

WARRANT
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 FIFTH DAY OF MAY, 2014

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

Annual Town Election

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

Election Not Required by Ballot

ARTICLE 2. To elect all other officers not required by law to be elected by ballot, or take any other action related 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-2015 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, 2014 and ending June 30, 2015, or take any other action related thereto.

On request of the Town Manager

FY-2015 Capital Projects Fund Appropriation

ARTICLE 5. To see if the Town will vote to raise by taxation and appropriate the sum of \$2,370,000 for the purpose of funding the Fiscal Year 2015 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 2013 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 2013 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.A. To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2015 tax rate and to affect appropriations voted at the 2014 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

Funding OPEB Trust Fund

ARTICLE 9.B. To see if the Town will vote to transfer the sum of \$1,000,000 from Free Cash and appropriate to the Other Post Employment Benefit 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

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 2015 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-2015 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, 2014, or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2015 Limit
A. Community Development & Planning Department	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	\$45,000
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

On request of the Finance Director

Elderly/Disabled Transportation Program

ARTICLE 17. 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

Support for Civic Events

ARTICLE 18. 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 19. 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

Sidewalk Construction – Holt Road

ARTICLE 20. To see if the Town will vote to appropriate the sum of \$138,000 for the purpose of constructing a sidewalk on Holt Road, including any other costs 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 be 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 request of the Director of Municipal Services

GIS Data Update

ARTICLE 21. To see if the Town will vote to transfer \$30,000 from water and sewer reserves and appropriate the sum of \$30,000 for the purpose of paying the costs of updating geographic information systems data, including any costs incidental and related thereto, or to take any other action related thereto.

On request of the Chief Information Officer

Fire Hydrant Infrastructure Maintenance

ARTICLE 22. 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 the costs of fire hydrant infrastructure and maintenance, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

Petition the Legislature – Health Insurance Benefits for Town of Andover Elected Officials

ARTICLE 23. To see if the Town will vote to petition the Legislature to pass a Special Act as follows:

“Notwithstanding Massachusetts General Laws Chapter 32B or any other general or special law to the contrary, health insurance benefits for elected officials shall not be provided by the Town of Andover”;

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 Manager

BallardVale Fire Station Restoration

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 \$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 Robert Goldsmith and others

BallardVale Fire Station Land Purchase

ARTICLE 25. To see if the Town will vote to acquire 8,000 square feet more or less combined of land from the two parcels adjoining the BallardVale Fire Station property site also known as Parcels 017 and 019 on Town Assessor’s Map 137, said land for the proposed addition to the Station and to appropriate \$200,000 or a lesser amount for the purchase thereof and to raise said sum by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, or take any other action related thereto.

On petition of Richard J. Bowen and others

BallardVale Fire Station Addition

ARTICLE 26. To see if the Town will vote to appropriate the sum of \$200,000 for the preparation of plans and specifications including working drawings and bid documents for the construction of an addition to, and the renovation of the present BallardVale Fire Station and to raise said sum by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, or take any other action related thereto.

On petition of Richard J. Bowen and others

Senior Citizen Service Needs Study

ARTICLE 27. To see if the Town will vote to raise by taxation, transfer from available funds, or by any combination thereof and appropriate the sum of \$35,000 for the purpose of paying costs for a comprehensive assessment of the service needs of Andover residents 50 years of age and older, or take any other action related thereto.

On request of the Council on Aging Board and the Elder Services Director

SCRPT – Senior Tax Work-off Program

ARTICLE 28. To see if the Town will accept the provisions of Massachusetts General Laws, Chapter 59, Section 5K, allowing the maximum reduction of the real property to be based on 125 volunteer service hours in a given tax year for an abatement of \$1,000, or take any other action related thereto.

