

**WARRANT FOR THE SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss

To the Constable of the Town of Harvard:

Greeting:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in the Bromfield School on Wednesday, the 28th day of March, 2012 at 7:00 p.m. by the clock to act on the following articles:

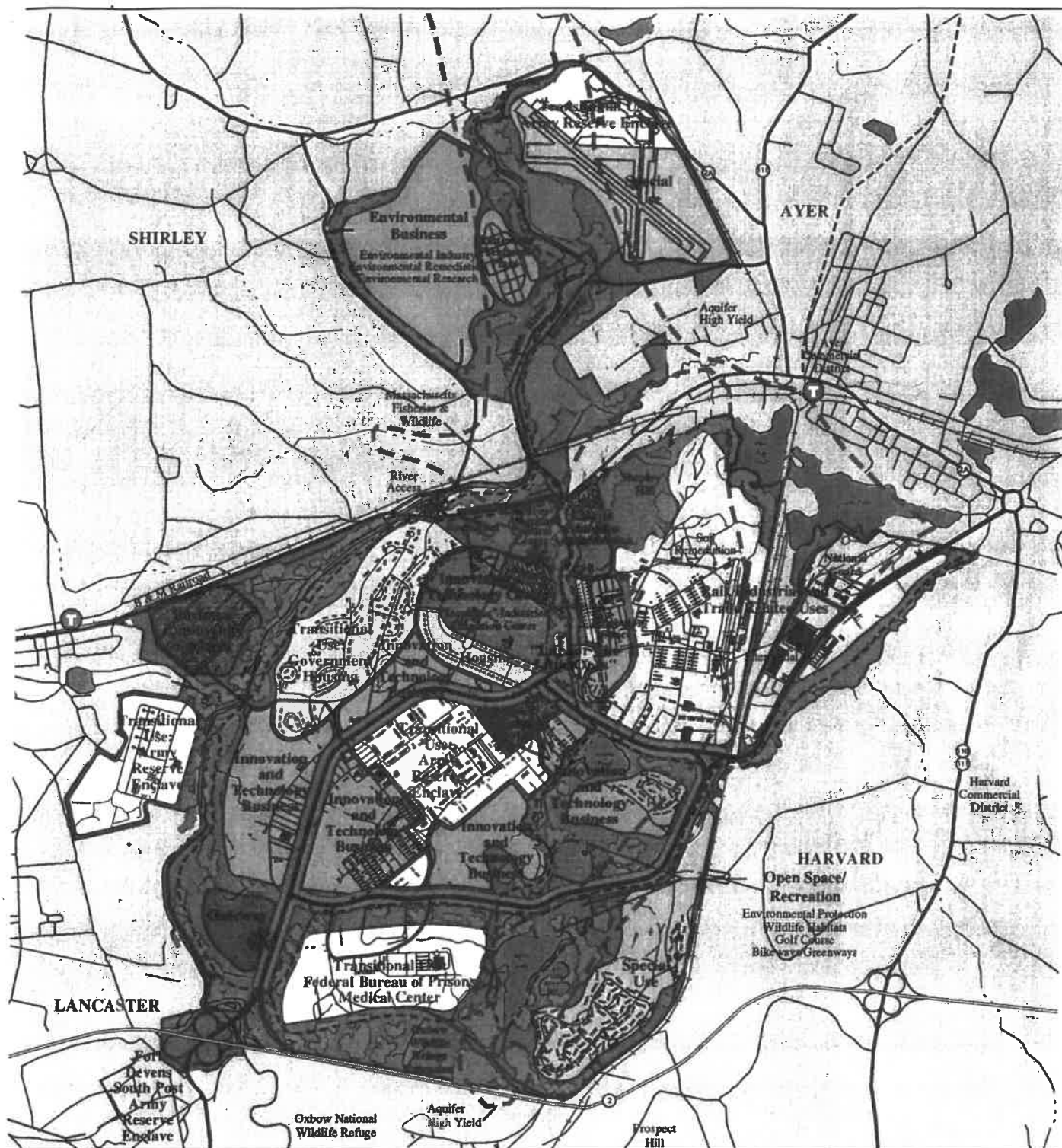
**ARTICLE 1: DEVENS – REVISIONS TO DEVENS REUSE PLAN, ZONING BY-LAWS AND
ZONING MAP – REDEVELOPMENT OF VICKSBURG SQUARE**

