

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

To Either of the Constables of the Town of Andover

Greeting:

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

MONDAY, THE SIXTH DAY OF MAY, 2013

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-2014 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, 2013 and ending June 30, 2014, or take any other action related thereto.

On request of the Town Manager

FY-2014 Capital Projects Fund Appropriation

ARTICLE 5. To see if the Town will vote to raise by taxation and appropriate the sum of \$2,280,000 for the purpose of funding the Fiscal Year 2014 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 2012 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 April 2012 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 2014 tax rate and to affect appropriations voted at the 2013 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 2014 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

FY-2014 Revolving Accounts

ARTICLE 15. 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, 2013, or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2014 Limit
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$15,000
B. Memorial Hall Library-Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
C. Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$40,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	\$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	Plant & Facilities Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	\$60,000
K. Solid Waste	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

On request of the Finance Director

Andover Youth Center – Transfer of Land

ARTICLE 16. To see if the Town will vote (1) to transfer the care, custody, control and management of a parcel of land containing approximately 4,900 square feet, more or less, shown as Area “A” on a plan entitled “Andover Youth Center, Parcel Area Layout Plan, Scale 1” = 40’,” dated January 3, 2013, drawn by Huntress Associates, Inc., said plan being on file in the office of the Town Clerk, from the School Committee to the Board of Selectmen for municipal purposes, with said Area “A” to be added to Area “B” as shown on said Plan, and if a Youth Center is not built on said property, then the land shall revert back to the School Committee, and (2) to transfer the care, custody, control and management of a parcel of land containing approximately 4,900 square feet, more or less, shown as Area “C” on said Plan from the Board of Selectmen back to the School Committee, with Area “B” and Area “C” being the same land transferred to the care, custody, control and management of the Board of Selectmen by votes on Article 24 of the 2007 Annual Town Meeting and Article 4 of the December 5, 2011 Special Town Meeting, or take any other action related thereto.

On request of the Youth Center Building Committee

BallardVale Fire Station Restoration

ARTICLE 17. 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 repairing, rehabilitating and otherwise restoring the BallardVale Fire Station, or take any other action related thereto.

On petition of Richard J. Bowen and others

School Site Improvements

ARTICLE 18. 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 \$3,200,000 for the purpose of paying costs of making various school site safety, circulation and infrastructure improvements, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Department Director

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 \$4,000 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

Elderly/Disabled Transportation Program

ARTICLE 20. To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$8,000 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

Jerry Silverman Fireworks

ARTICLE 21. 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

Monument – Deyermund Sports Complex

ARTICLE 22. To see if the Town will vote to raise by taxation transfer by available funds, borrowing, or by any combination thereof and appropriate the sum of \$25,000 for the purpose of designing, constructing and installing a monument that memorializes the dedication and naming of the Deyermund Sports Complex, or take any other action related thereto.

On request of the Veterans Services Director

COLA Increase for Retirees

ARTICLE 23. To see if the Town will vote to accept the provisions of Chapter 188, Section 19, of the Acts of 2010 increasing the cost of living allowance base from \$12,000.00 to \$14,000.00.

On request of the Andover Contributory Retirement Board

DPW Vehicles

ARTICLE 24. 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 \$300,000 for the purpose of purchasing Public Works vehicles, or to take any other action related thereto.

On request of the Acting Department of Public Works Director

Fire-Rescue Ambulance

ARTICLE 25. 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 \$270,000 for the purpose of purchasing a Fire-Rescue Ambulance, or to take any other action related thereto.

On request of the Fire Chief

Zoning Bylaw Amendment – Senior Residential Community Overlay District (SRCOD)

ARTICLE 26. To see if the Town will amend the Zoning Bylaw by adding the following new section, 8.8 Senior Residential Community Overlay District (SRCOD).

8.8. Senior Residential Community Overlay District (SRCOD)

8.8.1. Purpose

The intent of this section is to allow flexibility in the development of parcels for housing and related services for persons 62 or older, with particular interest in meeting the needs of residents of Andover. The objectives of this section are to achieve the following purposes:

1. To provide for the development and use of alternative housing and care for an aging population in accordance with the Town's Master Plan.
2. To create an environment that provides supportive services routinely used by an aging population.
3. To promote housing options that adapt to the needs of an aging population.
4. To preserve the Town's residential character.
5. To encourage the preservation of open spaces and protection of the Merrimack River.
6. To encourage housing affordable to the aging population who are Andover residents.

8.8.2. Applicability

A Senior Residential Community Overlay District includes all the lands designated on the plan titled, "Proposed Senior Residential Community Overlay District", dated December 4, 2012, 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. The Planning Board may grant a special permit for one or more of the uses as described herein.

8.8.3. Definitions

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

Senior – Any person having reached the age of sixty-two (62) years.

Senior Household – Any household having at least one person 62 years or older.

Aging Population – Population having reached the age of 62 years or older.

Senior Residential Community Overlay District (SRCOD) – A district comprised of any use or combination of uses as defined herein. A SRCOD may include one or more of the following: independent housing, congregate housing, assisted living, memory care, restorative care/skilled nursing facilities, home health care and associated services primarily for the purposes of serving the aging population on-site.

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

Independent Living Unit – 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.

Congregate Housing – Dwelling units that provide private or communal living for seniors who ordinarily are ambulatory and require no (or limited) medical attention or supervision. Such units shall consist of a room or rooms forming a habitable unit for up to ten persons, with facilities used for living, bathing, cooking, eating and private sleeping quarters.

Assisted Living Facility – Dwelling units for seniors who have difficulty functioning independently and require oversight and assistance with one or more activities of daily living such as dressing, eating, bathing, walking or toileting, which are provided by a 24 hour staff. Such units may include a bedroom, bathroom, and sitting area. In addition dining services and full personal care are provided. Special care programs specifically designed for seniors with memory loss are included in this category. The Assisted Living must obtain all required permits and/or licenses required to operate such a facility and must be certified by the Executive Office of Elder Affairs or applicable State agency.

Restorative Care/Skilled Nursing Facility – Includes any institution which provides 24 hour skilled nursing care to seniors admitted for convalescent care, rehabilitative care, or long-term care. Programs include additional professions such as physical therapy, occupational therapy, speech therapy, social services, and medical oversight. The Restorative Care/Skilled Nursing Facility must obtain all required permits and/or licenses required to operate such a facility and must be certified by the Executive Office of Elder Affairs or applicable State agency.

