

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

To Either of the Constables of the Town of Andover

Greeting:

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

TUESDAY, THE TWENTY-SIXTH DAY OF MAY, 2009

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

Annual Town Election

ARTICLE 1. Results of the Annual Town Election on March 24, 2009: Moderator for one year, two Selectman for three years, two School Committee members for three years, one member of the Andover Housing Authority for five years, one member of the Greater Lawrence Regional Vocational Technical School District Committee for three years and five members of the Punchard Free School Trustees for three years.

Election Not Required by Ballot

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

On request of the Town Clerk

Salaries of Elected Officials

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

On request of the Town Clerk

FY-2010 Budget

ARTICLE 4. To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2009 and ending June 30, 2010, or take any other action related thereto.

On request of the Town Manager

FY-2010 Capital Projects Fund Appropriation

ARTICLE 5. To see if the Town will vote to raise by taxation and appropriate the sum of \$1,780,000 for the purpose of funding the Fiscal Year 2010 appropriation for the Capital Projects Fund or take any other action related thereto.

On request of the Town Manager

Budget Transfers

ARTICLE 6. To see if the Town will vote to transfer from amounts previously appropriated at the 2008 Annual Town Meeting as authorized by MGL Chapter 44, Section 33B, or take any other action related thereto.

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

Supplemental Budget Appropriations

ARTICLE 7. To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the April 2008 Annual Town Meeting, or take any other action related thereto.

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

Free Cash

ARTICLE 8. To see what amount the Town will vote to permit the Assessors to use in free cash to reduce the Fiscal Year 2010 tax rate and to affect appropriations voted at the 2009 Annual Town Meeting, or take any other action related thereto.

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

Unexpended Appropriations

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

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

Accumulated Employee Benefit Account

ARTICLE 10. To see if the Town will vote to raise by taxation or by transfer from available funds and appropriate a sum not to exceed \$350,000 to the Accumulated Employee Benefit Account for funding terminal leave liabilities upon being eligible for retirement under the Andover Contributory Retirement System and terminating employment with the Town, or take any action related thereto.

On request of the Town Accountant

Procurement – Petition to the General Court

ARTICLE 11. To see if the Town will authorize the Board of Selectmen to petition the General Court to enact Special Legislation as follows:

“In the Town of Andover, every procurement for the construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town estimated to cost less than \$5,000 shall be obtained through the exercise of sound business practices. The Town shall make and keep a record of each such procurement. Said record shall, at a minimum, include the name and address of the person from whom the services were procured. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town estimated to cost not less than \$5,000 but less than \$10,000 shall be awarded to the responsible person offering to perform the contract at the lowest price quotation; provided, however, that the Town shall seek written price quotations from no fewer than three persons customarily providing the work for which the contract is being made available. When seeking written quotation, the Town shall make and keep a record of the names and addresses of all persons from whom price quotations were sought, the names of the persons submitting price quotations and the date and amount of each price quotation. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Andover estimated to cost not less than \$10,000 but not more than \$25,000 shall be awarded to the responsible person offering to perform the contract at the lowest price. The Town shall make public notification of the contract and shall seek written responses from persons who customarily perform such work. The public notification shall include a scope of work statement that defines the work to be performed and provides potential responders with sufficient information regarding the objectives and requirements of the public agency and the time period within which the work is to be completed. For purposes of this subsection, “public notification” shall include, but not necessarily be limited to, posting, no less than two weeks before the time specified in the notification for the receipt of responses, the contract and scope of work statement on the website of the public agency and, either on the COMPASS system, so-called, or in the Central Register established under Section 20A of Chapter 9, and in a conspicuous place in or near the primary office of the public agency. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Andover estimated to cost more than \$25,000 but not more than \$100,000 shall be awarded to the lowest responsible and eligible bidder on the basis of competitive bids publicly opened and read in accordance with the procedure set forth in said Section 39M of said Chapter 30. The term “pumping station” as used in this section shall mean a

building or other structure which houses solely pumps and appurtenant electrical and plumbing fixtures.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Andover estimated to cost more than \$100,000, except for a pumping station, to be constructed, reconstructed, installed, demolished, maintained or repaired as an integral part of a sewer construction or water construction project bid under the provisions of Section 39M of Chapter 30, shall be awarded to the lowest responsible and eligible general bidder on the basis of competitive bids in accordance with the procedure set forth in General Laws, Chapter 149, Section 44A to 44H, inclusive.

When the General Court has approved the use of al alternative mode of procurement of construction for a project pursuant to Section 7E of Chapter 29, the Town shall follow the policies and procedures of this section and of Section 44B to 44H, inclusive, to the extent compatible with the mode of construction procurement selected.

Notwithstanding the foregoing paragraph, the Town may undertake the procurement of modular buildings, in accordance with General Laws, Chapter 149, Section 44E. The Town may procure site work for modular buildings, including, but not limited to, construction of foundations, installations, and attachment to external utilities, or any portion of site work, either in combination with the procurement of modular buildings pursuant to General Laws, Chapter 149, Section 44E or on the basis of competitive bids pursuant to the foregoing paragraph. Notwithstanding the foregoing paragraph, the Town may procure energy management services in accordance with Section 11C of Chapter 25A and regulations promulgated thereunder.”

This Act shall take effect immediately upon passage. The General Court may vary the form and substance of the requested legislation within the scope of the general public objective of the petition, or take any other action related thereto.

On request of the Plant & Facilities Director

Punchard Free School Trustees – Petition to the General Court

ARTICLE 12. To see if the Town will vote to submit the following petition to the General Court:

Notwithstanding the provisions of Chapter 7 of the Acts of 1851, Chapter 76 of the Acts of 1853, Chapter 77 of the Acts of 1856, Chapter 396 of the Acts of 1869, Chapter 47 of the Acts of 1877, or any other General or Special Law to the contrary, the Board of Trustees of the Punchard Free School shall consist of five trustees, who shall be residents of the Town of Andover elected by the registered voters. The Trustees who are in office when this legislation becomes effective shall serve until the expiration of their terms. At the first election of the successors to the Trustees who are in office when this legislation becomes effective, the Town shall elect five Trustees, two of whom shall serve for terms of three years, two for terms of two years and one for a term of one year. At each Annual Town Election thereafter, the voters shall

elect in place of Trustees whose terms are about to expire a like number of Trustees to serve for terms of three years, or take any other action related thereto.

On request of the Punchard Free School Trustees

FAA Lease

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to enter into a renewal of the lease between the Town and the United States of America, Federal Aviation Administration, of land at the Town of Andover Water Treatment Plant, for the purpose of maintaining an Outer Marker and a Compass Locator Antenna servicing the Lawrence Municipal Airport, for a term of up to five years, on terms and conditions the Board deems in the best interest of the Town or take any other action related thereto.

On request of the Department of Public Works Director

Transfer from Overlay Surplus

ARTICLE 14. To see if the Town will vote to transfer a sum of money from Overlay Surplus and appropriate to various fiscal years Allowance for Abatements and Exemptions accounts, or take any other action related thereto.

On request of the Finance Director

Insurance Recovery Transfer

ARTICLE 15. To see if the Town will vote to transfer the sum of \$110,585 from Insurance Proceeds in Excess of \$20,000 account and appropriate to the Municipal Building/Insurance Fund, said sum being the amount of insurance proceeds received on May 22, 2008 for Structural Repairs to the Bancroft Elementary School, or take any other action related thereto.

On request of the Town Accountant

Town Yard Master Plan

ARTICLE 16. To see if the Town will vote to raise by taxation, borrowing or transfer from available funds and appropriate the sum of \$30,000 to develop a master plan for the redevelopment of the existing Town Yard off Lewis Street, or take any other action related thereto.

On the request of the Planning Director and the Town Yard Task Force

5 Campanelli Drive – Right-of-First Refusal and Site Evaluation

ARTICLE 17. To see if the Town will vote to authorize the Board of Selectmen to enter into a right-of-first refusal, or an option, to purchase 5 Campanelli Drive (Assessor's Map 142, Lot 6),

on terms and conditions the Selectmen deem to be in the best interest of the Town, for general municipal purposes, including the development of a new Town Yard facility and to raise and appropriate or transfer from available funds a sum of \$47,255 to acquire such a right or option and also for related expenditures to evaluate the purchase of the property including, but not limited to, an environmental report, title search, appraisal and other expenses incidental thereto, or take any other action related thereto.

On request of the Town Yard Task Force

Site Evaluation for a new Town Yard

ARTICLE 18. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$20,000 and to authorize the Board of Selectmen to evaluate a parcel or parcels of land for general municipal purposes, including the development of a new Town Yard facility. Said evaluation or evaluations shall include but not limited to, an environmental report, title search, appraisal and other expenses incidental and related thereto, or take any other action related thereto.

On request of the Town Yard Task Force

Medicare Extension Plans for New Retirees – Statute Acceptance

ARTICLE 19. To see if the Town will vote to accept Section 18A of Chapter 32B of the Massachusetts General Laws authorizing the Town to require all retirees, who retire after the acceptance of this Section, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the Town, or take any other action related thereto.

On request of the Town Manager

Fireworks

ARTICLE 20. To see if the Town will provide funding in the amount of \$10,000 for a Fireworks Program as part of the Fourth of July Program from available funds, or take any other action related thereto.

On petition of Gerald H. Silverman and others

Funds from Stabilization Fund to School Department

ARTICLE 21. To see if the Town will vote to appropriate the sum of two million dollars (\$2,000,000) to the School Department operating budget from the Stabilization Account, or take any other action related thereto.

On petition of William Pennington and others

Transfer from Stabilization Fund to School Department for High School Athletics

ARTICLE 22. To see if the Town will vote to appropriate the sum of one hundred thousand dollars to the School Department operating budget from the Stabilization Account, to offset a portion of a decrease in funding for the Andover High School Athletic Program, or take any other action related thereto.