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

1. In the Devens Reuse Plan, Chapter 1, Introduction, section entitled Highlights of the Reuse Plan, subsection entitled Innovation and Technology Business, by inserting “in the location shown on the Reuse Plan” in the second paragraph and deleting “housed in the Vicksburg Square Quadrangle” from the second paragraph, so that the second paragraph shall now read as follows:

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

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

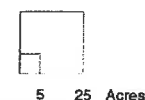
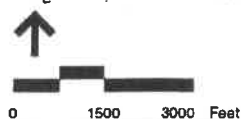


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|---|--|
| Open Space/Recreation | Transitional Use Army Reserve Enclave & Federal Bureau of Prisons Medical Center |
| Innovation & Technology Business | Gateway |
| Rail, Industrial & Trade-Related Uses | Special Use |
| Environmental Business | High Yield Aquifer |
| Housing | Conceptual Trails & Bikeways |
| Business/Community Services | Commuter Rail |
| Innovation & Technology Center Training & Job Corps | Vicksburg Square Redevelopment |

DEVENS

Devens Reuse Plan

August 18, 1994 -- Revised October 5, 2011



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, section entitled Zoning and Resource Protection Overlay Districts, by inserting a new subsection entitled “Vicksburg Square Redevelopment District” which shall read as follows:

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

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

“Goals and Objectives

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

Example Uses

- Office
- Research & Development

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

7. In The Devens By-Laws, Chapter V, Zoning Districts and Zoning Map, section A, Zoning Districts and Development Goals – General Description, by replacing the number “14” in the second sentence of the first paragraph with the number “15” so that the second sentence of the first paragraph shall now read as follows:

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

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

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

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

“15. Vicksburg Square Redevelopment District

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

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

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

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

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

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

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

“The Devens Zoning Districts and Underlying Federal Uses map dated October 5, 2011, is adopted and incorporated herein as Exhibit A. The zoning Map shall be maintained by the Commission.”

11. In the Devens By-Laws, Chapter VI, Permitted Uses, section A entitled General Land Use Categories, subsection 3 entitled Use Categories, by replacing the word “eight” with the word “six” and by replacing the numeral “8” with the numeral “6” in the first sentence of paragraph k and by inserting “multi-family dwellings (containing in excess of six (6) units, only allowed within the Vicksburg Square Redevelopment District)” into the first sentence of paragraph k so that the paragraph shall now read as follows:

“The residential use type refers to the following activities: single and two family dwellings; multi-family dwellings (containing three (3) to six (6) units); multi-family dwellings (containing in excess of six (6) units, only allowed within the Vicksburg Square Redevelopment District); nursing homes and congregate or life care facilities with a permanent health care component; housing for the elderly, including retirement communities and shared living developments; active and passive recreation facilities; and professional offices and service businesses as accessory uses or home occupations where allowed in particular districts.”

