

W A R R A N T
THE COMMONWEALTH OF MASSACHUSETTS
ESSEX, SS.

To Either of the Constables of the Town of Andover

Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the Inhabitants of said Town who are qualified to vote in Town Affairs to meet and assemble at the Collins Field House, Andover High School, Shawsheen Road, in said Andover, on

WEDNESDAY, THE THIRTIETH DAY OF APRIL, 2008

at seven o'clock P.M. to act upon the following articles:

Election

ARTICLE 1. To elect a Moderator for one year, one Selectman for three years, one School Committee member for three years and one member of the Andover Housing Authority for five years.

Election Not Required by Ballot

ARTICLE 2. To elect all other officers not required by law to be elected by ballot or take any other action related there.

On request of the Town Clerk

Salaries of Elected Officials

ARTICLE 3. To establish the salaries of the elected officers for the ensuing year or take any other action related thereto.

On request of the Town Clerk

FY-2009 Budget

ARTICLE 4. To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009 or take any other action related thereto.

On request of the Town Manager

Exemption of Citizens from Proposition 2½ Override

ARTICLE 5. To see if the Town will vote to exempt citizens 65 years and older and those with income less than:

\$48,000 filing as a single
\$60,000 filing head of household
\$72,000 filing jointly

from a Proposition override of 2½ which would increase their taxes, or take any other action related thereto.

On petition of William G. Pennington and others

FY-2009 Budget – Contingent Override

ARTICLE 6. To see if the Town will vote to raise by taxation and appropriate a sum of \$2,500,000 for all Town and School budgets for the fiscal year beginning July 1, 2008 contingent upon the subsequent approval of a ballot question in accordance with Massachusetts General Laws Chapter 59, Section 21C (Proposition 2½) allowing the Town to assess said sum in real estate and personal property taxes or take any other action related thereto.

On request of the Board of Selectmen, School Committee & Finance Committee

Proposition 2½ Vote for Town & School Department Budgets - \$5,000,000

ARTICLE 7. To see if the Town will vote to raise by taxation and appropriate a sum, not to exceed Five Million Dollars (\$5,000,000) for the School and Town Department Budgets for the fiscal year beginning July 1, 2008 contingent upon the subsequent approval of a ballot question (s) allowing the Town to assess said sum in real estate and personal property taxes or take any other action related thereto.

On petition of William G. Pennington and others

FY-2009 Capital Projects Fund Appropriation

ARTICLE 8. To see if the Town will vote to raise by taxation and appropriate the sum of \$2,530,000 for the purpose of funding the Fiscal Year 2009 appropriation for the Capital Projects Fund or take any other action related thereto.

On request of the Town Manager

Budget Transfers

ARTICLE 9. To see if the Town will vote to transfer from amounts previously appropriated at the 2007 Annual Town Meeting as authorized by MGL Chapter 44, Section 33B or take any other action related thereto.

On request of the Town Manager as recommended by the Finance Director

Supplemental Budget Appropriations

ARTICLE 10. To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the April 2007 Annual Town Meeting or take any other action related thereto.

On request of the Town Manager as recommended by the Finance Director

Free Cash

ARTICLE 11. To see what amount the Town will vote to permit the Assessors to use in free cash to reduce the Fiscal Year 2009 tax rate and to affect appropriations voted at the 2008 Annual Town Meeting.

On request of the Town Manager as recommended by the Finance Director

Unexpended Appropriations

ARTICLE 12. To see what disposition shall be made of unexpended appropriations and free cash in the treasury.

On request of the Town Manager as recommended by the Finance Director

Stabilization Fund

ARTICLE 13. To see if the Town will vote to create a Stabilization Fund for the purpose of funding future one-time or unforeseen costs of the Town, and to see if the Town will vote to transfer and appropriate a sum of money from available funds to the Stabilization Fund in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any other action related thereto.

On request of the Town Manager

Transfer of Funds for School Department's FY-2009 Budget

ARTICLE 14. To see if the Town will transfer from the Phillips Academy Fund the sum of \$656,000 to fund a portion of the School Department's FY-2009 School Budget, or take any other action related thereto.

On petition of William G. Pennington and others

Transfer from Stabilization Fund for School Department FY-2009 Budget

ARTICLE 15. To see if the Town will transfer from the Stabilization Fund the sum of \$1,252,000 to fund a portion of the School Department's FY-2009 School Budget, or take any other action related thereto.

On petition of William G. Pennington and others

General Housekeeping Articles

ARTICLE 16. To see if the Town will vote the following consent articles or take any other action related thereto:

A. **Grant Program Authorization**

To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program or take any other action related thereto.

On request of the Town Manager

B. **Road Contracts**

To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the construction and maintenance of public highways in the Town of Andover for the ensuing year or take any other action related thereto.

On request of the Town Manager

C. **Town Report**

To act upon the report of the Town officers or take any other action related thereto.

On request of the Town Manager

D. **Property Tax Exemptions**

To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for Fiscal Year 2009 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5 or take any other action related thereto.

On request of the Board of Assessors

E. **Contracts in Excess of Three Years**

To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years but no greater than five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or take any other action related thereto.

On request of the Town Manager

F. Accepting Easements

To see if the Town will vote to authorize the Board of Selectmen and the School Committee to accept grants of easements for streets, water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interests of the Town or take any other action related thereto.

On request of the Town Manager

G. Rescinding of Bond Authorizations

To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings or take any other action related thereto.

On request of the Finance Director

Granting Easements

ARTICLE 17. To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interests of the Town or take any other action related thereto.

On request of the Town Manager

Unpaid Bills

ARTICLE 18. To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years or take any other action related thereto.

On request of the Town Accountant

Chapter 90 Authorizations

ARTICLE 19. To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements or take any other action related thereto.

On request of the Town Manager

Revolving Accounts

ARTICLE 20. To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2008 or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2009 Limit
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$70,000
B. Memorial Hall Library-Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
C. Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$30,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	\$455,000
E. Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	\$225,000
F. Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	\$80,000
G. Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	\$200,000
H. Public Safety	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
I. Memorial Hall Library Audio/Visual	MHL Director	Purchase of audio/visual materials	Rental of audio/visual materials	\$36,000
J. School Photocopy Fees	School Dept.	Photocopy Center Costs	External Private Groups	\$7,000
K. Compost Program	Plant Facilities & Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	\$25,000

L. Solid Waste	Public Works Director	Offset Trash & Recycling Costs	CRT, HHW & Trash fees	\$20,000
M. Stormwater Management	Planning Director	Consulting and Environmental Monitoring of Stormwater Management Applications and Permits	Applicant	\$30,000

On request of the Finance Director

Elderly/Disabled Transportation Program

ARTICLE 21. To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program or take any other action related thereto.

On request of the Council on Aging

Fireworks

ARTICLE 22. To see if the Town will provide funding in the amount of \$10,000 for a Fireworks Program as part of the Fourth of July Program from available funds or take any other action related thereto.

On request of Gerald H. Silverman and others

Local Options Revenues

ARTICLE 23. To see if the Town will vote to accept any local option taxes or other revenue raising options, which are made available to cities and towns through enactments of the Legislature, or take any other action related thereto.

On request of the Town Manager

Feasibility Study – Bancroft Elementary School

ARTICLE 24. To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Building Committee for the purpose of conducting a Feasibility Study: (1) to understand the extent of deficiencies identified in the Statement of Interest submitted to the Massachusetts School Building Authority for the Bancroft Elementary School, located at 15 and 21 Bancroft Road, Andover, MA and as shown on Andover Assessor Map 59, lots 29 and 29A; and (2) to begin to explore the formulation of a solution to the deficiencies which are relevant to the Statement of Interest for Bancroft Elementary School; and for which feasibility study the Town may be eligible for a

grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any other action related thereto.

