

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 J. Everett Collins Center Auditorium, Andover High School, Shawsheen Road, in said Andover, on

MONDAY, THE FIRST DAY OF MAY, 2017

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

ARTICLE 1. Annual Town Election

Annual Town Election: Moderator for one year, one Selectman for three years, one School Committee member for three years, and two Punchard Free School Trustees for three years.

On request of the Town Clerk

ARTICLE 2. Election Not Required by Ballot

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

ARTICLE 3. Salaries of Elected Officials

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

ARTICLE 4. Fiscal Year 2018 Budget

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, 2017 and ending June 30, 2018, or take any other action related thereto.

On request of the Town Manager

ARTICLE 5. Fiscal Year 2018 Capital Projects Fund

To see if the Town will vote to raise by taxation and appropriate the sum of \$3,678,875 for the purpose of funding the Fiscal Year 2018 appropriation for the Capital Projects Fund, or take any other action related thereto

On request of the Town Manager

ARTICLE 6. Budget Transfers

To see if the Town will vote to transfer from amounts previously appropriated at the May 2016 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

On request of the Finance Director

ARTICLE 7. Supplemental Budget Appropriations

To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the May 2016 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

ARTICLE 8. Stabilization Fund

To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with Massachusetts General Laws Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any other action related thereto.

On request of the Town Manager

ARTICLE 9. Free Cash

To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2018 tax rate and to affect appropriations voted at the 2017 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

ARTICLE 10. Unexpended Appropriations

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

ARTICLE 11. General Housekeeping Articles (A through G)

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 2018 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

ARTICLE 12. Granting Easements

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

ARTICLE 13. Unpaid Bills

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

ARTICLE 14. Chapter 90 Authorizations

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

ARTICLE 15. Jerry Silverman Fireworks

To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$14,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities, or take any other action related thereto.

On request of the Town Manager

ARTICLE 16. Fiscal Year 2018 Revolving Accounts

To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2017, or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2018 Limit
Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$20,000
Memorial Hall Library-Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$60,000
Division of Recreation	Recreation Director	Trips, ticket sales and special programs and activities	Participant fees	\$625,000
Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	\$400,000
Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	\$150,000
Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	\$225,000
Police Communications	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
School Photocopy Fees	School Dept.	Photocopy Center Costs	External Private Groups	\$10,000
Compost Program	Municipal Services – Plant & Facilities Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	\$60,000
K. Solid Waste	Municipal Services – Public Works Director	Offset Trash & Recycling Costs	CRT, HHW & Trash fees	\$40,000
Stormwater Management	Planning Director	Consulting and environmental monitoring of Stormwater Management applications and permits	Applicant	\$5,000
Fire Rescue	Fire Chief	Training and Equipment	Service Fees	\$100,000
Health Services	Public Health Director	Health Dept. Inspections	Inspection Fees	\$75,000

On request of the Finance Director

ARTICLE 17. General Bylaw - Department Revolving Funds

To see if the Town will vote to amend the general bylaws by adding a new Section 48 in Article XII to establish and authorize revolving funds for use by certain town/city departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E½, or take any other action related thereto.

SECTION 48 DEPARTMENTAL REVOLVING FUNDS

1. **Purpose.** This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.
2. **Expenditure Limitations.** A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.
3. **Interest.** Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.
4. **Procedures and Reports.** Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town/city monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw/ordinance. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant/city auditor provides the department, board, committee, agency or officer on appropriations made for its use.
5. **Authorized Revolving Funds.**
The Table establishes:
 - A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer.
 - B. The department or agency head, board, committee or officer authorized to spend from each fund.
 - C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant.
 - D. The expenses of the program or activity for which each fund may be used.
 - E. Any restrictions or conditions on expenditures from each fund.
 - F. Any reporting or other requirements that apply to each fund, and
 - G. The fiscal years each fund shall operate under this bylaw.

A. Revolving Fund	B. Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C. Fees, Charges or Other Receipts Credited to Fund	D. Program or Activity Expenses Payable from Fund	G. Fiscal Years
Community Development & Planning Department	CD&P Division Heads	Applicant Fees	Advertising legal hearing notice expenses for permit applications	Fiscal Year 2018 and subsequent years
Memorial Hall Library-Lost/Damaged Materials	MHL Director	Restitution payments /charges to borrower or patron	Replacement of lost/damaged library materials	Fiscal Year 2018 and subsequent years
Health Clinic	Public Health Director	Clinic participant fees	Clinic supplies and other expenses	Fiscal Year 2018 and subsequent years
Division of Recreation	Recreation Director	Participant fees	Trips, ticket sales and special programs and activities	Fiscal Year 2018 and subsequent years
Division of Youth Services	Youth Services Director	Participant fees	All programs and activities expenses, part-time help	Fiscal Year 2018 and subsequent years
Field Maintenance	Plant and Facilities Director	Field rental fees	Field maintenance, upgrade and related expenses	Fiscal Year 2018 and subsequent years
Division of Elder Services	Elder Services Director	Participant fees	Senior programs, classes and activities	Fiscal Year 2018 and subsequent years
Police Communications	Chief of Police	Lease agreements for antenna users	Maintenance and purchase of public safety radio and antennae equipment	Fiscal Year 2018 and subsequent years
School Photocopy Fees	School Dept.	External Private Groups	Photocopy Center Costs	Fiscal Year 2018 and subsequent years
Compost Program	Municipal Services – Plant & Facilities Director	Contractor permit fees, revenues from sale of compost	Offset Compost Monitoring and Cleanup Expenses	Fiscal Year 2018 and subsequent years
Solid Waste	Municipal Services – Public Works Director	CRT, HHW & Trash fees	Offset Trash & Recycling Costs	Fiscal Year 2018 and subsequent years
Stormwater Management	Planning Director	Applicant	Consulting and environmental monitoring of Stormwater Management applications and permits	Fiscal Year 2018 and subsequent years
Fire Rescue	Fire Chief	Service Fees	Training and Equipment	Fiscal Year 2018 and subsequent years
Health Services	Public Health Director	Inspection Fees	Health Dept. Inspections	Fiscal Year 2018 and subsequent years

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

On request of the Finance Director

ARTICLE 18. Establish a PEG Access and Cable Related Fund

To see if the Town will accept Massachusetts General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017, or take any other action relative thereto.

