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 Richard J. Collins Field House, Andover High School, Shawsheen Road, in said Andover, on

WEDNESDAY, THE TWENTY-SEVENTH DAY OF APRIL, 2011

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

Annual Town Election

ARTICLE 1. Results of the Annual Town Election on March 22, 2011: Moderator for one year, one Selectman for three years, one Selectman for two 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 thereto.

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-2012 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, 2011 and ending June 30, 2012, or take any other action related thereto.

On request of the Town Manager

FY-2012 Capital Projects Fund Appropriation

ARTICLE 5. To see if the Town will vote to raise by taxation and appropriate the sum of $1,963,000 for the purpose of funding the Fiscal Year 2012 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

Budget Transfers

ARTICLE 6. To see if the Town will vote to transfer from amounts previously appropriated at the 2010 Annual Town Meeting as authorized by MGL Chapter 44, Section 33B, or take any other action related thereto.

On request of the Finance Director

Supplemental Budget Appropriations

ARTICLE 7. To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the April 2010 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

Free Cash

ARTICLE 8. To see what amount the Town will vote to permit the Assessors to use in free cash to reduce the Fiscal Year 2012 tax rate and to affect appropriations voted at the 2011 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

Unexpended Appropriations

ARTICLE 9. To see what disposition shall be made of unexpended appropriations and free cash in the treasury, or take any other action related thereto.

On request of the Finance Director

General Housekeeping Articles

ARTICLE 10. 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 2012 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 or any public purpose 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 11. 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 or any public purpose 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 12. 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 13. 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 14. 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, 2011, or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2012 Limit
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	$30,000
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	$40,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	$625,000
E. Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	$400,000
F. Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	$100,000
G. Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	$200,000
H. Police Communications	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	$40,000

J. School Photocopy Fees	School Dept.	Photocopy Center Costs	External Private Groups	$20,000
K. Compost Program	Plant & Facilities Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	$60,000
L. Solid Waste	Public Works Director	Offset Trash & Recycling Costs	CRT, HHW & Trash fees	$40,000
M. Stormwater Management	Planning Director	Consulting and environmental monitoring of Stormwater Management applications and permits	Applicant	$30,000
N. Fire Rescue	Fire Chief	Training and Equipment	Service Fees	$200,000

On request of the Finance Director

Transfer from Overlay Surplus

ARTICLE 15. To see if the Town will vote to transfer a sum of money from Overlay Surplus and appropriate to various fiscal years Allowance for Abatements and Exemptions accounts, or take any other action related thereto.

On request of the Finance Director

School Building Maintenance and Renovation

ARTICLE 16. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of $925,000 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, or take any other action related thereto.

On request of the Acting Plant and Facilities Director

West Middle School Green Repair Program

ARTICLE 17. 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 Town Manager for the replacement of the roof and windows of the West Middle School building located at 70 Shawsheen Road, Andover, MA and as shown on Andover Assessor's Map 72, Lot 54. The proposed repair project would materially extend the useful life of the school and preserve an

asset that otherwise is capable of supporting the required educational facility and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 39 percent (39%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

On request of the Acting Plant & Facilities Director

Municipal Services Facility

ARTICLE 18. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of $100,000 for the purpose of studying options for the location, development and financing of a Municipal Services Facility (Town Yard) and its associated programmatic space needs, or take any other action related thereto.

On request of the Town Yard Task Force

Conservation Land Acquisition Fund

ARTICLE 19. To see if the Town will vote to appropriate the sum of $200,000 for the acquisition of 2.38 acres of land (23 Willard Circle, 0.90 acres – Map 123, Parcel 31 and 25 Willard Circle, 1.48 acres – Map 123, Parcel 30) for conservation purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, to authorize the Board of Selectmen and Conservation Commission to acquire this land by gift, 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 to take any other action related thereto.

On request of the Conservation Commission

Grant Application for Fosters Pond Conservation Land

ARTICLE 20. To see if the Town will vote to authorize the Treasurer to expend up to $200,000 from the amount appropriated by vote upon Article 19 of the 2011 Annual Town Meeting to acquire the land near Fosters Pond as shown on Assessors' Map 123, Parcels 23 and 25, known as 23 and 25 Willard Circle, for conservation and open space purposes under the care, custody and control of the Andover Conservation Commission under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, and that the Town Manager be authorized to file on behalf of the Town of Andover any and all applications deemed necessary under the Self-Help Act (Massachusetts General Laws Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition; and that the Town Manager,

Board of Selectmen and Conservation Commission be authorized to enter into all agreements and execute any and all instruments, including permanent deed or conservation restrictions, in accordance with Massachusetts General Laws Chapter 184, on terms and conditions they deem to be in the best interest of the Town and as may be necessary on behalf of the Town of Andover to affect said purchase, or to take any other action related thereto.

On request of the Conservation Commission

Renewable Energy Facilities – Feasibility Study for Municipal Land

ARTICLE 21. To see if the Town will vote to raise by taxation, borrowing or transfer from available funds and appropriate the sum of $25,000 to conduct studies to determine the feasibility of locating solar energy or other renewable energy facilities on municipally owned properties, or take any other action related thereto.

On the request of the Andover Green Advisory Board,
Acting Plant & Facilities Director and the Planning Director

Long-term Renewable Electricity Contracts

ARTICLE 22. To see if the Town will vote to authorize the Town Manager to solicit and award contracts for purchasing electricity generated by solar energy facilities or other renewable resources, in accordance with the provisions of applicable Massachusetts General Laws, for terms exceeding three years but no greater than twenty 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 take any other action related thereto.

