

SUPER TOWN MEETING

MARCH 28, 2012

The meeting was called to order in the Bromfield Cronin Auditorium at 7:14 p.m. by Moderator Robert Eubank. The call of the meeting and the return of service were found to be in order by Town Clerk Janet A. Vellante.

Moderator Robert Eubank requested that the town allow the following non-voters to speak to the meeting if necessary:

Kathy Bachman	WilmerHale
Gregory Bialecki	Secretary, Executive Office of Housing and Economic Development
Timothy Bragan	Town Administrator
Joseph Connelly	Interim Superintendent of Schools
Meg Delorier	MassDevelopment
Edward Denmark	Police Chief
Hank Keating	Trinity Financial
James Keefe	Trinity Financial
Mark Lanza	Town Counsel
Lorraine Leonard	Finance Director
Dennis Lyddy	Veterans Agent
Timothy Murray	Lt. Governor
Richard Nota	Director of Public Works
Richard Sicard	Fire Chief
Edmund Starzec	MassDevelopment

ARTICLE 1: DEVENS – REVISIONS TO DEVENS REUSE PLAN, ZONING BY-LAWS AND ZONING MAP – REDEVELOPMENT OF VICKSBURG SQUARE

To see if the Town will vote to approve revisions to the Reuse Plan and Zoning Bylaws of the Devens Regional Enterprise Zone as follows:

1. In the Devens Reuse Plan, Chapter 1, Introduction, section entitled Highlights of the Reuse Plan, subsection entitled Innovation and Technology Business, by inserting “in the location shown on the Reuse Plan” in the second paragraph and deleting “housed in the

Vicksburg Square Quadrangle” from the second paragraph, so that the second paragraph shall now read as follows:

“The Plan includes an Innovation and Technology Center in the location shown on the Reuse Plan. This Center is intended to serve as a catalyst for new development on the large sites located elsewhere in the Devens Enterprise Zone. It will play this role both by providing start-up and incubator space and by fostering connections to academic and research institutions.”

2. In the Devens Reuse Plan, at the end of Chapter 1, Introduction, by replacing the existing Devens Reuse Plan figure dated November, 1994 with a new version dated October 5, 2011. A copy of the new figure follows:

[INSERT REUSE PLAN FIGURE]

3. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, section entitled Patterns in the Reuse Plan, subsection entitled The Core: Innovation and Technology, by inserting “the area shown on the Reuse Plan” in the first paragraph and deleting “historic Vicksburg Square with its campus-like atmosphere” from the first paragraph, so that the first paragraph shall now read:

“The Innovation and Technology theme is the boldest physical reuse pattern in the Plan. The physical and thematic core of the Devens Regional Enterprise Zone is centered on the Innovation and Technology Center (ITC) proposed to be located in the area shown on the Reuse Plan. This environment is expected to generate larger spin-off Innovation and Technology Businesses to be constructed on other locations on the site. Innovation and Technology Businesses are expected to exhibit one or a combination of the following qualities:

- new or improved product or service
- growing
- educational/academic links
- research and development component”

4. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, section entitled Patterns in the Reuse Plan, subsection entitled Housing and Community Facilities, by inserting “original Reuse Plan” and “in addition to all of the other uses permitted under the original Reuse Plan” in the first paragraph, so that the first paragraph shall now read:

“Concerns raised during the original Reuse Plan public workshop process made it clear that housing and community facilities play an important role in the comprehensive land use approach envisioned for Devens. These uses, while not the central themes of the Reuse Plan, are expected to serve important regional needs as well as providing balance in the use mix of Devens, in addition to all of

the other uses permitted under the original Reuse Plan.”;

by inserting “At the time the Reuse Plan was approved in 1994” at the beginning of the second paragraph, by deleting the word “currently” from the first sentence of the second paragraph, and by replacing the words “reveals” with “revealed” and “are” with “were” so that the first sentence of the second paragraph shall now read:

“At the time the Reuse Plan was approved in 1994, an inventory of the existing housing units on Devens revealed that there were approximately 1,700 units scattered around the site.”;

by inserting a new paragraph after the second paragraph which shall read as follows:

“In 2012, after a process of public hearings and collaboration between the communities of Ayer, Harvard, Shirley and Devens and MassDevelopment, the 20-acre Vicksburg Square property was rezoned as the “Vicksburg Square Redevelopment District” to allow for multi-family and elderly residential uses. A separate housing “cap” of 246 units was approved for the new district. The location of Vicksburg Square complements the locations of Devens’ other residential districts, creating a “ring” of residential uses around Rogers Field.”;

by inserting “originally allowed” into the first sentence of the third paragraph so that the first sentence of the third paragraph shall now read:

“In order to accommodate the needs of a broad range of income groups, and to ensure the stability of the residential core, approximately twenty-five (25%) of the originally allowed 282 units to be reused or constructed under the Reuse Plan will be reserved for low and moderate income individuals or families, and/or special needs populations.”;

by inserting a new second sentence to the third paragraph which shall read as follows:

“Affordable residential units developed in the Vicksburg Square Redevelopment District shall be credited to the achievement of this twenty-five (25%) commitment.”;

by deleting “balance between” from the last sentence of the third paragraph, by inserting “mixture of” in the last sentence of the third paragraph, and by inserting “and that the historic and current use of Devens has special importance to members of the public who are (i) veterans of the various branches of the U.S. Military Services; (ii) spouses or widows or widowers of such veterans; (iii) active members of the U.S. Military Services; and (iv) spouses of active U.S. Military Service members” in the last sentence of the third paragraph so that the last sentence of the third paragraph shall now read as follows:

“It is recognized that the success of the residential reuse is dependent on a mixture of market rate and the affordable/special needs populations, and that the historic and current use of Devens has special importance to members of the public who are (i) veterans of the various branches of the U.S. Military Services; (ii) spouses or widows or widowers of such veterans; (iii) active members of the U.S. Military Services; and (iv) spouses of active U.S. Military Service members.”; and

by inserting a new last sentence to the fourth paragraph which shall now read as follows:

“At Vicksburg Square, this goal may be served by the conversion of the former theater building to cultural and community uses.”

5. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, section entitled Zoning and Resource Protection Overlay Districts, by inserting a new subsection entitled

“Vicksburg Square Redevelopment District” which shall read as follows:

“Recognizing the importance of Vicksburg Square to the Devens Regional Enterprise Zone as a whole, the goal of the Vicksburg Square Redevelopment District is to facilitate the redevelopment of the historic Vicksburg Square structures by allowing for a broad range of uses including office uses; certain types of light industrial and research and development uses; cultural facilities; academic, institutional, and civic uses; “small-scale retail: accessory use”; multi-family residential dwellings; elderly housing; and business incubator uses.”

6. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, section entitled Zone Districts Goals and Objectives, by inserting a new subsection entitled “Vicksburg Square Redevelopment District” which shall read as follows:

“Goals and Objectives

- Preserve the historic Vicksburg Square buildings through adaptive reuse
- Provide for a range of allowed uses

Example Uses

- Office
- Research & Development
- Cultural
- Nursing Home, Elderly Housing
- Academic/Institutional/Civic
- Multi-Family Residential
- Incubator”

7. In The Devens By-Laws, Chapter V, Zoning Districts and Zoning Map, section A, Zoning Districts and Development Goals – General Description, by replacing the number

“14” in the second sentence of the first paragraph with the number “15” so that the second sentence of the first paragraph shall now read as follows:

“The description of the development goals applicable to each zoning district are listed in subparagraphs 1 through 15 of this section A.”

8. In The Devens By-Laws, Chapter V, Zoning Districts and Zoning Map, section A, entitled Zoning Districts and Development Goals – General Description, subsection 13 entitled Innovation and Technology Center, by inserting “Rogers Field, specifically excluding” and “(see Section V.A.15, Vicksburg Square Redevelopment District” into the first sentence of the first paragraph so that the first sentence of the first paragraph shall now read as follows:

“Locations: Area designated on the Zoning Map in the vicinity of Rogers Field, specifically excluding Vicksburg Square (see Section V.A.15, Vicksburg Square Redevelopment District).”