On request of the Finance Director

ARTICLE 19. Transfer from Cable Revolving Account to PEG Access and Cable Related Fund

To see if the Town will vote to transfer the existing balance on June 30, 2017 from Cable Revolving Fund to PEG Access and Cable Related Fund.

On request of the Finance Director

ARTICLE 20. Elderly/Disabled Transportation Program

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

ARTICLE 21. Support for Civic Events

To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$5,000 for the purpose of paying a portion of the municipal costs associated with civic events in the downtown, or take any other action related thereto.

On request of the Town Manager

ARTICLE 22. Spring Grove Cemetery Maintenance

To see if the Town will vote to transfer the sum of \$6,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 23. Application of Bond Premium

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 such premium applied to the payment of the costs of issuance of such bond 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.

On request of the Finance Director

ARTICLE 24. Insurance Recovery Transfer

To see if the Town will vote to transfer the sum of \$___ from the Insurance Proceeds in Excess of \$150,000 Account and appropriate it to the _____, said sum being the amount received for insurance reimbursement, or take any other action related thereto.

On request of the Finance Director

ARTICLE 25. Stabilization Fund Bond Premium

To see if the Town will vote to transfer the sum of \$____,_____ from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

On request of the Finance Director

ARTICLE 26. Water and Sewer Vehicles

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$100,000 for the purpose of purchasing Water and Sewer Vehicles, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 27. Water Main Replacement Projects

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$3,000,000 for the purpose of purchasing services and materials related to completing water main replacement projects, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 28. Hydrant Replacement Program

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$100,000 for the purpose of purchasing services and materials related to the fire hydrant replacement program, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 29. Enmore Street Reconstruction

To see if the Town will vote to raise by taxation, borrowing or transfer from available funds and appropriate the sum of \$1,230,000 for the purpose of paying costs of engineering and construction associated with major maintenance and repairs to Town water lines, sewer line, sidewalks and the resurfacing of Enmore Street and for the payment of all other costs incidental thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 30. Water Treatment Plant Electrical Substation Replacement

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$500,000 for the purpose of purchasing services and materials related to the water treatment plant electrical substation replacement project, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 31. Bancroft High Lift Pumps

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$750,000 for the purpose of purchasing services and materials related to replacing the Bancroft high lift pumps, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 32. Minor Sanitary Sewer Collection System Improvements

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$50,000 for the purpose of services and materials related to completing minor sanitary sewer collection system improvements, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 33. Municipal Services Facility

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$17,500,000 for the purpose of designing, constructing, equipping and furnishing a new Municipal Services Facility at 5 Campanelli Drive, including the payment of any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Town Manager

ARTICLE 34. Street Acceptance of Campanelli Drive

To see if the Town will vote to accept Campanelli Drive as a public way and authorize the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise any fee, easement or other interest in the following described roadway and easements related thereto, and to accept the sewer lines and drainage facilities located within said roadway and related easements as shown on the following described Plan:

A certain street or way located off River Road in Andover, Essex County, Massachusetts and being shown as Campanelli Drive on a plan of land entitled, "Definitive Subdivision Plan, River Road Business Center, Andover, Mass." Owner & Applicant: Campanelli Realty Trust, Date: February 5, 1986; Scale: 1"=40', prepared by Bradford Saivetz & Associates, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 10256 ("Plan").

Related Easements described as follows:

1. Two easements shown as "Drain Easement" on Lot 1 on said Plan;

2. Four easements shown as “Drain Easement” on Lot 3 on said Plan. or take any other action related thereto.

On request of the Municipal Services Director

ARTICLE 35. Sale or Lease of Town Yard Property and Portion of Lewis Street

To see if the Town will vote to transfer the care, custody, management and control of the land and buildings known as the Town Yard and the Public Safety Parking Lot, identified on the Town’s Assessors Maps as:

Map 38, Parcel 14 (11 Lewis Street); Map 38, Parcel 32 (15 Buxton Court); Map 38, Parcel 18 (8-12 Buxton Court); Map 38, Parcel 17 (6 Buxton Court); Map 38, Parcel 2 (41 Pearson Street); Map 38, Parcel 3 (37 Lewis Street); Map 38, Parcel 6 (27-29 Pearson Street), and Map 38, Parcel 8 (19 Pearson Street)

and the portion of the land known as Lewis Street which is described as follows:

The area shown as “Portion of Lewis Street to be Discontinued 6,722 S.F. +/-” on Plan of Land entitled “Discontinuance Plan, Portion of Lewis Street, Andover, Mass. Prepared for: Town of Andover, Date: March 2, 2017, Scale 1” = 40’, Andover Consultants, Inc., 1 East River Place, Methuen, Mass. 01844,” a copy of which Plan is on file in the Office of the Town Clerk, from the Board of Selectmen for the purposes for which such land is currently held to the Board of Selectmen for the purposes of sale or lease of said land and buildings, and to authorize the Board of Selectmen to sell or lease said land or portions of such land at such time as said land and buildings are no longer used by the Town for the Town Yard, according to the provisions of Massachusetts General Laws Chapter 30B, and further that the Board of Selectmen approve any other restrictions, including restrictions on use, that are in the best interests of the Town, upon such terms and conditions as the Board of Selectmen may deem appropriate and necessary, and that the Board of Selectmen determine whether all or a portion of the above-described property shall be sold or leased, and the boundaries of the property to be sold,

On request of the Town Manager

ARTICLE 36. Discontinuance of a Portion of Lewis Street as a Public Way and Taking by Eminent Domain

To see if the Town will vote to discontinue as a public way and authorize the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise the fee interest or any other interest in that portion of Lewis Street which is described as follows:

The area shown as “Portion of Lewis Street to be Discontinued 6,722 S.F.+/-“ on Plan of Land entitled “Discontinuance Plan, Portion of Lewis Street, Andover, Mass. Prepared For: Town of Andover, Date: March 2, 2017, Scale 1” = 40’, Andover Consultants, Inc., 1 East River Place, Methuen, Mass., 01844” a copy of which Plan is on file in the Office of the Town Clerk, and to award no damages for said taking or payment for said acquisition, or take any other action related thereto.

