

VOTER GUIDE TO THE JUNE 8, 2015 SUPER TOWN MEETING WARRANT ARTICLES

FOR VOTERS IN THE TOWNS OF AYER, HARVARD,
SHIRLEY AND THE DEVENS COMMUNITY

INTRODUCTION

At the suggestion of the Harvard Board of Selectmen, MassDevelopment has prepared this voter guide to help to inform and to explain the four Devens-related zoning changes on the warrant for the June 8, 2015 Super Town Meeting. This guide answers some frequently asked questions and also provides a detailed explanation of each of the four changes.

These common-sense zoning changes were developed to help to advance the redevelopment of Devens and to create a range of benefits for the region including much-needed housing for the region's senior citizens, open-space protection, historic preservation, and additional acreage to accommodate significant new businesses that will create jobs and tax revenues.

The changes have been the subject of discussion at a series of meetings with the Towns and the Joint Board of Selectmen (the "JBOS") since the summer of 2014. A partial list of the major meetings and outreach efforts follows:

- July 10, 2014: Presentation to JBOS
- October 2, 2014: Presentation to JBOS
- October 22, 2014: Presentation to Shirley Council on Ageing
- October 23, 2014: Presentation to JBOS
- November 5, 2014: Presentation to Ayer BOS
- November 10, 2014: Presentation to Devens Committee
- November 13, 2014: Presentation to JBOS
- November 17, 2014: Presentation to Shirley BOS
- December 4, 2014: Presentation to Devens Enterprise Commission
- December 16, 2014: Presentation to Harvard BOS
- December 18, 2014: Presentation to JBOS
- February 10, 2015: Harvard Hearing

- February 12, 2015: Ayer Hearing
- February 17, 2015: Devens Committee Informational Meeting
- February 26, 2015: Shirley Informational Meeting
- April 30, 2015: Devens Hearing

Over the course of these meetings, the language of the proposed changes has been refined to create additional benefits and address various concerns. The full text of the changes is available online at MassDevelopment's project website, www.courb.co/devens.

Thank you for taking the time to review this guide. Feel free to post any questions not answered by this guide on the community forum at www.courb.co/devens.

The Super Town Meeting will be held at the following locations:

- **Ayer:** Ayer-Shirley Regional High School
- **Harvard:** Hildreth Elementary School
- **Shirley:** Ayer-Shirley Regional Middle School
- **Devens:** Vote at Ayer or Harvard Super Town Meetings depending on location of your home. If you are unsure of which meeting to attend, feel free to contact Kathy O'Connor at koconnor@massdevelopment.com or 978-784-2933 during normal business hours.

We look forward to hearing from you at Super Town Meeting at 7:00 p.m. on June 8.

ARTICLE 1: ALLOW FOR SENIOR RESIDENTIAL USES IN THE SHIRLEY VILLAGE GROWTH I DISTRICT

Summary: This article would allow for up to 120 units of housing within the Shirley Village Growth I zoning district for individuals at least 62 years old. A portion of the units must be affordable.

FREQUENTLY ASKED QUESTIONS

What’s the genesis of this article? The Town of Shirley and the Shirley Economic Development Committee initially proposed the concept, which, if realized, would jumpstart the redevelopment of the Shirley Village Growth I District and bring additional activity to the eastern end of Front Street. Market studies, inquiries from local seniors, and developer interest have demonstrated significant demand for senior housing in the Nashoba Valley. The Shirley Village Growth I District is an attractive potential site for this housing due to its proximity to the library, town offices, shops, restaurants, and other downtown Shirley amenities. MassDevelopment has continued to work with the EDC and the Town of Shirley to refine this vision and hopes to issue a Request for Proposals (RFP) to the real estate development community if this article is approved.

How is “Senior Residential” defined? A new zoning category proposed for the Shirley Village Growth I District, “Senior Residential” would allow for the development of residential facilities for individuals at least 62 years old. Such facilities may provide services such as meals, transportation, housekeeping, personal care, specialized care for dementia, and/or health care, in a residential setting. Such facilities may also provide no or limited services. Services provided will depend on the development and management team.

Is there demand for more senior housing? Based upon recent market studies, input from local seniors, and interest from the development community, there is demonstrated and significant demand for senior housing—especially affordable senior

housing—and complementary services. Nearly all of the senior residential or assisted living facilities in the region are at or near capacity (greater than 90% capacity) and names are added to already lengthy waitlists more quickly than units become available.

