

SECOND DRAFT

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2006 Devens By-Laws

Prepared by:

The Devens Disposition Executive Board

In association with:

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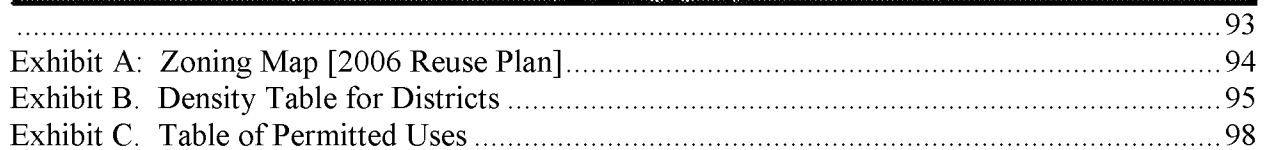
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Table of Contents

Table of Contents.....	3
ARTICLE I: GENERAL PROVISIONS	6
A. Authority	6
B. Purpose	6
C. Legal Relation Among the By-Laws, Reuse Plan, and Commission Regulations.....	6
D. Effective Date of By-Laws	7
E.D. Severability	7
ARTICLE II. ADMINISTRATION OF THE DEVELOPMENT OF DEVENS.....	8
E. Composition of Commission. Meetings. Notice of Meetings and Public Hearings. Quorum. Voting. Minutes of Meetings. Decisions of Commission. and Subcommittees	8
F. Powers and Responsibilities of the Commission	11
G. Commission's Enforcement Powers	12
H. Commission's Public Safety and Public Health Obligations	13
I. Land Use Administrator/ <i>Director</i> , Staff, Consultants.....	14
ARTICLE III. PERMITTING PROCEDURES	16
A. General Provisions	16
B. Event Permit.....	16
C. Development Permit.....	16
D. Levels of Review.....	17
E. Contents and Procedure Applicable to a Development Permit Application.....	18
F. Innovative Development Options for Level Two Development Proposals	20
F. <i>Parks and Public Infrastructure Map ("PPIM")</i>	21
G. <i>Planned Design Areas ("PDA")</i>	21
H. G. Reuse of Existing Buildings.....	22
I. H. Site Plan Review.....	23
J. I. Site Plan Requirements.....	24
K. J. Fees and Fines.....	25
L. K. Visual Impact of Buildings in Viewsheds.....	25
M. L. Earth Removal Permit	26
ARTICLE IV. VARIANCES, INTERPRETATIONS, RECONSIDERATION, APPEALS.....	28
A. Variances	28
B. Interpretations	28
C. Request for Reconsideration by an Applicant or an Aggrieved Person	29
D. Request for Reconsideration by Town	29
E. Procedure for Reconsideration.....	29
F. Appeal of the Commission's Actions	30
ARTICLE V. ZONING DISTRICTS AND ZONING MAP	31
A. Zoning Districts and Development Goals — General Description.....	31
a. <i>Purpose and Intent</i>	43
B. <i>Special Site Development Standards for Shirley Village Growth Residential, Low Impact Development Residential, Walker Road Business, and Front Street Commercial Districts; General Requirements.</i>	48
C. Zoning Map.....	49

ARTICLE VI. PERMITTED USES	51
A. General Land Use Categories	51
B. Accessory Uses	57
C. Prohibited Uses	58
D. Exempt Uses	58
E. Interim Agricultural Uses	58
F. Hazardous Waste Facilities	59
ARTICLE VII. NONCONFORMING USES AND STRUCTURES	59
ARTICLE VIII. SUBDIVISIONS	61
A. General	61
B. Subdivision Regulations	61
ARTICLE IX. DENSITY AND DIMENSIONAL REQUIREMENTS	63
A. General	63
B. Specific Requirements	63
C. Height Limitations	63
D. Floor Area Ratio	64
E. Residential Density	64
E. F. Frontage	65
F. G. Setback	65
ARTICLE X. ESTABLISHMENT OF FLOODPLAIN, WATER RESOURCES PROTECTION, AND HISTORIC DISTRICTS	66
A. Overlay Districts	66
B. Floodplain Protection Districts	66
C. Water Resources Protection Districts	66
D. Historic Districts	66
ARTICLE XI. WATER RESOURCES PROTECTION REQUIREMENTS	68
A. Objectives	68
B. General Guidelines	68
C. Rail, Industrial, Trade-Related <i>and Barnum Road</i> Zoning Districts	69
D. General Design/Planning Provisions	70
E. Operational Activities	74
ARTICLE XII. WETLANDS PROTECTION	80
A. Objectives	80
B. General Provisions	80
C. Specific Provisions	80
ARTICLE XIII. SIGNS	82
ARTICLE XIV. PARKING	83
A. Parking Regulations	83
B. Number of Spaces Required	83
C. Parking Requirements in the Innovation and Technology Center Zoning District	86
ARTICLE XV. SUBSTANTIAL REVISIONS TO THE REUSE PLAN AND BY-LAWS	87
ARTICLE XVI. DEFINITIONS	88
Exhibit A: Zoning Map [1994 Reuse Plan]	93



How to Read the Draft Zoning Bylaw document

1. Legislative Format. The draft bylaw uses special formatting to highlight the changes that are being made. Text that is ~~struck through~~ is existing text that is proposed for deletion. Text that is in *italics* is new language proposed for inclusion.
2. Why are some dates missing? You will notice that there are some blanks, especially relative to dates or the official title of legislation because the Devens Disposition legislation is still in process. These dates will be filled in for the Public Hearing version of the Zoning Bylaw.
3. Look for helpful explanations. You will notice text in a special format – “**Comic Sans**” font and shaded. This indicates “Commentary” that is not part of the Zoning Bylaw, but is explanation of the text *immediately preceding* the shaded text. This “commentary” will NOT be part of the Bylaw Text voted on at Town Meeting, but may be a part of the report.
4. Disclaimer: The analysis, opinions, and recommendations contained in this Draft Zoning Bylaw document are solely those of the authors and do not represent the official policy or position of the DDEB, MassDevelopment, Devens Enterprise Commission or any of the Devens disposition stakeholders. This report is being submitted to the Public as a step in the Devens Disposition process and is intended as a guidance document to assist local communities to review the proposed Devens Zoning Bylaw.
5. What should you look for in reviewing this draft? For those not familiar with Zoning Bylaws, it may seem like a daunting task. It is not the sort of document you read from cover to cover, like a report. Instead, Zoning Bylaws are reference documents that contain organized sets of standards and rules of procedure. One way to approach the text is to think about a specific property – for example, a or area that you find on the Zoning Map (see Exhibit A). Then look up the zoning district of that property (Article V). This article will tell you what the development goals are for that district. Flip to Exhibit C, to get a list of the land “uses” that are allowed in that district. Article VI includes a detailed explanation of what certain use categories mean. Then you may think about what rules and process you need to follow if you wanted to build something in that district. Article IX and Exhibit B include pertinent standards (e.g. how many housing units on what size lots) and maximum height, etc. Article III explains the permit process.

ARTICLE I: GENERAL PROVISIONS

A. Authority

1. These By-Laws, hereinafter the "By-Laws," shall be known and may be cited as the Zoning By-Laws of the Devens Regional Enterprise Zone (*the DREZ*) established pursuant to Chapter 498 of the Acts of 1993 *as amended and Chapter ____ of the Acts of 2007* (the "Act"). ~~as adopted by the Towns of Ayer, Harvard, and Shirley (the "Original Towns"), (ii) the Massachusetts Government Land Bank (the "Land Bank"), and (iii) the Division of Capital Planning and Operations ("DCPO").~~
2. The By-Laws are adopted pursuant to the legal authority provided by the Act.

B. Purpose

The Reuse Plan, By-Laws, and Regulations shall govern land development activities within ~~Devens~~ *the DREZ*. The By-Laws establish objectives, policies, and standards to promote the expeditious and orderly conversion and redevelopment of **Fort Devens** for primarily civilian uses, including, but not limited to, industrial, commercial, residential, recreational, and conservation uses; and for the development of public facilities, utilities, and infrastructure necessary to support those uses.

This draft uses the term Devens Regional Enterprise Zone (DREZ) in place of the term "Devens" in the existing By-Laws. This makes it clear that the regulations apply throughout the entire DREZ area, and not just the area slated to become the Town of Devens. The Reuse Plan, By-Laws and Regulations mean those that are amended in 2006.

C. Legal Relation Among the By-Laws, Reuse Plan, and Commission Regulations

3. Reuse Plan

The Act requires the development and approval of both a Reuse Plan, hereinafter the "Reuse Plan," and the By-Laws. As provided in the Act, the Reuse Plan describes the physical characteristics of ~~Devens~~ *the DREZ*, including, but not limited to, existing buildings, utilities, roads, and environmental features. The Reuse Plan also describes the planning process that has resulted in the identification of various preferred reuses of ~~Devens~~ *the DREZ* and the methods and procedures by which the reuse of ~~Devens~~ *the DREZ* will proceed. The Reuse Plan, when read in concert with the By-Laws, establishes a comprehensive plan for the reuse of ~~Devens~~ *the DREZ*.

4. By-Laws

As provided in the Act, the By-Laws furnish the legal foundation and procedural structure for the implementation of the planning and reuse goals and objectives set forth in the Reuse Plan. The By-Laws (i) identify the various zoning districts and overlay districts and land uses and range of activities that will be permitted in each of the zoning

and overlay districts; (ii) establish measures of density and intensity for development allowable in each zoning district and in each overlay district; and (iii) establish the general procedures through which the By-Laws will be administered.

5. Commission Regulations

As provided in the Act, the Commission shall develop and adopt and amend as necessary a comprehensive and detailed set of land-use regulations, hereinafter the "Regulations". The Regulations shall be consistent with the By-Laws and shall provide additional substantive and procedural controls over the reuse of ~~Devens~~ *the DREZ*. The Regulations shall contain detailed land-use controls, including, but not limited to, site design standards, subdivision control standards, watershed and water resource protection standards, standards and procedures required to ensure full compliance with state wetlands protection laws, and historic district regulations. The Regulations shall contain administrative, procedural, and enforcement provisions to be utilized by the Commission for the implementation of the Reuse Plan and By-Laws. The Regulations shall also incorporate the streamlined permitting process established by the By-Laws. ~~The Commission may adopt and enforce interim regulations, which may include existing regulations of the Towns, consistent with the By-Laws~~

Commission Regulations refers to the DEC Rules and Regulations. These have been adopted by the DEC and will be amended to the extent necessary to remain consistent with the By-Laws and 2006 Reuse Plan. Many of the procedures and specific standards described generally by the Zoning By-Laws are contained in the Regulations.

D. ~~Effective Date of By-Laws~~

~~The By-Laws shall be effective within thirty (30) days from the date on which the last of the Towns approves the Reuse Plan and By-Laws. The town clerk in each Town shall provide a written notification to the Land Bank stating the results of the town meeting vote on the Reuse Plan an By-Laws.~~

Effective date. This provision is deleted to simplify the By-Laws. The effective date will be 90 days from adoption of the legislation by the state Legislature.

E.D. Severability

The provisions of the By-Laws are severable and if any of its provisions shall be held unconstitutional or otherwise unenforceable by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

ARTICLE II. ADMINISTRATION OF THE DEVELOPMENT OF DEVENS

E. Composition of Commission. Meetings. Notice of Meetings and Public Hearings. Quorum. Voting. Minutes of Meetings. Decisions of Commission. and Subcommittees

1. The Commission shall be comprised of ~~seventeen~~ twelve commissioners who shall be appointed and *shall* serve in accordance with the provisions of section ___ 9 of the Act.
2. 3. The Commission shall establish a regular meeting schedule for purposes of reviewing, evaluating, and acting upon matters within the scope of its authority, as set forth in the By-Laws.
3. 4. The meetings of the Commission shall be governed by the Open Meeting Law, G.L. c 30A sections 11A and 11A1/2 39 sections 23A and 23B. Meeting notices shall be posted of the office of the Commission. Whenever feasible, the agenda for each Commission meeting will be available in advance of the meeting.
5. ~~The Commission shall provide written notice to the clerk of each of the Town where a development project is proposed for immediate posting, at least seven (7) days prior to the date on which a meeting of the Commission is scheduled to take place. Meetings shall be held within the boundaries of the Devens Regional Enterprise Zone, unless otherwise agreed to by the Commission for a particular meeting.~~
4. 7. ~~The Commission shall keep minutes of all Commission meetings. Minutes shall be kept of all Commission Meetings.~~
5. 8. The Commission's records, where defined as Public Records pursuant to G.L. c. 4 section 7, shall be subject to disclosure, as provided in G.L. c. 66 section 10.
6. 9. ~~The chairman of the Commission may appoint from among its members, one (1) or more subcommittees to assist the Commission in carrying out its powers and responsibilities. Efforts shall be made to assure that subcommittees reflect representation from the three (3) member Original Towns and Devens,~~ wherever feasible and appropriate.
7. 6. Wherever the By-Laws require the Commission to hold a public hearing, the Commission shall send the notice required by G.L. 39 sections 23A and 23B to the clerks of each of the Towns where the development project is located. The Commission shall also cause notice of the hearing to be given by publication in

a newspaper of general circulation in the town where the development project is located, once a week for two (2) successive weeks, with the first publication being not less than fourteen (14) days prior to the date of such public hearing.

8. ~~14.~~ The Commission shall notify all abutters to a proposed development project as to the time and place of any Commission hearing scheduled to consider a Level Two Development Permit application on such project. Abutters shall be defined as all real property owners whose property lies within three hundred (300) feet of the boundaries of such project. Notice shall be sent by mail, postage prepaid. Documents related to such hearing shall be made available for inspection in the office of the Commission or at another designated location. The Commission may accept a waiver of notice from or an affidavit of actual notice to any person entitled to notice hereunder.
9. *Panel and Voting for Level Two Development Permits, amendments to a Park and Public Improvement Plan ("PPIM"), Reconsiderations of Level Two Development Permits and Variances: The panel (which is also the quorum) of the Commission required for a vote on Level Two Development Permits, amendments to the PPIM, Reconsiderations of Level Two Development Permits and Variances shall be five (5) of the eight (8) members entitled to vote on a Level Two Development Permit. The members entitled to vote on a Level Two Development Permit shall be eight Commissioners, including the four commissioners from the town where the development project is located, the Voting Commissioner from each of the other three towns and the Chair. A majority vote of the panel of eight commissioners is required to approve a Level Two Development Permit, amendments to a Park and Public Improvement Plan ("PPIM"), Reconsiderations of Level Two Development Permits and a Variance. In the event this panel cannot be constituted at a particular scheduled hearing, the Commission Chair shall appoint other Commissioners to serve on the panel in the following priority order: the Associate Commissioner from the town where the proposed activity or use will be located, the alternate Voting Commissioners from the other towns, and then any other commissioner.*

Subsections 8 and 9 of Section A of Article II will take effect at the Devens Incorporation Date (July 1, 2010). Until 7/1/10 Article II of the current By-Law applies and will be re-inserted into this text in the next draft. Article II has been reorganized and amended to incorporate the quorum and voting requirements of the proposed legislation. The definitions section now includes a definition of Voting Commissioner.

This section is reorganized and amended to clarify the quorum and voting eligibility for various situations. The definitions section now includes a definition of Voting Commissioner. This section is updated to reflect the membership of the DEC based on the location of the development action.

10. *Votes required for Adopting and Amending Regulations: An affirmative vote of at least eleven Commissioners is required for adopting or amending the Regulations.*
11. *Votes required for a determination of what constitutes Substantial Development as set forth in section ___ of the Act.*
12. Except as provided in the Act or herein, any other action of the Commission shall be taken by majority vote of the *Commissioners* ~~quorum~~ then present at a meeting. Approval
 - a. ~~In the event a Town votes to discontinue its representation on the DEC the quorum of the Commission required for a vote on a Level Two Development Permit shall be six Commissioners, including the three Commissioners from the Town where the development project is located, the Voting Commissioner from each of the other two towns and the Chair. A majority vote of the members in attendance is required to approve a Level Two Development Permit. Because a quorum is six, a minimum of four Commissioners is required for a vote to approve~~
13. *In the event that one of the Original Towns or Devens elects to withdraw from the DREZ the panel required to vote on a Level Two Development permit or a Variance shall be as set forth in Section 19(d) of the Act.*
14. 40. Upon receipt of a Level Two Development Permit application, the Commission shall send one (1) copy each of such application and completed plan submission package to the boards of selectmen and planning boards of each of the town in which the *development* project is located. The selectmen and planning boards shall be invited to attend and offer testimony at any public hearings scheduled by the Commission to consider a Level Two Development Permit application. Within thirty (30) days of receipt of a Level Two Development Permit application, the board of selectmen and the planning boards may submit to the Commission its written comments concerning the proposed development project, accompanied by a listing of their concerns and issues regarding the application.
15. 42. —. Town officials other than the boards of selectmen of the town in which the development project is located ~~and planning boards~~ may also attend, offer testimony, and provide the Commission with correspondence regarding any Level Two Development Permit application. Similarly, any private citizen of the town in which the development project is located may submit written or oral testimony to the Commission regarding a Level Two Development Permit application.
16. 43. The Commission shall not terminate the public hearing on either an application for a Level Two Development Permit or an application for a variance until thirty (30) days have expired since the receipt of either such completed application. The Commission, with the consent of the applicant, may agree to an

extension of the public hearing period of up to thirty (30) additional days. The Commission shall render its decision on an application for a Level Two Development Permit or an application for a variance within thirty (30) days after the termination of the public hearing.

14. ~~The Commission, the Land Bank MassDevelopment and the boards of selectmen of the towns of Ayer, Harvard and Shirley, with the advice of the planning boards of said towns, on or about July 1, 2000, and every five (5) years thereafter (or prior thereto, with the consent of all parties named above, upon the occurrence of special circumstances), shall conduct progress reviews of the status of the redevelopment effort at Devens, which reviews shall include, without limitation, assessments of employment base, employment income, land resources expended, land costs, infrastructure implementation and investment, including an assessment of future investments needed and the timing thereof, other costs, tax base, superfund clean-up issues, traffic and other impacts both internal and external to Devens. These progress reviews shall be summarized in a written report, and are intended to offer to all participating parties a long term overview and perspective for assessing progress to date, lessons learned and adjustments that may be needed.~~

F. Powers and Responsibilities of the Commission

1. As provided in the Act, the Commission shall amend ~~develop and adopt~~ Regulations that are consistent with the Reuse Plan and these By-Laws. ~~by July 14, 1995, provided, however, that the Commission shall adopt the portion of the Regulations establishing reasonable performance standards for lighting, noise, odors, vibration, electrical disturbance, emissions, buffers and similar environmental considerations, hereinafter the "performance standards," by the earlier of May 1, 1995, or the date of the issuance by the Department of the Army of the Record of Decision for the Fort Devens Environmental Impact Statement. The portion of the performance standards relating to the effects of lighting, noise, odors, vibration, electrical disturbance on areas outside of the boundaries of Devens shall be prepared by the Commission, with the assistance of Land Bank staff, and shall be submitted to the Joint Boards of Selectmen of the Towns and the Board of Directors of the Land Bank for review and approval, which approval shall not be unreasonably withheld or delayed. Approval by the Joint Boards of Selectmen shall be by unanimous vote. This portion of the performance standards shall not be effective until such time as they are approved by the Joint Boards of Selectmen and the Land Bank, as provided above.~~
2. The Commission shall ensure that development and use of land at Devens *in the DREZ* is carried out in compliance with the Act, the Reuse Plan, these By-Laws, and the Regulations.
3. The Commission shall administer and enforce the Reuse Plan, these By-Laws, and the Regulations within the boundaries of the *DREZ* ~~Devens Regional~~

~~Enterprise Zone~~. Areas outside these boundaries shall remain entirely within the jurisdiction of the Towns and shall continue to be administered by officials of the Towns in accordance with the municipal laws and regulations applicable to the Towns.

