

Town of Ayer

SPECIAL TOWN MEETING WARRANT

Ayer Shirley Regional High School Auditorium
June 8, 2015 @ 7:00 p.m.

Commonwealth of Massachusetts
Middlesex, ss

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Laura S. Leavitt Auditorium in the Ayer Shirley Regional High School on Monday, the Eighth day of June, 2015, at seven o'clock in the evening (7:00 p.m.) then and there to act on the following articles:

ARTICLE 1: DEVENS – REVISIONS TO DEVENS ZONING BY-LAWS, DEVENS ZONING MAP, AND DEVENS REUSE PLAN – ALLOW FOR SENIOR RESIDENTIAL USE IN THE SHIRLEY VILLAGE GROWTH I DISTRICT

To see if the Town will vote to approve revisions to the Zoning By-Laws, Zoning Map, and the Reuse Plan of the Devens Regional Enterprise Zone as follows:

1. In the Devens By-Laws, Section V, Zoning Districts and Zoning Map, Subsection A, Zoning Districts and Development Goals – General Description, Subsection 9, Village Growth District I, Subsection b, Development Goals, by inserting the phrase “senior residential and” after the word “provide” in the first sentence of the first paragraph and inserting the phrase “and senior residential housing that consists of housing for individuals 62 years of age or older pursuant to the requirements of the Fair Housing Act, 42. U.S.C. section 3601, et al, as amended, (the “Fair Housing Act”) and other applicable federal and state housing laws” after the word “size” in the second sentence of the first paragraph so that the first paragraph shall now read as follows:

“b. Development Goals: The primary goal of this district is to provide senior residential and 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 and senior residential housing that consists of housing for individuals 62 years of age or older pursuant to the requirements of the Fair Housing Act, 42. U.S.C. section 3601, et al, as amended, (the “Fair Housing Act”) and other applicable federal and state housing laws.”

And by inserting a new paragraph in the same subsection after subparagraph (9)(b)(iv) which shall read as follows:

“The Devens Enterprise Commission will in its Rules and Regulations or in Senior Residential Guidelines establish requirements for the marketing, design, deed restrictions, and monitoring of compliance with the restrictions for the age-restricted facilities and the income-restricted units within the Senior Residential facilities.”

2. In the Devens By-Laws, Section VI, Permitted Uses, Subsection A, General Land Use Categories, Subsection 3, Use Categories, insert a new Subsection o, Senior Residential, which shall read as follows:

“o. Senior Residential. Senior Residential refers to age-restricted residential facilities to be occupied solely by individuals 62 years of age or older and that comply with the Fair Housing Act and other applicable federal and state housing laws. 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. No less than twenty-five (25) percent of any Senior Residential units within the Village Growth I Zoning 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 the U. S. Department of Housing and Urban Development as set forth in 974 CMR Section 5.02 2 (l) of the Devens Enterprise Commission’s Rules and Regulations. 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. Requirements for the marketing, design, deed restrictions, and monitoring of compliance with the restrictions for these age-restricted facilities and the income-restricted units within the Senior Residential facilities shall be adopted by the Devens Enterprise Commission in either its Rules and Regulations or in Senior Residential Guidelines to be issued by the Devens Enterprise Commission.”

3. In the Devens By-Laws, Section IX, Density and Dimensional Requirements, Subsection E, Residential Density, Subsection 1, insert the phrase “not including Senior Residential units within the Shirley Village Growth I Zoning District, which shall not exceed one hundred twenty (120) units” at the end of the first sentence so that the first sentence shall 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, not including Senior Residential units within the Shirley Village Growth I Zoning District, which shall not exceed one hundred twenty (120) units.”

4. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, Subsection Patterns in the Reuse Plan, Subsection Village Growth, in the second sentence of the first paragraph, delete the word “dual” before the word “purpose”, insert the words “and residential” before the word “expansion” and insert the phrase “including up to 120 units of age-restricted senior residential housing” at the end of the last sentence of the first paragraph so that the first paragraph shall read as follows:

“The Village Growth concept creates the most direct of connections between the Devens Enterprise Zone and the abutting town areas of Shirley situated at and near Devens Gate. The purpose is to provide business and residential expansion opportunities for Shirley Village while at the same time offering a substantial retail opportunity for the Devens Enterprise Zone and the region at large. The underlying theme is to achieve those objectives with a scale, development pattern and mix of uses that are compatible with that of the existing Shirley Village, including up to 120 units of age-restricted senior residential housing.”