On the request of the Acting Plant & Facilities Director and the Andover Green Advisory Board

DPW Vehicles

ARTICLE 23. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of $300,000 for the purpose of purchasing Public Works vehicles, or to take any other action related thereto.

On request of the Department of Public Works

Town Bridge Evaluation & Repairs

ARTICLE 24. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of $100,000 for the purpose of paying costs of bridge evaluation and repairs in the Town, or take any other action related thereto.

On request of the Department of Public Works

Pearson Street Parking Lot

ARTICLE 25. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination and appropriate the sum of $85,000 for the purpose of paying the costs of design and construction of a municipal parking lot at 16 and 18 Pearson Street, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Department of Public Works

High Plain Road at Fish Brook Design and Engineering

ARTICLE 26. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of $75,000 for the purpose of paying design and engineering costs for drainage improvements on High Plain Road at Fish Brook, and for the payment of all other costs incidental and related thereto, or take any other action related thereto

On request of the Department of Public Works

Jerry Silverman Fireworks

ARTICLE 27. To see if the Town will provide funding in the amount of $12,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities from available funds, or take any other action related thereto.

On request of the Town Manager

Elderly/Disabled Transportation Program

ARTICLE 28. 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

Insurance Recovery Transfer

ARTICLE 29. To see if the Town will vote to transfer a sum of money from the Insurance Proceeds in Excess of $20,000 Account and appropriate it to the Municipal Building/Insurance Fund, said sum being the amount received for insurance reimbursement, or take any other action related thereto.

On request of the Finance Director

Funding OPEB Trust Fund

ARTICLE 30. To see what amount the Town will vote to transfer from Free Cash, Water Reserves, Sewer Reserves or available funds and appropriate to the Other Post Employment Benefit Trust Fund established under the provisions of Chapter 479 of the Acts of 2008, or take any other action related thereto.

On request of the Finance Director

Zoning By-law Amendment – Off-Street Parking Requirements

ARTICLE 31. To see if the Town will vote to amend Article VIII, the Zoning By-law, Appendix A, Table 3 Section 5.1.4. Table of Off-Street Parking Requirements by deleting the following text:

C. Business and Commercial Uses	
3. Personal service establishment	General Business District: one parking space per 250 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors. Other Districts: one parking space per 250 square feet of gross floor area.
6. Establishment for the retail sale of merchandise	General Business District: one parking space per 250 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors. Other Districts: one parking space per 250 square feet of gross floor area
7. Convenience store	General Business District: one parking space per 250 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors. Other Districts: one parking space per 250 square feet of gross floor area.
12. Restaurants:	--
a. Restaurant, sit-down	One parking space for each two seats, plus 1.5 parking spaces for each 2 employees
b. Restaurant, fast-food	One parking space for each 200 square feet of gross floor area

15. Business, professional or administrative office	One parking space for each 300 square feet of gross floor area.

and replacing it with:

C. Business and Commercial Uses	
3. Personal service establishment	General Business District and Mixed Use District: one parking space per 500 square feet of gross floor area on street level floor; one parking space per 600 square feet of gross floor area on other floors, including the basement level floors. Other Districts: one parking space per 250 square feet of gross floor area.
6. Establishment for the retail sale of merchandise	General Business District and Mixed Use District: one parking space per 600 square feet of gross floor area Other Districts: one parking space per 250 square feet of gross floor area
7. Convenience store	General Business District and Mixed Use District: one parking space per 500 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors. Other Districts: one parking space per 250 square feet of gross floor area.
12. Restaurants:	
a. Restaurant, sit-down	General Business District and Mixed Use District: one parking space per 500 square feet of gross floor area plus 1 parking space per 2 employees. Other Districts: One parking space for each two seats, plus 1.5 parking spaces for each 2 employees
b. Restaurant, fast-food	General Business District and Mixed Use District: one parking space per 500 square feet of gross floor area plus 1 parking space per 2 employees. Other Districts: One parking space for each 200 square feet of gross floor area

15. Business, professional or administrative office	General Business District: one parking space per 300 square feet of gross floor area on street level floor; one parking space per 500 square feet of gross floor area on other floors including the basement level floors. All other districts: One parking space for each 300 square feet of gross floor area.

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

Street Acceptance

ARTICLE 32. To see if the Town will vote to accept and name as a public way any or all of the following street: Winterberry Lane:

Winterberry Lane, as shown on a plan approved by the Andover Planning Board entitled "SUBDIVISION PLAN OF LAND IN ANDOVER, MASS. ENTITILED WINTERBERRY LANE", dated September 17, 2008 (revised) and recorded in the Essex North District Registry of Deeds as Plan Number 16023, or take any other action related thereto.

On request of the Board of Selectmen

Storm Drain Improvements

ARTICLE 33. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of $300,000 for the purpose of constructing and reconstructing surface drains and the payment of any and all other costs incidental and related thereto, or take any other action related thereto.

On request of Department of Public Works

Town Building Maintenance and Renovation

ARTICLE 34. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of $500,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings and roofs and for the payment of all other costs incidental and related, or to take any other action related thereto.