8.8.4. Types of Dwellings, Uses and Associated Services Permitted

Applications for special permits within the SRCOD shall contain at least one of the following housing types, attached or detached, in any combination: Independent; Congregate Housing; Assisted Living Facility; and Restorative Care/Nursing Facility.

1. In addition to dwelling units an application may contain any or all of the following uses and associated services (not to exceed twenty-five percent (25%) of the total square footage of all the residential buildings within the project), individually or in any combination:
2. Dining rooms, coffee shops and related kitchen areas and facilities;
3. Living rooms, libraries, music rooms, auditoriums, greenhouses;
4. Lounges, card rooms, meeting rooms, and other social and recreational areas;
5. Administrative offices, social service offices;
6. Mail rooms, gift shops and sundries;
7. Medical offices, diagnostic and treatment centers, wellness centers, exercise areas;
8. Salon, spa, barbers and hairdressers ;
9. Banks and ATM banking machines;
10. Home health care;
11. Adult Day Health Care services;
12. Community Space
13. Hobby
14. All uses and associated services are intended for SRCOD residents, employees and guests and are not intended to provide services to the general public.

8.8.5. Dimensional Requirements and Design Standards

1. *Density.* A special permit granted by the Planning Board shall meet the following minimum requirements:
 - a. 5,000 square feet of lot area for each detached Independent Living Unit.
 - b. 4,000 square feet of lot area for each attached Independent Living Unit.
 - c. 3,000 square feet of lot area for each bedroom in an assisted living, congregate housing, skilled nursing facility.
 - d. Within the SRCOD, there shall be no more than 200 Independent Living Units (attached or detached).
 - e. Within the SRCOD, there shall be no more than 200 bedrooms in all assisted living, congregate living and skilled nursing facility.
2. *Building Height.*
 - a. Any new addition or new construction, as measured from the property line, within two hundred (200) feet back from River Road shall not exceed thirty-five (35) feet.
 - b. Any new addition or new construction, as measured from the property line beyond 200 feet back from River Road shall not exceed sixty (60) feet.
3. *Building Setbacks.* Buildings shall be set back a minimum of forty (40) feet from all property lines.
4. *Building Footprint.*
 - a. Within a distance of 200 feet of River Road the maximum building footprint for a building shall be 25,000 square feet.
 - b. Beyond a distance of 200 feet of River Road, the maximum building footprint shall be 60,000 square feet.

5. *Yard Requirements.* There are no yard requirements between buildings within the SRCOD, however, all structures must conform to the Massachusetts Building Code with respect to building separation and fire walls. In a SRCOD, more than one building may be erected on a single lot.

6. *Common Open Space.* Common Open Space is the land within the parcel or lot which is not specifically reserved for the support of dwelling units and which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as private yards, patios or gardens for residents. All Common Open Space shall be open and unobstructed to the sky – flagpoles, sculptures, benches, swimming pools, tennis courts, atriums, trees and similar objects shall not be considered obstructions.

The area of Common Open Space shall equal at least twenty percent (20%) of the total area of the parcel or lot.

7. *Protected Open Space.* Protected Open Space is the land within the parcel or lot that will be protected in perpetuity. The area of Protected Open Space shall equal at least thirty percent (30%) of the total area of the parcel or lot.

Such open space land shall either be conveyed to the Town of Andover and accepted by the Board of Selectmen for park or open space use or be conveyed to a nonprofit organization, approved by the Planning Board in its total discretion, the principal purpose of which organization is the conservation of open space. In any case where such land is not conveyed to the Town, a restriction enforceable by the Town of Andover as approved by Town Counsel, shall be recorded by the applicant prior to the issuance of a building permit, providing that such land shall be kept in an open or natural state in perpetuity and not be built upon or developed for accessory uses such as parking or roadway. All such open space shall be restricted by deed from all future building. Before final approval of the special permit by the Planning Board, the applicant shall state which of the two conveyance options above is being proposed, and such conveyance or restriction, if approved, shall be recorded by the applicant, as a restriction on the development plan prior to issuance of a building permit.

8. *Affordability.*

- a. A minimum of fifteen percent (15%) of the total number of assisted living units shall be set aside as affordable housing units for seniors who qualify as low, moderate, or upper-moderate income persons as defined as follows:

Low income: Below 60% of the Lawrence Standard Metropolitan Statistical Area (SMSA) median income based on Housing and Urban Development (HUD) figures ("median income") adjusted for household size.

Moderate income: 60-79% of median income.

Upper-moderate income: 80-120% of median income.

- b. In determining the total number of affordable units required, a fractional unit of 0.5 or more shall be regarded as a whole unit.
- c. To the extent legally permissible, the affordable units shall be offered to give the maximum preference allowed by law to current seniors of the Town of Andover, employees of the Town of Andover, Andover natives and relatives of current Andover

residents (“Local Preference”). This condition is intended to complement and not to override or supersede the fair marketing regulations of the Department of Housing and Community Development (DHCD), the Massachusetts Commission Against Discrimination (MCAD), or any authority with jurisdiction and like purpose, to provide low- and moderate-income housing.

- d. Such affordable units may be rented, sold or otherwise provided to qualified seniors in accordance with income and asset limitations established by the authorizing state or federal agency in those instances where the affordable units benefit directly from such assistance, or in the absence thereof pursuant to the definitions of income and assets established for the Low-Income Housing Tax Credit program, or pursuant to the standards promulgated by the Planning Board.
- e. Affordable units shall be dispersed throughout the building(s) and shall be compatible with and generally comparable to the market-rate units in terms of location, quality and character.
- f. Of the affordable units, the applicant shall set aside units representing all three income levels as follows: 30% shall serve low income persons, 40% shall serve moderate income persons and 30% shall serve upper-moderate income persons.
- g. Although eligibility for the affordable units shall be determined by reference to income and assets of the prospective residents, the affordable units shall be considered affordable only if they are restricted in the amount of monthly rent or other monthly charges for the unit based upon a percentage of the applicable median income. For purposes of computing the monthly rent or other monthly charges for the unit, there shall be excluded any special charges for extra or specialized services which are not provided to the general population of the project but are unique to the particular needs of an individual senior. The standards of affordability for proposed projects, including, without limitation, the methods of determining and maintaining eligibility, the percentage of applicable median income used for limiting the monthly amounts charged for the affordable units and any variations in the percentages of median income in the three income levels shall be set and revised from time to time by the Planning Board provided said standards are consistent with appropriate federal and state standards.
- h. Prior to the issuance of any building permit for any units, affordability restrictions maintaining all affordable units in perpetuity shall be embodied in applicable deed covenants, contractual agreements and/or other mechanisms to ensure compliance with this section and shall be submitted to the Planning Board and Town Counsel for review and approval. Prior to the issuance of any building permit for any units, a clearance certificate shall be required to be issued by the Planning Division indicating compliance with this subsection. No clearance certificate shall be issued for any units until (a) all documents necessary to ensure compliance with this subsection including, without limitation, the documents referred to in this Section regarding affordability have been executed and recorded at the Registry of Deeds; and (b) any required cash or other contribution has been made to the Town or its designee.
- i. Nothing in this subsection shall preclude a developer from setting aside more than the required number of affordable units or from setting aside additional units for higher but limited income groups or from setting aside more units for lower-income groups.
- j. For purposes of ensuring that the applicant is abiding by its obligations relative to the affordable units pursuant to the special permit, a monitoring agent shall be assigned by