On request of the Town Manager

ARTICLE 37. Sewer Inflow and Infiltration Reduction Project

To see if the Town will vote to appropriate the sum of \$500,000 to pay costs of the Sewer Inflow and Infiltration Project, including all costs incidental and related thereto, to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, and authorize the Board of Selectmen to apply for and accept any state or federal grant or assistance, or both, that may be available to pay for the above project, or take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 38. Water Treatment Plant Heating System

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$300,000 for the purpose of purchasing services and materials related to replacing the heating system for the Water Treatment Plant, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

**ARTICLE 39. Purchase of Conservation Land from Genetics Institute/Pfizer
83 Lowell Junction Road and Application for LAND Grant Funds**

To see if the Town will vote to authorize the sum of \$500,000 appropriated by vote under Article 12 of the 2001 Annual Town Meeting, as amended by vote under Article 56 of the 2014 Annual Town Meeting for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately 3.08+/-acres at 83 Lowell Junction Road, now or formerly owned by Genetics Institute, Inc. / Pfizer as described on Assessors Map 183, Parcel 11, and for expenses incidental and related thereto, to be managed and controlled by the Conservation Commission of the Town of Andover in accordance with Chapter 40, Section 8C of Massachusetts General Laws for conservation and passive outdoor recreation purposes, and to meet said appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3) and/or Chapter 44, Section 8C of Massachusetts General Laws, or any other enabling authority, issue bonds or notes of the Town therefor or to take any other action related thereto that may be necessary for that purpose, and that the Town Manager, Conservation Commission and Board of Selectmen on behalf of the Town be authorized to acquire said land or any portion thereof by gift, purchase, or eminent domain, including but not limited to using an appropriation made at the 2001 Town Meeting, Article 12 as amended by the 2014 Town Meeting, Article 56 for said acquisition and related expenses, and that the Town Manager and the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Andover to effect said purchase, and that the Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary to seek reimbursements or grants under the Local Acquisitions for Natural Diversity (LAND) Grant Program, Chapter 132A, Section 11 and/or other reimbursement or grant programs in any way connected with the scope of this article and to enter into agreements and execute any and all instruments as may be necessary on behalf of the Town to affect said purchase or grant, and take any other action related to the conveyance of said land to the Town under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws and as it may hereafter be amended and other Massachusetts statutes relating to Conservation to be managed and controlled by the Conservation Commission, or take any other action related thereto.

On request of the Director of Conservation

ARTICLE 40. Accept Municipal Modernization Act Revisions to Chapter 32B Section 20

To see if the Town will vote to see if the Town will vote to re-accept the provisions of Chapter 479 of the Acts of 2008 – An Act Providing for the Establishment of Other Post Employment Liability Trust Funds in Municipalities, or take any other action related thereto.

On request of the Finance Director

ARTICLE 41. Public Works Vehicles - Large

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$450,000 for the purpose of purchasing public works vehicles, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 42. Fire Apparatus Replacement – Ambulance 2

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$270,000 for the purpose of purchasing an ambulance, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Fire Chief

ARTICLE 43. Major Town Building Projects

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$320,000 for the purpose of purchasing services and materials related to reconstructing, making extraordinary repairs to, and equipping various town buildings, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 44. Town and School Energy Efficiency Initiatives

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$420,000 for the purpose of purchasing services and materials related to completing Town and School energy efficiency initiatives, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 45. High Plain/Woodhill Air Conditioning Upgrade

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$775,000 for the purpose of purchasing services and materials related to completing the air conditioning projects at the High Plain and Woodhill schools, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 46. Safety and Communications Upgrade Phase 2

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$300,000 for the purpose of purchasing services and materials related to completing safety and communications upgrades, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Chief Information Officer

ARTICLE 47. Major School Projects

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$770,000 for the purpose of purchasing services and materials related to reconstructing making extraordinary repairs to, and equipping school buildings, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 48. Parking Study Implementation

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$123,000 for the purpose of purchasing services and materials related to the Parking Study Implementation project, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Town Manager

ARTICLE 49. Rec Park/Pomps Pond Security Monitoring

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$65,000 for the purpose of purchasing services and materials related to Rec Park/Pomps Pond Security Monitoring project, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Community Services

ARTICLE 50. Amend General Bylaws Article XII Section 11 - Dogs

To see if the Town will vote to amend Section 11 of the Town's Bylaw, Dogs, by deleting Section 11(k) and Section 11(o)(4) and inserting the following new sections:

- (q) **Fines.** Violations of any provision of this bylaw shall be punished by a fine of \$75 for the first and \$100 for a second offense and \$150 for a third and subsequent offense within one calendar year. If any violation is continuing, each day's violation shall be deemed to be a separate violation.
- (r) **Bylaw violation and enforcement.** Enforcement of this section may be pursued through the provisions of Section 21D of Chapter 40 of Massachusetts General Laws which provides for noncriminal disposition. The enforcing persons shall be any police officer of the Town or any animal control officer of the Town.

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.

On request of the Director of Conservation

ARTICLE 51. Redundant Fiber

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$300,000 for the purpose of purchasing services and materials related to completing the Redundant Fiber project, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Chief Information Officer

ARTICLE 52. Selectmen and School Committee Room Upgrades

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$50,000 for the purpose of purchasing services and materials related to completing Selectmen and School Committee Room upgrades, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Chief Information Officer

ARTICLE 53. Ballardvale Fire Station Design

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$300,000 for the purpose of purchasing professional services related to the design of the Ballardvale Fire Station, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Town Manager

ARTICLE 54. Wood Hill High Plain Accessibility Project

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$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.

On request of the Town Manager

ARTICLE 55. Preserving the History of Andover

To see if the Town will vote to raise by taxation or transfer from available funds and appropriate the sum of \$50,000 for the purpose of preserving the history of Andover and providing historic education programming and further to authorize the Town Manager to enter into an agreement or agreements for the same with the Andover Historical Society, or take any other action related thereto.

