

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

To Either of the Constables of the Town of Andover

Greeting:

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

**MONDAY, THE THIRTIETH DAY OF APRIL, 2018**

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

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| <b>ARTICLE 1</b> | <b>ANNUAL TOWN ELECTION</b> |
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Annual Town Election: Moderator for one year, two Selectmen for three years, two School Committee members for three years, one member of the Greater Lawrence Regional Vocational Technical School District Committee for three years, and two Punchard Free School Trustees for three years, or take any other action related thereto.

*On request of the Town Clerk*

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| <b>ARTICLE 2</b> | <b>ELECTION NOT REQUIRED BY BALLOT</b> |
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To elect all other officers not required by law to be elected by ballot, or take any other action related thereto.

*On request of the Town Clerk*

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| <b>ARTICLE 3</b> | <b>SALARIES OF ELECTED OFFICIALS</b> |
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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*

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| <b>ARTICLE 4</b> | <b>FISCAL YEAR 2019 BUDGET</b> |
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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, 2018 and ending June 30, 2019, or take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 5</b> | <b>FISCAL YEAR 2019 CAPITAL PROJECTS FUND</b> |
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To see if the Town will vote to raise by taxation and appropriate the sum of money for the purpose of funding the Fiscal Year 2019 appropriation for the Capital Projects Fund, or take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 6</b> | <b>BUDGET TRANSFERS</b> |
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To see if the Town will vote to transfer from amounts previously appropriated at the May 2017 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

*On request of the Finance Director*

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| <b>ARTICLE 7</b> | <b>SUPPLEMENTAL BUDGET APPROPRIATIONS</b> |
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To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the May 2017 Annual Town Meeting, or take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 8</b> | <b>STABILIZATION FUND</b> |
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To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with Massachusetts General Laws Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 9</b> | <b>FREE CASH</b> |
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To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2019 tax rate and to affect appropriations voted at the 2018 Annual Town Meeting, or take any other action related thereto.

*On request of the Finance Director*

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| <b>ARTICLE 10</b> | <b>UNEXPENDED APPROPRIATIONS</b> |
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To see what disposition shall be made of unexpended appropriations and Free Cash in the treasury, or take any other action related thereto.

*On request of the Finance Director*

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| <b>ARTICLE 11</b> | <b>GENERAL HOUSEKEEPING ARTICLES (A THROUGH G)</b> |
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To see if the Town will vote the following consent articles, or take any other action related thereto:

**A. Grant Program Authorization** To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program, or take any other action related thereto.

*On request of the Town Manager*

**B. Road Contracts** To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the construction and maintenance of public highways in the Town of Andover for the ensuing year, or take any other action related thereto.

*On request of the Town Manager*

**C. Town Report** To act upon the report of the Town officers, or take any other action related thereto.

*On request of the Town Manager*

**D. Property Tax Exemptions** To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for Fiscal Year 2018 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

*On request of the Board of Assessors*

**E. Contracts in Excess of Three Years** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years but no greater than five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interests 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*

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| <b>ARTICLE 12</b> | <b>GRANTING EASEMENTS</b> |
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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*

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| <b>ARTICLE 13</b> | <b>UNPAID BILLS</b> |
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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*

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| <b>ARTICLE 14</b> | <b>CHAPTER 90 AUTHORIZATIONS</b> |
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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*

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| <b>ARTICLE 15</b> | <b>JERRY SILVERMAN FIREWORKS</b> |
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To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$14,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities, or take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 16</b> | <b>FISCAL YEAR 2019 REVOLVING ACCOUNTS</b> |
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To see if the Town will vote to authorize the following expenditure limits for revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2018, or take any other action related thereto:

| <b>Revolving Fund</b>                        | <b>FY2019 Limit</b> |
|--|---------------------|
| Community Development & Planning Department  | \$20,000            |
| Memorial Hall Library-Lost/Damaged Materials | \$20,000            |
| Health Clinic                                | \$60,000            |
| Division of Recreation                       | \$625,000           |
| Division of Youth Services                   | \$400,000           |
| Field Maintenance                            | \$150,000           |
| Division of Elder Services                   | \$225,000           |
| Police Communications                        | \$50,000            |
| School Photocopy Fees                        | \$10,000            |
| Compost Program                              | \$60,000            |
| Solid Waste                                  | \$40,000            |
| Stormwater Management                        | \$5,000             |
| Fire Rescue                                  | \$100,000           |
| Health Services                              | \$100,000           |

*On request of the Finance Director*

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| <b>ARTICLE 17</b> | <b>PEG ACCESS AND CABLE RELATED FUND EXPENSES</b> |
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To see if the will Town will vote to appropriate cable franchise fees and other cable-related revenues to support PEG access services, cable related expenses, and oversight of the cable franchise agreements for fiscal year 2019, which begins on July 1, 2018, or take any other action relative thereto.

*On request of the Finance Director*

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| <b>ARTICLE 18</b> | <b>OVERLAY SURPLUS TRANSFER FOR PROPERTY REVALUATION</b> |
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To see if the Town will vote to transfer \$32,000 from Overlay Surplus to fund the FY20 property tax revaluation, or take any other action related thereto.

*On request of the Finance Director*

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| <b>ARTICLE 19</b> | <b>APPROPRIATION FROM ELDER SERVICES PROGRAM STABILIZATION FUND</b> |
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To see if the Town will vote to transfer and appropriate the sum of \$12,000 from the Elder Services Program Stabilization Fund established under Article 1 of the May 7, 2013 Special Town Meeting to be used for the development and implementation of new programs, services and activities as recommended by the Division of Elder Services and approved by the Town Manager, or take any other action related thereto.

*On request of Director of Community Services*

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| <b>ARTICLE 20</b> | <b>ELDERLY/DISABLED TRANSPORTATION PROGRAM</b> |
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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*

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| <b>ARTICLE 21</b> | <b>SUPPORT FOR CIVIC EVENTS</b> |
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To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$5,000 for the purpose of paying a portion of the municipal costs associated with civic events in the downtown, or take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 22</b> | <b>SPRING GROVE CEMETERY MAINTENANCE</b> |
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To see if the Town will vote to transfer the sum of \$6,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 23</b> | <b>STABILIZATION FUND BOND PREMIUM</b> |
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To see if the Town will vote to transfer the sum of \$100,000 from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

