

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 SECOND DAY OF MAY, 2016

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

Annual Town Election

ARTICLE 1. Annual Town Election: Moderator for one year, two Selectmen for three years, two School Committee members for three years, one Andover Housing Authority member for five years and one Punchard Free School Trustee for three years.

Election Not Required by Ballot

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

On request of the Town Clerk

Salaries of Elected Officials

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

On request of the Town Clerk

FY-2017 Budget

ARTICLE 4. To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017, or take any other action related thereto.

On request of the Town Manager

FY-2017 Capital Projects Fund Appropriation

ARTICLE 5. To see if the Town will vote to raise by taxation and appropriate the sum of \$2,540,000 for the purpose of funding the Fiscal Year 2017 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

Budget Transfers

ARTICLE 6. To see if the Town will vote to transfer from amounts previously appropriated at the 2015 Annual Town Meeting as authorized by MGL Chapter 44, Section 33B, or take any other action related thereto.

On request of the Finance Director

Supplemental Budget Appropriations

ARTICLE 7. To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the May 2015 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

Stabilization Fund

ARTICLE 8. 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 MGL 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

Free Cash

ARTICLE 9. To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2017 tax rate and to affect appropriations voted at the 2016 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

Unexpended Appropriations

ARTICLE 10. 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

General Housekeeping Articles

ARTICLE 11. 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 2017 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

On request of the Board of Assessors

E. **Contracts in Excess of Three Years**

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

On request of the Town Manager

F. **Accepting Easements**

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

On request of the Town Manager

G. **Rescinding of Bond Authorizations**

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

On request of the Finance Director

Granting Easements

ARTICLE 12. To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

Unpaid Bills

ARTICLE 13. To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action related thereto.

On request of the Town Accountant

Chapter 90 Authorizations

ARTICLE 14. 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

Jerry Silverman Fireworks

ARTICLE 15. 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

FY-2017 Revolving Accounts

ARTICLE 16. To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2016, or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2016 Limit
A. Community Development & Planning Department	<ul style="list-style-type: none">• Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$20,000
B. Memorial Hall Library- Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
C. Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$60,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	\$625,000
E. Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	\$400,000

F. Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	\$100,000
G. Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	\$225,000
H. Police Communications	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
I. School Photocopy Fees	School Dept.	Photocopy Center Costs	External Private Groups	\$10,000
J. Compost Program	Municipal Services – Plant & Facilities Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	\$60,000
K. Solid Waste	Municipal Services – Public Works Director	Offset Trash & Recycling Costs	CRT, HHW & Trash fees	\$40,000
L. Stormwater Management	Planning Director	Consulting and environmental monitoring of Stormwater Management applications and permits	Applicant	\$5,000
M. Fire Rescue	Fire Chief	Training and Equipment	Service Fees	\$100,000
N. Health Services	Public Health Director	Health Dept. Inspections	Inspection Fees	\$75,000
O. Cable TV	Finance Director	Cable Access TV Equipment, Debt Service, Lease Payments	Cable Fees	\$1,150,000

On request of the Finance Director

FY 2017 Creation of School Dept. Revolving Account

ARTICLE 17. To see if the Town will vote to accept the provisions of Massachusetts General Law Section 71E, Chapter 71 to allow all moneys received by the School Department in connection with the conduct of academic summer school programs, including, but not limited to continuing education and on-line academic programs, or take any other action related thereto.

On request of the School Department

Elderly/Disabled Transportation Program

ARTICLE 18. 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

Support for Civic Events

ARTICLE 19. 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

Spring Grove Cemetery Maintenance

ARTICLE 20. 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

Free Cash to the Bond Premium Stabilization Fund

ARTICLE 21. To see if the Town will vote to transfer the sum of \$268,000 from Free Cash and appropriate to the Bond Premium Stabilization Fund for the purpose of paying principal and interest on non-exempt outstanding debt, or take any other action related thereto.

On request of the Finance Director

Free Cash to OPEB Trust Fund

ARTICLE 22. To see if the Town will vote to transfer the sum of \$0 from Free Cash and appropriate to the Other Post Employment Benefits Trust Fund established under the provisions of Chapter 479 of the Acts of 2008, or take any other action related thereto.

On request of the Finance Director

Insurance Recovery Transfer

ARTICLE 23. To see if the Town will vote to transfer the sum of \$21,355.75 from the Insurance Proceeds in Excess of \$20,000 Account and appropriate it to the Municipal Building/Insurance Fund, said sum being the amount received for insurance reimbursement, or take any other action related thereto.

On request of the Finance Director

Stabilization Fund Bond Premium

ARTICLE 24. 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

Ledge Road Landfill Stabilization Fund

ARTICLE 25. To see if the Town will vote to appropriate the sum of \$3,043,556 from the Ledge Road Landfill Stabilization Fund to be used to fund the Ledge Road Landfill closure, or take any action related thereto.

On request of the Finance Director

Public Works Vehicles

ARTICLE 26. 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 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

Fire Apparatus Engine

ARTICLE 27. 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 \$575,000 for the purpose of purchasing a Fire Apparatus Engine, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Fire Chief

Town Building and Facility Maintenance

ARTICLE 28. 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 \$700,000 for the purpose of paying the costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various town buildings and facilities, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Director of Municipal Services

Collins Center Façade Replacement

ARTICLE 29. To see if the Town will vote to appropriate \$2,000,000 for the purpose of paying costs of the replacement of the Collins Center Façade at the Andover High School located at 80 Shawsheen Road, and for the payment of all other costs incidental thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3A) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action related thereto.