On request of the Town Manager

School Facilities Maintenance Trust Fund

ARTICLE 25. To see if the Town will vote to create a local fund titled "School Facility Maintenance Trust Fund" for the purpose of funding appropriate school facility maintenance projects that meet the provision of 963 CMR 2.00, Section 2.18 4(b), and further that the Town affirm its intent to accept all matching grant funds from the Massachusetts School Building Authority (MSBA) for which it qualifies, relative to the regulations outlined in 963 CMR 2.00, Section 2.18 4(b), and deposit said funds into the "School Facility Maintenance Trust Fund" for use in funding such projects, or take any other action related thereto.

On request of the School Committee

Trench Safety Regulations

ARTICLE 26. To see if the Town will, pursuant to M.G.L. Chapter 82A, §2 vote to designate the Town Manager as the means by which the Town shall designate the Board or Officer to issue permits for the purpose of creating a trench as that term is defined by M.G.L. Chapter 82A, §4 and 520 CMR 14.00 and vote that the Board of Selectmen shall have the authority to establish fees for the issuance of such permits, or take any other action related thereto.

On request of the Town Manager

School Building Maintenance and Renovation

ARTICLE 27. To see if the Town will vote to appropriate \$1,810,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various School buildings and roofs and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (3) and (3A) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Plant and Facilities Director

Town Building Maintenance and Renovation

ARTICLE 28. To see if the Town will vote to appropriate \$290,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings and roofs including the Senior Center and Town Yard and

for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (3) and (3A) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Plant and Facilities Director

Lovely Field Improvements

ARTICLE 29. To see if the Town will vote to appropriate \$290,000 for the purpose of paying costs of replacing outdoor lighting and track at Lovely Field, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Plant and Facilities Director

Zoning Bylaw Amendment – Home Occupation

ARTICLE 30. To see if the Town will vote to amend the Zoning By-law – Section 10.0, Customary Home Occupation, and Section 5.2.7.1, Permitted Signs in all Zoning Districts (respectively):

To see if the Town of Andover will vote to amend Section 10.0 of the Andover Zoning By-law Article VIII, by deleting the following language:

CUSTOMARY HOME OCCUPATION: Use of a room or rooms in a dwelling or accessory building by permanent residents for the practice of a customary home occupation, provided that such practice does not involve (a) sale of articles not produced on the premises; (b) exterior storage or display; (c) alteration of the residential character of the premises; (d) noise, heat, vibration or other objectionable effects discernible at the property line; or (e) the employment of more than one person not a member of the resident family. The following are some of the occupations excluded from this definition: Beautician, barber, real estate salesman, dancing or musical instructor to more than one person at a time.

And replacing it with:

“CUSTOMARY HOME OCCUPATION: Use of a room or rooms in a dwelling or accessory building operated by a person residing on the premises for the practice of a home occupation, provided that such practice does not involve:

- (a) the use of more than 33 1/3 % of the gross floor area of the building up to a maximum of 1000 gross square feet;

- (b) the display or exterior announcement of the home occupation except for a single unlighted sign affixed to the residence no larger than two square feet; the sign shall conform in all other ways to the relevant portions of the Town bylaws;
- (c) alteration of the residential character of the premises;
- (d) noise, heat, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, or other objectionable effects discernible at the property line not normally associated with residential use;
- (e) the employment of more than one person not a member of the resident family;
- (f) the parking of commercial vehicles on site, except as allowed in §3.2.1.3 & §3.2.1.4 of the Bylaw;
- (g) adult use (as defined in Section §10.0 of the Bylaw)
- (h) generating any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.”

And to revise Section 5.2.7.1 Permitted Signs in All Zoning Districts, by deleting the following:

One sign, either attached or freestanding, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon, not to exceed 2 square feet in area; requires no sign permit.

And replacing it with:

“One sign, not requiring a sign permit, either attached or freestanding, indicating only the name of the owner or occupant, and street number and not to exceed 2 square feet in area, except if the sign indicates a home occupation the sign must be unlighted and affixed to the residence.”

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Planning Board

Ledge Road Landfill Closure

ARTICLE 31. To see if the Town will vote to appropriate the sum of \$7,370,000 for the purpose of capping and closure of the Town landfill on Ledge Road and the payment of any and all other costs incidental and related thereto and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 8, Clause (24) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor or take any other action related thereto.

On request of the Department of Public Works Director

Bridge Repairs

ARTICLE 32. To see if the Town will vote to appropriate \$600,000 for the purpose of paying costs of bridge repairs in and for the Town, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (4) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Department of Public Works Director

Shawsheen River Outfall Sewer

ARTICLE 33. To see if the Town will vote to raise by borrowing and appropriate \$4,000,000 for the purpose of paying costs of constructing and reconstructing the Shawsheen River Outfall Sewer, including, but not limited to, all costs associated with design, construction, land acquisition by eminent domain, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (1) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Department of Public Works Director

Statute Acceptance – Priority Development Sites

ARTICLE 34. To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of application with the Interagency Permitting Board for the designation of land at 1350 South Street (Map 184, Parcel 1, 35.08 acres) and 1350R South Street (Map 184, Parcel 2, 5.89 acres) as a Priority Development Site (Site Map on file in the Town Clerk’s Office), or take any other action related thereto.

On request of the Planning Board

General Bylaw – Outdoor Dining

ARTICLE 35. To see if the Town will vote to amend the General Bylaws of the Town, by adding the following:

“OUTDOOR DINING LICENSE BYLAW

Section 1.1 Purpose, Scope, Authority

The purpose of this bylaw is to provide for the licensing of outdoor dining areas of appropriate design, configuration, and appearance that will be an amenity to the Town during the spring, summer and fall. The Board of Selectmen may issue annual outdoor dining licenses which shall be for the period from April 1 to October 31. Licenses shall be valid for one season, and must be re-applied for annually.

Section 1.2 Conditions of the License

The Board of Selectmen shall impose such conditions on each license as the Board determines to be appropriate and in the best interest of the Town. License fees shall be established by the Board of Selectmen. The Board of Selectmen may also make such regulations governing outdoor dining licenses as the Board considers to be necessary or appropriate to carry out the purposes of this bylaw.

Section 1.3 Design and Appearance

Outdoor dining areas containing nine (9) or more seats shall be separated from their surroundings by a perimeter fence or barrier. No such fences or barriers may damage the public sidewalk. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the applicant and shall be maintained in a safe and sanitary manner by the applicant. All trash receptacles shall be covered and trash removed nightly. All perimeter treatments, umbrellas, furniture and trash receptacles must be removed at the end of each season.

All outdoor dining furniture, umbrellas, perimeter fences or barriers and trash receptacles along Main Street and within 100 feet of Main Street's sidewalk between Locke and Lewis Street can be placed on the public sidewalk at 6:00 a.m. and must be removed by the owner by 11:00 p.m.

Section 1.4 Pedestrian and Wheelchair Passage

In no event shall the placement of outdoor dining furniture, umbrellas, perimeter fences or barriers create a pedestrian or wheelchair passage width of less than four (4) feet. Restaurants shall have an accessible path of travel through the dining area at least thirty-six (36) inches wide.

Section 1.5

Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations.

Section 1.6 Other Licenses and Approvals

Approval of an outdoor dining area license shall not be construed as an approval of any other license or an approval for the alteration or extension of premises where alcoholic beverages are served. The serving or consumption of alcohol outside of premises duly licensed to serve alcohol is expressly forbidden unless approved by the Board of Selectmen.

Section 1.7 Temporary Seating

Due to the seasonal and temporary nature of an outdoor dining area, the seating within an outdoor dining area will not be considered an increase in the number of seats serving a restaurant or eating establishment, and will not be counted toward any off-street parking requirement.