On petition of David Geaslen and others

General Housekeeping Articles

ARTICLE 23. 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 2010 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

On request of the Board of Assessors

E. Contracts in Excess of Three Years

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

On request of the Town Manager

F. Accepting Easements

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

On request of the Town Manager

G. Rescinding of Bond Authorizations

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

On request of the Finance Director

Granting Easements

ARTICLE 24. To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

Unpaid Bills

ARTICLE 25. To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action related thereto.

On request of the Town Accountant

Chapter 90 Authorizations

ARTICLE 26. To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements, or take any other action related thereto.

On request of the Town Manager

Revolving Accounts

ARTICLE 27. To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2009, or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2010 Limit
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$110,000
B. Memorial Hall Library-Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
C. Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$40,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	\$605,000
E. Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	\$400,000
F. Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	\$80,000
G. Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	\$300,000

H. Public Safety	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
I. Memorial Hall Library Audio/Visual	MHL Director	Purchase of audio/visual materials	Rental of audio/visual materials	\$40,000
J. School Photocopy Fees	School Dept.	Photocopy Center Costs	External Private Groups	\$20,000
K. Compost Program	Plant & Facilities Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	\$60,000
L. Solid Waste	Public Works Director	Offset Trash & Recycling Costs	CRT, HHW & Trash fees	\$40,000
M. Stormwater Management	Planning Director	Consulting and environmental monitoring of Stormwater Management applications and permits	Applicant	\$30,000

On request of the Finance Director

Elderly/Disabled Transportation Program

ARTICLE 28. To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program, or take any other action related thereto.

On request of the Council on Aging

Water Main Construction and Reconstruction

ARTICLE 29. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$500,000 for the purpose of paying costs of engineering, designing, constructing, reconstructing or replacing water mains, or take any other action related thereto.

On request of the Department of Public Works Director

Water System Supply Improvements

ARTICLE 30. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$250,000 for the purpose of paying costs of engineering, designing, replacing instrumentation and chemical feed systems, or take any other action related thereto.

On request of the Department of Public Works Director

Sale or Lease of Town Land

ARTICLE 31. To see if the Town will vote to authorize the transfer of the care, custody, management and control of the parcel of land, shown as *Land of Town of Andover* on a Plan of Easement in Andover, Mass. Owner: Town of Andover, Dated March 26, 1995 by Andover Consultants, Inc., and recorded at the Essex North District Registry of Deeds as Plan 12821, as shown as Lot 2 on Assessors Map 55, to the Board of Selectmen and to authorize the Selectmen to sell or convey or lease the land on such terms and conditions as they deem in the best interest of the Town, even if the Town receives no financial payment, or take any other action related thereto. A copy of Plan 12821 and Assessors Map 55 are on file with the Town Clerk's Office.

On petition of Mark B. Johnson, Esq. and others

Granting of Easements Across Town Land – Land on Essex Street

ARTICLE 32. To see if the Town will vote to authorize the Selectmen to grant utility, and/or access and/or parking easements on the land shown as *Land of Town of Andover* on a Plan of Easement in Andover, Mass. Owner: Town of Andover, Dated March 26, 1995 by Andover Consultants, Inc. and recorded at the Essex North District Registry of Deeds as Plan 12821 as shown as Lot 2 on Assessors Map 55, on such terms and conditions and in such locations above or below ground as they deem in the best interest of the Town, even if the Town receives no financial payment, or take any other action related thereto. A copy of Plan 12821 and Assessors Map 55 are on file with the Town Clerk's Office.

On petition of Mark B. Johnson, Esq. and others

Fire Rescue Ambulance

ARTICLE 33. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$225,000 for the purpose of purchase of an ambulance, or to take any other action related thereto.

On request of the Fire Chief

Ballardvale Fire Station Replacement

ARTICLE 34. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$200,000 for the purpose of planning, engineering and design for the replacement of the Ballardvale Fire Station and expenses incidental and related thereto, or take any other action related thereto.

On request of the Fire Chief

Watershed Protection Overlay District – Zoning By-law Amendment

ARTICLE 35. To see if the Town will vote to amend Article VIII, Section 8.1 of the Zoning Bylaw, by deleting it in its entirety and replacement it with the following:

“SECTION 8.0. SPECIAL DISTRICT REGULATIONS

8.1 WATERSHED PROTECTION OVERLAY DISTRICT

8.1.1. Purpose. The Watershed Protection Overlay District (WPOD) is established in the Town of Andover for the following purposes:

1. To preserve and protect surface and ground water resources in the Fish Brook/Haggetts Pond Watershed Protection Overlay District (WPOD) for the health, safety and welfare of its people;
2. To protect the community from the detrimental use and development of land and waters within the WPOD.
3. The WPOD does not limit the existing authority of the Conservation Commission pursuant to G.L. c. 131, s. 40.
4. This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

8.1.2. Establishment. The WPOD includes all the lands which create the catchment or drainage areas of Fish Brook or Haggetts Pond as part of their natural or man-made drainage system. The district includes all areas designated on the plan titled “Fish Brook/Haggetts Pond Watershed Protection Overlay District”, dated December 1985, prepared by the Town Engineer, as amended, and also as amended by the plan titled “Topographic Plan Requested Revision to Watershed Protection Overlay District River Road, Andover, MA, dated January 19, 2006” prepared by Dana F. Perkins, Inc., for Richard and Kay Pelletier, 176 River Road, Andover, MA 01810, which plans are on file in the office of the Town Clerk and which are hereby made part of the Town Zoning Maps. [Amended 4-24-2006 ATM, Art. 50]

Within the WPOD, Priority Zones 1 and 2 shall be designated to identify areas where permitted uses and design standards shall apply based upon, in part, the linear distances from surface waters and tributaries. Priority Zone 1 shall include land areas up to 400 feet from the annual high water levels of Haggetts Pond, its tributaries, and Fish Brook, respectively. Priority Zone 2 shall include land areas exceeding 400 feet and extending out to ½ mile from the edge of Priority Zone 1(Priority Zones 1 and 2 shall apply to Fish Brook and any other Class A water source that is tributary to surface water supplies within the WPOD to a distance of 200 feet from the source).

1. Burden of Proof. When a property owner seeks town approval for any work done on a lot which is partially contained within the WPOD boundary, the owner must include with his or her application a map on a scale of one inch equals forty feet prepared by a registered professional surveyor, stamped by a Registered Professional Engineer specializing in Civil Engineering, and approved in writing by the Town Engineer, showing the boundary of the WPOD with respect to the owner's property limits. The Planning Board may, upon review of the application, determine what portion, if any, of such lot is contained within the WPOD. The Planning Board may issue an order approving said plan if the Planning Board determines that land on such lot shown outside the WPOD is not part of the catchment or drainage areas of Fish Brook or Haggetts Pond or part of their natural or man-made drainage system.

8.1.3. Overlay District. The WPOD is an overlay district and shall be superimposed on the other districts established by this by-law. Land in the WPOD may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions which follow herein.

8.1.4. Permitted Uses. The following uses are permitted within the WPOD, subject to the design standards set forth in Section 8.1.7:

1. Conservation of soil, water and plants;
2. Outdoor recreation and nature study;
3. Boat docks and landings, except on Haggetts Pond and Fish Brook, pedestrian and bicycle paths and bridges; and horse paths and bridges;
4. Operation and maintenance of dams, splash boards and other water control, supply and conservation devices;
5. Residential development, as permitted in the underlying district;
6. Farming, gardening, nursery, conservation, golf courses, forestry, harvesting and grazing, subject to restrictions set forth in Section 8.1.5.3;
7. Earth removal as defined in Sections 6.3.2, 6.3.3, and 6.3.4, where such removal will not endanger ground or surface water quality and where non-construction

excavation or grading shall not come closer than four feet above maximum groundwater elevation. The angle of graded slopes shall be no greater than that which can be held by existing or planned vegetation;

8. Construction, alteration, repair and maintenance of municipal infrastructure, including water system, sewer systems, drainage, roadways and public utilities;
9. Storage of heating oil within a building, provided that all necessary state and local approvals have been obtained.
10. Existing on-site sewage disposal and treatment systems within 400 feet of Haggetts Pond, provided that on-site disposal and treatment systems are maintained in accordance with requirements set forth in 310 CMR 15.300 et seq.

8.1.5. Special Permit Uses. The Planning Board may allow the following uses within the WPOD upon the grant of a special permit and subject to any additional conditions the Planning Board may impose:

1. Ponds or other changes in water bodies or watercourses, created for recreational use or drainage improvements;
2. The creation of ponds not subject to Conservation Commission jurisdiction under the Wetlands Protection Act
3. The storage, manufacture or use of hazardous or toxic substances other than those prohibited in Section 8.1.6 as long as there is minimal risk to health, safety, and the environment as provided for in 310 CMR 40 Massachusetts Contingency Plan and would not exceed any state or federal water quality criteria or standards if spilled, discharged or otherwise released. All reasonable and necessary measures shall be taken to prevent spills, discharges or other releases of the hazardous or toxic substances to the environment.