On request of the Acting Director of Plant and Facilities

Zoning By-law Amendment – Dimensional Special Permit/Historic Preservation

ARTICLE 35. To see if the Town will vote to amend the Zoning By-law, Article VIII, Section 7.9.6., Dimensional Special Permit Historic Preservation by deleting the text in the following subsections:

"5. The owner shall record at the Essex North District Registry of Deeds an historic preservation restriction in the form approved by the Zoning Board of Appeals, and approved and endorsed by the Massachusetts Historical Commission, in accordance with Chapter 184, Section 32, of the General Laws, which shall at a minimum provide for conditions under which alterations, additions or modifications may be made, and in the event of damage to the historic structure such that the historic structure cannot be repaired, the owner may rebuild on the lot, provided that the new dwelling does not contain more than the same interior floor area as the historic structure and meets one of the following requirements: (i) the new dwelling is placed in the existing footprint; or (ii) the new dwelling is built in conformity with the zoning side, front and rear setbacks in effect at the time of rebuilding. Any mortgagee shall subordinate its mortgage to this restriction.

6. When the decision of the Board of Appeals on the application for a dimensional special permit for historic preservation has become final, the applicant shall submit the plan upon which the decision is based to the Planning Board for certification as an approval not required plan pursuant to Chapter 81, Section 4lP, of the General Laws. The notice of decision of the Board of Appeals, the approved and endorsed historic preservation restriction with any required mortgagee subordination, and the approval not required plan certified by the Planning Board shall be recorded concurrently at the Essex North District Registry of Deeds."

and replacing it with:

"5. The owner shall record at the Essex North District Registry of Deeds an historic preservation restriction either in a form approved by the Zoning Board of Appeals, and approved and endorsed by the Massachusetts Historical Commission in accordance with Chapter 184, Section 32, of the General Laws, or in a form approved by the Zoning Board of Appeals, the Andover Preservation Commission and approved and endorsed by the Board of Selectmen, which shall, at a minimum, provide for conditions under which alterations, additions or modifications may be made, and in the event of damage to the historic structure such that the historic structure cannot be repaired, the owner may rebuild on the lot, provided that the new dwelling does not contain more than the same interior floor area as the historic structure and meets one of the following requirements: (i) the new dwelling is placed in the existing footprint; or (ii) the new dwelling is built in conformity with the zoning side, front and rear setbacks in effect at the time of rebuilding. Any mortgagee shall subordinate its mortgage to this restriction.

6. When the decision of the Board of Appeals on the application for a dimensional special permit for historic preservation has become final, the applicant shall submit the plan upon which the decision is based to the Planning Board for certification as an approval not required plan pursuant to Chapter 81, Section 4lP, of the General Laws. The notice of decision of the Board of Appeals, the approved historic preservation restriction with any required mortgagee

subordination, and the approval not required plan certified by the Planning Board shall be recorded concurrently at the Essex North District Registry of Deeds."

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 Preservation Commission

Balmoral Fence & Masonry Repairs

ARTICLE 36. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination and appropriate the sum of $125,000 for the purpose of paying costs of the Balmoral fence and masonry repairs, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Director

Parking Meter Replacement

ARTICLE 37. To see if the Town will vote to transfer the sum of $90,000 from the Off-Street Parking Meter reserve account and appropriate the sum of $90,000 for the purpose of installing and/or replacing parking meters including costs incidental and related thereto, or take any other action related thereto.

On request of the Police Chief

Spring Grove Cemetery Maintenance

ARTICLE 38. To see if the Town will vote to transfer the sum of $45,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of $45,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Director

Zoning By-law Amendment – Open Space Residential Design (OSRD) Special Permit

ARTICLE 39. To see if the Town will vote to amend Article VIII, the Zoning By-law, by adding a new Section 7.7 to read as follows:

7.7 OPEN SPACE RESIDENTIAL DESIGN (OSRD) SPECIAL PERMIT

7.7.1 The Planning Board may grant a special permit to authorize the development and construction of an Open Space Residential Design (OSRD).

7.7.2 PURPOSE AND INTENT

The Purpose of this bylaw is:

1. To allow for greater flexibility and creativity in the design of residential developments;

2. To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands and significant archaeological natural features in a manner that is consistent with Andover's Master Plan;

3. To encourage a more efficient form of development that minimizes site disturbance, decreases the economic burden to the Town, consumes less open land and promotes conformity to existing topography and natural features ;

4. To further the goals and policies of the Town of Andover's Master Plan;

5. To conserve open space, scenic areas, views, streams, recreational opportunities and other community assets;

6. To promote efficiency and economy of street and utility layout; to lessen storm run-off, erosion and sedimentation normally associated with more conventional patterns of residential development; and to retain natural drainage courses and wetlands;

7.7.3 ELIGIBILITY

1. To be eligible for consideration as an OSRD:

   a. The parcel(s) shall be located in the Residential Districts: SRB and SRC
   b. The minimum parcel(s) area shall be five (5) acres.

2. Housing Types

   a. Housing Units shall be Single Family detached units.
   b. No common wall or multi- family structures shall be allowed.

7.7.4 DIMENSIONAL REQUIREMENTS

1. Frontage

   a. The minimum frontage of any individual lot shall be one hundred feet measured at the street line.

2. Lot Area

   a. All lots on an existing town or public way or lots abutting proposed major street of the development shall conform to the frontage and area requirements of the zoning district in which the development lies.

   b. The lots located within the OSRD in no case shall have less than two-thirds (2/3) of the required lot size for the zoning district in which the development is located and shall meet the setback requirements of the district.

