

**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 Monday, the 8th day of June, 2009 at 7:00 p.m. by the clock to act on the following articles:

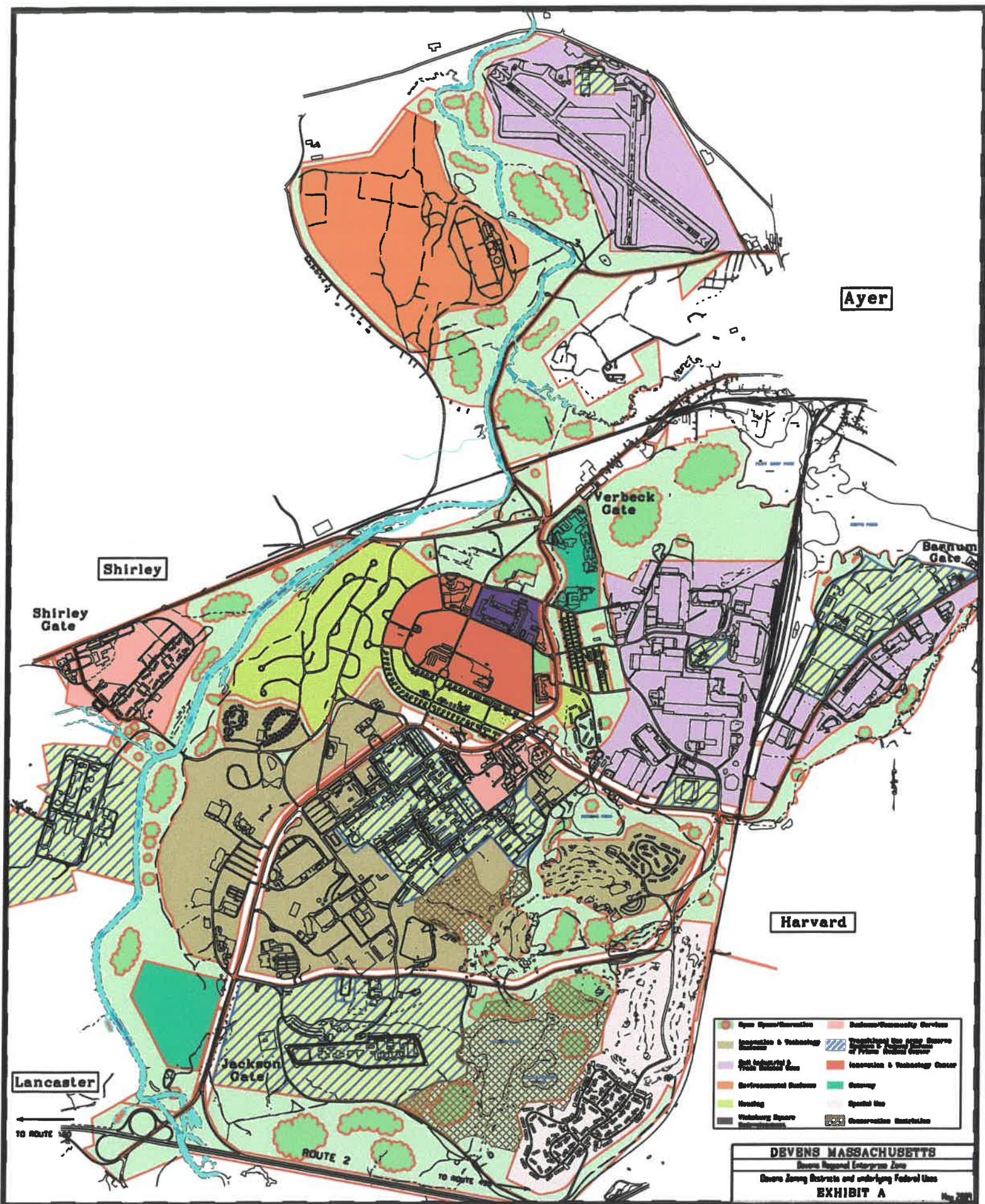
**ARTICLE 1: DEVENS – REVISIONS TO DEVENS REUSE PLAN, ZONING BY-LAWS AND
ZONING MAP – REDEVELOPMENT OF VICKSBURG SQUARE**