SECTION 2 – SUBMISSION AND APPROVAL OF APPLICATION

Section 2.1 Filing Procedure

Application for outdoor dining licenses shall be made to the Board of Selectmen and a copy shall be submitted to the Board of Health and Public Safety Officer for their review. When located within the General Business and Mixed Use Zoning Districts the applicant shall consult with the Design Review Board prior to seeking a license. Each application will include the name, address and telephone number of the restaurant owner, the proposed dates and times of operation, and a plan meeting the requirements of Section 2.2 below.

Section 2.2 Plan Requirements

A neatly drawn scaled plan and seven (7) copies shall be submitted with the application depicting the precise dimensions and location of the outdoor dining area; the arrangement of outdoor dining furniture, perimeter fencing, umbrellas, and any other obstruction, and the width of sidewalk available for pedestrian and wheelchair passage. The plan will also include a written description of the colors and materials to be used in the outdoor dining area. Photographs or samples of proposed furniture and materials shall be provided upon request of the Board of Selectmen or Design Review Board.

Section 2.3 Insurance

The licensee shall carry or require that there be carried Workers' Compensation Insurance for all employees and those of its contractors and/or subcontractors engaged in work at the dining facility, in accordance with the State Workers' Compensation Laws. The licensee shall, prior to the issuance of the license, furnish a certificate of insurance to the Town evidencing coverage for Workers' Compensation Insurance. In addition, the licensee shall carry Comprehensive Public Liability and Property Damage Liability Insurance and, if applicable, liquor liability insurance, to cover the licensee and its contractors and subcontractors against claims due to accidents which may occur or result from operations under the license. Such insurance shall cover the use of all equipment related to the provision of sidewalk dining services. The Comprehensive General Liability Policy shall insure against all claims and demands for bodily injury and property damage with respect to the sidewalk dining facilities and services, and shall be in such form and amount as determined by the Board of Selectmen. The Town shall be named as an "additional insured" in all policies for such insurance. The licensee (and their heirs, successors and assigns in interest) shall also agree to hold harmless, defend and indemnify the Town of Andover and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under the license. Where such insurance is renewed or replaced the licensee shall furnish the Town with a certificate of insurance evidencing the same.

Section 2.4 Approval

The Board of Selectmen may approve an outdoor dining license after determining that the design and location of an outdoor dining area is suitable to its environs, and that all other requirements of the license have been met. The Board of Selectmen shall consider any comments made by the Board of Health, Safety Officer or Design Review Board prior to rendering a decision.

Upon approval of an outdoor dining area license by the Board of Selectmen, the owner and operator of the restaurant and the Board of Selectmen shall sign a License Agreement prepared for these purposes by Town Counsel and shall pay any applicable license fee prior to the commencement of any activities under the license.

SECTION 3 – SEVERABILITY

Section 3.1

If any provisions, paragraphs, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.”

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Planning Board

Fire Rescue and DPW Vehicles

ARTICLE 36. To see if the Town will vote to appropriate the sum of \$973,000 for the purchase of departmental equipment including a fire pumper, ambulance and DPW trucks including the payment of any and all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (9) of the General Laws as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Fire Chief and Department of Public Works Director

DPW – Sewer Division – Vehicle

ARTICLE 37. To see if the Town will vote to raise by borrowing and appropriate the sum of \$200,000 for the purpose of acquiring an infrastructure maintenance vehicle or take any other action related thereto.

On request of the Department of Public Works Director

General Bylaw – Stormwater Management

ARTICLE 38. To see if the Town will vote to amend the General Bylaws of the Town, by adding the following:

“Stormwater Management & Erosion Control Bylaw

1. Purpose and Objective

The United States Environmental Protection Agency has identified sedimentation and polluted stormwater runoff from land disturbance, land development and redevelopment activities as major sources of water pollution.

The purpose of this Bylaw is to prevent or diminish the impacts of sedimentation and polluted stormwater from land disturbance, land development and redevelopment activities by controlling runoff and preventing soil erosion and sedimentation from site construction and development. The bylaw is necessary to protect the Town of Andover water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

The objectives of this bylaw are to comply with State and Federal statutes and regulations relating to stormwater discharges, and to establish the Town of Andover’s legal authority to ensure compliance with the provisions of this Bylaw through inspections, monitoring and enforcement by:

1. protecting water resources;
2. controlling the volume and rate of stormwater;
3. requiring practices to manage and treat stormwater runoff generated from new development and redevelopment;
4. protecting groundwater and surface water from degradation or depletion;
5. promoting infiltration and the recharge of groundwater;
6. preventing pollutants from entering the municipal and private storm drain system;
7. preventing flooding and erosion to abutting properties;
8. ensuring that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into site planning and design process and are implemented and maintained;
9. ensuring adequate long-term operation and maintenance of stormwater best management practices; and
10. requiring practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality.

2. Definitions

ABUTTER: The owner(s) of land adjacent to the land disturbance site.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00).

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include, but are not limited to: change from distributed runoff to confined, concentrated discharge; change in the volume of runoff

from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Shall be the owner of record of all of the land shown on any plan submitted for approval to the Planning Board in accordance with the Stormwater Management Bylaw and Regulations.

AUTHORIZED ENFORCEMENT AGENCY: The Town of Andover Planning Board, its employees or agents designated to enforce this Bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFICATE OF COMPLETION: A document issued by the Planning Board which confirms that all documents and final reports have been submitted and all work required by the terms of a Stormwater Management Permit has been satisfactorily completed in accordance with this Bylaw and its Regulations.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

CLEARING: Any activity that removes the vegetative surface cover and/or organic layer. Clearing activities generally include grubbing activity as defined below.

DESIGNATED AGENT: Any person or entity designated by the Planning Board and approved by the Town Manager to assist in the administration, implementation and enforcement of the Stormwater Management and Erosion Control Bylaw and Regulations.

DESIGN CRITERIA: Engineering design criteria as contained in the Stormwater Regulations authorized under this Bylaw.

DETENTION: The temporary storage of storm runoff.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

ENVIRONMENTAL SITE MONITOR: A Professional Engineer or other trained professional selected by the Planning Board or its designee and retained by the Planning Board at the permit holder's expense to periodically inspect the work and report to the Planning Board.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that limits water infiltrating the underlying soil. Impervious surface includes without limitation: roads, paved parking lots, sidewalks, sports courts and rooftops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean Waters Act MGL c. 21, ss. 23-56.

MASSACHUSETTS WETLANDS PROTECTION ACT: (M.G.L. c.131 s. 40) and its implementing regulations (310 CMR 10.00)

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Andover.

OPERATION AND MAINTENANCE PLAN: A plan developed by a Massachusetts licensed professional engineer (PE) describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a discernible, confined point source or concentrated conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: Shall be the owner of record of all the land shown on any plan submitted. The owner shall submit the title reference or references from the Essex County Registry of Deeds indicating the owner of record.

PAVEMENT: The surface of an area which consists of bituminous concrete, cement concrete, or paving bricks made of masonry or stone.

PAVING, OVERLAY: The placement of pavement on top of an existing impervious surface. The underlying impervious surface is sometimes milled (partially ground down in thickness) before the overlay is placed.

PAVING, RECLAMATION: A procedure whereby existing pavement is broken and pounded into small fragments.

PERMITTEE: The person who holds a Stormwater Management Permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

RECHARGE: Addition of stormwater runoff to the groundwater by natural or artificial means.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RESPONSIBLE PARTIES: Owner(s), persons with financial responsibility, and persons with operational responsibility.

RETENTION: The holding of stormwater runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Earth materials including duff, humic materials, sand, rock, silt, clay and gravel.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Stormwater runoff, snow melt runoff, surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT: A permit issued by the Planning Board pursuant to this By-Law.

