



As the former Army base searches for its identity, a group of residents wants to form the state's 352nd town

BY PAUL McMORROW | PHOTOGRAPHS BY MEGHAN MOORE

# Divining Devens

**MASSACHUSETTS HASN'T CREATED** a new municipality in nearly a century, since East Brookfield and Brookfield divorced in 1920. Five years ago, it looked like Devens would displace East Brookfield as the state's newest town. Commercial construction at the old Army base on Route 2 had been speeding along for a decade, and it had recently been buoyed by the arrival of a few hundred new homeowners. These early residents fashioned themselves as pioneers of the state's 352nd municipality. They were the first wave, they believed; they'd be followed by thousands of others.

State officials also believed. They saw Devens as a rare opportunity for Massachusetts. The base straddled Harvard, Ayer, and Shirley, but it had few physical and cultural connections to those towns. It had its own infrastructure in place and the local forces that normally impede large-scale development didn't seem to be in play. It was as close to a blank slate as exists in a state where many communities date their founding to the 1700s or even earlier. In Devens, planners saw the chance to create a new community from scratch, and to do so using all the best planning ideas of the 21st century.

But the effort foundered on the usual obstacles of money and political power. Businesses flocked to Devens faster than anyone expected, but politicians couldn't seem to agree on what Devens should be. Today, the area is in a state of limbo. Devens isn't its own town, but it's not quite part of its host towns, either. The territory at Devens falls within the historic borders of all three communities, but it's governed and largely owned by MassDevelopment, a quasi-public

state economic development authority. Right now, Devens is an economic development zone in search of a permanent future.

The statute that has guided Devens since the base closure was written to promote rapid development, while leaving big-picture decisions about its governance for another day. Now a group of Devens residents, frustrated at the towns' inability to get to that day and come to an agreement on Devens's future, is asking the Legislature to step in and seize control from the three squabbling towns.

"Self-government is one of the basic principles of this country, and we don't have it," says Tom Kinch, a Devens resident since 2005. "It's a fundamental right to vote for the people who represent you. Harvard and Ayer control us. We pay property taxes to MassDevelopment. We have our own fire department and State Police barracks. We're operating as a town, but we're not recognized as such."

## **BOMBS AWAY**

Devens operated as an active Army base for nearly 80 years. In 1917, the Army used eminent domain to purchase 9,100 acres in Harvard, Ayer, Shirley, and Lancaster and established the site as a training post for doughboys bound for France. The fort later served as the Army's New England headquarters.

In 1991, the Defense Base Closure and Realignment Commission (BRAC) announced the closing of Fort Devens. Roughly half the fort's acreage, which lay south of Route 2 in Lancaster, would be transferred to the Army Reserve after the closure was finalized in

1996. However, the 4,400 acres north of the highway would be decommissioned and sold off.

The BRAC announcement came at the bottom of a severe banking and real estate downturn. The closure pulled 8,000 military and civilian jobs out of the region, removed 9,000 residents from the base, and cut Ayer's school population in half. "The sky was falling in 1991," recalls Jim Fay, a Dorchester native who was stationed at Devens for eight years, and now serves as a selectman in Ayer. In the aftermath of the Army's pullout, Fay says, "people didn't know what to do with Devens."

The base's environmental condition complicated a foreboding economic picture. Former Army buildings weren't built to code, and were covered in asbestos and lead paint. Seven landfills had to be capped. The ground was soaked with pesticides and oils. "You didn't want the land back the day the Army left," says Chip Guercio, a former selectman from Shirley. "It was a mess. There's no way the towns could have handled it."

The Army and the federal Superfund program paid for much of the environmental cleanup, but Harvard, Ayer, and Shirley faced enormous challenges in redeveloping Devens. Assuming the three towns could agree on a common redevelopment vision, municipal boundaries ran through buildings, raising the prospect of overlapping bureaucracies. Utilities were outdated. Roads had fallen into disrepair, and they didn't run in any logical pattern. Residents of the three towns were clamoring to reclaim local jurisdiction over their portions of the former base, but the carrying costs were so great that local rule would have bankrupted the towns within two years.

"The downside was so strong, it was almost insurmountable if Devens was redeveloped in a piecemeal manner," says Jeffrey Simon, the real estate executive whom Gov. William Weld tapped to lead the redevelopment effort. "We realized we needed an entirely different approach to capitalize on the opportunities."