7.7.5 OPEN SPACE REQUIREMENTS:

1. A minimum of thirty percent (30%) of the development parcel(s) shall be Open Space.

2. No more than fifty percent (50%) of the designated open space may be comprised of wetlands.

3. Wastewater and stormwater management systems serving the OSRD may be located within the open space.

4. Ownership of Open Space. The Open Space land shall either be conveyed to the Town of Andover Conservation Commission or be conveyed to a non-profit organization, the principal purpose of which is the conservation of open space. In any case, where such land is not conveyed to the Town of Andover Conservation Commission, a restriction enforceable by the Town shall be recorded providing that such land shall be kept in its open and natural state and not built upon for residential use or developed for an accessory use except as provided for herein, such as wastewater and stormwater management systems serving the OSRD. In order to insure that the corporation, non-profit organization or trust will properly maintain the unsubdivided land or open space, an instrument(s) shall be recorded at the Essex North Registry of Deeds.

7.7.6 APPLICATON PROCESS

1. Preliminary Review

It is recommended that the applicant request a pre-application review at a regular business meeting of the Planning Board.

The purpose of a pre-application review is to introduce the proposed OSRD conceptually to the Planning Board at the earliest possible stage in the development, thereby minimizing the applicant's need for costly plan revisions. At the pre-application review, the applicant may outline the proposed OSRD, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.

7.7.7 PROCEDURES

1. Application

An application for a Special Permit for an OSRD shall include a Sketch Plan and Narrative, Yield Plan and an application for a Definitive Subdivision in accordance with the Rules and Regulations Governing the Subdivision of Land.

a. Sketch Plan and Narrative.

The Sketch Plan and Narrative shall be prepared by a multidisciplinary team of which members must include a certified Landscape Architect and a certified Civil Engineer, and shall show the following:

General features of the land;

Configurations of the lots, including locations and sizes (footprints) of the houses;

Examples and elevations of the home types;

Open space, and roadways;

A description of the neighborhood in which the parcel lies, including utilities and other public facilities and the local ecosystem, along with the impact of the proposed plan upon them; and

The information listed under the Definitive Subdivision requirements of the Rules and Regulations Governing the Subdivision of Land.

b. Yield Plan

The Basic Maximum Number of lots allowed in an OSRD development shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The Yield Plan shall include the following:

Boundaries, North Point, locus plan, date, scale, legend, names of the record owner and applicant, existing and proposed lines of streets, ways, easements and any public areas, proposed system of drainage, including adjacent existing natural waterways, boundary lines of lots with areas and dimensions, contours of the land, vegetation, rock outcropping, wetlands, streams, drainage channels, stone walls and man-mad structures.

The proponent shall have the burden of proving to the Board's satisfaction the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan In no case shall the total number of proposed lots exceed the number of lots which could be constructed under a conventional subdivision plan.

7.7.8 DESIGN STANDARDS

1. At the time of the application for a Special Permit for OSRD applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space.

a. Step One: Identifying Sensitive Areas.

1. Wetland Areas: all land subject to regulation under applicable State, Federal or Municipal law such as wetlands, riverfront areas, and floodplains.

2. Environmentally Sensitive Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. The Potentially Developable Area will be identified and delineated. the Potentially Developable Area shall consist of land outside identified Sensitive Areas.

b. Step Two: Locating House Sites.

Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community,

c. Step Three: Aligning the Streets.

Align streets and driveways in order to access the house lots.

d. Step Four: Lot Lines.

Establish lot lines for each of the individual parcels and open space.

7.7.9 PUBLIC HEARING

After the opportunity for review by other boards has taken place, the Planning Board shall hold a hearing under this section, in conformity with the provisions of G.L. Chapter 40A, S9 and of the zoning bylaw and regulations of the Planning Board.

7.7.10 DECISION OF THE PLANNING BOARD

The Planning Board may grant a special permit for a OSRD if it determines that the design of the proposed OSRD meets the intent of section 7.1.2 and section 9.4 of this bylaw. In making this determination, the Board shall consider the recommendations obtained from other municipal Boards and Departments, as well as the following

1. Whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional plan;

2. Whether the OSRD promotes permanent preservation of open space, agricultural land forestry land, other natural resources including waterbodies and wetlands,

3. Whether the OSRD promotes a less sprawling and more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

4. Whether the OSRD will require less disturbance on the site than a conventional plan;

5. Whether the OSRD complies with the goals and policies of the open space/ master plan.

6. Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public service in an economical and efficient manner.

7. Whether the OSRD and its supporting narrative documentation complies with all sections of this zoning bylaw.

8. Whether the granting of such a permit would be detrimental to the health, safety or welfare of the neighborhood or Town or inconsistent with the intent of the OSRD bylaw.

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

Zoning Bylaw Amendment – River Road Business Overlay District (P)

ARTICLE 40. To see if the Town will vote to amend Article VIII, the Zoning Bylaw, by (a) amending Section 2.2. Overlay Districts by adding "River Road Business Overlay District" at the end of Section 2.2; and (b) by amending Section 8.0 Special District Regulations of the Zoning Bylaw by adding the following new section "River Road Business Overlay District (RRBOD)" and Appendix A, map of the River Road Business Overlay District. The River Road Business

Overlay District is an overlay district in the vicinity of River Road, Old River Road, and Campanelli as shown on a plan entitled "River Road Business Overlay District, as prepared by Cube 3 dated January 27, 2011" attached hereto as Appendix A. This map is hereby made a part of the Zoning By-Law and is on file in the Office of the Town Clerk.

