SENATE DOCKET, NO. 1468 FILED ON: 1/21/2011

SENATE . . . . . No. 1025

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:	DISTRICT/ADDRESS:
Richard Bernklow	*Devens MA*
James Geller	*Devens, MA*
Eric Stolzfus	*Devens, MA*
Tom Kinch	*Devens, MA*
Philip Crosby	*Devens, MA*

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By Mr. Eldridge, petition (accompanied by bill, Senate, No. 1025) of [petitioners] for legislation to incorporate the town of Devens [Joint Committee on Municipalities and Regional Government].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

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

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

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

13 Section 4. The uncertainty following the above actions and continued lack of
14 leadership 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
19 based on protecting and promoting the State's investment in developing Devens. An investment
20 that the Host Towns would devastate if allowed to divide the DREZ. For industry in particular,
21 it would remove the uncertainty of not knowing which governmental entity would have future
22 the jurisdiction over their industries' sizable investments in Devens.

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

28 Section 7. The method and timing of Devens Incorporation as a town could be
29 described 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 DREZ should 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 ten year period to allow population
34 growth sufficient for self-government. These actions shall take effect on passage of this petition.