the Planning Board and prior to the issuance of a building permit, a monitoring agreement shall have been submitted to the Planning Board and Town Counsel for review and approval. The applicant and successors and assigns as owners of the project (applicant/owner), shall pay, in perpetuity, any reasonable fees charged by the monitoring agent/agency.

- k. If an affordable dwelling unit is a rental unit, on each anniversary of the unit, the applicant/owner will obtain and maintain on file a Certification of Tenant Eligibility in a form and for the time period approved by the monitoring agent. Such Certifications shall be filed annually with the Planning Division in the Town of Andover. The applicant shall verify that the income provided by an applicant in an income certification is accurate. The applicant will maintain complete and accurate records pertaining to the Affordable Units, and during reasonable business hours and upon reasonable notice, will permit the Town to inspect the books and records of the applicant pertaining to the Affordable Units.
- l. The applicant may, with the permission of the Planning Board, in lieu of one or more affordable ownership unit(s), contribute to the Town of Andover Municipal Affordable Housing Trust Fund, a cash contribution determined by the Planning Board in combination with the Housing Trust Fund Board of Trustees, and is to be used for the benefit of senior households in Andover.

9. *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. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.

10. *Public Safety.*

- a. The facility shall have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. Said system shall be reviewed and approved by Andover Fire Rescue.
- b. There shall be sufficient site access for public safety vehicles.
- c. A plan shall be approved by Andover Fire Rescue for the emergency evacuation of residents, regardless of impairments.
- d. The Andover Fire Chief shall review all structures and circulation to ensure the accessibility of fire and other emergency vehicles.

11. *Landscaping.* Landscaping and screening is required to obscure visibility of parking areas, dumpster locations and loading areas from beyond the boundaries of the premises.

12. *Transportation Services.* Transportation to town services and facilities shall be provided.

13. *Water.* The proposed development shall be supplied with an adequate water system approved by the Water Division, Fire Rescue and Board of Health.

14. *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.

15. *Age Restrictions.* All dwelling units within the SRCOD shall require at least one resident to have attained the age of 62 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 restriction, approved by Town Counsel, that all units shall require at least one resident to have attained the age of 62 and that no resident of a dwelling unit shall be under the age of 18.

8.8.6. Design Objectives

Each project within the SCROD shall:

1. Blend the scale of institutional, professional and residential structures into the site design.
2. Provide safe vehicular and pedestrian ways, and minimize traffic impacts.
3. Provide a minimum of two vehicular access and egress points for each project.
4. Preserve natural features, wetlands, scenic vistas and open spaces when possible.
5. Consider site design that meets the specific needs of the aging population.
6. Minimize the visual impact of parking areas.
7. Incorporate energy efficient and environmentally sensitive principles.
8. Provide suitable means of access and egress to dwellings for persons with disabilities. Enclosed walkways and/or unenclosed walkways connecting all buildings shall be permitted.
9. Shall incorporate pedestrian amenities, accessory uses and community benefits into the overall design in a harmonious way.
10. Locate structures on the site so as to provide for the privacy of residents adjacent to the SRCOD.
11. Provide a Site Management Plan developed to outline the ongoing maintenance of the Common Open Space to ensure its function, appearance, cleanliness, and for ongoing drainage and utility maintenance.
12. Clearly identify on a plan the publicly owned and/or publicly accessible land areas.
13. Provide for public pedestrian access from River Road to the Merrimack River when possible. All development proposals which include frontage along the Merrimack River shall include existing and future pedestrian pathways within 500 feet of the river for public use and enjoyment. (No pathway within 500 feet of the river should have an impervious surface). Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance. The easement width for these pathways shall be not less than twenty (20) feet, unless otherwise approved by the Planning Board.
14. Incorporate low-impact development (LID) design techniques or Stormwater Best Management Practices (such as, but not limited to, pervious paving, landscape swales, vegetative filters or rain gardens, and landscape infiltration facilities) to lessen the environmental impact of development along the Merrimack River.

8.8.7. Roadway and Parking Requirements

The following parking standards shall apply to SRCOD facilities approved under this section of the by-law. The Planning Board may waive the construction of parking until it is demonstrated that it is needed. However, parking areas shall be designated to anticipate the future demand. The minimum requirements are as follows:

1. *Detached Independent Living:* One (1) parking space per dwelling unit.

2. *Attached Independent Living*: One (1) parking space per dwelling unit.
3. *Congregate Housing and Assisted Living*: One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.
4. *Restorative Care or Nursing Care facility*: One (1) parking space for every twenty (20) beds and one (1) parking space for every employee on the largest shift.

All other parking and screening provisions of the Andover Zoning By-laws shall apply unless changed by this section.

If there is a mix of uses, the Planning Board may waive the parking requirements to reduce the amount of impervious material on site. The Planning Board may require areas to be set aside for future parking needs.

8.8.8. Bonus

The granting of any bonus density shall not exempt the applicant from meeting any of the other requirements of this or other reference sections of the Bylaw. Any bonus proposal must be reviewed and approved by the Planning Board and clearly stated in the special permit.

Open Space: The objective is to increase the amount of Protected Open Space on the site and provide public access to the Merrimack River. The number of dwelling units (Independent Living, Congregate Care or Assisted Living Units or Nursing/Restorative beds) proposed may be increased by fifteen (15%) percent (i.e. for every 10 dwelling units, 2 additional dwelling units may be built) if the proposed SRCOD provides fifty (50%) Protected Open Space instead of thirty (30%) percent. A Protected Open Space plan shall identify all of the Common and Protected Open Space, and the publicly accessible land areas, with the intent of providing for public access from River Road to the Merrimack River.