"SECTION 8.7: RIVER ROAD BUSINESS OVERLAY DISTRICT (RRBOD)

8.7.1 Purpose. It is the purpose of this Section to establish a River Road Business Overlay District (RRBOD) to encourage and authorize service-focused development along River Road adjacent and to the east of Route 93. This service-focused and mixed-use development in the district will be created by means of authorizing and combining a variety of building types and uses with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Andover generally so as to provide currently non-existent conveniences and services to the underserved residents, business community, and commuters; to promote economic development; and increase the production of appropriately scaled and designed retail, mixed use, and multifamily development.

Other objectives of this Section are to:

1. To promote retail, and mixed use development that includes creation of the needed services to support the surrounding business and residents and to meet existing and anticipated area housing needs that will advance a 'live-work' scenario;

2. Promote the public health, safety, and welfare by residents, company employees and commuters to reduce travel time between needed amenities and home and work

3. To encourage principals of smart growth within the district. Some principals include:

- Proximity to existing development and infrastructure
- Mix and balance of uses
- Site optimization and compactness
- Accessibility and mobility choices
- Community context and site design
- Establishment of pedestrian connections to open space
- Diversity
- Re-use and re-development options
- Process collaboration and predictability of decisions

4. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development;

5. Establish development standards to allow high quality design and creative site planning;

8.7.2 Definitions. For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under Section 10.0 or this Section 8.7.

Applicant: The individual or entity that submits a Project for Plan Approval.

As-of-right Project or Project: means a Retail, Office, Multifamily or Mixed Use development allowed hereunder without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

Design Standards: Standards adopted to assure the architectural qualities and appropriate density and scale of all Projects. See Section 8.7.9.

Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

Mixed Use: Any Project containing a residential use and one (1) or more non-residential use(s), the same being permitted pursuant to Section 8.7.4.

Multifamily Dwelling: Dwelling containing four or more dwelling units.

Plan Approval: Standards and criteria which a Project in the RRBOD must meet under the procedures established herein and in the Enabling Laws.

Plan Approval Authority (PAA): For purposes of reviewing Project applications and issuing decisions on Projects within the RRBOD, the Plan Approval Authority (PAA), shall be the Planning Board. The PAA is authorized to approve a site plan to implement a Project.

Plan Review: The review procedure established by this Section 8.7 and administered by the Plan Approval Authority. As-of-right Principal and Accessory uses and Projects shall be subject to Plan Approval under this Section 8.7.

Site Plan: A plan depicting a proposed Project for all or a portion of the RRBOD and which is submitted to the Plan Approval Authority for its review and approval in accordance with provisions of this Bylaw.

Supermarket: a commercial retail establishment whose principal purpose is to sell a variety of day-to-day domestic, household or personal consumption provisions and packaged goods, including, but not limited to, the sale of all or one of the following items: household goods, meat or food products (prepared, raw, packaged and unpackaged) of all types, bakery goods, newspapers, printed materials, periodicals, pharmaceuticals, dairy products and beverages of every variety (including alcoholic beverages if properly licensed to do so) and all other products found in a typical large scale grocery store suitable for a family's entire shopping needs.

Zoning By-law: The Zoning By-law of the Town of Andover applicable to the geographic area in which the RRBOD is located as said By-law may from time to time be amended.

8.7.3 Overlay District. The RRBOD is an overlay district having a land area of approximately 75 acres, in the vicinity of River Road, Old River Road, and Campanelli as shown on a plan entitled "River Road Business Overlay District, as prepared by Cube 3 dated January 27, 2011 that is superimposed over the underlying zoning districts, as shown on Appendix A, attached hereto. This map is hereby made a part of the Zoning By-Law and is on file in the Office of the Town Clerk.

1. *Underlying Zoning.* The RRBOD is an overlay district superimposed on all underlying zoning districts. The Zoning By-law governing the underlying zoning district(s) shall remain in full force and effect except for Projects undergoing development pursuant to this Section 8.7. Within the boundaries of the RRBOD a developer may elect to develop a project in accordance with the Overlay District Zoning, or to develop a project in accordance with the requirements of the regulations for use, dimension and all other provisions of the Zoning By-law governing the underlying zoning district(s).

2. *Applicability of RRBOD.* An applicant seeking to develop property with the RRBOD may seek Plan Approval in accordance with the requirements of this Section 8.7. In such case, then notwithstanding anything to the contrary in this Zoning By-Law, such Plan Approval shall not be subject to any other provisions of this Zoning By-Law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations. When a building permit is issued for any Project approved in accordance with this Section 8.7, the provisions of the underlying zoning district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 8.7 for such Project.

