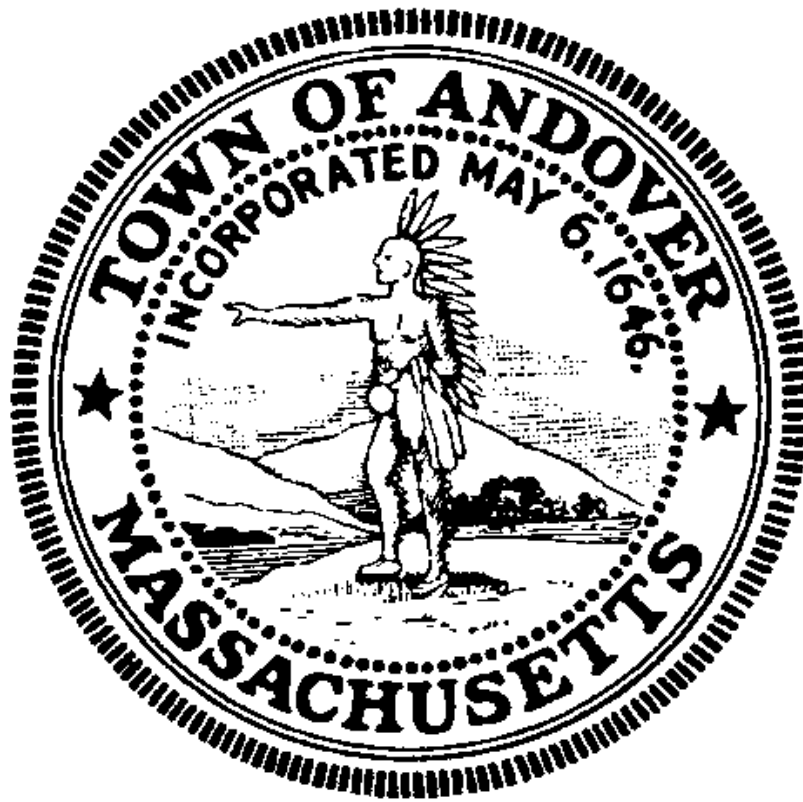


FINANCE COMMITTEE REPORT



**SPECIAL TOWN MEETING
MONDAY, JANUARY 29, 2018**

SPECIAL TOWN MEETING

PLAN TO ARRIVE EARLY

All Town Meeting attendees must be checked into the meeting in the lobby of the Collins Center for the Performing Arts on January 29th. Voters must check in at their precinct table. Visit the Town website at www.andoverma.gov and click on “Town Clerk’s Office” under the “Departments” tab and click on “Elections” to search for your precinct under the “Precinct Search” tab. To avoid delays at check in, please check your precinct prior to Town Meeting.

Voters: Only voters who registered by the deadline (January 19th) will be allowed to vote at this Town Meeting. Voters will receive a sticker that must be worn in a visible location on their person to vote.

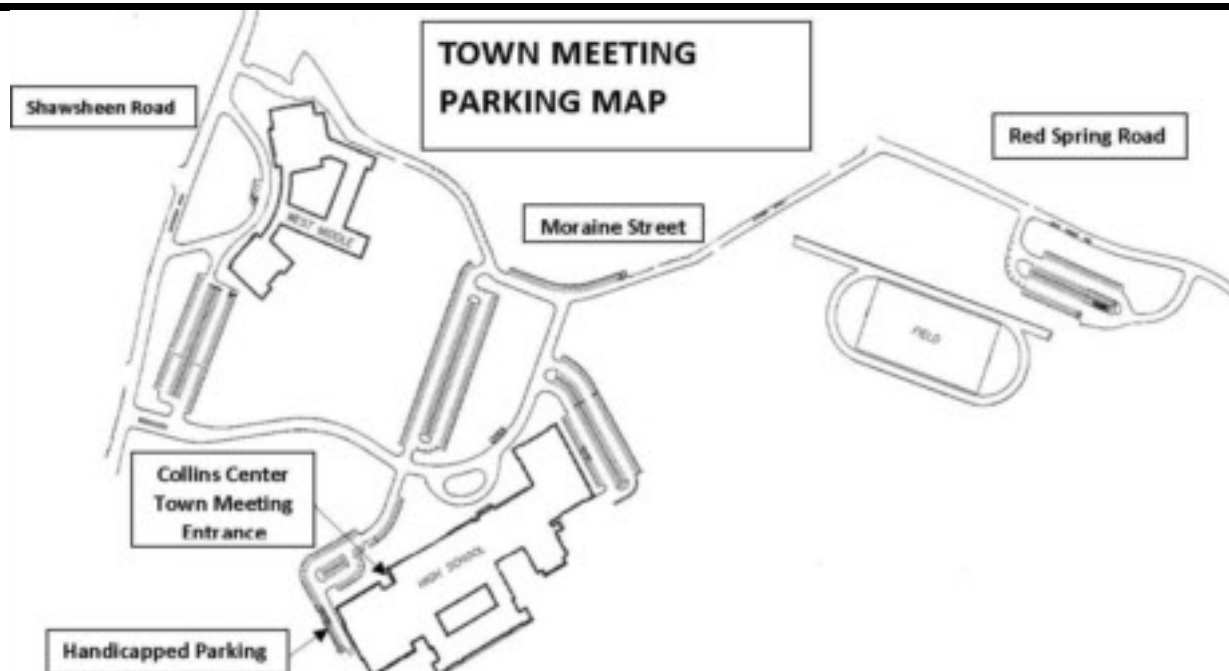
Non-Voters: Non-voters may attend Town Meeting and will be seated in a special section. Non-voters must check in at the Town Clerk’s table in the lobby to register before being seated. Please be aware that non-voters will not be seated until after 7:00 P.M. when they are voted admittance by Town Meeting.