Does this include affordable units and if so, what level of affordability is planned? Yes, the zoning requires either 25% of the units in a senior residential project to be affordable to households earning less than 80% of Area Median Income (“AMI”) or that 20% of the units must be affordable to households earning 50% of AMI. In Shirley, 80% of AMI means a couple earning approximately \$55,800 per year or less. 50% AMI means a couple earning \$39,400 or less. AMI is based on the Based on HUD 2015 Income Limits (March 10, 2015) for Boston-Cambridge-Quincy Metropolitan Statistical Area. This inclusionary provision was strongly favored by many of the seniors attending MassDevelopment’s meeting with the Shirley Council on Aging.

Will there be a local preference for filling available units? A preference will be established to the extent allowed by fair housing laws. The preference will apply equally to residents of Ayer, Harvard, Shirley, and Devens.

What about the Devens housing cap? Unique among Massachusetts communities, Devens’ zoning includes a housing cap that limits residential development to 282 units. There are 140 occupied units in Devens today and another 124 planned for the Grant Road neighborhood, leaving just 18 unaccounted units. To accommodate the proposed senior housing, the zoning change will waive the housing cap to allow for up to 120 units of “Senior Residential” within the Shirley Village Growth I Zoning District only.

What are the likely impacts of 120 units of senior housing on existing services in the Town of Shirley? The senior housing may generate additional calls for ambulance and emergency medical services. This service would be provided by the Devens Fire Department, which has indicated its ability to handle any increase in demand.

Depending on the nature of the senior housing, the additional units may also generate additional demand for senior services via the Shirley Council on Aging (COA) in Shirley Center. While some senior housing developments provide many or all of their own services (i.e., van transportation, classes, social events, etc.), MassDevelopment and the eventual developer of the facility would work to ensure that the COA is not negatively impacted due to use by residents of the facility (MassDevelopment has a similar arrangement with the Town of Ayer's Veterans' Agent).

Which town is the Shirley Village Growth I District in? The Shirley Village Growth I District falls entirely within the portion of Devens within Shirley's historic boundaries. See the back cover of this booklet for a locus map.

DETAILED REVIEW OF CHANGES

This section reviews each of the various edits to the *Devens By-Laws* and the *Devens Reuse Plan* that comprise Article 1 as presented in the warrant article document with the goal of briefly explaining the purpose of each edit.

1. This change modifies the discussion of development goals in the *Devens By-Laws* for the Shirley Village Growth District I by adding senior residential uses to the list of allowed uses. The change also requires developers and managers to abide by applicable Fair Housing laws and requires the Devens Enterprise Commission (the "DEC") to establish guidelines for the marketing, design, deed restrictions, and monitoring of senior housing projects.
2. This change creates a new use category in the *Devens By-Laws* for senior residential uses. Residents must be 62 or older. The definition requires that either 25% of the units in a senior residential project must be affordable to households earning less than 80% of Area Median Income ("AMI") or that 20% of the units must be affordable to households earning 50% of AMI. The

definition allows for, but does not require, senior residential uses providing resident services such as meals, transportation, and personal care.

3. This change exempts senior residential uses (not to exceed 120 units and only in the Shirley Village Growth I District) from the 282-unit Devens “housing cap” in the *Devens By-Laws*.
4. This change adds senior residential uses to the discussion of development objectives for the Shirley Village Growth I district in the *Devens Reuse Plan*.
5. This change exempts senior residential uses (not to exceed 120 units and only in the Shirley Village Growth I District) from the Devens “housing cap” in the *Devens Reuse Plan*.
6. This change adds senior residential uses to the description of allowed uses for the Shirley Village Growth District I in the *Devens Reuse Plan*.
7. This change adds senior residential uses to the description of goals and objectives for the Shirley Village Growth District I in the *Devens Reuse Plan*.
8. This change adds senior residential uses to the list of example uses for the Shirley Village Growth I District in the *Devens Reuse Plan*.
9. This change provides that in the event of any unanticipated inconsistency arising between the *Devens Reuse Plan*, the *Devens By-Laws*, and the *Devens Zoning Map* as the result of this article, the inconsistency shall be resolved in accordance with the language of the article.

ARTICLE 2: ALLOW FOR SMALL-SCALE HEALTH CARE USES IN THE SHIRLEY VILLAGE GROWTH I DISTRICT

Summary: This article would allow for small-scale healthcare uses such as doctors' and dentists' offices in the Shirley Village Growth I District, where they are not presently allowed.

FREQUENTLY ASKED QUESTIONS

How are healthcare uses defined? Per the Devens By-Laws, healthcare uses refer "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, clinics, and nursing homes." To reduce the potential impact of this rezoning on existing medical facilities in the area, hospitals, immediate-care facilities, and clinics will not be allowed in the Shirley Village Growth I District.

