

Minutes of March 19, 2007

I. Call to Order/Roll Call

Chairman Alex J. Vispoli opened the Regular Meeting of the Board of Selectmen at 7:05 P.M. on March 19, 2007 in the Selectmen's Conference Room at the Town Offices. Present from the Board of Selectmen: members Mary K. Lyman, Brian Major, and Ted Teichert. Also present was Town Manager Reginald S. Stapczynski, and Town Clerk Randall Hanson. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

Chairman Vispoli led the members in a Moment of Silence followed by the Pledge of Allegiance.

II. Communications/Announcements/Liaison Reports

A. Demonstration of the new handicapped accessible voting machine

Town Clerk Randy Hanson showed how the new handicap voting machine operates. The two handicapped accessible voting machines were purchased by the Secretary of State for the hearing and vision impaired. A demonstration will also be given to the Commission on Disabilities. Residents are encouraged to contact the Town Clerk's Office if they have questions.

B. Town Manager Buzz Stapczynski made the following announcements:

- The Annual Town Election will be held on Tuesday, March 27th at Andover High School. Polls will be open from 7:00 A.M. to 8:00 P.M.
- The Annual Town Meeting will be held on April 23rd, April 24th and April 30th and, if necessary, May 1st. There will be a Special Town Meeting within the Annual Town Meeting.
- Andover has been awarded the designation of Tree City for the 8th consecutive year. Congratulations to the employees of the Tree and Park Department, Joe Piantedosi and Randy Pickersgill.
- A certificate was received from Common Cause designating Andover as a Star Community in recognition of the key government information posted on the Town of Andover website.
- Nominations for the Virginia Cole Community Service Award should be submitted to the Town Manager's Office by March 27, 2007.
- Town Clerk Randy Hanson will administer the annual Oath of Office at the Swearing-in Ceremony for newly elected officials on March 28th at 5:00 P.M. in the Board of Selectmen's Conference Room.
- The Massachusetts Municipal Association Meeting will be held on April 5, 2007 in Danvers, Massachusetts.
- The next meeting of the School Building Task Force will be held on Wednesday, March 21, 2007 at 5:00 PM.

IV. Citizen Petitions and Presentations

Cynthia Brown, 34 Pasho Street, expressed concern about residents not clearing sidewalks in front of their homes after a snowstorm. She was surprised to discover that Andover does not have a bylaw requiring homeowners to shovel their walks as a safety precaution. Selectman Lyman encouraged Ms. Brown to submit a warrant article for the

upcoming Special Town Meeting.

V. Public Hearing

A. Laying Out of Streets

A public hearing was opened to consider Warrant Article #63 – the laying out of Green Meadow Lane, Stirling Street, Whittemore Terrace, Andover Country Club Lane and the remaining portion of Canterbury Street. The Planning Board recommends Green Meadow Lane be laid out, they request a continuance for Stirling Street and Whittemore Terrace. Andover Country Club Lane and the remaining portion of Canterbury Street are not ready to be laid out.

Selectman Teichert motioned that the Board recommend approval to lay out Green Meadow Lane. The motion was seconded by Selectman Lyman, voted and approved 4-0.

Selectman Lyman motioned to not recommend approval to lay out Andover Country Club Lane and the remaining portion of Canterbury Street. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Selectman Major made a motion that the Board accept receipt of the foregoing deed for Stirling Street and Whittemore Terrace. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Selectman Major made a motion to continue approval of the lay out of streets to Monday, March 26, 2007. The motion was seconded by Selectman Lyman, voted and approved 4-0.

VI. Regular Business of the Board

A. Special Town Meeting

Selectman Major made a motion to open the Special Town Meeting Warrant on Monday, March 19, 2007 and close it on Friday, March 23, 2007 at 4:30 P.M. The motion was seconded by Selectman Lyman, voted and approved 4-0.