Weld and the municipalities decided that the quasi-public Massachusetts Government Land Bank would take ownership of the former base and head up redevelopment efforts. Harvard, Ayer, and Shirley signed off on a master plan allowing 8.5 million square feet of commercial and industrial construction. They agreed to cede development authority to a central body with the ability to fast-track permits, and the Land Bank took charge of local governance. In exchange, the Legislature gave the Land Bank \$200 million in bonding capacity to pay for site preparation. The Land Bank closed on the \$17 million purchase of Devens in 1996; two years later, it merged with another state agency and was renamed MassDevelopment.

The towns were also given surety that the deal they agreed to would be followed: The governance and zoning for Devens was written into state law in 1993, and the en-



abling statute, known as Chapter 498, can only be changed by the Legislature. The three towns agreed to the parameters of a redevelopment program ahead of time, while the assignment of Devens's redevelopment and governance structures to a single well-capitalized government body streamlined decision-making at the former base. As a result, construction has sped along.

Chapter 498 envisioned a 40-year period for building out Devens's 8.5 million square feet of commercial space, but MassDevelopment hit the halfway mark just 10 years after taking deed to the property. The old base now hosts more than 75 businesses employing 2,750 people. Companies have come (American Superconductor and Bristol-Myers Squibb) and some have even come and gone (Evergreen Solar). MassDevelopment invested heavily in the base's infrastructure, upgrading utilities and laying miles of new roadways. Those investments essentially make the balance of the old base development-ready.

Devens isn't the state's only shuttered base currently under redevelopment, but it's by far the most advanced. The former South Weymouth Naval Air Station closed in 1997, a year after Devens, but construction just began last year. The Navy has yet to turn over two-thirds of the site to the base's master redeveloper. Feuds between the Navy, the base's redeveloper, and the local governmental authority have been raging for years. They've been at each other's throats over financial shortfalls and the snail's pace of redevelopment at that property. By contrast, the uncertainty surrounding Devens is caused by the presence of a large, attractive tax base. The question for Devens is whether the old base is just a pot of money, or whether it becomes something more.

Simon, who now heads the office coordinating the state's federal stimulus spending, attended a cabinet meeting at Devens last year after not visiting the site for many years. He got lost as soon as he turned off Route 2. "I thought, I worked here every day for four years, how



Facing page: Army Reserve trucks roll through Devens on Patton Road. Left: Empty barracks in Vicksburg Square. Lower left: Devens Common Center. Below: Space for lease in the Devens Industrial Park.



can I not know where I am?” he says. “Rarely in government do you have the opportunity to come back to a project 15 years later, and totally get lost because everything we envisioned is happening. The old landmarks have all been replaced.”

### VOTING TOWN DOWN

Bette Barbadoro owns one of the 106 homes at Devens. Like most of the 300-odd inhabitants of the former base, she’s technically a Harvard resident. She votes in Harvard, although she pays property taxes to MassDevelopment. The two neighboring towns, Ayer and Shirley, essentially hold a veto over the way her neighborhood will be developed. The direction that development takes will depend on the three towns and MassDevelopment agreeing on what the finished product at Devens will look like, and who will ultimately control its real estate. There’s no consensus on those questions right now. The governance structure at Devens favors unanimity, and it doesn’t handle conflict and changes of direction easily. And as the three towns and MassDevelopment have jostled over the former base’s future, residents such as Barbadoro have gotten caught in the middle.

“When the base closed, the towns looked at it like a black hole that would suck them in,” says Barbadoro. “Now that we’re successful, they see us as a source of income.”

The Devens community—MassDevelopment, the three

host towns, and Devens’s residents and businesses—last tried tackling the question of Devens’s future in 2006. Representatives for the six groups agreed on a plan that would have returned some real estate to Harvard, Ayer, and Shirley, and turned the bulk of the former base into the state’s 352nd municipality. MassDevelopment envisioned the creation of a high-density, mixed-use development zone at the center of Devens. The push for an independent Devens acknowledged the anxieties Harvard, Ayer, and Shirley felt toward density and new residential construction, and it also explicitly linked the success of commercial ventures at Devens to the creation of new moderately-priced housing.

The 2006 plan was the only option that all sides believed they could potentially agree on. It returned taxable real estate to the three towns, allowed growth where it could be supported (residents of Devens proper lined up behind MassDevelopment’s bid to add 1,300 housing units), and restricted it where it couldn’t (Harvard residents, in particular, worried about losing their town’s rural character). But Harvard and Ayer both said no at town meeting.

The 2006 incorporation vote, along with a second failed 2009 vote to permit the construction of apartments at an abandoned barracks complex, threw into sharp relief the fractured relationship between MassDevelopment and Ayer, in particular. The town voted down both proposals.

