNOWLES, A member of the Devens Enterprise Commission, runs an analytical microscopy lab. Like many residents, he says he moved to the former Army base for the natural beauty of the area, the tree-lined streets, and the quiet, isolated atmosphere. There are only four roads

on and off Devens, and with its large red brick buildings and regimented rows of colonials and ranches (also brick), it is no wonder that the community is often compared to a college campus.

The campus metaphor is apt in other ways. Many of the residents are well-educated professionals who spent a lot of time on campuses themselves. “I can’t tell you how many PhDs live on Devens now,” says Boucher, an analyst at Fidelity Investments in Boston. Many of the residents have young families, but there is also a sizeable population of retirees. (The property tax rate in Devens is now set by a board of assessors comprising MassDevelopment’s Montouri, a Devens resident, and a member of the Devens Enterprise Commission. For fiscal year 2006, the rate was \$10.52 per \$1,000 in assessed value, which is slightly below the rates in Harvard and Shirley, but above that in Ayer.)

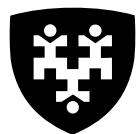
Knowles belongs to a group of Devens residents—he estimates it’s nearly half the community, but others say it’s just a handful of naysayers—who oppose the idea of independence. He would prefer to see most of the Army base revert back to Harvard. Permanent access to Harvard’s school system, which is perennially near the top of the state in MCAS scores, would almost surely cause the value of

the homes on Devens to rise, but Knowles says that is only part of the appeal. He also recognizes—and is wary of—the state’s interest in bringing to Devens “lots of housing, lots of big businesses,” and facilities, such as the federal prison and recycling station already on Devens, that other towns would likely fight. (He wouldn’t have been reassured by the MassDevelopment board meeting on June 8, at which Culver said that MassDevelopment might explore bringing a power-generating facility to Devens.)

“Harvard is in a much better position to defend Devens,” says Knowles. “It may give us an ally. They don’t want their schools overburdened, so they would be pushing to keep the housing density here more on track with the surrounding towns.” He also sees other ways that interests are aligned. “The issues that Harvard is pushing—education, environment, the housing numbers—they are all right in line with pretty much all of my neighbors that I’ve talked to,” he says.

Failing a return to Harvard, Knowles would still choose the status quo over independence. “Under the Reuse Plan, the citizens here on Devens don’t have the representation that any other town in this country has, but at least our community is somewhat protected, because MassDevelopment can’t overrun us with housing, and ruin the

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education for our kids," he says.

The concern that the state's interest in housing and other development may override all else is not mere speculation. At the selectmen's meeting in Harvard, selectmen Bill Marinelli, who has been an outspoken supporter of an independent Devens, said that MassDevelopment officials had privately told him in "unambiguous" terms that if the stakeholders were to reject the MOU, the agency would submit a revised housing plan to the state legislature anyway. Marinelli asked state Rep. James Eldridge, who was there that night, if this scenario was likely.

The future of Devens "is not something that is going to be deferred to [town] legislators," the Acton Democrat replied. "The reason for that—the obvious reason for that—is the money that's been invested." Another reason, Eldridge went on to say, is Devens's important role in the state economy, which was highlighted dramatically by the Bristol-Myers Squibb announcement. Eldridge indicated that more housing on Devens would meet a regional need as well. In the House of Representatives, Eldridge said at the meeting, there is "recognition that Devens is seen as an opportunity to build a lot of housing in an area where it can be difficult, for both good and bad reasons, to build that amount of housing."

In contrast to the selectmen in Ayer, Harvard, and Shirley, who are by and large concerned with their towns, the members of the Devens Committee are quick to affirm the larger interest in Devens. "The state has invested \$200 million in Devens," says Dave Winters. "That's a lot of money, and we feel a responsibility to protect the investment of the other communities in the state."

Moreover, committee members believe their goal—to build a thriving and sustainable Devens—is aligned with MassDevelopment's. They stress that they have already developed a partnership with the agency, and will continue to work together in good faith. As an example, Boucher points to negotiations over the number of single-family homes specified in the MOU. "Originally, MassDevelopment wanted nearly 75 percent of the units here to be multifamily," he says. "We got them down to a 50-50 split."

Phil Crosby, who sits on both the Devens committee and the disposition executive board, likes to point out that turning an economic development zone into a town is an unprecedented undertaking, one that involves some risk and a bit of what he calls "pioneer spirit." Back in March, Crosby posted an editorial on a Web site he created for Devens. "I trust MassDevelopment to do what is best for MassDevelopment and their constituent, the Commonwealth," Crosby wrote. "I do trust that Devens citizens can effectively and forcefully deal with MassDevelopment in shaping their community."

But some are asking: *Whose community?* **CW**