B. 2007 Annual Town Meeting Warrant Articles

Warrant Article #22 – Accept MGL, Chapter 23 D-Boards, Committees and Commissions which conduct Adjudicatory Hearings

State Legislature has passed a bill to allow Board Members to miss one meeting if they

VI. Regular Business of the Board (Cont'd)

B. 2007 Annual Town Meeting Warrant Articles (Cont'd)

certify in writing that they have watched the meeting video, read the minutes of the meeting, and followed-up on missed materials. Selectman Lyman made a motion to recommend approval of Warrant Article 22. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Warrant Article #30 – Zoning Bylaw Amendment – Re-zone Punchard Avenue (P)

Withdrawn

Warrant Article #37 – Granli Drive Open Space – Taking of Land by Eminent Domain

Withdrawn

Warrant Article #38 – Acquire Granli Drive (P)

The Planning Board recommended Granli Drive not be laid out and that article be amended at Town Meeting to take acceptance of the street by eminent domain. The necessary legal and engineering information will be provided.

Selectman Major made a motion to recommend approval to accept Granli Drive as a public way and for the Town to acquire the street by eminent domain contingent on the legal and engineering information and that the Town vote to raise \$2,000 to complete requirements for the public way. The motion was seconded by Selectman Lyman, voted and approved 4-0.

Selectman Major motioned to recommend not to lay out Granli Drive. The motion was seconded by Selectman Lyman, voted and approved 4-0.

Warrant Article #40 – Conservation Acquisition of Unclaimed Land

Selectman Major made a motion to recommend approval of Article #40 to acquire unclaimed land adjacent to conservation land and Harold Parker State Park to be under the care, custody and control of the Conservation Commission. The motion was seconded by Selectman Lyman, voted and approved 4-0.

Warrant Article #45 – Re-zone 175 Haverhill Street (Merrimack College)

Planning Director Paul Materazzo presented the information as to the layout of the property at 175 Haverhill Street, and the discussions with Merrimack College as they the Andover Planning Board to bring forward the article to purchase and rezone the property. Chairman Vispoli opened the discussion for comments. Questions were brought forward from the Board and several members of the community as to the analysis of drainage in the area, wetlands, permit requirements, analysis and a review of the water retention pond and how it

VI. Regular Business of the Board (Cont'd)

B. 2007 Annual Town Meeting Warrant Articles (Cont'd)

affects the surrounding neighborhood. Abutters were concerned about drainage issue and rezoning to mixed use; they also stated they were not previously notified in writing of the potential re-zoning change. Chairman Vispoli said questions on drainage, timing, irrigation and erosion are all valid points and need to be addressed. No vote taken.

Warrant Article #48 – Zoning Bylaw Amendments – Mixed Use District

The Planning Board is requesting approval to amend the Zoning By-law Article VIII, Section 4.1.4.4. to restrict establishments in a Mixed Use District to be no more than 65,000 square feet of gross floor space. Also, a new structure or addition to an existing structure cannot be erected within 50 feet of the nearest outside wall of an existing residential structure.

Selectman Teichert made a motion to recommend approval of Warrant Article #48. The motion was seconded by Selectman Major, voted and approved 4-0.

Warrant Article #49 – Zoning Bylaw Amendments to Section 9.6 Design Review

The Planning Board has recommended approval of this article, and previously presented their findings to the Board of Selectmen. Selectman Lyman made a motion to recommend approval of Warrant Article #49. The motion was seconded by Selectman Major, voted and approved 4-0.

Warrant Article #50 – General Bylaw Amendment – Affordable Housing Trust Bylaw

Lisa Schwartz, Senior Planner, said this article would change the wording in the Affordable Housing Trust Fund to be consistent with the provisions amended in 2005 and consistent with the State Statute.

Selectman Lyman voted to recommend approval of Warrant Article #50. The motion was seconded by Selectman Major, voted and approved 4-0.

Warrant Article #53 – General Bylaw Amendment – Wetlands Protection Bylaw

The Conservation Commission explained the wording of the current bylaw change to specify the size of any free-standing structure to be built near wetlands and determination for exemption. The Conservation Commission has received approval by the Health Department and is awaiting approval of the Planning Board. No vote taken.

Warrant Article #57 – Street Name Change – Woodman Ridge Road (P)

Attorney Mark Johnson explained that in an effort to decrease confusion of High Plain Road a/k/a Old High Plain Road where it connects to the new 3 lot subdivision at

VI. Regular Business of the Board (Cont'd)

B. 2007 Annual Town Meeting Warrant Articles (Cont'd)

Woodman Ridge, Article #57 requests the name of the road be changed to Woodman Ridge Road. The Planning Board recommends approval.

Selectman Teichert made a motion to approve the name change from the portion of Old High Plain Road to Woodman Ridge Road. The motion was seconded by Selectman Lyman, voted and approved 4-0.