Overflow Seating: If meeting attendance exceeds the capacity of the Collins Center, voters and non-voters may be directed to sit in the High School cafeteria. The cafeteria is linked by video and audio feed to the Collins Center. Participants in both areas will be able to speak to the meeting and vote.

Children: Children may enter the meeting as non-voters. *See above.* Parents must attend small children during the meeting and sit with them in the designated non-voter section. Voters (with visible stickers) may vote from the non-voter section. Please notify the section counter if you are a voting member. No children or non-voters may sit in the registered voter sections.

Parking: There are five parking lots available:

1. Collins Center Lot
2. Main Lot at the High School
3. West Middle School Lot
4. Lot beside the Field House
5. Red Spring Road





January 12, 2018

To the Citizens of Andover:

A Special Town Meeting has been called for Monday January 29, 2018 at 7 PM. There are 14 articles in the warrant. The Finance Committee has made recommendations on the articles that we deem to have financial relevance to the taxpayer.

Article 1 would allow the Board of Selectmen to enter into an Intermunicipal Agreement to provide potable water to the Town of North Reading for up to 99 years, and to petition the State legislature for permission to do so. While an agreement in principle has been reached by representatives of both Towns' Boards of Selectmen, note that this article does not define the terms of that agreement; it only authorizes the Andover Board of Selectmen to proceed.

The Finance Committee has reviewed the anticipated future water rates in the proposed agreement, which includes a one-time credit to North Reading of \$953,000, to be applied over a 10-year period. North Reading is currently Andover's largest water customer. If Andover lost this water revenue source, Andover residents would immediately have to make up the difference. Should this occur, it is estimated that Andover water rates would increase 28% in FY2020 and 4% per year after that. The Finance Committee recommends approval of this article.

Article 2 streamlines the handling of bond premiums from the sale of long-term bonds. This article asks voters to approve the use of \$46,100 of bond premiums received from the December 2017 borrowing to reduce the principal and interest cost on two of the projects included in the borrowing. The Finance Committee voted to recommend approval.

Article 3 concerns the retroactive funding of the settlement costs of the Collective Bargaining Agreements with the International Association of Firefighters for FY15, FY16, and FY17. The total settlement cost is \$1.3 million, of which \$500,000 will come from the FY18 compensation fund. Approval of this article would allow the appropriation of the remaining \$800,000 from Free Cash. The Finance Committee recommends approval of this article.

Article 7 requests \$200,000 from Free Cash for the outdoor playing field accessibility project at the Wood Hill High Plain School. At the May 2017 Town Meeting, \$400,000 was appropriated for this project; however, the lowest prevailing wage bid received would require an additional appropriation of \$50,123, and the highest would require an additional appropriation of \$176,800. The Finance Committee recommends an appropriation of \$100,000 from Free Cash.

Articles 8, 11 and 12 are privately sponsored articles that propose zoning changes in the ID2 zoning district. The Finance Committee did not take a position on these articles, because the Committee felt there was insufficient financial data to support or oppose these articles based on the potential future financial impact on the Town. The Finance Committee encourages a more comprehensive analysis of the financial consequences of these articles.

Article 9 is a privately sponsored article that seeks to expand the scope of public documents posted on the Town website. The Finance Committee thinks that the volume of posted public documents required by this article and the short time frame for compliance could be prohibitively expensive and labor intensive for the Town to implement. The Finance Committee recommends disapproval of this article.

Article 10 is a privately sponsored article that proposes to restrict funding used for Andover's material handling area at the site of the Ledge Road Landfill. The Town has been operating this material handling site at the Landfill since the 1970s. The Committee considers the operations at this site to be fundamental to the delivery of efficient Town services, and no suitable alternative site has been identified. The Finance Committee recommends disapproval of this article.

Article 13 is a privately sponsored article that proposes to shift the local Town elections from March to November. After discussion, the Finance Committee took no position on this article. The Committee has always supported spending money on items fundamental to good government. The cost savings of this article is relatively small, and the Committee thinks that voters should make their decision based on when they want elections to be held, not on financial considerations.

Please join us at Special Town Meeting on Monday, January 29th at 7:00 PM in the J. Everett Collins Center Auditorium at the Andover High School. Your participation is important.

The Finance Committee

Eugenie M. Moffitt, Chair

John S. Barry, Jr., Vice-Chair

Margaret N. Kruse

Linn N. Anderson

Bonita J. Zahorik

Blackwell O. J. Taylor

Paul Monticciolo

Paul F. Russo

Spiro A. Christopoulos

NOTES

**Special Town Meeting
Monday, January 29, 2018
7:00 P.M.**

<p>INTERMUNICIPAL AGREEMENT WITH THE TOWN OF NORTH READING FOR POTABLE WATER SERVICE</p>

ARTICLE 1. To see if the Town will vote to authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the Town of North Reading for potable water for a term of up to 99 years on such terms and conditions that the Board determines are in the best interests of the Town; and further to see if the Town will authorize the Board of Selectmen to take any and all action necessary to effectuate such agreement including, but not limited to, petitioning the General Court for a special act authorizing said agreement, or take any other action related thereto.