8.7.4 Permitted Uses

1. *Principal Uses.* The following uses are permitted as of right in the RRBOD. All other uses are prohibited:

a. Retail;
b. Mixed Use, which may contain a residential component;
c. Municipal facilities;
d. Multifamily Dwelling;
e. Structured Parking Facilities;
f. Nonresidential uses, whether within a Mixed Use Project or not, in accordance with the following "Table of Non-residential Uses":

Use	**Permissions**
Institutional Uses	
1. Philanthropic or charitable institution	BA
Business and Commercial Uses	

1. Private club not conducted for profit	Y
2. Personal service establishment	Y
3. Banking establishment	Y
4. Retail sales establishment	Y
5. Convenience store	Y
6. Non-exempt educational use	Y
7. Medical center or clinic	Y
8. Self-service laundry or dry-cleaning operation	Y
9. Restaurants	
a. Restaurant, sit down	Y
b. Restaurant, fast food	Y
10. Shop for custom work involving the manufacture of articles to be sold on the premises	Y
11. Indoor commercial recreation establishment	Y
12. Business, professional or administrative office	Y
13. Motel or hotel (see Section 4.1.5.1 of the Zoning By-Law)	Y
14. Commercial parking lot or garage	Y
15. Major non-residential project (see Sections 9.4 and 10.0 of the Zoning By-Law)	Y
16. Supermarket	Y

Nonresidential use of any building, structure or land within the RRBOD is prohibited except as permitted above. For the purposes of the "Table of Non-residential Uses," the letter "Y" shall designate that a use requires Plan Approval, the letters "BA" shall designate that the use requires a special permit from the Board of Appeals and the letters "PB" shall designate that the use requires a special permit from the Planning Board.

2. *Accessory Uses*. Uses which are subordinate to, clearly incidental to, customary in connection with, and located in the same structure a Permitted Principal Use and which does not, in effect, constitute conversion of the Permitted Principal Use to a use not otherwise permitted in the RRBOD shall be permitted as of right.

8.7.5 Density.

1. *Residential.* Residential unit count permissible in the RRBOD is capped at 225 Dwelling Units.

2. *Nonresidential.* The total amount of nonresidential development in the RRBOD shall be capped at 500,000 square feet of Gross Floor Area, excluding any Municipal Structures and Structured Parking Facility(ies).

3. *Nonresidential - Retail*. No individual retail establishment shall exceed 50,000 square feet of Gross Floor Area without specific approval of the PAA.

4. *Multiple Buildings*. In the RRBOD more than one building may be erected on a single lot.

8.7.6 Dimensional Regulations.

1. Building Setback.

a. Buildings on the South side of River Road with a commercial use on the first floor shall be located directly at the 30'-0" front yard setback line. Sidewalk & Hardscape areas shall create direct pedestrian connections between the back of sidewalk and building edge. These will be primarily pedestrian zones and vehicles are excluded other than as required to provide access to the rear parking areas. A 20' 0" side yard setback shall apply, but no rear yard setback shall be required.

b. Buildings on the North side of River Road shall conform to a 30'-0" front yard setback.

c. Buildings to the east of Campanelli Drive shall conform to a 20'-0" side yard setback along the easterly boundary of the RRBOD.

d. No additional restrictions shall apply to front, side, and rear yard setbacks in the District.

2. Height. Building heights shall conform to and be measured according to the standards of the Andover Zoning Bylaws, with the following exceptions:

a. On the North side of River Road, the maximum allowed heights of all buildings in the district shall be 35 feet or 3 floors, whichever is less, above the adjacent public street within a distance of 90 feet back from the property line.

b. After 90 feet back from the property line on River Road and to the East of Campanelli Drive, the maximum allowed height shall be the maximum of 50 feet or 4 stories, whichever is less.

c. After 30 feet back from the property line on River Road and to the West of Campanelli Drive, the maximum allowed height shall be the maximum of 50 feet or 4 stories, whichever is less.

d. On the South side of River Road, the maximum allowed heights of all buildings in the district shall be 30 feet or 2 floors, whichever is less, above the adjacent public street.

e. When a building façade extends more than 100 feet across a grade that changes 10 feet or more in elevation, the maximum height shall be determined from the average grade across each 100 foot increment.

f. No additional restrictions shall apply to buildings fronting on Campanelli Drive, Old River Road, or to any new roads created within the district.

g. The height of any building in the Proposed Overlay District shall be the vertical distance measured from the average finished grade adjacent to said building (exclusive of basements) and the ceiling of the upper-most occupied space in the building in the case of flat roofs and in the case of buildings with pitched roofs, at the point at which the ceiling intersects the exterior portion of the buildings. The calculation of building height shall not apply to roof tanks and their supports, ventilating, air conditioning and similar service equipment, chimneys, railings, and other similar features of buildings which are in no way designed for occupancy or use nor to the portion of a pitched roof above the intersection of the ceiling of the upper-most occupied space in the building.

3. *Coverage.* Maximum coverage in the Proposed Overlay District shall be 75% measured as to the total area of Developable Acres in the Proposed Overlay District.

4. *Parcel Size.* The minimum parcel size required for a Development Project shall be one half (1/2) acres.

8.7.7 Performance Standards

1. *Driveways*. The number of curb cuts on state roads and River Road shall be minimized.

2. *Interior Design*. Projects shall assure safe interior circulation within its site by allowing for the separation of pedestrian, bicycle and motor vehicle traffic.

3. *Noise*. Any Project in the RRBOD shall comply with 310 CMR 31.07, as may be amended.

8.7.8 Design Standards and Guidelines

1. *General.* In order to establish the RRBOD's architectural and site qualities, Projects shall comply with the Design Standards adopted by the PAA, except where a specific waiver is granted. The PAA may also adopt Design Guidelines which are intended to be applied flexibly as part of the Plan Approval process. The Design Standards and Guidelines may address the following features of the Project:

Architectural elements, including:

a. Building height;
b. Massing of buildings, building separation, building location and gateways to the RRBOD;
c. Building façades;
d. Storefront styles;
e. Building materials and foundations;
f. Doors and windows, primary entrances and secondary entrances;
g. Awnings, canopies and marquees, if provided; and
h. Signage.