8.1.6. Prohibited Uses. The following uses are prohibited within the WPOD, except as otherwise noted within this By-Law:

1. The bulk storage of salt and other road de-icing chemicals;
2. Landfills and open dumps as defined in 310 CMR 19.006;
3. Automobile graveyards and junkyards, as defined in M.G.L. c. § 140B, 1;
4. The discharge of stormwater into Fish Brook, Haggetts Pond, or any other surface water body or tributary stream within Priority Zones 1 or 2 for which oil/water separation devices have not been installed and regularly maintained at the nearest upstream manhole structure before the outfall;

5. Any new building, structure, land-disturbing activities, excavation or fill within fifty feet of all water bodies and watercourses as defined in this by-law; except for that which is necessary for the operation, modification, repair, replacement or expansion of the town's public drinking water supply system, and foot, bicycle and/or horse paths and bridges and said systems which will be consistent with the purposes set forth in Section 8.1.1.
6. The storage, management or disposal of solid waste or refuse as defined in Massachusetts regulations at 310 CMR 19 ;
7. Gasoline service station, repair garage or body shop for motorized vehicles;
8. The stockpiling, or disposal of snow within the WPOD boundaries from any sources either within or outside the boundaries of the WPOD;
9. Unless otherwise exempted or excluded under federal, state, or local requirements, the storage, management, or disposal (including septic systems and floor drains) of hazardous materials as defined in Massachusetts regulations cited at 310 CMR 40.1600 (Oil and Hazardous Materials List) and Federal regulations cited at 40CFR Part 355 (Extremely Hazardous Materials List).
10. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any other subsequent amendments;
11. Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater;
12. Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L. c. 21, §§ 26 through 53; M.G.L. c. 111, § 17; M.G.L. c. 83, §§ 6 and 7, and regulations promulgated there under;
13. Unless otherwise exempted or excluded under federal, state, or local requirements, facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00;
14. Unless otherwise exempted or excluded under federal, state, or local requirements, the storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products;
15. Storage of commercial fertilizers, as defined in MGL c 128, § 64;
16. Storage of sludge and septage;

17. Storage, stockpiling, or spreading of animal manure within Priority Zone 1;
18. Earth removal, consisting of the removal of soil, loam, sand, gravel or any other earth material (including mining activities) to within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;
19. Any new on-site sewage treatment and disposal systems within 400 feet of a surface water supply as provided for in 310 CMR 15.211 and within 200 feet of one or more rivers, streams, or swales which are tributary to the surface water supplies;
20. Prohibitions not otherwise specified herein, but provided for in 310 CMR 22.20B, Surface Water Supply Protection.
21. For lots constructed after June 1, 2009 in addition to the above named prohibited uses the following shall apply: Any new building, structure, land-disturbing activities, excavation or fill within Priority Zone 1 as defined in this by-law; except for that which is necessary for the operation, modification, repair, replacement or expansion of the town's public drinking water supply system, and foot, bicycle and/or horse paths and bridges and said systems which will be consistent with the purposes set forth in Section 8.1.1.

8.1.7. Design Standards. Any development of land within the WPOD, except for modifications/changes to previously existing buildings or structures within Priority Zone 1, shall meet the following design standards in addition to all standards imposed by the underlying zoning district. Where a lot is partially contained within the WPOD boundary, these standards shall apply to that portion of the lot which is determined to be within the WPOD:

1. Slopes which exceed an average of fifteen percent (15%) over a distance of ten feet or more shall remain undisturbed;
2. Where a lot is partially outside the WPOD, the site plan shall, to the greatest extent possible, locate pollution sources, such as subsurface sewage disposal systems, outside the district;
3. Vegetation on the lot shall be planted and located in such a way as to maximize groundwater recharge, absorb and filter runoff and reduce erosion;
4. All construction activities as allowed within the WPOD shall be designed or sited to minimize erosion and runoff, by such practices as minimizing the construction period, slope stabilization, ditch maintenance, filtering, sedimentation basins and re-vegetation. A Sedimentation and Control Plan, prepared and stamped by a Massachusetts Registered Professional Engineer, and approved by the Town Planning Board and other local agencies as may be needed, shall be required for

all construction and land-disturbing activities within the designated Priority Zone 1 of water bodies and tributaries to the water supply as defined in Section 8.1.2. In addition, a Planting and Re-vegetation Plan prepared by a licensed Landscape Architect and approved by the Town shall be required as part of all construction and land disturbing activities within the WPOD.

5. The renovation, expansion, and/or upgrade of existing on-site sewage treatment and disposal systems shall be conducted in accordance with requirements set forth in 310 CMR 15.000 et seq., unless otherwise specified herein.

8.1.8. Special Permit Procedures.

1. Filing of the Application. Twelve complete copies of the application for a special permit for land use within the WPOD shall be filed with the Planning Board on a form approved by the Planning Board.
2. Review by Other Boards and Agencies. 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 and other boards or agencies that the Planning Board may deem appropriate. Any such agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the Planning Board and the applicant.
3. Further Requirements for Information. After the opportunity for review by other boards and agencies, the Planning Board may require the applicant to supply more specific information about the proposed development as per questions and comments of the reviewing boards and agencies.

8.1.9. Decision. The Planning Board may grant a special permit for land use within the WPOD hereunder only if it finds that the applicant has met the general requirements of Sections 8.1 and 9.4, and that the applicant has demonstrated the following:

1. That the plan will preserve and protect the surface and ground water resources in the WPOD for the health, safety and welfare of the town's people;
2. That the plan will protect the community from the detrimental use and development of land and waters within the WPOD;
3. That the design standards of Section 8.1.7 have been met.
4. That Special Permits Procedures 8.1.8 (2.) have been met.

8.1.10. Conditions and Restrictions. The Planning Board may impose any conditions and restrictions required to mitigate any potential damage to surface and ground water resources and, in reaching its decision, will consider the simplicity, reliability and effectiveness of these

mitigating measures and the damage likely to result if these measures were to fail. If the Planning Board disagrees with the recommendations of the Conservation Commission or the Board of Health, the reasons shall be stated in writing.

8.1.11. Severability: If any provision, paragraph, sentence, or clause of this By-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.”

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

On request of the Board of Health

Sign Bylaw Amendment – Zoning Bylaw

ARTICLE 36. To see if the Town will vote to amend Section 5.2., Signs, in the Andover Zoning By-law, by deleting the existing text in its entirety and replacing it with the following:

“SECTION 5.2. SIGNS

5.2.1. Purpose. The following sign regulations are intended to:

1. Preserve the historical ambiance and aesthetic character of the town;
2. Maintain public safety by eliminating potential hazards to motorists created by distracting or confusing sign displays and excessive illumination;
3. Encourage efficient communication for business identification and public information.

5.2.2. Definitions. In this bylaw, the following terms shall apply:

1. *Sign:* A sign shall consist of any of the following elements:

- a. Lettering, words, numerals, emblems, trademarks, logos, images, drawings, pictures, graphics, pennants, streamers, or other devices of any material or construction, however displayed, whether as an independent structure or as part of a building or other structure or object;
- b. Any visual device designed to inform, attract or draw the attention of persons outside the premises on which the device is located, including messages within or attached to windows and doors;
- c. Any exterior building surface that is internally illuminated or decorated with gaseous tubing, LED displays or back lighting.

2. *Sign Area:* The area of the smallest horizontal or vertical rectangle enclosing the entire display area of the sign. The display area of a sign is the entire area, different in color or composition from the façade or common trim of the building, used to frame or provide a background for the sign. The display area may contain open space and irregular shapes if they

are part of the sign. The display area shall also include internally illuminated, back-lit or decoratively lighted sign support structures if such elements are present. The area of double-sided signs shall be calculated using the area of only one face of the sign.

3. *Sign Height:* The distance measured from the ground level at the base of the sign to the top of the sign or support structure, whichever is higher. For freestanding signs, the land under or surrounding the sign may not be built up or elevated to reduce the calculated height of the sign.

4. *Sign Support Structure:* Any device, such as a pole, bracket or post, used to support a sign. The sign support structure shall be excluded from the calculation of the sign area if it contains none of the elements described in §5.2.2.1 above, and, for freestanding signs, the total width of the support structure is less than 25% of the width of the supported sign.

5. *Attached Sign:* A sign attached parallel to the façade of a building, facing in the same direction as the façade.

6. *Freestanding Sign:* A sign that is supported by its own structure and is not attached to a building or other structure.

7. *Projecting Sign:* A sign mounted perpendicular to the building façade.

8. *Double-sided Sign:* A freestanding or projecting sign having two parallel opposite faces separated by a distance of not more than twelve (12) inches. A sign with two opposite faces that are not parallel shall be considered a double-sided sign if the two faces are joined to each other, or to a common support structure, at one end, and the angle of separation between the two faces does not exceed thirty (30) degrees.

9. *Temporary Sign:* A non-permanent sign that is displayed for a limited duration. Temporary signs may be exterior (displayed on the exterior or outside of a structure) or interior (attached or displayed from the inside of a structure, viewed from the outside through a window or other opening).

10. *Portable or Removable Sign:* A temporary sign of any shape or configuration that is self-supporting and not permanently fixed or mounted to the ground or to another structure.

11. *Internally Illuminated Sign:* A sign that is illuminated by a light source internal to the sign. Signs having a light source that forms the exterior surface of the sign or all or part of the design elements, shall be considered to be internally illuminated.

12. *Nonconforming sign:* A sign, including its support structure, that does not conform to the regulations prescribed in this bylaw, but which was in existence at the time the regulations became effective and was lawful at the time it was installed or erected.

13. *Open Space:* For the purposes of this Section 5.2. open space shall be defined as undeveloped land available to the public at no cost, for passive recreation such as hiking, bird watching, fishing, photography, picnicking, cross country skiing, biking, horseback riding or

other activities which do not alter or disturb the terrain and at the same time to conserve natural and scenic resources, protect air, streams or water supply, and enhance the value of the land to the public.

5.2.3. General Provisions.

1. *Exemptions.* The following signs are exempt from the provisions of the bylaw:

- a. Flags and insignia of any government, except when they are displayed in connection with the advertising or promotion of a commercial product or service.
- b. Legal notices or informational devices erected or required by public agencies.
- c. Signs affixed to standard gasoline pumps bearing the formula and price of gasoline. Such signs shall not exceed 2 square feet in area. Additional signage on the pumps may not exceed 20% of the surface area of the pump.
- d. Integral decorative or architectural features of buildings, except for lettering, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights.
- e. On-premises signs intended to guide and direct traffic and parking, not exceeding two (2) square feet in area and four (4) feet in height and bearing no advertising matter or internal illumination.
- f. On valances of awnings or similar devices, lettering or symbols not exceeding three (3) inches in height.
- g. On awnings or similar devices, one symbol or graphic element, without text, not exceeding five (5) square feet per awning.
- h. Signs located on facilities or land under the care and control of the Massachusetts Bay Transportation Authority;
- i. Banners installed subject to the provisions of the Andover General Bylaw, Article XII §44.