~ ~ ~ ~ ~

This article authorizes the Board of Selectmen to seek a Home Rule Petition from the Massachusetts Legislature to enter into a 99-year agreement to supply water to the Town of North Reading.

The Town of North Reading has been Andover’s largest water customer for nearly 30 years. Water supply has been provided through Intermunicipal Agreements between the two communities. The current agreement is due to expire on June 30, 2019.

Without North Reading as a Customer

A 2016 water rate study determined that without North Reading as a customer, Andover water rates would increase about 28% in FY2020, followed by increases of 4% per year for the foreseeable future. It was clear that retaining North Reading as a water customer would be financially beneficial to both municipalities. Representatives from the two Towns spent the summer negotiating an agreement.

Andover Water Rates <i>without</i> North Reading as a Customer				
	FY2018	FY2019	FY2020	FY2021
Tier 1	\$2.97*	\$3.05	\$3.90 (+28%)	\$4.05 (+4%)
Tier 2	\$3.27	\$3.35	\$4.29 (+28%)	\$4.46 (+4%)
Tier 3	\$3.57	\$3.66	\$4.68 (+28%)	\$4.86 (+4%)

* Per hundred cubic feet of water consumed

With North Reading as a Customer

If North Reading remains a customer, Andover water rates are estimated to increase by about 2.5% per year. The following table shows the estimated savings that will be passed on to Andover ratepayers if North Reading remains a customer. These are the savings that prevent the 28% and 4% increases that would be seen without North Reading as a customer. The preliminary

agreement negotiated this summer includes a \$953,000 credit to North Reading to be applied over 10 years, and a wholesale discount to the water rate equal to 95% of the Tier 1 rate, with increases capped at 2.5% for the first 10 years only.

Year	Revenue from North Reading	Cost of Providing Water for North Reading	Credit	Net Revenue	Cumulative Net Revenue
1	\$1,769,006	\$376,576	\$95,300	\$1,297,130	
2	\$1,813,231	\$385,990	\$95,300	\$1,331,941	
3	\$1,858,562	\$395,640	\$95,300	\$1,367,622	
4	\$1,905,026	\$405,531	\$95,300	\$1,404,195	
5	\$1,952,652	\$415,669	\$95,300	\$1,441,682	
6	\$2,001,468	\$426,061	\$95,300	\$1,480,107	
7	\$2,051,505	\$436,713	\$95,300	\$1,519,492	
8	\$2,102,792	\$447,631	\$95,300	\$1,559,862	
9	\$2,155,362	\$458,821	\$95,300	\$1,601,241	<i>10 Year Net</i>
10	\$2,209,246	\$470,292	\$95,300	\$1,643,654	\$14,646,925
11	\$2,264,477	\$482,049	\$0	\$1,782,428	
12	\$2,321,089	\$494,100	\$0	\$1,826,989	
...	...	...	...	...	<i>20 Year Net</i>
20	\$2,828,022	\$602,013	\$0	\$2,226,009	\$34,616,148
...	
30	\$3,620,106	\$770,627	\$0	\$2,849,479	
...	...	...	...	...	<i>99 Year Net</i>
99	\$19,891,526	\$4,234,395	\$0	\$15,657,131	\$585,292,171

The net revenue from selling water to North Reading constitutes about one third of Andover’s Water Enterprise revenue, which is used to fund upgrades to the Water Treatment Plant and repairs to water mains. These upgrades and repairs are made not only to infrastructure that supports North Reading’s water service, but will also be made throughout Andover.

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The BOARD OF SELECTMEN voted 4-1 to recommend approval. YES

The FINANCE COMMITTEE voted 8-0 to recommend approval. NO

On request of the Town Manager

**APPLICATION OF BOND PREMIUM**

**ARTICLE 2.** To see if the Town will supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44 Section 20 of the Massachusetts General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be



borrowed for each such project shall be reduced by the amount of any such premium so applied, or take any other action related thereto.

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This article seeks to authorize the appropriation of \$46,100 of the premium received on the December, 2017 borrowing to reduce the amount borrowed, thereby reducing the principal and interest costs paid over the life of the issue and to authorize reducing the remaining amount authorized to be borrowed. Previously bond premiums were appropriated to the Bond Premium Stabilization Fund. Then, each year, money was transferred to the General Fund to offset principal and interest costs of the bonds that generated the premiums. The new simplified procedure will eliminate the transfer to the Bond Premium Stabilization Fund and subsequent annual warrant articles to apply those funds to debt service expenses.

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**The BOARD OF SELECTMEN voted 4-0 to recommend approval. YES**

**The FINANCE COMMITTEE voted 8-0 to recommend approval. NO**

On request of the Finance Director

**COLLECTIVE BARGAINING AGREEMENTS WITH THE  
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS  
LOCAL 1658 AFL-CIO**

**ARTICLE 3.** To see if the Town will vote to transfer from Free Cash and appropriate \$800,000 to fund the cost items for the collective bargaining agreements negotiated between the Town and Andover Firefighters Local 1658 for Fiscal 2015, Fiscal Year 2016 and Fiscal Year 2017, or take any other action related thereto.

~ ~ ~ ~ ~

This article allows the Town to fund a collective bargaining contract with Andover Firefighters. The most recent contract expired in 2014. The process of negotiating with the Firefighters union took place over several years, eventually resulting in a case before the Joint Labor Management Committee, a state board designed to resolve contract disputes.