4. The Commission shall have the powers conferred upon it by section ___ of the Act and the By-Laws.

G. Commission's Enforcement Powers

1. In accordance with section ___ of the Act, the Commission is obligated to administer and enforce the Reuse Plan, By-Laws, and Regulations.
2. The Commission shall enforce the Reuse Plan, By-Laws, and Regulations by exercising the enforcement powers granted to the Commission pursuant to section ___ of the Act:
 - a. the power to withhold building and occupancy permits;
 - b. the power to assess penalties for violation of the Reuse Plan, By-Laws, or Regulations in amounts no more than three hundred dollars (\$300.00) per day, per violation, provided that each day such violation continues shall constitute a separate offense;
 - c. the power to institute actions in Court to compel the removal, alteration, or relocation of any structure that violates the Reuse Plan, By-Laws, or Regulations;
 - d. the other enforcement powers available to the Commission, pursuant to G.L. c. 40 A section 7;
 - e. the enforcement powers available to a zoning board of appeals, pursuant to G.L. c. 40 A section 14;
 - f. the power to require security for the construction of ways and municipal services to a subdivision, as provided in G.L. c. 41 section 81 U;
 - g. the powers available to enforce the subdivision-control sections of the By-Laws and Regulations, as provided in G.L. c. 41 sections 81 K-81GG;
 - h. the powers available to the Commission to enforce the Historic District Acts, as provided in G.L. c. 40 C;
 - i. the powers provided to the Commission to make and enforce reasonable public health regulations, as provided in G.L. c. 111 sections 31 through 31 F, including, but not limited to, the issuance of permits and the assessment of fines related to the violation of the By-Laws and Regulations, including the removal and transport of garbage or other offensive substances, atmospheric pollution, disposal of cesspool and septic-tank waste, and the construction, maintenance, and alteration of certain sewage disposal systems; and
 - j. the other powers expressly and impliedly conferred upon the Commission pursuant to the Act, provided, however, that nothing in the By-Laws shall purport to limit the right of a state agency to

exercise its statutory right to review the action of the Commission, whether in the areas of wetlands protection, preservation of historic buildings, or in other areas required by law.

3. Except as otherwise provided to the contrary in the Act, the Commission *may* ~~shall~~ establish in the Regulations specific procedures and controls necessary to *effectuate* ~~regulate~~ the municipal powers enumerated in G.L. c. 40 section 21, and such Regulations shall include enforcement provisions, including the assessment of fines and penalties, for breach of such Regulations, provided that such fines shall be recovered by criminal or noncriminal dispositions, as provided in G.L. c. 40 section 21 D.
4. The Commission shall enforce the provisions of the "Wetlands Protection Act," G.L. c. 131 section 40 and regulations promulgated thereunder, in the same manner and to the same extent as a local conservation commission, and in so doing may issue orders directing compliance with said section 40 and may undertake other enforcement actions authorized by law.
5. The Commission or the Land Use ~~Administrator~~ *Director* shall *not withhold* ~~issuing~~ a building, occupancy, or Development Permit for the construction, alteration, or moving of any building or structure if the building or structure, as constructed, altered, or moved, would be in violation of the Reuse Plan, By-Laws, or Regulations.
6. No permit shall be granted by the Commission or the Land Use ~~Administrator~~ *Director* for a new use of a building, structure, or land which use would be in violation of the Reuse Plan, By-Laws, or the Regulations.
7. If the Commission is requested in writing to enforce the Reuse Plan, By-Laws, or the Regulations against any person allegedly in violation of same and the Commission declines to act on such request, the Commission shall notify the party requesting such enforcement of any refusal to act and the reasons therefor, in writing, within fourteen (14) days of receipt of such request.
8. The Commission may commence an action in Superior Court *or other judicial or administrative body* to compel enforcement of its actions or orders relating to matters within the Commission's jurisdiction, pursuant to the Act, the Reuse Plan, By-Laws, or the Regulations.

H. Commission's Public Safety and Public Health Obligations

1. The Commission shall establish in the Regulations the standards and procedures through which it will carry out its obligations under section ___ of the Act to conduct inspections and enforce the provisions of the state building code, wire code, plumbing and gas code, sanitary code, fire code, and the code regulating the operation of elevators.

2. The Commission shall likewise establish in the Regulations the standards and procedures through which it will carry out its obligations under section __ of the Act to conduct inspections and protect the public health in *the DREZ Devens*.
3. The Commission shall establish in the Regulations reasonable fees for permitting and carrying out inspections related to enforcing its obligations under the foregoing paragraphs 1 and 2, and shall assess fines for the violation of the public safety and public health standards described in the Regulations.
4. In order to carry out its obligations to administer and enforce the public safety and public health standards contained in the General Laws and the Regulations, the Commission may adopt any one or a combination of the following administrative options:
 - a. establishment of a department of inspections under the direct control of the Commission;
 - b. contracting for inspection services, provided that the Commission will retain the responsibility for the contractor's actions; or
 - c. designation of the division of public safety as the public agency that will oversee the issuance of permits related to public safety issues and perform related inspections, and designation of the department of public health as the public agency that will oversee the issuance of permits related to public health issues and perform related inspections.

I. Land Use Administrator *Director*, Staff, Consultants

1. The Commission shall appoint a Land Use ~~Administrator~~ *Director* to promote the efficient administration of the Act, the Reuse Plan, the By-Laws, and the Regulations. Such *Director* shall have substantial professional experience involving planning, land use control, and development issues. The ~~Administrator~~ *Director* may assist the Commission in the review and evaluation of applications for development permits and licenses authorized under the By-Laws and Regulations and may have other obligations as provided herein. The Commission may employ other staff, including a full or part-time environmental compliance officer with substantial credentials in environmental science or related subjects, and consultants to assist in carrying out its duties.
2. The Commission may, by regulation and with such conditions as it deems appropriate, delegate to the Land Use ~~Administrator~~ *Director* the Commission's responsibilities for administering and enforcing the By-Laws, including the power to issue building, occupancy, and other permits and licenses.
3. The Commission may, by regulation and with such conditions as it deems appropriate, delegate to the Land Use ~~Administrator~~ *Director* the power to execute any documents on behalf of the Commission, for the purposes of acknowledging or endorsing on such documents the Commission's prior approval of the information contained on such documents.

4. Any person, Town official, or Town board may appeal any determination of the Land Use ~~Administrator~~ *Director* to the full Commission, as set forth in Article IV sections C, D, or E.

ARTICLE III. PERMITTING PROCEDURES

A. General Provisions

1. The Commission shall adopt in the Regulations, rules, and standards consistent with the By-Laws and the Act to ensure the orderly review, issuance, and enforcement of development permits for the construction upon or use of land within the DREZ

B. Event Permit

1. The Commission may grant an event permit to authorize a short-term activity within *the DREZ* ~~Devens~~, for an event not to exceed fourteen (14) consecutive days in length, such as participatory sports, family entertainment, outdoor markets, concerts, and special events.
2. The Commission shall establish in the Regulations requirements for the granting of an event permit. Any application for an event permit shall include information relating to the potential impact that such event will have on traffic, sensitive environmental resources, public health, and public safety issues within *the DREZ* ~~Devens~~ and the Towns. Prior to the issuance of an event permit, the Commission shall consult with both the selectmen and the police chief of the Town in which the event is to be held.
3. An event permit shall not be deemed necessary if a property owner or business intends to hold a one (1) day promotional event on its land within *the DREZ* ~~Devens~~.

C. Development Permit

1. The Commission shall develop a single development permit application form and procedure to provide for the issuance of a unified development permit, hereinafter a "Development Permit," which will include provisions for all the land use approvals required by an applicant to develop land *in the DREZ* ~~at Devens~~. Upon approval of a unified Development Permit application, the applicant shall be issued a single Development Permit by the Commission. The application form and procedure for such permit shall incorporate all aspects of any permits or licenses required by an applicant to develop land *in the DREZ* ~~at Devens~~, including the subdivision of land, the issuance of building and occupancy permits, zoning approval, site plan review, determination of applicability or an order of conditions under the Massachusetts Wetlands Act, design approval in designated historic districts, public health permits, and any other permits or licenses within the authority of the Commission. The Commission shall hold concurrent public hearings whenever feasible to consider the various aspects of a development

application. Upon approval of such application, the applicant shall be issued a single Development Permit by the Commission.

D. Levels of Review

1. In order to administer the development permitting process in a manner that will ensure an appropriate level of evaluation and review consistent with the scope and complexity of each proposed project, there shall be at least two levels of application review, consisting of one level, hereinafter "Level One," for relatively simple submissions, as further described hereafter, and a second level, hereinafter "Level Two," for more complicated or higher impact submissions.
2. An application for a Development Permit shall be deemed Level One in the following cases:
 - a. issuance of building or occupancy permit, wherein no other Commission action or site plan review is required;
 - b. issuance of a permit for alteration or creation of a lot for any of the following purposes: revision of lot lines, division of a lot containing two (2) buildings into two (2) lots with separate buildings, and division of a single lot unimproved by a building into two (2) or more smaller lots; provided, however, that in any event all resultant lots shall comply with the frontage requirements in Article VIII and said frontage shall be on a way which the Commission certifies is used and maintained as a public way;
 - c. approval of minor modifications to an already approved site plan consistent in scope with the following examples: a change to a more desirable variety of landscape material; a shift of less than eight (8) feet in building placement on the lot, for siting reasons; a shift in site utility connections, in order to provide improved hookup to the public system or to avoid a natural constraint; an adjustment of not more than three (3) feet in the width or location of a driveway entrance, in order to improve sight distance or to avoid a natural constraint; and similar adjustments required to facilitate a more functional site plan;
 - d. approval of minor architectural modifications of a structure within an historic district consistent in scope with the following examples: movement of less than six (6) inches in an approved window or door opening; modifications of less than two (2) total inches on an approved shutter or removable facade feature; shifts of less than one (1) foot of a staircase or existing canopy; modifications to approved signs involving less than ten (10) percent of the sign area; or reasonable modifications to sign placement for practical reasons;
 - e. issuance of a certificate of compliance under an order of conditions.

3. An application for a Development Permit shall be deemed Level Two in all other circumstances.
4. In accordance with the guidelines provided in the foregoing paragraphs 2 and 3, the determination as to whether a particular application should be classified as a Level One or a Level Two application shall initially be made by the Land Use Director and any challenge to that determination shall be determined by the Commission pursuant to Article II E. 4.

E. Contents and Procedure Applicable to a Development Permit Application

1. The Commission shall establish and adopt in the Regulations requirements for the submittal and review of Development Permits, which shall be consistent with the By-Laws and made available to the general public.
2. A Level One Development Permit may be approved by the Land Use Director: Within seven (7) days after the submittal of a Level One Development Permit application, the Land Use Director shall determine whether the Level One Development Permit application package is complete. If the Land Use Director fails to make such determination within the seven (7) day review period, the application shall be deemed complete. If a Level One Development Permit application is deemed incomplete, the Land Use Director shall, in writing, inform the applicant of the deficiencies in the application. Within twenty-one (21) calendar days of the Land Use Director's determination that an application is complete, a Level One Development Permit shall be issued or denied unless the applicant requests and the Land Use Director approves an extension of the twenty-one (21) calendar day period. The Land Use Director may request the applicant to approve an extension of the twenty-one (21) day review period. The Land Use Director shall furnish the Commission with a written summary of Level One Development Permits issued each month.
3. A Level Two Development Permit may be approved by the Commission, subject to the following procedures:
 - a. The applicant shall participate in a mandatory pre-permitting conference with the Land Use Administrator/*Director* and staff for the purposes of discussing the scope of the application, determining specific submission requirements, and defining the precise types of submissions required. The purpose is to provide for a simple and uniform procedure for exchanging basic information between the applicant and the Land Use Administrator/*Director*.
 - b. Within fourteen (14) days after the submittal of a Level Two Development Permit application, the Land Use Director shall determine whether the Level Two Development Permit application package is complete and in compliance with the By-Laws and Regulations. If deemed complete, the

Level Two Development Permit application shall be approved as to form and the application package shall be forwarded to the Commission for full review and consideration at a public hearing. If the Land Use Administrator/*Director* fails to make such determination within the fourteen (14) day review period, the application shall be deemed complete.

- c. If a Level Two Development Permit application is deemed incomplete, the Land Use Administrator/*Director* shall, in writing, inform the applicant of the deficiencies in the application. The Land Use Administrator/*Director* may, however, permit an application to move forward to the Commission for the commencement of the public hearing process, notwithstanding missing elements in the application package, provided they are submitted by a stipulated date.
 - d. Whenever the Commission determines that a proposed project presents special environmental considerations that have not been adequately addressed in the standard submissions by an applicant, the Commission may require the submission of additional technical or scientific data addressing those special environmental considerations, particularly those related to the protection of water resources described in Article X. The Commission may also request such data in regard to the quantity and nature of site-generated vehicular traffic (associated with the proposed development), if it deems that data provided under normal submission requirements is insufficient. If additional data is requested under this provision, the Commission shall establish reasonable time limits for the submission and review of such data, so as not to unnecessarily delay the application review process.
 - e. In no case shall a Level Two Development Permit be approved by the Commission until the application is complete and all requirements met, provided that submission by the applicant of information required for the issuance of the building permit portion of a Development Permit shall not be required until such time as the applicant has completed site plan review and the project is ready to proceed into construction.
 - f. A Level Two Development Permit may, upon the request of the applicant, be approved by the Commission to authorize the planning and development of land on a phased basis.
4. The Commission's meetings and public hearings shall follow the requirements for public notice and open meetings set forth in in Article II _____. Mandatory time limits for the Commission's review and hearing process shall be established in the Regulations.

5. The Commission shall include in the Regulations a schedule showing the period of time that approvals of various components of a Development Permit shall remain valid.

F. —Innovative Development Options for Level Two Development Proposals

1. — The Commission shall develop procedures in the Regulations that will be designed to encourage developers to propose projects that will utilize innovative development strategies, including, but not limited to, clustered development, condominium development, and planned unit development methods.
2. — The Commission may approve zero (0) lot line requirements, and other relief from the dimensional requirements of these By-Laws, as part of its review and approval of such innovative development strategies.
3. — In the Regulations, the Commission may establish special frontage, set back requirements, and other requirements that will apply to such innovative development proposals. Those requirements shall differentiate between developments that exceed twenty-five (25) acres in size ("Large Lot Developments") and developments that are less than twenty-five (25) acres in size ("Small Lot Developments").
4. — Submission Requirements
 - a. — Applicants proposing both Large Lot Developments and Small Lot Developments shall be encouraged to employ innovative site design and clustering techniques.
 - b. — Small Lot Developments should be designed in a manner that shows sensitivity to existing conditions and to the concerns of adjacent users. Proposers of small Lot Developments shall be required to submit information concerning the proximity of proposed buildings to adjacent lot lines; nature and extent of existing or proposed perimeter buffers on the lot and screening areas, as well as landscape plans; building elevation drawings; the location of loading areas and site access; and other representations involving visual impact on abutting users.
5. — The Commission may grant a Level Two Development Permit for projects that utilize innovative development approaches if it finds that the applicant has demonstrated the following:
 - a. — the development plan provides for uses permitted within the zoning district
 - b. — the development plan will be designed with due consideration for health and safety issues;
 - c. — the development plan is superior to a conventional plan providing for the construction of one (1) building on one (1) lot, in the way it preserves open space, minimizes environmental disruption, and allows for more efficient provision of services to the businesses and residents of the development than would be available under a conventional approach; and

d. — the development approach generally conforms to the density, height, and other dimensional requirements of the By-Laws and the Regulations, although necessary deviations from those requirements, not including height standards and requirements set forth in Article IX C or in Exhibit B, may be considered by the Commission.

Section F is deleted and replaced by a new section (G below) that requires Planned Design Area Plans in certain areas. The flexibility described in the Innovative Development section is now accounted for in the provision for Planned Design areas and the new higher density residential districts consistent with the 2006 Reuse Plan that describes mixed residential densities, pedestrian oriented design, and mixed uses.

Furthermore, innovative residential development such as the Low Impact Development Residential district will be incorporated into these By-Laws and the DEC Regulations as discussed further in Article V Zoning District and Maps.

F. Parks and Public Infrastructure Map (“PPIM”)

1. Purpose: To ensure that future development does not encroach onto public parks, streets and other public improvements, and utility corridors, there shall be a map delineating public parks, public streets and public improvements and utility corridors.
2. *The PPIM shall be approved by the Commission if consistent with the 2006 Reuse Plan, the Devens Open Space and Recreation Plan dated 2006 as amended, and the Devens Multi-Use Trail Network: Design Guidelines dated June 30, 2002 as amended (the “Plans”). All development in the DREZ shall be consistent with the PPIM.*
3. *The public entity that owns the land may seek to amend the PPIM, which amendment shall be approved if the Commission finds that such amendment is consistent with the Plans.*
4. *Parks and roads shown on the PPIM are deemed to have been “dedicated” to public use, but not accepted.*

The PPIM ensures that public parks, public roads and public improvements will be planned and that private development will abide by public decisions.

G. Planned Design Areas (“PDA”)

- 1 Purpose. To promote the planning of large-scale development projects by encouraging or requiring developers to seek Commission approval of plans showing building layout, vehicle circulation, phasing and sequencing of infrastructure and buildings.

2. *Development projects located in the Special Use Airfield and Special Use Salerno Districts of more than 5 acres shall be developed in accordance with the PDA process and shall comply with the PDA requirements to be set forth in the Regulations.*
3. *All developments of greater than twenty-five acres, other than those located in the Special Use Airfield and Special Use Salerno Districts, may seek approval pursuant to the PDA process.*
4. *The Regulations shall provide that Planned Design Area plans shall be adopted pursuant to a Level Two Development Permit process, shall be consistent with the Plans (as described above), these By-Laws and the PPIM and once approved a PDA plan creates vested rights for the development of the project or projects built pursuant to it.*

Planned Design Areas are meant for those locations or large scaled projects that would benefit from an applicant produced plan that is reviewed by the DEC at a public hearing. While this adds to the permit process timeframe, it provides an opportunity to get certainty for future development (both for the community and for the applicant).

H. G. Reuse of Existing Buildings

1. General Purpose and District Applicability

It is the intent of the Reuse Plan and By-Laws to encourage the reuse of many of the existing buildings for new occupants of various sizes, whether the business is established, an incubator, or a start-up venture. If the business involves full or partial use of a building as is, without any site modifications, then the occupancy is subject only to obtaining an occupancy permit and a building permit if there is interior reconstruction. This applies whether the building is leased or owned by the applicant. Expansion of a building or site modifications other than signage or the voluntary addition of landscaping will require a submission of a full Level Two Development Permit application.

2. Permitted Development Options for Existing Buildings

In addition to reusing buildings, an applicant may employ any of the following development options in such locations, and/or any combinations thereof:

- a. demolition of buildings;
- b. construction of physical connections between buildings (provided that major vehicular or pedestrian access is not removed in doing so)
- c. construction of new buildings;
- d. expansion (vertically or horizontally) of existing buildings; and

- e. construction of accessory structures for any necessary and reasonable accessory uses related to business operations.

Any action other than reuse of existing building space shall require submission of a Level Two Development Permit application.

3. Minimum Frontage Requirements

When a proposed development consists of existing buildings, a minimum lot frontage of ~~seventy-five~~ *fifty* 50 feet on a street within Devens shall be required.