2. *Relevance.* A sign shall pertain to the premises on which it is located or to products, accommodations, services or activities that regularly occur or are offered on the premises.

3. *Maintenance.* All signs shall be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings and in accordance with the Commonwealth of the Massachusetts State Building Code, 780 CMR.

4. *Nonconforming Signs.*

- a. Any nonconforming sign and/or support structure, legally permitted and erected prior to the adoption of this provision, or any amendments thereto, which remains un-altered in any way, may be continued and maintained.
- b. Any nonconforming sign and/or support structure shall be removed within thirty (30) days of a change in use or termination of activities on the premises.
- c. Nonconforming signs shall not be enlarged, rebuilt, restored or altered except in conformity with this bylaw.
- d. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third (1/3) of the replacement value as of the

date of such damage or destruction shall not be repaired, rebuilt, restored or altered except in conformity with this bylaw.

5. *Liability.* No sign shall project more than five feet over any public right-of-way or other public property. Any sign projecting over a public right-of-way shall be covered by liability insurance in the amount of two million dollars (\$2,000,000) as verified by a certificate of insurance filed with the Town Clerk.

5.2.4. Sign Permit. Unless specifically exempted or provided for elsewhere in this section, no sign shall be installed, erected, enlarged, redesigned or structurally altered without a sign permit issued by the Inspector of Buildings.

1. *Application and Review.*

- a. Sign Permit Application: A completed sign permit application, fulfilling all requirements for requested materials and documents and specifying all pertinent dimensions and materials, shall be submitted to the Inspector of Buildings prior to the installation or alteration of any sign for which a permit is required.
- b. Review by the Design Review Board: The Design Review Board (DRB) shall, within thirty (30) days of submission, review applications for all signs in the General Business (GB) and Mixed Use (MU) Districts, as well as all municipal signs equal to or greater than four (4) square feet in area, prior to issuance of a sign permit. Applications for review by the Design Review Board shall be submitted on a standard application form specified by the DRB. See §5.2.15, Design Guidelines for Signs.

2. *Criteria for a Special Permit.* When acting on an application for a special permit, the Board of Appeals shall consider the following:

- a. The character of the proposed sign and its suitability to the building and the surrounding neighborhood.
- b. Its relationship to the architectural style, size and scale of the building.
- c. The relevance of the information on the sign to the business or activities conducted on the premises.
- d. The impact of the size and illumination of the sign on other establishments and the surrounding neighborhood.
- e. The criteria specified in §9.6.4 of this Bylaw, and such other factors as the Board of Appeals deems appropriate in order to assure that the public interest is protected.

5.2.5. Prohibited Signs and Devices.

1. No sign shall be lighted, except by a steady external and stationary light source which is shielded and directed solely at the sign, unless specifically provided for in this bylaw.

2. No illumination shall be permitted which casts glare onto any residential premises or onto any portion of a way so as to create a traffic hazard.
3. No commercial signs shall be illuminated in any residential district, or within two hundred (200) feet of a residential district, between the hours of 9:00 p.m. and 7:00 a.m., unless the establishment is open to the public.
4. No sign shall be illuminated by any color other than colorless or white light, except for temporary holiday lighting.
5. No animated, revolving, flashing, backlit, exposed neon or similar exposed gaseous tube illuminated signs shall be permitted.
6. No signs shall be attached to motor vehicles, trailers or other movable objects regularly or recurrently located for fixed display.
7. Visibility for motorists and pedestrians shall not be obstructed at any intersection, driveway, or crosswalk. See also Article VIII, §4.1.3.2.g.
8. No portable or removable sign shall be allowed in any zoning district except as permitted under §5.2.7.3.
9. No attached exterior sign shall cover any portion of a window or door casing.
10. No signs shall be allowed on the uppermost roof of any building.
11. No portion of a sign shall extend above the highest point of the roof or parapet of the building to which it is attached.

5.2.6. Permanent Signs allowed in all zoning districts. The following signs are allowed in all zoning districts. See also specific requirements for each zoning district in §5.2.9 through §5.2.14, inclusive.

1. One sign, either attached or freestanding, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon, does not require a sign permit if it does not exceed two (2) square feet in area.
2. *Open Space signs.* A sign on open space or other undeveloped property open to the public, bearing no commercial, or advertising material and displaying historical, cultural, educational, environmental, or safety information pertaining to such property and/or rules relating to the public use thereof, requires no sign permit if the sign is less than thirty five (35) square feet in area.
3. *Off-Premises Directional Signs.*

- a. The Board of Selectmen may allow, by special permit, one un-lighted off-premises directional sign or signs within the public right-of-way or at any intersection designating the route to an establishment not on the street or way to which the sign is oriented.
 - b. The Board of Appeals may allow, by special permit, an off-premises directional sign or signs on private property designating the route to an establishment provided that the sign will not endanger public safety and is of such size, location and design that it will not be detrimental to the character of the neighborhood.
 - c. No off-premises directional sign shall exceed two (2) square feet in area.
 - d. At locations where directions to more than one establishment are to be provided, all such directional signs shall be incorporated into a single sign support structure that shall not exceed six (6) feet in height.
4. Except as provided in Section 5.2.7. Political speech signs shall be allowed in all zoning districts but may not exceed the regulations for signs in said district.

5.2.7. Temporary Signs allowed in all zoning districts.

1. General requirements.

- a. Temporary signs shall be allowed if the sign announces or provides directions to a sale or a special event having a limited and specific duration.
- b. Temporary signs shall not advertise a continuing or regularly recurring business operation, product or a routinely provided service.
- c. Temporary signs shall be removed promptly when the information they display is out of date or no longer relevant.
- d. Temporary signs may be installed or in place for a period not to exceed thirty (30) days unless otherwise specified in this Bylaw.

2. Temporary Signs not requiring a Sign Permit:

- a. Interior temporary signs that do not exceed thirty percent (30%) of the transparent area of the window and/or door on which they are affixed or displayed.
- b. Exterior temporary signs, unless otherwise stipulated in this bylaw, shall not exceed ten (10) square feet in aggregate area per business entity. Permanently-installed sign support structures erected solely for the display of 'temporary signs' are prohibited.
- c. Political signs pertaining to a candidate or ballot question appearing in an upcoming duly-called election in the Town of Andover.
 - i. Such signs shall be permitted only on private property.
 - ii. Such signs shall have an area not to exceed six (6) square feet.
 - iii. Such signs shall not be higher than three (3) feet above ground level.
 - iv. Such signs shall be stationary and shall not be illuminated.
- d. Unless otherwise specified in this Bylaw, temporary signs pertaining to other noncommercial issues shall require no sign permit and shall be allowed in all

zoning districts. Such signs shall be subject to the requirements set forth in §5.2.7.2.c above.

- e. One (1) temporary sign, related to property maintenance or improvement which does not require a building permit, shall be allowed on the premises associated with the maintenance or improvement, subject to the following conditions:
 - i. The sign shall not be lighted or illuminated.
 - ii. The sign shall have an area not to exceed six (6) square feet.
 - iii. The sign shall be set back a minimum of fifteen (15) feet from the nearest vehicular public or private way and shall not obstruct the line of sight for vehicles entering or exiting the property or adjacent properties.
 - iv. The sign shall be removed within thirty (30) days of the completion of the work on the premises.
- f. One (1) temporary sign, related to the construction, maintenance or improvement of a property requiring the issuance of a building permit, shall be allowed on the property associated with the building permit, subject to the following conditions:
 - i. The sign shall not be lighted or illuminated.
 - ii. A freestanding sign shall have an area not to exceed fifteen (15) square feet and a height not to exceed five (5) feet.
 - iii. A sign attached to the structure under construction shall have an area not to exceed fifteen (15) square feet and a height not to exceed ten (10) feet above the ground level.
 - iv. A freestanding sign shall be set back a minimum of fifteen (15) feet from the nearest vehicular public or private way and shall not obstruct the line of sight for vehicles entering or exiting the property or adjacent properties.
 - v. The sign shall be removed within thirty (30) days of project's completion, or when an occupancy permit is issued, whichever is sooner.
- g. A non-profit entity or institution may install a temporary sign announcing or providing directions to a specific event or occurrence, subject to the following conditions:
 - i. The sign area shall not exceed twelve (12) square feet.
 - ii. The sign may be installed for a period not to exceed thirty (30) days.

3. Temporary Signs requiring a Sign Permit:

- a. **Portable or Removable Sign:** The Inspector of Buildings may issue a permit for the temporary placement of a portable or removable sign that announces or provides directions to a specific event or occurrence, subject to the following conditions: The permit may impose limiting conditions, including among other matters the number of signs allowed at each location.

- i. The sign shall be securely anchored so as not to be dislodged or blow over.
 - ii. The sign shall be neat and professional in appearance.
 - iii. The sign shall have an area not to exceed six (6) square feet and a height not to exceed four (4) feet.
 - iv. The sign shall be removed at the close of each business day and at the expiration of the permit.
 - v. The sign shall not obstruct a public or private walkway.
- b. Real Estate Signs: The Inspector of Buildings may issue a renewable one-year permit for the temporary placement of a sign advertising the sale, rental or lease of the premises or subdivision on which the sign is erected. No sign permit for an individual sign shall be required if the erecting agent has obtained a blanket one-year permit for erecting such signs. All real estate signs shall meet the following requirements:
 - i. In the SRA, SRB, and SRC zoning districts, the sign area shall not exceed eight (8) square feet.
 - ii. In all other zoning districts, the sign area shall not exceed twenty-five (25) square feet.
 - iii. The sign shall not be lighted or illuminated.