To see if the Town will vote to approve revisions to the Reuse Plan, Zoning Bylaws and Zoning Map 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 deleting the second paragraph so that the subsection shall now read as follows:

“The central economic theme of the Reuse Plan is based on Massachusetts’ traditional strengths in development of new technologies through the academic and research base of greater Boston. The reuse goal is to encourage businesses that are growing and have new products, technologies, or services to locate at Fort Devens. Large sites with utilities and good vehicular access have been designated for high-profile technology-related users with research and development, manufacturing, and office needs.”

2. In the Devens Reuse Plan, Chapter 1, Introduction, by deleting the “Devens Reuse Plan” dated November, 1994, and inserting a new “Devens Reuse Plan” dated May, 2009, which shall appear as follows:



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 deleting the second sentence so that the subsection shall now read as follows:

“The Innovation and Technology theme is the boldest physical reuse pattern in the Plan. The 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

The Innovation and Technology Business (ITB) zones have been designed to serve as a physical and development outgrowth of the Innovation and Technology Center (ITC). Physical siting of these businesses and industries are to be located in areas which surround the ITC that provide ample space and resources to further promote the healthy evolution of these uses.”

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” in the first paragraph so that the paragraph shall now read as follows:

“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.”, and

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

“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. A housing plan based on market research and public input was developed to best determine the role of housing in the reuse Plan. Of the existing 1,700 units, it was determined that a maximum of 282 units of housing, primarily existing units, should be accommodated in the Reuse plan based on a series of factors including regional needs, projected demand, projected land use of the Devens Regional Enterprise Zone, and potential negative fiscal impacts on the host communities and on the off-site housing market. The housing units that will be retained are located in areas that best promote and enhance a stable and diverse residential core. Some of the highest quality housing is currently located in and around the core area. Some of the units are in the historic district. Advantages to locating the housing in the core area include access to recreational and community facilities, the strong open space network buffering the residential core, and access to the institutional campus. Only the best housing stock relative to location and compatibility with surrounding land uses was considered for reuse. The areas selected for residential use are already well established neighborhoods that will serve as a natural extension of land use patterns surrounding Devens and will avoid isolation of the residential core.”, and

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

“In 2009, after a process of public hearings and collaboration between the Joint Boards of Selectmen and MassDevelopment, the 20-acre Vicksburg Square property was rezoned as the “Vicksburg Square Redevelopment District” to allow for multi-family residential uses. A separate housing “cap” of 350 units was approved for the new district. The location of Vicksburg Square compliments the locations of Devens’ other residential districts, creating a “ring” of residential uses around Rogers Field.”, and

by inserting “originally allowed” in the first sentence of the third paragraph and by inserting “Additionally, at least twenty-five (25) percent of any multi-family units within the Vicksburg Square Redevelopment District must be deed-restricted so that they are affordable to households earning no more than eighty (80) percent of the area median income as defined by HUD. Alternatively, for rental units only, at least twenty (20) percent of the rental units may be deed-restricted for households earning no more than fifty (50) percent of area median income. Similarly, to promote a socially and

economically diverse population, and to serve the multiple housing needs of the local population, no more than 30 percent of any residential units shall have three or more bedrooms.” after the first sentence of the third paragraph so that the paragraph shall now read as follows:

“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. Additionally, at least twenty-five (25) percent of any multi-family units within the Vicksburg Square Redevelopment District must be deed-restricted so that they are affordable to households earning no more than eighty (80) percent of the area median income as defined by HUD. Alternatively, for rental units only, at least twenty (20) percent of the rental units may be deed-restricted for households earning no more than fifty (50) percent of area median income. Similarly, to promote a socially and economically diverse population, and to serve the multiple housing needs of the local population, no more than 30 percent of any residential units shall have three or more bedrooms. It is recognized that the success of the residential reuse is dependent on a balance between market rate and the affordable/special needs population.”