This strained relationship weighs heavily on how Ayer approaches the question of what Devens will ultimately

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become, once MassDevelopment's redevelopment efforts have concluded. Ayer's town meeting rejected the 2006 incorporation plan largely on the grounds that it didn't hand the town all of the real estate within its historical boundaries. That real estate includes most of the vacant barracks at Vicksburg Square, a historic quadrangle that was the subject of the failed 2009 housing vote, and the old Army parade grounds, which MassDevelopment has turned into a lucrative swath of playing fields. It also includes some active military properties and an abandoned 220-acre airfield that will need significant infrastructure improvements before it can be considered for redevelopment. "The fact of the matter is, most of the so-called Ayer land isn't revenue-generating," says Paul Bresnahan, one of Ayer's representatives in the 2006 disposition planning. "It was historical. People were saying, 'It's ours, give it back.'"

The problem is, Ayer's desire to turn back the clock to before the Army's arrival in 1917 is at odds with Shirley and Harvard. "I have no burning desire to get all my acreage back," says Guercio, who served as a selectman in Shirley at the time of Fort Devens's closing and during the 2006 disposition negotiations. Shirley was the only one of the three towns to back an independent Devens. "The historic boundaries are a negative liability," Guercio says. "There's more infrastructure and property to take care of, more roads, and more students."

At the moment, Harvard is agnostic. "Some people want nothing to do with it, and some want to take the whole thing back," says Harvard selectman Ronald Ricci.

Harvard's stance is important. It has more real estate within Devens than Shirley and Ayer combined. Most of the zone's large commercial properties fall within Harvard's historic town boundaries. It stands to gain or lose huge property tax revenues, depending on the ultimate fate of the real estate currently within MassDevelopment's jurisdiction. MassDevelopment collected \$4.5 million in property taxes last year, and Harvard's portion of Devens contains \$194 million in taxable commercial property. For that reason, the town has been reluctant to push a quick agreement on phasing MassDevelopment out of Devens.

"It's not done yet, so we don't know yet whether it's a lump of coal or a diamond," says Paul Green, a Harvard resident who is part of a group examining the financial ramifications of a theoretical resumption of jurisdiction over all of Harvard's historical real estate. "If it's going to be a money pit," Green says, "we have enough problems."

Harvard's stance—it wants as much of Devens as possible, provided that taking control of the old base will be a money-maker for the town—exposes the downside of the state's plan, hatched nearly 20 years ago, to get Devens up and running first and figure out what to do with it later. The first half of the strategy worked. The abandoned



A pond near Red Tail Golf Course on Patton Road.



Former officer housing, now residences, on Walnut Street.

military base, which could have bankrupted the towns it occupies, became a vibrant commercial hub. But even though the state delivered on its promise to return jobs to the region, it never said definitively what would happen to the property tax revenues attached to those jobs.

For Harvard, Devens is a revenue proposition. It will push to exert control over its portion of Devens if doing so would generate positive cash flows, but not if it drained cash out of its budget. And until the town knows which one of those scenarios will play out, officials are exerting pressure to maintain the status quo.

Victor Normand, a Harvard resident and former MassDevelopment employee, was recently asked by Harvard's town meeting to run numbers on Devens's potential impact on the town's budget. At the moment, Normand says, resuming control over Harvard's portion of Devens would result in a net loss for the town of \$1 million per year. New taxes wouldn't keep pace with the cost of extending fire, police and public works services. "It would be very risky to take it back now," Normand says. However, since Devens isn't fully developed yet, the potential for significant revenue growth exists.

Harvard is holding out for that growth. The town has almost no commercial tax base, so the burdens of education and health care spending fall almost exclusively on homeowners. The town is wealthy (in 2010, Harvard's median single-family home sales price was \$499,000, compared to \$226,000 in Ayer and \$247,000 in Shirley). But when it comes to balancing the budget, Green says, "We have just as many problems as anyone else. We don't have Route 20 or the big industrial and shopping centers. We felt the benefits of Devens were promised not just to the region, but to the towns."

The math behind Harvard's search for property tax relief only works under certain parameters, terms that many Massachusetts towns favor when it comes to new development. Commercial real estate is the town's friend; residential real estate, which brings in kids that have to be educated, isn't. Harvard's public school system attracts

young families and keeps housing prices elevated, but the property taxes associated with newly built housing units don't cover the costs of educating the children that come with new houses. So Harvard, which is sizing up Devens with an eye on its municipal balance sheet, has a vested interest in ensuring a very specific vision of Devens's build-out—one in which the old Army base is just another office park along the Route 495 belt, and little more.

