

## Residents lobby to make Devens a town

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BOSTON -- In their bid to form the town of Devens, several residents of the Devens Regional Enterprise Zone testified on Beacon Hill yesterday before the Joint Committee on Municipalities and Regional Government.

Their petition was filed a year ago by state Sen. Jamie Eldridge, D-Acton. Residents hope to secure a legislative fix for the 4,400-acre DREZ, part of the larger 9,000-acre Devens Army encampment formed in 1917 until the Army decommissioned the land in 1995 and sold DREZ to the state.



The remaining 5,000-acre Fort Devens houses Army and Marine reserve units.

There hasn't been a new Massachusetts municipality legally formed since East Brookfield broke from Brookfield and was incorporated in 1920.

"Most split off from other communities," said Eldridge.

About 225 DREZ residents are divided by Harvard, Ayer and Shirley town bounds.

Historically, Harvard controlled the largest swath of DREZ -- 61 percent, or 2,700 acres; Ayer had the second largest chunk -- 23 percent or 1,000 acres; and Shirley the least, 16 percent or 700 acres. DREZ residents vote within their respective towns.

DREZ residents elect a Devens Committee, but the panel is not a true Board of Selectmen empowered to govern DREZ.

MassDevelopment and the Devens Enterprise Commission together most municipal-style roles. MassDevelopment also sets the DREZ property-tax rate.

Super Town Meetings held simultaneously are required before amendments can be made to the Devens Reuse Plan, DREZ zoning and the DREZ-creating law, Chapter 498 of the Acts of 1993.

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Ayer and Harvard voters rejected the creation of a town of Devens in a 2006 Super Town Meeting. Ayer voters rejected a 2009 Super Town Meeting attempt to rezone the 19-acre Vicksburg Square campus for a 350-unit housing development.

Super Town Meeting will be held in the spring to retry rezoning the campus for a 246-unit apartment complex.

A cadre of Devens residents, many also members of the Devens Committee, entered their plea for political independence.

Since 2001, Devens Committee member Rick Bernklow has lived in DREZ.

He said commercial and industrial development has blossomed, thanks to the DEC's one-stop permitting powers.

"It's a primary reason for Bristol-Myers Squibb's half-billion dollars worth of investment," in the DREZ, he said.

But Bernklow bucked the towns' "veto power" over changes to the 282 DREZ housing-unit cap, the Reuse Plan and Chapter 498. The Reuse Plan states 25 percent of DREZ housing will be affordable "forever."

No town in the commonwealth is held to that standard," said Bernklow.

Devens Committee member Tom Kinch has lived within DREZ since 2003. He has a "certain level of frustration" with the amendment process.

If Fort Devens housed 8,000 occupants, then Kinch said, "the infrastructure is there to support a community of residents far beyond the cap."

"Our position is fairly clear -- we think the current Reuse Plan and law is a little outdated," said Kinch. "The law basically gives us very little chance to change that plan."

As \$40 million co-investors in DREZ, Kinch said DREZ homeowners are stakeholders in Devens success.

"We'd like to see a change in the way the Reuse Plan is altered," said Kinch. "Help us out of this quandary."

Devens Committee Chairman Jim Geller has lived within DREZ since 2006. "The towns view Devens through a single lens. Will taking back those former lands help them financially or hurt them? They want guarantees. They do not want doubt."

Geller said the towns' preference is for industry without residents or children to educate, which hikes expenses, Geller said.

It will "take 21 years from now" said Geller of the 2033 disposition review timetable. "Set us on a path to become our own town, or at the very least, remove the veto power each of these towns has over Devens."

State Rep. Tim Madden of Falmouth asked, "What's the maximum you see in the number of residents" desired within DREZ.

"It's 282 today," said Kinch. "We think it can support much more than that."

State Rep. Cleon Turner of Dennis asked if the Super Town Meetings were simultaneous. Geller said yes and that "each town must approve. One town not approving kills the bill."

"What is the opposition from the other towns at Town Meeting?" asked Madden.

Kinch fired off often-mentioned competing town concerns -- affordable housing, Devens disposition, aversion to changing the Devens Reuse Plan and law, and that "decisions are being made now that may impact the towns in 2033."

"Was your answer on opposing housing there, or creating a town in and of itself?" asked Turner.

"Yes," answered Kinch. "Both."

Devens Committee member Phil Crosby has lived within DREZ since 2002. Crosby said after the 2009 Vicksburg Square vote failed, Boston-based Trinity Financial was tapped by MassDevelopment to pitch a new residential-redevelopment plan to the towns for the 19-acre campus.

"They've been working very hard over the past 18 months," said Crosby. "They've listened to the community. Their proposal for affordable rental units is being met with all sorts of fierce rhetoric. We need to remove the veto controls."

Crosby said there's a need for "long-term unbiased planning" for DREZ to serve the region's and commonwealth's interests. "Or do we limp along and lose this seminal opportunity to act?"

Bob Eisengren, 91, has lived within DREZ since 2001. He said any creation of a town of Devens is really "the long-range issue a decade away. We recognize that, due to the size and complexity, this takes a long time."

The closure of the bulk of the base "created a tremendous economic blow to towns of Ayer, Harvard and Shirley and the commonwealth in its wisdom created a plan to redevelop it and bring Devens back."

MassDevelopment was given \$200 million in bonding authority and a 40-year window "to try to help the region. They created now over 80 companies that have a home on Devens which is a tremendous tax base that most towns would die over."

But there's 110 DREZ families "so things are out of proportion," said Eisengren. "So we're not looking at the long-range disposition issues. We're a very frustrated bunch of residents. We're paying taxes to everyone ...but we have no representation."

In addition to stripping the towns' veto power, Eisengren asked that the housing cap be raised, citing an earlier report which surmised the DREZ could sustain 1,800 housing units.

Betty Barbadoro is married to Eisengren. She said some laws "end up hurting other people. Chapter 498 is that kind of law... Please amend this law. You have the power to change the flaw."

Ayer Selectman Frank Maxant, was the sole person to testify against the Devens township petition. Maxant noted that in the most recent Devens Committee election, there were only eight ballots cast, re-electing Bernklow to his DC post.

Maxant suggested there were not enough engaged DREZ residents to fulfill governmental functions as a municipality.

However Maxant said he feels the "general frustration" is not with the towns but in "dealing with MassDevelopment, the towns feel this frustration too."

Maxant said local officials have "been kind of ignored and that has motivated the towns to go ahead and try to create our own proposal."

Maxant said he had asked former state Rep. Robert Hargraves to float draft legislation past House counsel and asked Eldridge to also review the language on a measure that would ask the towns to decide whether or not they want to retake governmental jurisdiction according to historical political bounds.

Maxant said his goal would be to "try to get as much public participation and buy-in as possible so that it will pass Town Meeting."

At the meeting was Harvard selectman Chairman Marie Sobalvarro, MassDevelopment Land Entitlement Director Ed Starzec and the agency's legal counsel Lee Smith. Trinity Financial President James Keefe walked in on the closing moments of Maxant's testimony.