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 after the subsection entitled Village Growth District II, which shall read as follows:

“Vicksburg Square Redevelopment District

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; health care establishments; academic, institutional, and civic uses; small-scale retail (accessory use); multi-family residential dwellings; 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 after the subsection entitled Village Growth District II, which shall read as follows:

“Vicksburg Square Redevelopment District

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
- Health Care, Nursing Home, Elderly Housing
- Academic/Institutional/Civic
- Multi-Family Residential
- Incubator

7. In the Zoning By-Laws, Section V, Zoning Districts and Zoning Map, Subsection A, Zoning Districts and Development Goals - General Description, by deleting reference to subparagraph “14” and inserting reference to subparagraph “15” in the first sentence so that the subsection shall now read as follows:

“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 in subparagraphs 1 through 15 of this section A. The development goals reflect the development, marketing, planning, and environmental objectives outlined for Devens in the Reuse Plan. The uses permitted in 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. If there are any inconsistencies or conflicts between the development goals and the permitted uses listed on Exhibit D and described in Article VI, the permitted uses shall control.”

8. In the Zoning By-Laws, Section V, Zoning Districts and Zoning Map, Subsection A, Zoning Districts and Development Goals - General Description, subparagraph 13a. Innovation and Technology Center: Locations, by inserting the phrase “Rogers Field, specifically excluding” in the first sentence so that the subparagraph shall now read as follows:

“a. Locations: Area designated on the Zoning Map in the vicinity of Rogers Field, specifically excluding Vicksburg Square.”

9. In the Zoning By-Laws, Section V, Zoning Districts and Zoning Map, Subsection A, Zoning Districts and Development Goals - General Description, by inserting after subparagraph 14, a new subparagraph numbered 15 so that the Subsection shall now 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; health care establishments; academic, institutional, and civic uses; small-scale retail (accessory use only); multi-family residential dwellings; and business incubator uses.

Uses shall be located within the existing footprints and shells of the seven 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. Subject to approval by the Massachusetts Historic Commission, minor additions outside of the existing footprint and shell of existing buildings are allowed to accommodate improvements required to improve building access and/or circulation and to meet building code or public safety requirements.

At least twenty-five (25) percent of any multi-family residential units within the portion of the Vicksburg Square Redevelopment District within the historic boundaries of Ayer

must be deed-restricted so that they are affordable to households earning no more than eighty (80) percent of the area median income as defined by HUD (the Town of Ayer is located within the Middlesex County Metro Fair Market Rent (FMR) Area).

Alternatively, for rental units only, at least twenty (20) percent of the rental units may be deed-restricted for households earning no more than fifty (50) percent of area median income.

At least twenty-five (25) percent of any multi-family residential units within the portion of the Vicksburg Square Redevelopment District within the historic boundaries of Harvard must be deed-restricted so that they are affordable to households earning no more than eighty (80) percent of the area median income as defined by HUD (the Town of Harvard is located within the Eastern Worcester County Metro FMR Area).

Alternatively, for rental units only, at least twenty (20) percent of the rental units may be deed-restricted for households earning no more than fifty (50) percent of area median income.

The deed restriction must last for at least thirty (30) years for newly created units.

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

Parking structures (above and below grade) are allowed within the Vicksburg Square Redevelopment District and need not be located within the footprint and shell of existing structures.”

10. In the Zoning By-Laws, Section VI, Permitted Uses, Subsection A, General Land Use Categories, subparagraph 3k, Use Categories; Residential, by deleting reference to “8” units, and by inserting reference to “6” units, and by inserting the phrase “multi-family dwellings (containing in excess of six (6) units, only allowed within the Vicksburg Square Redevelopment District);” in the first sentence so that the subparagraph shall now read as follows:

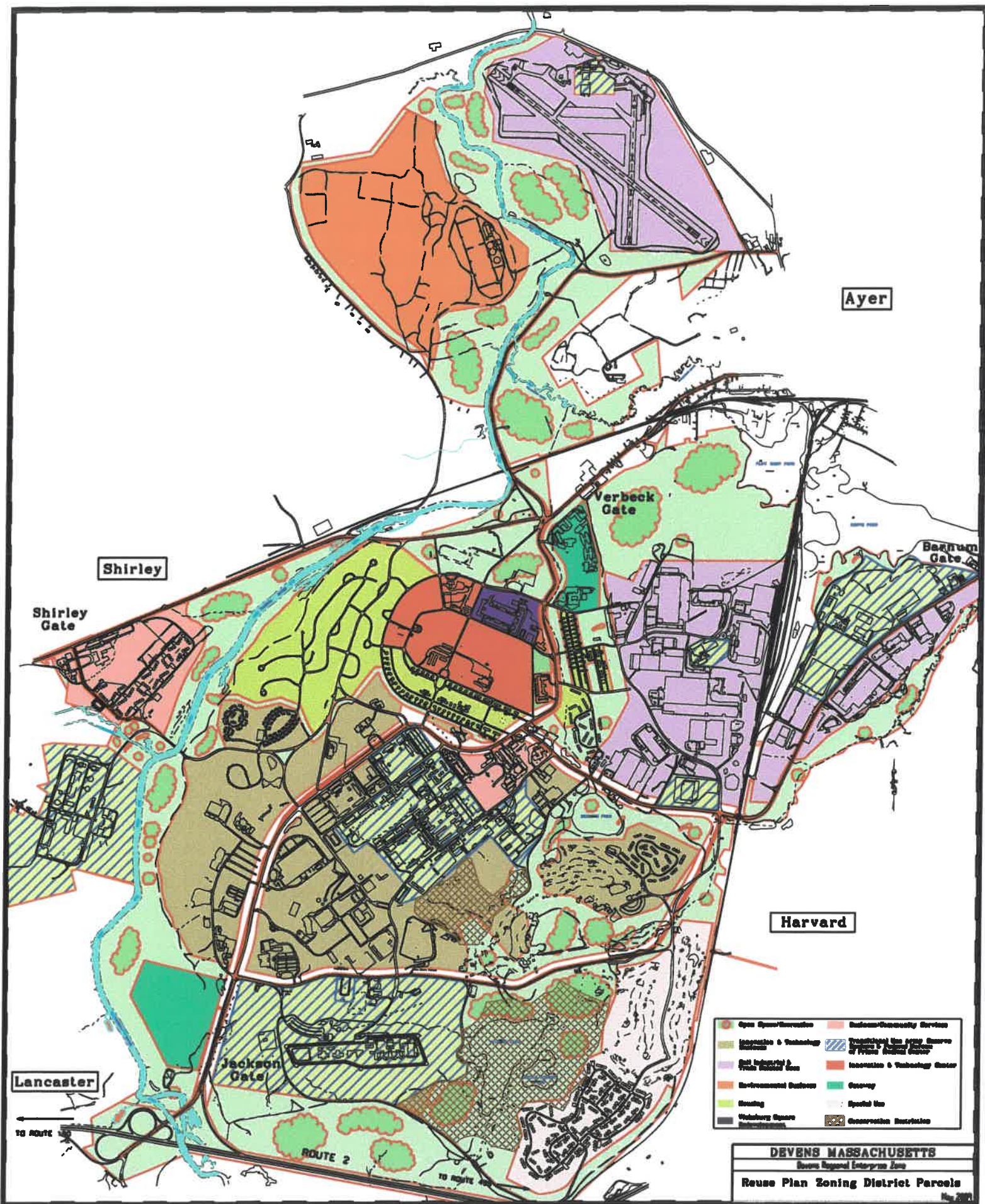
“k. Residential

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.”

11. In the Zoning By-Laws, Section IX, Density and Dimensional Requirements, Subsection E, Residential Density, subparagraph 1, by inserting at the end of the first sentence, “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 three hundred and fifty (350).” So that the subparagraph shall now read as follows:

“1. 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 three hundred and fifty (350).”