*On request of the Finance Director*

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| <b>ARTICLE 24</b> | <b>WATER AND SEWER VEHICLES</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$195,000 for the purpose of purchasing Water and Sewer vehicles, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 25</b> | <b>WATER MAIN REPLACEMENT PROJECTS</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$3,000,000 for the purpose of purchasing services and materials related to completing water main replacement projects, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 26</b> | <b>HYDRANT REPLACEMENT PROGRAM</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$100,000 for the purpose of purchasing services and materials related to the fire hydrant replacement program, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 27</b> | <b>WATER TREATMENT PLANT ELECTRICAL SUBSTATION REPLACEMENT</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$5,000,000 for the purpose of purchasing services and materials related to the water treatment plant electrical substation replacement project, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 28</b> | <b>MINOR SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$50,000 for the purpose of purchasing services and materials related to completing minor sanitary sewer collection system improvements, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 29</b> | <b>SEWER INFLOW/INFILTRATION REMOVAL PROGRAM</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$100,000 for the purpose of purchasing services and materials related to the Inflow/Infiltration Removal Program, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 30</b> | <b>DALE STREET PUMPING STATION REPLACEMENT</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$360,000 for the purpose of purchasing services and materials related to completing a replacement of the pumping station on Dale Street, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 31</b> | <b>PURCHASE OF CONSERVATION LAND FROM GENETICS INSTITUTE/PFIZER 83 LOWELL JUNCTION ROAD AND APPLICATION FOR LAND GRANT FUNDS</b> |
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To see if the Town will vote to authorize the sum of money appropriated by vote under Article 12 of the 2001 Annual Town Meeting, as amended by vote under Article 56 of the 2014 Annual Town Meeting for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately 3.08+/-acres at 83 Lowell Junction Road, now or formerly owned by Genetics Institute, Inc. / Pfizer as described on Assessors Map 183, Parcel 11, and for expenses incidental and related thereto, to be managed and controlled by the Conservation Commission of the Town of Andover in accordance with Chapter 40, Section 8C of Massachusetts General Laws for conservation and passive outdoor recreation purposes, and to meet said appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3) and/or Chapter 44, Section 8C of Massachusetts General Laws, or any other enabling authority, issue bonds or notes of the Town therefor or to take any other action related thereto that may be necessary for that purpose, and that the Town Manager, Conservation Commission and Board of Selectmen on behalf of the Town be authorized to acquire said land or any portion thereof by gift, purchase, or eminent domain, including but not limited to using an appropriation made at the 2001 Town Meeting, Article 12 as amended by the 2014 Town Meeting, Article 56 for said acquisition and related expenses, and that the Town Manager and the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Andover to effect said purchase, and that the Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary to seek reimbursements or grants under the Local Acquisitions for Natural Diversity (LAND) Grant Program, Chapter 132A, Section 11 and/or other reimbursement or grant programs in any way connected with the scope of this article and to enter into agreements and execute any and all instruments as may be

necessary on behalf of the Town to affect said purchase or grant, and take any other action related to the conveyance of said land to the Town under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws and as it may hereafter be amended and other Massachusetts statutes relating to Conservation to be managed and controlled by the Conservation Commission, or take any other action related thereto.

*On request of the Director of Conservation*

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| <b>ARTICLE 32</b> | <b>PUBLIC WORKS VEHICLES – LARGE</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$555,000 for the purpose of purchasing public works vehicles, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 33</b> | <b>FIRE APPARATUS REPLACEMENT – LADDER TRUCK</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$1,100,000 for the purpose of purchasing a ladder truck, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Fire Chief*

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| <b>ARTICLE 34</b> | <b>MAJOR TOWN BUILDING PROJECTS</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$775,000 for the purpose of purchasing services and materials related to reconstructing, making extraordinary repairs to, and equipping various town buildings, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 35</b> | <b>TOWN AND SCHOOL ENERGY EFFICIENCY INITIATIVES</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$565,000 for the purpose of purchasing services and materials related to completing Town and School energy efficiency initiatives, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 36</b> | <b>MAJOR SCHOOL PROJECTS</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$722,000 for the purpose of purchasing services and materials related to reconstructing making extraordinary repairs to, and equipping school buildings, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Municipal Services*

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| <b>ARTICLE 37</b> | <b>SENIOR CITIZEN PROPERTY TAX EXEMPTION</b> |
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To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF ANDOVER TO ESTABLISH A MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION**

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the town of Andover there shall be an exemption from the property tax in an amount to be set annually by the board of selectmen as provided in section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, “parcel” shall be a unit of real property as defined by the board of assessors under the deed for the property and shall include a condominium unit. The exemption provided for herein shall be in addition to any and all other exemptions allowed by the General Laws.

SECTION 2. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

- (a) The qualifying real property is owned and occupied by a person who qualified and received the circuit breaker income tax credit the previous year under section 6(k) of chapter 62 of the General Laws;
- (b) The qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;
- (c) The qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

- (d) The applicant or at least 1 of the joint applicants has been domiciled and owned a home in the town of Andover for at least the 10 consecutive years preceding the filing of an application for the exemption;
- (e) The maximum prior year assessed value of the domicile is no greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under Section 6(k) of chapter 62 of the General Laws as adjusted annually by the Department of Revenue; and
- (f) The board of assessors has approved the application.

SECTION 3. The board of selectmen shall annually set the exemption amount provided for in section 1, provided that the amount of the exemption shall be up to a 100% match, and no less than a 50% match, of the amount of the circuit breaker income tax credit under section 6(k) of chapter 62 of the General Laws for which the applicant received in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the filed income tax return of the applicant showing the Circuit Breaker tax credit. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 6. This act shall expire after 3 years of implementation of the exemption with program implementation beginning in Fiscal Year 2020.

or take any other action with respect thereto.

*On request of the Elder Services Task Force*

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| <b>ARTICLE 38</b> | <b>PARKING STUDY IMPLEMENTATION</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$75,000 for the purpose of purchasing services and materials related to the Parking Study Implementation project, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 39</b> | <b>DOWNTOWN IMPROVEMENTS</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$1,000,000 for the purpose of purchasing services and materials related to making improvements to the downtown area, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 40</b> | <b>TOWN OFFICES CUSTOMER SERVICE BUILDING IMPROVEMENTS</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$1,000,000 for the purpose of purchasing services and materials related to Town Offices building renovations and customer service improvements, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Town Manager*

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| <b>ARTICLE 41</b> | <b>SENIOR CENTER AT PUNCHARD DESIGN SERVICES</b> |
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To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$160,000 for the purpose of purchasing professional services related to the design of the Senior Center at Punchard, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Director of Community Services*

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| <b>ARTICLE 42</b> | <b>PROHIBITION OF MARIJUANA ESTABLISHMENTS</b> |
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To see if the Town will vote to amend Article XII of the Town’s General Bylaws, Miscellaneous Bylaws, by adding after Section 48 the following new section:

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

**(a) Prohibition**

Consistent with G.L. c. 94G, sec. 3(a)(2), all types of marijuana establishments as defined in G.L. c. 94G, sec. 1, including all marijuana cultivators, craft marijuana cultivator cooperatives, independent testing laboratories, marijuana product manufacturers, marijuana retailers, on-site consumption, special events, and any other type of licensed marijuana-related businesses, but not to include a medical marijuana treatment center or registered marijuana dispensary as defined and regulated in Article VIII, Section 8.9 of the Town’s Zoning Bylaws, are prohibited in the Town of Andover.

(b) **Severability**

If any provisions, paragraphs, sentences, or clauses of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

(c) **Enforcement**

The penalty for violation of this bylaw shall be \$200 for each such violation. Each day of the violation shall constitute a separate offense. In addition to any other applicable remedy, violation of this bylaw may be enforced by noncriminal disposition in accordance with G.L. c. 40, sec. 21D. The Town Manager, Police Officers and the Building Inspector shall be enforcing persons.