On petition of Douglas Mitchell and others

ARTICLE 56. Create ID3 Zoning District

To see if the Town will amend Article VIII, Section 2.1 of the Zoning Bylaw by adding at the end of Section 2.1, ID3 Industrial Mixed-Use District and to further amend the bylaw as follows:

Amend Section 9.0 ADMINISTRATION AND PROCEDURES by adding the following:

"9.4.11 Special Permit in the ID3 District

In addition to the criteria contained in Section 9.4.2, 9.4.8 and 9.4.10 of this bylaw the Planning Board may issue a special permit in the ID3 District to allow multiple dwellings (See Appendix A, Table 1) in addition to the allowed uses within the ID2 District only after consideration of the additional special permit criteria outlined below:

- a. The proposed development shall compliment the downtown by collaborating event programming and by providing connectivity between the development and the downtown.
- b. The proposed development shall propose a mix of residential uses that serve the needs of the Town while considering impacts to town services and the schools.
- c. The proposed development shall incorporate areas of recreational space and promote a family friendly environment by providing pedestrian connections throughout the development."

Amend Section 5.0 GENERAL REGULATIONS by revising the language at the end of Section 5.1.9 Special Permit to Reduce Number of Parking Spaces: "In the ID2 and ID3 Districts, the number of parking spaces required by Appendix A, Table 3 may be reduced upon the grant of a special permit by the Planning Board upon finding the special circumstances, such as shared or remote parking opportunities as defined in Section 5.1.12, render a lesser number of spaces adequate for all parking needs."

Amend Section 5.2.14 by replacing:

"5.2.14 Signs in Industrial D (ID) and Industrial 2 (ID2) Districts." with the following:

"5.2.14 Signs in Industrial D (ID), Industrial 2 (ID2), and Industrial Mixed-Use (ID3) Districts."

Amend Appendix A, Table 1 Section 3.1.3 Table of Use Regulations by adding into the Industrial Districts Section a fifth column entitled "ID3", identical in composition to the fourth column entitled "ID2" except that in Subsection A. Residential Uses, the following uses shall require a special permit from the Planning Board which shall be signified by the use of the designation ("PB") in the ID3 column as follows:

	Industrial Districts
	ID3
A. Residential Uses	
4. Multiple Dwellings	PB
b. Multiple-dwelling (Apartment Building) (See Section 7.6.3)	PB
c. Planned development, multifamily or mixed-use (See Section 7.2)	PB
e. New multifamily dwelling construction Attached Cluster	PB

Amend Appendix A Table 2 Section 4.1.2 – Table of Dimensional Requirements by adding to the end of the Table a row for the Industrial Mixed-Use District (ID3):

District	Minimum Dimensions (e)		Minimum Yard Depth (f)			Maximum Height (g)		Maximum Coverage
	Area (SF)	Frontage (ft)	Front (ft)	Side (ft)	Rear (ft)	Ft	Stories	Percent
Industrial Mixed-Use (ID3)	----	50	50	40	40	50	4	30(b)

And further that non-substantive changes to the number 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.

On petition of Wendy Donohue and others

ARTICLE 57. Establish a New ID3 Industrial – Mixed Use District with Associated Revisions

To see if the Town will amend the Zoning By-law by making the following changes necessary to establish a new ID3 Industrial – Mixed Use district with associated revisions:

Item 1. Amend Article VIII, Section 2.1 of the Zoning Bylaw by adding at the end of the Section 2.1 the words

“ID3 - Industrial Mixed-Use District.”

Item 2. Amend Appendix A, Table 1, Section 3.1.3 Table of Use Regulations by adding into the Industrial Districts Section a fifth column entitled "ID3", identical in composition to the fourth column entitled "ID2" except that in Subsection A. Residential Uses, a “Planned Development, multifamily or mixed use (See Section 7.2)” shall require a special permit from the Planning Board which shall be signified by the designation ("PB") in the ID3 column.

Item 3. Amend Appendix A, Table 2, Section 4.1.2 – Table of Dimensional Requirements by adding to the end of the Table a row for the Industrial Mixed-Use District (ID3):

District	Minimum Lot Dimensions (e)		Minimum Yard Depth (f)			Maximum Height (g)		Maximum Coverage
	Area (SF)	Frontage (ft)	Front (ft)	Side (ft)	Rear (ft)	ft	Stories	Percent
Industrial Mixed-Use (ID3)	----	50	20	20	20	50	4	40(b)

Item 4. Amend Section 5.1.9 by revising the last sentence of Section 5.1.9 so that said sentence reads: "In the ID2 and ID3 Districts, the number of parking spaces required by Appendix A, Table 3 may be reduced upon the grant of a special permit by the Planning Board upon finding that special circumstances, such as shared or remote parking opportunities as defined in Section 5.1.12, render a lesser number of spaces adequate for all parking needs."

Item 5. Amend Section 5.2.14 by deleting the caption and substituting the following therefor:

"5.2.14 Signs in Industrial D (ID), Industrial 2 (ID2), and Industrial Mixed-Use (ID3) Districts."

Item 6. Amend 7.2 Planned Development by replacing all instances of:

"Mixed Use District" with the following:

"Mixed Use District and Industrial Mixed-Use District"

Item 7. Amend 7.2.4 Affordability by adding at the end of Section 7.2.4 "Applications seeking a Planned Development Special Permit within the Industrial Mixed-Use District may be exempt from this provision or subject to the provisions of Section 8.7.4.2 at the discretion of the Planning Board."

Item 8. Amend Section 9.0 ADMINISTRATION AND PROCEDURES by adding the following:

"9.4.11 Special Permit in the ID3 District

In addition to the criteria contained in Section 9.4.2, 9.4.8, and 9.4.10 of this bylaw, the Planning Board may issue a special permit in the ID3 District to allow multiple dwellings (See Appendix A, Table 1) in addition to the allowed uses within the ID2 District only after consideration of the additional special permit criteria outlined below:

- a. The proposed development shall complement the downtown by collaborating event programming and by providing transportation connectivity between the development and the downtown in the form of a shuttle, trolley, or other means of public transit.
- b. The proposed development shall propose a mix of residential uses that serve the needs of the Town while considering impacts to town services and the schools.
- c. The proposed development shall incorporate areas of recreational space and promote a family friendly environment by providing pedestrian connections throughout the development.
- d. The proposed development shall provide a ratio of 2 square feet of business and commercial uses for every 1 square foot of residential uses.
- e. A minimum of 25% of all proposed residential units shall be age restricted. All age restricted dwellings within the Industrial Mixed Use District shall require at least one resident to have attained the age of 55 and no resident shall be under the age of 18.

- f. All non-age restricted dwellings shall be studio or 1-bedroom units and shall not exceed 975 square feet.”

And further that non-substantive changes to the number 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.