On request of the Director of Municipal Services

Lovely Field Turf Replacement

ARTICLE 30. To see if the Town will vote to appropriate \$500,000 for the purpose of paying costs related to the replacement of turf at Lovely Field at Andover High School located at 80 Shawsheen Rd, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (25) of the Massachusetts General Laws, or any other enabling authority, and issue bonds or notes of the Town therefore, or take any other action related thereto.

On request of the Director of Municipal Services

Acquisition of 5 Campanelli Drive

ARTICLE 31. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or any combination thereof and appropriate the sum of \$2,250,000 to pay the costs of the purchase of approximately 15.16 acres of land at 5 Campanelli Drive, and the private way known as Campanelli Drive shown as “Lot 3” and “Campanelli Drive” on a plan entitled “Definitive Subdivision Plan, River Road Business Center, Andover, Mass.,” dated February 5, 1986, drawn by Bradford Saivetz & Associates, Inc., which plan is recorded with the Essex North Registry of Deeds as Plan No. 10256, and which plan is on file with the Town Clerk’s Office and as further shown on Assessors Map 142, Lot 6, and to authorize the Selectmen to acquire the foregoing land by gift, option, purchase or eminent domain, upon terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town and all other costs incidental and related thereto; or take any other action related thereto.

On request of the Town Manager

Municipal Services Facility Design

ARTICLE 32. 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 \$900,000 for the purpose of paying for the design and engineering services for a new Municipal Services Facility, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Town Manager

Home Rule Legislation- Municipal Services Facility Mitigation Fund

ARTICLE 33. To see if the Town will vote to authorize and request the Board of Selectmen to file home rule legislation that would authorize the creation of a special account into which all revenue generated by the Town from the former Town Yard off Lewis Street, including without limitation proceeds from the sale or lease of land, tax revenues from the site, tax revenue from future development on the site, permit revenues and application revenues may be placed and further said legislation would authorize payment without further appropriation from the account to retire the bonded indebtedness or other expenses related to the acquisition, maintenance and operation by the Town of the site of a new Municipal Services Facility, or take any action or related thereto.

On request of the Town Manager

School Building Maintenance and Renovation

ARTICLE 34. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$500,000 for the purpose of paying the costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various school buildings and roofs, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

1:1 Student Learning Initiative

ARTICLE 35. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$400,000 for the purposes of providing student computing devices, and associated technology infrastructure and software, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

Elementary School Projectors

ARTICLE 36. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$200,000 for the purposes of providing Elementary School Projectors, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

Annual Computer Workstation & Laptop Replacement Program

ARTICLE 37. To see if the Town will vote to raise by taxation and transfer from available funds (Cable Franchise Fee account) the sum of \$393,789 for the purpose of leasing Town and School administrative and teacher computer workstations and laptops, including any costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

Town and School Energy Initiatives

ARTICLE 38. 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 \$400,000 for the purpose of paying the costs of various electrical, heating, ventilation and air conditioning replacements and upgrades to town and school facilities, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

Water & Sewer Vehicles

ARTICLE 39. To see if the Town will vote to transfer \$33,000 from water reserves and appropriate the sum of \$33,000 for the purpose of purchasing water vehicles or to take any other action related thereto.

On request of the Director of Municipal Services

In Town Independent Living Overlay District

ARTICLE 40. To see if the Town will amend Article VIII, Section 2.2. Overlay Districts of the Zoning Bylaw by adding at the end of Section 2.2, In-town Independent Living Overlay District and amend the Town of Andover Zoning Map, to establish an In-town Independent Living Overlay District as shown on a plan titled “Proposed Zoning In-town Independent Living Overlay District”, dated, January 19, 2016, as prepared by the Town of Andover, which plans are on file in the office of the Town Clerk and which are hereby made part of the Town Zoning Map.

8.10 IN-TOWN INDEPENDENT LIVING OVERLAY DISTRICT

8.10.1 Purpose.

The intent of this section is to allow flexibility in the development of parcels for housing for persons age 55 or older, with particular interest in meeting the needs of residents of Andover desiring to live independently in owner occupied housing close to downtown services. The objectives of this bylaw section are to achieve the following purposes:

1. To provide for the development and use of alternative housing for an aging population in accordance with the Town's Master Plan.
2. To provide housing options in proximity to existing services routinely used by an active senior population, including consideration of safe walking access.
3. To promote housing style options that adapt to the needs of an aging population, including single floor living, low maintenance, energy efficiency, accessible bathrooms, or other features.
4. To preserve the residential character of Andover’s downtown neighborhoods by encouraging small scale, owner-occupied, over age 55 housing options that are carefully reviewed for design.
5. To encourage the creation of an increased number of housing ownership options for aging Andover residents available at a reasonable price.

6. To seamlessly integrate active, independent senior housing in existing neighborhoods.

8.10.2 Applicability.

The Planning Board may grant a special permit for one or more of the uses as described in Section 8.10. The In-Town Independent Overlay District (IILOD) bylaw shall allow the granting of permits until December 31, 2021 unless renewed and extended at Town Meeting. Special Permits covering a maximum of 100 dwelling units in total may be granted under the IILOD bylaw unless specifically increased by the Special Permit Granting authority due to the merits of a particular project.

Definitions.

For the purpose of this section of the zoning by-law only, the following definitions shall apply:

Accessory Building – A building which is subordinate to and incidental to the principal building on a lot.

Dwelling unit (DU) – One or more living or sleeping rooms arranged for the use of one or more seniors living in a single independent living unit (excluding mobile homes and trailers). The intent of this definition for this section is to define a "home" with private sleeping quarters, bathrooms and cooking facilities rather than a dormitory or boarding arrangement of sleeping quarters.