STORMWATER MANAGEMENT PLAN AND NARRATIVE: A document containing narrative, drawings and details prepared by a Massachusetts licensed qualified professional engineer (PE) which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A Stormwater Management Plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TSS: Total Suspended Solids. Material, including but not limited to trash, debris, soils, sediment and sand suspended in stormwater runoff.

VERNAL POOLS: Temporary bodies of fresh water which provide critical habitats for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE: A natural or man-made channel through which water flows, including a river, brook, or stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and Regulations promulgated thereunder and in the Town of Andover Wetland Protection By-law and Regulations.

WETLANDS: Wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland water.

3. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

4. Applicability

A. No person may undertake a construction activity that results in a land disturbance of 43,560 square feet or more without a Stormwater Management Permit from the Planning Board.

(1) Land Disturbances

Land disturbances of 43,560 square feet or more, including multiple separate activities which in aggregate disturb 43,560 square feet or more whether on one parcel or adjacent parcels held in common ownership shall require a Stormwater Management Permit.

(2) Paving and Impervious Material

An increase of new pavement or other impervious material, reclamation of existing pavement, or a combination of both totaling 43,560 square feet or more shall require a Stormwater Management Permit.

(3) The Town of Andover is not exempt from the provisions of this Bylaw.

B. Exempt Activities

The following activities are exempt from the requirements of this Bylaw:

(1) Normal maintenance and improvement of Town owned public ways, appurtenances to the public ways, and private and public utilities.

(2) Normal maintenance and improvement of land in agricultural use.

(3) Repair of septic systems when required by the Board of Health or the Massachusetts Department of Environmental Protection for the protection of public health.

(4) Normal maintenance of currently existing landscaping, gardens or lawn areas associated with an existing use.

- (5) Overlaying of existing impervious surface.
- (6) Areas of land that have had a Stormwater Management review and approval either through the Conservation Commission or Planning Board using Design Criteria that at a minimum complies with the latest edition of the Massachusetts Stormwater Management Policy or with Design Criteria as described in Town of Andover's Subdivision Rules and Regulations or with the Town of Andover Stormwater Management and Erosion Control Regulations, whichever is more stringent in the protection of the Town's resources.

5. Administration

- A. The Planning Board as the permit granting authority shall administer, implement, and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board in this bylaw may be delegated to designated agents upon a majority vote of the Planning Board. Should the Planning Board designate an agent, such agent shall be approved by the Town Manager.
- B. The Planning Board may adopt and periodically amend rules and regulations to effectuate the purposes of this Bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.
 - (1) Adoption of and revisions to Regulations may only be made after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days before the hearing date.
- C. The Planning Board shall refer to the criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy, or to the Design Criteria as described in the Town of Andover's Subdivision Rules and Regulations, or to the Town of Andover Stormwater Management and Erosion Control Regulations, whichever is more stringent in the protection of the Town's environmental and infrastructure resources, for execution of the provisions of this Bylaw.
- D. The Planning Board may waive strict compliance with any requirement of this Bylaw or the Regulations promulgated hereunder, where:
 - (1) such action is allowed by federal, state or local statutes and/or regulations; and
 - (2) is in the public interest; and
 - (3) is not inconsistent with the purpose and intent of this Bylaw and its Regulations.

6. Permits & Procedures

Projects requiring a Stormwater Management Permit shall be subject to the Town of Andover Stormwater Management and Erosion Control Regulations promulgated under Section 5 of this bylaw in addition to the procedures as set forth below:

A. Application

- (1) An application package shall be filed with the Planning Board and other departments as specified in the Regulations.
- (2) The Planning Board shall review the application for completeness and compliance with this Bylaw and its Regulations.

B. Public Meetings

- (1) The Planning Board shall hold a public meeting on all applications for Stormwater Management Permits for the purpose of reviewing the application and accepting public input.
- (2) Notice of the public meeting shall be given by posting and by first class mailings to abutters and abutters to abutters within 300 feet of the property line of the project site at least seven (7) days prior to the meeting.
- (3) The Board shall make the application available for inspection by the public during business hours at the Planning Division.

C. Actions

The Planning Board may:

- (1) Approve the Application and issue a permit if it finds that the proposed plan meets the objectives and requirements of this Bylaw and its Regulations;
- (2) Approve the Application and issue a permit with conditions, modifications, or restrictions that the Board determines meet the objectives and requirements of this Bylaw and its Regulations;
- (3) Disapprove the application and deny a permit if the Planning Board finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume; and
- (4) Disapprove the application and deny a permit if it finds that the proposed plan fails to meet the objectives and requirements of this Bylaw or its Regulations.

D. Time for Action by the Board

- (1) Within forty-five (45) days of the filing of an application for a Stormwater Management Permit, the Planning Board or its designated agent shall:
 - i. evaluate the application to ensure that it is complete prior to distribution;
 - ii. distribute the complete application to boards and departments for technical review as specified in the Regulations; and
 - iii. arrange agenda time for a public meeting before the Planning Board.

- (2) Within 60 days of the filing of the application, an Interdepartmental Review shall be held.
 - i. Following the Interdepartmental review but prior to the Planning Board public meeting, the Town Engineer shall provide a written recommendation for action on the application. Such recommendation shall itemize all instances where the applicant has failed to meet the specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, or of the Design Criteria as described in the Town of Andover's Subdivision Rules and Regulations, or of the Town of Andover Stormwater Management and Erosion Control Regulations.

- (3) Within ninety (90) days of the filing of an application for a Stormwater Management Permit, the Planning Board shall hold a public meeting.

- (4) Once begun, the public meeting may not continue for more than sixty (60) days unless such time is extended by written agreement between the applicant and the Board to a date certain announced at the meeting.

- (5) The Planning Board shall take final action within twenty-one (21) days of the close of the public meeting discussion.

E. Failure to Act

- (1) Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action, failure to take such action shall be deemed to be approval of said application and a Stormwater Management Permit shall be issued.

F. Appeals of Action by the Planning Board

- (1) A written decision of the Planning Board shall be final when it is executed by the Planning Board or its chair or acting chair and filed in the Town Clerk's office. Further relief of a decision by the Planning Board made under this Bylaw shall be in the Superior Court or Land Court in accordance with the applicable law. The remedies listed in this Bylaw are

not exclusive of any other remedies available under any applicable federal, state or local law.

- (2) No work shall commence until the applicable appeal period has passed with no appeal or if an appeal has been filed, the appeal has been finally resolved by adjudication or otherwise.

G. Permit Duration

- (1) All activity permitted by this Bylaw must be completed within one-year of permit issuance. Extensions of time can be granted by the Planning Board upon formal written request by the applicant. If one year passes without an extension being granted, the Board may revoke the permit.

H. Certificate of Completion

- (1) The Planning Board will issue a Certificate of Completion upon receipt and approval of final reports and documentation as specified in the Regulations.

I. Public Record

- (1) The following documents shall be recorded at the Essex Registry of Deeds at the applicant's expense and proof of recording provided to the Planning Division.
 - i. The Stormwater Management Permit
 - ii. The approved Operation and Maintenance Plan
 - iii. The Certificate of Completion

7. Persons Aggrieved

Any person aggrieved by a decision or action of a designated agent appointed by the Planning Board under Section 5A, including but not limited to matters regarding completeness of application, inspections, and compliance with technical design criteria may, within thirty (30) days of such decision or action, request a public meeting with the Planning Board. In such cases, following the decision of the Planning Board, the provisions of Section 6.F.1 shall apply.

8. Consultants

At the applicant's expense, the Planning Board may retain independent consultants as needed to advise the Board on any and all aspects of a specific project. Independent consultants may include but are not limited to Registered Professional Engineers and Environmental Site Monitors.