5.2.8. Signs in Residential Districts (SRA, SRB, SRC, APT).

1. *Single Family Residential Districts (SRA), (SRB), and (SRC).* In addition to the signs allowed in §5.2.6, the following signs are allowed:

- a. One sign, either attached or freestanding, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon; does not require a sign permit and shall not exceed two (2) square feet in area.
- b. Any sign, either attached or freestanding, that exceeds two (2) square feet in area may be allowed by special permit from the Board of Appeals. In no case, however, shall the sign area exceed six (6) square feet or the sign height exceed four (4) feet.

2. *Apartment Districts (APT).* In addition to the signs allowed in §5.2.6, the following signs are allowed:

- a. One (1) freestanding sign, identifying entry points to the housing complex on each street on which the complex has street frontage, provided that the frontage also provides vehicular or pedestrian access to the complex. The sign area shall not exceed fifteen (15) square feet and the sign height shall not exceed eight (8) feet.

5.2.9. Signs in General Business (GB) Districts. In addition to the signs allowed in §5.2.6, the following signs are allowed for commercial or business uses:

1. One (1) attached sign shall be allowed, oriented to each street and parking lot on which the commercial or business use has a façade, providing that such façade has either a window or a direct entryway into the use's space.

- a. The sign may be either attached flat against the wall or placed on a fixed canopy of the building.
- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
- c. The sign area for any individual commercial or business use shall not exceed fifteen (15) percent of the portion of the facade associated with that use.
- d. Signs oriented to the street shall not exceed fifty (50) square feet in area.
- e. Signs oriented to a parking lot shall not exceed twenty-five (25) square feet in area unless they mark the primary entrance to a building or establishment, in which case the sign area shall not exceed fifty (50) square feet.

2. In addition to the above, each building that is set back a minimum of five (5) feet from the property line may install one (1) freestanding sign, with a sign area not to exceed twelve (12) square feet and a sign height not to exceed six (6) feet above ground level.

3. In addition to the above, each commercial or business use may install one (1) projecting sign on each façade providing that such façade has either a window or a direct entryway into the use's space, subject to the following conditions:

- a. The sign area shall not exceed nine (9) square feet, excluding sign support structure.
- b. The bottom of a projecting sign shall be at least eight (8) feet above the ground, and the top of the sign shall be no more than twenty-five (25) feet from the ground.
- c. No sign shall project more than five (5) feet from the façade to which it is attached.
- d. A larger sign may be allowed by special permit from the Board of Appeals; in no case, however, shall the sign area exceed fifteen (15) square feet.

4. A building occupied by multiple commercial or business uses may install a single directory sign, either attached to or projecting from the building, identifying those occupants. The total area of such a directory sign shall not exceed one (1) square foot per occupant.

5. Unlighted graphics, lettering or symbols with transparent background mounted on the inside of windows or transparent entry doors shall require no sign permit if their area does not exceed 30% of the glass or transparent area. Telephone numbers, web addresses, prices, and similar text shall not exceed two (2) inches in height.

5.2.10. Signs in Mixed Use (MU) Districts. In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One (1) attached sign shall be allowed, oriented to each street and parking lot on which the commercial or business use has a façade, providing that such façade has either a window or a direct entryway into the use's space.

- a. The sign may be either attached flat against the wall or placed on a fixed canopy of the building.
- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
- c. The sign area for any individual commercial or business use shall not exceed ten (10) percent of the portion of the facade associated with that use and in no case shall the sign area exceed eighty (80) square feet.

2. In addition to the above, each building that is set back a minimum of five (5) feet from the property line may install one (1) freestanding sign, with a sign area not to exceed twenty-five (25) square feet and a sign height not to exceed eight (8) feet above ground level.

3. In addition to the above, each commercial or business use may install one (1) projecting sign on each façade of the building, subject to the following conditions:

- a. The façade shall have either a window or a direct entryway to the premises.
- b. The sign area shall not exceed nine (9) square feet, excluding any sign support structure.
- c. No sign shall project more than five (5) feet from the façade to which it is attached.
- d. A larger sign may be allowed by special permit from the Board of Appeals; in no case, however, shall the sign area exceed fifteen (15) square feet.

4. A building occupied by multiple commercial or business uses may install a single directory sign, either attached to or projecting from the building, identifying those occupants. The total area of such a directory sign shall not exceed one (1) square foot for each occupant listed thereon.

5. Unlighted graphics, lettering or symbols with transparent background mounted on the inside of windows or transparent entry doors shall require no sign permit if their area does not exceed 30% of the glass or transparent area. Telephone numbers, web addresses, prices, and similar text shall not exceed two (2) inches in height.

5.2.11. Signs in Office Park Districts (OP) and Limited Service Districts (LS). In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One (1) freestanding sign shall be allowed for each street upon which a building or complex has frontage, subject to the following conditions:

- a. The sign area shall not exceed twenty-five (25) square feet and the sign height shall not exceed eight (8) feet.

- b. The Board of Appeals may grant, subject to the criteria of §5.2.4.2, a special permit for a larger sign if required for legibility, up to sixteen (16) feet in height, if the property fronts on a high-speed, limited access highway.
2. In addition to the above, one (1) attached sign for each street upon which a building or complex has frontage. The sign area shall not exceed twenty-five (25) square feet. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
 3. In addition to the above, each business or tenant shall be limited to one sign (attached or projecting) for each street and parking lot on which the business or tenant has an entryway, the sign area shall not exceed three (3) square feet.
 4. The Board of Appeals may grant, subject to the criteria of §5.2.4.2, a special permit for a second sign on a building facing a limited access, high-speed highway. The content of a second sign shall be limited to the name of the principal tenant of the building.

5.2.12. Signs in Industrial G (IG) Districts. In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One sign attached flat against the wall or fixed canopy of a building, identifying the name of the firm and/or the goods and services available or produced on the premises, subject to the following conditions:
 - a. The total area of all such signs on a building shall not exceed twenty percent (20%) of the area of the side of the building to which they are attached, or eighty (80) square feet, whichever is less.
 - b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
2. In addition to the above, one (1) freestanding sign, identifying the name of the firm and/or the goods and services available or produced on the premises, for each street on which the property fronts, subject to the following conditions:
 - a. The area of each sign shall not exceed fifty (50) square feet.
 - b. No part of any such sign shall be more than eight (8) feet above ground level.
 - c. No such sign shall be located closer than five (5) feet to any property line or the line of any street or way.
3. The Board of Appeals may grant, subject to the criteria of §5.2.4.2, a special permit for a larger or an internally-illuminated sign.

5.2.13. Signs in Industrial A (IA) Districts. In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One or more signs attached flat against the wall or canopy of a building, identifying the name of the firm and/or the goods and services available or produced on the premises, subject to the following conditions:

- a. The total area of all such signs on a building shall not exceed twenty percent (20%) of the area of the side of the building to which they are attached, or two hundred (200) square feet, whichever is less.
- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.

2. One (1) freestanding sign, identifying the name of the firm and/or the goods and services available or produced on the premises, for each street on which the property fronts, subject to the following conditions:

- a. The area of each sign shall not exceed one hundred (100) square feet.
- b. No part of any such sign shall be more than twenty-five (25) feet above ground level.
- c. No such sign shall be located closer than five (5) feet to any property line or the line of any street or way.

3. Internally illuminated signs are allowed.

5.2.14. Signs in Industrial D (ID) Districts. In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One or more signs attached flat against the wall or canopy of a building, identifying the name of the firm and/or the goods and services available or produced on the premises, subject to the following conditions:

- a. The total area of all such signs on a building shall not exceed ten percent (10%) of the area of the side of the building to which they are attached, or two hundred (200) square feet, whichever is less.
- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.

2. In addition to the above, one (1) freestanding sign, identifying the name of the firm and/or the goods and services available or produced on the premises, for each street on which the property fronts, subject to the following conditions:

- a. The area of each sign shall not exceed one hundred (100) square feet.
- b. No part of any such sign shall be more than six (6) feet above ground level.
- c. No such sign shall be located closer than five (5) feet to any property line or the line of any street or way.

3. Internally illuminated signs are allowed.

5.2.15. Design Guidelines for Signs. The following are further means by which the objectives for signs stated in Section 5.2.1 can be served. These guidelines are not mandatory, but the degree of compliance with them shall be considered by the Special Permit Granting Authority in acting upon special permits, and by the Design Review Board as authorized hereunder.

1. Efficient Communication.

- a. Signs should not display brand names, symbols or slogans of nationally distributed products except in cases where the majority of the floor or lot area of the premises is devoted to manufacture, processing or sale of that specific product.
- b. Premises chiefly identified by or associated with a specific product brand name (such as gasoline or automobiles) should devote some part of their permitted sign area to displaying the identity of the local outlet or proprietor.
- c. Signs should not contain advertising slogans or other advertising material which is not an integral part of the name or other identification of the product or enterprise.
- d. Sign content normally should not occupy more than forty percent (40%) of the sign background, whether a signboard or a building element.
- e. Non-verbal devices should be considered, in addition to text, as such graphic images can provide rapid and effective communication as well as character.

2. Environmental Relationship.

- a. Sign brightness should not be excessive in relation to background lighting levels, e.g., averaging not in excess of one hundred foot-lamberts in the downtown or similarly bright areas and not in excess of twenty foot-lamberts in unlighted outlying areas.

3. Relationship to Buildings.

- a. Signs should be sized and located so as to not interrupt, obscure or hide the continuity of columns, cornices, eaves, sill lines or other architectural elements of the building and, wherever possible, should reflect and emphasize the building's architectural form.
- b. Sign materials, colors and lettering should be representative of and appropriate to the character of the building to which the sign relates, just as sign size should be related to building size."