On petition of Wendy Donohue and others

ARTICLE 58. Amend Zoning Map ID3 – Dascomb Road

To see if the Town will amend the Town of Andover Zoning Map to establish an ID3 District as shown on a plan titled, “Proposed Zoning District ID3 Dascomb Road”, dated January 27, 2017, which is on file in the Office of the Town Clerk and which is hereby made part of the Town Zoning Map and to rezone said area from ID2 to ID3.

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.

On petition of Wendy Donohue and others

ARTICLE 59. LED Street Light Purchase

To see if the Town will vote as follows:

- (i) to raise by taxation, borrow (including by lease-purchase financing), or transfer from available funds, or by any combination thereof, and to appropriate a sum of money for the purchase and installation of LED streetlights and related equipment, including all incidental and related costs and expenses;
- (ii) to authorize the Board of Selectmen to enter into a lease-purchase financing or similar agreement for such purpose with a term of three or more years; and, to meet such an appropriation;
- (iii) to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow under and pursuant to Chapter 44, Sections 3B, 14 or 21C, of Massachusetts General Laws, or any other enabling authority, and, as applicable, to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 60. Street Acceptance and Taking of Christian Way

To see if the Town will vote to accept and name Christian Way as a public way and authorize the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise any fee, easement or other interest in the following described roadway and easements related thereto, and to award no damages for said taking or payment for said acquisition:

1. The street known as Christian Way, as constructed and as shown on a plan entitled “Map 229, Lot 5, Merrimack Estates, River Road, Andover – Tewksbury, MA, Scale 1” = 200’ by Cuoco & Cormier, dated September 4, 2007, rev. June 11, 2008,” and on file in the Office of the Town Clerk, and also shown on plan entitled

“Street Acceptance Plan Christian Way, Andover, Mass.; drawn for Town of Andover: scale 1” = 40’ date February 18, 2015, rev. June 12, 2015; by Merrimack Engineering Services,” a copy of which is on file with the Office of the Town Clerk;

2. A Water Utility and Access Easement under, over, across and through the area shown as Proposed Utility Easement 3,531 S.F. on Lot 21 shown on Land Court Plan 14506E;
3. The following Drainage and Access Easements:

A non-exclusive Drainage Easement over Lot 25 shown on Land Court Plan No. 14506E, Lot 28 on Land Court Plan No. 14506F (17,399 +/- sq. ft. – Not a Building Lot) and Lot 30 (area = 12,676 +/- S.F.) on Land Court Plan No. 14506G, and the area shown as Proposed Utility Easement 3,531 S.F. on Lot 21 shown on Land Court Plan No. 14506E;

A non-exclusive perpetual Access Easement over the area shown as “Proposed 20’ Utility Easement 3,874 S.F. 0.09 AC on Lot 22 on Land Court Plan No. 14506E to pass and repass over said area on foot or by vehicle for the purposes of accessing the drainage facilities located in the Drainage Easement described above;

A Water Utility Easement over a portion of Land Court Lot 27 shown as “Proposed Water Easement “W1” on that certain Plan of Land on file with the Planning Division of the Town and also recorded with the Essex County North District Registry of Deeds as Plan R-76, entitled “Water Main Relocation Easement Plan,” Christian Way, Andover, Mass., prepared for Wiled Realty Trust by Whitman & Bingham Associates, LLC, dated September 29, 2010;

The right and easement to repair, replace, maintain and operate a drainage easement over a portion of said Land Court Lot 27 as shown on the above-referenced Water Main Relocation Easement Plan as “Drainage Easement L.C. Plan 14506 I”;

Proposed Water Easement W 2 over Lot 28 as shown on said Plan R-76; and

Water line traversing Parcel 25, and Lots 21 and 22, to and through “Proposed Christian Way” as shown on said Plan R-76.

or take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 61. Street Acceptance and Taking of Charles Circle

To see if the Town will vote to accept and name Charles Circle as a public way and authorize the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise any fee, easement or other interest in the following described roadway and easements related thereto, and to award no damages for said taking or payment for said acquisition:

1. The street known as Charles Circle, as constructed and as shown on a plan entitled, "Subdivision Plan of Land in Andover, Mass. entitled Charles Circle, Scale 1" = 40' dated August 1, 2003, revised July 19, 2004, and recorded at the Essex North District Registry of Deeds as Plan No. 15020, and on file in the Office of the Town Clerk, and also shown on plan entitled "Street Acceptance Plan Charles Circle, Andover, Mass., Prepared for Town of Andover, Date: December 9, 2015, Scale 1" = 40', Andover Consultants, Inc., Methuen, Mass.," a copy of which is on file with the Office of the Town Clerk.
2. The easement shown on Lot 2 on said Subdivision Plan and on said Street Acceptance Plan as "Proposed 25' Wide Watermain Easement."

or take any other action related thereto.

On request of the Board of Selectmen

ARTICLE 62. Street Acceptance of Gregory Circle

To see if the Town will vote to accept and name Gregory Circle as a public way and to acquire the fee or other interest in such roadway and any related easements and open space as shown on a plan entitled "Property Line Plan 'Gregory Circle' Andover, Mass." Date: October 13, 2003, revised through 12-15-03, Scale: 1"=40', Owner & Applicant: Fieldstone Meadows Development Corp., Prepared By: Andover Consultants, Inc., "which plan is recorded with the Essex North District Registry of Deeds as Plan Number 15228, and "Plan of Land in Andover, Mass." Prepared for: Fieldstone Meadows Development Corp. Date: September 7, 2011, Scale: 1"=40' Prepared By: Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 16545 and on Street Acceptance Plan entitled "Street Acceptance Plan, Gregory Circle, Andover, Mass., Prepared for Fieldstone Meadows Development Corp., Date: October 31, 2013, Scale 1"=40'" Prepared by Andover Consultants, Inc. which plan is on file with the Office of the Town Clerk, or take any other action related thereto.