I. ~~H.~~ Site Plan Review

1. General

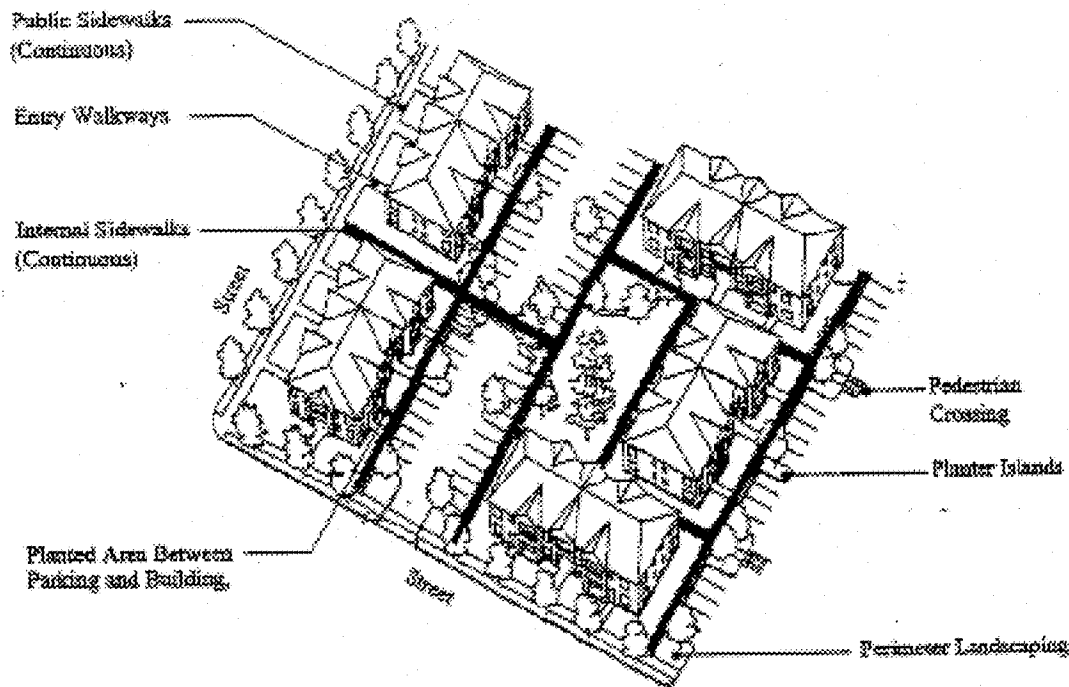
- a. Site plan review, as a part of or as a sole component of a Level Two Development Permit application, shall be triggered by one or more of the following circumstances:
 - (i) construction of any new building, regardless of land use;
 - (ii) extension or increase in the area of a nonconforming use in an existing building;
 - (iii) construction or expansion of a parking lot, structure, or loading dock;
 - (iv) construction of an ancillary building on-site (denoting use for storage of equipment, maintenance supplies, and similar items, or housing building systems equipment), if the building contains more than eight hundred (800) square feet of gross floor area; and/or
 - (v) construction of a project that will result in changes to the existing grade of ten (10) percent or more of the lot size.
- b. The Commission shall establish in the Regulations the standards and criteria that will apply to the completion of a site plan for a proposed project. When a subdivision of property is involved, the site plan shall be combined with the subdivision plans as part of a unified Development Permit application. The Commission's site plan review shall be conducted in accordance with the standards set forth below and in the Regulations. The Commission may employ professional consultants or experts, including, without limitation, technicians, engineers, and/or architects for purposes of reviewing and evaluating, on behalf of the Commission, the information shown on a site plan and any information submitted in connection with a site plan.
- c. Landscaping Standard

All varieties of trees and shrubs planted for new development shall be specified in a planting plan submitted as part of site plans for any new construction of buildings, parking lots, or any similar improvement. Where feasible, plant species selected shall be drought resistant, in order to conserve water used for irrigation, and non-invasive. Maximum use of indigenous species for the region or climate zone shall be encouraged, although planting

of non-native trees and shrubs is acceptable for ornamentation in appropriate site locations.

- d. *Access and Circulation.* New developments shall be required to provide a circulation system that accommodates expected vehicle and pedestrian traffic on the site. Pedestrian and Bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks and multi-use trails, must conform to the standards in the Regulations.

New sub-section adds requirement for access and circulation to be shown during the Site Plan Review. For example, pedestrian and vehicle circulation can greatly affect the site layout and the quality of the pedestrian experience. The Pending Regulations could require certain elements such as direct connections and interior vehicle circulation when possible as illustrated below.



The above picture is an illustration of pedestrian connections through a multi-family site. It is not part of the proposed By-Laws, and is included for illustrative purposes only.

J. I. Site Plan Requirements

1. The Regulations shall contain detailed requirements governing applications for site plan review, which shall include, but need not be limited to, the following:
 - a. the content of plans;

- b. designation of proposed building locations;
- c. location and design characteristics of proposed roads, driveways, and parking areas;
- d. existing and proposed site grades;
- e. identification of wetlands affected by or adjoining the proposed project;
- f. utility service to the proposed project and drainage plans and calculations;
- g. traffic studies relating to the proposed project; and
- h. screening plans for the proposed project.

K. J. Fees and Fines

The Commission shall establish in the Regulations a fee structure, including, but not limited to, fees for plan review, project review, and subdivision review, and may require applicants to provide bonds and other appropriate forms of security to ensure the successful completion of projects. The Commission shall also, in the Regulations, establish a system of fines to address cases of noncompliance with the subdivision and site plan provisions of the By-Laws and the Regulations.

L. K. Visual Impact of Buildings in Viewsheds

1. When a Development application proposes the construction of one (1) or more buildings within areas of Devens that will be located in areas that have high visibility from areas outside of Devens, as determined by the Commission, which areas shall include, without limitation, Prospect Hill in Harvard at the Sears Estate (Prospect Hill overlook) and the Fruitlands Museum parking lot. Based on the viewshed analyses, the Commission may require that the exterior design of such buildings and related sitework meet the following standards:
 - a. use of building materials and colors on the building facade that are darker than natural concrete or shades of white or that are earth tone in color; and
 - b. use of mature tree plantings of four (4) to six (6) inch caliper or larger, depending upon the natural growth rate and crown massing of the species selected, to help screen and soften the visual impact of the height of buildings whose facade will be visible in a viewshed; and
 - c. tree removal (of trees larger than four [4] inch caliper) shall be minimized where such removal would have a materially adverse effect on the viewshed.
2. The Commission may also require applicants for a Development Permit to consider alternatives relating to the shape and massing of a building to further lessen the impact of the visibility of such building when located within a viewshed.
3. Any sign proposed to be placed within a viewshed area shall be situated in a location where it will be below existing or new tree canopies, in order to result in its minimum visibility in the viewshed area.

M. L. Earth Removal Permit

1. Level Two Development Permit
 - a. Except as provided in paragraph 4 of this section, no soil, loam, sand, gravel, or other earth materials shall be permanently removed from any lot within Devens, except in accordance with an approved Level Two Development Permit.
 - b. A Level Two Development Permit for removal of earth materials shall only be granted if the Commission finds that operations to be conducted under such permit will not:
 - (i) be injurious or dangerous to the public health or safety;
 - (ii) produce noise, dust, or other effects observable from adjacent property in amounts objectionable or detrimental to the normal use of adjacent property;
 - (iii) result in use of streets so as to cause congestion or hazardous conditions
 - (iv) result in the change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted;
 - (v) have a material adverse effect on the water supply, health, or safety of persons or businesses in Devens or the Towns; or
 - (vi) have a material adverse effect on areas that have high visibility from areas outside of Devens, as determined by the Commission pursuant to Section J of this Article.
2. Application for Earth Removal Permit
 - a. Each application for a Level Two Development permit for earth material removal shall be accompanied by a plan, submitted in triplicate, showing:
 - (i) the existing contours of the land;
 - (ii) the contours as proposed after completion of the operation;
 - (iii) the proposed lateral support to all adjacent property;
 - (iv) the proposed drainage, including calculations;
 - (v) other information necessary to indicate the complete physical characteristics of the proposed operation.
3. Conditions of permit
 - a. In granting a Level Two Development Permit for earth removal, the Commission shall impose reasonable conditions specially designed to safeguard the persons, businesses, and land within Devens and the Towns, which may include conditions as to:
 - (i) method of removal;
 - (ii) type and location of temporary structures;
 - (iii) hours of operation;
 - (iv) routes for transporting the material through Devens and the Towns;
 - (v) area and depth of excavation;
 - (vi) distance of excavation to street and lot lines;
 - (vii) steepness of slopes excavated;

- (viii) re-establishment of ground levels and grades;
 - (ix) provisions for temporary and permanent drainage;
 - (x) disposition of boulders and tree stumps;
 - (xi) replacement of loam over the area of removal;
 - (xii) planting of the area to suitable cover, including shrubs and trees;
 - and
 - (xiii) cleaning, repair, and/or resurfacing of streets used in removal activities which have been adversely affected by the removal activity.
 - b. No earth removal permit shall be issued for a period of more than three (3) years, although such a permit may be renewed for additional periods not to exceed three (3) additional years.
 - c. The Commission shall require a performance guarantee in a form it deems appropriate to insure compliance with its conditions of authorization.
4. Exemptions
- The removal of earth material in any of the following operations shall be exempt from the requirements of this section:
- a. the removal of less than ten (10) cubic yards of material in the aggregate in any year from any one (1) lot;
 - b. the transfer of material from one (1) part of a lot to another part of the same lot;
 - c. the removal of material necessarily excavated in connection with the lawful construction of a building, structure, or street, or of a driveway, way, sidewalk, path, utilities, or other appurtenance incidental to any such building, structure or street; and
 - d. the removal of material necessarily excavated in connection with the environmental clean-up of a site and/or the remediation of such material, in accordance with applicable law.
5. The Commission may include in the Regulations further restrictions and procedures relating to the issuance of an earth removal permit.

ARTICLE IV. VARIANCES, INTERPRETATIONS, RECONSIDERATION, APPEALS

A. Variances

1. Upon application, the Commission may grant, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of the By-Laws or Regulations where, owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the By-Laws or Regulations would: involve substantial hardship, financial or otherwise, to the applicant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such zoning by—law or regulation, but not otherwise. A variance may not authorize a use of land or buildings which is not a permitted use in the particular zoning district.
2. Within seven (7) days of receipt of an application for a variance, the Commission shall send one (1) copy each of such application to the ~~boards of selectmen and planning boards clerk~~ of each Town and to the abutters of the parcel in question. Within thirty (30) days of receipt of an application for a variance, the selectmen, the planning boards, and the abutters may submit their written comments concerning the application to the Commission.
3. After a public hearing and notice, as provided in Article II A of the By-Laws, the Commission may grant a request for a variance within forty (40) days after the termination of the public hearing.
4. In granting a variance, the Commission may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be compatible with the uses of the surrounding properties.
5. The award of a variance and any conditions attached to it shall be entered on the face of the Development Permit for the project.
6. If the rights authorized by a variance are not exercised within one (1) year of the date of the grant of such variance, such rights shall lapse, provided, however, that the Commission may, in its discretion, extend the time for exercise of such rights. For purposes of this paragraph, a person shall be considered to have exercised his or her rights upon submission to the Commission of an application for a Development Permit reflecting such variance.

B. Interpretations

The Commission is authorized to interpret the provisions of the Reuse Plan, By-Laws, and Regulations. In land use matters where the Act and By-Laws do not provide guidance for the Commission's interpretations, the Commission ~~should~~ *shall* be guided by

decisional law *under MGL Chapter 40A in instances involving zoning and other statutes as appropriate*. Such interpretations shall be considered final unless an aggrieved person complies with the appeal provisions of sections E and F of this Article.

C. Request for Reconsideration by an Applicant or an Aggrieved Person

An applicant for a Development Permit or a variance, or an aggrieved person who is not an applicant, may submit to the Commission a request for reconsideration of any determination made by the Commission, in accordance with the procedures set forth in section E below.

D. Request for Reconsideration by Town

The board of selectmen of each Town shall designate a Town official who shall act as the designee for the Town for the purposes of coordinating and submitting on behalf of the Town to the Commission a request for reconsideration of any determination made by the Commission. Such request may be generated by any Town official, agency, or board, provided, that all such requests shall first be submitted to the Town designee for submission to the Commission. A request for reconsideration from a Town shall be submitted by the Town's designee in accordance with the following section E.

E. Procedure for Reconsideration

1. The Commission shall establish in its Regulations the procedures that shall govern the submission and review of a request for reconsideration. Such procedures shall, at a minimum, provide that a request for reconsideration shall be made in writing, within thirty (30) days of the determination made by the Commission, and shall include the following:
 - a. a precise statement of the issue or matter on which reconsideration has been requested; and
 - b. a narrative statement and technical information, where appropriate, supporting the request for reconsideration.
2. Upon the filing of a request for reconsideration, the time period for filing a judicial appeal of the Commission's action, pursuant to section F of this Article and section ~~11(3)~~ of the Act, shall be stayed until such time as the Commission's written action on the request for reconsideration has been recorded, as provided in subsection 4 of this section E.
3. The Commission shall cause a notice of any request for reconsideration to be sent to persons in interest, which shall mean the (i) applicant, (ii) an aggrieved person requesting reconsideration, (iii) abutters, and (iv) each board of selectmen, or its designee, as provided under section D of this Article.

4. The Commission shall review and act upon a request for reconsideration within forty-five (45) days of receipt of such request, unless the requesting party agrees to a written extension of the time in which the Commission should complete its review. The Commission's written action upon a request for reconsideration shall be sent to the person filing such request, any other person in interest, and to the ~~three-Towns'~~ clerks' offices. Upon the recording of such action in the ~~three-Towns'~~ clerks' offices, the twenty (20) day appeal period provided under the following section F shall commence.

F. Appeal of the Commission's Actions

Any action or determination of the Commission may be appealed in accordance with Section ~~11~~__ of the Act.

ARTICLE V. ZONING DISTRICTS AND ZONING MAP

A. Zoning Districts and Development Goals — General Description

The following zoning districts, as further identified on the Zoning Map, are hereby established at Devens. The description of the development goals applicable to each zoning district are listed *below* in subparagraphs 1 through 14 of this section A. The development goals reflect the development, marketing, planning, and environmental objectives outlined for *the DREZ Devens* in the Reuse Plan. The uses permitted in *the DREZ Devens* are described in Article VI. The uses permitted in each zoning district are listed in the Table of Permitted Uses attached at Exhibit ~~D-C~~. If there are any inconsistencies or conflicts between the development goals and the permitted uses listed on Exhibit ~~D-C~~ and described in Article VI, the permitted uses *listed in Exhibit C* shall control.

Every five years ~~The Commission shall on or about July 1, 2000, and every five (5) years thereafter,~~ issue a written assessment of the status of the redevelopment effort, evaluating the progress, type, and character of development in each district, as well as the realistic market expectations for future development in each district, for the purposes of comparing such assessment to the Development Goals outlined below.

~~1. Environmental Business~~

a. Locations: ~~Area designated on the Zoning Map on the western section of the North Post.~~

b. Development Goals: ~~The primary goal of this zoning district is to locate and site industries that contribute to or capitalize on the increasing sensitivity to and awareness of environmental remediation and recycling, and the development of products emanating from these activities. Identified as environmental businesses in the Reuse Plan, these businesses and industries may range from businesses that use traditional industrial recycling processes to businesses that apply new remediation technologies or businesses that manufacture pollution abatement or remediation equipment.~~

c. Interim Use: ~~Agriculture may be permitted on an interim basis, as provided in Article VI E 2 of the By-Laws.~~

District deleted and replaced with Low Impact Development Residential and Walker Road Business, see below.

~~2. Gateway I: Jackson~~

~~**a. Locations:** Area designated on the Zoning Map in the vicinity of Jackson Gate on the westerly side of the roadway.~~

~~**b. Development Goals:** The primary goal of this zoning district is to provide for a range of educational, cultural, institutional, and office uses that will serve as a distinct entryway and point of arrival for Devens. The permitted uses in this zone will capitalize on the unique natural and locational attributes of the site and help define the vision of the Devens Regional Enterprise Zone for purposes of economic development and environmental protection, as set forth by the goals and objectives of the Reuse Plan.~~

~~The Gateway I site, also known as the Jackson Gateway, possesses a particular natural beauty that is to be enhanced and preserved by potential users. Additional siting and design criteria may be established by the Commission in the Regulations to ensure the future preservation of those attributes while encouraging uses that promote the Gateway theme~~

The Gateway I district near the Jackson Road entrance is replaced by the Natural Resources district. The new district places strict limits on development. However, the US Fish and Wildlife Service (USFWS) plans to construct a visitor contact station for patrons of the Oxbow Wildlife Refuge. Federal agencies are exempt from local zoning regulations. The Reuse Plan will indicate that the visitor contact station is planned for this area.

31. Gateway II: Verbeek

a. Locations: Area designated on the Zoning Map in the vicinity of the Main Gate on West Main Street in Ayer.

b. Development Goals: The primary goal of this zoning district is to provide for a range of cultural, educational, institutional, and open space/recreational uses that will serve as a distinct entryway and point of arrival for *the DREZ* Devens. The permitted uses in this zone will capitalize on the unique attributes of the site and help define the vision of the *DREZ* Devens Regional Enterprise Zone as set forth by the goals and objectives of the Reuse Plan.

By creating a compatible scale and combination of built and open environment, the *Gateway Verbeek* zoning district will establish the sense of arrival to the Devens Regional Enterprise Zone as well as respecting the

transition from the adjacent business, residential, and open space uses in Ayer. Additional siting and design criteria may be established by the Commission in the Regulations to ensure the future development of these attributes while encouraging uses that promote the “gGateway” theme.

As shown on the proposed Zoning Map, the existing Gateway District boundaries are changing to map the Charter School as Town Center, and expanded to include a Greenway corridor and the Shriver Center area within Gateway.

4.2 Special Use District I—*Salerno*

- a. **Locations:** Area designated on the Zoning Map in the vicinity of Salerno Circle/Shiloh housing areas.
- b. **Development Goals:** The primary goal of this zoning district is to ~~attract residential or business activities that will reflect the intent and spirit of the Innovation and Technology Zone~~ provide for development flexibility to attract residential and/or business uses is without the more intrusive or larger scale industrial uses component.

In order to ensure sensitive and responsible use of these areas, due to their proximity to adjacent land uses, the Commission ~~shall~~ *will be required to* consider, *without limitation*, the following use and siting criteria when reviewing development proposals ~~or master planning proposals~~:

- (i) impacts on adjacent uses;
- (ii) degree of visibility from strategic viewing points in adjacent areas of Harvard;
- (iii) aesthetic quality of site development;
- (iv) buffering/screening of development;
- (v) site lighting designed to minimize visibility from surrounding areas; and
- (vi) preservation of existing vegetation, where feasible.

- c. ~~Interim Use:~~ Agriculture may be permitted on an interim basis, as provided in Article VI E 2 of the By-Laws.

Some areas of Special Use I are being rezoned to Natural Resources from Open Space to clearly provide a permanent buffer between new development and Route 2 and the Freight line. The Special Use Salerno district is a placeholder that allows a wide variety of uses and provides for a Planned Design Area planning process to guide future uses and layout.

Red Tail Golf course is being rezoned to Suburban Residential, within which active recreation (including golf) is an allowed use.

3. ~~Special Use District II~~ Airfield

- a. **Locations:** Area designated on the Zoning Map in the vicinity of Moore Army Airfield on the North Post in Ayer.
- b. **Development Goals:** The primary goal of this zoning district is to allow a broad range of *residential, recreation, industrial, light industrial, office, and research and development* uses. ~~The compatibility of these uses with the possible retention of local air service at Moore Army Airfield will be encouraged. In acknowledgement of the possible retention of local aviation uses, special events shall be allowed with special regulation. Uses supporting and complementing the adjacent Innovation and Technology and Environmental Business Zones will also be encouraged. Buffers shall be required between residential and non-residential uses.~~ Buffers may be required between adjacent areas in Ayer along and near Route 2A.
- c. *Prohibited Uses. The following uses are not allowed in this district:*
 - i. *Stand-alone warehouse and distribution facilities*
 - ii. *Permanent hazardous waste storage*
- d. *Special Provisions for the Special Use Airfield District*
 - i. *All Development of Moore Army Airfield shall not commence until MacPherson Road has been upgraded.*
 - ii. *Residential development at Moore Army Airfield shall not commence until commercial development has started. Development of recreation fields shall coincide with residential development. Recreation fields shall be contiguous with the residential area.*
 - iii. *10 acres of finished recreation fields and 10 acres of land suitable for recreation fields shall be granted to the Town of Ayer by the property owner.*
 - iv. *At least 10 acres of buffer area, exclusive of recreation space, shall be provided in appropriate areas.*
 - v. *No more than 200 units of housing, to include affordable units, senior units, subsidized units, and age-restricted units*
 - vi. *At least 10% of housing units shall be affordable*

The Special Use Airfield District is similar to Special Use Salerno, in that it allows for a wide variety of uses and gives direction about buffers and limitations on uses. Environmental Studies are ongoing on this area, and will help define areas that are not suitable for development. The Special provisions relate to items in the MOU and the Town of Ayer.

4. ~~Residential I~~

a. Locations: Area designated on the Zoning Map in the vicinity of Birch Hill Circle, Birch Road, Sycamore, Cedar, and Poplar Streets, Grant Road, and Malvern Hill Road.

b. Development Goals: The primary goal of this zoning district is to foster the evolution of a residential neighborhood at Devens, intending to meet housing needs for residents of the towns in the Devens area. The reuse of the existing housing stock will be encouraged, as well as future development of additional housing types, provided that nothing contained herein shall prevent the demolition of housing stock, as needed. Additional siting, density, and design criteria may be established by the Commission in the Regulations to ensure:

- (i) compatibility with adjacent land uses;
- (ii) sensitivity to visual impacts; and
- (iii) reuse of existing structures, where feasible.

~~5. Residential H~~ 4. *Historic Residential*

a. Locations: Area designated on the Zoning Map in the vicinity of Elm/Walnut Housing and Auman Street Housing.

b. Development Goals: The primary goal of this zoning district is to develop housing to serve the residential needs of Devens *the DREZ*. This district will also allow office space for professional office and service uses that will be accessory to the primary residential use or a home occupation. The reuse of the existing housing stock and construction of new infill housing for residential and accessory office space will be encouraged in a manner that complements the historic Vicksburg Square. Development of a diverse and stable residential core, as well as small scale professional office and service space, are *is* considered compatible and vital components of the Reuse Plan and every effort will be made to ensure a sensitive and appropriate blend of these uses.