In-town Independent Living Overlay District (IILOD) – A district comprised of any use or combination of uses as defined herein.

IILOD Dwelling Unit – A Dwelling Unit (DU) that conforms to the requirements of and permitted under this IILOD by-law. Private residential dwelling unit individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. This type of housing is for independently functioning seniors over the age of 55.

IILOD Resident - A Resident of an IILOD Dwelling Unit shall be any person spending the majority of their days or nights in a dwelling for more than 8 weeks in any 52 week period.

Immediate Family Member - the spouse, registered domestic partner or civil union partner, parent, child, sibling, cousin, niece, nephew, aunt or uncle of the owner of record.

Lot – an uninterrupted area of land in one ownership with definitive boundaries.

Permit Granting Authority – The permit granting authority shall be the Planning Board.

Senior – Any person having reached the age of fifty-five (55) years.

Senior household – Any household having at least one Senior.

8.10.3 Location.

The ILOD is an overlay district that is superimposed over the underlying zoning district(s), as shown on the Official Zoning Map on file in the Office of the Town Clerk. The ILOD includes all the lands designated on the plan titled, "Proposed In-town Independent Living Overlay District ", dated January 19, 2016, as prepared by and reviewed by the Town Engineer, which plans are on file in the Office of the Town Clerk and which are hereby made part of the Town Zoning Maps.

Types of Dwellings Permitted.

1. *Conversions.*

The Planning Board may grant a special permit for a conversion of an existing building for purposes of creating dwelling units for senior households subject to the following regulations:

- a. Within the ILOD, a single-family, multi-family or accessory building may be converted to one or more ILOD Dwelling Units;
- b. There shall be 7,500 square feet of lot area for each ILOD Dwelling Unit; and
- c. Building coverage may be expanded up to 20% of the existing square footage in order to accommodate design modifications to improve accessibility.

2. *New Construction.*

The Planning Board may grant a special permit for the construction of a new ILOD Dwelling Units for purposes of creating dwelling units for senior households subject to the following regulations:

- a. Within the ILOD, single family or multi-family units may be constructed on lots greater than 30,000 square feet;
- b. There shall be a minimum of 10,000 square feet of lot area for each ILOD Dwelling Unit;
- c. There shall be a maximum of thirty dwelling units for each ten acre parcel;
- d. There shall be a maximum of four dwelling units allowed in any one building;
- e. Each ILOD application for new construction may contain an average of 2,000 square feet average per Dwelling Unit with a maximum of 2,250 for any one Dwelling Unit exclusive of garage, basement and attic space;

- f. The Planning Board may reduce lot setbacks and frontage to 80% of the standard requirements if, in the Board's opinion, the proposal is consistent with the pre-existing setbacks of the immediate neighborhood, has minimal impact on abutters or the reduced setback is adjacent to open space such as conservation land or town owned property;
- g. Adequate provision shall be made for interior aisles, roadways, driveways, visitors, and snow disposal;
- h. All land not designated for roads, buildings, privately owned yards or common activity space shall be designated open space. Prior to the sale of any dwelling unit, the applicant shall submit a conservation restriction on the open space to the Planning Board for its review and approval. The conservation restriction shall name either the town, or a nonprofit such as the Andover Improvement Village Society, whose primary purpose is land conservation as approved by the Planning Board;
- i. The lot shall be served by municipal sanitary sewer and water. In the event municipal sewer is not available, the lot shall be capable of supporting an on-site sewage disposal system.
- j. Dwelling units shall be designed, oriented, and landscaped to maximize visual and audible privacy between units;
- k. All ILOD Dwelling Units shall be separately deeded and recorded dwelling units, but an ILOD special permit does not grant any lot subdivision rights; and
- l. Combining new construction dwelling units with conversion dwelling units shall be allowed if the Planning Board finds a particular project favorable and receives a positive recommendation by the Design Review Board.

3. *Non-conforming lots.*

The Planning Board may grant a special permit modifying dimensional standards for the use of an existing non-conforming lot for purposes of creating an ILOD Dwelling Unit for a senior household.

- a. There shall be a minimum of 10,000 square feet, of which 80% of lot area shall be comprised of contiguous uplands, for each ILOD Dwelling Unit;

- b. The lot shall be served by municipal sanitary sewer and water. In the event municipal sewer is not available, the lot shall be capable of supporting an on-site sewage disposal system;
- c. There may not be more than one single-family dwelling on the lot;
- d. Each ILOD application for a non-conforming lot may contain a maximum of 2,000 square feet for any one Dwelling Unit exclusive of garage, basement and attic space;
- e. The Permit Granting Authority may establish frontage and setback requirements that are proportional, consistent and compatible with adjoining properties;
- f. If the non-conforming lot being considered for special permit under this subsection was created by subdividing an existing lot, any remaining lots shall conform to zoning; and
- g. That in the absence of a special permit, the use of an existing nonconforming lot would not be available for senior housing and that the modification of any dimensional requirements is necessary to accomplish the purpose and intent of this by-law.

8.10.5 Duration of Special Permit.

An ILOD Special Permit is granted for a period of two years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown. In the event that substantial use or construction of a Special Permit issued has not commenced within two years of approval and no extensions have been granted, the number of dwelling units shall be added back into the number of unpermitted units, and become available to be permitted under this Section 8.10.