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 By-laws, or take any other action related thereto

On request of the Design Review Board

Portable Signs – Zoning Bylaw Amendment

ARTICLE 37. To see if the Town will vote to amend Section 10.0 Definitions in the Andover Zoning By-law by deleting the text “A-Frame Sign: A self-supporting, temporary sign or device including, but not limited to, signs in the shape of an A, signs in the shape of a T, signs in the shape of an H, and other frames that are self supporting”, and by replacing the text with:

“Portable or Removable Sign: A temporary sign of any shape or configuration that is self-supporting and not permanently fixed or mounted to the ground or to another structure.”

and by deleting the text following the definition of Projecting Sign “A sign which is affixed to a building, is perpendicular to a building and extends horizontally no more than five feet beyond the surface to which it is affixed. No Sign shall project vertically above the eave line of the roof” and replacing it with the text “A sign mounted perpendicular to the building façade.”

and by deleting the text following the definition of Sign “Any device designed to inform or attract the attention of persons not on the premises on which the device is located. In addition, any exterior building surfaces which are internally illuminated or decorated with gaseous tube or other lights are considered signs” and replacing it with the text “A sign shall consist of any of the following elements:

- a. Lettering, words, numerals, emblems, trademarks, logos, images, drawings, pictures, graphics, pennants, streamers, or other devices of any material or construction, however displayed, whether as an independent structure or as part of a building or other structure or object;
- b. Any visual device designed to inform, attract or draw the attention of persons outside the premises on which the device is located, including messages within or attached to windows and doors;
- c. Any exterior building surface that is internally illuminated or decorated with gaseous tubing, LED displays or back lighting.”

and by deleting the text following the definition of Sign Area “Sign area shall mean the area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face without deduction for open space or other irregularities. Structural members not bearing advertising matter shall not be included unless internally or decoratively lighted. Only one side of flat, back-to-back signs need be included in calculating sign area” and replacing it with the text “The area of the smallest horizontal or vertical rectangle enclosing the entire display area of the sign. The display area of a sign is the entire area, different in color or composition from the façade or common trim of the building, used to frame or provide a background for the sign. The display area may contain open space and irregular shapes if they are part of the sign. The display area shall also include internally illuminated, back-lit or decoratively lighted sign support structures if such elements are present. The area of double-sided signs shall be calculated using the area of only one face of the sign.”

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, or take any action related thereto.

On request of the Design Review Board

Customary Home Occupation – Zoning Bylaw Amendment

ARTICLE 38. To see if the Town will vote to amend Section 10.0 Definitions under Customary Home Occupation in the Andover Zoning By-law by deleting the text “the display or exterior announcement of the home occupation except for a single unlighted sign affixed to the residence no larger than two square feet; the sign shall conform in all other ways to the relevant portions of the Town bylaws”, and by replacing the text with “the signage shall conform to the Zoning Bylaw Section 5.2. Signs”,

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, or take any action related thereto.

On request of the Design Review Board

Additional Design Criteria – Zoning Bylaw Amendment

ARTICLE 39. To see if the Town will vote to amend Section 9.6.3 in the Andover Zoning By-law by replacing the text “6 square feet” with “four (4) square feet” and inserting the text “a new structure built by or for the use of the Town of Andover in any district” before “; 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.” and inserting the subsection “5. For signs: refer to Section 5.2.4.2. and 5.2.15. for additional design criteria” following Section 9.6.4. subsection 4.

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, or take any action related thereto.

On request of the Design Review Board

Notification of Annual Property Taxes – General Bylaw Amendment

ARTICLE 40. To see if the Town will vote to amend the Town Bylaws, Article III, Section 3(a)(3), by adding the following four sentences after the current sentence in this section:

“In addition, each property owner in Town will be provided, either by letter or via a secure electronic means, at least ten (10) calendar days before the first scheduled business session of the Annual Town Meeting and at least seven (7) calendar days before the first scheduled business session of a Special Town Meeting, a table showing the precise dollar amount that a resident’s

annual property taxes on their particular piece of property in Town will either increase or decrease associated with an approval of each Article in the Warrant that affects property taxes should those Articles be approved at the Town Meeting. The table will also show the total actual dollar amount that a property owner's respective tax bill will either increase or decrease if all Articles in the Warrant were to be approved. The Finance Committee shall be assisted by the office of the Town Manager and his/her departmental staffs in making the calculations for each piece of property and insuring that this information is provided, as required above, to every property owner. This information will be provided to Town residents starting with the Finance Committee Report to be prepared for the 2010 Town Meeting."

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 Robert Pokress and others

Five-year Projection of Expected Budget Expenditures – General Bylaw Amendment

ARTICLE 41. To see if the Town will vote to amend the Town Bylaws, Article III, Section 3(a) by creating the following new subsection to Section 3(a):

"A report by the Finance Committee, prepared with the assistance of the Town Manager and the School Superintendent, to become part of the Finance Committee Report being sent out in advance of Town Meeting, showing, by year, a five-year projection of all expected budget expenditures (operating budget and capital budget) based on the proposed operating budget plus existing debt exclusion items that have remaining expenditure obligations over the course of this five-year budget forecast window. The Town Manager and School Superintendent will each provide a written report to accompany the five-year forecast describing their respective budget projections and the assumptions they used in making their respective projections. This budget forecast will be provided to Town residents starting with the Finance Committee Report to be prepared for the 2010 Town Meeting."

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 Robert Pokress and others

Town and School Labor Contracts – General Bylaw Amendment

ARTICLE 42. To see if the Town will vote to amend the Town Bylaws, Article IV, by adding a new section that states the following:

"Neither the Town nor the School Committee shall enter into any multi-year employment or labor contracts that obligate the Town to future year annual operating budget expenditures that will exceed the then-in-force voter-approved operating budgets for the corresponding budget

items at the then-in-force voter-approved staffing levels. The intent of this bylaw shall not be subverted via budget item manipulations or other means that bypass this bylaw such as defining job positions, redefining compensation, benefit or other contract provisions or the redefining of budget categories.”

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 Robert Pokress and others

Accumulation of Unused Sick Leave Benefits for Town and School Employees – General Bylaw Amendment

ARTICLE 43. To see if the Town will vote to amend the Town Bylaws, Article IV, by adding a new section that states the following:

“Neither the Town nor the School Department will enter into labor contracts that allow for the accumulation of unused annual paid sick leave. Annual sick leave allotments will conform to private sector norms for annual paid sick leave, and in no case shall exceed 15 days paid sick leave per year. To cover legitimate illness situations that may exceed an employee’s annual sick leave allotment, the Town and School Department shall employ long-term disability insurance policies that will take affect for employees who have legitimate illnesses creating long-term disability situations. The intent of this bylaw shall not be violated via re-definitions of employment provisions, contract terminology, sick leave terminology or contract provisions. Contracts in effect at the time of passage of this bylaw shall be grandfathered and existing accumulated sick leave ‘on the books’ at the time of passage of this bylaw shall be ‘burned off’ over a ten-year period so that by ten years after passage of this bylaw, no employee will have more than their annual allotment of paid sick days ‘on the books’.”

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 Robert Pokress and others

Payment of Sick Leave Benefits for Town and School Employees – General Bylaw Amendment

ARTICLE 44. To see if the Town will vote to amend the Town Bylaws, Article IV, by adding a new section that states the following:

“Neither the Town nor the School Department shall enter into labor agreements that allow for the payment of any unused sick leave upon an employee’s resignation from Town or School Department employment or retirement from Town or School Department employment. In addition, to the extent of that contract in force at the time of the adoption of this bylaw contain

such obligations, until those contracts expire, the Town and School Department will include the costs of meeting those obligations as part of their overall budget Article being submitted for voter approval at Town Meeting and NOT as a separate Article that requests approval for the payment of those obligations as an additional Town expense items over and above the proposed Town/School Department Operating Budget Article. The intent of this bylaw shall not be subverted via re-definitions of employment provisions, contract terminology, sick leave terminology or other contract compensation-related provisions.”

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 Robert Pokress and others

Stabilization Fund – Greater Lawrence Technical School

ARTICLE 45. To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 71, Section 16G½ which approves the establishment of a Stabilization Fund for the Greater Lawrence Technical School, or take any other action related thereto.

On request of the Greater Lawrence Technical District School Committee

Street Acceptances

ARTICLE 46. To see if the Town will vote to accept and name as a public way any or all of the following streets: Barron Court and Black Horse Lane as further described below:

Barron Court, as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE CLUSTER SUBDIVISION LAYOUT PLAN ANDOVER, MASSACHUSETTS BIRMINGHAM ESTATES”, dated February 5, 2003 (revised) and recorded in the Essex North District Registry of Deeds as Plan Number 14528.

Black Horse Lane, as shown on a plan approved by the Andover Planning Board entitled, “Subdivision Plan of Land in Andover, Mass. entitled Black Horse Lane” dated February 21, 2001 (revised) and recorded in the Essex North Registry of Deeds as Plan Number 14174.

or take any other action related thereto.

On request of the Board of Selectmen

United States Postal Service Lease at the Town House

ARTICLE 47. To see if the Town will vote to authorize the Town Manager to renew the lease of space in the Andover Town House, 20 Main Street, to the United States Postal Service for a

term not to exceed ten years, under such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town, or take any other action related thereto.

On request of the Town Manger

Parking Program

ARTICLE 48. To see if the Town will vote to transfer the balance of \$23,890.67 from Article 47, 2006 Parking Program and appropriate \$23,890.67 for the purpose of installing and/or replacing parking meters including costs incidental, or take any other action related thereto.

On request of the Police Chief

Sewer Expansion – Chester Street, Mitton Circle, Oak Street & parts of Tewksbury Street

ARTICLE 49. To see if the Town will vote to appropriate the sum of \$850,000 for the extension of a sanitary sewer line, including costs incidental and related thereto, on Chester Street, Mitton Circle, Oak Street, and parts of Tewksbury Street and to authorize the Board of Selectmen to acquire any necessary easements by gift, purchase or eminent domain and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore; sewer betterments are to be assessed by the Board of Selectmen, acting in its capacity as Sewer Commissioners, based upon the uniform unit method, or take any other action related thereto.

