

**Devens Housing Production Working Group**

**Preliminary Plan/Report**

**DRAFT for Discussion at the April 1 Meeting**

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**Introduction and Executive Summary**

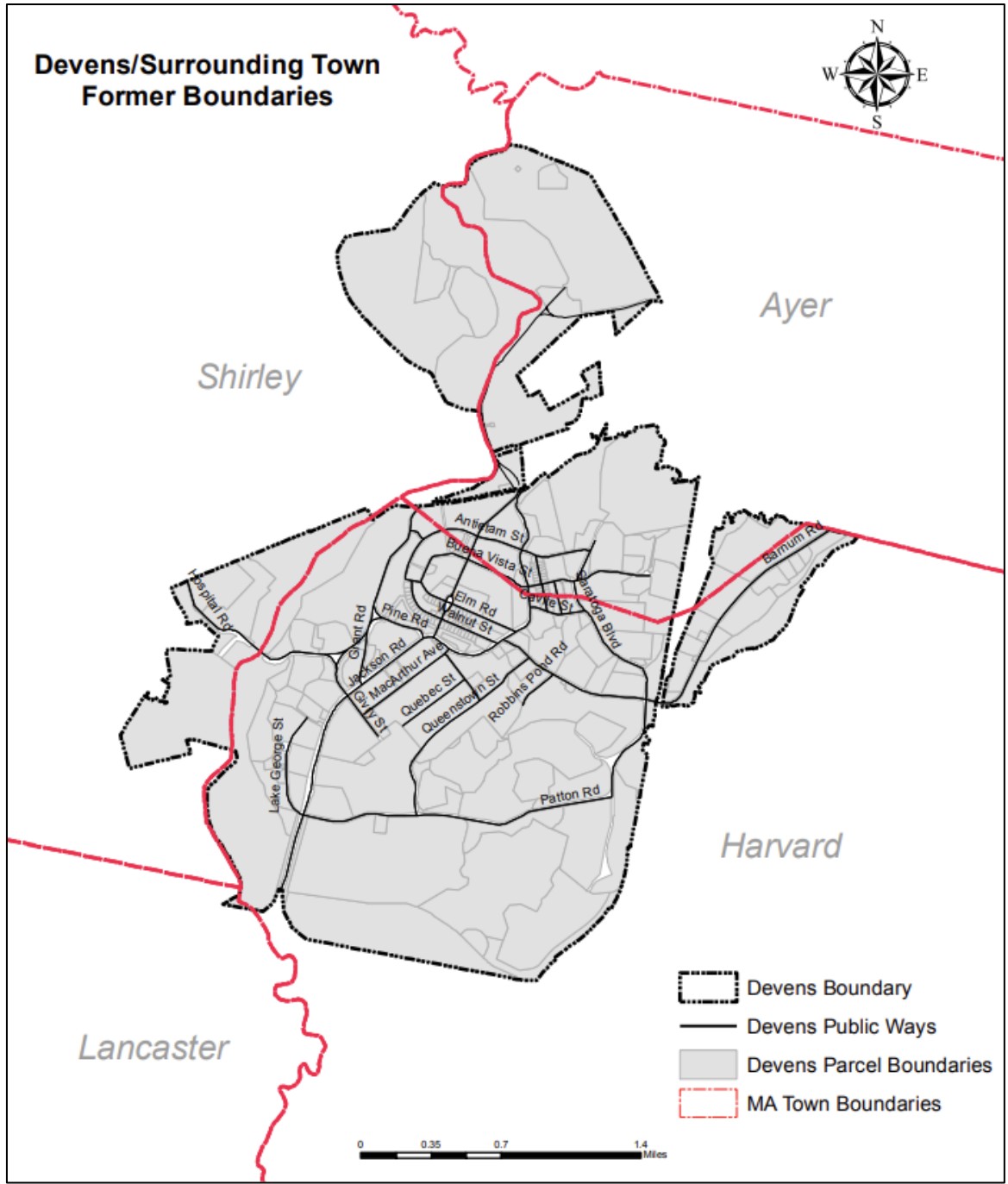
The Devens housing production working group was created by the Legislature to determine a strategy and plan to provide for increased housing production within the Devens Enterprise Zone, including, but not limited to, the feasibility of allowing not more than 400 multi-family residential units in the Innovation and Technology Center zoning district established by Article V(A)(13) of the zoning by-laws of the Devens Regional Enterprise Zone.