How do we benefit from this? The entire region would benefit from improved access to healthcare services. The Town of Shirley would directly benefit given their proximity to these services and indirectly by drawing additional people to Front Street who might patronize other area businesses. Because the property is part of Devens, Shirley would not immediately collect taxes on it.

How would this change impact existing healthcare uses in Harvard's "C District" on Road? Doctors and dentists offices, like those along Ayer Road, tend to stay put once they establish practices. Furthermore, the Harvard Board of Selectmen must approve or disapprove the relocation of an existing Harvard business to the Shirley Village Growth I District (and the rest of Devens) via a long-standing non-compete agreement. The hope

is that an existing local or regional practice might see this site as an excellent expansion opportunity and a chance to tap into the Shirley market.

How will this impact the Nashoba Valley Medical Center in Ayer? Based on conversations with NVMC management, the allowed healthcare uses in the Shirley Village Growth I District specifically exclude large-scale healthcare uses such as hospitals, immediate-care facilities, and clinics.

Which Town is the Shirley Village Growth I District in? The Shirley Village Growth I District falls entirely within the portion of Devens within Shirley's historic boundaries. See the back cover of this booklet for a locus map.

DETAILED REVIEW OF CHANGES

This section reviews each of the various edits to the *Devens By-Laws* that comprise Article 4 as presented in the warrant article document with the goal of briefly explaining the purpose of each edit.

1. This change makes a healthcare uses allowed uses in the Shirley Village Growth I District in the Table of Permitted Uses in the *Devens By-Laws*.
2. This change inserts a new footnote marker into the Table of Permitted uses in the *Devens By-Laws* for healthcare uses in the Shirley Village Growth I District.
3. This change inserts the new footnote below the Table of Permitted uses in the *Devens By-Laws*. The footnote clarifies that large-scale healthcare uses such as hospitals, immediate-care facilities, and clinics are not allowed in the Shirley Village Growth I District.
4. This change provides that in the event of any unanticipated inconsistency arising between the *Devens Reuse Plan*, the *Devens By-Laws*, and the *Devens*

Zoning Map as the result of this article, the inconsistency shall be resolved in accordance with the language of the article.

ARTICLE 3: ROGERS FIELD, WILLOW BROOK CORRIDOR & ADAMS CIRCLE ZONING SWAP

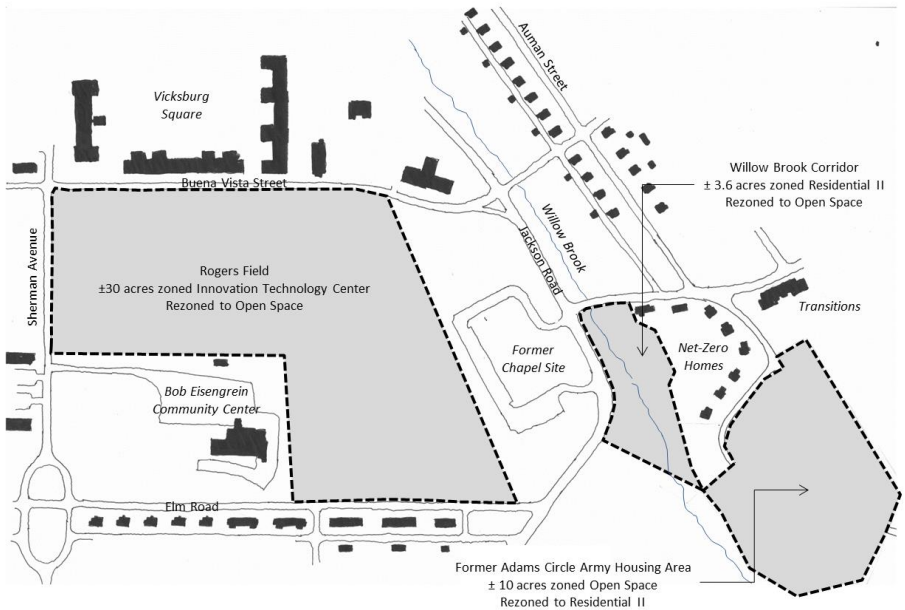
Summary: This article would make three changes to the *Devens Zoning Map* to correct a number of irregularities. The three areas in question are highlighted in the figure below. From left to right, they are a 30-acre portion of Rogers Field, a 3.5-acre portion of the Willow Brook corridor, and a 9.3-acre portion of Adams Circle.