In the second paragraph of the same section, delete the word “and” before “small-scale” and insert the words “and up to 120 units of age-restricted senior residential housing” at the end of the paragraph so that the second paragraph shall read as follows:

“The first Village Growth area allows a retail center to be established, complemented by free-standing retail businesses where individual occupants or tenants do not exceed 50,000 square feet of floor area within a retail center, small-scale office uses do not exceed 40,000 square feet of gross floor area, and up to 120 units of age-restricted senior residential housing.”

5. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, Subsection Patterns in the Reuse Plan, Subsection Housing and Community Facilities, insert the sentence “The 282-unit maximum shall not apply to age-restricted senior residential housing within the Village Growth I zoning district, which shall not exceed 120 units of housing” after the first sentence in the third paragraph such that the third paragraph shall 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 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. The 282-unit maximum shall not apply to age-restricted senior residential housing within the Village Growth I zoning district, which shall not exceed 120 units of housing. It is recognized that the success of the residential reuse is dependent on a balance between market rate and the affordable/special needs populations.”

6. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, Subsection Zoning and Resource Protection Overlay Districts, Subsection Village Growth District I, insert the words “and residential” before the word “expansion”, and insert the phrase “as well as up to 120 units of senior residential housing” at the end of the second sentence in the first paragraph such that the first paragraph shall read as follows:

“The primary concept of this land use category is to provide commercial and residential 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

variety of retail, service, and office uses of small to medium size as well as up to 120 units of senior residential housing.”

And by inserting a new paragraph in the same section after the last bullet point which shall read as follows:

“The Devens Enterprise Commission will in its Regulations establish requirements for the marketing, design, deed restrictions, and monitoring of compliance with the restrictions for the age-restricted facilities and the income-restricted units within the Senior Residential facilities.”

7. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, Subsection Zone Districts Goals and Objectives, Subsection Village Growth District I, Subsection Goals and Objectives, insert the words “and senior residential” before the word “expansion” in the first bullet point such that it shall read as follows:

“Provide commercial and senior residential expansion and enhancement opportunities for Shirley Village, while at the same time respecting the scale of the existing business and abutting neighborhoods.”

In the same section, insert the phrase “as well as up to 120 age-restricted senior residential housing units” at the end of the second bullet point such that it shall read as follows:

“Accommodate a variety of retail, service, and office uses of small to medium size as well as up to 120 senior residential housing units.”

8. In the Devens Reuse Plan, Chapter 4, The Devens Reuse Plan, Subsection Zone Districts Goals and Objectives, Subsection Village Growth District I, Subsection Example Uses, insert the phrase “Up to 120 Units of Age-Restricted Senior Residential” after the final bullet point such that the subsection shall read as follows:

- “> Retail Center
- > Free-Standing Retail Business
- > Convenience Retail Uses
- > Small-Scale Office Uses
- > Cultural and Exhibit Space
- > Conference Facilities
- > Academic and Institutional Uses
- > Lodging
- > Up to 120 Units of Age-Restricted Senior Residential”

9. In the Devens Zoning Map and the Devens Reuse Plan, all references to the matters set forth in Items 1, 2, and 3 of this Article 1 shall be revised to the extent required to remain consistent with such revisions.

In the Devens Zoning Map and the Devens By-Laws, all references to the matters set forth in Items 4, 5, 6, 7, and 8 of this Article 1 shall be revised to the extent required to remain consistent with such revisions.

ARTICLE 2: DEVENS – REVISIONS TO DEVENS ZONING BY-LAWS, DEVENS ZONING MAP, AND DEVENS REUSE PLAN – ALLOW FOR HEALTH CARE USES IN THE VILLAGE GROWTH I DISTRICT

To see if the Town will vote to approve revisions to the Zoning By-Laws, Zoning Map, and Reuse Plan of the Devens Regional Enterprise Zone as follows:

1. In the Devens By-Laws, Exhibit D, Table of Permitted Uses, in the row labeled “Health Care” and the column labeled “9. Village Growth I”, replace the “-” with a “P”.
2. In the Devens By-Laws, Exhibit D, Table of Permitted Uses, in the row labeled “Health Care” and the column labeled “9. Village Growth I”, insert footnote marker “(4)” after “P”.
3. In the Devens By-Laws, Exhibit D, Table of Permitted Uses, at the end of the table, insert new footnote (4) which shall read as follows:

“(4) Within the Village Growth I District, healthcare uses including hospitals, immediate-care facilities, and clinics are not allowed.”
4. In the Devens Zoning Map and Devens Reuse Plan, all references to the matters set forth in Items 1, 2, and 3 of this Article 2 shall be revised to the extent required to remain consistent with such revisions.