The Working Group consists of the following members: Secretary of Economic Development – Chair; Director, HLC Livable Communities Division; Director/Land Use Administrator, Devens Enterprise Commission; Chair of the Devens Committee; President and CEO of Mass Development; Select Board Member, Town of Ayer; Select Board Member, Town of Harvard and Select Board Member, Town of Shirley.

This preliminary report will be presented to and discussed by the working group on April 1. It is intended to be a foundation for the working group’s final report and recommendations, which must be submitted to the Legislature on May 18. This preliminary report (1) provides some context about Devens and the communities that surround it; (2) explains the process by which the working group gathered information and built consensus around its recommendations, (3) sets forth a strategy and plan for increased housing production in Devens, and (4) proposes the framework for an amendment to the Devens Zoning Bylaw to achieve that objective. An open question for the working group is whether the final report and recommendation should include a proposed zoning amendment which, if adopted or enacted, would achieve the goal of promoting increased housing production at Devens.

**1. Background on Devens and the Surrounding Communities**

Devens Enterprise zoning was created by a special act of the Legislature (Chapter 498 of the Acts of 1993) to help provide an orderly and expeditious conversion and development of approximately 4,400 acres that were a portion of a former federal military base, Fort Devens,<sup>4</sup> into a non-military-use area. Devens comprises land area that was formerly included within the boundaries of the Towns of Ayer, Harvard, and Shirley.



The Devens Act made the Massachusetts Government Land Bank (later merged into MassDevelopment) exclusively responsible for acquisition, control, maintenance, and redevelopment of Devens. To provide for orderly development, the Devens Act provided for a long-term (20-to-40-year) reuse plan and zoning bylaws to be adopted by the Massachusetts Government Land Bank and the towns of Ayer, Harvard, and Shirley. The Reuse Plan and zoning bylaws provided development goals and planned uses of the property and were passed at town meetings in the three towns. The Devens Act also established the Devens Enterprise Commission to function as the local regulatory and permit-granting authority for all new development within Devens.

Since the establishment of Devens, approximately 136 new units of housing have been constructed within its boundaries. Devens currently has 256 units of residential and senior housing and approximately 950 residents. MassDevelopment is obligated to provide the same educational benefits and opportunities other Massachusetts residents enjoy, which MassDevelopment has typically done by contracting with one of the nearby school districts. Since 2012, MassDevelopment has contracted with the Harvard School District to educate students residing in Devens. In the 2023-24 academic year, there were 86 full-time and 10 transitional students attending the Hildreth Elementary and Bromfield (High) Schools and six out-of-district students.

Until recently, housing development in Devens was limited by the Reuse Plan to no more than 282 units. That housing cap was removed by the Legislature last year. Since that time, development of new housing at Devens is governed by the Zoning By-Law and regulations promulgated by the Devens Enterprise Commission.

## **2. The Working Group's Process for Building Consensus**

The working group will have held 5 meetings before it submits its final report and recommendations to the Legislature. Each meeting was held at a location in Devens and was open to the public. The working group also established an online portal to accept comments from the general public.

At the Working Group's initial meeting on January 22, 2025, each working group member and Legislator in attendance was provided an opportunity to articulate what success would look like at the end of the process. A strong consensus emerged that the working group should strive to propose achievable recommendations and establish flexible zoning recommendations that would lead to actual housing production within a reasonable timeframe.

At this initial meeting, Working Group members also were assigned to one of three subgroups:

- **Devens Fundamentals:** Asked to consider and report on the background of Devens and existing zoning and regulatory framework.
- **Community Considerations:** Asked to consider and report on community needs and opportunities.
- **Innovation in Development and Sustainable Housing:** Asked to consider and report on the general framework for residential zoning in the ITC district.

The three subgroups met multiple times before the working group's second meeting shared reports from sub-group work at the second Working Group meeting on February 25, 2025. At the end of the second meeting, Secretary Hao asked that a "captain" of each subgroup meet subsequently to

craft the first draft of a report and plan to provide for increased housing. The captains met XX times to develop this draft preliminary report which will be presented at the third Working Group meeting on April 1, 2025.