8.10.4 Dimensional Requirements, Requirements and Deed Restrictions.

1. *Density.* A special permit granted by the Planning Board shall meet the following minimum requirements:

 Conversions: 7,500 square feet of lot area per dwelling unit.
 New Construction: 30,000 square feet of lot area.
 Nonconforming Lot: 10,000 square feet of lot area.
2. *Maximum Unit Size.* Each ILOD application may contain an average of 2,000 square feet average per Dwelling Unit with a maximum of 2,250 for any one Dwelling Unit exclusive of garage, basement and attic space;
3. *Access and On-site Circulation.* Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles.
4. *Public Safety.* There shall be sufficient site access for public safety vehicles.

5. *Landscaping.* Landscaping and screening is required to reduce visibility of parking areas and dumpster locations beyond the boundaries of the premises and to blend in to the neighborhood.
6. *Water.* The proposed development shall be supplied with an adequate water system approved by the Water Division, Fire Rescue and Board of Health.
7. *Waste Disposal.* The proposed development shall be connected to a municipal sewer system or an adequate sewage disposal system approved by the Andover Board of Health.
8. *Slopes.* The Planning Board may include within the special permit a waiver of Section 4.1.4.5 if in the Planning Board's opinion the provisions of Section 4.1.4.5.a. are satisfied.

8.10.5 Design Considerations.

Each project within the ILOD shall incorporate as many of the following design considerations in this section as possible. A meeting with the Design Review Board shall be required during the permitting process. The applicant shall receive a letter from the Design Review Board with recommendations that shall be considered by the Planning Board prior to a final approval of the special permit. The Design Review Board shall consider the following:

1. Site design, building design and layout for compatibility with the existing neighborhood within ¼ mile, specifically with regards to setback, massing, height, exterior style, entranceway, windows, building materials, and landscaping;
2. Site and building design that meets the specific needs of the aging population, including but not limited to, single level living for bedroom, bath, kitchen and living areas and/or safe access to multiple levels, low and/or shared maintenance costs, open space, sitting areas, walkable to services, and energy efficiency;
3. The number of age restricted units on any one street and/or in any one neighborhood within a ¼ mile of the site;
4. The visual impact of parking, such that parking spaces are placed alongside yards, in rear yards, garages or existing driveways; and
5. Vehicular and pedestrian safety.

8.10.6 Parking.

Parking shall be provided as required by Appendix A, Table 3 Table of Off-Street Parking Requirements. However, the Planning Board may waive the construction of parking if it is demonstrated that it is not needed.

8.10.7 Deed Restrictions

1. *Age Restrictions.* All ILOD Dwelling Units shall require at least one Resident to have attained the age of 55 and no Resident shall be under the age of 18. Prior to issuance of the first building permit for a building, the applicant shall record a deed restriction, approved by Town Counsel, that all units shall require at least one Resident to have attained the age of 55, that no Resident of a ILOD Dwelling Unit shall be under the age of 18, the ILOD Dwelling Unit shall be owner occupied, and there may be no more than three Residents of an ILOD Dwelling Unit. An owner may apply to the Permit Granting Authority for the removal of the age restriction on their unit if they can demonstrate that they have been unable to sell their unit for at least 90% of assessed value despite consistent, commercially reasonable marketing efforts to sell the unit for at least 18 months. Before allowing for the removal of the age restriction on the unit, the Town of Andover shall have the option to purchase the unit at 90% of assessed value.
2. *Annual Reporting.* An affidavit of census stating the age and identity of all Residents of ILOD Dwelling Units during the previous year and signed by each owner individually or the organization of homeowners established for the management of the development shall be filed annually no later than the 15th day of January with the Building Inspector in a form acceptable to the building inspector. The Building Inspector may demand any other information necessary to ensure compliance with and enforce any required conditions of the Special Permit. Written notice of any violations of this section shall be given by the Building Inspector to the assessed owner of the property as soon as possible after detection of a violation or continuing violation. The cost of action for compliance shall be borne by the owner and/or operator of the premises.
3. *Ownership Restrictions.* All ILOD Dwelling Units are required to be occupied by an owner of record. Rental units are not permitted. In the case of death, divorce proceedings or other transfers of ownership, the ILOD Dwelling Unit may be non-owner occupied for a period of up to 12 months by an Immediate Family Member who was a Resident of the ILOD Dwelling Unit prior to the cause for transfer of ownership, as long as no rental monies are exchanged. In the case of extended hospital or facility care stays of the owner, a non-owner Immediate Family Member who was a Resident of the unit prior to the hospitalization or facility care stay may continue to reside in the ILOD Dwelling Unit.

8.10.8 Application Requirements and Procedure.

1. *Pre-Application.* Prior to the submittal of a special permit application, a "Concept Plan" is encouraged to be submitted to help guide the development of the site plan process for the proposed project build-out and individual elements thereof. The Concept Plan is intended to be used as a tool for the applicant, the Design Review Board and the Planning

Board to ensure that the proposed project design will be consistent with the requirements of the IILOD.

Such Concept Plan should reflect the following:

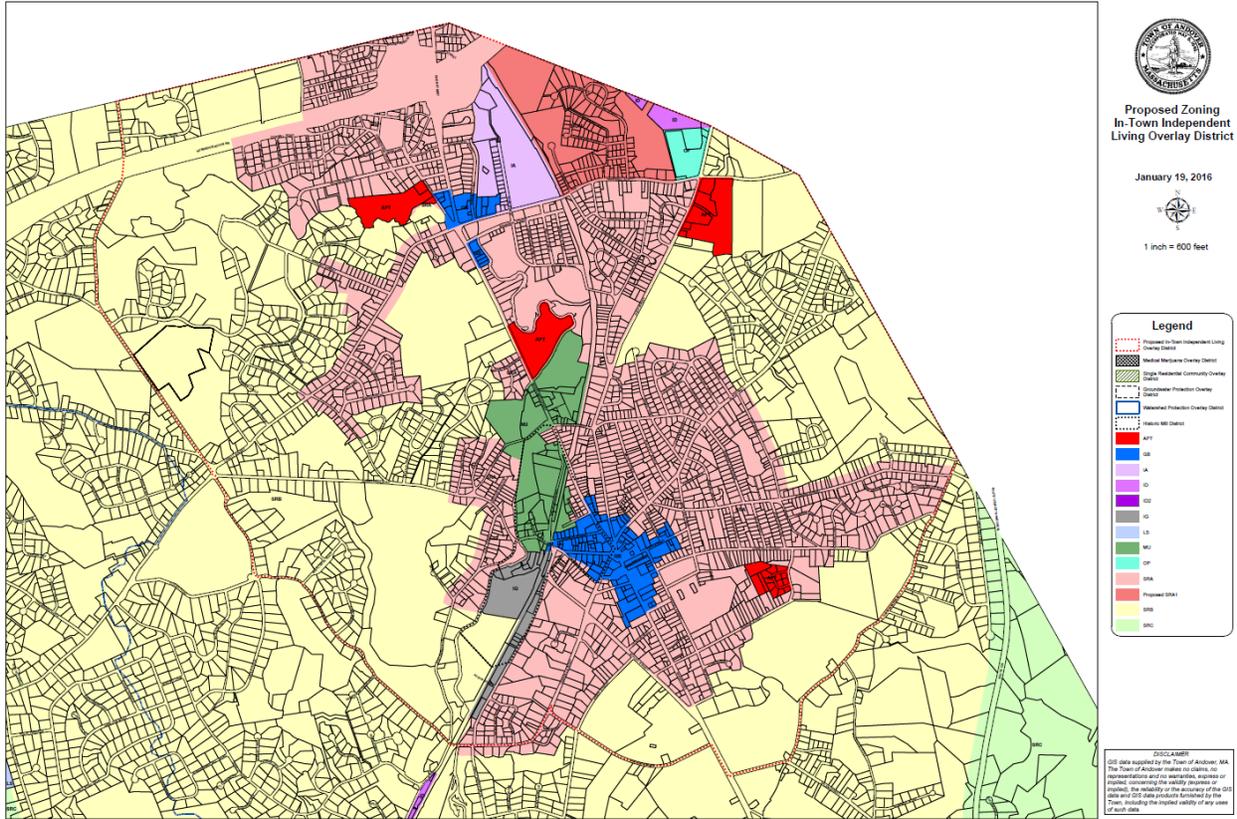
- a. Overall building location(s) and footprint(s);
- b. Access and driveways,
- c. Area which shall remain undeveloped; and
- d. Other general site improvements.

2. *Application.* An application for a special permit shall be submitted to the Andover Planning Board pursuant to the submission requirements and procedures contained in Section 9.5.3. of the Zoning Bylaw.

3. Additional Submittals:

- a. *Waivers.* At the request of the applicant in a narrative form, the Planning Board may waive certain dimensional, design and other requirements as stated herein (unless expressly prohibited), 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 the IILOD, or if it finds that such waiver will allow the project to achieve a high quality design.
- b. *Site Management Plan.* If applicable, provide a Site Management Plan to outline long term maintenance of common areas to ensure function, appearance, cleanliness, and for ongoing drainage and utility maintenance.

Map in Town Independent Living Overlay District



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 Council on Aging

Water Main Replacement Projects

ARTICLE 41. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$1,500,000 for the purpose of paying costs of water main replacement projects, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

Water Treatment Plant GAC Replacement

ARTICLE 42. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$250,000 for the purpose of paying costs of replacing granulated activated carbon at the water treatment plant, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

Water Treatment Plant Maintenance

ARTICLE 43. 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

Water Storage Tanks Rehabilitation

ARTICLE 44. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination thereof and appropriate the sum of \$1,450,000 for the purpose of paying costs of rehabilitation of water storage tanks, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

Water Treatment Plant Window Replacement

ARTICLE 45. To see if the Town will vote to transfer \$80,000 from water reserves and appropriate the sum of \$80,000 for the purpose of replacing water treatment plant windows or to take any other action related thereto.

On request of the Director of Municipal Services

Transfer of Land to the Conservation Commission

ARTICLE 46. To see if the Town will vote to transfer the care, custody and control of two parcels of land to the Conservation Commission, said parcels of land described as follows:

Parcel 1. The parcel of land known as 96R Bellevue Road, located off Bellevue Road, shown as Parcel 4 on Assessors Map 213. For title reference, see Final Decree in Tax Lien Case

No. 47539 dated March 9, 1981 and recorded with the Essex North District Registry of Deeds in Book 1494, Page 196 and Instrument of Taking recorded with said Deeds in Book 1112, Page 439;

Parcel 2. The parcel of land known as 24 Avery Lane, shown as Parcel 16 on Assessors Map 228, being Parcel C on a plan recorded in Essex North District Registry of Deeds as Plan No. 10580, described in instrument recorded with said Deeds in Book 3185, Page 29. For title reference see Final Judgment in Tax Lien Case No. 123449 recorded with said Deeds in Book 6794, Page 263, and Instrument of Taking recorded with said Deeds in Book 5211, Page 187; or take any other action relative thereto.

On request of the Conservation Commission

Ballardvale Engine House Improvements

ARTICLE 47. To see if the Town will vote to appropriate \$3,000,000 for the construction and related expenses including architectural services of a 2,000 to 2,500 square foot wood-frame addition to the Ballardvale Fire Station, said addition to house a standard state-of-the-art engine, a standard state-of-the-art ambulance, a rescue boat and a forestry truck; and for repairs and improvements to the existing building; and to raise said sum by transfers in the amounts respectively of \$100,000, \$200,000 and \$66,000 from Articles 25 and 26 of the 2014 Annual Town Meeting and Article 34 of the 2009 Annual Town Meeting and \$2,634,000 by borrowing or take any other action relating thereto.