## HOUSE RULES

Driving around Devens isn't always the easiest prospect, and that's by design. The Cold War theory of base design held that, in the event of a Soviet invasion, circular roadways would slow the Communist advance. But the Soviets never showed up at the front gate to Devens, so all those meandering roadways did was frustrate the Americans who did have to drive from one end of the base to the other. One of the top priorities for officials at the Land Bank and MassDevelopment was updating the infrastructure.

Not all the streets from the old base got ripped up, though. Turn off one of the new arteries, and you're soon meandering through the old sections of the base. Some are winding, tree-lined streets stacked with brick colonial homes, where Army officers once lived. Several roadways, though, go nowhere. They twist and turn through the woods and eventually dead-end in cul-de-sacs.

Scores of these ghost roadways run through Devens. They once led to thousands of military housing units, but those homes were torn down after the base closed down. Now the weed-choked avenues serve as a testament to Devens's fractured relationship with housing.

Housing has been a divisive issue at Devens since the days when the Army still occupied the base. When the BRAC closure notice came down in the early 1990s, Massachusetts was battling a banking crisis and a steep real estate-driven recession. The prospect of piling several thousand new housing units onto a falling housing market incited swift action by area homeowners and real estate agents.

They successfully lobbied Beacon Hill to eliminate virtually all existing housing at Devens.

Weld's team didn't fight the locals on housing because their first priority was spurring commercial development and replacing jobs lost to the base closure. A master development plan that Harvard, Ayer, Shirley, and the Land Bank agreed to back in 1994 envisioned Devens as being dominated by manufacturing, office, and research space. Zoning arising from the 1994 master plan was written into Devens's governing legislation. It capped housing at 282 units. The number was somewhat arbitrary: Planners counted the homes they wanted to maintain for historical preservation reasons, and drew the line at that number.

The vision of Devens that Harvard's budget writers have happens to line up within the confines of the 1994 master plan. It's heavy on commercial development, and it puts a hard freeze on residential construction. Only an act of the Legislature can change that mix, and lawmakers will be loath to act without all three towns signing off on any change. Two failed town meeting votes in the past five years show that's no easy task. In both instances, the residential makeup of Devens was a flashpoint.

"Trends in development have evolved over the past 15 years," says Simon, the state recovery czar and longtime base developer. "The focus is on creating much higher density, more open space, and walkable communities."

New urbanism, the design school that preaches broad overlaps between commercial and residential spaces, hadn't risen to dominance when Devens's 1994 master plan was being written; today, Simon says, it's a best practice in base redevelopment ventures. Modern base redevelopment efforts rest on heavy concentrations of residential units around downtown zones, and count on the vitality from residential zones to spur activity in the surrounding commercial spaces.

Robert Culver, MassDevelopment's former CEO, despised sprawl and isolated office parks. In Devens, he saw open acreage sitting along an active rail line, with infrastructure already in place, and close to a growing cluster of jobs. He argued that new residential construction would reinforce MassDevelopment's commercial development work. He rejected one bid to use up the room under Devens's housing cap to construct large-lot suburban homes, and instead pushed for a dramatic expansion of housing at Devens under the banner of new urbanism and smart growth. (Culver initially wanted allowances to build 2,700 new units, but settled for 1,800—a proposal that was rejected as part of the failed 2006 vote.)

"Housing has always frustrated me," says Peter Lowitt, director of the Devens Enterprise Commission, the base's

permitting authority. "The 282-unit limit was arbitrarily arrived at. The communities were rightly concerned about being able to sell their own units in 1994, but in the intervening years, there has become a jobs-housing linkage."

"I think we made a mistake on housing," Simon adds. "We didn't allow for one of the strongest markets in the region, the housing market. At the time, there was the fear that if you allowed new housing, it would severely impact the local markets. That was probably a short view."

### **BREAKING THE LOGJAM**

Culver and MassDevelopment lowered their ambition level after the failed 2006 disposition vote. Culver handed the towns a zoning petition that would have allowed MassDevelopment to develop up to 400 multifamily housing units at Vicksburg Square, the historic quadrangle adjacent to Devens's old parade grounds. Vicksburg served as the base's center of gravity during Devens's Army years; it was zoned for technology and business incubator space after the base closing, and has sat vacant for years. For Culver, the appeal of developing housing at Vicksburg was twofold: It would preserve important historic structures that were slowly crumbling, and it would advance his vision for increasing the size of the residential community at Devens.