9. Fees

The Planning Board shall establish fees, subject to approval of the Board of Selectmen, to cover expenses connected with application review, mailings and monitoring permit compliance. The fees shall be sufficient to cover direct and indirect costs to the town of processing and reviewing the application. Provided that a revolving fund for such purpose is established by the town in accordance with the provisions of M.G.L. Chapter 44, Section 53E ½, the Planning Board is also authorized to collect fees from the applicant in amounts sufficient to pay a Registered Professional Engineer and such other professional consultants as the Planning Board requires to advise the Planning Board on any and all aspects of the project. The fees for such professional engineers and consultants shall be paid to the Town for deposit into the revolving fund.

10. Security

Before the start of land disturbance activity, the Planning Board may require the permittee to post acceptable security, to insure that the work will be completed in accordance with the permit. The form of the security shall be approved by the Planning Board and shall be in an amount deemed sufficient by the Planning Board. If the project is phased, the Planning Board may release part of the security as each phase is completed in compliance with the permit but may not be fully released until the Planning Board has issued a Certificate of Completion.

11. Enforcement

A. The Planning Board or its designated agent shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Entry: The Planning Board or its agents, shall have the authority, with prior approval from the property owner or pursuant to court process, to enter upon privately owned land for the purpose of performing their duties under this Bylaw.

C. Orders: The Planning Board or its designated agent may issue a written order to enforce the provisions of this Bylaw or the Regulations thereunder, which may include:

(1) a requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw or its Regulations;

(2) maintenance, installation or performance of additional erosion and sediment control measures;

(3) monitoring, analyses, and reporting;

(4) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;

(5) compliance with the Operation and Maintenance Plan.

- D. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.
- E. Criminal Penalty: Any person who violates any provision of this Bylaw, regulation, order or permit issued there under, shall be punished by a fine in an amount of \$ 300.00. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.
- F. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Planning Board may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, which has been adopted by the Town, in which case the Planning Board or designated agent shall be the enforcing person. The penalty for each violation shall be \$300.00 each day or part thereof that such violation occurs or continues shall constitute a separate offense.

12. Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.”

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Planning Board

Open Space Land Acquisition

ARTICLE 39. To see if the Town will vote to appropriate the sum of \$1,500,000 for the acquisition (and costs incidental to such acquisition) of land, conservation restrictions, easements or other contractual rights for conservation purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, to be managed and controlled by the Conservation Commission, and to authorize the Board of Selectmen and Conservation Commission to acquire such land and restrictions, easements and rights by gift, option, lease, purchase or eminent domain, and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action related thereto.

On request of the Conservation Commission

Accumulated Employee Benefit Account

ARTICLE 40. To see if the Town will vote to raise by taxation or by transfer from available funds and appropriate a sum not to exceed \$500,000 to the Accumulated Employee Benefit Account for funding terminal leave liabilities upon being eligible for retirement under the

Andover Contributory Retirement System and terminating employment with the Town, or take any action related thereto.

On request of the Town Accountant

General By-Law – Residential Anti-Blight By-law

ARTICLE 41. To see if the Town will vote to amend the General By-laws by adding a Residential Anti-Blight By-law as follows:

Residential Anti-Blight

Findings.

It is hereby found and declared that there exists in the Town of Andover residential properties that lack maintenance, contain infestation, and/or are fire hazards and/or are burdened with unsanitary conditions, and constitute a menace to the welfare and reasonable comforts of the citizens and inhabitants of the Town, which if allowed, causes blighting, a debilitating effect upon surrounding properties and property devaluation.

Purpose.

The purpose of this by-law is to prevent and eliminate residential property blight.

Standards and Requirements in Residential Yards, Courts or Lots.

This by-law shall apply to owners of residentially-zoned premises. All premises shall be kept free of collected water or the accumulation of filth, garbage, junk, waste, rubbish, refuse, trash and other noxious or offensive materials or substances which may cause a fire hazard or act as a breeding place or provide a refuge for animals, vermin or insects. Accumulations of trash or debris shall be deemed favorable to the harboring of mosquitoes or insects of like kind or of rats, mice, snakes or wild animals and reptiles of like kind.

No owner of residentially-zoned premises will allow such premises to become or remain unsightly. Any one or more of the following conditions may render the property unsightly under this by-law: materials of any sort that are strewn about the property rather than piled in a neat and appropriate manner, construction materials where there is no apparent or real construction occurring on the residential property for which the materials are required, discarded indoor furniture or bedding, unused landscaping materials and unconfined compost piles which shall be deemed favorable to attracting coyotes, fisher cats and other dangerous wild animals. All trash barrels or recycling containers shall be effectively screened from view except on days of collection.

By-law Enforcement Officer.

The By-law Enforcement Officer is the Town Manager (Code of By-laws of the Town of Andover, Massachusetts, Part II By-laws, Article I, Section 4. Enforcement).

The Town Manager has general responsibility for the enforcement of this and all Town by-laws. His office shall be responsible to accept, record and document all complaints, conduct inspections, investigate alleged violations of the provisions of this by-law and has the authority to issue and enforce citations for violations of this by-law. Said By-law Enforcement Officer, with the permission of the Board of Selectmen, may utilize the services of any qualified Town employee to enforce this by-law.

Violations of the By-law.

It is declared that violations of this by-law shall constitute a nuisance.

Exemption.

This by-law shall not apply to wetlands or conservation land or agricultural land and those State laws and Town by-laws that are related thereto as they may from time-to-time be amended.

Violations and Penalties.

Any owner found to be in violation of this by-law will have thirty (30) days from the date of the citation to remedy the violation. Any owner who remains in violation of this by-law beyond the thirty (30) day remedial period shall be fined One Hundred Dollars (\$100.00) for each violation. Each day that such violation continues shall constitute a separate violation. Enforcement of this section may be pursued through the provisions of Section 21D of Chapter 40 of the Massachusetts General Laws, which provides for a non-criminal disposition. For purposes of non-criminal disposition, the By-law Enforcement Officer is the enforcing person.

Severability.

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision herein.

or take any other action related thereto.

On petition of John P. Kennedy and others

General By-Law Amendment – Finance Committee Report

ARTICLE 42. To see if the Town will vote to amend the Town By-Laws, Article III, Section 3(a) by deleting from the sixth sentence “and mail to each household in the town” and substituting with “and cause to be made available to the citizens of the town including posting on the Town’s web-site”; and to vote to amend the Town By-Laws by deleting Article II, Section 4.1., and further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Finance Committee

Statute Acceptance – Medicare Extension Plans for Retirees

ARTICLE 43. To see if the Town will vote to accept Section 18 of Chapter 32B of the Massachusetts General Laws authorizing the Town to require all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the Town, or take any other action related thereto.

On request of the Town Manager

William M. Wood Memorial

ARTICLE 44. To see if the Town will vote to transfer the sum of \$165,000 from the C. A. Wood Trust Fund and appropriate said sum for the purpose of constructing the William M. Wood memorial at William M. Wood Memorial Park including costs incidental and related thereto, or take any other action related thereto.

On request of the Plant and Facilities Director

William M. Wood Memorial Park Improvements

ARTICLE 45. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$285,000 for the purpose of paying costs of renovation and reconstruction to the William M. Wood Memorial Park, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Plant and Facilities Director

Sidewalk Reconstruction – Lowell Street

ARTICLE 46. To see if the Town will vote the sum of \$373,000 to pay costs of reconstructing the sidewalks on Lowell Street from Kirkland Drive to Shawsheen Square and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (5) and (6) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action thereto related thereto.

