



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 22, 2024

Austin P. Simko, Town Clerk
Town of Andover
36 Bartlett Street
Andover, MA 01810

**Re: Andover Special Town Meeting of April 30, 2024 - Case # 11420
Warrant Article # 1 (Zoning)**

Dear Mr. Simko:

Article 1 – Under Article 1 the Town amended its zoning by-law and zoning map to adopt a new “Multifamily Overlay District” (MOD) where multi-family housing is allowed by right in compliance with G.L. c. 40A, § 3A. We approve the amendments adopted under Article 1 and will return the approved map amendments to you by regular mail.

The Attorney General’s approval of the by-law amendments adopted under Article 1 pursuant to G.L. c. 40, § 32 means that the by-law amendments will have lawful effect once the Town completes the posting/publishing requirements of G.L. c. 40, § 32. However, the Town must separately obtain the Executive Office of Housing and Livable Communities (EOHLC)’s determination that the Town has complied with Section 3A. See EOHLC “Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act,” p. 17.¹

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

¹ The Town must also obtain the approval of EOHLC to apply the 15% affordability requirement in Section 8.9.5(10)(a) to Section 3A developments because this exceeds the affordability threshold established by EOHLC for as of right zoning. See EOHLC Compliance Guidelines, Section 4 (b), p.7.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Margaret J. Hurley

By: Margaret J. Hurley
Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Douglas W. Heim