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

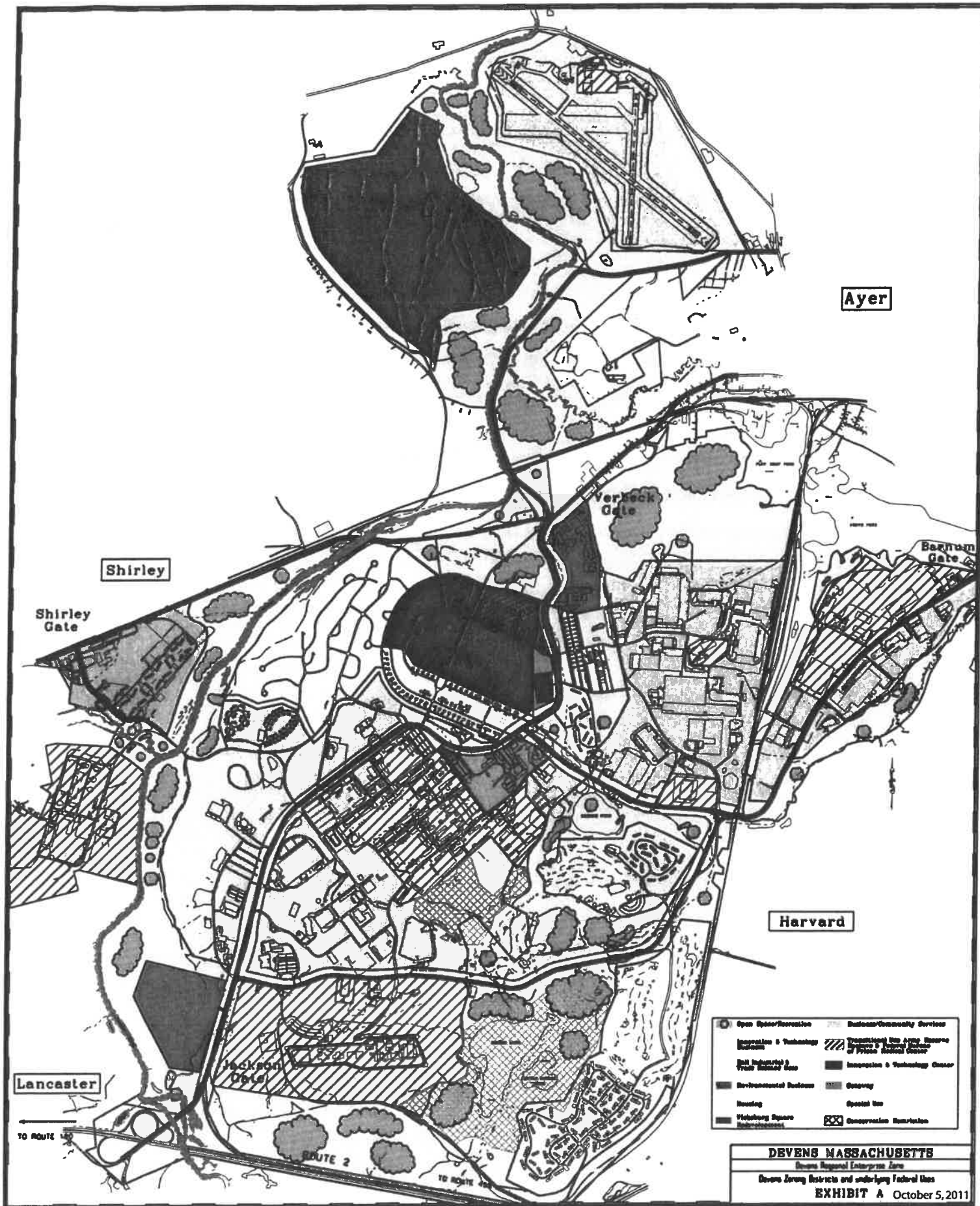
“The total number of residential units to be allowed within Devens shall not exceed two hundred and eighty-two (282) units, exclusive of the Vicksburg Square Redevelopment District. The total number of residential units to be allowed within the Vicksburg Square Redevelopment District shall not exceed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

13. In the Devens By-Laws, Chapter IX, Density and Dimensional Requirements, section entitled Setback, by inserting “except in the Vicksburg Square Redevelopment District, in which the minimum setback shall be the lesser of such requirements, or the setback of the existing buildings therein, as the same may

be improved by minor additions outside of the existing footprints and shells to accommodate improvements required to improve building access and/or circulation and to meet building code or public safety requirements.” at the end of the first sentence, so that the first sentence shall read as follows:

“Minimum setback requirements in Devens shall be as required by the Massachusetts State Building Code unless stricter standards are adopted in the Regulations, except in the Vicksburg Square Redevelopment District, in which the minimum setback shall be the lesser of such requirements, or the setback of the existing buildings therein, as the same may be improved by minor additions outside of the existing footprints and shells to accommodate improvements required to improve building access and/or circulation and to meet building code or public safety requirements.”

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



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

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

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

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

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

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

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


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

(Inserted by Board of Selectmen)

(Requires a majority vote for passage.)

And you are directed to serve this Warrant by posting three attested copies thereof, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, as directed by vote of the Town, fourteen days at least before the time of holding said meeting. Hereof fail not, and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this ____ day of March, Two Thousand and Twelve.



Mario Sobolov
, Chairman





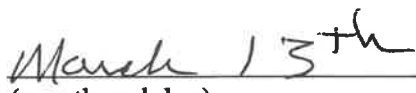


Board of Selectmen

I certify that I have posted three attested copies of the warrant for the Super Town Meeting, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, at least fourteen days before the time of holding said town meeting.



Constable


_____, 2012.
(month and day)