On petition of Dorothy Gulezian and others

Conveyance and Transfer of Land – Dwight Street and School Street

ARTICLE 47. To see if the Town will vote to discontinue, and to abandon unused portions of two existing public ways (Dwight Street and School Street) and to transfer the care, custody, management and control of the same and another certain parcel of land (namely the Dwight Street Triangle), all as hereinafter described, and the improvements, if any thereon, held by the

Board of Selectmen and the Department of Public Works to the Board of Selectmen, for the purpose of conveyance of said land to Phillips Academy, in exchange for the conveyance of a certain parcel of land, owned by Phillips Academy, to the Town to be held under the care, custody, management and control of the conservation commission for conservation purposes pursuant to Massachusetts General Laws Chapter 40 Section 8C, and to authorize the Town Manager and the Board of Selectmen to petition the General Court for special legislation authorizing said conveyances:

Land to be conveyed to the Town:

A certain parcel of land in the Town of Andover, Essex County, Massachusetts, being shown as Assessors Map 26, Lot 6, lying between Salem Street and the Route 125 Bypass, and containing seven acres more or less. Reference may be had to a Plan of Land entitled "Plan of Land in Andover, MA prepared for: Trustees of Phillips Academy, Scale 1"=60', Date: February 8, 1999 prepared by John Abagis & Associates, Professional Land Surveyors" where the said Lot 6 is shown thereon as "Parcel A" and as containing 342,473 s.f. +/- = 7.8621 acres. Said Lot 6 is to be conveyed free and clear of all encumbrances subject to such terms and conditions as the Selectmen deem advisable in the interest of the Town of Andover.

Land to be conveyed by the Town:

A. Dwight Street Triangle (Convey)

A certain parcel of land in the Town of Andover, Essex County, Massachusetts, being shown as Assessors Map 41, Lot 6, at the corner of Main Street and Dwight Street, and containing one acre, more or less. Reference is hereby made to a plan made January, 1949 by Clinton Foster Goodwin, Engineer, Haverhill, Massachusetts, said plan being recorded at the office of the Town Clerk, and also duly recorded at the Essex North District Registry of Deeds as Plan Number 2028, said land being shown on said Plan as "Park Town of Andover". Said Lot 6 is to be conveyed subject to the rights of others, if any, including without limitation all existing utility easements and the 1953 Massachusetts State Highway layout takings and subject to such further restrictions, easements, terms and conditions as the Selectmen deem advisable in the interest of the Town of Andover.

B. Dwight Street (Discontinue, Abandon & Convey)

Portions of an existing public way, namely Dwight Street (sometimes previously referred to as Back Street and/or Highland Road), which said Dwight Street runs southeasterly and southerly from the easterly line of South Main Street and again to the easterly side of South Main Street as accepted at Annual Town Meeting, March 14, 1949, Article 45, Page 326, Annual Town Meeting Records, said Dwight Street being more particularly described as follows:

Northerly and Easterly Line. Beginning at a stone bound at the easterly line of South Main Street to the State Highway in a general southeasterly direction, by a curve to the right having a radius of 25 feet a distance of 16.01 feet to a stone bound; thence southeasterly 325.61 feet to a stone bound marking an angle in the line; thence southerly 132.95 feet to a point, thence southerly and a little more westerly 177.6 feet to a point; thence still southerly a little more

westerly 147.03 feet to a stone bound; thence southeasterly 149.85 feet to a Massachusetts Highway bound in said easterly line of South Main Street.

Southerly and Westerly Line. Beginning at a stone bound at said easterly line of South Main Street, said bound being 110.51 feet northwesterly from Massachusetts Highway bound marking an angle in said Highway line; thence by a curve to the right having a radius of 25 feet, a distance of 62.53 feet to a stone bound; thence southeasterly by 163.22 feet to a stone bound; thence by a curve to the right having a radius of 25 feet, a distance of 28.45 feet to a stone bound; thence southerly 91.38 feet to a stone bound; thence southwesterly 129.17 feet to a stone bound; thence by a curve to the right having a radius of 25 feet, a distance of 65.14 feet to a stone bound and said easterly line of South Main Street

Said street being about 40 feet in width throughout, for the greater part of its length where it joins South Main Street at either end of the street as herein described.

Reference is hereby made to a plan of said road made January, 1949 by Clinton Foster Goodwin, Engineer, Haverhill, Massachusetts, said plan being recorded at the office of the Town Clerk, and also duly recorded at the Essex North District Registry of Deeds as Plan Number 2028.

Said land to be conveyed subject to the rights of others, if any, including without limitation all existing utility easements and the 1953 Massachusetts State Highway layout takings, and subject to such further restrictions, easements, terms and conditions as the Selectmen deem advisable in the interest of the Town of Andover; or take any other action related thereto.

C. Portion of School Street (Discontinue, Abandon & Convey)

Portions of an existing public way, School Street, namely the southern portion of School Street at its intersection with South Main Street, being more particularly shown on a Plan entitled "Plan of Land in Andover, MA showing Proposed Street Discontinuance Scale 1"=20'. Date: January 15, 1999", (a copy of which Plan is on file with the Town Clerk's office) and being more particularly described as follows:

Beginning at a point on the westerly sideline of South Main Street marked by a drill hole in a stone bound as shown on said Plan; thence running northwesterly as shown on said Plan a distance of 245.18 feet more or less to a point;

thence turning and running easterly as shown on said Plan 76.08 feet more or less across School Street as currently laid out to a point;

thence turning and running southeasterly a distance of 78.89 feet more or less to a point;

thence turning and running southerly as shown on said Plan along the westerly sideline of South Main Street as shown on said Plan a distance of 159.91 feet more or less to the drill hole in the stone bound marking the point of beginning.

Said land to be conveyed subject to the rights of others, if any, including without limitation all existing utility easements and subject to such further restrictions, easements, terms and conditions as the Selectmen deem advisable in the interest of the Town of Andover; or take any other action related thereto.

On petition of the Trustees of Phillips Academy and others

Recreation Park Ballfield Lighting Project

ARTICLE 48. To see if the Town will vote to appropriate \$100,000 for the purpose of paying costs of replacing outdoor lighting at Recreation Park, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (14) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Director of Community Services

Parks and Grounds Appropriation Transfer

ARTICLE 49. To see if the Town will vote to transfer the sum of \$136,691 remaining in Article 39, 2001 Annual Town Meeting – Lewis Street Town Yard Repairs and the sum of \$140,000 remaining in Article 57, 2005 Annual Town Meeting – Lewis Street Town Yard Repairs and appropriate the sum of \$276,691 for the purpose of repair, reconstruction, relocation and/or construction of the Parks and Grounds building or take any action related thereto.

On request of the Plant & Facilities Director

Storm Drainage Construction and Improvements

ARTICLE 50. To see if the Town will vote to appropriate the sum of \$380,000 for the purpose of constructing and reconstructing surface drains and the payment of any and all other costs incidental and related thereto and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (1) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor or take any other action related thereto.

On request of the Department of Public Works Director

Sewer Main Construction and Reconstruction

ARTICLE 51. To see if the Town will vote to appropriate \$500,000 for the purpose of paying costs of constructing and reconstructing sewer mains, including, but not limited to, all costs associated with design, construction, land acquisition by eminent domain, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (1) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Department of Public Works Director

General By-law Amendment – Dog By-law

ARTICLE 52. To see if the Town will vote to amend the General By-laws, Article XII, Section 11, by adding the following:

“(c)

(1) Any dog under the direct and immediate supervision of a responsible adult within the confines of the Town-designated Dog Park shall be determined properly restrained under this section.

(p) The Board of Selectmen will make Rules and Regulations governing the use of the Town-designated Dog Park.”