On request of the Board of Selectmen

ARTICLE 63. Water Treatment Plant Maintenance

To see if the Town will vote to appropriate the sum of \$300,000 in the Water Enterprise Fund for the purpose of paying various maintenance costs related to the water distribution system and the Water Treatment Plant, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

ARTICLE 64. Amend Section 7.4.3.10 of the Zoning Bylaw

To see if the Town will vote to amend Section 7.4.3.10 Open Space of the Town's Zoning Bylaw as follows: In the last sentence after "conservation restriction" add: "as approved by Town Counsel and the Executive Secretary of Energy and Environmental Affairs pursuant to MGL Chapter 184 Section 32" so that the sentence will now state:

"A permanent conservation restriction as approved by Town Counsel and the Executive Secretary of Energy and Environmental Affairs pursuant to Massachusetts General Laws

Chapter 184 Section 32 shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation and/or passive recreation.”

On request of the Director of Planning

ARTICLE 65. Amend Section 8.8.5.7 of the Zoning Bylaw

To see if the Town will vote to amend Section 8.8.5.7 Protected Open Space of the Town’s Zoning Bylaw as follows: In the second sentence of the second paragraph, after “as approved by Town Counsel” add: “and approved by the Executive Secretary of Energy and Environmental Affairs pursuant to Massachusetts General Laws Chapter 184 Section 32” so that the sentence will now state:

“In any case where such land is not conveyed to the Town a restriction enforceable by the Town of Andover as approved by Town Counsel and approved by the Executive Secretary of Energy and Environmental Affairs pursuant to Massachusetts General Laws Chapter 184 Section 32 shall be recorded by the applicant prior to the issuance of a building permit, providing that such land shall be kept in an open or natural state in perpetuity and not be built upon or developed for accessory uses such as parking or roadway.”

On request of the Director of Planning

ARTICLE 66. Amend Section 8.8.5.8.h of the Zoning Bylaw

To see if the Town will vote to amend the last sentence of Section 8.8.5.8.h of the Zoning Bylaw by inserting “including an affordability restriction executed by the Commonwealth’s Director of Housing and Community Development pursuant to General Laws Chapter 184, Section 32” after “affordability” so that the sentence will now state:

“No clearance certificate shall be issued for any units until (a) all documents necessary to ensure compliance with this subsection including, without limitation, the documents referred to in this Section regarding affordability, including an affordability restriction executed by the Commonwealth’s Director of Housing and Community Development pursuant to General Laws Chapter 184, Section 32, have been executed and recorded at the Registry of Deeds; and (b) any required cash or other contribution has been made to the Town or its designee.”

On request of the Director of Planning

ARTICLE 67. Add New Section 4.1.4.3.h to the Zoning Bylaw

To see if the Town will vote to amend the Zoning Bylaws by adding a new Section 4.1.4.3.h as follows:

h. Multiple Buildings: In the IA, ID and ID2 Districts more than one building may be erected on a single lot.

On request of the Economic Development Council

ARTICLE 68. Amend ID2 Zoning District – Residential Use

To amend the ID2 zone to allow, with the granting of a special permit for same from the Planning Board, and in accordance with the density and regulations for same adopted by the Planning Board, residential use in unison with commercial use for a mixed use development.

On petition of Stephen Stapinski and others

ARTICLE 69. Amend ID2 Zoning District – Residential Use

To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII to:

To amend the Andover Zoning Bylaw Section 9.4.10 (Special Permit in the ID2 District) by adding in the first paragraph after the words: "Commercial Recreation Establishment" the words "Mixed Use" and to add after section 9.4.10.d the following new paragraph (sequentially):

"In the case of Mixed Use Development, no more than three square feet of net residential area shall be permitted for every one square foot of net commercial area provided, no residential unit shall be constructed that is greater than 1100 square feet net floor area in size, be greater than 2 bedrooms in size, and no more than 25% of the residential units shall be 2 bedrooms in size. The Planning Board as part of the evaluation of traffic impacts may grant a special permit to reduce the number of required residential parking spaces if it can be shown that residential parking will occur off peak from the parking for the commercial uses being proposed."

And to further amend Andover Bylaw Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations, section 3.1.3.A.4.c by adding after the words "see Section 7.2" the words "and Section 9.4.10" and replacing the "N" in the ID2 column with "PB."

On petition of Stephen Stapinski and others

ARTICLE 70. Amend ID2 Zoning District – Restaurant Drive Thru

To amend the ID2 zone to allow, with the granting of a special permit for same from the Planning Board, and in accordance with regulations for same adopted by the Planning Board, a drive up window for restaurants.

On petition of Stephen Stapinski and others

ARTICLE 71. Amend ID2 Zoning District – Restaurant Drive Thru

To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII to:

Amend the Andover Zoning Bylaw Section 10.1, Definitions to add the following definition after "Removal":

"Restaurant, Coffee Shop. A restaurant whose principal product of sale, for consumption and off premises, is coffee and other related beverages with breakfast pastries and sandwiches being the accessory, not principal, sale product. The building cannot exceed 1,400 square feet in size and may not have more than 20% of all building facades constructed of glass windows or doors and the building may have a Drive Thru Window."

And further amend the Andover Zoning Bylaw Section 9.4.10 (Special Permit in the ID2 District) by adding in the first paragraph after the words: "Restaurant (fast food)" the words "Restaurant, Coffee Shop" and to add a new section sequentially after section 9.4.10.d as follows:

"In the case of a Restaurant, Coffee Shop the building design and the drive thru design lane shall be subject to the Design Review Requirements of this by law and subject to the review and approval by the Planning Board"

And to further amend Andover Bylaw Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations, section 3.1.3.C.12 "Restaurants" by adding after section 3.1.3.C.12.c a new section 3.1.3.C.12.d.

"3.1.3.C.12.d Restaurant, Coffee Shop" and by inserting 'N' in columns SRA, SRB, SRC, APT, LS, OP, GB, MU IG, IA, ID and inserting "PB" in column ID2."

And further amend Andover Zoning Bylaw Appendix A, Table 3 Section 5.1.4-Table of Off-Street Parking Requirements by adding in Section 5.1.4.C.12 "Restaurants," a new section c:

"5.1.4.C.12.c Restaurant, Coffee Shop: Required Parking Spaces: "One parking space for each two seats, plus 1.5 parking spaces for each 2 employees."

And to take any other action thereto.

On petition of Stephen Stapinski and others

ARTICLE 72. Marijuana Moratorium Bylaw – Amend Zoning

To see if the Town will vote to amend the Town of Andover Zoning Bylaw by adding a new Section 8.10: TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS, MARIJUANA RETAILERS AND OTHER SALE OR DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS WHICH ARE NOT INCLUDED IN THE DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTERS, as follows:

Section 8.10.1. PURPOSE

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control and production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission under the Act are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and Marijuana Establishments and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The Town

intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objections.