On petition of Cristen Farrell and others

Reconstruction of Sherbourne Street Sidewalk

ARTICLE 50. To see if the Town will vote to appropriate the sum of \$24,000 to pay costs of reconstructing the sidewalks on Sherbourne Street from Ayer Road to William Street for the payment of all other costs incidental and related thereto; and that to meet the appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (5) and (6) of the Massachusetts General laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action related thereto.

On petition of Michael L. Rivet and others

Heffron Right-of-Way – Petition to the General Court

ARTICLE 51. To see if the Town will vote to submit the following petition to the General Court:

Notwithstanding the provisions of Chapter 30, Chapter 30B, Chapter 41, and Chapter 149 of the General Laws, Chapter 213 of the Acts of 2000, Chapter 372 of the Acts of 2000, or any other general or special law to the contrary:

(a) the Board of Selectmen of the Town of Andover and the Conservation Commission of the Town and the School Committee of the Greater Lawrence Regional Vocational Technical High School may grant and accept easements in real estate and may grant and accept conveyances of real estate lying between River Road and the Merrimack River as shown on the plan entitled “Proposed Conveyance Plan of Land in Andover, Massachusetts,” dated April 17, 1995, Revised January 12, 2009, by Dana F. Perkins, Inc. on file in the office of the Town Clerk and within parcels C, D, E, F, G, H, I, J and K as appearing on said plan, and the final location of Parcels J and K as appearing on said plan and the final location of any easements or conveyances within Parcels C, D, E, F, G, H, I, J, and K as appearing on said plan shall be determined by the Board of Selectmen, the Conservation Commission and the School Committee of the Greater Lawrence Regional Vocational Technical High School in consultation and agreement with the Trustees of Phillips Academy; and

(b) said Board of Selectmen of said Town, said Conservation Commission, and said School Committee may enter into one or more agreements or ratify any existing agreement with the Trustees of Phillips Academy, including a management agreement, upon such terms as said Board of Selectmen and said Conservation Commission deem to be in the best interest of said Town and are mutually agreed to by the Town, the School Committee of the Greater Lawrence Regional Vocational Technical High School and the Trustees of Phillips Academy; and

(c) the agreements may include provisions for improvements to and maintenance of the real estate, and for monitoring and controlling access to the real estate mentioned in this section.

The General Court may vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or take any other action related thereto.

On request of the Conservation Commission

Repairs to Private Ways – General Bylaw Amendment

ARTICLE 52. To see if the Town will vote to amend the General Bylaws for the Town of Andover by adding the following section to Article XII, Miscellaneous Bylaws:

Section _____. Temporary Repairs to Private Ways

In accordance with the provisions of Massachusetts General Laws Chapter 40, Section 6N, the Town may make temporary repairs on private ways under the following conditions:

1. The type and extent of the repairs authorized by this bylaw shall be any and all repairs, including drainage work, necessary for safe and convenient travel by the public, up to and including work that would be required to make the private way suitable to be accepted as a public way.

2. The Director of Public Works, with the approval of the Board of Selectmen, shall authorize such repairs, and shall determine whether the repairs are required by public necessity.

3. Not fewer than 75 percent of the abutters to the private ways must petition for such repairs.

4. Betterment charges shall be assessed for the repairs according to the uniform unit method.

5. The Town shall not be liable in any manner or amounts on account of any damages caused by such repairs.

6. Such repairs shall be performed only on ways that have been open to public use for at least 6 years, as determined by the Board of Selectmen.

7. No repairs or improvements shall be done on any private ways where the owners of private ways or their predecessors in interest have agreed by covenant, Planning Board Decision, or any municipal board decision or other form of agreement that the Town shall not provide street repair or improvement services.

8. The Director of Public Works, with the approval of the Board of Selectmen, shall determine if a cash deposit shall be required for such repairs and, if a cash deposit is required, the amount of such deposit.

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 Department of Public Works Director

Paving of Pine Tree Lane

ARTICLE 53. To see if the town will vote to raise by taxation, by transfer from available funds, by borrowing, or by any combination of the foregoing and appropriate the sum of \$25,000, or such lesser sum as may be needed, for the purpose of making roadway improvements, i.e. paving Pine Tree Lane, said work to be performed to the specifications of the Town. Betterments are to be assessed equally to each parcel on Pine Tree Lane.

On petition of David Whitefield and others

Repaving and Improvements to Fosters Pond Road and Pomeroy Road

ARTICLE 54. To see if the Town of Andover will vote to raise by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing and appropriate the sum of \$50,000 or such lesser sum as may be needed for the purpose of repaving and making

improvements of Fosters Pond and Pomeroy Roads; said work to be performed to the specifications of the Town. Betterments are to be assessed.

On request of James Cyrier and others

Town Building Maintenance and Renovation

ARTICLE 55. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$650,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings and roofs and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Plant and Facilities Director

School Building Maintenance and Renovation

ARTICLE 56. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$850,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various School buildings and roofs and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Plant and Facilities Director

New Ballfields- Blanchard Street

ARTICLE 57. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$425,000 for the purpose of paying costs of engineering, designing and constructing ballfields at the Town-owned site on Blanchard Street and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Plant and Facilities Director

Veterans Memorial Auditorium Repairs and Renovations

ARTICLE 58. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$650,000 for the purpose of paying costs of designing, constructing, remodeling, reconstructing and making extraordinary repairs to Veterans Memorial Auditorium and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Plant and Facilities Director

Feasibility Study/Schematic Design – Bancroft Elementary School – \$735,000

ARTICLE 59. To see if the Town will vote to appropriate, borrow or transfer from available funds, \$735,000 to be expended under the direction of the School Building Committee for the purpose of conducting a Feasibility Study: (1) to understand the extent of deficiencies identified in the Statement of Interest submitted to the Massachusetts School Building Authority for the Bancroft Elementary School, located at 15 and 21 Bancroft Road, Andover, MA and as shown on Andover Assessor Map 59, lots 29 and 29A; and (2) to begin to explore the formulation of a solution to the deficiencies which are relevant to the Statement of Interest for Bancroft Elementary School which solutions may include options to alleviate the overcrowding at Shawsheen Elementary School; and for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority and to authorize the Town to indemnify and hold harmless the MSBA for claims arising out of the implementations of the Feasibility Study and the MSBA grant. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA, or take any other action related thereto.

On request of the School Building Committee

Feasibility Study/Schematic Design – Bancroft Elementary School – \$320,000

ARTICLE 60. To see if the Town will vote to appropriate, borrow or transfer from available funds, \$320,000 to be expended under the direction of the School Building Committee for the purpose of conducting a Feasibility Study: (1) to understand the extent of deficiencies identified in the Statement of Interest submitted to the Massachusetts School Building Authority for the Bancroft Elementary School, located at 15 and 21 Bancroft Road, Andover, MA and as shown on Andover Assessor Map 59, lots 29 and 29A; and (2) to begin to explore the formulation of a solution to the deficiencies which are relevant to the Statement of Interest for Bancroft Elementary School; and for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority and to authorize the Town to indemnify and hold harmless the MSBA for claims arising out of the implementations of the Feasibility Study and the MSBA grant. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA, or take any other action related thereto.

On request of the School Building Committee

Increase Demand Fee

ARTICLE 61. To see if the Town will vote to charge for each written demand issues by the Collector a fee of \$15.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws, Chapter 60, Section 15, effective July 1, 2009 or take any other action related thereto.

On request of the Finance Director

Open Space Land Acquisition

ARTICLE 62. To see if the Town will vote to appropriate the sum of \$800,000 for the acquisition (and costs incidental to such acquisition) of land, conservation restrictions, easements or other contractual rights for conservation purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, to be managed and controlled by the Conservation Commission, and to authorize the Board of Selectmen and Conservation Commission to acquire such land and restrictions, easements and rights by gift, option, lease, purchase or eminent domain, and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action related thereto.

On petition of Donald Cooper, Chairman of the Conservation Commission and others

Temporary Moratorium on Wireless Communication Facilities – Zoning Bylaw Amendment

ARTICLE 63. To see if the Town will vote to amend Section 6.1 of the Zoning Bylaw by adding a temporary (six month) moratorium on the permitting construction of cell towers in order to provide the Town time to evaluate its zoning bylaws in light of the mandates of the General Telecommunications Act by adding the following new Section 6.1.12 as follows:

“Section 6.1.12 – Temporary Moratorium on Wireless Communications Facilities including Towers, Antennas and Related Equipment used for transmitting or receiving telecommunications signals within the Town.

6.1.12.1 Purpose.

The purpose of the temporary moratorium is to give the Town time to conduct a comprehensive study to review, re-evaluate and consider possible amendments to the current provisions of this Bylaw governing the permitting and construction of new Wireless Communications Facilities, to adequately and appropriately address the concerns of the Town that such current provisions of this Bylaw are no longer adequate for the appropriate regulations of the rapidly changing technologies and service demands of the wireless communications industry in a manner consistent with the Federal Telecommunications Act of 1996 (the “Telecom Act”).

6.1.12.3 Temporary Moratorium Provisions.

For so long as this temporary moratorium remains in effect, no wireless communications facility or structure appurtenant or accessory to a wireless communication facility shall be constructed, nor shall any building permit, special permit, variance or site plan approval decision for any such facility be issued in the Town of Andover.

6.1.12.4 Temporary Moratorium Expiration.

Unless extended, continued or modified by a subsequent action of Town Meeting, the provisions of this temporary moratorium shall expire upon either of the first to occur of: (a) the adoption by Town Meeting of (i) any amendment to Section 6.10 or (ii) any other amendment to this Bylaw's wireless communications provisions that explicitly rescinds or replaces this moratorium, and the approval of any such amendment(s) by the Massachusetts Attorney General, or (b) October 27, 2009.