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Animal Control Officer

Zoning By-law Amendment – Signs

ARTICLE 53. To see if the Town will vote to amend Article VIII of the Andover Zoning By-law Section 5.2 SIGNS as follows:

In Section 5.2.3. General Regulations delete the text:

“All freestanding or roof signs shall be registered and identified as required by Section 1407.0 of the State Building Code.”

And replace it with the following after Section 5.2.3.2.:

“3. *Calculation of “Sign Area”.* Sign area shall mean the area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face without deduction for open space or other irregularities. Structural members not bearing advertising matter shall not be included unless internally or decoratively lighted. Only one side of projecting or freestanding signs need be included in calculating “sign area.”

4. *Signage Plan.* It is the responsibility of the applicant to verify with the owner if the building has an overall signage plan, and if such a plan exists, a copy of the plan must be included with the sign application.”

In Section 5.2.4. Prohibited Signs or Devices, delete the following:

“1. No sign shall be lighted except by a steady, stationary light, shielded and directed solely at or internal to the sign.”

And replace it with the following:

“1. No sign shall be lighted except by a steady, external and stationary light source which is shielded and directed solely at the sign, or by internal illumination (permitted only in Office Parks and Industrial districts).”

In Section 5.2.8, Signs Residential Districts, delete the following:

“5.2.8 Signs in Residential Districts. In SRA, SRB, SRC, or APT District, no part of any sign shall be more than fifteen feet above ground level or, unless attached to a building, within ten feet on any street line.”

And replace it with the following:

“5.2.8. Signs in Residential Districts. In SRA, SRB and SRC no freestanding signs are allowed without a special permit from the zoning board of appeals and under no circumstances can the sign exceed 6 (six) square feet or exceed 4’ (four) feet in height above ground level. In APT Districts, 1 (one) free standing sign on each street where the complex has frontage provided that frontage has a pedestrian entry, shall be allowed identifying the housing complex, but may not exceed 15 (fifteen) square feet in area and may not exceed 8’ (eight) feet in height, above ground level.”

Replace Section 5.2.10, Signs in General Business and Limited Service Districts, in its entirety with the following text:

“Section 5.2.10. Signs in General Business and Limited Service Districts. The following signs are allowed in the GB and LS Districts:

1. Signs as permitted in Section 5.2.7, except that temporary real estate signs may be as large as 25 square feet.
2. One attached accessory sign per occupant oriented to each street and parking lot on which the occupant’s facade has windows and/or entry directly into that occupant’s space. The sign may be either attached flat against the wall or on a fixed canopy on the building. No portion of such sign shall be above the highest point of the roof or parapet. The area of each sign shall not exceed 15% of that portion of the wall area assigned to that occupant, and in no case shall a sign exceed 50 (fifty) square feet. On the parking lot facade the area of a sign may not exceed 25 (twenty five) square feet.
3. In addition, each occupant may have 1 (one) projecting sign on each facade as defined above, not to exceed 9 (nine) square feet. No sign shall project more than 5’ (five) feet over any public right-of-way or other public property. Any sign projecting over a public right-of-way shall be covered by liability insurance in the amount of two million dollars as verified by a certificate of insurance filed with the Town Clerk. A building with a

setback of a minimum of 5' (five) from the public sidewalk may add 1 (one) freestanding sign not to exceed 6' (six) in height above ground level or 15 (fifteen) square feet in area.

4. Individual unlighted signs, lettering, or logos not exceeding 2 (two) square feet in area, mounted inside windows or entry doors, not to exceed 30% (thirty) of said area of windows and doors, shall not require a sign permit.
5. For premises having multiple occupants, a single directory sign attached flat or projecting from the building that identifies the occupants, shall be allowed. The directory sign shall be the lesser of 10% (ten) of the wall façade or 10 (ten) square feet.”

Replace Section 5.2.11 in its entirety with the following text:

“5.2.11. Signs in Mixed Use Districts. The following signs are allowed in the MU Districts:

1. Signs as permitted in Section 5.2.7, except that temporary real estate signs may be as large as 25 (twenty-five) square feet.
2. One attached accessory sign per occupant oriented to each street and parking lot on which the occupant’s facade has windows and/or entry directly into that occupant’s space. The sign may be either attached flat against the wall or on a fixed canopy on the building. No portion of such sign shall be above the highest point of the roof or parapet. The area of each sign shall not exceed 10% (ten) of that portion of the wall area assigned to that occupant, and in no case shall a sign exceed 80 (eighty) square feet.
3. In addition, each occupant may have one projecting sign that does not exceed 9 (nine) square feet on each frontage as defined above. No sign shall project more than 5' (five) feet over any public right-of-way or other public property. Any sign projecting over a public right-of-way shall be covered by liability insurance in the amount of two million dollars as verified by a certificate of insurance filed with the Town Clerk. Buildings with a setback of a minimum of 5' (five) from the sidewalk may add one freestanding sign that does not exceed 8' (eight) feet in height above ground level or 15 (fifteen) square feet square feet in area.
4. Individual unlighted signs, lettering, or logos not exceeding 2 (two) square feet in area, mounted inside windows or entry doors, that do not in total exceed 30% (thirty) of the area of said windows and doors, shall be excluded from the above limitations.
5. For premises having multiple occupants, a single directory sign attached flat or projecting from the building that identifies the occupants, shall be allowed. The directory sign shall be the lesser of 10% (ten) of the wall facade or 10 (ten) square feet.”

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Design Review Board

General Bylaw – Banners

ARTICLE 54. To see if the Town will vote to add the following General Bylaw:

“Banners in the Greater Business District

- (1) The intent of this bylaw is to allow a temporary banner to hang above ground across or along Main Street within the General Business District (GBD) by vote of the Board of Selectmen.
- (2) Eligibility:
 - a. A banner application may be submitted to the Selectmen by a Town official for a Town-sponsored event or by a non-profit organization seeking to display a banner relating to an event.
 - b. Banners can only promote events that satisfy the following criteria:
 1. The event is coordinated by a non-profit organization or Town department;
 2. The event is held totally within town boundaries; and
 3. The organization seeking to display a banner must fill out an application no earlier than 12 months prior, and no later than 4 weeks prior, to the event. A representative of the organization must appear at a Selectmen’s meeting to seek approval.
 - c. In the case of a conflict between two events scheduled for the same time period the Selectmen may base their decision on the number of Andover residents which the event can be expected to attract.
 - d. There shall be no more than one banner across or along Main Street at any one time.
 - e. A banner may only be hung from free-standing poles as approved by the Board of Selectmen. The Selectmen shall determine the location of such poles.
 - f. Except for a Town sponsored banner, no organization may receive more than two approvals for a banner in any calendar year.
 - g. The Selectmen may deny an application at their discretion.
- (3) Design and construction:
 - a. The banner must be a maximum of 30 feet in length and 36 inches in height. Only lettering and the logo of the event may be allowed on the banner. Text may include the name of the event, the name of the sponsoring organization, the date

of the event and the location of the event. Neither business names nor business logos are permitted.

- b. The banner must be double sided with identical information on both sides.
- c. The banner must be constructed of a tear-resistant fabric (e.g. rip-stop nylon) and have reinforced seams on all four sides.
- d. The banner must also have U-shaped wind openings spaced 5 feet apart. Each slot is to have a width of at least 6 inches and reinforcing seams.
- e. The banner must have reinforced grommets every 24 inches on the top and bottom and sewn-in D rings in the corners. Detachable stainless steel clips that attach to the suspended cables must accompany each grommet.
- f. The capital letter height must be between 16 inches and 24 inches.