Section 8.10.2. DEFINITIONS

“Marijuana,” “Marijuana Establishment,” “Marijuana Product,” and “Marijuana Retailer” shall have the meaning as set forth in the Act.

Section 8.10.3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a “Marijuana Establishment” and “Marijuana Retailer” which are not included in the definitions for Medical Marijuana Treatment Center or Registered Marijuana Dispensary. The moratorium shall be in effect through December 1, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in Town, consider the Cannabis Control Commission regulations regarding “Marijuana,” “Marijuana Establishment,” “Marijuana Product,” and “Marijuana Retailer” and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

8.10.3.1. INTERIM RESTRICTION

The use of land or structures for a “Marijuana Establishment” or “Marijuana Retailer” which are not included in the definition of Medical Marijuana Treatment Center or Registered Marijuana Dispensary shall not be permitted in any zoning district in the Town of Andover so long as this Section 8.10 is effective, as set forth in Section 8.10.4 below. Use variances shall be strictly prohibited.

Section 8.10.4. EXPIRATION

The Moratorium shall be in effect through December 1, 2018 so that the Town of Andover can enact superseding zoning regulations that set forth requirements applicable to marijuana uses.

On request of the Director of Planning

ARTICLE 73. Amend Article VIII of the Zoning Bylaw

To see if the Town will amend Article VIII of the Zoning Bylaw in the following ways:

1.) To see if the Town will amend Article VIII, Section 7.3.8, replace the term “Design Advisory Group” with the term “Design Review Board” and shall read as follows “7.3.8. Board Review. Before acting upon the application, the Planning Board shall submit it to the following boards and agencies which may review it jointly or separately: the Board of Health, the Conservation Commission, the Department of Public Works, the Design Review Board and other boards or agencies the Planning Board may deem appropriate. Any such agency to which applications are referred for review shall submit such recommendations as it deems appropriate to the Planning Board. Failure to make

recommendations within 20 days of receipt shall be deemed lack of comment or opposition.”

2.) To see if the Town will amend Article VIII, 7.4 ELDERLY HOUSING, Section 7.4.2. Applicability. The Planning Board may grant a special permit for elderly housing as described in Section 7.4. by inserting in 7.4.2. Applicability “2. Before acting on the application, the Planning Board shall submit it to the Design Review Board, which shall submit such recommendations as it deems appropriate to the Planning Board. Failure to make recommendations within 30 days of receipt shall be deemed lack of comment or opposition. For DRB review of elderly housing in General Business and Mixed Use districts, see also Sections 9.6.2 and 9.6.3.”

3.) To see if the Town will amend Article VIII, by replacing “9.4.8. Major Non-Residential Projects. For any Major Non-Residential Project as defined in Section 10.0:

- a. the provisions of subsections 9.5.3 and 9.5.4.1 and 2 shall apply;
- b. the Planning Board may require the applicant to submit more information about the proposed development within the purposes and guidelines of Section 9.5., or based on the comments of the reviewing boards and agencies. Additional information shall be submitted to the Planning Board within 10 days of written request by the Board.
- c. in reviewing the application, the Planning Board shall, as a minimum, consider staff comments and the items in subsections 9.5.4.3.a through k.
- d. the special permit criteria of subsection 9.4 shall be met.

with the following “9.4.8. Major Non-Residential Projects. For any Major Non-Residential Project as defined in Section 10.0:

- a. the provisions of subsections 9.5.3 and 9.5.4.1 and 2 shall apply;
- b. the Planning Board may require the applicant to submit more information about the proposed development within the purposes and guidelines of Section 9.5., or based on the comments of the reviewing boards and agencies. Additional information shall be submitted to the Planning Board within 10 days of written request by the Board.
- c. For projects in LS, OP, and IG districts, the Planning Board may at its discretion require the applicant to submit to the Design Review Board, pursuant to Section 9.6.3. of the Zoning Bylaw, for the Design Review Board Report. For DRB review in General Business and Mixed Use districts, see Sections 9.6.2. and 9.6.3. For DRB review in ID2 Districts, see Section 9.4.10.
- d. In reviewing the application, the Planning Board shall, as a minimum, consider staff comments and the items in subsections 9.5.4.3.a through k.
- e. the special permit criteria of subsection 9.4 shall be met.”

4.) To see if the Town will amend Article VIII, by replacing “9.6.3. Mandatory Review. Whether or not requested by the applicant, the DRB shall review all applications for building permits, special permits or variances for proposals located in areas zoned for General Business and Mixed Use if involving new construction, exterior alteration or a sign larger than four square feet, a new structure built by or for the use of the Town of Andover in any district; provided, however, that the lack of a report from the DRB shall

not be sufficient reason to delay action on a proposal which otherwise could be acted upon by the Building Inspector, Special Permit Granting Authority or Board of Appeals. An extra copy of all usual submittals required for such proposals shall be provided to the DRB through the Inspector of Buildings. The DRB review shall preferably be done in consultation with the applicant and his designer. The DRB shall provide a report in writing to the applicant and as follows:

1. For building permits: to the Inspector of Buildings regarding any relevant changes.
2. For special permits: to the Special Permit Granting Authority (SPGA) as provided in Section 9.4.2.
3. For variances: to the Board of Appeals as provided in Section 9.2.2.2.”

with the following “9.6.3. Application Review. Whether or not requested by the applicant, the DRB shall review all applications for building permits, special permits or variances for proposals located in areas zoned for General Business and Mixed Use if involving new construction, exterior alteration or a sign larger than four square feet, a new structure built by or for the use of the Town of Andover in any district; provided, however, that the lack of a report from the DRB shall not be sufficient reason to delay action on a proposal which otherwise could be acted upon by the Building Inspector, Special Permit Granting Authority or Board of Appeals. In addition, the DRB shall review applications for outdoor dining in GB and MU districts, private property on Town sidewalks on or near Main Street, special permits for attached clusters, development projects in the Historic Mill District, and elderly housing. At the discretion of the Planning Board, the DRB shall also review applications for special permits in the ID2 district as well as major non-residential projects in LS, OP, and IG districts. An extra copy of all usual submittals required for such proposals shall be provided to the DRB through the Inspector of Buildings. The DRB review shall preferably be done in consultation with the applicant and his designer. The DRB shall provide a report in writing to the applicant and as follows:

1. For building permits: to the Inspector of Buildings regarding any relevant changes.
2. For special permits: to the Special Permit Granting Authority (SPGA) as provided in Section 9.4.2.
3. For variances: to the Board of Appeals as provided in Section 9.2.2.2.”