At its first two meetings, the Working Group heard that the following statements reflect the vision for more housing at Devens.

- Adaptive Reuse where feasible
- Historic preservation and compatibility
- Special attention to existing businesses and residences
- New housing is compatible with surrounding land uses and densities
- Connect new housing districts to open space – creating and maintaining the network of recreational trails and green infrastructure.
- Importance of public education about zoning for additional housing types
- Public education about the unique situation with MassDev as the property owner and DEC regulations is different from other zoning and development processes
- Green and complete streets
- Healthy buildings, social and active neighborhood design
- Build off of existing success of Innovative Residential District (IRD) regulations but recognizing the different location and context.
- Careful not to let parking dictate design – design neighborhoods for people first
- Jurisdiction will not be accelerated – can accommodate additional housing if properly planned.
- Ensure the existing levels of service that Devens residents, businesses and organizations have come to expect are maintained.

The following Community Considerations were presented to the Working Group in the second meeting.

#### Needs

- Increase Senior housing by zoning for a range of housing types and densities. Smaller units work well for seniors and downsizers. Do not need to restrict zoning for seniors.
- Maintain or increase green spaces, walking trails, and wildlife habitat.
- Consider how towns' Councils on Aging work with Devens residents
- Public education about existing public transportation – shuttles to Commuter Rail, MRTA services that are available.
- Concern about increase in traffic
- Desire to phase housing over time so that there is no “glut” of new housing units.
- Availability of healthcare system to support additional residents.
- Ability of regional education system to support additional residents.
- Importance of design so that community character reflects Devens historic traditional designs
  - Rogers field and existing recreational demands considered in design and location of new residential areas
  - Playground within the ITC

Opportunities

- Existing infrastructure in place to serve new residential development (roads, sewer, water, and utilities)
- Municipal services provided by MassDevelopment
- More customers for local businesses
- New connections / trails to adjacent municipalities
- Increase in affordable housing
- Additional users of new amenities in Devens
- Economic growth, increased revenue and job opportunities for the region

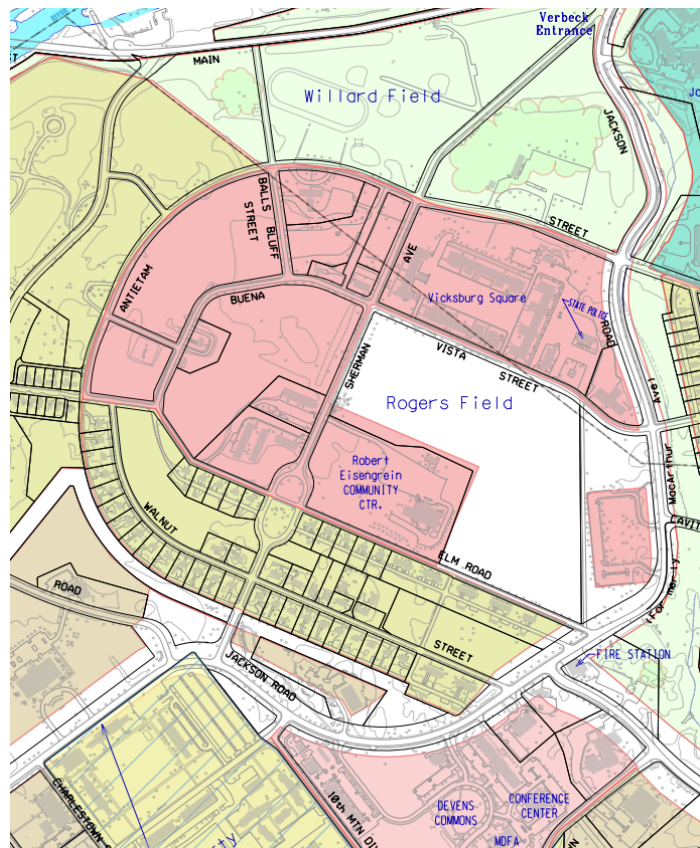
**3. Strategies for Increased Housing at Devens**

As directed by the Legislature, the working group has focused most of its attention on strategies to promote housing production within the Innovation and Technology Center (ITC) zoning district. The ITC comprises approximately XX acres in total, including the area which includes the historic buildings at Vicksburg Square.