Preservation: The objective is to preserve existing buildings within the district. The number of dwelling units (Independent Living, Congregate Care or Assisted Living Units or Nursing/Restorative beds) proposed may be increased by fifteen percent (15%) (i.e. for every 10 dwelling units, 2 additional dwelling units may be built) if the proponent of the SRCOD includes the preservation and rehabilitation of existing buildings as part of the redevelopment plan.

Affordable Housing: The objective is to provide additional alternative affordable housing options for seniors in Andover having reached the age of sixty-two (62). The number of dwelling units (Independent Living, Congregate Care or Assisted Living Units) may be increased by two (2) market rate dwelling units for each one (1) additional affordable unit.

Density Bonus Limitations: The use of all density bonuses provided may not result in exceeding the maximum allowed number of units as outlined herein.

8.8.9. Procedure

1. *Pre-Application.* Prior to the submittal of a special permit application, a "Concept Plan" shall be submitted to help guide the development of the site plan process for the proposed

project build-out and individual elements thereof. Such Concept Plan should reflect the following:

- a. Overall building footprint;
- b. Areas which shall remain undeveloped; and
- c. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the Planning Board to ensure that the proposed project design will be consistent with the requirements of the SRCOD.

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 9.4. and 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 SRCOD, 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.
- b. A transportation plan, consisting of the following information:
 - (i) A plan showing the proposed parking, loading, traffic and pedestrian circulation within the site; access and egress points and other features related to traffic generated by the proposed use.
 - (ii) A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.
 - (iii) Proposed mitigation measures, if any, including vehicle trip reduction from the Project.

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 the request of the Franciscan Overlay Task Force and Planning Board

Amend Town of Andover Zoning Map – Senior Residential Community Overlay District

ARTICLE 27. 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, Senior Residential Community Overlay District and amend the Town of Andover Zoning Map, to establish a Senior Residential Community Overlay District as shown on a plan titled “Proposed Senior Residential Community Overlay District”, dated, December 4, 2012, 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 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 the request of the Franciscan Overlay Task Force and Planning Board

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 and appropriate the sum of \$600,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings and facilities and for the payment of all other costs incidental and related, or to take any other action related thereto.

On request of the Acting Plant and Facilities Department Director

Greater Lawrence Technical School HVAC Renovation

ARTICLE 29. To see if the Town will vote to approve the indebtedness authorized by the Regional District School Committee of the Greater Lawrence Regional Vocational Technical School District for the purpose of paying costs of reconstructing and making extraordinary HVAC repairs at the District High School located at 57 River Road in Andover and for the payment of all other costs incidental and related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), or take any other action related thereto.

On request of the Greater Lawrence Regional Vocational Technical School District

Zoning Bylaw Amendment – Andover Transit Oriented Development District (ATODD)

ARTICLE 30. To see if the Town will vote to amend the Zoning Bylaw by adding the following new Section 8.7 Andover Transit Oriented Development District (ATODD).

SECTION 8.7: ANDOVER TRANSIT ORIENTED DEVELOPMENT DISTRICT (ATODD)

8.7.1 Purpose.

It is the purpose of this Section to establish the Andover Transit Oriented Development District (ATODD), to encourage smart growth, and to foster a range of housing opportunities within mixed-use development projects, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diverse housing opportunities.
2. To promote mixed use and economic development that is safe, pedestrian friendly, near rail transit and near the Town's civic and commercial center.
3. Increase the production of a range of housing units to meet existing and anticipated housing needs.
4. Provide a mechanism by which residential development can directly increase the housing supply and diversity.
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting.
6. Establish development standards to allow context-sensitive design and creative site planning.

8.7.2 Definitions.

For purposes of this Section, the following definitions shall apply:

Design Guidelines: Guidelines adopted to preserve and augment the architectural qualities, historic character and pedestrian scale of, and which are applicable to, all Development Projects herein.

Development Project: A Development Project is proposed construction having any of the following characteristics:

- a. A proposal to increase the gross floor area of an existing building by more than 2,000 square feet.
- b. A proposal to construct a building or buildings in excess of 10,000 square feet.

- c. A proposal to alter, renovate, reconstruct or redevelop more than 40% of the gross floor area of an existing building, when there is a change of use.
- d. For the purposes of the above computation, total development on the subject property within the prior five years shall be considered.
- e. A project which results in less than the characteristics for a Development Project but greater than 300 square feet of new gross floor area shall not be considered a Development Project but shall be subject to Site Plan Review.
- f. A project which results in less than or equal to 300 square feet of new gross floor area shall not be subject to this Section.

Mixed Use: Any structure containing two or more of the Permitted Uses as set forth in this By-law.

Multifamily Dwelling: Dwelling containing four or more dwelling units.

Special Permit Granting Authority: For purposes of reviewing Development Project applications and issuing decisions on Development Projects within the ATODD, the Special Permit Granting Authority shall be the Planning Board.

Structured Parking Facilities: A structure or structures constructed to provide off street parking for automobiles, in connection with the construction of a Development Project. This may include parking under a building.

8.7.3 Overlay District.

The ATODD 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.

1. *Underlying Zoning.* The ATODD is an overlay district superimposed on all underlying zoning districts. The Zoning By-law governing the underlying zoning district(s) shall remain in full force and effect, except for Projects undergoing development pursuant to this By-law. Within the boundaries of the ATODD a developer may elect to develop a project in accordance with the ATODD, or to develop a project in accordance with the requirements of the regulations for use, dimension and all other provisions of the Zoning By-law governing the underlying zoning district(s).
2. *Applicability of ATODD.* An Applicant for a Project proposed within the ATODD may seek a Special Permit in accordance with the requirements of this bylaw. When a building permit is issued for any Project approved in accordance with this By-law, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to this By-law.

8.7.4 Permitted Uses.

1. *Permitted Uses.* The following uses, either standalone or in combination, are allowed in the ATODD. All other uses are prohibited:

Multifamily dwellings;

Municipal Facilities;

Structured Parking Facilities;

Non-residential uses, in accordance with the following “Table of Non-residential Uses”, but only by issuance of a Special Permit by the Planning Board under this bylaw.

Use
<u>Institutional Uses</u>
1. Philanthropic or charitable institution
<u>Business and Commercial Uses</u>
1. Private club not conducted for profit
2. Personal service establishment
3. Banking establishment
4. Retail sales establishment
5. Convenience store
6. Non-exempt educational use
7. Medical center or clinic
8. Self-service laundry or dry-cleaning operation
9. Restaurants
a. Restaurant, sit down
b. Restaurant, fast food
10. Shop for custom work involving the manufacture of articles to be sold on the premises
11. Indoor commercial recreation establishment
12. Business, professional or administrative office
13. Motel or hotel (see Section 4.1.5.1 of the Zoning By-Law)
14. Commercial parking lot or garage
15. Major non-residential project (see Sections 9.4 and 10.0 of the Zoning By-Law)

Non-residential use of any building, structure or land within the ATODD is prohibited except as permitted above.