FREQUENTLY ASKED QUESTIONS

What is the background of this change? Rogers Field is the former Army Parade Grounds better known today as the site of weekend soccer and lacrosse jamborees. Despite its historic designation and recreational use, Rogers Field is zoned for development as part of the Innovation Technology Center Zoning District. Via this zoning swap, the undeveloped portion of Rogers Field (approximately 30 acres in all excluding the land around the Bob Eisengrein Community Center and its parking areas) would be rezoned to open space and permanently protected via a conservation restriction or similar mechanism.

The Willow Brook corridor generally runs along the east side of Jackson Road. A 3.5-acre portion of the stream corridor just west of the net-zero homes on Adams Circle is zoned for residential development although it has important ecological value. Via this zoning swap, this land would be rezoned to open space, and the streambed would be restored to a natural condition (it runs in a culvert today).

The southern portion of Adams Circle includes approximately 9.3 acres of land formerly developed as an Army Housing Area. It is currently zoned for open space despite the presence of roads and utility infrastructure. It is an appropriate location to continue building out the successful zero-net-energy neighborhood to the north. Via this zoning swap, the land would be rezoned to the same residential use as the adjacent net-zero-energy neighborhood.



In summary, this zoning swap would have the effect of rationalizing the existing zoning in the Adams Circle area, allowing for the expansion of the successful neighborhood of net-zero homes while also protecting an environmental sensitive stream corridor, and permanently protecting historic Rogers Field for future generations.

Isn't Rogers Field already protected from development? Isn't it part of the historic district? While Rogers Field is listed as part of the Fort Devens National Register Historic District, its underlying zoning allows for some level of commercial development. MassDevelopment has no plans to market or develop the land, but, in its forthcoming report, the Devens Land Use and Open Space Committee identified the "permanent protection" of Rogers Field as a priority. Permanent protection cannot be guaranteed via zoning but rather requires that a conservation restriction be put in place.

Conservation restrictions have been used for other Devens open space areas including Mirror Pond, the Cold Spring Brook corridor, and Shepley's Hill. The conservation restriction would allow for continuing recreational uses (including soccer, lacrosse, Ultimate Frisbee, etc.). Should a conservation restriction prove to be impractical, the land could be protected via an affirmative Article 97 designation.

Why aren't the Bob Eisengrein Community Center and the land around it being included in the zoning change? Rather than create a non-conforming use, excluding the Bob Eisengrein Community Center and the immediately surrounding land from the zoning change actually ensures that the center will continue to meet the needs and desires of future generations. It allows for the possibility of upgrades and expansions without additional regulations other than those already required by the DEC.

Are we giving up valuable open space at Adams Circle? No. Adams Circle is a formerly developed Army housing area. The Army housing units have been demolished, but the road and utilities serving the area remain. The district's boundary with the Willow Brook corridor has been established to provide an adequate setback.

What about housing cap implications? Will this change require increasing it? No. There will be 18 units left under the 282-unit Devens housing cap after the Grant Road neighborhood is created. A portion of those remaining units could be built at Adams Circle without exceeding the cap.

Which towns are these pieces of land in? Rogers Field is primarily within the historic boundaries of Harvard although a small part of the field lies within the historic boundaries of Ayer. The Willow Brook and Adams Circle lie within the historic boundaries of Harvard. See the back cover of this booklet for a locus map.

DETAILED REVIEW OF CHANGES

This section reviews each of the various edits to the *Devens Zoning Map* that comprise Article 3 as presented in the warrant article document with the goal of briefly explaining the purpose of each edit.

1. This change to the *Devens Zoning Map* would rezone a 30-acre portion of Rogers Field currently zoned Innovation and Technology Center (a zoning use category allowing for office, light industrial, and similar uses) to Open Space (a zoning use category restricting most development).
2. This change to the *Devens Zoning Map* would rezone a 3.5-acre portion of the Willow Brook corridor currently zoned Residential II (a zoning use category allowing for residential uses) to Open Space (a zoning use category restricting most development).
3. This change to the *Devens Zoning Map* would rezone a 9.3-acre portion of Adams Circle currently zoned Open Space to Residential II to facilitate the expansion of the adjacent existing zero-net-energy neighborhood.
4. This change provides that in the event of any unanticipated inconsistency arising between the *Devens Reuse Plan*, the *Devens By-Laws*, and the *Devens Zoning Map* as the result of this article, the inconsistency shall be resolved in accordance with the language of the article.