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.

On request of the Design Review Board

ARTICLE 74. Streamgage Station on the Shawsheen River

To see if the Town will appropriate from free cash the sum of \$75,000 for the purpose of operating and maintaining a Streamgage Station on the Shawsheen River in the vicinity of Balmoral Street and further to authorize the Town Manager to enter into an agreement for the same with the United States Geological Survey.

On petition of John Mahoney and others

ARTICLE 75. Resolution on Anti-Corruption Laws

Whereas, the current and increasing role of money in politics threatens the democratic ideals upon which our republic was founded; and

Whereas, the Town holds an important position in the historical development of this republic; and

Whereas, it is incumbent upon the inheritors of that history to speak out when this republic is threatened by the accelerated advance of oligarchy, as opposed to government of the people, by the people and for the people.

Now, therefore, be it resolved it is the position of the Town of Andover, Massachusetts, that, in order to ensure our elected officials represent us all, tough, new, anti-corruption laws must be passed by Congress and the Massachusetts General Court, including:

- 1) Legislation to prohibit politicians from taking campaign money from industries they regulate;
- 2) Put limits on unregulated SuperPacs and other groups;
- 3) Increase transparency for campaign funding;
- 4) Stop elected representatives and senior staff from negotiating jobs while in office and bar them from all lobbying activity for 5 years once they leave;
- 5) Empower all voters through a \$100 or more tax rebate voucher to contribute to the candidates they support;
- 6) Strengthen agencies and ethics committees to enforce the rules against politicians and special interests that break campaign finance law.

On petition of Thomas Hartwell and others

ARTICLE 76. Ledge Road Landfill Post Closure Use

To see if the Town will vote to prohibit the Post Closure Use of the Ledge Road landfill property to include Department of Municipal Services Public Works and/or Plant & Facilities Material Handling Operations and/or Materials/Vehicle/Equipment storage facility following completion of the Ledge Road Landfill Closure Project.

On petition of Joe Albuquerque and others

ARTICLE 77. Ledge Road Landfill Emissions Standards

To see if the Town will vote to require the Department of Municipal Services and all Contractors on the Ledge Road Landfill Closure Project to use construction equipment with engines manufactured to Tier 4 federal emissions standards or that have been retrofitted with the best available after-engine emission control technology, such as oxidation catalysts or diesel particulate filters.

On petition of Brad Wright and others

ARTICLE 78. Aggregate Electrical Load

To see if the Town will initiate the process to aggregate electrical load pursuant to Section 134 of Chapter 164 of the Massachusetts General Laws, and grant the Board of Selectmen authority to research, develop, and participate in a contract or contracts to aggregate the electricity load of the residents and businesses in the Town, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt out of the aggregation, or take any other action relative thereto.

On petition of Keith Saxon and others

ARTICLE 79. Elected Board of Water Commissioners

To see if the Town will vote to accept the provisions of Section 39A of Chapter 40 of Massachusetts General Laws to elect a Board of Water Commissioners in accordance with Section 69A of Chapter 41 of the Massachusetts General Laws at the next local election and cease having its Board of Selectmen act as such upon election of said Commissioners.

On petition of Keith Saxon and others

ARTICLE 80. Abandonment of Sewer Easement

To see if the Town will vote to authorize, but not require, the Board of Selectmen acting as Selectmen and as Water and Sewer Commissioners to abandon all of the Town's right, title and interest in a fifteen (15) foot wide easement for sewer purposes reserved in a deed by the Inhabitants of the Town of Andover in a conveyance to the American Woolen Company recorded at the Essex North District Registry of Deeds at Book 502, Page 516 and further shown as "Town of Andover - Sewer" on a "Plan of Land in Shawsheen Village, Andover, Mass" drawn by John Franklin, C.E. dated May 1924 and recorded at the Essex North District Registry of Deeds as Plan No. 558, but not to abandon the thirty (30) foot wide right of way which is reserved in said Deed and shown as "Right of Way" on said Plan, upon terms and conditions that the Selectmen determine are in the best interest of the Town.

On petition of Mark B. Johnson and others

ARTICLE 81. Town Yard Fence

To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$4,000 for the purpose of paying the cost to construct a solid stockade fence approximately 131 feet in length to serve as a visual barrier, provide buffering and screening, and provide safety to children, between the recently expanded municipal town yard property and operation located at 15 Buxton Court and adjacent residential property located at 98 North Main Street, more specifically shown on Assessors Map 38, Lot 32 and Assessors Map 38, Lot 31 respectively, or take any other action related thereto.

On petition of Monica Morell and others

ARTICLE 82. Amend General Laws Article XII, Section 11 - Dogs

To see if the Town will vote to amend Article XII, Section 11 (Dogs) of the general bylaws by adding subsection (q) as follows:

- (q) Spring Grove Cemetery. Dogs are prohibited in Spring Grove Cemetery. This regulation relating to Spring Grove Cemetery shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this regulation or to any individual who utilizes a guide dog.

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.

On request of the Town Manager

ARTICLE 83. Amend General Laws Article XII, Section 11 - Dogs

To see if the Town will vote to amend Article XII, Section 11 (Dogs) of the general bylaws by adding subsection (q) as follows:

- (q) Spring Grove Cemetery. Dogs under restraint shall be permitted in Spring Grove Cemetery subject to the provisions of this bylaw regarding the removal and disposal of canine waste.

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.

On request of the Town Manager

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 3rd day of April 2017.


 _____)
 Paul J. Salafja, Chair)

 _____)
 Alexander J. Vispoli, Vice Chair)

 _____)
 Laura M. Gregory, Selectman)

 _____)
 Daniel H. Kowalski, Selectman)

 _____)
 Robert A. Landry, Selectman)

SELECTMEN
OF
ANDOVER

A true copy

ATTEST

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2017

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 *Eagle Tribune*. Said warrants have been posted and published fourteen days.

Ronald Bertheim, Constable