2. *Accessory Uses.* Uses which are subordinate to, clearly incidental to, customary in connection with, and located in the same structure as a Permitted Use and which do not, in effect, constitute conversion of the Permitted Use to a use not otherwise permitted in the ATODD shall be permitted.

8.7.5 Density.

1. *Residential.* The permissible residential density in the ATODD is forty (40) dwelling units per acre.
2. *Non-residential - Retail.* No individual retail establishment shall exceed 25,000 square feet of Gross Floor Area.
3. *Integration of Uses.* The Special Permit Granting Authority may require the integration of residential and non-residential uses in a Mixed Use structure as a condition of Approval.
4. *Multiple Buildings.* In the ATODD, more than one building may be erected on a single lot.

8.7.6 Dimensional Regulations.

1. *First Floor.* Buildings with a commercial use on the first floor shall be located directly behind the front sidewalk (0-foot maximum setback) on any street. However, regardless of the width of the existing sidewalk, a minimum of 8 feet shall be required from the curb line to the front of the building.
2. *Building Height.* The maximum allowed heights of all buildings in the district shall be as follows:

Building heights shall conform to and be measured according to the following standards:

- a. When adjacent to or up to ninety (90) feet from the property line on North Main Street, the heights of all buildings shall be no more than thirty-five (35) feet above the adjacent public street.
- b. When more than ninety (90) feet from the property line on North Main Street, and otherwise not restricted by this section, the heights of all buildings in the district shall be no more than sixty-five (65) feet.
- c. When adjacent to or up to fifteen (15) feet from the property line on Essex Street and/or Pearson Street, the heights of all buildings in the district shall be no more than thirty-five (35) feet if otherwise not restricted by this section.
- d. From fifteen (15) feet to fifty (50) feet from the property line on Essex Street and/or Pearson Street, the maximum heights of all buildings in the district shall be fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.

- e. When the property frontage is on the east side of Railroad Street, the heights of all buildings within fifty (50) feet of Railroad Street shall be no more than fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.
 - f. For all other buildings within the district, not otherwise restricted by this section, the maximum height shall be fifty (50) feet.
 - g. The maximum building heights specified by this section shall not apply to any pedestrian walkways over the MBTA railroad tracks.
 - h. When a building façade extends more than one hundred (100) feet across a grade of equal to or greater than ten (10) feet in elevation differential, the maximum height of the building shall be determined from the average grade across each one hundred (100) foot increment.
 - i. No additional restrictions shall apply to buildings fronting on Lewis Street, Buxton Court, or to any new roads created within the district, except as otherwise restricted by the above limitations.
 - j. The height of any building in the ATODD shall be calculated according to the definition of Building Height in this By-law.
3. *Building Coverage.* The maximum building coverage in the ATODD shall be 75% of the lot covered by the footprint area of a building or buildings.
 4. *Parcel Size.* The minimum parcel size required for a Development Project shall be one-half (0.5) acre.

8.7.7 Performance Standards.

1. *Driveways.* The location of driveway openings in relation to traffic and adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.
2. *Interior Design.* The development shall assure safe interior circulation within its site by separating pedestrian, bike, and vehicular traffic.
3. *Transportation Plan.* The development shall be subject to an approved Transportation Plan, which shall consist of the following information:
 - a. The proposed parking, loading, traffic and pedestrian circulation within the site; access and egress points; and other features related to traffic generated by the proposed use. Multiple access and egress points may be required for each Development Project.

- b. A traffic study, prepared by a board certified/licensed traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The PAA shall review the geographic scope and content of the study. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and geography of the site.
- c. Proposed mitigation measures, as needed, including vehicle trip reduction from the project.

8.7.8 Design Guidelines and Review.

1. In order to preserve and augment the ATODD's architectural qualities, historic character and pedestrian scale, the Planning Board is authorized to adopt Design Guidelines which are not inconsistent with this By-law.
2. The Design Review Board shall review all Development Projects pursuant to this By-law.

8.7.9 Off-Street Parking and Loading Regulations.

1. *Structured Parking.* Parking within the ATODD shall be accommodated within Structured Parking Facilities and under buildings to the maximum extent possible. On-street parking may be provided on private streets within the development project in front of and adjacent to retail stores.
2. *Off-Street Parking and Loading Requirements.* Any structure that is constructed, enlarged, or extended, or has a change-of-use which affects the computation of parking spaces, and any use of land established, or any existing use is changed, parking and loading spaces shall meet the following requirements:
 - a. Residential uses require a minimum of 1.0 space per unit.
 - b. Non-residential uses require a maximum 3.0 spaces per 1,000 sq. ft. of gross floor area.
3. *Allowance.* The Planning Board may make an allowance for up to 15% reduction of parking requirements when shared parking is proposed for non-residential uses.
4. *Computation of Spaces.* When the computation of required parking or loading spaces results in the requirement of fractional space, any fraction more than one-half (1/2) shall require one (1) space.
5. *Location of Loading Spaces.* Any and all loading spaces required shall, in all cases, be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this By-law.

8.7.10 Application for Development Project Approval.

All applications for a Special Permit to gain approval under this section shall be submitted to the Planning Board pursuant to the submission requirements and procedures contained in this By-law.

8.7.11 Severability.

If any provision of this Section 8.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.7 shall remain in full force and effect. The invalidity of any provision of this Section 8.7 shall not affect the validity of the remainder of the Town of Andover’s Zoning By-Law.

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 the request of the Board of Selectmen and Planning Board

Amend Town of Andover Zoning Map – Andover Transit Oriented Development District

ARTICLE 31. 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, Andover Transit Oriented Development District and amend the Town of Andover Zoning Map, to establish an Andover Transit Oriented Development District as shown on a plan titled “Andover Transit Oriented Development District”, dated, January 16, 2013, as prepared by The Cecil Group, which plans are on file in the Office of the Town Clerk and which are hereby made part of the Town Zoning Map.