Shirley and Harvard's town meetings accepted the 2009 Vicksburg petition, but Ayer rejected it. Not long after,

## **Weld's team didn't fight the locals on housing because the priority was commercial development.**

MassDevelopment engaged with Trinity Financial and asked the Boston developer to quarterback a housing proposal for the site. Trinity, which has navigated its share of politically complex public approval processes, pitched 250 rental units, with significant allowances for working-class residents, veterans, and seniors. Its housing proposal goes to town meeting this fall. The vote's outcome will speak volumes about the prospects of ever significantly amending Devens's zoning.

"From a historical perspective, I want to see Vicksburg developed, and from a housing perspective, I think it makes sense," says George Ramirez, MassDevelopment's executive vice president in charge of Devens. "It has been on the market for many, many years as a technology park. Financially, it isn't making sense."



**George Ramirez,**  
MassDevelopment's  
executive vice president  
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Ramirez represents an intriguing change of pace from Culver, who once threatened to take a sizable increase in Devens's housing cap right to the Legislature if the towns didn't approve his 2006 Devens incorporation plan. Ramirez backs housing at Vicksburg Square, he talks of the need for the 1994 zoning to evolve, and he has a 10-foot tall facsimile of the 2006 Devens site plan (the one that pitched 1,800 new housing units and an independent Devens) on the wall of his office. At the same time, he speaks cautiously about the pace of growth. He wants to build new housing slowly. And he's in no hurry to initiate a new discussion on the ultimate disposition of the real estate at Devens.

On the other hand, if Trinity's Vicksburg Square proposal passes town meeting this fall, it will ratchet up the pressure not to wait until 2033. Adding residents may represent best practice for economic development and planning for growth, but it also exacerbates problems inherent in operating Devens under an interim regime.

Devens resident Bob Eisengrein says he doesn't think the three communities will ever come to an agreement. "This isn't going to be solved locally—we've tried that twice already," he says. "The Commonwealth supplied the money for Devens. The three abutting towns didn't supply anything. They just get in the way. They seem to get greedier and greedier." Eisengrein admits that self-government is "a big thing to ask of the Legislature. But if you don't ask, you don't get."

"I empathize with the residents," says state Sen. Jamie Eldridge, who filed a legislative petition on behalf of Devens residents who want to incorporate their own town. "They pay property taxes, but they're not able to vote on where their money goes. They want more security and predictability." Eldridge isn't supporting their push for independence, but he does say the governance at Devens has to change. "I'm not exactly sure what the future is, other

than to say the status quo is not working."

Jim Fay, the Ayer selectman, calls the Devens residents' petition "a fine goal," but he believes "it's not realistic. Why cut the pie 352 ways if you don't have to?" Fay says it's possible that MassDevelopment will wrap up its redevelopment work at Devens within five years. With that in mind, he's also pushing for dramatic changes in the governance of Devens. The boards of selectmen of Harvard, Ayer, and Shirley are once again beginning to discuss what to do with Devens when MassDevelopment makes its exit. And in the interim, Fay says, he wants the towns to take more control over Devens's day-to-day

operations. "All three towns want the same thing, which is to be part of something, rather than having an appointed magistrate," Fay says. "MassDevelopment did an excellent job developing the property, but let the community run the community."

Fay's long-term vision is for Devens to operate as a super-regional economic zone, with the three towns sharing the costs of municipal services, and all three taking cuts of the property tax revenues. It's along the lines of an idea advocated by Kinch, the Devens resident: Instead of carving Devens up, Kinch wants to use Devens as a carrot for regionalizing two or three of Devens's host communities into a single municipality. "I actually think Massachusetts needs fewer towns," Kinch offers, before quickly adding, "That's beyond the reach of the people here."

That remains to be seen. Harvard, Ayer, Shirley, and Devens are in the early stages of small-scale regionalization talks. Ramirez hopes those collaborations will lead to wider cooperation. Ramirez is facilitating talks on a regional home hazardous waste disposal program, as well as on a regional emergency dispatch center. (Harvard, Shirley, Lancaster, and Lunenburg are part of the latter effort; notably, Ayer is not.) There's considerable disagreement on the bigger-ticket items, though. Harvard wants its police to displace the State Police who patrol Devens, while Ayer would like contracts to handle the former base's fire and DPW services. Ramirez indicates that Devens would rather become a provider of regional services for which it would be paid, not a purchaser. Naturally, that stand is not too popular among the three towns.

Ramirez knows a solution won't come quickly, and he's taking the long view. "You're going to get to a critical mass on the commercial side, critical mass on housing, it may evolve organically," Ramirez says. Noting that state law says nobody has to make any decisions until 2033, he adds, "We've got some time to have that discussion." **CW**