On the petition of Richard J. Bowen and others

Create SRA-1 Zoning District

ARTICLE 48. To see if the Town will amend Article VIII, Section 2.1 of the Zoning Bylaw by adding at the end of Section 2.1, SRA1 – Single Residence A1 and to further amend the bylaw as follows:

Amend Section 9 to Add:

Amend Appendix A Table 1 Section 3.1.3 to add a new Residential District SRA1 as follows:

	Residential Districts					Business Districts				Industrial Districts			
	SRA	SRA1	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2

Amend Appendix A Table 1 Section 3.1.3 as follows:

Appendix A Table 1 Section 3.1.3 - Table of Use Regulations by adding to the Residential Districts section a fifth column entitled "SRA1" with the following five (5) uses being permitted

uses and signified by the use of the designation “Y” in said column entitled “SRA1”. Under Subsection A., Residential Uses, 1. Detached single-family dwelling, 4. Multiple dwellings: e. new multifamily dwelling construction Attached Cluster (See Section 7.3), Under Subsection B. Institutional Uses, 1. Religious or educational uses exempt from zoning prohibition by G.L.c. 40A, s. 3., 2 Municipal facility, 3a. Child care facility and Under Subsection A., Residential Uses, a. Conversion or a one-family or a two-or more family dwelling (See Section 7.6.2.) being a permitted use and shall be signified by the use of the designation “BA” and Residential Uses, 2. Cluster development (See Section 7.1) being a permitted use and shall be signified by the use of the designation “PB”.

Amend Appendix A Table 2 Section 4.1.2 – Table of Dimensional Requirements as follows:

Appendix A Table 2 Section 4.1.2 - Table of Dimensional Requirements by adding to the end of said Table a row for Industrial D 2 as follows:

APPENDIX A TABLE 2 Section 4.1.2 – Table of Dimensional Requirements

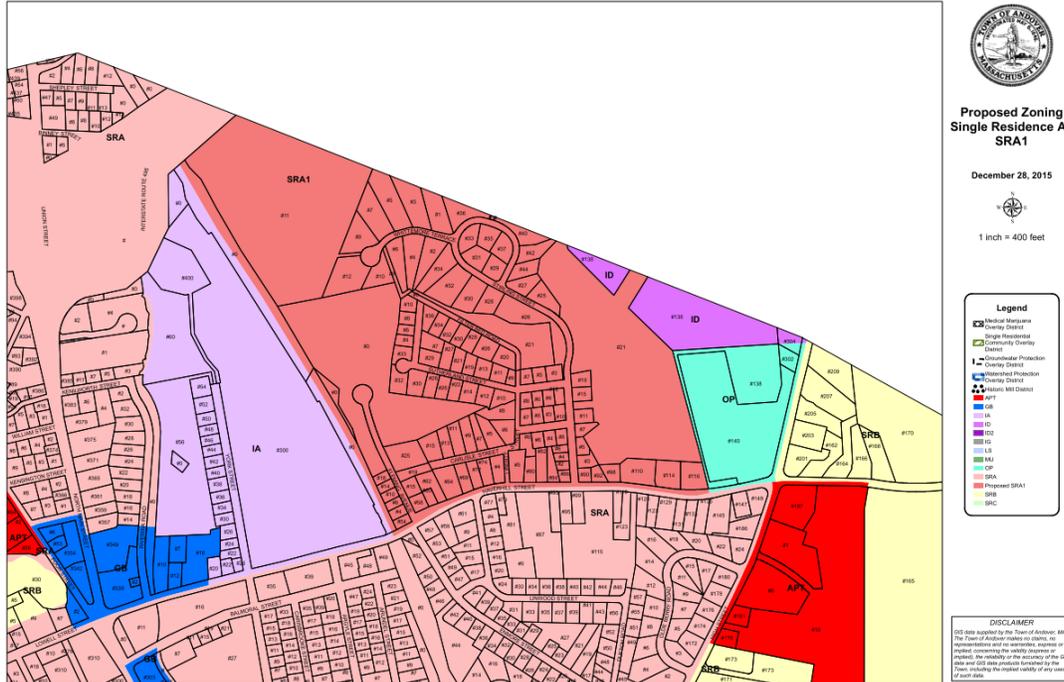
District	Minimum Lot Dimensions (e)		(f) Minimum Yard Depth			Maximum Height (g)		Maximum Coverage
	Area (square feet)	Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	Feet	Stories	Including Accessory Building (percent)
SRA1	15,000	115	35	20	30	35	*	*

Amend Appendix A Table 3 Section 5.1.4.C. to add:

On the petition of the Sean Higgins and others

Amend Zoning Map – SRA-1 Zoning District

ARTICLE 49. Amend the Town of Andover Zoning Map, to establish an SRA1 District as shown on a plan titled “Proposed Zoning Single Residence A1 SRA1”, dated, December 28, 2015, as prepared by and reviewed by the Town Engineer, which plans are on file in the office of the Town Clerk and which are hereby made part of the Town Zoning Map and to rezone said area from SRA to SRA1.



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 Bylaws, or take any other action related thereto.