9. In The Devens By-Laws, Chapter V, Zoning Districts and Zoning Map, section A, entitled Zoning Districts and Development Goals – General Description, by inserting a new subsection 15 entitled “Vicksburg Square Redevelopment District” which shall read as follows:

“15. Vicksburg Square Redevelopment District

- a. Location: Area designated on the zoning map.
- b. Development Goals: Recognizing the importance of Vicksburg Square to the Devens Regional Enterprise Zone as a whole, the goal of the Vicksburg Square Redevelopment District is to facilitate the redevelopment of the historic Vicksburg Square structures by allowing for a broad range of uses including office

uses; certain types of light industrial and research and development uses; cultural facilities; academic, institutional, and civic uses; accessory retail; multi-family residential dwellings; elderly housing; and business incubator uses.

The existing footprints and shells of the existing structures within the district: Allen Hall, Hale Hall, Knox Hall, Revere Hall, Bataan Corregidor Memorial Hall, the former firehouse, and the State Police Building, shall not be expanded; provided, however, that minor additions outside of the existing footprint and shell of these existing buildings are allowed to accommodate improvements required to improve building access and/or circulation and to meet building code or public safety requirements. The State Police Building may be demolished in order to facilitate the redevelopment of Vicksburg Square.

There shall be a deed restriction (which may be imposed in phases, as property is conveyed for development) for the Vicksburg Square Redevelopment District which shall address the affordable housing component of the Vicksburg Square Redevelopment District.

In accordance with a Memorandum of Agreement between MassDevelopment and the developer of Vicksburg Square, as a condition of the conveyance of Vicksburg Square for residential development, there shall be imposed a regulatory agreement upon the conveyed property having a term of at least thirty (30) years, which shall provide for affordable housing restrictions, and may provide for additional matters which will encourage the

redevelopment of Vicksburg Square as a financially viable and socially and economically diverse community.

Units must be subject to an Affirmative Fair Marketing and Resident Selection plan that meets DHCD requirements for such plans.”

10. In The Devens By-Laws, Chapter V, Zoning Districts and Zoning Map, section B, entitled Zoning Map, by deleting “official Zoning Map of” from the first paragraph, by inserting “Zoning Districts and Zoning Map” to the first paragraph, and by replacing the date “November 14, 1994” with the date “October 5, 2011” in the first paragraph, so that the first paragraph shall now read as follows:

“The Devens Zoning Districts and Underlying Federal Uses map dated October 5, 2011, is adopted and incorporated herein as Exhibit A. The zoning Map shall be maintained by the Commission.”
11. In the Devens By-Laws, Chapter VI, Permitted Uses, section A entitled General Land Use Categories, subsection 3 entitled Use Categories, by replacing the word “eight” with the word “six” and by replacing the numeral “8” with the numeral “6” in the first sentence of paragraph k and by inserting “multi-family dwellings (containing in excess of six (6) units, only allowed within the Vicksburg Square Redevelopment District)” into the first sentence of paragraph k so that the paragraph shall now read as follows:

“The residential use type refers to the following activities: single and two family dwellings; multi-family dwellings (containing three (3) to six (6) units); multi-family dwellings (containing in excess of six (6) units, only allowed within the Vicksburg Square Redevelopment District); nursing homes and congregate or life care facilities with a permanent health care component; housing for the elderly, including retirement communities and shared living developments; active and

passive recreation facilities; and professional offices and service businesses as accessory uses or home occupations where allowed in particular districts.”

12. In the Devens By-Laws, Chapter IX, Density and Dimensional Requirements, section entitled Residential Density, by inserting “exclusive of the Vicksburg Square Redevelopment District. The total number of residential units to be allowed within the Vicksburg Square Redevelopment District shall not exceed two hundred forty-six (246).” at the end of the first paragraph so that the first paragraph shall now read as follows:

“The total number of residential units to be allowed within Devens shall not exceed two hundred and eighty-two (282) units, exclusive of the Vicksburg Square Redevelopment District. The total number of residential units to be allowed within the Vicksburg Square Redevelopment District shall not exceed two hundred forty-six (246).”