Ultimately this case came to arbitration, in which an independent arbitrator facilitates a decision. Before the formal arbitration process took place, the Town and the Firefighters union were able to resolve the contract through mediation/arbitration. Because of this, the Town was able to make changes in new employee health insurance contributions and changes in education pay for new employees, two issues that would not have been allowed in arbitration.

The wage plans for the Firefighters union are equal to all other Town unions for the same contract years. Because this contract award is a mediator/arbitrator recommended settlement, it must be brought before Town Meeting in accordance with MGL Ch. 150E section 7B(b).

~ ~ ~ ~ ~

**The BOARD OF SELECTMEN voted 3-1 to recommend approval. YES**

**The FINANCE COMMITTEE voted 8-0 to recommend approval. NO**

On the request of the Board of Selectmen

**PROHIBITION OF MARIJUANA ESTABLISHMENTS**

**ARTICLE 4.** To see if the Town will vote to amend Article XII of the Town’s General Bylaws, Miscellaneous Bylaws, by adding after Section 48 the following new section:

**Section 49. Prohibition of Marijuana Establishments Not Medically Prescribed**

- (a) **Prohibition**  
Consistent with G.L. c. 94G, sec. 3(a)(2), all types of marijuana establishments as defined in G.L. c. 94G, sec. 1, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, onsite consumption, special events, and any other type of licensed marijuana-related businesses, but not to include a medical marijuana treatment center or registered marijuana dispensary as defined and regulated in Article VIII, Section 8.9 of the Town’s Zoning Bylaws, are prohibited in the Town of Andover.
- (b) **Severability**  
If any provisions, paragraphs, sentences, or clauses of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.
- (c) **Enforcement**  
The penalty for violation of this bylaw shall be \$200.00 for each such violation. Each day of the violation shall constitute a separate offense. In addition to any other applicable remedy, violation of this bylaw may be enforced by noncriminal disposition in accordance with G.L. c. 40, sec. 21D. The Town Manager, Police Officers and the Building Inspector shall be enforcing persons.

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

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This article amends the Town’s General Bylaw, Article XII, to prohibit all non-medical marijuana related industries and businesses, collectively called ‘Marijuana Establishments.’ This article combined with the following two articles will prohibit all non-medical ‘Marijuana Establishments’ in Andover.

Andover currently has a Medical Marijuana Overlay District, which was approved by Town Meeting voters in 2014 and which is regulated under Andover’s Zoning Bylaw, Article VIII, Section 8.9. Nothing in the proposed Articles 4, 5, or 6 would affect this existing medical marijuana zoning or regulations.

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**The BOARD OF SELECTMEN voted 4-0 to recommend approval. YES \_\_\_\_\_**

**NO \_\_\_\_\_**

On request of the Board of Selectmen

**AMEND ZONING BYLAW – SECTION 10.0 DEFINITIONS**

**ARTICLE 5.** To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII, §10.0 DEFINITIONS to include Marijuana Establishments and to read as follows:

**Marijuana Establishments** – shall mean all types of marijuana establishments as defined in G.L. c. 94G, sec. 1, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, onsite consumption, special events, and any other type of licensed marijuana related businesses, but not to include a medical marijuana treatment center or registered marijuana dispensary as defined and regulated in Article VIII, Section 8.9 of the Town’s Zoning Bylaws.

~ ~ ~ ~ ~

This article defines ‘Marijuana Establishments’ in the Definitions section of the Zoning Bylaw.

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*Requires a two-thirds (2/3) vote*

**The BOARD OF SELECTMEN voted 4-0 to recommend approval. YES \_\_\_\_\_**

**The PLANNING BOARD voted 5-0 to recommend approval. NO \_\_\_\_\_**

On request of the Board of Selectmen

**AMEND ZONING BYLAW – APPENDIX A TABLE 1  
SECTION 3.1.3 TABLE OF USE REGULATIONS**

**ARTICLE 6.** Amend APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations to include 27. Marijuana Establishments and to read as follows:

|                              | Residential Districts |     |     |     | Business Districts |    |    |    | Industrial Districts |    |    |     |
|------------------------------|-----------------------|-----|-----|-----|--------------------|----|----|----|----------------------|----|----|-----|
|                              | SRA                   | SRB | SRC | APT | LS                 | OP | GB | MU | IG                   | IA | ID | ID2 |
| 27. Marijuana Establishments | N                     | N   | N   | N   | N                  | N  | N  | N  | N                    | N  | N  | N   |

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

~ ~ ~ ~ ~

This article amends the Zoning Bylaws’ ‘Table of Use Regulations’ to prohibit Marijuana Establishments in all zoning districts in Andover. Both the Zoning Bylaws (this article) and the General Bylaws (Article 4) must be amended to accomplish the prohibition.

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*Requires a two-thirds (2/3) vote*

**The BOARD OF SELECTMEN voted 4-0 to recommend approval. YES \_\_\_\_\_**

**The PLANNING BOARD voted 5-0 to recommend approval. NO \_\_\_\_\_**

On request of the Board of Selectmen

**WOOD HILL HIGH PLAIN ACCESSIBILITY PROJECT**

**ARTICLE 7.** To see if the Town will vote to transfer from Free Cash and appropriate \$200,000 for the purpose of purchasing services and materials related to completing accessibility improvements at Wood Hill High Plain, including any other costs incidental and related thereto, or to take any other action related thereto.