On the petition of Sean Higgins and others

Street Acceptance

ARTICLE 50. To see if the Town will vote to accept and name as a public way any or all of the following streets: Newport Circle, Willoughby Lane, and Prides Circle as further described below, and to accept deeds to the streets and all related easements:

Newport Circle, as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION PLAN NEWPORT CIRCLE ANDOVER, MASSACHUSETTS”, dated March 13, 2001 last revised October 4, 2001and recorded in the Essex North District Registry of Deeds as Plan Number 15760;

Willoughby Lane, , as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION PLAN WILLOUGHBY ESTATES”, dated April 17, 1997 last revised September 15, 2000 and recorded in the Essex North District Registry of Deeds as Plan Number 14055;

Prides Circle, as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION PLAN WILLOUGHBY ESTATES”, dated April 17, 1997 last revised September 15, 2000 and recorded in the Essex North District Registry of Deeds as Plan Number 14055 or take any other action related thereto.

On request of the Board of Selectmen

Acceptance and Taking of Granli Drive

ARTICLE 51. To see if the Town will vote to accept and name Granli Drive as a public way and authorize the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise any fee, easement or other interest including utility easements shown on the following plans, in the following described roadway and easements related thereto, and to award no damages for said taking or payment for said acquisition:

The land known as Granli Drive as shown on a plan entitled, “Definitive Plan of Granli Estates, Subdivision Plan of Land in Andover, Mass. of Granli Drive, prepared by Dana F. Perkins & Associates, Inc., Engineers, dated October 16, 1984, revised December 15, 1984 and February 7, 1985, said plan being recorded in the Essex North Registry of Deeds as Plan Number 9819, and on file in the Office of the Town Clerk, and as constructed and also shown on plan entitled “Street Acceptance Plan of Granli Drive in Andover, Mass., dated December 16, 1988, drawn by Dana F. Perkins & Associates, Inc., Tewksbury, Massachusetts.” or take any other action related thereto.

On request of the Board of Selectmen

Tax Increment Financing Agreement

ARTICLE 52. To see if the Town will vote to approve a Tax Increment Financing Agreement for 1 Burtt Road (hereafter known as the TIF Agreement) and authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement with Pfizer Inc., the owner of the property on terms and conditions deemed by the Board of Selectmen to be in the best interests of the Town, for a parcel of land and buildings thereon shown on Assessor’s Map 183, Parcel 14, and to authorize the Board of Selectmen to take any such action as is necessary to obtain approval of the Local Incentive Only Application, and to enter into and implement the Tax Increment Financing Agreement. The TIF Agreement shall provide that the Town shall provide for an exemption of property taxes or a percentage thereof based on the incremental increase in property value in assessed valuation of the property for a period of not more than twenty years in accordance with the requirements of Massachusetts General Laws Chapter 23A, Section E;

Chapter 40, Section 49; and Chapter 59, Section 5 and pursuant to 751 CMR 1.04 (1) (b) and 402 CMR 2.00. In return for such tax benefits, in accordance with the TIF Agreement, the owner of the property shall ensure at the above property the location and expansion of uses which increase job creation, provide higher property values, and retain or expand economic development in the Town and the Commonwealth; or take any other action relative thereto.

On request of the Planning Director

Restaurant Amendment - AMEND ZONING BYLAW – SECTION 10.0 DEFINITIONS

ARTICLE 53. To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII, §10.0 DEFINITIONS by deleting the definition of Restaurant, Fast-Food and replacing it with Restaurant, Limited Service and to read as follows:

RESTAURANT, LIMITED SERVICE – A restaurant whose primary business is the sale of meals, food and/or beverages for immediate consumption on or off the premises, and served to the customer either by wait staff or packaged or presented in such a manner that it can readily be consumed outside the premises where it is purchased.

Amend **APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations** by amending 12.a Restaurant, sit-down & 12.b. Restaurant, fast-food from:

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
12.a. Restaurant, sit-down	N	N	N	N	BA	N	Y	BA	Y	BA	BA	PB
12.b. Restaurant, fast-food	N	N	N	N	N	N	BA	N	BA	N	N	PB

To read as follows:

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
12.a. Restaurant, sit-down	N	N	N	N	BA	N	Y	Y	Y	BA	BA	PB
12.b. Restaurant, Limited Service	N	N	N	N	N	N	Y	Y	BA	N	N	PB

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 Economic Development Council

General Bylaw Amendment – Contract Scoring

ARTICLE 54. To see if the Town will amend Articles III, IV and V of the Town Bylaws as follows to provide for thorough financial and tax-implications analyses ("Contract Scoring"), to be performed by the Town's Finance Committee, of every proposed multi-year contract that Town and School Department officials negotiate with vendors, employees and unions prior to the Town and School Department executing such contracts; and to provide financial and tax implications transparency on each of these contracts to Town residents by including each Contract Scoring report on the Town of Andover website and as a part of the Annual Town Meeting Warrant that gets prepared by the Town Finance Committee.

Article III, Section 3 (a), fourth sentence shall be replaced in its entirety with the following text:

“The Finance Committee's duties shall be to investigate the cost of maintenance of the different departments of the Town, to financially score all multi-year Town and School Department contracts prior to their execution by Town and School Department officials (and advise in a written report to the Town/School Department officials the results of the scoring prior to the execution of those contracts), and to recommend in detail the amounts to be appropriated for each department for the ensuing year. The scoring of multi-year Town and School Department contracts by the Finance Committee is defined to mean that the Finance Committee shall employ prudent, generally accepted financial analyses methodologies, Governmental Accounting Board Standards (GASB) practices and prudent financial assumptions to determine the total annual financial, budget and tax impact of all of the provisions of a proposed contract in each year of the term of the contract as well as budget and tax implications of the contract provisions that will generate or affect subsequent pension and other retirement and post-employment benefits liabilities of the Town. The Finance Committee will provide a written report of its scoring of a proposed contract to the Town Officials or School Department officials negotiating that contract prior to any execution by Town or School Department officials of that proposed contract. The scorings of contracts shall not be made public prior to an execution of the contract to preserve privileged information that Town or School Department officials need to keep privileged during contract negotiations. The written report of the scoring of the eventual version of a contract that is executed will then be submitted by the Chairman of the Finance Committee to the Town Manager within two business days of the execution of the contract and then published on the Town of Andover website within two business days of receipt by the Town Manager of the Finance Committee's written scoring report. The written scoring report will also be included in the Town Warrant that gets prepared by the Finance Committee for the Town's next Annual Meeting.”