12. In the Zoning By-Laws, Exhibit A, Zoning Map, by deleting the map dated November 17, 1994 and inserting the map dated May, 2009 which shall appear as follows:



13. In the Zoning By-Laws, Exhibit B, Density/Intensity Regulations, by inserting a new row in the chart after the row referring to the Open Space and Recreation (Open Space Network) zoning district which shall read as follows:

Name of District	Maximum (Ultimate) FAR for District	Maximum FAR for Individual Lots and Users	Maximum Impervious Surface Ratio for Individual Lots and Users	Maximum Height for this District	Minimum Lot Size	Special Density/Intensity Measures for this District
<u>Vicksburg Square Redevelopment District</u>	<u>1.00</u>	<u>1.00</u>	<u>0.65</u>	<u>60'</u>	<u>1.0 ac.</u>	<u>Bound by Historic District considerations. No more than thirty (30) percent of units shall have three (3) or more bedrooms.</u>

14. In the Zoning By-Laws, Exhibit D, Table of Permitted Uses, by inserting a new column in the chart after column 14 (Open Space and Recreation), to be numbered “15” and referring to uses in the Vicksburg Square Redevelopment District and by adding a new row in the chart below “Multi-family dwelling (3 to 6 units)” for “Multi-family dwelling (7 or more units)” so that the Table of Permitted Uses shall read as follows:

	<u>15</u>
Uses	<u>Vicksburg Square Redevelopment District</u>
Environmental	
Environmental Uses	P
Office	
Full Office (>40K Square Feet)	P
Small-Scale (<40K Square Feet)	P
Home Office	P

	<u>15</u>
Uses	<u>Vicksburg Square</u> <u>Redevelopment District</u>
Light Industrial	
Rail or Trade-Related Light Industrial (2)	-
Light Industrial with Environmental Component (3)	P
All Other Light Industrial (3)	P
Industrial	
Rail or Trade-Related Industrial	-
Industrial with Environmental Component	-
All Other Industrial (3)	-
Research & Development	
Rail or Trade-Related Research & Development	-
R&D with Environmental Component	P
All Other Research & Development (3)	P
Cultural	P
Conference	-
Health Care	P
Academic/Institutional/Civic	P
Municipal Uses	P
Lodging Services	-
Commercial	
Retail Center	-
Free Standing Retail	-
Convenience Retail	-
Small-Scale Retail: Accessory use	AC
Residential	
Single or Two-Family Dwelling	-

	<u>15</u>
Uses	<u>Vicksburg Square</u> <u>Redevelopment District</u>
Multi-Family Dwelling (3 to 6 units)	P
Multi-Family Dwelling (7 or more units)	P
Elderly Housing	P
Nursing Home	P
Dormitories (Group Residence)	AC
Home occupation/Accessory uses	AC
Incubator	P

Notes:

P: Permitted Use

AC: Accessory Use

-: Not Allowed

(1) Must meet the Rail or Trade-Related criteria.

(2) The “Rail or Trade-Related” and “Environmental Component” subcategories for the Light Industrial, Industrial and Research & Development are not mutually exclusive i.e. a business that is classified as a Light Industrial use and meets the “Rail or Trade-Related” and “environmental Component” criteria, is a permitted use in the Rail, Industrial & Trade-Related District and in the Innovation & Technology Business District.

(3) In order to qualify as a permitted use in the “All Other” subcategory in the Light Industrial, Industrial or Research & Development Districts, the “Rail or Trade-Related”, and/or “Environmental Component” subcomponent(s) of the subject business must be incidental to the primary undertaking of said business.

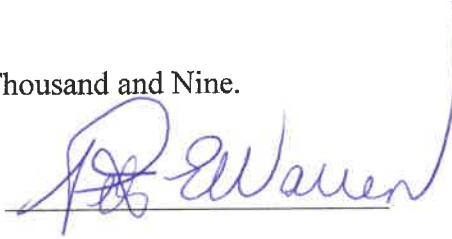
(Inserted by Board of Selectmen)

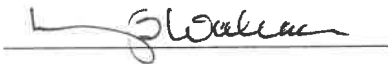
(Requires a majority vote for passage.)

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, seven 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 22nd day of May, Two Thousand and Nine.

_____, Chairman










Board of Selectmen

I hereby certify that I have posted three attested copies of the Warrant for the Annual Town Meeting, 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.

, Constable Date: May 22, 2009