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At the 2017 Annual Town Meeting, Town Meeting authorized \$400,000 for an accessibility project at the Wood Hill/High Plain Schools. The design phase of this project revealed that the \$400,000 estimate was insufficient, as it did not account for prevailing wage. Prevailing wage is the wage that Towns must pay to contractors on public construction projects, and it can add up to 40% to the costs of labor-intensive projects. This article would authorize the Town to spend up to an additional \$200,000 on the project.

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| <b>Financial Impact of Article 7</b>                               |                                                            |
|--------------------------------------------------------------------|------------------------------------------------------------|
| <u>Approval</u>                                                    | <u>Disapproval</u>                                         |
| Reduces Free Cash by \$100,000 (Finance Committee recommendation). | \$100,000 available for spending by a future Town Meeting. |

**The BOARD OF SELECTMEN voted 5-0 to recommend approval. YES**

**The FINANCE COMMITTEE voted 7-1 to recommend an appropriation of \$100,000. NO**

**The SCHOOL COMMITTEE voted 4-0 to recommend approval.**

On request of the Town Manager

**AMEND TOWN OF ANDOVER’S ZONING MAP  
INDUSTRIAL 1 DISTRICT DASCOMB ROAD**

**ARTICLE 8.** To see of the town will amend the Town of Andover’s zoning map to rezone District ID2 on Dascomb Road back to its original ID District.

**The following explanation was submitted by Petitioner:**

This proposed article would rezone the ID2 District on Dascomb Road back to its original ID District. This will help control future traffic concerns, public safety issues, and the negative impact on business firms in downtown Andover. It should be pointed out that this warrant will not impact the proposed 15 acre development at 145 Dascomb Road, which is already grandfathered in.

This article would restrict the unchecked creation of additional retail, convenience, personal service, office, grocery, and recreation establishments in the remaining 30 acres in this ID2 district in conjunction with the added congestion resulting from the future development of the available 80 acres in the adjacent HP facility. Developers for the available 110 acres in this region can simply submit a targeted Planned Unit Development request for future town meeting approvals. A positive vote on this important article will help preserve the historic character of our community.

*Requires a two-thirds (2/3) vote*

The BOARD OF SELECTMEN voted 4-1 to recommend disapproval. YES \_\_\_

The PLANNING BOARD will make its recommendation at Town Meeting. NO \_\_\_

On petition of Connie Bassilakis and others

### **POSTING OF BOARD DECISIONS ON THE TOWN WEBSITE**

**ARTICLE 9.** To require the Town to make available for public access on the Town website (<http://www.andoverma.gov/>) all decisions from the Zoning Board of Appeals and Conservation Commission (in a manner similar to the practice of the current Planning Board) as well as all public documents required to be made available under the Public Records Law, including but not limited to, EIDRs (Environmental Impact and Design reviews), construction plans, traffic reports, planning or feasibility studies and all communications received in whatever form by the Zoning Board of Appeals, Planning Board and/or Conservation Commission from residents and/or petitioners related to new and/or current applications submitted to such boards and/or commissions.

#### **The following explanation was submitted by Petitioner:**

Residents should be able to access and view these public documents (project submittals, staff and peer reviews, follow-up submittals, final decisions) online without having to require a Public Records request, reviewing the project files during normal business hours or having to make an appointment with the respective staff. Many towns and cities in the Commonwealth have already adopted such an electronic process, as there is clearly a trend toward facilitating more community participation, greater transparency and robust open, honest deliberation with this public information, resulting in improved final decisions that make a tremendous impact on the look and feel of our Town and serving both residents and project proponents.

The BOARD OF SELECTMEN voted 5-0 to recommend disapproval. YES \_\_\_

The FINANCE COMMITTEE voted 8-0 to recommend disapproval. NO \_\_\_

On petition of Jose Albuquerque and others

### **POST CLOSURE USE OF LEDGE RD. LANDFILL**

**ARTICLE 10.** To prohibit the use of any Town funds, including but not limited to the stabilization funds that were appropriated by the 2016 Town Meeting or any other appropriated but unspent funds of the Town, for any post closure use of the Ledge Road landfill property that would constitute or require the construction of any Department of Municipal Services Public Works and/or Plant & Facilities Material Handling Operations and/or any storage facility with the purpose of storing or warehousing any Town vehicles, equipment, materials or refuse on the Ledge Road landfill property unless and until the Town expressly authorizes the same pursuant to a specific warrant article appropriating such funds at a future Town Meeting.

**The following explanation was provided by Petitioner:**

At the 2017 Annual Town Meeting voters passed a private warrant article to prohibit any Post Closure Use, including a DPW materials handling facility in our watershed, until after vote and approval by a future Town Meeting. Why? Because previous Town Meeting approvals for this project’s funding were specifically limited to capping and closing the landfill and/or included uses no longer under consideration. Despite repeated assurances that Town Meeting would have a vote on the future use, the Town continues permitting a large DPW facility on the landfill without voter authorization. Town Meeting voters should decide on what their tax dollars are spent and where town facilities are located. We feel the proposed DPW facility located both in a residential neighborhood and the Watershed Protection Overlay District for our drinking water is environmentally inappropriate and inconsistent with residents’ stated values.