Additional siting, density, and design criteria, *including but not limited to the following*, may be established by the Commission in the Regulations to address the following concerns:

- (i) compatibility with adjacent land uses;
- (ii) visual impacts;
- (iii) reuse of existing structures, including historic structures, where feasible;
- (iv) "number of employees" and other restrictions for professional office and service uses; and
- (v) parking needs evaluation and requirements.

The provisions for Home Occupations and small scale offices is deleted because the Regulations now include standards and approval criteria to regulate both Home Occupations (Level One permit) and Home Businesses (Level Two permit).

~~6. Business/Community Services I~~5. *Devens Common*

- a. **Locations:** Area designated on the Zoning Map in the vicinity of the intersection of *Barnum and Jackson Road* ~~Dakota Street and MacArthur Avenue~~.
- b. **Development Goals:** The primary goal of this zoning district is to provide a mix of small scale commercial, retail, and service uses *for the residents, visitors and employees of the DREZ*. Uses in this zone are expected to complement and support the businesses *in the DREZ* ~~Devens~~ and the needs of persons working in ~~Devens~~ *the DREZ*.

~~Village Growth District I~~ 6. Front Street Commercial

- a. **Locations:** Area designated on the Zoning Map in the vicinity of the Shirley Gate off Front Street in Shirley Village on the southerly side of the road.
- b. **Development Goals:** The primary goal of this district is to provide commercial expansion and enhancement opportunities for Shirley Village, while at the same time respecting the scale of the existing businesses and abutting neighborhoods. The intent is to accommodate ~~a municipal facilities center~~, a variety of retail, service, and office uses of small to medium size.
- c. The Commission shall be required in its Regulations to establish design concepts which further the goal of creating a commercial center which respects village scale and layout.

Said site design standards shall address issues of setback, location of parking, orientation of buildings to roadways, landscaping, site access and circulation, general compatibility of building massing with the existing village, and related considerations, including a total maximum square footage use by a single business of forty thousand (40,000) square feet for this district. At the same time, it is intended that design options remain flexible, so as to encourage high quality and creativity in site and building design.

~~Additional siting and design criteria shall be established by the Commission in the Regulations to address issues relating to:~~

~~(i) buffer/screening requirements;~~

~~(ii) visual compatibility with the Shirley Village environment;~~

~~(iii) height restrictions; and~~

~~(iv) options for clustering of buildings and flexible design that enhances connections to the existing Shirley Village.~~

~~c. **Interim Use:** Agriculture may be permitted on an interim basis, as provided in Article VI E 2 of the By-Laws.~~

d. Supplemental Site Development Standards for Front Street Commercial

i. *Pedestrian facilities. Unless waived by the Commission:*

- ☐ *Any development of 2,500 square feet or more of gross floor area shall provide pedestrian amenities such as street furniture, trash receptacles, pedestrian-scale lighting and informational signage, which shall be placed between the sidewalk and the building or buildings facing the street.*
- ☐ *Interior pedestrian walkways shall be directly accessible from the sidewalk along the street and from off-street parking areas serving the development. The interior walkways shall be composed of a raised, color-treated or textured surface clearly identifiable and distinct from paved surfaces used for vehicular circulation.*
- ☐ *Any development of less than 2,500 square feet of gross floor area shall provide pedestrian facilities appropriate to the scale of the project, such as a patio area with seating or trash receptacles. All such facilities shall be in accordance with the Commission's rules and regulations.*

ii. Context. Since buildings are viewed from all sides, applicants should give full attention to the treatment of landscaping, parking areas and the building wall at the rear and sides of new development.

iii. Buildings

- ☐ *A lot may have more than one building used principally for commercial purposes, provided that aggregate gross floor area does not exceed the floor area ratio for the zoning district in which the lot is located.*
- ☐ *Buildings shall face the street or may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location. Buildings and site design should provide an inviting entry orientation.*
- ☐ *A single building with a width of more than 60 feet facing the street shall be divided visually into sub-elements which, where appropriate, express the functional diversity within the building.*
- ☐ *Unless waived by the Commission, all buildings shall:*
 - *Provide continuous visual interest, emphasizing design features such as bay windows, recessed doorways, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings or canopies.*
 - *Avoid blank walls.*

- *Provide windows, displays, murals, secondary entrances, or other architectural features on side or rear walls that are visible to pedestrians or vehicular traffic.*
 - *Avoid unarticulated and monotonous building facades and window placements, regular spacings, and building placements that will be viewed from the street as continuous walls.*
 - *Provide human-scale features, especially for pedestrians and at lower levels and from a pedestrian viewing distance.*
 - *Contribute to a sense of continuity and coherence for all who visit, shop or work in the district. Architectural diversity is encouraged as long as individual design solutions are compatible with the objectives of providing business districts that are pedestrian-oriented, mixed-use areas, each with a strong visual definition.*
- iv. *Exterior materials. Appropriate exterior materials include painted clapboard, wood shingles or brick. Neutral or earth-tone colors are appropriate, but brighter colors may be applied to building trim with approval of the Commission. Variation in materials, appropriate colors and textures are encouraged when they are visual distinctive and aesthetically appropriate. Rough, imitation or reflective materials such as unpainted wood, field stone, smooth-face concrete, exposed metal, imitation materials, mirror glass, porcelain enamel or polished stone shall not be used unless approved by the Commission.*
- v. *Rooflines and roof features*
- ☐ *Structures in the Shirley Village Business District shall have a simple gable roof with a minimum slope of 8 over 12. A structure that fronts on and faces a side street should have a simple gable roof with a pitch of at least 8 over 12, or a gambrel or a hip roof. The roof trim should have depth and projection of details.*
 - ☐ *A flat or nearly flat roof is generally prohibited on any building facing the street in any Village Business, Mixed-Use or Commercial District. However, the Planning Board may authorize a flat-roof design provided that a flat roof structure shall be capped by an articulated parapet design that acts as a structural expression of the building façade and its materials.*
 - ☐ *For other structures, roofs shall, at a minimum, have articulated parapets concealing flat roofs and rooftop equipment, such as HVAC units which would be visible from adjoining public streets or properties.*
- vi. *Off-street parking*
- ☐ *Whenever possible, developments on adjacent lots shall be served by shared parking areas under written shared parking agreements.*
 - ☐ *Unless authorized by the Commission for site plan applications to alter or expand an existing structure, no off-street parking shall be located in front of any building. Side parking shall be at least 20 feet from the front of the building facing the street.*

7. 10. Innovation and Technology Business

a. Locations: Areas designated on the Zoning Map. ~~in the vicinity of the Army Reserve Enclave, 800 Block, Locust Hill housing area, Oak Hill housing area, Spruce/Maple housing area, housing area west of Robbins Pond, Army Reserve Enclave, North Post, and Federal Bureau of Prisons site.~~

b. Development Goals: The primary goal of this zoning district is to provide space to those industries and businesses that develop and require additional space within ~~Devens~~ *the DREZ* or that relocate to ~~Devens~~ *the DREZ*. Permitted uses in this zone exhibiting one or more of the following qualities will be encouraged:

- (i) development or sale of an improved or new product or service;
- (ii) expansion of a business;
- (iii) educational/academic links;
- (iv) research and development orientation; and
- (v) business connections or support services to other industries on ~~Devens~~ *the DREZ*.

— ~~It is recognized that t~~ *The Innovation and Technology Business I district is intended to accommodate a wide variety of uses in a development pattern that is of relatively higher intensity than that of other areas in the DREZ* ~~Devens Regional Enterprise Zone~~, particularly with regard to new construction activity. High standards for site planning will be encouraged to address significant site characteristics, including topography, existing vegetative cover and tree canopy, proximity to water and wetlands, and proximity to and characteristics of adjacent uses.

c. Interim Use: ~~Agriculture may be permitted on an interim basis, as provided in Article VI E 2 of the By-Laws.~~

The Innovation Technology Business district is expanding to include new areas (formerly Village Growth II) and some other minor boundary changes.

~~11. Village Growth District II~~

~~**a. Locations:** Area designated on the Zoning Map in the vicinity of the Army Reserve Enclave-Intelligence School in Shirley.~~

~~**b. Development Goals:** The primary goal of this zoning district is to provide an area for small scale development involving office, light industrial, research and development, and compatible outdoor recreational, cultural, conference, institutional, and municipal types of uses, in a manner that is harmonious and in scale with abutting areas of Shirley Village.~~

~~Additional siting requirements may be established by the Commission in order to be responsive and sensitive to adjacent uses. Any such additional requirements shall consider the following:~~

- ~~(i) buffer requirements;~~
- ~~(ii) site specific design requirements;~~
- ~~(iii) industrial performance standards; and~~
- ~~(iv) retention of existing active recreation uses within the district.~~

~~**c. Interim Use:** Agriculture may be permitted on an interim basis, as provided in Article VI E 2 of the By-Laws.~~

The Village Growth II district is deleted because it is replaced by the Innovative Technology Business District.

8. Rail, Industrial, and Trade-Related

a. Locations: Areas designated on the Zoning Map.

b. Development Goals: The primary goal of this zoning district is to provide a development area that will generally be available to businesses that utilize or rely in whole or in part upon rail lines, surrounding rail-related uses, multi-modal transportation links, or trade with national or international emerging markets. Other uses in the district that generally support and enhance the transportation and trade-related uses will be encouraged.

Additional siting requirements, *including but not limited to the following*, may be established by the Commission in the Regulations to protect the environment, particularly the aquifer.

9. Barnum Road Business

- a. Locations: Area designated on the Zoning Map.*
- b. Development Goals. The primary goal for this district is to provide sites to businesses that use or rely upon rail transportation or intermodal links. The district implements the 2001 Barnum Road Master Plan which recommended that the district attract new manufacturing industries not represented in the region due to a shortage of large sights with rail access.*
- c. Prohibited uses.*
 - i. Stand-alone warehouse and distribution facilities*

~~13. Innovation and Technology Center~~

- ~~**a. Locations:** Area designated on the Zoning Map in the vicinity of Vicksburg Square.~~
- ~~**b. Development Goals:** The primary goal of this zoning district is to provide an urban center for the Devens Regional Enterprise Zone in which incubator ventures and a broad range of businesses are encouraged. Its combination of historic buildings and traditional open space provides an environment unique to the former base and allows for an intensity of both business and public uses that is singular to Devens. Development of design, siting, and retrofitting criteria should be flexible in order to accommodate a wide range of users and their special needs, and any ancillary support services. A major theme for this zone is to encourage and promote the development of academic and educational support links for the entire Devens Regional Enterprise Zone, as set forth in the Reuse Plan.~~

The Innovation and Technology Center district is deleted because it is replaced by the Town Center District in accordance with the goal of a mixed use "core" around the parade grounds.

10. 14. *Municipal and Open Space and Recreation*

a. Locations: Areas designated on the Zoning Map throughout ~~Devens~~ *the DREZ*.

b. Development Goals: The *Municipal and Open Space and Recreation* zoning district is considered a primary and essential component of the Reuse Plan. The goal of this zoning district is to accommodate Municipal facilities, *recreation and open space green spaces* and ~~preserve and enhance the natural beauty and sensitive natural resources of Devens and serve as a buffer and transition zone for other uses.~~ In addition, ~~uses are expected to serve a~~ *provide a wide range of passive and active recreational uses to serve the needs of the DREZ Devens Regional Enterprise Zone and the region as a whole. The permitted uses include public open space, recreation fields, trail system, playgrounds, accessory parking and restroom facilities, as well as municipal, academic and civic uses.*

c. Prohibited Uses Limited to This District

~~Large-scale facilities for open air concerts are prohibited in this district.~~

d. Interim Use: ~~Agriculture may be permitted on an interim basis, as provided in Article VI E 2 of the By-Laws.~~

This district is revised to specify that it is meant for active recreation and municipal uses. Municipal uses are exempt from local zoning per Article VI of these By-Laws, but this district covers some areas currently used for Municipal uses such as a the wastewater treatment plant. The natural resources district applies over a broad area, most of which is consistent with the permanent protection goals in the Reuse Plan and the Open Space and Recreation 2006 Plan.

11. *Natural Resources*

a. Locations: Areas designated on the Zoning Map throughout Devens.

b. Development Goals: The *Natural Resources* zoning district is considered a primary and essential component of the Reuse Plan. The goal of this zoning district is to *preserve or enhance the natural beauty and sensitive natural resources of the DREZ and serve as a buffer and transition zone for other uses.* This district will be limited to *trail systems, limited accessory parking, maintenance of exiting roads, existing utilities and other existing or planned infrastructure.* The intention of the district is to offer a high level of protection to land with high resource values. The district is intended for land protected under Article 97. In certain instances Conservation Restrictions may be imposed.

The Natural Resources district is added to clarify and implement the Open Space and Recreation Plan (2006), the Devens Multi-Use Trail Network: Design

Guidelines, (2002) and the Memorandum of Understanding to protect certain areas that are identified on that report's map. The zoning districts are aligned to match that map as much as possible.

MassDevelopment will identify existing utility easements/roads prior to the Town Meeting Votes in the fall of 2006. After the vote, but prior to the final disposition, MassDevelopment will identify potential additional necessary and work with the conservation commission in the appropriate community on these to ensure that impacts are avoided, minimized, and mitigated as much as possible.

12. *Low Impact Development Residential (LID)*

a. *Purpose and Intent.*

- i. Preserve and enhance the Town's character.*
- ii. Encourage creative, environmentally sensitive design in residential developments.*
- iii. Encourage a more efficient form of development that consumes less open land and protects existing topography and natural features better than a conventional or grid subdivision.*
- iv. Protect open space, forestry land, wildlife habitat and corridors, wetlands and water resources, and historical and archeological resources, in a manner consistent with the goals of the 2006 Reuse Plan.*
- v. decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development;*
- vi. promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets; and*
- vii. provide opportunities for social interaction and walking and hiking in open space areas.*

b. *Development Goals. This district provides for context sensitive cluster residential development for single family detached and attached neighborhoods with an average density of 1 unit per acre.*

c. *Commission Regulations.*

The Commission shall adopt LID Definitive Plan and Design Regulations to implement this Bylaw. These regulations may include but are not limited to submission requirements, basic site standards, considerations for the placement of common open space, and standards for building placement, architectural design, walkways, landscaping, common or shared driveways, and other elements of the LID Plan submittals.

d. *Future Subdivision.*

The common open space in a LID may not be further subdivided, and a notation to this effect shall be placed on the plan of record, which shall be recorded at the Registry of Deeds.

e. Common Open Space; Use, Shape, Location.

A LID must provide at least 35% of the total land area as permanently protected open space. The open space shall have no structures, parking, private yards, patios, or gardens. The following additional performance standards apply to the minimum required common open space in a LID:

- 1. The open space shall be undisturbed and left in its natural condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation or recreation area and serve as a visual and natural amenity for the development and the Town.*
- 2. At least 50% of the required common open space shall be contiguous and linked as a unit, with links no less than sixty (60) feet wide. Access to this largest piece of open space shall be provided to the residents of the DREZ.*
- 3. The location(s) of the common open space shall be subject to approval by the Commission.*
- 4. Not more than 35% of the required common open space in a LID shall consist of marginal or unbuildable areas, flood plain, or wetlands as defined in G.L. c.131, Section 40.*
- 5. Existing rights of way and utility easements may not be counted as common open space.*

f. Ownership of Common Open Space.

The common open space shall be conveyed in one or more of the following ways, subject to approval by the Commission:

- 1. To a corporation or trust comprising a homeowners association whose membership includes the owners of all lots or units contained in the development.*
- 2. The developer shall include in the deed to owners beneficial rights in said open land, and shall grant a perpetual Conservation Restriction to the Shirley Conservation Commission or a non-profit corporation or organization over such land to insure that it be kept in an open state and not be built upon for residential use, or developed for accessory uses such as parking or roadways. Such restriction shall be in such form and substance as the Commission shall prescribe, and may contain such additional restrictions on development and use of the open space as the Commission may deem appropriate, subject to the approval of the Conservation Commission and the Shirley Board of Selectmen under the provisions of M.G.L. Ch. 184.*

3. *To a non-profit organization, the principal purpose of which is the conservation of open space. The developer or non-profit organization shall grant a Conservation Restriction as set forth above.*
4. *To the Town of Shirley for open space, a park or water supply use, subject to the approval of the Board of Selectmen for management by the Conservation Commission, with a clause insuring that it is maintained as open space.*

g. *Dimensional Standards.*

To maximize the amount of open space, reduce site disturbance and protect significant farmland or scenic landscapes, the Planning Board may waive the minimum requirements for lot area, frontage, yard setbacks, building coverage and other dimensional requirements that would normally apply to land in the applicable zoning district, except as provided below.

1. *Irregular lot shapes and shared driveways are permitted in a LID when, in the opinion of the Commission, they further the purposes of the bylaw.*
2. *Lots having reduced area or frontage shall not have frontage on a street other than a street created by the LID.*
3. *The minimum distance between clusters of townhouse or multiple-unit dwellings shall be fifty (50) feet.*
4. *The maximum height of proposed buildings shall be thirty-five (35) feet and shall not exceed two and one-half (2½) stories.*
5. *Rear yard setbacks shall not be waived on lots adjacent to existing residential development.*
6. *Except as permitted in this Bylaw, any lot in a LID shall comply with all other density and dimensional requirements of the zoning district in which it is located.*

The sections underlined above may be removed as redundant to other sections of the proposed Devens By-Laws.

h. *Base Maximum Density; Determination of Development Capacity.*

The Basic Maximum Density of each LID development shall be based on a Yield Analysis that shows the maximum number of single family lots that reasonably could be placed on the site under a conventional subdivision. The maximum number of lots that could be achieved in a conventional subdivision is the Base Maximum Density for a LID. Commission Regulations shall specify the submittal and approval requirements for a yield plan.

i. *Commission Decision; Approval Criteria.*

1. *The Planning Board may approve a LID Concept ~~Special Permit~~ with any*

conditions, safeguards, and limitations, considering the following criteria:

- ☐ *The degree to which the design and layout of the proposed LID preserves open space for conservation and recreation, preserving natural features of the land, achieving more efficient provision of streets, utilities and other public services, and providing a high degree of design quality.*
 - ☐ *The degree to which the LID promotes permanent preservation of open space, natural landscapes and vistas, agricultural land, forestry land, existing and proposed trails, other natural resources including water bodies and wetlands, and historical and archeological resources.*
 - ☐ *The degree to which the LID achieves sustainable design through ~~a more~~ an efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision.*
 - ☐ *The degree to which the LID minimizes the total amount of disturbance on the site.*
 - ☐ *The degree to which the LID furthers the goals and policies of the Reuse Plan, the Open Space Plan, and the Trails Plan, as determined by the Commission.*
 - ☐ *The degree to which the LID facilitates the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner.*
 - ☐ *The degree to which the LID Concept and its supporting documentation comply with all sections of these By-Laws.*
2. *The Commission may deny a LID application upon finding that the application does not comply with the provisions of these By-Laws*

13. Suburban Residential

- a. **Location.** *Areas designated on the Zoning Map throughout ~~Deven~~s the DREZ.*
- b. **Development Goals.** *This zoning district allows the development of a neighborhood of single family detached homes on lots ranging from 6,000 to 10,000 square feet.. Allows: Small lot, (8 units/acre); Medium lot (6 units/acre) and Large lot (4 units/acre), no commercial development.*

14. Village Residential I.

- a. **Location.** *Areas designated on the Zoning Map throughout ~~Deven~~s the DREZ.*
- b. **Development Goals.** *The district has a mix of densities, providing for a range of housing products from single family detached to townhouse developments. It allows Town House (8 to 14 units/acre); Small Lot (6 to 8 units/acre); Medium lot (4 to 6 units/acre); limited commercial development such as “live work” offices and minor retail services in certain locations (e.g. coffee stores on certain corner lots).*

15 Village Residential II.

- a. **Location.** Areas designated on the Zoning Map throughout ~~Devens~~ the DREZ.
- b. **Development Goals.** The district has a mix of densities, providing for a range of housing products from medium to high density. Allows: Multi-Family (14 to 24 units/acre); Town House (8 to 14 units/acre) and Small lot (6 to 8 units/acre); limited commercial development such as live work, minor retail services with additional uses allowed and specific location requirements and operating standards (e.g. operating hours).

