

SENATE No. 939

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act incorporating the town of Devens.

PETITION OF:

NAME:

Bob Eisengrein

DISTRICT/ADDRESS:

44 Walnut Street, Devens, MA

SENATE No. 939

By Mr. Eldridge (by request), a petition (accompanied by bill, Senate, No. 939) of Bob Eisengrein for legislation to incorporate the town of Devens. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1025 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act incorporating the town of Devens.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. The defeat of the Devens Disposition Executive Board (DDEB) 2B disposition
2 proposal of 2006, and the subsequent years of redundant local study by the JBOS, indicates that
3 reaching a disposition resolution at a local level is virtually impossible. This is just cause for the
4 Legislature to intervene and create a fair and equitable disposition decision.

5 Section 2. The 2009 defeat of the Vicksburg Square Rezoning proposal further
6 demonstrates that reaching a disposition resolution at a local level is virtually impossible. This is
7 just cause for the Legislature to intervene and create a fair and equitable disposition decision.

8 Section 3. Chapter 498 governing the DREZ provides a 40 year time frame for
9 disposition; however, it contains no incentives or penalties for the Host Towns to reach any
10 decision. The absence of motivation is clearly responsible for the past 10 years of inaction and
11 defeat. This is just cause for the Legislature to intervene and create a fair and equitable
12 disposition decision.

13 Section 4. The uncertainty following the above actions and continued lack of leadership
14 by the JBOS jeopardizes the future development of Devens in accordance with Mass
15 Development's overall plans, including the Smart Growth initiatives for future housing for both

16 Devens' industry employees and regional citizens. This is just cause for the Legislature to
17 intervene and create a fair and equitable disposition decision.

18 Section 5. Any legislative decision resulting from Sections 1, 2, 3 and 4 should be based
19 on protecting and promoting the State's investment in developing Devens, an investment that the
20 Host Towns would devastate if allowed to divide the DREZ. For industry in particular, it would
21 remove the uncertainty of not knowing which governmental entity would have future jurisdiction
22 over their industries' sizable investments in Devens.

23 Section 6. All DREZ property, including Core Devens, shall be incorporated into a town
24 by the name of the Devens, as defined by maps in the DDEB documents. Said town of Devens
25 would hereby be invested with all the powers, privileges, rights and immunities, and subject to
26 all the duties and requisitions to which other towns are entitled and equipped by the constitution
27 and laws of this Commonwealth.

28 Section 7. The method and timing of Devens' incorporation as a town could be described
29 by a modified version of the language in the original DDEB agreement reports.

30 Section 8. It is vitally important that the investments by residents in the DREZ be
31 recognized and protected by maintaining the integrity of the present Devens community which
32 has been created over the past 10 years.

33 Section 9. These actions shall be phased in over a 10 year period to allow population
34 growth sufficient for self-government. These actions shall take effect on passage of this petition.