

**Proposed Changes to the Devens By-Laws
To Facilitate the Redevelopment of Vicksburg Square**

Revised March 5, 2009 (E. Starzec)

Note: Proposed new text is shown as underlined. Deleted text is shown as ~~strike-through~~.

Change #1: Section V.A (page 29)

Purpose: To modify existing text to provide for a new zoning district (the Vicksburg Square Redevelopment District) in addition to the 14 districts already existing.

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 ~~14~~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.

Change #2: Section V.A.13.a (page 37)

Purpose: To remove reference to Vicksburg Square from the description of the Innovation and Technology Center district as a new district (the Vicksburg Square Redevelopment District) is being created specifically for Vicksburg Square.

13. Innovation and Technology Center

- a. 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).

Change #3: Section V.A.15 (page 38)

Purpose: To establish the location and development criteria for the new Vicksburg Square Redevelopment District.

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"; 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.

Either 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) or at least twenty (20) percent of the units must 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.

Below grade parking is allowed within the Vicksburg Square Redevelopment District.

Change #4: Section VI.A.3.k (page 46)

Purpose: To modify the definition of residential use to allow for multi-family dwellings in excess of six units, only within the Vicksburg Square Redevelopment District.

k. Residential

The residential use type refers to the following activities: single and two family dwellings; multi-family dwellings (containing three (3) to ~~six~~eight (68) units); multi-family dwellings (containing in excess of ~~six~~eight (68) 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.

Change #5: Section IX.E.1 (page 55)

Purpose: To amend the Devens "housing cap" to allow for potential residential development within the Vicksburg Square Redevelopment District.

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 four hundred (400).

Change #6: Exhibit B (Density/Intensity Controls)

Purpose: To establish density and intensity controls for the new Vicksburg Square Redevelopment District. February.

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>

Change #7: Exhibit D (Table of Permitted Uses)

Purpose: To specify permitted, accessory, and not allowed uses for the new Vicksburg Square Redevelopment District and to introduce a new use category, "Multi-Family Dwelling (7 or more units)" only allowed within the Vicksburg Square Redevelopment District.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Uses	Enviro. Business	Gateway I	Gateway II	Special Use I	Special Use II	Residential I	Residential II	Bus./Comm. Services	Village Growth I	Village Growth II	Innovation & Tech Bus.	Rail, Indus., Trade-Rel.	Innovation Tech. Ctr.	Open Space & Rec.	Vicksburg Square Redevelopment District
Environmental															
Environmental Uses	P	-	-	-	P	-	-	-	-	-	-	P(1)	-	-	P
Office															
Full Office (>40K Square Feet)	AC	-	-	P	P	-	-	-	-	-	P	AC	P	-	P
Small-Scale (<40K Square Feet)	AC	P	P	P	P	-	AC	P	P	P	P	AC	P	-	P
Home Office	-	-	-	-	-	-	AC	-	-	-	-	-	-	-	P
Light Industrial															
Rail or Trade-Related Light Industrial (2)	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Light Industrial with Environmental Component (3)	P	-	-	-	P	-	-	-	-	-	P	-	-	-	P
All Other Light Industrial (3)	-	-	-	-	P	-	-	-	-	P	P	-	P	-	P
Industrial															
Rail or Trade-Related Industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Industrial with Environmental Component	P	-	-	-	P	-	-	-	-	-	P	-	-	-	-
All Other Industrial (3)	-	-	-	-	P	-	-	-	-	-	P	-	P	-	-

-- DRAFT FOR DISCUSSION PURPOSES ONLY --

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Uses	Enviro. Business	Gateway I	Gateway II	Special Use I	Special Use II	Residential I	Residential II	Bus./Comm. Services	Village Growth I	Village Growth II	Innovation & Tech Bus.	Rail, Indus., Trade-Rel.	Innovation Tech. Ctr.	Open Space & Rec.	Vicksburg Square Redevelopment District
Research & Development															
Rail or Trade-Related Research & Development	-	-	-	-	-	-	-	-	-	-	-	P	-	-	:
R&D with Environmental Component	P	-	-	-	P	-	-	-	-	-	P	-	P	-	<u>P</u>
All Other Research & Development (3)	-	-	-	P	P	-	-	-	-	P	P	-	P	-	<u>P</u>
Cultural	-	P	P	P	-	-	-	P	P	P	-	-	P	P	<u>P</u>
Conference	-	P	P	P	-	-	-	P	P	P	-	-	P	-	:
Health Care	-	-	-	P	-	-	-	-	-	-	P	-	-	-	<u>P</u>
Academic/Institutional/Civic	-	P	P	P	-	-	-	P	P	P	P	-	P	-	<u>P</u>
Municipal Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	AC	<u>P</u>
Lodging Services	-	-	-	-	-	-	-	P	P	P	-	-	-	-	:
Commercial															
Retail Center	-	-	-	-	-	-	-	-	P	-	-	-	-	-	:
Free Standing Retail	-	-	-	-	-	-	-	P	P	-	-	-	-	-	:
Convenience Retail	-	-	-	-	-	-	-	P	P	-	-	-	-	-	:
Small-Scale Retail: Accessory use	AC	AC	AC	AC	AC	-	-	AC	AC	AC	AC	AC	AC	-	<u>AC</u>

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Uses	Enviro. Business	Gateway I	Gateway II	Special Use I	Special Use II	Residential I	Residential II	Bus./Comm. Services	Village Growth I	Village Growth II	Innovation & Tech Bus.	Rail, Indus., Trade-Rel.	Innovation Tech. Ctr.	Open Space & Rec.	Vicksburg Square Redevelopment District

Residential															
Single or Two-Family Dwelling	-	-	AC	-	-	P	P	-	-	-	-	-	-	-	-
Multi-Family Dwelling (3 to 6 units)	-	-	-	-	-	P	P	-	-	-	-	-	-	-	<u>P</u>
Multi-Family Dwelling (7 or more units)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>P</u>
Elderly Housing	-	-	-	-	-	P	P	-	-	-	-	-	-	-	<u>P</u>
Nursing Home	-	-	-	-	-	P	P	-	-	-	-	-	-	-	<u>P</u>
Dormitories (Group Residence)	-	-	P	AC	AC	-	-	-	-	-	AC	-	AC	-	<u>AC</u>
Home occupation/Accessory uses	-	-	-	-	-	-	AC	-	-	-	-	-	-	-	<u>AC</u>
Incubator	P	-	-	P	P	-	-	-	-	-	P	P	P	-	<u>P</u>

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.