The Zoning Bylaw currently allows commercial and other uses in the ITC, but no housing. The Working Group considered the following strategies and principles for a zoning amendment that would permit housing within the ITC zoning district

1. Amend the existing zoning to permit a range of housing types within certain areas of the district.

- Reuse of Vicksburg – feasibility to be informed by a structural study
- 100-200 units over remaining 40+ developable acres (with a range of densities)
- The fine tuning of densities will need to rely on design and compatibility
- Densities - mixed– but generally higher near Rogers and reduce as we move away from Rogers - Maintain max building heights of 52’-62’ and 45-56 further out (Devens Utilities can likely accommodate higher densities)
- Combination of market-rate and deed restricted affordable units – while there is a desire to maintain Devens 25% affordable



requirement the financial feasibility of such a requirement needs to be further evaluated to

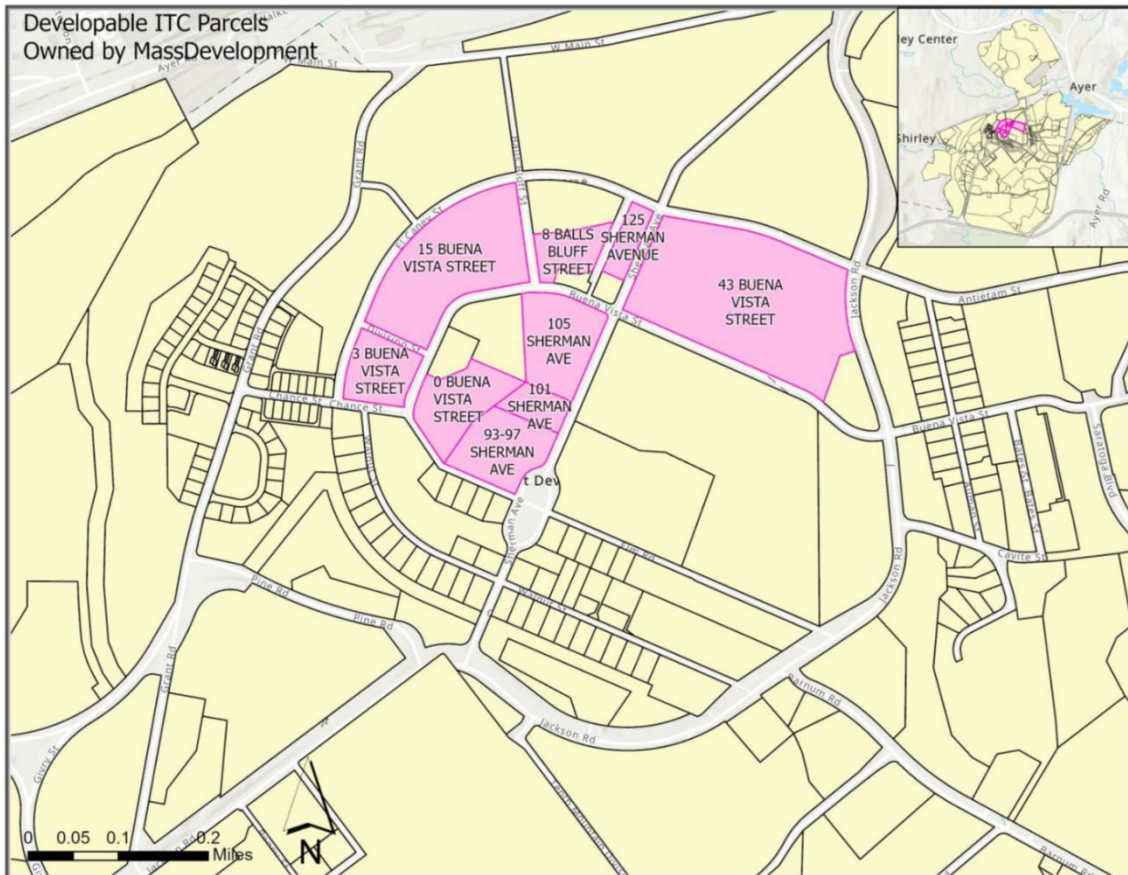
ensure this aspirational target does not make it financially unfeasible to actually build new housing.