6.1.12.5 Exemptions.

Wireless Communications Facilities and upgrades thereto, that are currently allowed without a special permit as provided in Section 6.1.10 (Modifications by Special Permit Granting Authority) are exempt from the provisions of this temporary moratorium."

On petition of Pamela Dunn and Aileen Peters and others

Wireless Facilities – Zoning Bylaw Amendment

ARTICLE 64. To see if the town will vote to amend Section 6.1 of the Zoning Bylaw for Wireless Communications Facilities as follows:

Add to Section 6.1.3

- "4. A report by a qualified Radio Frequency Engineer relating to (1) a claimed substantial gap in coverage and (2) the proposed facility's compliance with applicable Federal Communication Commission, Massachusetts Aeronautics Commission and Federal Aviation Commission requirements, and (3) coverage maps that include all of the applicant's existing and planned towers, antennas, micro-cells and repeaters in the coverage area and abutting municipalities.
5. Evidence that there is no alternative site that is available and technically feasible in Andover or an abutting municipality. Such evidence shall include an analysis by a qualified Radio Frequency Engineer of the gaps in coverage if other sites were to be used. If there is an alternative site which would provide a location to close the purported substantial gap in coverage, then the applicant must document all efforts, and results thereof, to evaluate, and obtain rights to use the alternative site.

6. Evidence that the applicant has analyzed the feasibility of using “repeaters”, microcells, or other available technology to provide coverage to the intended service area.
7. The applicant shall provide written documentation of any facility sites in the town and in abutting towns or cities in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise. Said documentation shall demonstrate that these facility sites do not already provide, or do not have the potential to provide by site adjustment, adequate coverage.
8. A copy of the most recently recorded plan and deed for the property on which the Facility will be placed and specific documentation which shows that the applicant has the legal authority by way of ownership, purchase and sale agreement, lease or otherwise, to use the subject property for the intended purpose.
9. Certification by a structural engineer that the proposed Wireless Communications Facility is structurally sound.
10. Design details for the foundation of a proposed tower, the connection of the proposed tower to the foundation and the breakaway points of the proposed tower.
11. A balloon or crane test, and a report thereon as to the aesthetic effect of a proposed tower, are required for a proposed tower. Within two weeks following the first public hearing, a test shall occur in accordance with the following requirements. The applicant shall notify the Special Permit Granting Authority at least 5 business days in advance of such test.
 1. A three foot diameter brightly colored balloon or crane shall be at the maximum height and at the location of the proposed tower.
 2. The balloon or crane will remain in place for at least eight (8) hours during daylight hours.
 3. At least five (5) business days prior to the test, the applicant shall cause notice of the test to be published in a newspaper of general circulation in the Town.”

Add to 6.1.5

“As is required by the Federal Telecommunications Act of 1996, there may be no regulation of the telecommunication facilities on the basis of the environmental effects of radio frequency emissions, other than as required by the Federal Communications Commission.”

Add 6.1.12 Notice of Settlement Discussion

“At least ten (10) days prior to each public hearing of the Special Permit Granting Authority where a public discussion is to occur regarding any proposed settlement of pending litigation relating to an application under this section, the Special Permit Granting Authority

shall send notice of such public discussion by first class mail to all abutters within 300 feet of the proposed Facility.”

Add 6.1.13 Report of Compliance

“Prior to operation of the Facility, an engineer must submit a report to the Building Inspector, stipulating that the Wireless Communication Facility as constructed is in compliance with the Federal Communications Commission requirements and was constructed in accordance with the plans as approved by the Special permit Granting Authority. This report shall be submitted within ten (10) days of completion of construction of the Facility.”

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 Pamela Dunn and others

Water Treatment Plant Roof Replacement

ARTICLE 65. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$750,000 for the purpose of paying costs of replacing and repairing the Water Treatment Plant roof and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of Director of Public Works

Priority Development Site

ARTICLE 66. To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws, as amended, pursuant to Section 11 of Chapter 205 of the Acts of 2006 and to approve the filing of an application with the Interagency Permitting Board for the designation of the following land at:

- 1 Riverside Drive – Map 126, Parcel 4B
- 2 Tech Drive – Map 166, Parcel 15
- 40 Shattuck Road – Map 167, Parcel 15B
- 300 Minuteman Road – Map 165, Parcel 4
- 300 Brickstone Square – Map 35, Parcel 27
- 160 Dascomb Road – Map 203, Parcel 1
- 300 Federal Street – Map 144, Parcel 3
- 800 Federal Street – Map 145, Parcel 10

as a Priority Development Site, or take any other action related thereto.

On request of the Planning Board

National Flood Insurance Program – Zoning Bylaw Amendment

ARTICLE 67. To see if the Town will vote to amend the Zoning Bylaw, Article VIII, Section 8.2, Flood Hazard Overlay District, by adding Section 8.2.6. as follows:

- 8.2.6. (1) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments for land area containing more than 50 lots or for land area greater than 5 acres within unnumbered A zones as determined by the Flood Insurance Rate Map (FIRM).
- 8.2.6. (2) Other Use Regulations: All subdivision proposals must be designed to assure that:
- a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.

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 Inspector of Buildings

Street Acceptance and Taking – Fun Flight Circle

ARTICLE 68. To see if the Town will vote to accept 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 any easement related thereto, and to award no damages for said eminent domain taking, the way known as Fun Flight Circle, as shown on Plan of Land entitled, “Subdivision Plan of Land in Andover, Massachusetts, of Fun Flight Circle, Scale: 1” = 40’, Date: March 24, 1989, Engineers: Dana F. Perkins & Associates, Inc., Civil Engineers & Surveyors, Tewksbury & Reading, Mass., Owner: Picwel Builders, 54 Andover Street, Andover, Massachusetts,” which plan is recorded with Essex North District Registry of Deeds as Plan Number 11630, or take any other action related thereto.

On request of the Board of Selectmen

Granli Drive Easements – Petition to the General Court

ARTICLE 69. To see if the Town will vote to submit the following petition to the General Court:

Notwithstanding the provisions of Article 97 of the Constitution of the Commonwealth of Massachusetts or any general or special law to the contrary, the Conservation Commission of the Town of Andover may grant the following easements as shown on Plan entitled, “Street

Acceptance Plan of Granli Drive in Andover, Mass. dated December 16, 1988, drawn by Dana F. Perkins & Associates, Inc., Tewksbury, Massachusetts” to the Board of Selectmen of the Town of Andover.

A permanent water easement, shown as “30’ Water Easement” on Parcel A on Plan entitled “Street Acceptance Plan of Granli Drive in Andover, Mass. dated December 16, 1988, drawn by Dana F. Perkins & Associates, Inc., Tewksbury, Massachusetts,” to which plan reference may be made for a more particular description of said easement.

A permanent drainage easement, shown as “30’ Drainage Easement” on Parcel A and situated between Lot 15 and Lot 16 on plan entitled, “Street Acceptance Plan of Granli Drive in Andover, Mass. dated December 16, 1988, drawn by Dana F. Perkins & Associates, Inc., Tewksbury, Massachusetts” to which plan reference may be made for a more particular description of said easement.

A permanent drainage easement shown as “30’ Drainage Easement” on Parcel A and situated behind Lot 20 and Lot 21 on plan entitled, “Street Acceptance Plan of Granli Drive in Andover, Mass. dated December 16, 1988, drawn by Dana F. Perkins & Associates, Inc., Tewksbury, Massachusetts” to which plan reference may be made for a more particular description of said easement.

The General Court may vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or take any other action related thereto.

On request of the Board of Selectmen

Street Acceptance and Taking – West Hollow

ARTICLE 70. To see if the Town will vote to accept 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 related property and easements, and to award no damages for said eminent domain taking:

1. The street known as West Hollow and shown as Lot 67 on Land Court Plan No. 1462-11 (sheets 1 through 4) filed in the Essex County North District Land Registration Office in Land Court Registration Book 91, Page 361, being a copy of a portion of a plan entitled “Subdivision Plan of Land in Andover, MA” prepared by Beals & Thomas, Inc. consisting of sheets 1-14 dated April 29, 1994, as revised and approved by the Planning Board of the Town of Andover, which plan is filed with the Land Court in Boston (together, the “Plan”).

2. Lots 69 and 70 on said Land Court Plan 1462-11. All of the boundaries of said Lots are determined by the Court to be located as shown on said Subdivision Plan of Land in Andover, drawn by Beals and Thomas, Inc., Surveyors, dated April 29, 1994, as modified and approved by the Court, filed in the Essex County North District Land Registration Office, a copy of which is filed with the Certificate of Title No. 12089.

3. As appurtenant to said Lots 67, 69 and 70, the perpetual right and easement to use and to access (i) those areas shown or designated as “Utility Easement,” “Access and Utility Easement,” “Drainage and Utility Easement” or “Sewer Easement” either on the Plan or on that certain Easement and Restriction Plan dated June 28, 1994 prepared by Beals and Thomas, Inc. filed with said Registry District as Plan R-29 with Document No. 60205, for purposes of installation, maintenance, and replacement of underground utilities (together with above-ground structures appurtenant thereto), and (ii) those areas shown as designated on the Plan as “Drainage Easement” or “Drainage and Utility Easement” for purposes of maintaining and replacing the existing underground infiltration and drainage system (in those drainage easement areas in which such infiltration and drainage systems now exist), and for drainage purposes generally (in the other drainage easement areas), all such rights in (i) and (ii) above to be exercised so as not to unreasonably interfere with the use of the servient estate by the owners thereof.

The foregoing described areas are a portion of the premises described in said Certificate of Title No. 11776 in Registration Book 88, Page 309 of the Essex North Registry District of Land Court.

or take any other action related thereto.

On request of the Board of Selectmen

Local Option Revenues

ARTICLE 71. To see if the Town will vote to accept any local option taxes or other revenue raising options which are made available to cities and towns through enactments of the Legislature, or take any other action related there.

On the request of the Town Manager