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 and Planning Board

AHS Tennis Courts Renovation

ARTICLE 32. 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 purpose of paying costs of tennis court renovations at Andover High School, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Department Director

Land Acquisition – 141 Chandler Road

ARTICLE 33. To see if the Town will vote to appropriate the sum of \$775,000 for the acquisition and for costs related to such acquisition of the land and for construction of a fence at 141 Chandler Road containing 11.5 acres, more or less, shown as Parcel A and Parcel B on a plan entitled “Plan of Land located in Andover, Massachusetts, prepared for the Town of Andover and Camp, Dresser & McKee, Inc.,” by Richard F. Kaminski and Associates, Inc., dated May 24, 2010, which plan is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire such land by gift, purchase or eminent domain for municipal purposes, upon terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum pursuant to Chapter 44 of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Town Manager

Town Playground Replacements

ARTICLE 34. 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 \$100,000 for the purpose of paying costs of Town playground replacements, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Department Director

School Facility Space Needs Study

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 \$225,000 for the purpose of paying costs of a comprehensive school space needs study, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Superintendent of Schools

School Building Maintenance and Renovation

ARTICLE 36. 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 \$1,000,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various School buildings and roofs and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Department Director

Annual Computer Workstation & Laptop Replacement Program

ARTICLE 37. To see if the Town will vote to transfer the sum of \$218,300 from the Cable Franchise Fee account and appropriate the sum of \$218,300 for the purpose of leasing town and school administrative and teacher computer workstations and laptops, including costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

West Middle School Heating System

ARTICLE 38. 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 \$1,250,000 for the purpose of paying costs of upgrades to the West Middle School heating and ventilation system, and for the payment of all other costs incidental and related thereto, and to authorize the Selectmen to accept all gifts and grants related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Department Director

Off-Street Parking Program

ARTICLE 39. To see if the Town will vote to transfer the sum of \$60,000 from off-street parking receipts and appropriate \$60,000 for the purpose of purchasing and installing a pay-and-display units at municipal parking lots, including costs incidental and related or take any other action related thereto.

On request of the Chief of Police

Spring Grove Cemetery Maintenance

ARTICLE 40. To see if the Town will vote to transfer the sum of \$15,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$15,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Department Director

Major Water Main Replacement

ARTICLE 41. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$1,000,000 for the purpose of paying costs of design, engineering, constructing, reconstructing or replacing water mains, and for the payment of all other costs incidental and related thereto, including, but not limited to, all costs associated with land acquisition by conveyance or eminent domain, or take any other action related thereto.

On request of the Acting Department of Public Works Director

Water Distribution Maintenance Program

ARTICLE 42. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$500,000 for the purpose of paying costs of cleaning and lining or replacing water mains, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Department of Public Works Director

Water Treatment Plant Parking & Site Improvements

ARTICLE 43. 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 \$100,000 for the purpose of paying costs of parking and site improvements at the Water Treatment Plan, or to take any other action related thereto.

On request of the Acting Department of Public Works Director

Water & Sewer Vehicles

ARTICLE 44. To see if the Town will vote to transfer the sum of \$140,000 from water and sewer reserves and appropriate the sum of \$140,000 for the purpose of purchasing water and sewer vehicles, or to take any other action related.

On request of the Acting Department of Public Works Director

Water Distribution System Flushing Program

ARTICLE 45. To see if the Town will vote to transfer the sum of \$195,000 from water reserves and appropriate the sum of \$195,000 for the purpose of paying the costs of a water distribution system flushing program, or to take any other action related.

On request of the Acting Department of Public Works Director

Fire Hydrant Infrastructure Maintenance

ARTICLE 46. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$1,000,000 for the purpose of paying costs of fire hydrant infrastructure maintenance, or to take any other action related thereto.

On request of the Acting Department of Public Works Director

Zoning Bylaw Amendment – Valances of Awnings

ARTICLE 47. To see if the Town will vote to amend the Zoning Bylaw by:

Deleting Section 5.2.3.1.f. “On valances of awnings or similar devices, lettering, symbols, or graphic elements not exceeding three inches in height.”

And replacing with the following:

“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.”

And by deleting the last sentence of Section 5.2.9.Signs in General Business (GB) Districts, 1.g, “Lettering on the valance of an awning shall not exceed 4.5 inches.”

And by deleting the last sentence of Section 5.2.10.Signs in Mixed Use (MU) Districts, 1.e., “Lettering on the valance of an awning shall not exceed 4.5 inches.”

And by deleting the last sentence of Section 5.2.11. Signs in Office Park Districts (OP) and Limited Service Districts (LS) 2, which reads, “Lettering on the valance of an awning shall not exceed 4.5 inches.”

And by deleting the last sentence of Section 5.2.12.Signs in Industrial G (IG) Districts, 1.a. which reads, “Lettering on the valance of an awning shall not exceed 4.5 inches.”

And by deleting the last sentence of Section 5.2.13.Signs in Industrial A (IA) Districts, 1.a. which reads, “Lettering on the valance of an awning shall not exceed 4.5.inches.”

And by deleting the last sentence of Section 5.2.14.Signs in Industrial D (ID) Districts, 1.a. which reads, “Lettering on the valance of an awning shall not exceed 4.5 inches.”

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 Design Review Board

Parking Management Action Plan for the Downtown

ARTICLE 48. To see if the Town will vote to raise by taxation, borrowing or transfer from available funds and appropriate the sum of \$18,000 to develop a Parking Management Action Plan for downtown Andover, or take any other action related thereto.

On the request of the Economic Development Council

Doherty Middle School / WWI Memorial Auditorium Renovations

ARTICLE 49. 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 \$330,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to the Doherty Middle School and WWI Memorial Auditorium, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Department Director

Zoning Bylaw Amendment – Industrial 2 District (ID2)

ARTICLE 50. 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, ID2 – Industrial 2 District and to further amend the bylaw as follows:

Amend Section 10.0 **DEFINITIONS** by adding the following:

“GROCERY STORE – An establishment where more than seventy percent (70%) of the gross floor area is devoted to the sale of food products for home preparation and consumption.”

Amend Section 9.0 **ADMINISTRATION AND PROCEDURES** by adding the following:

“9.4.10. Special Permit in the ID2 District.