AND

Article IV: Matters Involving Town Moneys shall be amended by adding the following new Section 9.

9 Scoring of Multi-Year Contracts

The Selectmen and School Committee shall provide the Finance Committee with the draft of all provisions of each multi-year contract that they negotiate with vendors, employees and unions for the Finance Committee to score the financial and budget impact to the Town of the aggregate of those contract's provisions, where contract scoring is defined per Article III, Section 3 (a) of the Town's By-Laws, prior to execution of the contact by Town or School Department officials. Town/School Department officials shall provide these draft contract terms and provisions for contract scoring to the Finance Committee on a timely basis.

AND

Article V: Contracts; Town Property, Real and Personal shall be amended by adding the following new Section 2.

2 Scoring of Multi-Year Contracts

The Selectmen and School Committee shall provide the Finance Committee with the draft of all provisions of each multi-year contract that they negotiate with vendors, employees and unions for the Finance Committee to score the financial and budget impact to the Town of the aggregate of those contract's provisions, where contract scoring is defined per Article III, Section 3 (a) of the Town's By-Laws, prior to execution of the contact by Town or School Department officials. Town/School Department officials shall provide these draft contract terms and provisions for Contract scoring to the Finance Committee on a timely basis.

On the petition of Bob Pokress and others

Deyvermond Park Ball Field Lighting

ARTICLE 55. To see if the Town will vote to appropriate the sum of \$275,000, for the purpose of paying costs of adding outdoor lighting to two of the three youth baseball fields located at Deyvermond Park on Blanchard Street, including all other costs incidental and related thereto, and to raise said sum by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, or take any action related thereto.

On petition of the Director of Municipal Services

Tewksbury Street Sidewalks

ARTICLE 56. To see if Town will vote to appropriate the sum of \$632,000 for the purpose of constructing sidewalks on Tewksbury Street, including any other cost incidental and related thereto, and to authorize the Board of Selectmen to acquire any necessary easements by gift, purchase or eminent domain and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen authorized to borrow under and pursuant to Chapter 44, Section 7, Clause (6) of the General Laws or any other enabling authority, and to issue bonds or notes of the Town, or take any other action related thereto.

On the petition of Keith Robison and others

Memorial Playstead Playground

ARTICLE 57. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$120,000 for the purpose of paying the cost of constructing a playground on the Memorial Playstead in a location to be determined by the Town, including any other costs incidental and related thereto, or take any other action related thereto.

On the petition of Timothy O’Brien and others

Petition the Legislature – Elimination of Sub-Precinct 9A

ARTICLE 58. To see if the Town will vote to petition the Legislature to pass a Special Act as follows:

SECTION 1. Section 1 of Chapter 57 of the General Laws as appearing in the 2012 edition is hereby amended by striking, in paragraph 7, the words “and sub-precincts 7A and 9A of the town of Andover” and substituting the words “and sub-precinct 7A of the town of Andover.”

SECTION 2. Section 2 of Chapter 57 of the General Laws as appearing in the 2012 edition is hereby amended by striking paragraph 2 and substituting the following:

“Notwithstanding any general or special law to the contrary, census block 250092543011034, hereto referred to and known as town of Andover sub-precinct 9A, shall merge with and be incorporated into town of Andover precinct 1.” provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any other action related thereto.

On request of the Town Clerk

Limited Property Tax Relief for Certain Elder Citizens

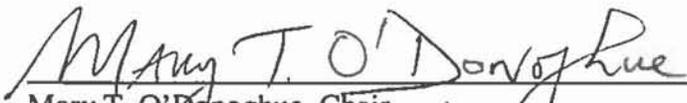
ARTICLE 59. To see if the Town will vote to accept special legislation providing for limited property tax relief for certain elder citizens or take any other action related thereto.

On request of the Town Clerk

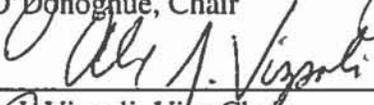
And you are directed to serve this Warrant by posting attested copies and publication thereof, fourteen days, at least, before the time and place of said meeting as directed by the Bylaws of the Town.

Hereof fail not, and make return of this Warrant with your doings thereon, at the time and place of said meeting.

Given our hands this 4th day of April 2016.



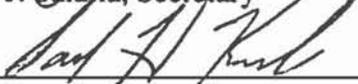
Mary T. O'Donoghue, Chair



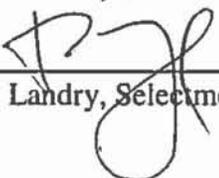
Alexander J. Vispoli, Vice Chair



Paul J. Salafia, Secretary



Daniel H. Kowalski, Selectmen



Robert A. Landry, Selectmen

A true copy

A T T E S T



Ronald Bertheim, Constable

Andover, Massachusetts, April 5, 2016

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *Eagle Tribune*. Said warrants have been posted and published fourteen days.



Ronald Bertheim, Constable