ARTICLE 3: DEVENS – REVISIONS TO THE DEVENS ZONING BY-LAWS, DEVENS ZONING MAP, AND DEVENS REUSE PLAN – ROGERS FIELD, WILLOW BROOK CORRIDOR & ADAMS CIRCLE ZONING SWAP

To see if the Town will vote to approve revisions to the By-Laws, Zoning Map and Reuse Plan of the Devens Regional Enterprise Zone as follows:

1. In the Innovation and Technology Center District (Parcel 2 of the Devens Zoning District Parcel Maps), rezone approximately 30 acres of land in the vicinity of Rogers Field (depicted as “Parcel A” in Figure 3.1 attached hereto and made a part hereof) from Innovation and Technology Center to Open Space and Recreation.

2. In the Residential II District (Parcel 10 of the Devens Zoning District Parcel Maps), rezone approximately 3.5 acres of land in the vicinity of the Willow Brook Corridor (depicted as "Parcel B" in Figure 3.1 attached hereto and made a part hereof) from Residential II to Open Space and Recreation.
3. In the Residential II District (Parcel 10 of the Devens Zoning District Parcel Maps), rezone approximately 9.3 acres of land in the vicinity of Adams Circle (depicted as "Parcel C" in Figure 3.1 attached hereto and made a part hereof) from Open Space and Recreation to Residential II.
4. In the Devens Reuse Plan and Devens Zoning By-Laws, all references to the matters set forth in Items 1, 2, and 3 of this Article 3 shall be revised to the extent required to remain consistent with such revisions.

ARTICLE 4: DEVENS – REVISIONS TO THE DEVENS ZONING BY-LAWS, DEVENS ZONING MAP, AND DEVENS REUSE PLAN – ALLOW FOR OFFICE AND RESEARCH USES ON THE SOUTHERN PORTION OF GRANT ROAD

To see if the Town will vote to approve revisions to the Zoning By-Laws, Zoning Map, and Reuse Plan of the Devens Regional Enterprise Zone as follows:

1. In the Devens By-Laws, Exhibit D, Table of Permitted Uses, in the column labeled "Residential I" and the rows labeled "Full Office," "Small-Scale Office," "Light Industrial with Environmental Component," "All Other Light Industrial," "Industrial with Environmental Component," "All Other Industrial," "R&D with Environmental Component," "All Other Research & Development," "Academic/Institutional/Civic," "Municipal Uses," and "Incubator," replace the "-" with a "P".
2. In the Devens By-Laws, Exhibit D, Table of Permitted Uses, in the column labeled "Residential I" and the rows labeled "Full Office," "Small-Scale Office," "Light Industrial with Environmental Component," "All Other Light Industrial," "Industrial with Environmental Component," "All Other Industrial," "R&D with Environmental Component," "All Other Research & Development," "Academic/Institutional/Civic," "Municipal Uses," and "Incubator," insert footnote marker "(5)" after "P".
3. In the Devens By-Laws, Exhibit D, Table of Permitted Uses, at the end of the table, insert new footnote (5) which shall read as follows:

“(5) Only allowed in the portion of the district west of Spruce Street.” (Such area is depicted as “Parcel A, +/- 17.8 Acres” on Figure 4.1 attached hereto and made a part hereof.)
4. Between the Innovation and Technology Business Zone (Parcel 7 of the Devens Zoning District Parcel Maps) and the Residential I Zone (Parcel 6 of the Devens Zoning District Parcel Maps), rezone approximately

3.2 acres of land (depicted as "Parcel B" in Figure 4.1 attached hereto and made a part hereof) from Open Space and Recreation to Innovation and Technology Business.

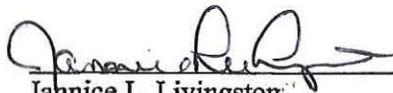
5. In the Devens Zoning Map and Devens Reuse Plan, all references to the matters set forth in Items 1, 2, 3, and 4 of this Article 4 shall be revised to the extent required to remain consistent with such revisions.