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The Town has been operating a material handling area at the site of the Ledge Rd. Landfill since the 1970s. The Town uses the area as a location for broken trees, street sweepings, and excavated material from broken water mains prior to transportation to a disposal facility. Without such an area, the Town may have to leave these items on the sides of Town roads until they could be transported by individual small trucks to a final disposal site, which could be many miles away. Another use of this area is to store materials before reuse. The alternative would be to pay to dispose of these materials and then purchase new. Most Massachusetts communities of Andover's size have such a materials handling site.

~ ~ ~ ~ ~

**The BOARD OF SELECTMEN voted 3-0-1 to recommend disapproval. YES \_\_\_**

**The FINANCE COMMITTEE voted 8-0 to recommend disapproval. NO \_\_\_**

On petition of Jose Albuquerque and others

**ALLOWED PLANNED DEVELOPMENTS  
IN ID2 ZONING DISTRICT**

**ARTICLE 11.** To see if the Town will amend the Zoning Bylaw by making the following changes necessary to permit mixed use planned developments of a combination of business uses and age restricted residential uses by Special Permit and Town Meeting Approval in the Industrial 2 Zoning District (ID2).

Amend Section 7.2 by replacing all instances of:

- “Mixed Use District” with the following:
- “Mixed Use District and Industrial 2 District”

Amend Section 7.2.3 by adding the following at the end:

6. *Waivers.* The Planning Board may waive the dimensional requirements set forth in Section 7.2.3 for planned developments proposed in the Industrial 2 District in the interests of design flexibility and overall project quality if it finds that the project is consistent with the overall purpose and objectives of Section 7.2, or if it finds that such waiver will allow the project to

achieve a high quality design incorporating a desired mix of open space, affordability, a mix of uses, and/or physical character.

Amend Section 7.2.7 Procedure by adding the following paragraph at the beginning:

In the Industrial 2 District, any proposal for a PD-MD or PD-MU must first be presented and approved by Town Meeting. The proposal shall be in the form of a conceptual master plan containing the following:

- a. Project description, including proposed uses, size, location, zoning;
- b. Conceptual plans, including overall context plan and building elevations;
- c. Transportation improvements and mitigation measures;
- d. Utility improvements and mitigation measures;
- e. Traffic analysis;
- f. Fiscal Impact Analysis; and
- g. Impact thresholds which, if exceeded, would require the applicant to re-submit to Town Meeting for review and approval.

If the conceptual master plan is approved by Town Meeting, the applicant may proceed with an application for a special permit from the Planning Board. Minor changes to the design of the PD-MD or PD-MU as part of the Planning Board review process shall not require re-approval by Town Meeting. For purposes of this Section 7.2.7, minor changes shall mean any proposed change that does not exceed the impact thresholds set forth in the conceptual master plan.

Amend Section 7.2.8 Special Permit by adding the following at the end:

- 7. For planned developments in the Industrial 2 District, deed restriction, association bylaws or other suitable regulation shall be implemented to restrict occupancy of all dwelling units to have at least one resident 55 years of age or older, and no resident under the age of 18.

Amend Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations, Key to symbols used in Table 1, by adding the following:

TM – Town Meeting

Amend Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations, use category A.4.c., by replacing the “N” in the ID2 column with “TM/PB<sup>(a)</sup>”, as follows:

| Use                                                                    | ID2                  |
|------------------------------------------------------------------------|----------------------|
| A.4.c. Planned development, multifamily or mixed use (See section 7.2) | TM/PB <sup>(a)</sup> |

Amend the following use categories in Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations, by adding footnote “(b)” following the symbol in the ID2 column as follows:

| Use                                                                      | ID2               |
|--------------------------------------------------------------------------|-------------------|
| <b>A.4.b.</b> Multiple-dwelling (Apartment Building) (See Section 7.6.3) | N <sup>(b)</sup>  |
| <b>C.5.</b> Banking establishment                                        | BA <sup>(b)</sup> |
| <b>C.16.</b> Motel or hotel (See Section 4.1.5.1)                        | BA <sup>(b)</sup> |
| <b>E.5.</b> Public transportation station or terminal excluding airports | BA <sup>(b)</sup> |
| <b>F.8.</b> Temporary and seasonal placement of tables and chairs        | N <sup>(b)</sup>  |

Amend Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations by adding the following immediately following the Table of Regulations:

Exceptions and Special Requirements:

- (a) All dwellings for planned developments in the Industrial 2 District shall be age restricted to require at least one resident to have attained the age of 55 and no resident shall be under the age of 18.
- (b) Allowed by right in planned development, multifamily or mixed use in ID2 zoning district.

**The following explanation was submitted by Petitioner:**

This article proposes to amend the Zoning Bylaw to allow Planned Development projects within the ID2 zoning district. If adopted, this amendment allows an owner of land within the ID2 zoning district to propose senior housing (over 55 years of age) as part of a mixed-use development. The article also identifies the process for doing so, which requires any project proposing senior housing within the ID2 zoning district, to first obtain approval at Town Meeting before proceeding to the Planning Board for Special Permits. This more restrictive process was designed to allow Andover residents to decide where senior housing is appropriate within the ID2 zoning district. If adopted, the article will expand the opportunities to provide senior housing within the Town.

*Requires a two-thirds (2/3) vote*

**The BOARD OF SELECTMEN voted 3-2 to recommend approval.** YES \_\_\_

**The PLANNING BOARD will make its recommendation at Town Meeting.** NO \_\_\_

On petition of Wendy L. Donohue and others

**DASCOMB ROAD PROJECT  
PLANNED DEVELOPMENT MASTER PLAN**

**ARTICLE 12.** To see if the Town will approve the conceptual master plan for a Planned Development-Mixed Use in the Industrial 2 District at 146 Dascomb Road, in accordance with Section 7.2.7 of the Zoning Bylaw. A copy of the Planned Unit Development Master Plan is on file at the Office of the Town Clerk.