In addition to the criteria contained in Section 9.4.2. and 9.4.8. of this bylaw, the Planning Board may issue a special permit in the ID2 District for a Personal Service Establishment, Retail Sales Establishment, Convenience Store, Grocery Store, Dry-Cleaning Operation, Restaurant (sit-down) Restaurant (fast-food), & Indoor Commercial Recreation Establishment (See Appendix A, Table 1) only after consideration of the additional special permit criteria outlined below:

- a. The proposed development shall have a positive economic benefit to Andover (including, but not limited to, fiscal impact, town services, and employment), is in harmony with the general purpose and intent of the Master Plan and is not unreasonably detrimental to the overall General Business Districts, specifically Downtown Andover.
- b. The proposed development shall demonstrate that the scale, massing and detailing of buildings are compatible with the character of the community. The Planning Board may at their discretion require the applicant to submit to the Design Review Board, pursuant to Section 9.6.3. of the Zoning By-Law for the Design Review Board Report.
- c. The proposed development shall provide landscape plans for the site, the parking areas and internal landscaped islands. The parking areas should service adjacent structures when possible. The Planning Board may at their discretion require additional landscaping.
- d. The development shall provide for adequate traffic mitigation and improvements if the proposed use negatively impacts current traffic flow conditions. At a

minimum the applicant shall be required to join the local transportation management association.”

Amend Section 4.0 **DIMENSIONAL REQUIREMENTS** by adding the following:

“4.1.4.3.g. No single Retail Sales Establishment as described in Appendix A Table 1 Section 3.1.3. Table of Uses Regulations C. Business and Commercial Use, shall exceed 25,000 SF of gross floor area in the ID2 District. A single establishment shall be defined as having independent access, egress and exit ways as required by State Building Code.”

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

Amend Section 5.2.14. by replacing:

“5.2.14 Signs in Industrial D (ID) Districts.” with the following:

“5.2.14 Signs in Industrial D (ID) and Industrial 2 (ID2) Districts.”

Amend **APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations** by replacing 11. Self-service laundry or dry-cleaning operation to 11.a. Dry-cleaning laundry operation and 11.b. Self-service laundry operation and by inserting 26. Grocery store into the table:

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
C. Business and Commercial Uses												
11.a. Dry-cleaning laundry operation	N	N	N	N	N	N	BA	BA	BA	N	N	PB
11.b. Self-service laundry operation	N	N	N	N	N	N	BA	BA	BA	N	N	N
26. Grocery store	N	N	N	N	N	N	Y	Y	Y	N	N	PB

Amend **APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations** by adding into the Industrial Districts Section a fourth column entitled “ID2”, identical in composition to the third column entitled “ID” except that in subsection C. Business and Commercial Uses, the following nine (9) uses shall require a special permit from the Planning Board which shall be signified by the use of the designation (“PB”) in the ID2 column as follows:

“3. Personal service establishment; 6. Retail sales establishment; 7. Convenience store; 11a. Dry cleaning operation; 12.a. Restaurant, sit-down; 12.b. Restaurant, fast-food; 14. Indoor commercial recreation establishment; and 26. Grocery Store with 9. Medical Center or clinic being a permitted use and shall be signified by the use of the designation “Y”.”

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
C. Business and Commercial Uses												
3. Personal service establishment	N	N	N	N	N	N	Y	Y	Y	BA	N	PB
6. Retail sales establishment	N	N	N	N	N	N	Y	Y	Y	N	N	PB
7. Convenience store	N	N	N	N	N	N	BA	BA	N	N	N	PB
9. Medical center or clinic	N	N	N	N	BA	BA	Y	Y	Y	N	N	Y
11.a. Dry-cleaning laundry operation	N	N	N	N	N	N	BA	BA	BA	N	N	PB
12.a. Restaurant, sit-down	N	N	N	N	BA	N	Y	BA	Y	BA	B A	PB
12.b. Restaurant, fast-food	N	N	N	N	N	N	Y	BA	BA	N	N	PB
14. Indoor commercial recreation	N	N	N	N	BA	N	Y	N	Y	N	N	PB
26. Grocery store	N	N	N	N	N	N	Y	Y	Y	N	N	Y

Amend **APPENDIX A TABLE 2 Section 4.1.2 – Table of Dimensional Requirements** by adding to the end of the Table a row for Industrial D2:

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)
Industrial D 2 (j)	--	50	50	40	40	50	3	30 (b)

Amend **APPENDIX A TABLE 3 Section 5.1.4. – Table of Off-Street Parking Requirements, C Business and Commercial Uses** by inserting the following row after 25. Major commercial project:

26. Grocery Store	1 space per 300 square feet of gross floor area
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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 the request of the Planning Board, Economic Development Council and Green Advisory Board

Amend Town of Andover Zoning Map – Industrial 2 District (ID2) Dascomb Road

ARTICLE 51. To see if the Town will amend the Town of Andover Zoning Map to establish an ID2 District as shown on a plan titled, “Proposed Zoning District ID2 Dascomb Road”, dated, December 4, 2012, as prepared by and reviewed by the Town Engineer, which plan is on file in the Office of the Town Clerk and which is hereby made part of the Town Zoning Map and to rezone said area from ID to ID2.

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 the request of the Planning Board, Economic Development Council and Green Advisory Board

Amend Town of Andover Zoning Map – Industrial 2 District (ID2) River Road

ARTICLE 52. To see if the Town will amend the Town of Andover Zoning Map, to establish an ID2 District as shown on a plan titled “Proposed Zoning District ID2 River Road”, dated, December 4, 2012, 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 ID to ID2.

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 the request of the Planning Board, Economic Development Council and Green Advisory Board

Reichhold Parcel I Acquisition – Conservation LAND Grant

ARTICLE 53. To see if the Town will vote to appropriate a sum of money for the purpose of acquiring a portion of the Reichhold property for conservation, open space and passive recreation and/or any other purpose for which the Town is authorized to acquire land or interests in land

located at 77 Lowell Junction Road, including the buildings thereon and to repair, maintain and demolish such buildings, shown as "Parcel 1, Conservation" and "Parcel 2, Conservation" on the Plan of Land entitled "Proposed Division Plan of Land in Andover, Massachusetts, Essex County, Prepared for Town of Andover," Prepared by DGT Survey Group – North Shore, LLC, Newburyport, MA, which plan is on file with the Town Clerk's Office and to authorize the Conservation Commission and the Board of Selectmen on behalf of the Town and/or the Conservation Commission, to: (i) acquire said land and buildings thereon, and any portion thereof, by gift, purchase (including but not limited to purchase using an appropriation made at the 2002 Annual Town Meeting, Warrant Article 23) or eminent domain and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3) and/or Section 8C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or to take any other action related thereto; (ii) file on behalf of the Town any and all applications deemed necessary to seek reimbursement 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 enter into agreements and execute any and all instruments as may be necessary on behalf of the Town to affect said purchase or grant; (iii) convey said land and buildings thereon to the Town under the provisions of Chapter 40, Sections 8c, and as it may thereafter be amended and other Massachusetts statutes relating to Conservation to be managed and controlled by the Conservation Commission; (iv) enter into a license or lease agreement to manage the property, or any portion thereof, consistent with the LAND Grant Program for maintenance, etc., or take any other action related thereto.