2. Frame the ITC district area as a Village Center to capitalize on the classic neo-traditional neighborhood design, recognizing existing opportunities and constraints within the District.
  - Require innovative, low-carbon neighborhood and building designs in exchange for higher densities that respect location and context (continuing to Lead by Example)
  - Missing middle housing types – smaller footprint, mix of housing types, universal accessibility, age-in place (life-cycle housing)
  - Consider existing development and vacant parcel development opportunities and constraints when considering density and building typologies.
  - Mix of rental and for-sale units (flexibility to meet market demand).
  - Mixed-use zoning (allowing for a mix of complementary commercial and residential uses)
3. Following the adopting of a zoning amendment, the Devens Enterprise Commission will have authority to promulgate more detailed regulations to minimize or mitigate any adverse impacts of proposed housing developments, and to facilitate innovative residential development in the ITC District .

A zoning amendment consistent with these principles could be enacted either by a super town meeting held in Ayer, Harvard and Shirley, with the approval of MassDevelopment, or by a special act of the Legislature. If a zoning amendment is proposed to be enacted at super town meeting, MassDevelopment and the Towns would follow the process set forth in Section 10 of Chapter 498 of the Acts of 1993:

- MassDevelopment and the Towns hold two or more public hearings, as they determine appropriate, in the Devens Region to receive public comment.
- Within 30 days of the last public hearing held by MassDevelopment and the Towns, submit the proposed revision(s) to the Select Board of each of the Towns.
- Within 90 days of receipt of the proposed revision(s), the Select Board 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.

- 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).



To promote local understanding of the benefits of new housing production at Devens, and to ensure that MassDevelopment, the DEC and the Towns take appropriate action to prepare for new housing development, the working group recommends that the MassDevelopment and the Towns engage a planning consultant to undertake the following studies prior to any super town meeting:

1. School Needs assessment – for region. MBTA zoning impacts to surrounding towns. Existing enrollment levels in region and capacity. Link between new housing starts and school enrollment. Will there be a need to set aside land for a future school at this point.
2. Update assessments of existing buildings to determine adaptive reuse feasibility
3. Traffic and Parking study, including Transit and Transportation Demand Management initiatives
4. Identify Social Service needs for the region
5. Engage the community. Consider approaches such as design Charette to identify opportunities and constraints (utilities, topo). Identify effects of additional residential units within the ITC district and create a plan to address through design and permitting.

The working group has been informed that state funding is available for these kinds of planning studies, through a grant from the Executive Office of Housing and Livable Communities to the Town of Ayer acting as fiscal agent for the other Towns.

#### **4. Framework and Guiding Principles for a Zoning Amendment**

Prior to issuing its final report and recommendations, the working group should consider drafting a zoning amendment that can be brought for approval at super town meeting, following the process noted above, or enacted by the Legislature. Such a zoning amendment would need to, at minimum:

- Add Residential Uses (Single or Two Family Dwelling, Multi Family Dwelling, Senior Housing) as Permitted Uses in the Innovation Technology Center District in the Table of Permitted Uses under Exhibit D of the Devens Bylaws. (note: small-scale retail is already permitted as an accessory use so mixed use would be feasible)
- Add new Multi-Family/Apartment category in Article VI.A1.k. General Land Use Categories: Residential, of the Devens By-Laws to allow for multi-family apartment buildings with more than 3-8 units
- Set forth the applicable density limitations and height and other dimensional limitations or requirements.

For clarity, the zoning amendment might also modify Article IX. E.1. of the Devens Bylaws to strike the reference to the 282 unit housing cap, making the bylaw consistent with the special act that eliminated the housing cap.

Consistent with the working group's consensus to achieve an outcome that is practical and feasible, we recommend that a zoning amendment not be overly prescriptive or detailed. For example, the zoning amendment should permit but not require specific housing types. Affordability requirements should likewise be reasonable, *i.e.*, not make actual development financially unfeasible.