(4) Installation and Removal:

- a. Except for a Town-sponsored banner, the organization seeking the banner display must pay a fee as determined by the Board of Selectmen to cover the cost of the installation and removal of the banner.
- b. The banner must be delivered to the Town no later than 3 weeks prior to the event. The Town will hang the banner.
- c. The banner may be approved for no more than 10 consecutive days prior to the event and must be removed no later than 2 business days after the event. The Town will remove the banner.
- d. Except for a Town sponsored banner, at the time of filing an application, the organization must provide a certificate of insurance, from an insurance company authorized by the Commissioner of Insurance to provide insurance in the Commonwealth of Massachusetts, for a general liability policy relating to the installation, removal, display, and use of the banner for an amount of \$2 million dollars naming the town as an additionally insured party.
- e. The Town of Andover assumes no responsibility for lost, stolen or damaged banners or for the use of such banners. Except for a Town sponsored banner, the organization must sign a form that indemnifies, defends and holds harmless the Town and its officials and employees from any claims, liabilities and damages that may result from the installation, display, use and removal of the banner.”

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Board of Selectmen

General Bylaw – News Boxes

ARTICLE 55. To see if the Town will vote to amend the General By-laws of the Town of Andover by adding:

“Private Property on Main Street Sidewalks.

1. Purpose.

The purpose of this by-law is to promote the public safety, aesthetics, and welfare through the regulation of items on Town sidewalks on or near Main Street so as to:

- a. Provide for pedestrian safety and convenience;
- b. Ensure no unreasonable interference with the flow of pedestrian traffic;
- c. Provide reasonable access for emergency equipment;
- d. Provide for snow removal and snow storage;
- e. Reduce exposure of the Town of Andover to personal injury or property damage claims.

2. Definitions.

NEWS BOX – Any free standing type of self-service device for the vending or free distribution of newspapers, periodicals or printed material.

NEWS BOX DISTRIBUTION LOCATION – Reserved portion of Town land or sidewalks along or near Main Street allowing news boxes to remain free of charge.

OWNER – The owner of a news box or other item placed upon the Town’s sidewalks.

3. Requirements.

- a. No permission granted by the Board of Selectmen pursuant to Article XI, Section 3(b) of the Town’s bylaws shall allow any item to be placed, affixed, erected or maintained on a Town sidewalk on Main Street between Locke Street and Lewis Street between the hours of 11:00 p.m. and 6:00 a.m. or on a Town sidewalk within 50 feet of Main Street’s sidewalk between Locke Street and Lewis Street between the hours of 11:00 p.m. and 6:00 a.m.
- b. Notwithstanding the foregoing subparagraph, or the provisions of Article XI, Sections 3(a) and 3(b) of the Town’s Bylaws, news boxes are allowed on a Town sidewalk on Main Street between Locke Street and Lewis Street or on a Town sidewalk within 50 feet of Main Street’s sidewalk between Locke Street and Lewis Street, free of charge, at all times and without a permit, but only at the News Box Distribution Locations.

There will be a minimum of three news box distribution locations along Main Street between Locke Street and Lewis Street. The Board of Selectmen shall designate the area and design of the news box distribution locations.

A publication may be in only one news box at each distribution location but may be in more than one news box distribution location. Use of the news box distribution location will require the owner to register, at no charge, with the Director of the Department of Public Works no later than 14 days after the placement of the news box in order to provide identification and contact information. News boxes may not be attached to the public sidewalk. All news boxes must weigh enough to ensure security and stability. The owner is responsible for the installation, safety and maintenance of its news boxes. The Town is not liable for the theft of, or damage to, the news boxes or their content.

There will also be a limited number of spaces available, free of charge, in Town-owned news boxes on a first-come, first-serve basis for publishers of newspapers, periodicals or printed material who choose not to provide their own news boxes.

In addition, publishers of newspapers, periodicals or printed material have the option to participate in an agreement between the publisher and the Town in creating custom news boxes along Main Street.

- c. All news boxes at news box distribution locations which do not have printed material contained therein for a period of 45 consecutive days, and unregistered news boxes, will be considered abandoned property and subject to enforcement as specified in Section 4.

4. Enforcement.

- a. Enforcement of the provisions of this by-law shall be carried out by the Director of the Department of Public Works or such person as said Director may from time to time designate.
- b. If the Director determines that a violation of any provision of this by-law has occurred, the Director shall, if ownership of the item or news box can be determined, send a notice of the violation, in writing, by first class mail to the Owner. The notice shall include the location of the item or news box and cause of the violation.
- c. The notice shall inform the owner that at the expiration of thirty (30) days from the issuance of the violation notice, the item or news box will be removed by the Director unless the violation is corrected.
- d. Notwithstanding the provisions of the foregoing subparagraphs 4(a) - 4(c), the Director may order the immediate removal of any item or news box that the Director determines presents an imminent threat or peril to public safety, provided

that the owner, if known, shall be notified of such removal as soon as practicable thereafter.

- e. Any item or news box which is removed shall be stored for a period of ninety (90) days in order to allow the owner time to come forward and claim the item or news box.
- f. Any item or news box removed, pursuant to this by-law, may be retrieved by the owner upon payment of a removal and storage fee. Such fees shall be set by the Board of Selectmen at a public meeting based upon the Department of Public Works costs for removal and storage.
- g. After an item or news box removed by the Director has been in storage for ninety (90) days pursuant to this by-law, the item or news box shall be deemed unclaimed and abandoned property and will be transferred to the police department for disposition in accordance with applicable law.

5. Exemption.

The Town, state and federal governments are exempted from this bylaw.

6. Severability.

The provisions of this by-law shall be severable and if any section, part, or portion hereof shall be held invalid for any reason by any court, the decision of such court shall not affect or impair any remaining section, part or portion thereof.”

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Main Street Committee

Lease of Old Town Hall

ARTICLE 56. To see if the Town will vote to authorize the Board of Selectmen to lease all or a portion of the land and building at the Old Town Hall at 20 Main Street for a period of not more than five years on terms and conditions deemed by the Selectmen to be in the best interest of the Town or take any other action related thereto.

On request of the Town Manager

Discontinuance of Portion of Paulornette Circle as a Public Way & Conveyance of Land

ARTICLE 57. To see if the Town will vote to discontinue as a public way and to abandon and to authorize the transfer of the care, custody and control of the following parcels of land, which are portions of the cul-de-sac on Paulornette Circle, to the Board of Selectmen for purposes of selling or conveying the land and to authorize the Selectmen to sell or convey the land on terms

and conditions they deem in the best interest of the Town, even if the Town receives no financial payment:

The area shown as “Street to be Abandoned to be Conveyed to Jeffrey M. Wolf, 948 SF” and the area shown as “Street to be Abandoned – 5,936 SF.” Both areas are shown on a plan entitled, “Subdivision Plan of Land in Andover, Mass. Entitled Monette Circle; Engineer: Merrimack Engineering Services, 66 Park Street, Andover, MA; Applicant/Owner: 7-10 Paulornette Realty Trust, dated December 1, 2006, revised July 27, 2007.” A copy of said plan is on file with the Andover Town Clerk’s Office.

or take any other action related thereto.

On request of Mark B. Johnson and others

And you are directed to serve this warrant by posting attested copies and publication thereof, fourteen days, at least, before the time and place of said meeting as directed by the Bylaws of the Town.

Hereof fail not, and make return of this warrant with your doings thereon, at the time and place of said meeting.

Given our hands this 26th day of March, 2008.

_____)	
Brian P. Major, Chairman)	
)	
_____)	
Ted E. Teichert, Vice Chairman)	SELECTMEN
)	
_____)	OF
Alex J. Vispoli)	
)	ANDOVER
)	
_____)	
Mary K. Lyman)	
)	
_____)	
Gerald Stabile, Jr.)	

A true copy
A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, April _____, 2008

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *ANDOVER TOWNSMAN*. Said warrants have been posted and published fourteen days.

Ronald Bertheim, Constable