On request of the Conservation Commission

Reichhold Parcel I Acquisition & PARC Grant

ARTICLE 54. To see if the Town will vote to appropriate the sum of \$550,000 for the purpose of acquiring a portion of the Reichhold property for recreation purposes, municipal storage and/or any other purposes for which the Town is authorized to acquire land or interests in the land located at 77 Lowell Junction Road including the buildings thereon and to repair, maintain and demolish such buildings, shown as "Town Land" on the Plan of Land entitled "Proposed Division Plan of Land in Andover, Massachusetts, Essex County, Prepared for Town of Andover," Prepared by DGT Survey Group – North Shore, LLC, Newburyport, MA", which plan is on file with the Town Clerk's Office and to authorize the Board of Selectmen on behalf of the Town, acting on its own or as the Recreation Commission, to: (i) acquire land and buildings thereon, or any portion thereof, by gift, purchase (including but not limited to purchase using an appropriation made at the 2001 Annual Town Meeting, Warrant Article 12) or eminent domain and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3) and/or Section 8C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, or take any other action related thereto; (ii) seek reimbursement or grants under the Parkland Acquisitions and Renovations for Communities (PARC) Program (301 CMR 5.00) and/or any others in any way connected with the scope of the Article and enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to

affect said acquisition and said reimbursement and grants; (iii) convey said land and buildings thereon, or any portion thereof, to the Town under the provisions of Chapter 45, Section 14, and as it may be hereafter amended and other Massachusetts statutes relating to recreation, to be managed and controlled by the Board of Selectmen acting as the Recreation Commission; (iv) once acquired, to lease said land and buildings, or any portion thereof, to a third party or third parties upon terms and conditions deemed appropriate by the Board of Selectmen; (v) enter into a license or lease agreement to manage the property, or any portion thereof, consistent with the Urban Self-Help Act grant program for maintenance, etc. or take any other action related thereto.

On request of the Conservation Commission

Overlay Surplus Transfer for Tax Abatement and Exemptions

ARTICLE 55. To see if the Town will vote to transfer a sum of money from Overlay Surplus and appropriate to various fiscal years Allowance for Abatements and Exemptions accounts, or take any other action related thereto.

On request of the Finance Director

Overlay Surplus Transfer for Property Revaluation

ARTICLE 56. To see if the Town will vote to transfer \$80,000 from Overlay Surplus to fund the FY-2015 tri-annual property tax revaluation, or take any other action related thereto.

On request of the Finance Director

Zoning Bylaw Amendment – Definitions of Retail Sales Establishments and Restaurant, Fast Foods

ARTICLE 57. To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII, §10.0 DEFINITIONS by amending the definitions of Retail Sales Establishment and Restaurant, Fast-Food as follows, insert “which can include the sale of food and drink” after “goods” in the Retail Sales Establishment definition and replace “food or drink” with “a complete meal to be sold in whole or in pieces” in the Restaurant, Fast-Food definition, to read as follows:

RETAIL SALES ESTABLISHMENT

A facility selling goods which can include the sale of food and drink for consumption on or off the premises, but not otherwise specifically listed in the Table of Use Regulations; including the sale of such merchandise other than at retail if incidental to the operation of a retail establishment, including processing and/or assembly of merchandise when clearly accessory to the sale of such merchandise on the premises.

RESTAURANT, FAST-FOOD

An establishment whose primary business is the sale of a complete meal to be sold in whole or in pieces for consumption on or off the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; and (b) available upon a

short waiting time; and (c) packaged or presented in such a manner that it can readily be consumed outside the premises where it is purchased.

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 Planning Board

Land Transfer – High Plain Road

ARTICLE 58. To see if the Town will vote to accept from Donald and Lesley Durant the land shown as Parcel A on “Plan of Land, 278R High Plain Road, Andover, MA 01810, Scale 1” = 40’, prepared for Donald & Lesley Durant, by JM Associates, 325 Main Street, North Reading, MA 01864, dated September 26, 2012”, on file with the Town Clerk’s Office, with said land in the care, custody and control of the Conservation Commission and to convey to Donald and Lesley Durant, Parcel B as shown on said Plan, and to authorize the Town Manager and Board of Selectmen to petition the General Court for Special Legislation, notwithstanding General Laws Chapter 30B or any general or special law to the contrary, authorizing said conveyance providing that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, and subject to the condition that these conveyances shall be free and clear of all encumbrances, but may be subject to such utility easements, restrictions and other easements and rights as may be acceptable to the Board of Selectmen, and subject to such terms and conditions as the Selectmen deem advisable in the interest of the Town of Andover, or take any other action related thereto.

On petition of Donald and Lesley Durant and others

Zoning Bylaw Amendment – Section 8.1.2 Watershed Protection Overlay District Establishment

ARTICLE 59. To see if the Town will vote to amend the first paragraph of the Andover Zoning Bylaw, Article VIII, §8.1.2 Establishment, by amending the reference to a plan to read as follows:

8.1.2 Establishment

The WPOD includes all the lands which create the catchment or drainage areas of Fish Brook or Haggetts Pond as part of their natural or man-made drainage system. The district includes all areas designated on the plan titled "Fish Brook/Haggetts Pond Watershed Protection Overlay District", dated December 2012, prepared by the Town Engineer, which plan is on file in the Office of the Town Clerk and which is hereby made part of the Town Zoning Maps.

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 Planning Board, Board of Health and Conservation Commission

Streamgauging Station on the Shawsheen River

ARTICLE 60. 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 \$60,000 for the purpose of installing, operating and maintaining a Streamgauging Station on the Shawsheen River at Balmoral Street and further to authorize the Town Manager to enter into an agreement for the same with the United States Geological Survey, or take any other action related thereto.

On petition of John B. Mahoney and others

Street Acceptance – Crystal Circle

ARTICLE 61. To see if the Town will vote to accept and name as a public way the following street: Crystal Circle:

Crystal Circle, as shown on a plan approved by the Andover Planning Board entitled “Crystal Circle”, dated 9/28/06 through 4/01/07, as prepared by DK Engineering Associates, Inc. and recorded in the Essex North District Registry of Deeds as Plan Number 35859D, or take any other action related thereto.

On request of the Board of Selectmen