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws,

or take any other action relative thereto

*On request of the Board of Selectmen*

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| <b>ARTICLE 43</b> | <b>AMEND ZONING BYLAW – SECTION 10.0 DEFINITIONS</b> |
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To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII, §10.0 DEFINITIONS to include Marijuana Establishments and to read as follows:

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

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 Selectmen*

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| <b>ARTICLE 44</b> | <b>AMEND ZONING BYLAW – TABLE OF USE REGULATIONS</b> |
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Amend **APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations** to add 27. Marijuana Establishments and to read as follows:

|                              | Residential Districts |     |     |     | Business Districts |    |    |    | Industrial Districts |    |    |         |
|------------------------------|-----------------------|-----|-----|-----|--------------------|----|----|----|----------------------|----|----|---------|
|                              | SRA                   | SRB | SRC | APT | LS                 | OP | GB | MU | IG                   | IA | ID | ID<br>2 |
| 27. Marijuana Establishments | N                     | N   | N   | N   | N                  | N  | N  | N  | N                    | N  | N  | N       |

And further that non-substantive changes to the numbering of this 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 Selectmen*

|                   |   |
|-------------------|---|
| <b>ARTICLE 45</b> | <b>WEST ELEMENTARY SCHOOL FEASIBILITY STUDY</b> |
|-------------------|---|

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$1,200,000 for the purpose of purchasing services and materials related to the West Elementary School Feasibility Study, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Town Manager*

|                   |  |
|-------------------|--|
| <b>ARTICLE 46</b> | <b>INFORMATION TECHNOLOGY PLATFORMS AND INFRASTRUCTURE</b> |
|-------------------|--|

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$350,000 for the purpose of purchasing services and materials related to completing information technology platforms and infrastructure, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Chief Information Officer*

|                   |                               |
|-------------------|-------------------------------|
| <b>ARTICLE 47</b> | <b>STUDENT DEVICE REFRESH</b> |
|-------------------|-------------------------------|

To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$200,000 for the purpose of purchasing services and materials related to replacing student technology devices, including any other costs incidental and related thereto, or to take any other action related thereto.

*On request of the Chief Information Officer*

|                   |                                       |
|-------------------|---------------------------------------|
| <b>ARTICLE 48</b> | <b>MINOR STORM DRAIN IMPROVEMENTS</b> |
|-------------------|---------------------------------------|

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

*On request of the Director of Municipal Services*

|                   |  |
|-------------------|--|
| <b>ARTICLE 49</b> | <b>WATER TREATMENT PLANT MAINTENANCE</b> |
|-------------------|--|

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

*On request of the Director of Municipal Services*

|                   |  |
|-------------------|--|
| <b>ARTICLE 50</b> | <b>STREET ACCEPTANCE OF FRASER DRIVE</b> |
|-------------------|--|

To see if the Town will vote to accept and name as a public way the following street: Fraser Drive as further described below, and to accept deeds to the street and all related easements:

Fraser Drive, as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION PLAN FRASER DRIVE ANDOVER, MASS’ dated August 30, 2013 last revised December 5, 2013 and recorded in the Essex North District Registry of Deeds as Plan Number 17059 and further modified on plan approved by the Andover Planning Board entitled “Modification to Subdivision Plan of Land in Andover Mass entitled 29 Boutwell Road (Fraser Drive)” dated July 23, 2015 last revised August 20, 2015 and recorded in Essex North District Registry of Deeds as Plan Number 17341; or take any other action related thereto.

*On request of the Board of Selectmen*

|                   |   |
|-------------------|---|
| <b>ARTICLE 51</b> | <b>NEW GENERAL BYLAW ARTICLE XII SECTION 50 NAMING PRIVATE WAYS</b> |
|-------------------|---|

To see if the Town will vote to amend General Bylaw Article XII by adding the following new section:

**§50. Naming Private Ways**

No way, which is open for public use but has not become a public way, shall be given a name unless the name is first approved by the Board of Selectmen.

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

*On request of the Director of Municipal Services*

|                   |   |
|-------------------|---|
| <b>ARTICLE 52</b> | <b>AMEND GENERAL BYLAW ARTICLE 1 SECTION 4: PENALTY FOR VIOLATIONS OF BYLAWS, RULES AND REGULATIONS</b> |
|-------------------|---|

To see if the Town will vote to amend Article I, Section 4 of the Town’s Bylaws as follows:

**Delete the second paragraph of Article I, Section 4 and replace with the following:**

Except as otherwise provided herein or by rules or regulations of the Town, for any violation of the bylaws, rules, or regulations of the Town, a fine of \$300 shall be assessed for each offense.

**Delete the second sentence of the fourth paragraph of Article I, Section 4 and replace with the following:**

Any person notified to appear before the Clerk of the Lawrence District Court may appear and confess the offense charged, either personally or through an agent or by mailing with the notice such specific sum of money in the amount of \$300 for each offense or such other amount as the Town may fix herein or by rule or regulation as a penalty for violation of such bylaw, rule or regulations.

Or take any other action relative thereto.

*On request of the Board of Health*

|                   |   |
|-------------------|---|
| <b>ARTICLE 53</b> | <b>AMEND SECTION 5.2 OF THE ANDOVER ZONING BYLAW RELATED TO SIGNS</b> |
|-------------------|---|

To see if the Town will vote to amend Section 5.2 of the Andover Zoning Bylaw by deleting the language stricken from the bylaw as shown below and by adding the language underlined in the bylaw which is shown as follows:

**“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 that is either attached parallel to the façade of a building, facing in the same direction as the façade, or displayed on the fixed canopy or awning of a building.

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.

14. *Awning:* A fixed or retractable structure, whether made of canvas, plastic, metal or other material, placed over a storefront, door or window. For the purpose of this Section 5.2. Signs, awnings shall not be considered a sign. Lettering, symbols or graphic elements appearing on either the body or the valance of an awning (and not otherwise exempt) shall constitute an Attached Sign. The area of a sign displayed on an awning consists of the area encompassed by any lettering, symbols, or graphic elements distinct from the awning background color.

### **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, symbols or graphic elements not exceeding six (6) inches in height and not exceeding 75% of the height of the valance.
- 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.~~

32. *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.

43. *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 sign associated with a business that has terminated activities loses its relevance and therefore becomes nonconforming. Any nonconforming sign and/or support 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.

54. *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:** Prior to the issuance of a sign permit, the Design Review Board (DRB) shall, within 30 days of submission of an application for a sign permit, review an application for (a) a municipal sign in any district and (b) a sign greater than four (4) square feet in the General Business (GB) and Mixed Use (MU) District. 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.
- de. 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 a sign pertains~~ 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. In all districts, no temporary on-premises sign or other temporary on-premises advertising devise shall be permitted except as follows:

- a. The design and location of all temporary signs attached to or associated with a commercial property or use shall be subject to the approval of the Building Commissioner following guidelines approved by the Planning Board.
- b. The Building Commissioner may approve temporary signs attached to or associated with a commercial property or use for no more than a four month period in any calendar year.
- c. Temporary signs associated with a non-commercial property, dwelling or use not exceeding 12 square feet may be placed in all districts.
- d. Signs related to an event on a specific date or dates shall be removed within 7 days after the event.