16. Shirley Village Growth Residential

a. **Locations:** Area designated on the Zoning Map adjacent to the Shirley schools and Town Hall complex.

b. **Development Goals:** The primary goal of this district is to provide a mixed density residential district for new development that is consistent with the traditional densities and unit mix as seen in the adjacent Shirley Village with

- ☐ structures of modest dimensions, each maintaining the look and feel of single-family homes
- ☐ a variety of housing styles distributed across the spectrum from “affordable” more strictly speaking, through modest, to mid-high end relative to the prevailing market in Shirley
- ☐ safe, pedestrian-friendly streets and ample, well-distributed recreational open space, to minimize disruptive competition for use of the adjacent school grounds.

a. **Special density and open space requirements.**

- ☐ Densities shall be calculated as described in Table XX.
- ☐ No fewer than four (4) town houses may be built in one condominium association; however groupings of two units may be built where constraints such as topography or existing development are present.
- ☐ a Minimum of 8% of the total buildable acres of a project in the Shirley Village Growth Residential shall be recreational open space in areas no less than 20,000 square feet. The PPIM shall not limit the Open Space otherwise required for this district.

Table V-1. Shirley Village Growth Residential

Unit type	Units as percent of units built	Per structure square feet for density calculation	Minimum actual lot size
Single family	At least 40%	7,000	5,500
Town House 4-6	At least 10%	7,000 + 3,000	5,500 + 1,500

<i>unit collections</i>		<i>each additional unit</i>	<i>each additional unit</i>
<i>4-8 unit apartment</i>	<i>At least 20% No more than 30%</i>	<i>7,000 + 3,000 each additional unit</i>	<i>4,500 + 1,000 each additional unit</i>

17. Town Center.

- a. Location. Areas designated on the Zoning Map at the core of Devens the DREZ.*
- b. Development Goals. This district provides for a mixtures of businesses and higher density residential uses appropriate for the core area of Devens. Allows. Mixed use development, commercial and multi-family residential. Residential densities range from 14 units/acre to 24 units/acre.*

18. Walker Road Business

- a. Locations: Area designated on the Zoning Map adjacent to Walker Road.*
- b. Development Goals: The primary goal of this district is to provide commercial district allowing for light industrial uses, small scale office, and research and development uses. The district provides additional land in Shirley to expand its employment base for a variety of businesses and industries.*

B. Special Site Development Standards for Shirley Village Growth Residential, Low Impact Development Residential, Walker Road Business, and Front Street Commercial Districts; General Requirements.

- 1. Purpose. The purpose of site development standards is to ensure that adequate consideration will be given to the natural resources and characteristics of a site, to its topographic, hydrologic and geologic conditions, to public convenience and safety, particularly with regard to abutters, and to the suitability of a proposed use on a site. Before approving any site plan, the Commission shall assure that each site plan submitted for review and approval complies in full with the following site design standards:*
- 2. Common driveway. Wherever possible, the Planning Board encourages shared driveway access to two (2) or more lots used for business or mixed-use development in any business district. A common driveway may not exceed a width of twenty-four (24) feet at any point where it crosses required open space or any required parking setback area.*
- 3. Placement of buildings and associated improvements. Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent*

properties.

4. Bicycle facilities. Any development in non-residential areas shall be required to provide bicycle racks in one or more appropriate locations on the site as approved by the Commission.

C. Zoning Map

1. The official Zoning Map of Devens dated November 14, 1994, _____ is adopted and incorporated herein as Exhibit A. . The Zoning Map shall be maintained by the Commission.
2. A further delineation and description of the boundaries of the zoning districts are included in the document entitled "Zoning District Parcel Maps" dated November 11, 1994 _____, and the provisions thereof shall be considered to be incorporated by reference into the Zoning Map and the By-Laws.
3. Amendments to Zoning Map
 - a. As authorized below, the Commission may, from time to time, amend the Zoning Map. The amendments to the Zoning Map listed below shall be considered minor amendments to the Reuse Plan and By-Laws pursuant to Article XV hereof.
 - b. The Commission may increase or decrease the size of a district designated on the Zoning Map as an overlay district, as defined in Article XV A of the By-Laws, provided such increase or decrease is intended to more accurately describe the area that contains the resources that are protected by inclusion in the overlay district and the revision is based upon reliable engineering or scientific data.
 - c. The Commission may revise the boundaries of a zoning district resulting from modifications to the layout or capacity of arterial streets and other projects required to improve the infrastructure or utilities *within the DREZ at Devens*.
 - d. Prior to amending the Zoning Map as provided in the preceding paragraphs a, b, and c, the Commission shall provide a written notice of such proposed amendment and the information supporting such amendment to the clerks of the Towns and the board of selectmen and the planning board of each of the Towns, stating the time and place of a public hearing to be scheduled to consider such amendment, which hearing shall not be scheduled earlier than Thirty (30) days before the date of such *notice in accordance with Art. II.A. 10.*
 - e. ~~to the clerks of the Towns and the board of selectmen and the planning board of each of the Towns, stating the time and place of a public hearing to be scheduled to consider such amendment, which hearing shall not be scheduled earlier than thirty (30) days before the date of such notice~~
 - f. The Commission shall update the Zoning Map promptly after amendments to it are adopted. Upon entering an amendment on the Zoning Map, the date of the Zoning Map shall be changed to indicate its latest revision.

- g. The action of the Commission to amend the Zoning Map, as provided in this Article, shall be subject to judicial review, as provided in Article IV F, above.

ARTICLE VI. PERMITTED USES

A. General Land Use Categories

1. Purpose

The purpose of this Article is to classify the various types of uses that will be permitted within the various zoning districts established by Article V of the By-Laws, on the basis of common functional, product, or compatibility characteristics. This Article also establishes provisions covering all land uses, such as permitted, accessory, prohibited, exempt, and interim uses at Devens.

For those areas of Devens over which the federal government has retained control as of the effective date of the By-Laws, the land-use controls established herein shall be considered to establish the underlying zoning for such areas. Upon the relinquishment by the federal government over control of these areas, the provisions of the By-Laws shall take full force and effect in such areas.

2. Authority and Responsibility

The Commission shall classify proposed uses of land within Devens according to the use types described hereafter, provided that if the Commission determines that a proposed use does not fit under any use type, it shall not be permitted. The Commission's classification of a use may be the subject of a Request for Reconsideration by an applicant or a Town under Article IV C or D or a judicial appeal under Article IV F.

3. Use Categories

The following use categories are hereby established for Devens and shall apply in the zoning districts in accordance with the Table of Permitted Uses attached as Exhibit E-C

a. — Environmental Business

~~The Environmental Business use type refers to those business activities that involve environmental remediation, pollution reduction, materials recycling, and alternative and energy resources research along with the products emanating from these activities. Environmental business uses involve two distinct, but sometimes related, types of land use. The first denotes process-based enterprises where waste or raw materials are utilized to create a new value-added product, or where processes are directly applied for purposes of environmental remediation. The second denotes uses with an environmental component or components, but not with a primarily process-based orientation. Business uses that have an "environmental component" may include assembly or manufacturing of pollution reduction equipment, which may be associated with management or testing of air, soil, or water quality, or noise attenuation, or technical consulting or testing firms in which environmental remediation activity takes place at on-site or off-site locations. Facilities typically required for businesses with an environmental component include office operations, laboratories and equipment storage, and loading areas. The term "Environmental Component" as defined above is used in~~

~~the Table of Permitted Uses in conjunction with the following land use categories, for the purpose of establishing subcategories thereof: Industrial, Light Industrial, and Research and Development.~~

~~Due to the nature of environmental businesses of the first type, where processing is involved, outdoor storage of materials will usually be required. Such uses, and all related site development, shall be subject to site performance standards that shall be established in the Regulations for the Environmental Business district. The Regulations shall include standards for storage, screening and landscaping, site perimeter buffering, and all "nuisance" conditions to be controlled on-site. Permanent storage of waste or raw process materials shall be prohibited in the Environmental Business and all other districts, when the purpose of the activity is for storage only and is not related to processing. The length of time that materials may be stored outdoors must be linked to the needs and sequencing of the process involved. Similarly, junkyards for automobile salvage, rags, or similar storage not tied to processing into value added products shall be prohibited.~~

~~Environmental business uses may include, without limitation, any of the following activities: analytical services (testing and analysis of air, soil, waste, water, chemicals, and similar analytical services); production of consumer and industrial products, such as water saving devices, efficient lighting, packaging made from recycled materials, advanced industrial pumps, and similar products; operational services such as underground tank removal, sorting and marketing of useful recycling materials, asbestos and lead paint removal (not with permanent on-site storage), and similar operations; research and development of energy resources, such as renewable and alternative energies, electric/magnetic field exposure management, clean coal technologies, and other activities associated with energy development; and manufacturing of environmental equipment, such as oceanographic instrumentation, solvent/oil/coolant recovery systems, air, soil, and water quality cleanup equipment, noise, and vibration control devices, water pollution reduction equipment, and similar manufacturing.~~

~~The uses defined above as "Environmental Business" should not be construed as limiting the undertaking of office, research and development, and other use types that may have an environmental focus. These uses are generally of lower site impact and may be located in land use districts without special controls.~~

a. b. Office

Office use type refers to offices, individual firms, or organizations which are primarily used for the provision of executive, management, administrative, financial, or professional services. Offices may be of the corporate, multiple building occupancy, or free-standing type, subject to any further restrictions imposed within individual land use districts in the *DREZ Devens Regional Enterprise Zone*; and other use classifications when the service rendered is that customarily associated with administrative office services. Offices are further differentiated by Gross Floor Area (GFA), with Full Offices consisting of

structures with more than forty thousand (40,000) square feet GFA, and Small-scale Offices consisting of structures with less than forty thousand (40,000) square feet GFA.

b. e. Light Industrial

Light industrial use type refers to on-site production processes which utilize already-manufactured components to assemble, process, craft, fabricate, or otherwise package a product to which value is added. These on-site production processes may consist of or be created from electronics and micro-electronics parts, plastic components, cloth, glass, leather, wood, ceramic components, or other materials. This use type includes warehousing and distribution facilities that may be associated with production processes and office or research facilities ancillary to the principal use. In sensitive locations, and with proper screening, buffering and site performance standards shall be required. The lower impact of light industrial uses generally permits their location in relatively close proximity to non-industrial uses. Examples typically include: production of electronic parts, assembly of small appliances, production of opto-electronic materials, apparel production, (finished) leather products, crafting of glass laboratory instruments, and other uses falling generally within this use category.

c. d. Industrial

Industrial use type refers to on-site production or manufacturing processes which meet one or both of the following developmental criteria:

- (i) the use functions at a generally larger scale of operations than light industrial; or
- (ii) the use is more complex than light industrial due to the extent of its production or manufacturing process, from import of materials to export of value added product and may rely more on raw, rather than already-assembled or partially-completed component materials.

Industrial uses shall be located on sites that are physically distant from residential areas. This use type includes warehousing and distribution facilities that may be associated with production processes and office or research facilities ancillary to the principal use. Industrial uses typically include manufacturing of equipment and materials, food processing production, pharmaceuticals manufacturing, construction of large electrical appliances, manufacture of materials and products for the construction industry, assembly of prefabricated building components and uses of the same general type.

Emerging industrial technologies that have come to the economic front and are projected to emerge as major activities in the future will be emphasized and encouraged. Emerging uses include: manufacturing associated with distributed computing and telecommunications; materials synthesis and processing for advanced structural materials, electronic and photonic materials, and other industrial applications; flexible integrated manufacturing, encompassing such activities as innovative machine concepts, intelligent sensors and process control

techniques, computer-based tools for product or process design, manufacturing infrastructure design, and techniques for systems management; assembly or construction of state-of-the-art transportation systems, and design and manufacturing of pollution reduction and other environmental remediation equipment.

d. e. Research and Development

Research and development use type refers to the research, development, and prototypical pilot manufacturing or limited production of products designed primarily for initial marketing of electronic, industrial, scientific, biotechnological, and biomedical products and applied process engineering. Examples of uses include: biotechnology (applied molecular biology); computer-component manufacturers; distributed computing and telecommunications (information technology); transportation research and other uses intended to create new products or to improve existing ones. Research and development uses may vary considerably in terms of scale of operations, and may involve the continued development of improved or new products.

e. f. Conference/Cultural

Conference/cultural use type refers to the performance of educational, cultural, governmental, recreational, and other uses which are strongly vested with public or social importance. Typical uses include conference space, theaters, museums, libraries, and galleries.

f. g. Academic/Institutional/Civic

Academic/institutional/civic use type refers to educational services provided by public and private institutions, administrative operations provided by governmental and quasi-governmental entities, community centers, and childcare facilities. Typical uses include government offices, municipal facilities, schools, colleges, religious facilities, childcare centers, community centers, and indoor recreation facilities. Schools may include an on-site residential component as an accessory use.

g. h. Health Care

Health care use type refers to establishments primarily engaged in the provision of personal and group health services ranging from prevention, diagnosis, treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel, as well as the provision of medical testing and analysis services and the provision of convalescent services requiring twenty-four (24) hour staff. Typical uses include hospitals, medical offices, dental clinics, and laboratories, health-maintenance organizations, immediate-care facilities, and clinics, and nursing homes (the latter use is further restricted in particular land use districts within the Devens Enterprise Zone).

h. i. Lodging Services

Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis with incidental food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels, motels, bed and breakfast inns, conference and banquet facilities, and food-service establishments accessory to the hotel or motel as the primary use.

i. j. Commercial

The Commercial use type shall consist of any of the following uses: retail/service centers with multiple occupants; free-standing retail/service uses; convenience retail, which may be freestanding or wholly contained within structures primarily devoted to other uses; and small-scale accessory retail wholly contained within structures primarily devoted to other uses. Commercial uses shall be subject to further limitations and conditions required in particular land use districts. The following subcategories of Commercial uses are established: commercial-retail/service center; commercial-freestanding retail uses; commercial-convenience retail; and commercial-small scale accessory retail.

Retail/service centers may contain retail and specialty stores of any type, food service and sales establishments, banks and financial service businesses, personal service establishments such as dry cleaners, insurance agencies, and video rental stores, convenience stores, office uses, and other operations of the same general type.

Free-standing retail/services uses include uses allowed in retail/service centers, in which the user is the sole occupant of the structure and/or where the structure stands outside of a retail center. Service stations or consumer product repair centers may be permitted where commercial uses are allowed. Typical uses include large scale office supply, automobile rental agencies, office furniture sales, and courier services.

Convenience retail uses include small retail operations involving sale of over-the-counter food, snack items, beverages, candy, gum, and cigarettes, newspapers and magazines, and similar items and may be contained either within a retail center or be free-standing.

Small-scale retail as an accessory use is any use of a purely retail nature which is wholly contained within an office or other building primarily devoted to a non-retail use. Day care operations may be allowed as an accessory use in all commercial districts except for convenience retail.

Live-work space is an area within a building jointly used for commercial/industrial and residential purposes where the residential use of the space is clearly secondary or accessory to the primary use as a place of work.

j. k. . Residential

1. Residential uses include, but are not limited to: single- or two-family dwellings, cluster residential, co-housing, townhomes, multifamily buildings, age-restricted housing, nursing homes, dormitories, congregate care housing, and continuing care facilities.
2. Affordable residential uses are to be occupied by households earning less than eighty percent (80%) of area median income as defined by the United States Department of Housing and Urban Development, and qualifying for the Local Initiative Program (760 CMR 45).

~~The residential use type refers to the following activities: single and two family dwellings; multi-family dwellings (containing three (3) to eight (8) units); nursing homes and congregate or life care facilities with a permanent health care component; age-restricted 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.~~

k. I. Rail or Trade-Related

Rail or trade-related use type refers to uses that have one or more of the following characteristics: (a) a degree of reliance on the use of rail facilities; (b) the storage, utilization, or production of goods and materials that are moved to or from emerging or expanding national or international markets or an involvement with trade-related businesses that carry on these functions; or (c) multimodal links to transport goods and services.

Examples of business uses which meet the rail or trade-related use requirements include the following: intermodal transportation; trade businesses; distribution and warehousing; innovative transportation technology development; and industrial and light industrial uses with the need for rail access, that utilize multimodal transportation links or that produce or utilize goods or materials which are moved to or from emerging or expanding national or international markets.

The term "Rail or Trade-Related," as defined above, is used in the Table of Permitted Uses in conjunction with the following land use categories for the purpose of establishing subcategories thereof: Industrial, Light Industrial, and Research and Development.

l. m. *Municipal and Open Space and Recreation*

~~The *Municipal and Open Space and Recreation* land use type will allow for public open space, recreation fields, playgrounds, trail systems, accessory parking, municipal, academic, institutional, and civic uses. preserve and enhance the natural beauty and sensitive natural resources of Devens and serve as a buffer and transition zone for other uses. In addition, uses may, where such facilities exist, serve a wide range of passive and active recreational needs of the Devens Regional Enterprise Zone, the host communities, and the region as a whole.~~

Examples of uses include: ~~wetlands and surface waters; all other environmental resource protection areas; trail systems for pedestrian or bicycle use; visitors centers and museum/exhibit space; golf courses; stormwater management retention/detention; active and passive recreation; and camping (of the tent type).~~

m. n. Municipal Use Natural Resources

The Municipal Use land use type refers to uses of land for public purposes by either the Land Bank, or its agents, or the Towns, for the purposes of carrying out local governmental functions at Devens.

Examples of uses include: ~~police, fire, and other public safety facilities; facilities for public administration and offices; outdoor and indoor public recreational facilities; schools; public health and sanitation facilities; public lavatories; public parking facilities; public works facilities; public meeting facilities; and public libraries.~~

The Natural Resources district will allow for no uses other than trail systems, limited accessory parking, repair and reasonable maintenance of existing roads, existing utilities, and existing or planned infrastructure. The intention of the district is to offer a high level of protection to land with high resource value. This district would be for land to be protected by Article 97 and potentially Conservation Restrictions.

B. Accessory Uses

1. The following activities are specifically regarded as accessory to residential uses and shall be permitted without the issuance of a Development Permit:

- a. offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on professional, administrative, or artistic activities of a commercial nature;
- b. hobbies or recreational activities of a noncommercial nature; and
- c. the occupancy of an "accessory in-law apartment" ~~by extended family members~~

2. Day care *centers and Child Care Facilities* shall be permitted in all districts, other than the *Natural Resource Open Space and Recreation* zoning district, as a use accessory to a residence, or the principal use or business or group of uses or businesses, to provide services ~~primarily to~~ for residents and employees working in the DREZ Devens, and may include all attendant facilities related to day care. *Family day care homes (facilities within a dwelling unit) shall be licensed under M.G.L. Chapter 28A section 9, which allows not more than six children under age seven.*

The Day Care/Child Care references have been updated to reflect residential development and current statutes. Chapter 40A section 9 *does NOT* apply to the DREZ under Chapter 498; however Chapter 28A section 9 *does* apply.

C. Prohibited Uses

The following uses are specifically prohibited in all zoning districts:

1. any use that involves the manufacture, handling, sale, distribution, or storage of any highly-combustible or explosive materials in violation of the State's fire-prevention code;
2. stockyards, slaughterhouses, rendering plants;
3. use of a travel trailer or mobile home as a temporary or permanent residence;
4. fuel storage depots for the primary purpose of off-site distribution;
5. long-term storage of any materials or substances where long-term storage is the sole purpose of the land use and where storage is not linked to any process which adds value or utility to the material or substance to be so stored;
6. trash to energy facilities; and
7. coal gasification facilities.

D. Exempt Uses

Notwithstanding any other provisions of the By-Laws to the contrary, no Development Permit is necessary to undertake the following uses or to develop or maintain facilities, buildings, or structures for the following uses, provided, however, that, except where such requirements are already stipulated in this By-Law, the Commission may include in the Regulations reasonable regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, and parking requirements for such facilities, buildings, or structures where applicable:

1. public transportation and street construction;
2. above-ground and underground utilities, including, but not limited to, electric power, telephone, telegraph, cable television, gas, water and sewer lines, pump stations, water supply and water treatment facilities, stormwater piping and related structures, detention and retention ponds, recharge fields, wetland treatment basins, hydraulic control structures, wires or pipes, together with supporting poles, structures, or infrastructure;
3. state, county, and federal government uses;
4. uses by public and private parties that were authorized by the federal government under leases or subleases in effect prior to the effective date of the By-Laws;
5. religious or educational uses on land owned or leased by a religious sect or denomination, or by a non-profit educational corporation.

E. Interim Agricultural Uses

1. ~~Incubator Uses~~

~~The term incubator business or incubator use shall mean an entrepreneurial business or a nonprofit entity with the potential to grow, particularly with regard to employment, rather than sales alone, with an objective to conceive, refine, and produce a distinct product or service that is associated with practical applications in research and development;~~

industry, manufacturing, technical, or other services. Such uses are often start-up businesses and typically utilize flexible, pre-existing space to meet their initial needs.