Site elements, including:

a. Lighting;
b. Grading;
c. Landscaping along roadways, foundations, and paved areas;
d. Landscaped buffers and irrigation systems, if provided;
e. Pedestrian and bicycle amenities, if provided;
f. Sidewalks, pavement width and curb cuts;
g. Utilities and service areas;
h. Stormwater management;
i. Design and construction;
j. Surface parking and structured parking; and
k. Project interconnection, where provided.

2. *Rules and Regulations.* The PAA may adopt, by majority vote, reasonable, Design Standards.

3. *Amendments*. Any amendment to the Design Standards or the PAA's rules and regulations imposing a mandatory design requirement must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. The Design Standards or the PAA's rules and regulations may be amended from time to time to contain graphics illustrating a particular standard, guideline or definition in order to make such standard, guideline or definition clear and understandable.

4. *Plan Approval.* An application for Plan Approval that has been submitted to the Town Clerk shall not be subject to any design standard or guideline that has not been approved by the PPA and filed with the Town Clerk.

8.7.9 Off-Street Parking and Loading Regulations.

1. *Off-Street Parking and Loading Requirements.* Any structure that is constructed, enlarged, or extended, or has a change of use which affects the computation of parking spaces, and any use of land established, or any existing use is changed, parking and loading spaces shall be meet the following requirements:

Residential uses	1.5 space per unit
Nonresidential uses	3 spaces per 1,000 sq. ft. of gross floor area

2. *Allowance.* The PAA may make an allowance for up to 15% reduction with shared parking.

3. *Computation of Spaces.* When the computation of required parking or loading spaces results in the requirement of fractional space, any fraction over one-half shall require one space.

4. *Location of Loading Spaces.* Any loading spaces required shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this by-law.

8.7.10 Application for Plan Approval

Except as otherwise provided in this Section 8.7, the application requirements and content for Plan Review and Plan Approval shall conform to Sections 9.5.3 and 9.5.4 of the Zoning Bylaw. The Plan Review process encompasses the following:

1. *Pre-Application*. Prior to the submittal of a Plan Approval submission, a "Concept Plan" may be submitted to help guide the development of the definitive site plan for the proposed Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

a. Overall building envelope areas;
b. Areas which shall remain undeveloped;
c. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and the other requirements of the RRBOD.

2. *Application.* An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA. An application shall show the proposed buildout of the entire Project, whether the Project will be phased or not.

3. *Required Submittals.* The application for Plan Approval shall be accompanied by the following plans and documents:

a. Properly executed application form, a certified list of abutters and the costs of publication and notice to abutters of the public hearing on the application;

b. A filing fee in an amount established by the PAA and incorporated into the rules and regulations of the PAA relative to the application requirements for Plan Review and Plan Approval to cover Town administrative costs.

c. List of any requested waivers from the requirements of this Section 8.7, as limited under Section 8.7.13, including a detailed explanation/justification of the reason for such request.

d. A site plan, prepared by a registered professional architect, registered civil engineer or a professional landscape architect, drawn at a scale of one (1) inch equals forty (40) feet, containing the following information: (a) date; (b) North arrow; (c) name and address of the owner; (d) name and address of the designer; (e) locus plan; (f) lot lines and setbacks; (g) adjacent streets and ways; (h) owners and uses of abutting lots; (i) zoning district boundaries; (j) wetlands and wetlands buffers, as shown on maps entitled "Wetlands Areas of Andover, Massachusetts" available from the Conservation Commission; (k) all existing and proposed topography at two-foot intervals; (l) all test boring sites, keyed to accompanying documentation of results; (m) all existing and proposed buildings, structures, parking and loading areas (with dimensional notations), driveways, walkways, signs, fences and refuse collection areas; (n) all existing structures and/or pavement to be removed or demolished; (o) all utilities, including waterline locations, sewer line locations and profiles, and storm drainage systems; and (p) all areas designated as easements, conservation restriction areas or open space, if applicable, and any provision for pedestrian/bicycle accessways connecting to adjacent open space, neighborhoods, schools, recreation areas or transportation facilities and for alternative transit programs.

e. A separate plan drawn at the same scale, showing landscaping and lighting details.

f. Written statement detailing the size of the lot(s), the proposed use, parking calculations, building footprint coverage and calculations of volume of earth to be moved and removed.

g. A transportation plan, consisting of the following information:

(i) A plan showing the proposed parking, loading, traffic and pedestrian circulation within the site; access and egress points; and other features related to traffic generated by the proposed use. A minimum of two access and egress points are required for each Project.

(ii) A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The PAA shall approve the geographic scope and content of the study. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(iii) Proposed mitigation measures, if any, including vehicle trip reduction from the Project.

8.7.11 Procedures.

1. *Filing.* An Applicant for Plan Approval shall file the application and all required submittals with the Town Clerk for certification of the date and time of filing, and shall

also file forthwith twelve (12) copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

2. *Circulation to Other Boards*. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Zoning Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Inspector of Buildings, Department of Public Works, and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within 30 days of its receipt of a copy of the plan and application for approval.