~~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 an awning or 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 of a flat attached sign for any individual commercial or business use shall not exceed fifteen (15) percent of the portion of the facade associated with that use.
- d. Flat attached signs oriented to the street shall not exceed fifty (50) square feet in area.
- e. Flat attached 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.
- f. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) 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 provided that 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 an awning or 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 of a flat attached sign 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.
- d. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awnings or canopy and in no case shall they exceed twenty-five (25) 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. 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.

- 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 provided that 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 may be either attached flat against the wall or placed on an awning or fixed canopy of the building. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached. The sign area of a flat attached sign shall not exceed twenty-five (25) square feet. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet.

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 sign area of a flat attached sign shall not exceed twenty percent (20%) of the area of the side of the building to which it is attached, or eighty (80) square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet.
- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building in 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 placed on an awning 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 two hundred (200) square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet.
- 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 and Industrial 2 (ID2) 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. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet.
- 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 twelve (12) 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.

- aa. ~~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.~~
- . ~~Sign content normally should not occupy more than forty percent (40%) of the sign background, whether a signboard or a building element.~~
- be. 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 Planning Director*

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| <b>ARTICLE 54</b> | <b>LEDGE ROAD LANDFILL</b> |
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To prohibit the use of any Town funds, including but not limited to the stabilization funds that were appropriated by the 2016 Town Meeting or any other appropriated but unspent funds of the Town, for any post closure use of the Ledge Road landfill property that would constitute or require the construction of any Department of Municipal Services Public Works and/or Plant & Facilities Material Handling Operations and/or any storage facility with the purpose of storing or warehousing any Town vehicles, equipment, materials or refuse on the Ledge Road landfill property unless and until the Town expressly authorizes the same pursuant to a specific warrant article appropriating such funds at a future Town Meeting.

*On request of Greg Minasian and others*

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| <b>ARTICLE 55</b> | <b>THIN FILM SINGLE USE PLASTIC CHECKOUT BAG REDUCTION BYLAW</b> |
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To see if the Town will amend the Town of Andover General Bylaw of Article XII by adding a new Section 50: Thin Film Single Use Plastic Check Out Bag Reduction as follows:

**Section 1. Findings and Intent**

Thin Film Single Use Plastic Check Out Bags have a significant effect on marine (including freshwater systems) and terrestrial environment and human health; including, but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of fossil fuels in their composition; 6) degrading into microplastic pieces (<5mm) that are concurrently ingested by fish, crustaceans, bivalves and other ocean life moving up the food chain to disrupt human health; 7)

acting as a vector for stagnant water through which mosquito borne diseases can spread. Studies have shown that even “compostable” or “biodegradable” bags require very specific and controlled conditions into biodegrade, and have potentially negative environmental effects similar to conventional thin film single use plastic bags. Such bags should therefore be subject to the same restrictions as conventional thin film single use plastic check out bags.

NOW THEREFORE, the purpose of this bylaw is to protect Andover’s unique natural beauty and irreplaceable natural resources by reducing the number of single use plastic check out bags in circulation in the Town of Andover and to promote the use of reusable bags. Numerous Massachusetts communities have acted or are in the process of reducing use of thin film single use plastic check out bags.

## **Section 2. Definitions**

- a. “Thin Film Single Use Check Out Bag” shall mean those bags typically with handles, constructed of high density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET) or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0mm<sup>1</sup> in thickness.
- b. “Department” shall mean the Town of Andover Health Division.
- c. “Health Agent” shall mean a person appointed by the Board of Health as its Health Agent.
- d. “Recyclable Paper Bag” shall mean a paper bag, with or without handles that contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag 1) the word “recyclable” or a symbol identifying the bag as recyclable and 2) a label identifying the bags as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- e. “Reusable Bag” means a sewn bag with stitched handles that is specifically designed for multiple reuse that (i) can carry twenty five (25) pounds; (ii) is machine washable or is made of a material that can be cleaned or disinfected one hundred and twenty five (125) times; (iii) is made of either polyester, polypropylene, cotton or other natural fiber material; and (iv) has a thickness of greater than four (4.0) millimeters<sup>2</sup>.
- f. “Polyethylene” is any of various lightweight thermoplastic resins made by polymerizing ethylene, a flammable hydrocarbon gas primarily occurring in natural gas, coal gas, and crude oil chiefly used for plastic bags, food containers and other products.
- g. “Compostable plastic bag” means conforming to the ASTM (American Society for Testing and Materials) D6400 for compostability.
- h. “Biodegradable plastic bag” means a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability.
- i. “Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a “Food Establishment” for purposes of this ordinance.

## **Section 3. Regulated conduct**

- a) No Food Establishment in Andover shall provide Thin Film Single Use Plastic Check Out Bags to customers.
- b) If Food Establishment provides bags to customers, with or without charge, the bags must be one of the following:

- 1) Recyclable Paper bag
- 2) Reusable Check Out bag; or
- 3) Cardboard boxes.

#### **Section 4. Exemptions**

- a) Thin film plastic bags typically without handles which are used to contain dry cleaning, newspapers, fruit, vegetables, nuts, grains, candy, wet items and other similar merchandise are not prohibited under this bylaw.
- b) All Food Establishments must provide at the point of sale, free of charge either reusable shopping bags or recyclable paper bags or both, at the Food Establishment's option, to any customer participating in the Supplemental Food Program for Women, Infants and Children (WIC) pursuant to M.G.L.c.111, or in the Supplemental Nutrition Assistance Program (SNAP) pursuant to M.G.L.c.18.
- c) The provisions of this bylaw do not apply to bags used by a non-profit corporation or other charity as defined by M.G.L.c.12 to distribute food, grocery products, clothing or other household items to clients.
- d) This bylaw does not prevent Food Establishments from selling to customers various types of plastic bags sold in packages containing multiple bags intended for personal use.

#### **Section 5. Enforcement**

(a) The Town of Andover Board of Health and its Director or his/her designee shall have the authority to administer and enforce this bylaw.

(b) Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations may be penalized by a non-criminal disposition process as provided in MGL c. 40, §21D. Each day of violation, after written notice, is a separate violation.

(c) The following penalties shall apply:

(1) First offense: Warning

(2) Second offense: \$50

(3) Third offense: \$100 and appearance in front of Board of Health

(4) Fourth and subsequent offenses: \$200

#### **Section 6. Effective Date**

- a) This by law shall take effect following approval of the bylaw by the Attorney General on January 2, 2019 for Food Establishments
- b) The Director may exempt a Food Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Director that 1) the requirements of this section would cause undue hardship.

#### **Section 7. Regulations**

- a) The Town of Andover Health Department may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

#### **Section 8. Severability**

- a) If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

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.