1. Agricultural Uses

Small scale Agricultural uses are allowed. ~~Agricultural uses shall be allowed on an interim basis only.~~ Agriculture shall be limited to fruit orchards and truck (vegetable) farming, horticulture, forestry, and nursery uses, whether conventional or less common methods are used. Livestock shall be prohibited. Accessory structures associated with agriculture shall be allowed, ~~but the owner may be obligated upon cessation of activity to remove them.~~ *Community Supported Agriculture farms and Farmers Markets are encouraged in certain areas. The DEC shall develop Regulations to balance the impact of non-agricultural and agricultural uses on each other.*

F. Hazardous Waste Facilities

The siting, construction, operation, and maintenance of hazardous waste facilities *in the DREZ at Devens* shall be subject to all the requirements of G.L. c. 21 D, and regulations promulgated hereunder, and to the provisions of G.L. c. 111 section 150 B.

ARTICLE VII. NONCONFORMING USES AND STRUCTURES

- A. ~~As of the effective date of the By-Laws, structures and uses Devens contains numerous existing buildings and that as of _____ structures and existing uses of land. To the extent those existing buildings, structures, and uses do not conform to the By-Laws and the Regulations applicable to the zoning district in which a parcel is located, such parcel and the building and structures thereon, or the use thereof, shall be considered nonconforming under this Article.~~
- B. ~~Within two (2) years of September 30, 1995, the Land Bank shall compile and submit to the Commission a list of nonconforming buildings and structures which, by virtue of their inclusion on such list, shall retain the status of a nonconforming building or structure for a two (2) year period beginning on September 30, 1997. Every two (2) years thereafter, the Land Bank shall compile and submit to the Commission revised lists of nonconforming buildings and structures which shall likewise retain the status of the buildings or structures included on such lists as a nonconforming building or structure during the two (2) year period covered by such revised lists. In the event that an existing building or structure is not included on the original list or subsequent revisions thereof, it shall no longer be entitled to the protections afforded to a nonconforming building or structure pursuant to Article VII. Once a Development Permit has been approved for a project involving a building existing at Devens as of the effective date of the By-Laws, it shall no longer be included on the list to be compiled and submitted to the Commission under this paragraph.~~
- B. €. Use of Nonconforming Buildings and Structures

The use of a nonconforming building or structure, or land without site modifications, shall be subject only to granting of an occupancy permit, or, in the case of interior reconstruction, a building permit, and to the restrictions set forth herein. Expansion, alteration, or change of a nonconforming building or structure, or to the use thereof, or the performance of required site modifications (other than the installation of signage), shall require submission of a Level Two Development Permit application.

- C. Minor repairs to and routine maintenance of nonconforming buildings or structures shall be permitted and encouraged.
- D. A nonconforming building or structure which has been damaged or destroyed by fire or other casualty may be repaired or rebuilt, provided, however, that the repaired or rebuilt building or structure shall be no less conforming than the building or structure that was so damaged or destroyed.
- E. The Commission may include in the Regulations additional standards that will apply to the continuation or proposed expansion of nonconforming uses.

ARTICLE VIII. SUBDIVISIONS

A. General

No person may subdivide land except in accordance with the provisions of the By-Laws and the Regulations. ~~In particular, no person may subdivide land unless and until a final plan of the subdivision has been approved by the Commission, in accordance with the By-Laws and the Regulations.~~ Requests to subdivide land shall be submitted as part of an application for a Development Permit.

B. Subdivision Regulations

1. The Commission shall include in the Regulations provisions regulating the development of subdivisions. The Regulations shall include provisions relating to submission requirements, application and plan review fees, inspection fees, and performance guarantees. The Regulations shall also establish standards with respect to the following:
 - a. the location, quality of construction, width, and grades of streets and roads in the proposed subdivision;
 - b. the utilities and local services that may be required to service the subdivision;
 - c. the relationship of new streets, lots, and buildings to one another and to the surrounding property;
 - d. building placement where property with an existing building(s) is being subdivided;
 - e. building setback requirements and frontage;
 - f. limitations on the type, height, and placement of vegetation; and
 - g. restrictive covenants protecting solar access.
2. When a proposed subdivision will have an effect on parking, the subdivision submission shall include information that meets the parking requirements of the By-Laws and Regulations
3. Development of a subdivision may only proceed in accordance with an approved subdivision plan, the requirements for which will be contained in the Regulations. *All Subdivisions plans must be consistent with the PPIM. Approval of a Subdivision Plan is an approval of an amendment to the PPIM.* All Commission hearings to consider a proposed subdivision plan shall be subject to the public hearing and notice requirements described in Article II of the By-Laws.
4. An approved subdivision plan shall not be changed without the approval of the Commission.
5. A person may submit a Level One Development Permit application that is limited to a request to subdivide land, as provided in Article III D. Future proposed land use and

development actions at the subdivided property shall be subject to the submission of a Level Two Development Permit application.

6. ~~Frontage~~

~~a. When a proposed subdivision will be based upon entirely new construction, a minimum lot frontage of one hundred (100) feet on a street shall be required.~~

~~b. When a proposed subdivision will involve the use of existing buildings, which may also involve new construction, a minimum lot frontage of seventy-five (75) feet on a street shall be required.~~

7. 6. The provisions of the By-Laws and the Regulations relating to subdivision of land shall not prohibit one person's subdividing land for the purposes of providing adjoining land with sufficient land area to meet the subdivision requirements of the By-Laws and Regulations, provided that the configuration of both lots resulting from such subdivision comply with the requirements of the By-Laws and the subdivision regulations.

ARTICLE IX. DENSITY AND DIMENSIONAL REQUIREMENTS

A. General

Exhibit B, attached hereto and made a part hereof, designates the density, minimum lot size, and height restrictions applicable to development in the various zoning districts established at Devens. The Regulations may establish density and dimensional requirements that supplement those contained in Exhibit B.

B. Specific Requirements

No lot on which development is proposed may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

1. could be used for purposes that are permissible in that zoning district; and
2. could satisfy any applicable setback requirements for the zoning district.

C. Height Limitations

1. Building height limitations in the various zoning districts shall be as described on Exhibit B.

2. The height of a building shall be the vertical distance measured from the mean elevation of the average finished grade around the perimeter of the building to the roof line for flat roofs and to the peak for gable roofs, not including appurtenant structures above roof lines.

3. In the case of the *areas identified by maps in the Regulations as following zoning districts, hereinafter referred to as the "viewshed zoning areas districts,"* the building height limits set forth in Exhibit B shall not be subject to modification by variance:

- a. ~~Special Use I; Salerno~~
- b. ~~ITB district located south of Patton Road and east of Jackson Road;~~
- c. ~~Gateway I;~~
- d. ~~that portion of the ITB district located north of Patton Road and east of Jackson Road and south and west of Pine Street; and~~
- e. ~~ITB district located west of Jackson Road and south of Hospital Road.~~

4. In zoning districts other than the viewshed zoning *areas districts*, an applicant may request a variance from the building height limitation for such district set forth in Exhibit B, provided such variance may not exceed the building height set forth in Exhibit B by more than twenty-five (25) percent.

5. Except in the viewshed zoning *areas districts*, an applicant may propose a building that would exceed the height limit by a maximum of one and one half (1½) feet per story (for each story of the building) if such additional height is required to provide for (a) minor architectural appurtenances or ornamentation; or (b) minor extensions of rooftop building system appurtenances.

6. Except in the viewshed zoning *areas* districts, the following features shall be exempt from the district height limitations set forth in Exhibit B, provided the height of such features shall not exceed the building height by more than twenty-five (25) percent:
 - a. residential chimneys, church spires, elevator penthouses, roof-mounted mechanical equipment, roof parapets, and similar structural appendages not intended as places of occupancy or storage;
 - b. flagpoles, antennae, communication equipment, and similar devices as uses accessory to the primary use;
7. Solar collectors and similar equipment, fixtures, and devices. Structures other than buildings shall be subject to the same height limitations set forth above and in Exhibit B.

D. Floor Area Ratio

1. Development Permits for the development of buildings in a zoning district shall not be authorized if the floor area ratio exceeds the percentages allowed for such zoning district on Exhibit B. For purposes of calculating the maximum floor area ratio applicable to a lot, the square footage of parking garages shall not be included.
2. ~~The maximum number of square feet of building space to be developed and/or used at Devens under the Reuse Plan and By-Laws shall not exceed eight million five hundred thousand (8,500,000). It is recognized, however, that in order to exceed seven million seven hundred thousand (7,700,000) square feet of building space, as identified in the Draft Environmental Impact Report for Fort Devens, additional approvals under the Massachusetts Environmental Policy Act may be necessary.~~

The above limits to the amount of square footage have been replaced by areas allowed in accordance with the MOU. This section will either be deleted or replaced with new limitations. The Reuse Plan is another place where limits can be placed, such as the housing caps.

E. Residential Density

1. ~~The total number of residential units to be allowed within Devens shall not exceed two hundred and eighty-two (282) eighteen hundred (1800) units. This number may be increased by further revisions to the Reuse Plan and Zoning By-Laws.~~
2. ~~Density for each district that includes residential is shown on Exhibit B. The Regulations may establish minimum square footage requirements of lot area required for the development of each of the following types of residential buildings:~~
 - a. ~~multi-family dwellings or apartment houses; and~~
 - b. ~~townhouses.~~

3. ~~—— The minimum lot size for one (1) and two (2) unit attached residential dwellings, which are to be constructed in place of existing housing units that are demolished, shall be fifteen thousand (15,000) square feet.~~

4. ~~—— The minimum lot sizes for the developed housing areas existing as of the effective date of the By-Laws, as listed below, shall be in accordance with the following schedule. New residential units developed as infill within such developed housing areas shall likewise conform to such minimum lot sizes:~~

a. ~~Auman Street: 4,000 s.f.~~

b. ~~Birch Circle: 4,000 s.f.~~

c. ~~Elm/Walnut: 10,000 s.f. (single), 2,500 s.f. (multi-family)~~

d. ~~Bates Street: 2,500 s.f. (multi-family)~~

E. F. Frontage

1. Minimum lot frontage in Devens for a lot which is improved by a building as of the effective date of the By-Laws shall be seventy-five (75) feet on a street.

2. Minimum lot frontage in Devens for any other lot shall be [to be determined] ~~one hundred (100)~~ feet on a street.

F. G. Setback

Minimum setback requirements in Devens shall be as required by the Massachusetts State Building Code unless stricter standards are adopted in the Regulations.

ARTICLE X. ESTABLISHMENT OF FLOODPLAIN, WATER RESOURCES PROTECTION, AND HISTORIC DISTRICTS

A. Overlay Districts

1. The floodplain and historic districts and water resources protection districts are hereby established as "overlay" districts. These districts are overlaid upon other zoning districts, and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district.
2. The boundaries of the various overlay districts are provided on the Zoning Map and on the Plan of Water Resources Protection Districts dated November 14, 1994, attached hereto as Exhibit A1.

B. Floodplain Protection Districts

1. All those lands within *the DREZ Devens* shown as within the floodplain on the flood insurance rate maps ("FIRMS") adopted by the Towns as of the effective date of the By-Laws as such FIRMS may be amended, are made a part of the floodplain protection district for *the DREZ Devens*. Such district shall include all areas in *the DREZ Devens* at or below 10 MSL (*Mean Sea Level*) and all special flood hazard areas designated on the FIRMS.
2. Whenever an application is made for a Development Permit on a lot of land, a portion of which lies within a floodplain protection district boundary, the Commission shall require the applicant to provide as part of such application a plan, certified by a registered land surveyor, of the lot showing the location of the floodplain protection district boundary.

C. Water Resources Protection Districts

The *DREZ Devens* water resources protection districts together comprise an overlay district established over the entire *DREZ Devens Regional Enterprise Zone* to protect the water quality of all surface and groundwater resources, as further described in Article XI of the By-Laws.

D. Historic Districts

1. The Commission is empowered by the Act to exercise the powers of a historic district commission, as provided in G.L. c. 40 C.
2. In relation to any Development Permit application involving proposed building alterations or new construction within a historic district, the Commission shall

establish in the Regulations procedures for the issuance of certificates of appropriateness, certificates of non-applicability, and certificates of hardship, as provided in the provisions of G.L. c. 40 C section 1.

3. In determining the type of certificate to issue to an applicant, the Commission shall consider, among other things, the following:
 - a. historical and architectural value and significance of the building or structure;
 - b. the general design arrangement, texture, material, and color of the features involved in the proposed work; and
 - c. the relation of the proposed work to the surrounding area.
4. The Commission's procedures for reviewing, approving, or denying projects within or otherwise affecting a historic district shall be incorporated into the unified permitting procedure established under Article III hereof.
5. The Commission shall recognize historic districts or buildings on the federal or state registers of historic buildings and shall enforce the regulations applicable to such historic districts or buildings.

ARTICLE XI. WATER RESOURCES PROTECTION REQUIREMENTS

A. Objectives

The objectives of the Water Resources Protection Overlay District (the "WRP") are:

1. to promote the health, safety, and general welfare of the community by ensuring an appropriate level of protection for all water resources within *the DREZ Devens* in recognition of the importance of this resource to the region;
2. to preserve the high quality of surface and ground water in the aquifer underlying the *DREZ Devens* area (the "Aquifer") in order to ensure its future use;
3. to conserve natural resources wherever possible;
4. to promote statewide goals for surface water quality in the Nashua River Basin; and
5. to prevent the temporary or permanent contamination of soils, surface water, and ground water on *the DREZ Devens*; while allowing economic development in an environmentally responsible manner.

Consistent with these objectives, the WRP provides requirements which will afford the protection of water resources within *the DREZ Devens*, as recommended by the Water Resources Protection Plan.

B. General Guidelines

1. The WRP is an overlay district superimposed on all zoning districts. The WRP shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses which fall within the WRP must comply with the requirements of this district, as well as underlying zoning. Uses that are prohibited in the underlying zoning districts shall not be permitted in the WRP.
2. Devens is hereby divided into four (4) water resource protection districts ("WRP Districts"), over which differing levels of water resource protection shall be applied. The WRP Districts shall be delineated as overlays on the Zoning Map. The best available information has been used to establish the interim delineation of the four (4) districts. As more definitive information is obtained indicating that the boundaries of any of the districts should be modified, the Commission shall, from time to time and after public hearing, alter those boundaries to reflect the more definitive information. The four WRP Districts are comprised of the following areas:
 - a. Zone I Zone I areas, as defined by 310 CMR 22.02.
 - b. Zone II Zone II areas, as defined by 310 CMR 22.02.

- c. Aquifer District Aquifer Districts are areas over the Aquifer which are outside of Zones I and II.
 - d. Watershed District Watershed Districts are the remaining areas of Devens outside the Aquifer District, Zone I, and Zone II.
- 3. The Commission shall further establish in the Regulations detailed protective measures for the WRP Districts, which shall be consistent with the general guidelines provided in this Article.
 - 4. The Commission shall establish varying levels of protection for each WRP District based on its level of sensitivity, with the highest levels of control established for Zone I and Zone II and lesser levels of control in the Aquifer District and Watershed Districts.
 - 5. Each Level Two development proposal shall include all the information required under the WRP. Level One development proposals and other land use activities at Devens not requiring the submission of a development proposal application shall also meet the applicable requirements of this Article.
 - 6. All proposed land uses and activities at *the DREZ Devens* shall be consistent with the WRP and all applicable federal, state, and local regulations applying to water resource protection.

C. Rail, Industrial, Trade-Related and Barnum Road Zoning Districts

The Rail, Industrial, Trade-Related and Barnum Road zoning districts (the "Districts") is delineated on the Zoning Map. Given the rail and truck-related activity designated for the Districts, which overlies a portion of the Aquifer and the northern portion of which is adjacent to Plow Shop Pond and Grove Pond, for all proposed development within this Districts additional controls and design measures will be required to assure the protection of existing water resources within the Districts. These control and design measures will allow the operation of rail/industrial and trade-related businesses in the Aquifer district and in certain Zone II areas, while providing protection to water resources within the Districts. Furthermore, the Commission shall include in the Regulations the following controls and design measures to assure the protection of existing water resources within the Districts:

- 1. a predesigned common system for stormwater treatment, management, maintenance, and control to be phased-in in advance of sites as they are developed;
- 2. prohibition of on-site disposal of hazardous wastes;
- 3. provide for the detention and recharge for pavement and roof runoff;
- 4. peak rates of runoff to be held at or below current rates; and
- 5. a stormwater system designed to intercept and isolate potential spills and provide for timely clean-up.

All uses in the Districts shall comply with the requirements of the WRP contained herein, with the exception that generators of hazardous waste beyond the level of Very Small Quantity Generators, as defined in 310 CMR 30.353, shall be allowed throughout the District.

D. General Design/Planning Provisions

1. Best management Practices ("BMPs")

The Regulations shall contain BMPs for the construction and operation of all buildings and facilities within the various zoning districts established in Devens that will involve activities regulated under the WRP. The BMPs shall include, but not be limited to, the following:

- a. a standard Devens Spill Prevention Control and Countermeasure Plan (DSPCC) will be prepared by the Commission to facilitate implementation by users;
- b. a prototype Integrated Pest Management Program (IPMP) will be prepared by the Commission to facilitate implementation by users who apply herbicides or pesticides to land areas greater than one (1) acre;
- c. the establishment, where applicable, of ambient water quality conditions through groundwater monitoring;
- d. public education programs for business and industries to promote practices which will protect water resources;
- e. the periodic collection of household hazardous waste;
- f. safeguards for loading areas for both rail and new facilities to ensure the safe transfer of goods and commodities; and
- g. motorized off-road recreational vehicles will be prohibited in all conservation areas identified in the open Space Plan, as said Plan is defined in the Reuse Plan.

2. Construction Requirements

The Regulations shall contain specific requirements for construction projects undertaken pursuant to Level One and Level Two Development Permits, where applicable to activities being undertaken under those Permits. The requirements shall include the following:

- a. submission of a site-specific erosion and sedimentation control plan and stormwater pollution prevention plan;
- b. designation of certain areas for machinery maintenance and refueling;
- c. designation of areas for construction debris containment and temporary storage; and
- d. construction planning to use pre-existing disturbed sites and minimize new site clearing and disturbance.

3. Water Conservation Measures

The Regulations shall contain measures designed to encourage water conservation within Devens, which shall include, but not be limited to, the following:

- a. increase efficiency of all users through the promotion of water conservation measures for business and residential users;
- b. provide public education on water conservation; and
- c. require water conserving plumbing fixtures consistent with the Massachusetts plumbing code.

4. Stormwater Management

The Commission shall establish thresholds and standards in the Regulations, on a site-wide basis, for the following:

- a. prohibition of new stormwater outfalls to discharge directly into resource areas ("Resource Areas") regulated by the Wetlands Protection Act, G.L. 121 sections 40 and 40 A;
- b. removal of suspended solids prior to discharging into Resource Areas;
- c. limits on oil and grease discharge into Resource Areas;
- d. limits on site-wide post-development total runoff volume increase; and
- e. determination of the standard storm event upon which water quality and peak rates of runoff are evaluated.

The Regulations shall contain stormwater control measures, differentiated on a WRP District by District basis. Within the WRP Districts, the following stormwater controls will be designed and implemented on a site specific basis, based on standard engineering practices, best professional judgment, and site specific design constraints. The stormwater control measures shall include, but not be limited to, the following:

a. Watershed Districts

Each Level Two development shall employ stormwater control measures to reduce peak rates of runoff to predevelopment conditions and to maintain or improve water quality. The stormwater control measures shall include:

- (i) catch basins with traps and sumps;
- (ii) oil/water separators;
- (iii) flood controls/runoff controls;
- (iv) ground water recharge facilities, including vegetated swales;
- (v) source reduction of sand and other debris on roads and in parking lots;
- (vi) a plan for the ongoing maintenance of stormwater control facilities, including periodic inspection for compliance by qualified personnel at all facilities; and
- (vii) plans and calculations shall be provided with development proposals.

b. Aquifer District

All Watershed District provisions apply in addition to, or as modified by, the following provisions, for each Level Two development:

- (i) stormwater controls shall provide for the removal of suspended solids and the interception of spills.
- (ii) stormwater recharge must be provided to maintain or exceed current levels of recharge.
- (iii) runoff shall be directed away from sensitive surface water areas.

(iv) development proposals for previously developed sites must demonstrate that water quality is being maintained or improved.

c. Zone II

All Watershed District and Aquifer District provisions apply in addition to, or as modified by, the following provisions, for each Level Two development:

(i) filtration shall be provided for groundwater recharge areas.