3. *Hearing*. The PAA shall hold a public hearing for which notice has been given as provided in G.L. Chapter 40A, Section 11. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

4. *Peer Review.* In addition to the application fee, the Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application. The amount of the peer review fees and the method and time of payment thereof shall be established by the PAA and be incorporated in the rules and regulations adopted by the PAA relative to the application requirements for Plan Review and Plan Approval. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant.

8.7.12 Decision

1. *Waivers*. Except where expressly prohibited herein, upon the request of the Applicant the Plan Approval Authority may waive dimensional and other requirements of Section 8.7, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the RRBOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

2. *Plan Review*. An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review and shall be construed as an as-of-right review and approval process as required by and in accordance with this Section 8.7.

3. *Plan Approval*. Plan Approval shall be granted by a simple majority where the PAA finds that:

a. The Applicant has submitted the required fees and information as set forth herein or in the applicable PAA rules and regulations; and

b. The proposed Project and site plan meet the requirements and standards set forth this Section 8.7, the applicable Design Standards and the PAA's rules and regulations, or a waiver has been granted therefrom;

c. Extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated by means of suitable conditions. The PAA may attach conditions to the Plan Approval decision that are necessary to insure substantial compliance with this Section or to mitigate any extraordinary adverse impacts of the Project on nearby properties; and

d. For a Project subject to the Affordability requirements of this Section, written confirmation has been provided by the Monitoring Agent that all requirements of this Section have been satisfied,

4. *Plan Disapproval*. A site plan may be disapproved only where the PAA finds that:

a. The Applicant has not submitted the required fees and information as set forth herein; or

b. The Project and site plan do not meet the requirements and standards set forth this Section 8.7, or a waiver has not been granted therefrom; or

c. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

5. *Form of Decision*. All decisions of the PAA shall be by a majority vote of the members present and voting. The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision shall be provided to the Inspector of Buildings. A copy of the decision or application bearing such certification shall be recorded in the Essex North District Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

8.7.13 Change in Plans after Approval by PAA

1. *Minor Change*. After Plan Approval, an Applicant may be apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, or number of housing units. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Inspector of Buildings and recorded in the Essex North District Registry of Deeds.

2. *Major Change.* Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

8.7.14 Enforcement; Appeal. The provisions of the RRBOD shall be administered and enforced by the Zoning Enforcement Officer, except as otherwise provided herein. Any appeal arising out of action by the PPA regarding an application for Plan Approval decision for a Project shall be governed by G.L. c. 40A, §17.

8.7.15 Severability. If any provision of this Section 8.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.7 shall remain in full force. The invalidity of any provision of this Section 8.7 shall not affect the validity of the remainder of the Town's Zoning By-Law.

APPENDIX

A. MAP OF THE RRBOD

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 petition of Mark E. Tully and others

General Bylaw Amendment – Banners in the General Business District (P)

ARTICLE 41. To see if the Town will vote to amend Article XII, Section 44, Banners in the General Business District, by changing the wording in subsection (2) e., from "A banner may only be hung from freestanding poles . . ." to "A banner may only hung from free-standing poles or between two buildings . . . ", or take any other action related thereto.

On petition of the Mark Spencer and others

Water Distribution System Improvements

ARTICLE 42. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of $500,000 for the purpose of paying costs of constructing, reconstructing or replacing water mains, including, but not limited to, all costs associated with land acquisition by eminent domain, or take any other action related thereto.

On request of the Department of Public Works

Water & Sewer Vehicles

ARTICLE 43. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of $70,000 for the purpose of purchasing water and sewer vehicles, or to take any other action related thereto.

On request of the Department of Public Works

WTP Variable Frequency Drive Pump

ARTICLE 44. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of $500,000 for the purpose of paying costs of acquiring and installing a Variable Frequency Drive Pump at the Water Treatment Plant, or take any other action related thereto.

On request of the Department of Public Works

Acceptance of Ch. 131, Section 27 & 28 of the Acts of 2010,

ARTICLE 45. To see if the Town will vote to accept the provisions of Chapter 131, Sections 27 and 28, of the Acts of 2010 to amend Massachusetts General Laws, Chapter 32, Section 101, to increase the benefit provided therein to $9,000.00 per year, or take any other action related thereto.

On request of the Andover Retirement Board

General Bylaw Amendment – Bow Hunting Ban (P)

ARTICLE 46. To see if the Town will vote to add a new Section 8 to the General Miscellaneous By-law as follows:

"Section 8: No person shall discharge or release an arrow from a bow or crossbow, or hunt or trap on any public property in the Town of Andover; provided, however, that the provisions of this By-law shall not apply to a law enforcement official in the performance of his or her duties,

not a class in archery instruction or competition, nor the lawful defense of the person, family, or property of any citizen, nor when discharge has been specifically authorized by the Commonwealth on State-owned property. The Town of Andover shall post notices summarizing the contents of this By-law at selected entrances to Town conservation land in a manner that the Conservation Commission determines to be appropriate to carry out this By-law's provisions."

or take any other action related thereto.

On petition of Deborah Day Cummings and others

Zoning By-law Amendment – Political Signs

ARTICLE 47. To see if the Town will vote to amend Article VIII, the Zoning By-law, by deleting the contents of Section 5.2.7.1.d and replacing it with "Except for political signs in Section 5.2.7.2.c below, temporary signs may be installed or in place for a period not to exceed thirty (30) days unless otherwise specified in this Bylaw" 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 Department

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 21st day of March, 2011.

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

A true copy

A T T E S T

_____

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2011

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