*Footnotes:*

- 1 This measurement in Section 2a should be 4.0mils, not 4.0mm. This will be corrected on the floor at Town Meeting.
- 2 This measurement in Section 2e should be four (4.0) mils, not four (4.0) millimeters. This will be corrected on the floor at Town Meeting.

*On request of David Bunting and others*

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| <b>ARTICLE 56</b> | <b>POLYSTYRENE FOOD AND BEVERAGE WARE AND PACKAGING REDUCTION BYLAW</b> |
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To see if the Town will amend the Town of Andover General Bylaw of Article XII by adding a new Section 49: Polystyrene Food and Beverage Ware & Packaging Reduction, as follows:

**REDUCTION OF POLYSTYRENE**

A new bylaw for the town of Andover prohibiting the use and distribution of foam and rigid polystyrene in food service ware and packaging material and requiring the use and distribution of biodegradable, compostable, reusable or recyclable products or materials in its place.

**§ 1. FINDINGS AND INTENT**

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, styrene, a component of polystyrene, is a known hazardous substance, classified by the National Toxicology Program (NTP) as “reasonably anticipated to be a human carcinogen” and also recognized by the NTP as a potential food and beverage contaminant that may “leach from polystyrene containers used for food products”; and

WHEREAS, polystyrene is made from fossil fuels, a non-renewable resource; and

WHEREAS, polystyrene manufacture, use, and disposal requires substantial energy consumption and contributes to greenhouse gases and other adverse environmental effects; and

WHEREAS, polystyrene is not biodegradable or compostable, and is generally not recyclable; and

WHEREAS, polystyrene is a common environmental pollutant that fragments into smaller pieces that harm or kill marine life and wildlife when they ingest them;

WHEREAS, the EPA states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy"; and

WHEREAS, polystyrene is used as food service ware by food establishments operating in Andover; and

WHEREAS, disposable food service ware constitutes a portion of the litter in Andover's streets, parks and public places, which increases Andover's costs; and

WHEREAS, affordable and effective ways to reduce the negative environmental impacts of polystyrene products through the use of reusable, recyclable, biodegradable and/or compostable materials are available for most retail applications; and

WHEREAS, over 100 municipalities throughout the United States, Canada, Europe, and Asia have banned polystyrene food service ware, including Amherst, Brookline, Great Barrington, Somerville, and South Hadley in Massachusetts, as well as: Los Angeles, CA; Chicago, IL; Miami Beach, FL; Albany, NY; New York, NY; Portland, OR; and Seattle, WA.

NOW THEREFORE, the Town of Andover hereby enacts this bylaw to prohibit the use and distribution of foam and rigid polystyrene in food service ware and packaging material and require the use and distribution of biodegradable, compostable, reusable, or recyclable products or materials in their place.

## **§ 2. DEFINITIONS**

The following words and phrases shall, unless context clearly indicates otherwise, have the following meanings:

### **ASTM STANDARD**

Refers to materials meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate.

### **BIODEGRADABLE**

Materials that will completely degrade and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

### **COMPOSTABLE**

Materials that will completely degrade into, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, such that any customer or processor can easily distinguish the ASTM Standard compostable plastic from non-ASTM Specification compostable plastic.

### **DISPOSABLE FOOD SERVICE WARE**

All containers, bowls, plates, trays, cartons, cups, lids, straws, forks, spoons, knives, and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to,

service ware for takeout foods and/or leftovers from partially consumed meals prepared at food establishments.

#### FOOD ESTABLISHMENT

An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a "Food Establishment" for purposes of this ordinance.

#### POLYSTYRENE

The term means and includes blown polystyrene and expanded and extruded foams (sometimes called "Styrofoam," a Dow Chemical Co. trademarked form of EPS insulation) also referred to as expanded polystyrene (EPS), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); and in this chapter is referenced as "Foam Polystyrene." Foam Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

The term also means and includes clear or solid polystyrene which is also known as "oriented," which is produced by stretching extruded PS film, improving visibility through the material by reducing haziness and increasing stiffness. This is often used in packaging where the manufacturer would like the consumer to see the enclosed product. This is referenced in this chapter as "Rigid Polystyrene." "Rigid Polystyrene" is generally used to make clear clamshell containers, and clear or colored straws, lids and utensils.

#### PREPARED FOOD

Food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the food establishment's premises within the Town of Andover. Prepared food may be eaten either on or off the premises, also known as "takeout food."

#### RECYCLABLE

Material that can be sorted, cleansed, and reconstituted using Andover's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

#### RETAIL ESTABLISHMENT

Any commercial facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry cleaning services.

#### REUSABLE

Materials that will be used more than once in its same form by a food establishment. Reusable food service ware includes: tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor and customer that is provided take-out containers. Reusable also includes durable

containers, packages, or trays used on-premises or returnable containers brought back to the food establishment.

### **§ 3. PROHIBITED USE AND DISTRIBUTION OF DISPOSABLE FOOD SERVICE WARE**

(a) Food establishments are prohibited from providing prepared food to customers in Foam Polystyrene or Rigid Polystyrene food service ware.

(b) All food establishments using any disposable food service ware will use biodegradable, compostable, reusable or recyclable food service ware. All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on-premises.

### **§ 4. EXEMPTIONS**

(a) Any person may seek an exemption from the requirements of this chapter by filing a request in writing with the Board of Health. The Board of Health may waive any specific requirement of this chapter for a period of not more than 6 months if the person seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. For purposes of this chapter, an “undue hardship” is a situation unique to the food establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that food establishment. The Board of Health’s decision to grant or deny an exemption shall be in writing and shall be final.

(b) Coolers and ice chests that are intended for reuse are exempt from the provisions of this chapter.

### **§ 5. ENFORCEMENT: VIOLATIONS AND PENALTIES**

(d) The Board of Health shall have the authority to enforce this chapter by:

- (1) inspection and investigation;
- (2) the issuance of violation notices and administrative orders; and/or
- (3) civil court actions

(e) Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations may be penalized by a non-criminal disposition process as provided in MGL c. 40, §21D. Each day of violation, after written notice, is a separate violation.

(f) The following penalties shall apply:

- (5) First offense: Warning
- (6) Second offense: \$50
- (7) Third offense: \$100 and appearance in front of Board of Health
- (8) Fourth and subsequent offenses: \$200

### **§ 6. SEVERABILITY: EFFECTIVE DATE**

- (a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.
- (b) This chapter shall take effect on 1/1/19 following Attorney General approval.

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 David Bunting and others*

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| <b>ARTICLE 57</b> | <b>CHANGE FROM APPOINTED PLANNING BOARD TO ELECTED PLANNING BOARD</b> |
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To see if the Town will vote to amend the Town Charter by adding "(f) a planning board" to §2 and striking "a planning board" from §3(d); and

To authorize the Town Manager and Board of Selectmen to petition the General Court for special legislation to accomplish the foregoing or take any other action related thereto; and

To amend Article III of the Town Bylaws by adding "(8) Planning Board." to §2(a), striking §2(b)(2)e., striking "appointed by the Town Manager subject to the approval of the Board of Selectmen," in §3(b)(1) and replacing with "elected", striking "One term shall expire each year to be filled by appointment in the manner described above" in §3(b)(1) and replacing with "At the first annual town election following establishment of an elected Planning Board, upon legislative approval of said change to the Town Charter, all six Planning Board members shall be elected and shall serve as follows. The first two, in the order of votes received, of members so elected shall serve three years. The next two in such order of votes received shall serve two years. The next highest in votes received shall serve as a full member for a term of one year. The next highest in votes received shall serve as an associate member for a term of one year. Subsequent to this first annual town election, two members shall expire each year, and their successors shall be elected for terms of three years.