(ii) development plans shall include where appropriate stormwater recharge areas to reduce or maintain total volume of runoff.

5. Storage and Application of Deicing Materials

While recognizing that the use of deicing agents is necessary during winter months, the Commission shall establish specific measures in the Regulations to reduce the adverse effects of such deicing agents, differentiated on a WRP District by District basis. These measures shall include the following:

a. Watershed Districts

(i) piles of sodium chloride (road salt) chemically treated abrasives and other chemicals used for the removal of ice and snow (collectively referred to as "deicing materials") on roads should be stored under cover on flat, impervious surfaces protected from runoff. Drainage controls should be in place to direct runoff away from deicing materials storage areas.

(ii) deicing materials shall be kept dry through proper storage.

(iii) outfit deicing material spreading equipment with calibrated deicing material delivery systems for optimal control of the deicing material application rate and calibrations shall be periodically checked to assure they are working properly.

(iv) reduced salt application rates shall be encouraged.

(v) the direct application of one hundred (100) percent road salt to parking areas shall be prohibited.

b. Aquifer District

All watershed District provisions shall apply in addition to, or as modified by, the following provisions:

- (i) the use of deicing materials for roadways is not to exceed the low-salt application rate of one hundred fifty (150) pounds/lane mile.
- (ii) the use of alternative deicing materials for parking areas shall be encouraged.
- (iii) the direct application of one hundred (100) percent road salt to roads shall be prohibited.
- (iv) the stockpiling and/or disposal of snow or ice containing deicing materials from outside the Aquifer District shall be prohibited.

c. Zone II

All watershed District and Aquifer District provisions apply. In addition, the stockpiling and/or disposal of snow or ice containing deicing materials from outside of Zone II's shall be prohibited.

E. Operational Activities

1. Transportation of Hazardous Materials and Waste

The transportation of hazardous materials and waste (as defined below) within Devens shall be in accordance with 49 U.S.C. c. 27 section 1801, G.L. c. 21 C, and 310 CMR 30.400. The following provisions shall be implemented in the Regulations:

a. Watershed Districts

- (i) specific roadways within ~~the DREZ~~ ~~Devens~~ will be designated as primary access for use by carriers to deliver or remove hazardous material or waste. These roadways shall include ~~MacArthur~~, Sherman, Jackson, Patton, and Barnum Roads.
- (ii) all roadways listed in subsection (i) will be clearly marked and designated to facilitate safe transport of hazardous materials and waste.

b. Aquifer District

All Watershed District provisions shall apply, in addition to, or as modified by, the following: as all designated primary routes are reconstructed, catch basins equipped to intercept floating product shall be installed and maintained.

c. Zone II

All Watershed and Aquifer District provisions apply. In addition, as all designated primary routes are reconstructed, spill interception and containment methods will be installed.

2. Hazardous Waste and Materials

The Regulations shall contain measures for the control of hazardous waste and materials, as said terms are defined by 42 U.S.C. sections 6901-6922i, G.L. c. 21 C, G.L. c. 21 E, and 310 CMR 40.00 ("Hazardous Waste and Materials"). The following provisions shall be implemented on a WRP District by District basis. These measures shall include the following:

a. Watershed Districts

- (i) Applicable state and federal laws and regulations shall apply.
- (ii) All hazardous wastes generated within Devens must be disposed of or recycled at a licensed hazardous waste disposal facility.
- (iii) A registration and inspection program for Hazardous Waste and Materials shall be established.

b. Aquifer District

All Watershed District provisions apply in addition to, or as modified by, the following provisions for each development:

- (i) Development Permits shall establish specific requirements for the storage of Hazardous Waste and Materials which shall remain in force as long as the use exists.
- (ii) Additional requirements for the storage of Hazardous Waste and Materials may be established on an individual development basis.
- (iii) Developments storing Hazardous Materials or generating Hazardous Waste beyond a specified amount as stated in the

Regulations will be required to provide an addendum to the standard DSPCC which shall specify all the Hazardous Materials being stored at the development site by name, the intended use of the Hazardous Materials, and the storage area in which all such Materials are being stored.

(iv) Outdoor aboveground storage areas shall be covered wherever possible, and shall have a secondary containment system which includes an impermeable layer and a berm or dike to hold any spills or leaks, with capacity to hold one hundred ten (110) percent of the maximum volume stored.

(v) Storage and use of Hazardous Waste and Materials shall only be allowed as an accessory use.

c. Zone II

All Watershed District and Aquifer District provisions apply. In addition, any development requiring an addenda to the DSPCC shall provide on-site materials and equipment for spill response in accordance with its specific DSPCC.

3. Storage Tanks

The Regulations shall contain measures for the storage of fuel, combustible and flammable liquids, as defined by 42 U.S.C. section 6901-6922i, G.L. c. 148, and 527 CMR 9.00, differentiated on a WRP District by District basis. These measures shall include the following:

a. Watershed Districts

Applicable state and federal laws and regulations shall apply. In addition, aboveground and underground storage tanks shall be registered, as specified under the Regulations.

b. Aquifer District

All Watershed District provisions apply in addition to, or as modified by, the following provisions, for each development:

(i) All aboveground and underground storage tanks greater than two hundred fifty (250) gallons shall be individually listed in the Development Permit.

(ii) Developments storing fuel and combustible and flammable liquids beyond a specified amount, as shall be specified in the Regulations, will be required to provide an addendum to the standard DSPCC which shall specify all the types of fuel, combustible or flammable liquids being stored at the development site by name, the intended use of said fuel and flammable liquids, and the storage areas in which all said fuel and flammable liquids are being stored.

(iii) The use of underground storage tanks shall be discouraged except where standard engineering practices and best professional judgment determine that underground storage tanks present fewer risks than aboveground tanks.

c. Zone II

All Watershed District and Aquifer District provisions apply in addition to, or as modified by, the following provisions:

(i) Aboveground storage tanks shall have an impervious basin with a secondary containment capacity of one hundred ten (110) percent of the total volume.

(ii) Monitoring wells may be required both upgradient and downgradient for both aboveground and belowground storage tanks.

(iii) Developments requiring an addendum to the DSPCC, as specified above, shall provide materials and equipment for spill response to be located on-site in accordance with the DSPCC.

4. Radioactive Materials and Medical/Research Wastes

The Commission shall require in the Regulations the proper storage, transportation and handling of radioactive materials and medical/research wastes in accordance with 42 U.S.C. sections 2011-2296, G.L. c. 111 H and c. 94 B, and 105 CMR 120.00.

5. Floor Drains

The Regulations shall contain measures regulating floor drains in accordance with applicable state (310 CMR 27.00 underground injection control regulation) and federal laws and regulations.

6. Pesticides and Herbicides

The Regulations shall contain measures regulating the use of pesticides and herbicides in accordance with G.L. c. 128 section 64, 330 CMR 15.00, and applicable federal laws and regulations. The following measures shall be implemented on a WRP District by District basis:

a. Watershed Districts

(i) For all non-residential applications, chemicals stored on-site shall be registered.

(ii) Spray equipment shall be properly calibrated, maintained and inspected.

(iii) Indoor storage areas must be properly marked.

(iv) Buildings used for storage of pesticides and herbicides must have a spill collection system in place.

(v) Mixing areas for pesticides should be located away from floor drains, such that leaks or spills cannot enter floor drains. All indoor and outdoor mixing areas should be equipped with proper controls to prevent pesticides and herbicides from entering the wastewater or stormwater systems.

b. Aquifer District

All watershed District provisions apply. In addition, for each development, storage facilities shall be covered and shall have a secondary containment system, and the use of pesticides and herbicides contained in the state Pesticide Board Groundwater Protection List (GPL) shall be restricted.

c. Zone II

All Watershed District and Aquifer District provisions apply. In addition, for each development, an approved Pesticide Management Plan shall be required prior to applying any pesticide or herbicide on the GPL.

7. Fertilizers

For projects on sites of one (1) acre or more proposing the use of fertilizers, the amounts and application rates shall be specified by the Commission in the Regulations. Furthermore, the Commission shall request the user to:

a. use fertilizer alternatives where appropriate;

b. test soil annually to determine annual fertilizer needs;

- c. use time-release fertilizers;
- d. limit application of any type of fertilizer; and
- e. establish a monitoring program for fertilizer application to sites that are ten (10) acres or greater.

ARTICLE XII. WETLANDS PROTECTION

A. Objectives

The primary objective of the wetlands protection requirements of the By-Laws is to maintain and enhance the conservation and protection of all natural resources present within *the DREZ Devens*.

B. General Provisions

1. The Act requires the Commission to exercise all the powers of a conservation commission relating to the enforcement in Devens of the Wetlands Protection Act, G.L. c. 131, sections 40 and 40 A, and the regulations promulgated thereunder by the Department of Environmental Protection at 310 CMR 10. The Commission shall administer its powers relating to the protection of wetlands in accordance with the Wetlands Protection Act and regulations issued by the Department of Environmental Protection thereunder. Resource areas protected under the Wetlands Protection Act include freshwater wetlands, rivers, streams, ponds, and lakes.
2. The Commission shall include a wetlands protection section in the Regulations which will provide a detailed description of the procedures required to obtain a wetlands permit, as well as the enforcement powers of the Commission and the Department of Environmental Protection. This section of the Regulations shall be consistent with and based upon 310 CMR 10.
3. The submission by an applicant pursuant to this wetlands protection by-law for a project involving wetlands, and the review of that Notice of Intent, shall be incorporated into the unified permitting procedure for Devens described in the By-Laws, particularly in the permitting procedure, Article III.

C. Specific Provisions

1. Lands within one hundred (100) feet of wetland resources are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resources have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. To protect water quality, groundwater recharge, and wildlife habitat, no alteration of the natural vegetation or substrate may be undertaken within twenty-five (25) feet of the bank of any stream, river, pond, any wetland bordering on these waterbodies, and any vernal pool certified by the Division of Fisheries and Wildlife (collectively "Resource Areas"). Furthermore, no building shall be located within fifty (50) feet of these Resource Areas.

2. Except for the twenty-five (25) foot and fifty (50) foot setbacks referenced in paragraph 1, the Commission may permit development within one hundred (100) feet of a Resource Area upon a demonstration by the applicant that work within the one hundred (100) foot area would not adversely affect the ability of the wetland to protect surface or groundwaters, public or private water supplies, water quality, wildlife habitat, or fisheries.
3. The twenty-five (25) foot and fifty (50) foot setback requirements described in the preceding paragraph 1 will not apply to the construction of recreational facilities (bikeways, trails, docks, etc.), roads, streets, railyards, aboveground or underground public utilities and infrastructure, detention basins or drainage structures, measures undertaken for the remediation of contaminated soils or groundwater, or removal of solid waste.

ARTICLE XIII. SIGNS

- A. As part of the Regulations, the Commission may develop detailed requirements regulating the erection and maintenance of signs at *the DREZ Devens*, which shall include, but not be limited to, the following areas:
1. sign surface area;
 2. set-backs for signs;
 3. duration of temporary signs;
 4. number of freestanding signs;
 5. location of signs;
 6. height of signs;
 7. sign illumination;
 8. particular types of signs that are prohibited; and
 9. minimum design, construction, and maintenance standards for signs to ensure quality and safety.

Sensitivity shall be shown to the natural and man-made characteristics of the particular district, reflecting the differing requirements in regard to materials, height, illumination, placement on the lot or building, and overall area of signs on the lot.

- B. The sign regulations may differentiate between the types of signs permitted within different zoning districts.

ARTICLE XIV. PARKING

A. Parking Regulations

In the Regulations, the Commission shall develop detailed requirements for the number of parking spaces required for proposed developments and the minimum design, construction, and maintenance standards applicable to parking lots, driveways, and loading and unloading areas. Those requirements and standards shall take into consideration traffic congestion, public safety, and aesthetic factors.

B. Number of Spaces Required

Proposed developments shall provide for the number and type of parking spaces designated on *Table XIV-1 Exhibit C*, which may be modified by additional space requirements and ratios provided under the following paragraphs 1 through 3.

1. Where the gross floor area of a building or buildings is divided among various uses, the Commission shall apply the parking space requirements and ratios which most appropriately apply to the character and proportion of uses within such building or buildings.
2. Common parking facilities shall be encouraged in all zoning districts other than the open Space and Recreation district, in order to minimize excessive paving and the size and number of areas devoted to parking.
3. In order to minimize the extent of paved parking areas, the applicant may propose and the Commission may approve a shared parking arrangement within any cluster of buildings, under which construction of up to thirty-five (35) percent of required parking area may be deferred to the future, provided that the parking area is located within four hundred (400) feet of the applicant's building or facility. Further conditions which must be satisfied by the applicant prior to approval by the Commission are as follows:
 - a. the applicant must demonstrate to the satisfaction of the Commission that vehicles occupying a particular number of spaces are unlikely to require the use of those spaces at the same time of day or same day of the week;
 - b. sufficient land area has been reserved for the future construction of additional parking space should it be subsequently required to meet the requirements of the By-Laws;
 - c. no building or permanent accessory structure may be placed on the reserve area;
 - d. adequate provision has been made for vehicular access links between lots; and
 - e. surety or other means of performance assurance has been provided in a form acceptable to the Commission to ensure construction of required parking and

ancillary improvements, if provision of additional parking is deemed necessary.

4. Satellite parking lots created for the purpose of serving public transportation to and from Devens are allowed in all zoning districts, except for the Open Space and Recreation district, subject to site plan review.

Table XIV. Parking Requirements by Use

Use Categories		Maximum Parking per Land Use (fractions rounded up to the closest whole number)
Residential Categories		
Accessory Dwelling	One	
Single Family Dwelling, including attached and detached dwellings and manufactured homes	Two per unit	
Duplex	3 spaces per duplex	
Multi family	1 space per studio or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3-bedroom or larger unit	
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms	
Commercial Categories		
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	No requirement, however the Regulations may develop queuing requirements.	
Bed and Breakfast Inn	1 space per bedroom	
Educational Services, not a school (e.g., tutoring or similar services)	2 space per 1,000 sq. ft. floor area	
Entertainment, Major Event	per Site Plan review	
Offices	2 spaces per 1,000 sq. ft. floor area	
Outdoor Recreation, Commercial	per Site Plan review	
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses, per Section XX)	2 spaces, or per Site Plan review	
Retail Sales and Service (See also Drive-Up Uses)	Retail: 2 spaces per 1,000 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 1,000 sq. ft.	
	Restaurants and Bars: 8 spaces per 1,000 sq. ft. floor area	

Use Categories	Maximum Parking per Land Use (fractions rounded up to the closest whole number)
	Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys): 3 space per 1,000 sq. ft.
	Lodging (hotels, motels, inns), (see also Bed and Breakfast Inns): 0.75 per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above
Theaters and Cinemas: 1 per 6 seats	
Self-Service Storage	No standard
Industrial Categories1	
Industrial Service	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area
Waste-Related	per Site Plan review
Wholesale Sales	1 space per 1,000 sq. ft. per Site Plan review
Institutional Categories	
Basic Utilities	None
Colleges	per Site Plan review
Community Service	1 space per 200 sq. ft. of floor area
Daycare, adult or child day care; does not include Day Care Home (6 or fewer children)	1 space per 500 sq. ft. of floor area
Parks and Open Space	Determined per Site Plan review for active recreation areas, or no standard
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area; or per Site Plan review, as applicable
Schools	Grade, elementary, middle, junior high schools: 1 space per classroom, or per Site Plan review
High schools: 7 per classroom	
Other Categories2	
Accessory Uses (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through Site Plan Review.
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale, as applicable
Radio Frequency Transmission Facilities	None

<i>Use Categories</i>	<i>Maximum Parking per Land Use (fractions rounded up to the closest whole number)</i>
<i>Transportation Facilities (operation, maintenance, preservation, and construction)</i>	<i>None</i>
<i>Other Uses: Uses determined by Commission to not be fully addressed in these By-Laws section and Table</i>	<i>At Commission discretion based upon character and needs of proposed use.</i>

C. Parking Requirements in the Innovation and Technology Center Zoning District

In the ~~Innovation and Technology Center~~ *Town Center* zoning district it is expected that parking requirements will be met primarily through common facilities shared by multiple users. Parking facilities for a building or unified complex of buildings may be provided by either private or public parties. The general concept is that parking will be a common responsibility, servicing the needs of the various occupants of the *Town Center*. ~~Innovation and Technology Center~~.

Parking required for single users occupying a free-standing building without multiple tenancy may be provided on an individual user basis, in accordance with the parking use *Table XIV-1* ~~tables attached at Exhibit C~~. Structured parking is permissible, subject to historic district regulations and design review. *Structured parking is not subject to maximum number of spaces.* The Commission may also permit curbside parking in this district where it is physically feasible and appropriate to do so.

ARTICLE XV. SUBSTANTIAL REVISIONS TO THE REUSE PLAN AND BY-LAWS

- A. As provided in the Act, the Commission may make minor revisions to the Reuse Plan and the By-Laws without action by the Towns and *MassDevelopment*. ~~the Land Bank~~.
- B. A proposed revision to the Reuse Plan and By-Laws shall be considered minor, for purposes of the Act and the By-Laws, if the revision meets any of the following criteria:
 - 1. the proposed revision corrects a typographical or clerical error or omission without prejudice to the rights of any person or Town;
 - 2. the proposed revision renumbers a provision of the Reuse Plan or the By-Laws without change to the text thereof; or
 - 3. the proposed revision is an amendment to the Zoning Map to be made pursuant to Article V B 3.
- C. All proposed revisions to the Reuse Plan and By-Laws that are not considered minor, as described in the preceding paragraph B, shall be considered substantial revisions requiring the approval of the Towns and *MassDevelopment* ~~the Land Bank~~, as provided in the Act.

ARTICLE XVI. DEFINITIONS

The following definitions are updated to match the DEC Regulations:

- ☐ Applicant
- ☐ Development Permit
- ☐ Lot
- ☐ Regulations

Other definitions have been added or changed to reflect updated terms or use in the 2006 By-Laws.

In the By-Laws, the following words and phrases shall, unless the context requires otherwise, have the following meanings:

1. "Act," Chapter 498 of the Acts of 1993, as it may from time to time be amended;
2. "Applicant," ~~a person who applies for a Development Permit and, upon issuance of such Development Permit, the person responsible for any undertaking pursuant to that Development Permit;~~ *The owner of land proposed to be developed or its representative who shall have express written authority to act on behalf of the owner.*
3. "Affordable Housing", *housing that qualifies as "low or moderate income" housing as defined by M.G.L. c. 40B Section 20 and 760 CMR 30.02.*
4. ~~"Affordable" Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the federal Department of Housing and Urban Development and the Massachusetts Department of Housing and Community Development.~~
5. Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:
 - ☐ Changes to the exterior of a building;
 - ☐ Changes to the interior of a building;
 - ☐ Increases or decreases in floor area of a building;
 - ☐ Changes to other structures on the site, or the development of new structures;
 - ☐ Changes to exterior improvements;
 - ☐ Changes to landscaping; and
 - ☐ Changes in the topography of the site.

~~"Bank" or "Land Bank," the Government Land Bank, established by Chapter 212 of the Acts of 1975, as amended;~~

6. "Building," a structure designed to be used as a place of occupancy, storage, or shelter;

7. "By-Laws," these By-Laws *as amended from time to time*;
8. "Commission," the Devens Enterprise Commission established by section 9- __ of the Act;
9. "*Dedication*" *the transfer of property by the owner to another party.*
10. "Development," ~~that which is to be done pursuant to a Development Permit. All~~ *improvements on a site, including buildings, other structures, parking and housing areas, landscaping, paved or graveled areas, grading and areas devoted to exterior display, storage or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes ;*
11. "Development Permit," ~~also "Unified Permit" a permit issued by the Commission that authorizes the recipient to make use of property in accordance with the requirements of the By-Laws and the Regulations, provided that a Development Permit may be issued in phases consistent with the level, complexity, and schedule proposed for the project. The Development Permit or Unified Permit is the mechanism by which the DEC may authorize development to proceed and is a consolidation of components (site plan approval, wetlands protection, zoning variances, subdivision with new road, and so forth).~~
12. "Devens" The Town of Devens, created by _____ [cite authority here].
13. "Devens Regional Enterprise Zone, (DREZ)" ~~the regional development zone created by the Act, the boundaries of which include all the land area of Fort Devens, except the South Post, but including certain land adjacent to Fort Devens currently owned by the Commonwealth, and certain land adjacent to Fort Devens currently owned by the Springfield Railway Terminal, Inc., or affiliate thereof or successor thereto, and currently used primarily for railroad purposes;— The zone created by Chapter 498 of the Acts of 1993 designated for redevelopment of the Main and North Posts of the former Fort Devens.~~
14. "Duplex". See Two (2) Family definition.