13. In the Devens By-Laws, Chapter IX, Density and Dimensional Requirements, section entitled Setback, by inserting “except in the Vicksburg Square Redevelopment District, in which the minimum setback shall be the lesser of such requirements, or the setback of the existing buildings therein, as the same may be improved by minor additions outside of the existing footprints and shells to accommodate improvements required to improve building access and/or circulation and to meet building code or public safety requirements.” at the end of the first sentence, so that the first sentence shall read as follows:

“Minimum setback requirements in Devens shall be as required by the Massachusetts State Building Code unless stricter standards are adopted in the Regulations, except in the Vicksburg Square Redevelopment District, in which the minimum setback shall be the lesser of such requirements, or the setback of the existing buildings therein, as the same may be improved by minor additions

outside of the existing footprints and shells to accommodate improvements required to improve building access and/or circulation and to meet building code or public safety requirements.”

14. In the Devens By-Laws, Exhibit A, Zoning Map, by replacing the zoning map dated November 17, 1994 with the revised map entitled “Devens Zoning Districts and Underlying Federal Uses” dated October 5, 2011, which revised map is attached hereto.

[ZONING MAP]

15. In the Devens By-Laws, Exhibit B, Density/Intensity Controls, by inserting after the end of the table the following:

“The Vicksburg Square Redevelopment District shall have the same Density/Intensity Controls as the Innovation and Technology Center District, except that in the Vicksburg Square Redevelopment District:

- (a) the Maximum FAR for Individual Lots & Users shall be 1.2, and
- (b) the Maximum Height for this District shall be 50’, except that the height of existing buildings may be maintained.”

16. In the Devens By-Laws, Exhibit C, Parking Schedule, by inserting the following at the end of the table:

“USE	REQUIRED PARKING
Multifamily Use In Vicksburg Square Redevelopment District*	1.5 spaces for 1 bedroom units; 2 spaces for 2 and 3 bedroom units
Culture/Community Uses in Vicksburg Square Redevelopment District*	2 spaces/1,000 square feet
Ancillary Uses in Vicksburg Square Redevelopment District*	2 spaces/1,000 square feet

*Parking within the Vicksburg Square Redevelopment District may be located on private streets within the Vicksburg Square Redevelopment District, and may be located on any lot or lots within the Vicksburg Square Redevelopment District by means of easements between lots.”

17. In the Devens By-Laws, Exhibit D, Table of Permitted Uses, by inserting the following at the end of the table:

“The Vicksburg Square Redevelopment District shall have the same permitted, accessory, and not allowed uses as the Innovation and Technology Center District, except that in the Vicksburg Square Redevelopment District, “Multi-Family Dwelling (7 or more units)” and “Elderly Housing” shall be permitted.”

The following motion was made by Peter Warren, 52 Lancaster County Road, Board of Selectmen, and seconded,

I move that the Town of Harvard vote to approve revisions to the *Devens Reuse Plan*, dated November 14, 1994, and to the *Devens By-Laws*, dated November 18, 1994, for the Devens Regional Enterprise Zone as printed in the March 28, 2012 Special Town Meeting warrant.

Prior to open discussion, statements were made by the following people: Timothy Murray, Lt. Governor; Gregory Bialecki, Secretary of the Executive Office of Housing and Economic Development; Ed Starzec, MassDevelopment; James Keefe, Trinity Financial; Marie Sobalvarro, chair of Board of Selectmen (board had a split vote against the article); Keith Cheveralls, chair of School Committee (board had no position); Joseph Connelly, Interim Superintendent of Schools; Kara Minar, chair of Planning Board (board voted against article); Marie Fagan, chair of Finance Committee (board had no position); and Victor Normand, chair of Devens Economic Analysis Team.

A motion by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded, to take no action, was voted majority no.

A motion to move the question was seconded and voted majority yes.

Voted majority **NO** to approve revisions to the *Devens Reuse Plan*, dated November 14, 1994, and to the *Devens By-Laws*, dated November 18, 1994, for the Devens Regional Enterprise Zone as printed in the March 28, 2012 Special Town Meeting warrant.

The meeting was dissolved at 8:50 p.m.

Checkers for the meeting were Abbe Alpert, Nancy Cronin, Steve Cronin, and Patti Anklam. They checked in 517 voters out of a total of 4058 registered voters (3788 active voters).

Respectively submitted,

Janet A. Vellante
Town Clerk