*On request of Robert Ciampa and others*

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| <b>ARTICLE 58</b> | <b>REDUCE PLANNING BOARD MEMBERS FROM FIVE YEARS TO THREE YEARS</b> |
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To see if the Town will vote to amend Article III, §3(b)(1) of the Town Bylaws by striking the phrase "terms of five years" and replacing it with "terms of three years"; and to apply the foregoing amendment to

- (a) new Planning Board candidates; and
- (b) incumbent Planning Board candidates at the expiration of their terms.

*On request of Brad Weeden and others*

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| <b>ARTICLE 59</b> | <b>BLASTING NOTIFICATION</b> |
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To see if the town will amend Article XII of the Town ByLaws as follows to provide appropriate Public Notification, Public Informational Meetings and Communication for residents and other nearby property owners to significant blasting projects within the town.

Add §49 – Blasting Notification

All blasting within the Corporate Limits of the Town of Andover shall comply with the requirements of 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code, Chapter 65, Explosives, and Applicable Sections of Massachusetts General Laws, Chapter 148 and the following:

(1) Scope: This bylaw is applicable to any blasting operations occurring at a significant blasting project as defined in this bylaw.

(2) Definitions: As applicable to this bylaw.

a. Blasting Operation: As defined in 527 CMR 1.65.9.1.2.2

b. Significant Blasting Project: Any project where a blasting operation is to occur that meets any of the following:

(i) Requires an Earth Movement Special Permit under Article VIII, § 6.3 of the Town ByLaws.

(ii) Is a Major Non-Residential Project as defined in Article VIII, § 10.1 of the Town ByLaws.

(iii) Any other project which may require a Site Plan Review Certificate as defined under Article VIII, § 9.5.2 of the Town ByLaws.

(3) Public Notification:

a. All abutters within 0.25 miles of the Project Site where the blasting operation will occur shall be notified via mail by the Project Applicant of the proposed blasting project and the location, date and time of the Public Informational Meeting at least 7 days prior to the meeting.

(i) Nothing in this bylaw prohibits the Project Applicant, at their own discretion, from notifying abutters at a greater distance than stated above.

(ii) The Project Applicant shall utilize a certified abutters list as provided by the Andover Assessor’s Office.

b. The Town of Andover shall also utilize its website, relevant facebook page(s), and email notification system to advertise the Public Informational Meeting to residents.

(4) Public Informational Meeting: Prior to the issuance of any permit to blast to the Project Applicant by the Fire Department, a Public Informational Meeting shall be held at which the blaster or his designee shall appear with the head of the Fire Department or his designee to answer questions, provide information, and address concerns raised by the public.

At a minimum the following information and topics shall be discussed:

a. Links to “Facts About Blasting for Massachusetts Property Owners” from the Department of Fire Services (DFS).

b. Links to the DFS “FP-296 Blasting Regulatory Review Form” for blasting damage complaints.

- c. Review of the adjacent items and overall factors considered by the Blaster in regards to abutters when conducting its Blast Analysis as required by 527 CMR 1.65.9.8.
- d. Review of the requirements and scope of the Pre-Blast Inspection Surveys under 527 CMR 1.65.9.15.
- e. Homeowners insurance considerations pre- and post- blasting.
- f. Role of the Fire Department during the blasting operations.
- g. How to sign up to be notified of Blast(s).

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 Keith Saxon and others*

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| <b>ARTICLE 60</b> | <b>IMPROVED FINANCIAL TRANSPARENCY IN ANNUAL REPORT</b> |
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To see if the Town will vote to amend the General Bylaw by amending Article II, §4. Annual Town Report as follows:

Insert into the first sentence following “...preceding fiscal year” the words “and through the second quarter (Q2) of the current fiscal year,” and before “which report...”

*On request of Keith Saxon and others*

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| <b>ARTICLE 61</b> | <b>AMEND ANDOVER ZONING BYLAW ARTICLE VIII, SECTION 8.7.6.1</b> |
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To see if the Town will vote to amend the Zoning Bylaw, Article VIII, Section 8.7.6.1 by striking from the last sentence thereof the words “with an upper limit of forty (40) units per acre” and substituting the words “with an upper limit of thirty (30) units per acre.”

*On request of Daniel H. Kowalski and others*

|                   |   |
|-------------------|---|
| <b>ARTICLE 62</b> | <b>AMEND ANDOVER ZONING BYLAW ARTICLE VIII, SECTION 8.7.6.1</b> |
|-------------------|---|

To see if the Town will vote to amend the Zoning Bylaw, Article VIII, Section 8.7.6.1 by striking from the last sentence thereof the words “with an upper limit of forty (40) units per acre” and substituting the words “with an upper limit of twenty (20) units per acre.”

*On request of Daniel H. Kowalski and others*

|                   |                      |
|-------------------|----------------------|
| <b>ARTICLE 63</b> | <b>NOISE CONTROL</b> |
|-------------------|----------------------|

To see if the Town will Amend Article XII of the Town By-Laws to prevent excessive Noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

Excessive Noise is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive Noise may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive Noise that may jeopardize their health or welfare or safety or degrade the quality of life.

Proposal: For the Town of Andover to prevent excessive Noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(b) Scope.

This By-law shall apply to the control of all sound originating within the limits of the Town of Andover.

Provisions in this By-law shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or in training exercises related to emergency activities, and in the performance of public safety activities.

Emergency generators used for power outages or testing are exempt from this By-law. However, generator testing must be done during daylight hours.

Noncommercial public speaking and public assembly activities as guaranteed by state and federal constitutions shall be exempt from the operation of this By-law.

#### DEFINITIONS

(a) Ambient or Background Noise Level: Is the term used to describe the Noise measured in the absence of the Noise under investigation. It shall be calculated using the average lowest sound pressure level measured over a period of not less than five minutes using a sound pressure level meter set for slow response on the "A" weighting filter in a specific area of the town under investigation.

(b) Construction and Demolition: Any site preparation, assembly erection, substantial repair, alteration, destruction or similar action for public or private rights-of-way, structures, utilities, or similar property.

(c) Day: 7:01 AM – 7:00 PM and Night: 7:00 PM – 7:00 AM

(d) Electronic Devices: Any radio, tape recorder, television, computer, stereo, public address system, loud speaker, amplified musical instrument including a hand held device, and any other electronic noise producing equipment.

Exemption: two-way communication radios used for emergency, safety and public works requirements.