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



**The following explanation was submitted by Petitioner:**

This article proposes to enhance the Dascomb Road Project, located at 146 Dascomb Road, by incorporating senior housing (over 55 years of age). If adopted, the Dascomb Road Project will reduce the amount of office, retail and fitness space to provide 225 age-restricted residential units in a mixed-use. As a result, the project will generate less traffic and provide more amenities to the Town than the currently proposed all-commercial project, including more indoor public event/community theatre space, trolley service and additional greenspace. Most importantly, it will create an opportunity for senior housing within a vibrant mixed-use project with access to transportation, amenities, shopping and restaurants.

*It will be determined at Town Meeting whether this requires a majority or a 2/3 vote.*

**The BOARD OF SELECTMEN voted 3-1-1 to recommend approval.** YES \_\_\_

NO \_\_\_

On petition of Wendy L. Donohue and others

**DATE OF TOWN ELECTIONS  
HOME RULE LEGISLATION**

**ARTICLE 13.** To see if the Town will vote to have the Town expeditiously submit a Home Rule Petition to the Massachusetts Legislature to have the Legislature grant to the Town of Andover permission to change the date that the Town of Andover holds its local elections to be on the Tuesday next after the first Monday in November, which will enable Town of Andover local elections to be held on the same statutory date that state and federal elections are held, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

**The following explanation was submitted by Petitioner:**

This will enable our local elections to be held concurrent with state/federal elections as is done throughout Massachusetts. Benefits: Voter turnout for our local elections averages just 11 percent versus an average 82 percent turnout for the November elections. That represents over 17,000 additional voters who turnout for our state/national elections in November compared to the number of people who turnout in March. Changing the date of our local elections to November will result in significantly more representative local elections than we have today.

Newly elected officials will have six months to participate in the entirety of the budget development process leading up to Town Meeting compared to just four weeks they currently have which limits participation to the tail end of budget deliberations prior to Town Meeting. This will save taxpayers the \$22,000 we currently spend to hold a local election in March by piggybacking state/national elections in November.

**The BOARD OF SELECTMEN voted 5-0 to recommend disapproval.** YES \_\_\_

**The FINANCE COMMITTEE discussed, but took no position on this article.** NO \_\_\_

**The cost savings of this article is relatively small, and the Finance Committee thinks voters should make their decision based on when they want elections to be held.**

On petition of Bob Pokress and others

**AMEND ZONING BYLAW**  
**DIMENSIONAL SPECIAL PERMIT SECTION 7.9**

**ARTICLE 14.** To see if the Town will vote to amend the Zoning Bylaw Dimensional Special Permit Section 7.9 as follows:

**Add the following as §7.9.4.11:**

If a New Lot is to be created from the Parent Parcel, then the design of the new structure to be built on the New Lot shall be submitted to the Andover Preservation Commission, which shall review the design of the new structure, including factors relating to building massing, materials, siting, dimensions and setbacks as these factors relate to compatibility with the existing neighborhood. Approval of the design by the Andover Preservation Commission shall be required prior to the issuance of a building permit for the new structure.

**Add the following sentence after the existing text of §7.9.6.1:**

Such conditions shall provide that existing historic structures be secured and maintained in a good state of repair until such time as restoration work is commenced or it is moved to the Host Lot.

**Delete §7.9.6.3 and replace §7.9.6.3 in its entirety with the following:**

3. If the historic structure is to be moved to a Host Lot from another location, the following conditions shall be imposed:

(a) The Board of Selectmen of the Town of Andover shall approve the route and the timing of the movement of the building or structure.

(b) The existing historic structure shall be secured from the elements and maintained in a good state of repair until such time as it is moved to the new Host Lot.

(c) Prior to the meeting of the Board of Selectmen to approve the movement of the historic building or structure:

(i) The Applicant shall submit to the Inspector of Buildings and the Office of the Zoning Board of Appeals a statement, prepared and signed by a Structural Engineer licensed to practice in the Commonwealth of Massachusetts, affirming that the historic structure is in suitable condition to be moved. Such statement shall be signed and dated within fourteen days of the posting of the agenda for meeting of the Board of Selectmen at which the movement is to be approved.

(ii) The Preservation Commission shall approve, in writing, any changes to the historic structure that involve the removal of historic material if such changes have not been specifically authorized in the Zoning Board of Appeals' conditions of approval.

(d) If the historic structure is to be moved, the rights granted by the Special Permit, including, but not limited to, the right to subdivide the Parent Parcel and create any New Lots, shall be effective only upon the successful relocation of the historic structure and its placement on its new permanent foundation, with all temporary supporting structures removed, so that the building is supported only by its new permanent foundation.

(e) Following the movement of the historic structure to its new location, the Applicant shall submit to the Inspector of Buildings and the Office of the Zoning Board of Appeals a statement, prepared and signed by a Structural Engineer licensed to practice in the Commonwealth of Massachusetts, affirming that the historic structure has been successfully moved and placed on its new foundation, with all temporary supporting structures, including cribbing and beams used in transit, removed, so that the building is supported only by its new permanent foundation. No building permits for any additional work shall be issued until such statement has been received and the relocated structure has been inspected by the Inspector of Buildings.