(Inserted by Board of Selectmen)

(Requires a majority vote for passage.)

Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

Given under our hands this 19th day of May AD 2015.



Jahnice L. Livingston



Gary J. Luca



Christopher R. Hillman
AYER BOARD OF SELECTMEN

Any persons needing disability related assistance (such as signing, etc.) at the town meeting please contact the Selectmen's Office at 978-772-8220 before June 5, 2015. We shall make every reasonable effort to assist you.

Large print version of the text of this warrant is available upon request.

(Sponsor: Board of Selectmen)

(Simple Majority Vote Required)

A True Copy Attest:

As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall at least fourteen days before said meeting, all as herein directed.

Samuel P. Goodwin
- Constable

Date: 5/20/2015

A TRUE COPY ATTEST
Suzanne Copeland
TOWN CLERK

May 19, 2015



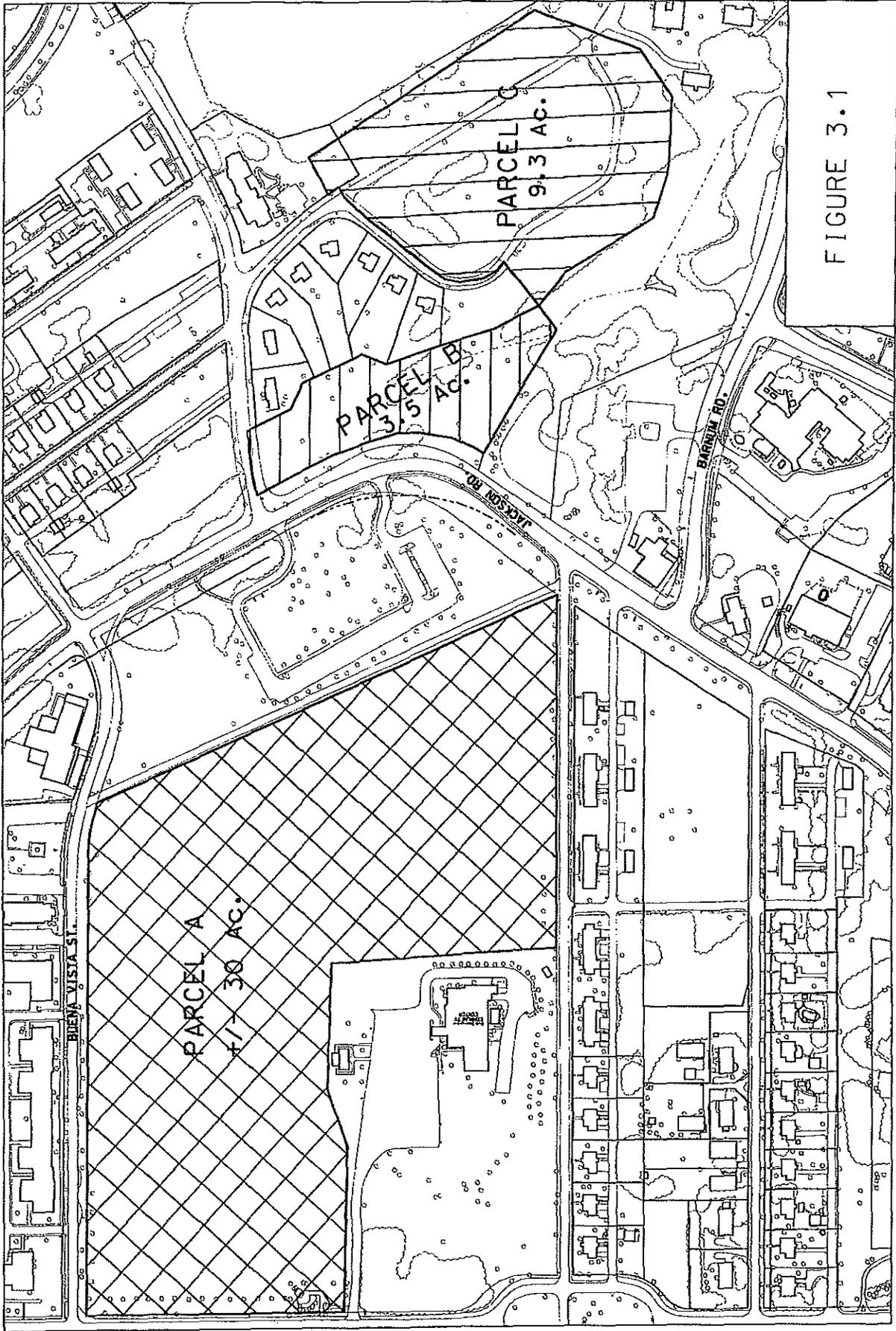


FIGURE 3.1

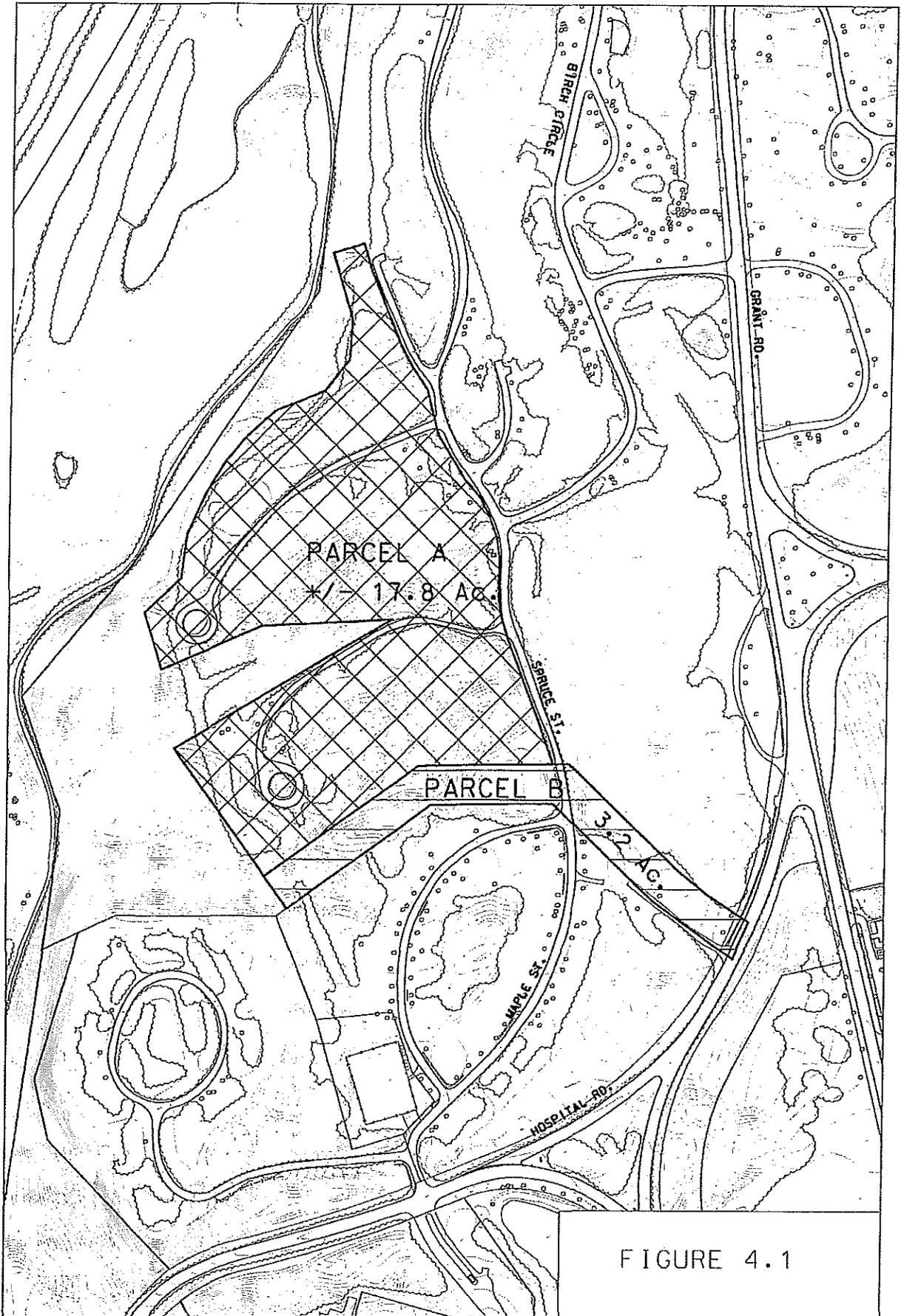


FIGURE 4.1