(e) Emergencies: Any occurrence or set of circumstances necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

(f) Decibels (dB): The decibel is used to measure sound pressure level. The dB is a logarithmic unit used to describe a ratio of sound pressure, loudness, power, voltage and several other things.

(g) Decibels “A” weighted scale (dBA): The most widely used sound level filter is the “A” weighted scale. This filter simulates the average human hearing profile. Using the “A” weighted scale, the meter is less sensitive to very low and high frequencies.

(h) Decibels “C” weighted scale (dBC): The “C” filter uses little filtering and has nearly a flat frequency response (equal magnitude of frequencies) throughout the audio range.

(i) Fixed Plant Equipment: Any equipment such as generators, air conditioners, compressors, engines, pumps, refrigeration units, fans, boilers, heat pumps and similar equipment.

(j) Frequency response: Is the measure of any system’s response at the output to a signal of varying frequency but constant amplitude at its input. The theoretical frequency range for humans is 20 - 20,000 cycles/second (Hz).

(k) Hertz (Hz): Cycles per Second (cps).

(l) Loudness: A rise of 10dB in sound pressure level corresponds approximately to doubling of subjective loudness. That is, a sound of 65dB is twice as loud as a sound of 55dB.

(m) Leaf blowers: Any portable machine used to blow leaves, dirt and other debris off lawns, sidewalks, driveways, and other horizontal surfaces.

(n) Noise: Sound which a listener does not wish to hear and is under investigation that may exceed the Noise requirements located in this Noise By-law.

(o) Noise Injury: Any sound that:

1. (1) endangers the safety of, or could cause injury to the health of humans; or
2. (2) endangers or injures personal or real property.

(p) Noise Level: The Sound Pressure Level measurements shall be made with a Type I or II sound level meter as specified under American National Standard Institute (ANSI) standards.

(q) Noise Pollution: If a Noise source increases Noise levels 10 dBA or more above the Background Noise Level, it shall be judged that a condition of Noise Pollution exists. However, if the Noise source is judged by ear to have a tonal sound, an increase of 5 dBA above Background Noise Level is sufficient to cause Noise Pollution.

(r) Person: Any individual, entity, company, occupant, real property owner, or agent in control of real property.

(t) Sound: A fluctuation of air pressure which is propagated as a wave through air.

(u) Sound Level Meter: An instrument meeting Type I or Type II American National Standard Institute (ANSI) standards, consisting of a microphone, amplifier, filters, and indicating device, and designed to measure sound pressure levels accurately according to acceptable engineering practices.

(v) Sound Pressure Level: The level of Noise, normally expressed in decibels, as measured by a sound level meter.

(w) Tonal Sound: Any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

## MOTOR VEHICLE DEFINITIONS

(a) Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating, (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

(b) Motorcycle: Any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

(c) Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

## SOUND LEVEL EXAMPLES

The following are examples of approximate decibel readings of every day sounds:

|        |   |
|--------|---|
| 0dBA   | The faintest sound we can hear  |
| 30dBA  | A typical library   |
| 45dBA  | Typical office space  |
| 55dBA  | Background Noise of a typical urban environment at night                    |
| 65dBA  | Background Noise of a typical urban environment during the day              |
| 70dBA  | The sound of a car passing on the street                                    |
| 72dBA  | The sound of two people speaking 4' apart                                   |
| 80dBA  | Loud music played at home   |
| 90dBA  | The sound of a truck passing on the street                                  |
| 100dBA | The sound of a rock band  |
| 115dBA | Limit of sound permitted in industry by OSHA                                |
| 120dBA | Deafening   |
| 130dBA | Threshold of pain   |
| 140dBA | Rifle being fired at 3'   |
| 150dBA | Jet engine at a distance of 100'  |
| 194dBA | Theoretical limit for a sound wave at one atmosphere environmental pressure |

## DUTIES AND RESPONSIBILITIES OF TOWN DEPARTMENTS

### (a) Departmental Actions

All town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this By-law.

### (b) Departmental Compliance with Other Laws

All town departments and agencies shall comply with federal and state laws and regulations and the provisions and intent of this By-law respecting the control and abatement of Noise to the same extent that any person is subject to such laws and regulations.

(c) Prior to purchasing new equipment, Municipal Services must consider equipment with the lowest Decibel rating for the performance standard required.

(d) Any proposed new or proposed upgrade for a municipal facility must incorporate appropriate and feasible Noise abatement measures during the design review process.

## PROHIBITIONS AND MEASUREMENT OF NOISE EMISSIONS

### 1. (a) Use Restrictions

1. The following devices shall not be operated except between the hours of 7(seven) A.M. to 7(seven) P.M. Monday through Friday, and from 8 (eight) A.M. to 7(seven) P.M. on Saturdays, Sundays and holidays:

All electric motor and internal combustion engine devices employed in yard and garden maintenance and repair.

Turf maintenance equipment employed in the maintenance of golf courses, snow blowers and snow removal equipment are exempt from this section.

2. The following devices shall not be operated except between the hours of 7(seven) A.M. to 7(seven) P.M. Monday through Friday, and from 8:30(eight-thirty) A.M. to 6(six) P.M. on Saturdays, Sundays and holidays:

All devices employed in construction or demolition, subject to the maximum Noise Levels.

2. (b) Vehicular Sources: Maximum Noise Levels Measurements shall be made at a distance of 50 (fifty) feet from the closest point of pass-by of a Noise source or 50(fifty) feet from a stationary vehicle.

MAXIMUM NOISE LEVEL dBA

| <u>Vehicle Class</u>                                  | <u>Stationary Run-up or<br/>Speed Limit 35 mph<br/>Or less</u> | <u>Speed<br/>Limit<br/>35-45 mph</u>  |
|---|--|---|
| All vehicles 10,000+ lbs.<br>GVWR or GCWR             | 83   | 87  |
| All motorcycles                                       | 79   | 79  |
| Automobiles/light trucks                              | 75   | 75  |
| Generator   | 80   | Home tractor<br>Snow blower<br><br>Lawn mover<br>Trimmer<br><br>Leafblowers |
| Electric drills<br>Power tools<br>Sanders, saws, etc. | 75   | 67  |

(c) Construction and Maintenance Equipment: Maximum Noise Levels  
Noise measurements shall be made at a distance of 50 (fifty) feet from the source. The following Noise Levels shall not be exceeded.

| <u>Construction Item</u>   | <u>Maximum<br/>Noise<br/>Level dBA</u> | <u>Maintenance Item</u>                                     | <u>Maximum<br/>Noise<br/>Level dBA</u> |
|--|--|---|--|
| Backhoe, bulldozer<br>Concrete mixer<br>Dumptruck, loader<br>Roller, scraper<br>Pneumatic tools, paver | 90                                     | Wood chipper<br>running concrete<br>mixer, leaf vacuum      | 90                                     |
| Air compressor   | 85                                     | Chainsaw<br>Solid waste<br>Compactor<br>Tractor (full-size) | 85                                     |

(d) Fixed Plant Equipment

Any person shall operate such equipment in a manner not to exceed 10 dBA over the Background Noise and not greater than 5 dBA of Tonal sound over the Background Noise. However, if the fixed equipment is operated during night time hours, the night time Sound Pressure Level of the Fixed Plant Equipment must not exceed the average daytime Background Noise to compensate for night time operations, which is assumed to be 10dBA below daytime Background Noise.