~~"Dwelling," a building or portion thereof designed exclusively for residential occupancy, including one (1) family detached houses, two (2) family houses, townhouses, and multiple-family dwellings, but not including hotels, motels, boarding houses, or trailers;~~
15. "Dwelling unit," an enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
16. "Family," one or more persons living together as a single housekeeping unit;
17. "Floor-area ratio," the total gross floor area of all buildings on one lot divided by the total area of the lot;
18. "Fort Devens," ~~the lands, including all easements, reservations, and rights appurtenant thereto, and all buildings, structures, utility facilities, and improvements located thereon,~~

~~comprising all or a portion of the military base of that name presently located in the towns of Ayer, Harvard, Lancaster, and Shirley, as long as such lands remain within the ownership, control, and jurisdiction of the United States government; [should this be deleted?]~~

19. "Frontage". The dimension of a property line abutting a public or private street.
20. "Gross floor area," the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage; Impervious surface. Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e. g., non-permeable pavement, solid rock, roofs, foundations, underground tanks and vaults, and similar areas).
21. "Land Use Administrator/*Director*," the person or persons appointed by the Commission to administer and enforce the By-Laws and the Regulations ~~and, if no such person has been so appointed, the Commission~~
22. "Lot," ~~a single area of land in one ownership defined by metes and bounds or boundary lines in a recorded deed or in a recorded plan; a parcel of land intended to be a unit for development created by lease, conveyance, option or for transfer of ownership, whether immediate or future, and capable of being shown on a Plan that can be recorded at the Registry of Deeds;~~
23. "Multi-family dwelling" or "apartment house," a building intended and designed to be occupied by more than two (2) families living independently in separate dwelling units;
24. ~~n~~Nonconforming use or structure," a building, structure, or use of land existing at ~~Devens on the DREZ~~ on the effective date of the By-Laws and the Regulations, which does not conform to the requirements applicable to the zoning district in which it is situated, as provided in the By-Laws;
25. "Person," an individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit;
26. "Principal use," where there is more than one use of a particular lot, the predominant use, as determined by the Commission;
27. "Regulations," ~~the land-use regulations to be developed by the Commission pursuant to section 9 of the Act;—The Rules and Regulations of the Devens Enterprise Commission as amended from time to time;~~
28. "Reuse Plan," the plan for the reuse of Devens, as approved by the Towns pursuant to section 10 and section ___ of the Act; *and as amended from time to time;*
29. "Road," all private ways, whether planned or constructed, used to provide motor-vehicle access to (i) two or more lots or (ii) two or more distinct areas or buildings in unsubdivided developments;

30. "Single -family detached house," a dwelling intended and designed to be occupied by a single family, but not including a trailer, whether detached or attached to the ground;
31. "Sign," any exterior device that is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them;
32. "Street," a public way or a way having, in the opinion of the Commission, sufficient width, suitable grades, and adequate construction to provide for the proposed use of the land abutting thereon or served thereby;
33. "Street, arterial," a major street in Devens' street system that serves as an avenue for the circulation of traffic onto, out of, or around Devens designed to carry a high volume of traffic;
34. "Story," that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. The first story, for the purposes of determining the height of a building, shall be the lowermost story with more than sixty (60) percent of the wall surfaces enclosing that story above the natural grade;
35. "Structure," a combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fences over six (6) feet high, sign, flagpole, recreational tramway, mast for radio antenna, or the like. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part or parts thereof."
36. "Subdivision," the division of a tract of land into two or more lots or other divisions for the purpose of sale or development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets;
37. *Towns, Original*” *The towns of Shirley, Ayer and Harvard.* ...
38. ~~"Town" or "Towns," any one or combination of the towns of Ayer, Harvard, or Shirley, depending upon the context;~~
39. "Townhouse," a dwelling unit attached by party walls on one or both sides to other dwelling units, but having separate entrances and front and rear yards;
40. "Two (2) -family house," a dwelling intended and designed to be occupied by two (2) families living independently in separate dwelling units; (also known as Duplex)
41. "Use," the activity or function that actually takes place or is intended to take place on a lot;
42. "utility facilities," any structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a

- governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals;
43. "Variance," a grant of permission by the Commission that authorizes the recipient to do that which, according to the strict letter of the By-Laws and the Regulations, he could not otherwise legally do;
44. *Voting Commissioner. A member of the Commission that has the authority to vote on development permits, and other issues before the Commission. .*
45. *Zoning. The*
46. "Zoning district" or "district," a district, as described in Article V of the By-Laws and identified on the Zoning Map, provided that the term zoning district shall include all of the areas on the Zoning Map designated with the same district designation, notwithstanding that such areas may not be contiguous to one another;
47. "Zoning Map," the designated Zoning Map for Devens, found at Exhibit A of the By-Laws, as from time to time revised.

Exhibit A: Zoning Map [1994 Reuse Plan]

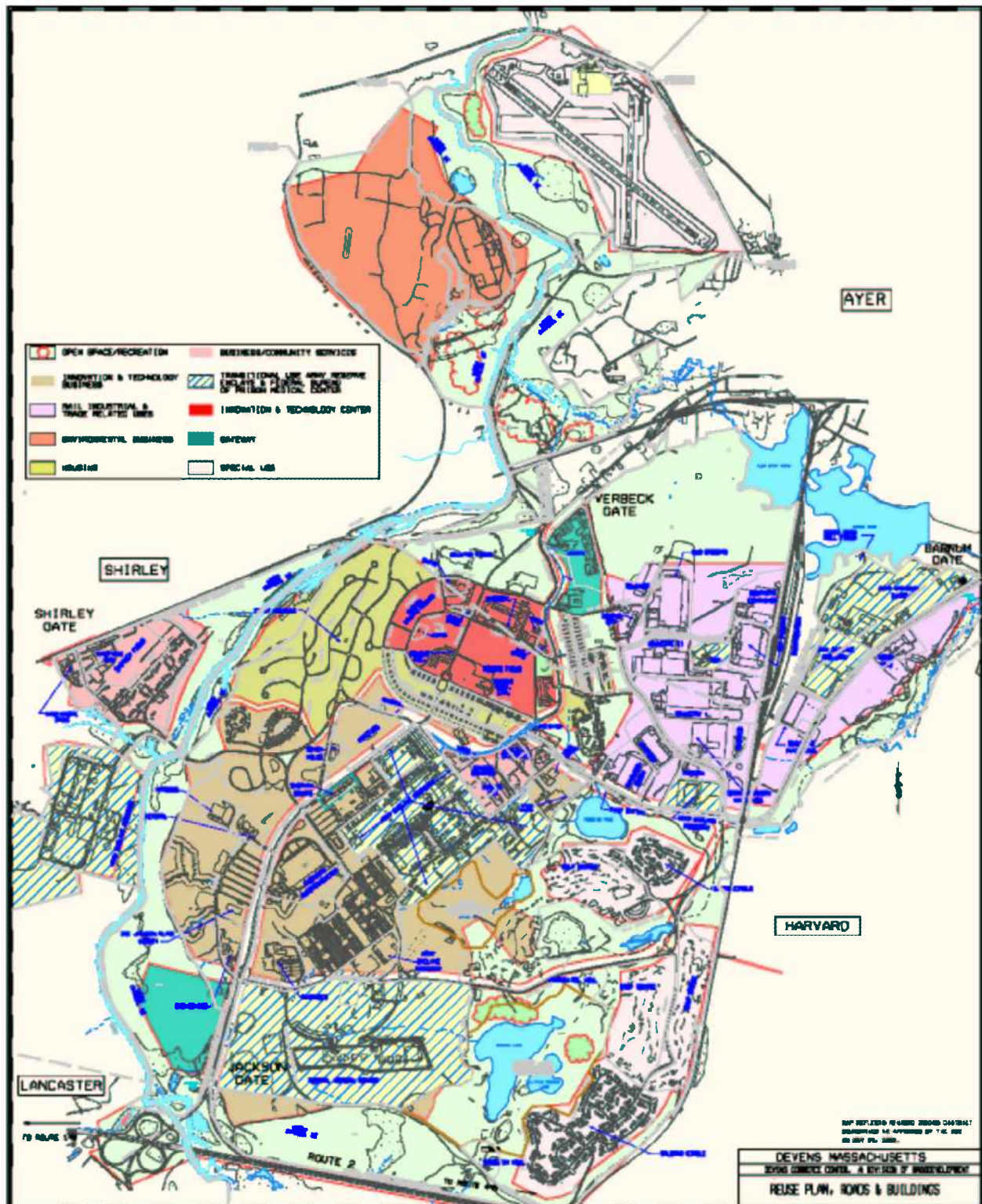
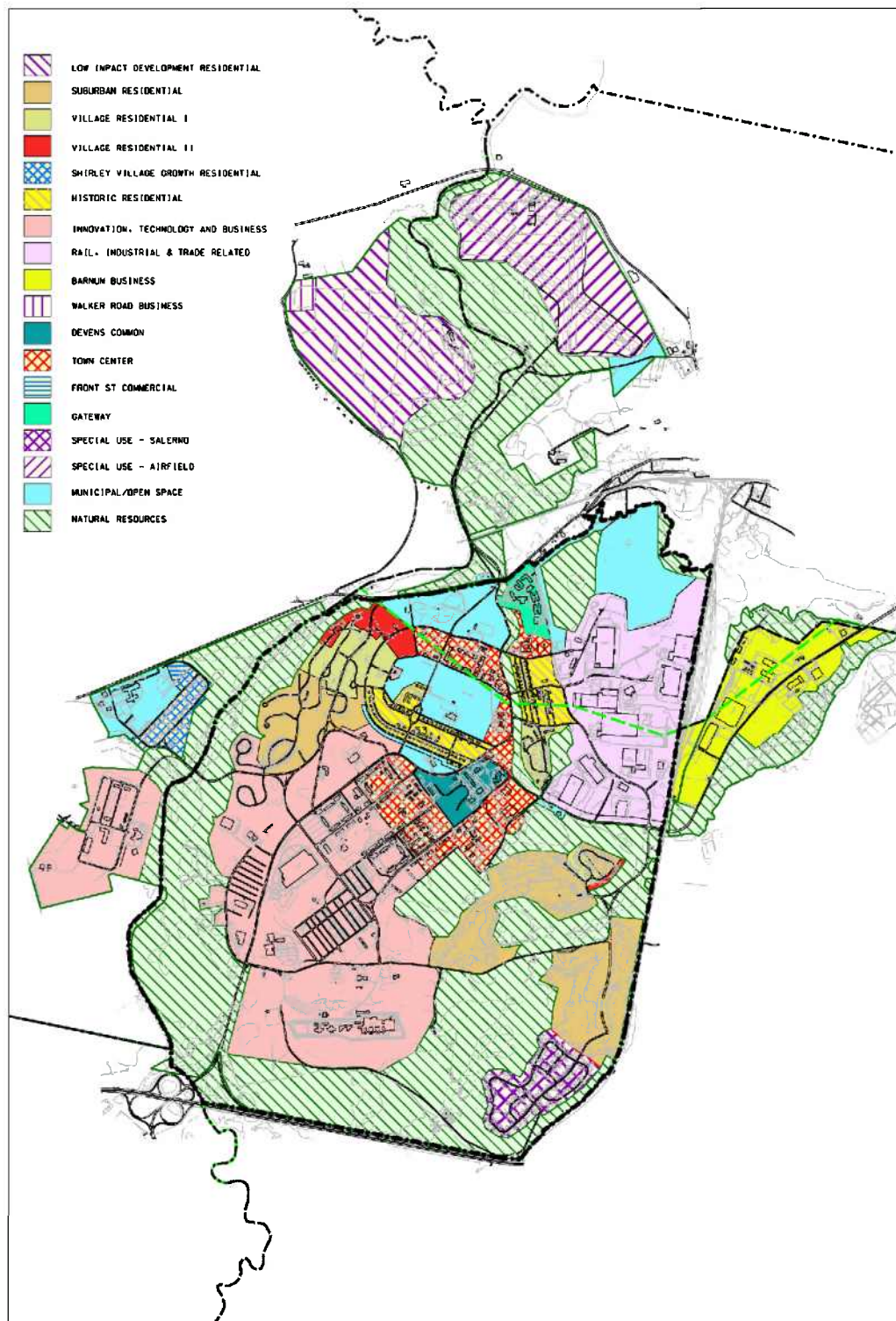


Exhibit A: Zoning Map [2006 Reuse Plan]

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Exhibit B. Density Table for Districts

Note: Entire existing table deleted and replaced in its entirety with the following.

<i>District Name</i>	<i>Max FAR for district</i>	<i>Max FAR for each user</i>	<i>Max Impervious Surface for individual lots and users</i>	<i>Max height [1]</i>	<i>Minimum Lot size or maximum density [2]</i>	<i>Special Measures</i>
<i>Low Impact Development Residential</i>	<i>None</i>	<i>None</i>	<i>35%</i>	<i>35'</i>	<i>40,000 square feet; minimum lot size</i>	<i>See article V for special procedure and standards</i>
<i>Gateway</i>	<i>0.20</i>	<i>0.25</i>	<i>60%</i>	<i>45'</i>	<i>2 acres</i>	<i>Recreation uses to remain</i>
<i>Suburban Residential</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>35'</i>	<i>8,000 sf</i>	
<i>Historic Residential</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>45'</i>	<i>15,000 square feet</i>	
<i>Village Residential I</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>45'</i>	<i>4,000 sf for single family homes, 2,400 sf for townhomes</i>	
<i>Village Residential II</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>45'</i>	<i>2,400 sf for townhomes</i>	
<i>Shirley Village Growth Residential</i>	<i>None</i>	<i>None</i>	<i>See Table V-1 for open space and density calculations for this district</i>	<i>35'</i>	<i>See Table V-1 for open space and density calculations for this district</i>	<i>See article V for special standards</i>
<i>Devens Common</i>	<i>0.50</i>	<i>0.75</i>	<i>75%</i>	<i>45'</i>	<i>15,000 square feet</i>	
<i>Walker Road Business</i>	<i>0.60</i>	<i>0.75</i>	<i>25%</i>	<i>45'</i>	<i>20,000 square feet</i>	
<i>Barnum Road Business</i>	<i>0.45</i>	<i>0.60</i>	<i>90%</i>	<i>75'</i>	<i>2.0 acre</i>	

<i>District Name</i>	<i>Max FAR for district</i>	<i>Max FAR for each user</i>	<i>Max Impervious Surface for individual lots and users</i>	<i>Max height [1]</i>	<i>Minimum Lot size or maximum density [2]</i>	<i>Special Measures</i>
<i>Town Center</i>	<i>0.75</i>	<i>0.5</i>	<i>75%</i>	<i>65'</i>	<i>2,400 sf for townhomes</i>	<i>Some portions in Historic Dist.</i>
<i>Front Street Commercial</i>	<i>0.45</i>	<i>0.25</i>	<i>60%</i>	<i>35'</i>	<i>40,000 square feet</i>	<i>See special standards in Article V</i>
<i>Innovation and Technology Business</i>	<i>0.25</i>	<i>Office 0.25 R&D: 0.35 Indus. 0.50</i>	<i>75%</i>	<i>75'</i>	<i>2 acres</i>	<i>Height restriction per note [1]</i>
<i>Rail, Industrial and Trade related uses</i>	<i>0.45</i>	<i>0.60</i>	<i>90%</i>	<i>75'</i>	<i>2 acres</i>	<i>Engineered stormwater for aquifer protection</i>
<i>Special Use - Airfield</i>	<i>None</i>	<i>Office 0.25 Research and Development 0.35 Industrial and Manufacturing 0.5</i>	<i>70% for non-residential uses</i>	<i>50' for non-residential uses, three (3) stories for residential uses</i>	<i>30,000 sf for non-residential uses, 5,000 sf for single-family homes, 2,400 sf for townhomes</i>	<i>See special standards in Article V.</i>
<i>Special Use – Salerno</i>	<i>0.25</i>	<i>Office 0.25 Research and Development 0.35</i>	<i>50%</i>	<i>45'</i>	<i>4,000 sf for single family homes, 2,400 sf for townhomes</i>	<i>Height restrictions per note [1]</i>
<i>Municipal and Open Space</i>	<i>None</i>	<i>None</i>	<i>None</i>		<i>None</i>	
<i>Natural Resources</i>	<i>None</i>	<i>None</i>	<i>None</i>		<i>None</i>	<i>See special standards in Article V and VI.</i>

Notes:

[1] See Viewshed boundary map in Devens Rules and Regulations

[2] There is no requirement for a minimum density.

Exhibit C. Parking Requirements.

[Exhibit Deleted, table revised and moved to Article XIV].

Uses	Low Impact Development Residential	Suburban Residential	Village Residential I	Village Residential II	Shirley Village Growth Residential	Historic Residential	Innovation & Technology Business	Rail, Industrial and Trade-Related	Barnum Road Business	Walker Road Business	Devens Common	Town Center	Front Street Commercial	Gateway	Special Use Salerno	Special Use Airfield	Municipal and Open Space	Natural Resources
Academic/Institutional/Civic	-	-	-	-	-	-	P	-	-	-	P	P	-	P	P	-	P	-
Municipal Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Passive Recreational Uses (incl. trail systems)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active Recreational Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Lodging Services	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Commercial																		
Retail Center	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
Free Standing Retail	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
Convenience Retail	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
Small-Scale Retail: Accessory Use	-	-	-	AC	-	-	AC	AC	-	-	AC	AC	AC	AC	AC	AC*	-	-
Residential																		
Single or Two-Family Dwelling	-	P	P	-	P	P	-	-	-	-	-	P	-	AC	P	P	-	-
"Cluster" Residential	P	P	P	-	P	-	-	-	-	-	-	P	-	-	P	P	-	-
Townhome	-	-	P	P	P	-	-	-	-	-	-	P	-	-	P	P	-	-
Multi-Family Dwelling (3 to 6 units)	-	-	-	P	P	P	-	-	-	-	-	P	-	-	P	P	-	-
Multi-Family Dwelling (7+ units)	-	-	-	P	P	-	-	-	-	-	-	P	-	-	P	P	-	-
Age-Restricted Housing	P	P	-	P	P	P	-	-	-	-	-	P	-	-	P	P	-	-
Nursing Home	P	P	P	P	P	P	-	-	-	-	-	P	-	-	P	P	-	-
Congregate Care Housing	P	P	P	P	P	P	-	-	-	-	-	P	-	-	P	P	-	-
Continuing Care Facility	P	P	P	P	P	P	-	-	-	-	-	P	-	-	P	P	-	-
Dormitories (Group Residence)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Home Occupation/Accessory Uses	AC	AC	AC	AC	AC	AC	-	-	-	-	-	AC	-	-	AC	AC	-	-
Incubator																		
	-	-	-	-	-	-	P	P	P	-	-	P	-	-	P	P	-	-

*Private cafeterias within place of work are allowed as an accessory use. No other retail allowed

Exhibit C. Table of Permitted Uses

P = Permitted Use; AC = Accessory Use; - = Not allowed;

Uses	Low Impact Development Residential	Suburban Residential	Village Residential I	Village Residential II	Shirley Village Growth Residential	Historic Residential	Innovation & Technology Business	Rail, Industrial and Trade- Related	Barnum Road Business	Walker Road Business	Devens Common	Town Center	Front Street Commercial	Gateway	Special Use Salerno	Special Use Airfield	Municipal and Open Space	Natural Resources
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Environmental																		
—Environmental Uses	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	P	-	-
Office																		
Full Office (>40K Square Ft.)	-	-	-	-	-	-	P	AC	P	-	-	-	-	-	P	P	-	-
Small-Scale (<40K Square Ft.)	-	-	-	AC	-	AC	P	AC	P	P	P	P	P	P	P	P	-	-
Light Industrial																		
Rail or Trade-Related Light Industrial	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
—Light Industrial	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	P	-	-
w/Environmental Component	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	P	-	-
All Other Light Industrial	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	P	-	-
Industrial																		
Rail or Trade-Related Industrial	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
—Industrial w/Environmental Component	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	P	-	-
All Other Industrial	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	P	-	-
Warehousing and Distribution	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
Long-Term Storage of Hazardous Waste	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Research & Development																		
Rail or Trade-Related R&D	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
—R&D w/Environmental Component	-	-	-	-	-	-	P	P	P	P	-	P	-	-	P	P	-	-
All Other R&D	-	-	-	-	-	-	P	P	P	P	-	P	-	-	P	P	-	-
Cultural	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Conference	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-
Health Care	-	-	-	-	-	-	P	-	P	-	-	P	P	-	P	P	-	-