Selectman Teichert made a motion to recommend approval of that portion of the road be laid out. The motion was seconded by Selectman Lyman, voted and approved 4-0.

Warrant Article #59 – General Bylaw Amendment – Notice to Direct Abutters of Proposed Zoning Changes (P)

Dianne McCarron, 175 Haverhill Street, explained why she is requesting a By-law change to ensure direct abutters are notified in writing of any proposed zoning change within a reasonable amount of time. The article will be updated and brought back to the board for recommended approval. No vote taken.

Warrant Article #60 – Amendment to the General Bylaw – Stormwater Management & Erosion Control Bylaw

There was a lengthy discussion by the members of the Planning Board, Conservation Committee, the consultant from CEI and the DPW regarding the requirements of this mandate which is a part of the Federal Clean Water Act. There are many questions and concerns

requiring more investigation and coordination (rates, appeals, problems with developments, redundancies of two separate boards, etc); however, the law has to be adopted by April 2008 or fines will be imposed. Chairman Vispoli said we need a product that everyone can agree on. The Town Manager said he will have the Planning Board take it on as a major project and work out the details. No action taken.

VII. Approval of Consent Items

A. Appointments and Re-appointments

Selectman Teichert made a motion, seconded by Selectman Lyman to approve the following appointments. The motion was voted and approved 4-0.

<u>Department</u>	<u>Position</u>	<u>Rate</u>	<u>Effective Date</u>
<u>Community Services</u>			
Zachary Nolin	Sports Counselor-PT	C2A	3/1/2007
Amanda O. Corliss	Theatre Director-PT	****	5/1/2007

**** Stipend varies with course

VII. Approval of Consent Items (Cont.)

A. Appointments and Re-appointments (Cont.)

Conservation Overseers – Term to expire June 30, 2009

Gail Ralston	Sacred Heart Reservation
Robert Decelle	Sacred Heart Reservation

B. Change of Manager

Selectman Lyman made a motion to approve the application by Six Continents Resources, Inc., d/b/a Staybridge Suites by Holiday Inn, 4 Technology Drive, Andover, for a Change of Manager on their Innholder – Wine & Malt License. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Major, voted and approved 4-0.

C. Art-in-the-Park

Selectman Major made a motion to approve the request by Diane Butler, President of the Andover Artists Guild, Inc., to use The Park on Saturday, September 15, 2007 with a rain date of Sunday, September 16, 2007, for their Annual Art-in-the-Park event. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman, voted and approved 4-0.

D. Quota International of Andover Walk-a-thon

Selectman Lyman made a motion to approve the request by Mary Donohue, Quota International of Andover Walk-a-thon Chair, to conduct their annual event through the streets of Andover on Sunday, May 6, 2007 beginning and ending at the Town House. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Teichert, voted and approved 4-0.

E. Larry Robinson Race/Walk

The request by Roy K. Dennehy, Race Director for the Larry Robinson Race/Walk, to conduct their annual event through the streets of Andover on Sunday, November 11, 2007 beginning and ending at Andover High School was not voted on. More information on the time of the Race/Walk to make the event does not conflict with Veterans' Day observances is required. Item tabled to the next meeting.

F. Block Party

Selectman Major made a motion to approve the request of Danielle O'Brien, 10 Lincoln Circle, to block her street between nos. #21 and #32 on Saturday, September 8, 2007 from 2:00 P.M. to 7:00 P.M. (raindate – Sunday, September 9, 2007) for a neighborhood block party. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman, approved 4-0.

VIII. Approval of Minutes from Previous Meetings

Selectman Lyman motioned to approve the Minutes of Joint Meeting of February 26, 2007. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Selectman Lyman motioned to approve the Minutes of the Joint Meeting of February 28, 2007. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Selectman Lyman motioned to approve the Minutes of the Regular Meeting of March 5, 2007 with revision to the Executive Session Summary. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Selectman Lyman motioned to approve the Minutes of the Joint Meeting of March 7, 2007. The motion was seconded by Selectman Teichert, voted and approved 4-0.

IX. Adjournment – 10:30 P.M.

A motion was made by Selectman Major and seconded by Selectmen Lyman to adjourn the meeting. The vote was 4-0 to approve the motion. The meeting adjourned at 10:48 P.M.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo, Recorder