Noise measurements shall be made at the boundary of the property in which the offending source is located, or at the boundary line of the complainant if the complainant is not a direct abutter.

(e) Electronic Devices and Musical Instruments

No person owning, leasing or controlling the operation of any electronic device shall willfully or negligently permit the establishment or condition of Noise Injury or Noise Pollution.

In public spaces, the existence of Noise Injury or Noise Pollution is to be judged to occur at any location a passerby might reasonably occupy. When the offending Noise source is located on private property, Noise Injury or Noise Pollution judgments shall be made at the property line within which the offending source is located.

Any and all Decibel Levels of sound caused by playing non-electrified musical instruments between 9 A.M. and 9 P.M. shall be exempt with exception of drums.

(f) Animals

No person owning, keeping or controlling any animal shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the existence of Noise Pollution or Noise Injury.

(g) Additional Noise Sources

No person shall emit noise so as to cause a condition of Noise Pollution or Noise Injury. (i) Alternative Measurement Procedures

If it is not possible to make a good Sound Pressure Level measurement at the distance as defined for specific equipment, measurement may be made at an alternate distance and the level at the specified distance subsequently calculated. Calculations shall be made in accordance with established engineering procedures.

(h) Noise Level Exclusions

Any equipment that is used to satisfy local, state, federal health, welfare, environmental or safety codes shall be exempt from limitations for hours of operation, except to the extent otherwise determined by the Board of Selectmen. The following equipment shall also be exempt if necessary for emergency work performed by Municipal Services:

jack hammers  
pavement breakers  
pile drivers  
rock drills

or such other equipment as Municipal Services deems necessary, providing that effective Noise barriers are used to shield nearby areas from excessive Noise.

(i) Motor Vehicle Alarms

The sounding of any horn or signaling device as a part of a burglar, fire or alarm system (alarm) for any motor vehicle, unless such alarm is automatically terminated within ten minutes of activation and is not sounded again at all within the next sixty minutes, is prohibited.

(j) Tonal Sound Corrections

When a Tonal Sound is emitted by a Noise source, the limit on maximum Noise levels shall be 5 dB lower than specified.

#### PERMITS FOR EXEMPTIONS FROM THIS BY-LAW

(a) The Board of Selectmen may give a special permit

1. (i) for any activity otherwise forbidden by the provisions of this By-law,
2. (ii) for an extension of time to comply with the provisions of this By-law and any abatement orders issued pursuant to it, and
3. (iii) when it can be demonstrated that bringing a source of Noise into compliance with the provisions of this By-law would create an undue hardship on a person or the community. A person seeking such a permit should make a written application to the Board of Selectmen. The Town will make all reasonable efforts to notify all direct abutters prior to the date of the Selectmen's meeting at which the issuance of a permit will be heard.

The Board of Selectmen may issue guidelines defining the procedures to be followed in applying for a special permit. The following criteria and conditions shall be considered:

- (1) the cost of compliance will not cause the applicant excessive financial hardship;
- (2) additional Noise will not have an excessive impact on neighboring citizens.
- (3) the permit may require portable acoustic barriers during Night.
- (4) the guidelines shall include reasonable deadlines for compliance or extension of non-compliance.
- (5) the number of days a person seeking a special permit shall have to make written application after receiving notification from the Town that (s)he is in violation of the provisions of this By-law.

(b) If the Board of Selectmen finds that sufficient controversy exists regarding the application, a public hearing may be held. A person who claims that any special permit granted under (a) would have adverse effects may file a statement with the Board of Selectmen to support this claim.

#### HEARINGS ON APPLICATION FOR PERMITS FOR EXEMPTIONS

Resolution of controversy shall be based upon the information supplied by both sides in support of their individual claims and shall be in accordance with the procedures defined in the appropriate guidelines issued by the Board of Selectmen.

#### PENALTIES

(a) Any person who violates any provision of this By-law shall be subject to a fine according to the following schedule:

- (1) \$50.00 for first offense;
- (2) \$100.00 for the second offense;
- (3) \$200.00 for the third offense;
- (4) \$200.00 for successive violations;
- plus (5) court costs for any enforcement action.

Each day of a continuing violation shall be considered a separate violation. Fines that remain unpaid after 30 days shall accrue interest at the statutory rate of interest.

(b) If a person in violation of the Noise Control By-law at a real property is an occupant but not the record owner of the real property, the Police, and or Board of Health may notify the owner of record of the real property of the violation. If a fine is issued in connection with excessive Noise at real property to someone other than the record owner of the property then the record owner of that property shall be notified. If there are any successive violations at least 14 days after the notification of the record owner but within a one-year period, then the record owner of the property shall also be subject to the fine schedule

#### ENFORCEMENT

Board of Health, Building Inspector, and Police shall have enforcement authority for the By-law.

*On request of Monica Morell and others*

|                   |   |
|-------------------|---|
| <b>ARTICLE 64</b> | <b>DATE OF TOWN ELECTIONS – HOME RULE LEGISLATION</b> |
|-------------------|---|

To see if the Town will vote to have the Town expeditiously submit a Home Rule Petition to the Massachusetts Legislature to have the Legislature grant to the Town of Andover permission to change the date that the Town of Andover holds its local elections to be on the Tuesday next after the first Monday in November, which will enable Town of Andover local elections to be held on the same statutory date that state and federal elections are held, provided that the

Legislature may reasonable vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

*On request of Bob Pokress and others*

|                   |  |
|-------------------|--|
| <b>ARTICLE 65</b> | <b>ALLOW PLANNED DEVELOPMENTS IN ID2 ZONING DISTRICT</b> |
|-------------------|--|

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

Amend Section 7.2 by replacing all instances of:

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

Amend Section 7.2.3 by adding the following at the end:

6. *Waivers*. The Planning Board may waive the dimensional requirements set forth in Section 7.2.3 for planned developments proposed in the Industrial 2 District in the interests of design flexibility and overall project quality if it finds that the project is consistent with the overall purpose and objectives of Section 7.2, or if it finds that such waiver will allow the project to achieve a high quality design incorporating a desired mix of open space, affordability, a mix of uses, and/or physical character.

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

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

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

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

proposed change that does not exceed the impact thresholds set forth in the conceptual master plan.

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

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

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

TM – Town Meeting

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

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

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

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

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

Exceptions and Special Requirements:

- (a) All dwellings for planned developments in the Industrial 2 District shall be age restricted to require at least one resident to have attained the age of 55 and no resident shall be under the age of 18.

Allowed by right in planned development, multifamily or mixed use in ID2 zoning district.

*On request of Paul Russo and others*

|                   |   |
|-------------------|---|
| <b>ARTICLE 66</b> | <b>DASCOMB ROAD PROJECT – PLANNED DEVELOPMENT<br/>MASTER PLAN</b> |
|-------------------|---|

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

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

*On request of Paul Russo and others*