(f) If the historic structure is not successfully relocated to its new location as provided above, the Special Permit shall be null and void and the Host Lot shall not be considered a buildable lot under the Zoning Bylaw. In the event that the historic structure is destroyed or damaged beyond repair prior to being moved successfully to its new location, the Special Permit shall be null and void.

**Delete §7.9.6.2 and replace §7.9.6.2 in its entirety with the following:**

2. If, in the event a fire, explosion or other catastrophic event, there is damage to the historic structure such that the historic structure cannot be repaired, then following the approval and recording of the Historic Preservation Restriction as provided for in §7.9.6.8 below, the owner may rebuild on the host lot, provided that the new structure does not contain more than the same interior floor area as the historic structure and meets one of the following requirements:

- a. The new structure is placed in the same footprint as that occupied by the historic structure; or
- b. The new structure is built in conformity with the applicable front, side and rear setback requirements in effect at the time of rebuilding as set forth in Section 4.1.2 of the Zoning Bylaw (the "Table of Dimensional Requirements").

**Add the following as §7.9.6.2.c:**

If a new structure is to be built pursuant to either (a) or (b) above, the design of the new structure to be built shall be submitted to the Andover Preservation Commission, which shall review the design of the new structure, including factors relating to building massing, materials, siting, dimensions and setbacks as these factors relate to compatibility with the existing neighborhood. Approval of the design by the Andover Preservation Commission shall be required prior to the issuance of a building permit for the new structure.

**Add the following at the end of §7.9.6.8:**

No Certificate of Occupancy shall be issued until the Historic Preservation Restriction has been recorded pursuant to this section.

**Add the following as §7.9.7.3(c):**

A statement, prepared and signed by a Structural Engineer licensed to practice in the Commonwealth of Massachusetts, affirming that the historic structure is in suitable condition to be moved.

**Delete §7.9.7.1.c and replace §7.9.7.1.c in its entirety with the following:**

- c. The location and size of all existing and proposed structures or buildings on and adjacent to the proposed lot(s), and the distances between all existing and proposed structures or buildings;

**Delete §7.9.7.1.f and replace §7.9.7.1.f in its entirety with the following:**

- f. Existing and proposed topography (grading), including provisions for management and control of stormwater and surface runoff.

**Add the following as §7.9.7.7:**

Floor plans and exterior elevation drawings of the existing historic structure and any proposed additions or alterations thereto, including specification of materials to be used, sufficient to determine the impact of any proposed changes on the historic significance and architectural features of the historic structure.

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

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This article amends Section 7.9 of the Dimensional Special Permit Bylaw – Historic Preservation to strengthen areas of the bylaw related to the relocation of an historic house to a new lot as allowed by the Special Permit approved by the Zoning Board of Appeals. The amendments clarify the review and approval process by the Preservation Commission, establish criteria for the successful relocation of an historic building, protect the building’s architectural features, define site preparation and set the penalty for non-compliance. This article is submitted in response to the recent unprecedented, unauthorized demolition of an historic building.

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*Requires a two-thirds (2/3) vote*

**The BOARD OF SELECTMEN voted 5-0 to recommend approval. YES**

**The PLANNING BOARD voted 5-0 to recommend approval. NO**

On request of the Andover Preservation Commission

## **NOTES**

## **NOTES**

## TOWN OF ANDOVER

### TOWN MEETING PROCEDURE AT A GLANCE

| <b>To do this...</b>                                                  | <b>You say this.....</b>                                 | <b>May you Interrupt Speaker?</b> | <b>Must you Be Seconded?</b> | <b>Is the Motion Debatable?</b> | <b>What vote is required?</b>   |
|-----------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------|------------------------------|---------------------------------|---------------------------------|
| Request Information                                                   | Point of Information                                     | Yes                               | No                           | No                              | No Vote                         |
| Complain about noise, sound, general room conditions, etc....         | Point of Privilege                                       | Yes                               | No                           | No                              | No vote                         |
| Object to procedure or personal affront                               | Point of order                                           | Yes                               | No                           | No                              | No vote<br>Chair decides        |
| Introduce Business<br><i>(a primary motion)</i>                       | I move that.....                                         | No                                | Yes                          | Yes                             | Majority                        |
| Ask for a vote count to verify a vote                                 | I call for a standing count...                           | No                                | No                           | No                              | No Vote                         |
| Amend a motion                                                        | I move to amend this motion                              | No                                | Yes                          | Yes                             | Majority                        |
| End Debate<br><i>Can be denied by Moderator at his/her discretion</i> | I move the question                                      | No                                | Yes                          | No                              | 2/3 vote                        |
| Reconsider something already disposed of                              | Meeting only reconsiders a vote if an error has occurred |                                   |                              |                                 | Chair corrects with proper vote |
| Recess the meeting                                                    | I move that we recess until....                          | No                                | Yes                          | No                              | Majority                        |
| Adjourn the meeting                                                   | I move we adjourn                                        | No                                | Yes                          | No                              | Majority                        |

**Town of Andover  
36 Bartlet Street  
Andover, MA 01810**

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**PLEASE BRING THIS REPORT WITH YOU  
TO SPECIAL TOWN MEETING**

**MONDAY, JANUARY 29, 2018  
7:00PM**

**J. EVERETT COLLINS CENTER  
ANDOVER HIGH SCHOOL AUDITORIUM**