ARTICLE 4: ALLOW NON-RESIDENTIAL USES IN THE SOUTHWESTERN PORTION OF THE GRANT ROAD DISTRICT

Summary: This change would rezone a portion of the southern end of the Grant Road (Residential I) district to allow for appropriately-buffered office, light industrial, industrial, research and development, academic/institutional/civic, and incubator type uses in addition to currently allowed uses.

FREQUENTLY ASKED QUESTIONS

Briefly, what would this proposed zoning change do? As the proposed 124-unit Grant Road neighborhood will require only approximately 30 acres of the 120-acre Grant Road district, substantial undeveloped acreage will remain north and south of the neighborhood. Residential development south of the Grant Road neighborhood is impractical due to the presence of an “impact area,” where shells from a World War I firing range impacted the side of Oak Hill. The proposed zoning change would allow for substantial job creation and economic development in this portion of the district without impacting nearby residential areas.

Where is this district located? The Grant Road parcel is located in the western portion of Devens adjacent to the U.S. Fish & Wildlife Service Oxbow Refuge. The southern portion of Grant Road is just north of Hospital Road and the former Oak and Maple housing areas.

How would this zoning map change work? See the figure on the next page for reference. The land south of the highlighted trail easement, including the former Oak and Maple housing areas, is currently zoned for uses such as office, research and development, and industrial. The area north of the trail easement is residentially zoned.



The trail easement was originally planned to connect the homes on Walnut Street to the Oxbow Refuge. The easement is no longer feasible as it runs through the impact area on the north face of Oak Hill. This is an inaccessible secure fenced area permanently off limits to all development. Additionally, U.S. Fish & Wildlife does not have plans to connect the Oxbow to this trail easement.

The proposed zoning change would affect approximately 21 acres of residentially-zoned land west of Spruce Street. This land would be rezoned to allow office, light industrial, and research and development uses in addition to existing residential uses. The sites

would be buffered from the rest of the district by two forested ridges. This allows for the expansion of the Innovation Technology Business District uses from the south, while utilizing a natural border to buffer them from the existing and proposed residential neighborhoods. All vehicle access to and from the parcels would be routed via Spruce Street to prevent impacts on the adjacent residential neighborhoods.

The existing trail easement would be rezoned to Innovation Technology Business and a new trail easement would be established along Hospital Road to provide a connection to the new U.S. Fish & Wildlife Service Visitor Center, the canoe/kayak launching area, and a popular trail along the eastern bank of the Nashua River. Moving the easement would also keep hikers away from the impact area.

How do we know that these uses are adequately buffered? The new parcels would be buffered from the Grant Road neighborhood by existing topography, specifically the two wooded ridges. The parcels, which would sit approximately 40 feet below the level of the Grant Road neighborhood, would be further offset by a new buffer strip running just west of the ridges. Uses on the new parcels would also be required to meet the DEC's stringent performance standards for noise and light emissions. Existing roads connecting the Grant Road neighborhood with the parcels would be closed or gated for emergency vehicle use only.

How will this impact the Nashua River and adjacent U.S. Fish & Wildlife Oxbow Refuge? The zoning district in question was specifically delineated in the 1994 reuse planning process to avoid impacts to the Nashua River and Oxbow Refuge. At its closest point, the zoning district is approximately 500 feet from the river. As far as the change from residential use to commercial use, based on conversations with senior representatives of the Oxbow Refuge and local environmental advocacy groups, commercial uses are likely to have less environmental impact than a residential neighborhood.

Which town does this land lie within? All of this land lies within the historic boundaries of Harvard. See the back cover of this booklet for a locus map.

DETAILED REVIEW OF CHANGES

This section reviews each of the various edits to the *Devens By-Laws* and the *Devens Zoning Map* that comprise Article 4 as presented in the warrant article document with the goal of briefly explaining the purpose of each edit.

1. This change makes a number of commercial uses—office, light industrial, industrial, research and development, academic, institutional, civic, municipal, and incubator—allowed uses in the Residential I (Grant Road) District in the Table of Permitted Uses in the *Devens By-Laws*.
2. This change inserts a new footnote marker into the Table of Permitted uses in the *Devens By-Laws* for all of the above-referenced uses in the Residential I District.
3. This change inserts the new footnote below the Table of Permitted uses in the *Devens By-Laws*. The footnote provides that the new uses are only allowed in the portion of the Residential I District west of Spruce Street as shown in the previous figure.
4. This change provides that in the event of any unanticipated inconsistency arising between the *Devens Reuse Plan*, the *Devens By-Laws*, and the *Devens Zoning Map* as the result of this article, the inconsistency shall be resolved in accordance with the language of the article.

LOCUS PLAN SHOWING GENERAL LOCATION OF EACH ZONING CHANGE