On request of the Council on Aging Board and the Elder Services Director

An Act Providing for Limited Property Tax Relief for Certain Elder Citizens

ARTICLE 29. To see if the Town of Andover will direct the Board of Selectmen to petition the Great and General Court of the Commonwealth to adopt the following Legislation:

AN ACT PROVIDING FOR LIMITED PROPERTY TAX RELIEF FOR CERTAIN ELDER CITIZENS

SECTION 1. Notwithstanding any other general or special law to the contrary, and subject to Sections 2 to 5, inclusive, the Town of Andover shall maintain the residential property tax rate in effect for the property: (i) of a person 70 years of age or older, which is occupied by the person as his or her domicile; (ii) of a person who owns property jointly with his or her spouse, either of whom is 70 years of age or older, and which is occupied by the person as his or her domicile; (iii) of a person 70 years of age or older who owns the property jointly or is a tenant in common with a person not his spouse and which is occupied by the person as his or her domicile; or (iv) the property of a person 70 years of age or older, in which the person has a life estate, and which is occupied by the person as his or her domicile, at the same rate as that person was obligated to pay in the prior fiscal year; provided, that the property is a single family dwelling; and provided further, that the person has been a resident of the Town of Andover for longer than 6 months of each of the previous 20 years.

SECTION 2. If a person qualifying for the rate freeze required by Section 1 makes improvements upon the residential property during a year in which the person is entitled to said rate freeze and such improvements result in an increase in the assessed value of the property and the resulting tax liability, the person shall pay the additional amount of tax liability. The additional amount of tax liability shall be computed by applying the tax rate in effect on the date of the improvement to the assessed value of the improvement.

SECTION 3. A rate freeze in effect pursuant to this act shall remain in effect until the property is sold or transferred.

SECTION 4. A person qualifying for a rate freeze pursuant to this act shall not be subject to any change in real estate property tax liability pursuant to Section 21C of Chapter 59 of the General Laws.

SECTION 5. Notwithstanding any general or special law to the contrary, the Town of Andover shall not, during any fiscal year, increase the rate of taxation on any real property at a percentage greater than the percentage of any social security cost-of-living adjustment for that fiscal year.

SECTION 6. This act shall not apply to betterments assessed pursuant to Chapter 80 or Chapter 80A of the General Laws.

SECTION 7. This act shall take effect upon its passage.

Or take any other action related thereto.

On petition of Michael J. Roli and others

Exempt Debt Premium

ARTICLE 30. To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds issued for the construction of a new grades K through 5, 680 student Bancroft Elementary School, including offsite improvements that are a part of the project, which are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount, or to take any other action related thereto.

On request of the Finance Director

Andover Retirement Board Member Stipend

ARTICLE 31. To see if the Town will vote to accept the provisions of M.G.L. c. 32, § 20(6) and grant members of the Andover Contributory Retirement Board an annual stipend in the amount of \$3,000 for the oversight and administration of the Andover Contributory Retirement System, or take any other action related thereto.

On request of the Andover Contributory Retirement Board

COLA Increase for Andover Retirees

ARTICLE 32. 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 to \$14,000, or take any other action related thereto.

On request of the Andover Contributory Retirement Board

Overlay Surplus

ARTICLE 33. To see if the Town will vote to appropriate and transfer \$31,800 from Overlay Surplus to fund expenses related to the FY15 tri-annual property tax revaluation, or take any other action related thereto.

On request of the Finance Director

Zoning Bylaw Amendment – Medical Marijuana Overlay District

ARTICLE 34. To see if the Town will amend the Zoning Bylaw by adding the following new Section 8.9 Medical Marijuana Overlay District (MMOD).

8.9. Medical Marijuana Overlay District (MMOD)

8.9.1 Establishment: The Medical Marijuana Overlay District (“MMOD”) is established as an overlay district. The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MMOD may be used either for (1) a Registered Marijuana Dispensary (“RMD”), in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.

8.9.2 Purpose: To provide for the placement of RMDs, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.

8.9.3 Definitions: Where not expressly defined in the Zoning Bylaws, terms used in the MMOD Bylaw shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.

Registered Marijuana Dispensary: Also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

8.9.4. Location

- a. RMDs may be permitted in the MMOD but only pursuant to a Special Permit.
- b. RMDs may not be located within 500 feet of the following:
 - (1) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college or university;
 - (2) Child Care Facility;
 - (3) Library;
 - (4) Playground;
 - (5) Public Park;
 - (6) Youth Center;
 - (7) Public swimming pool; or
 - (8) Similar facility in which minors commonly congregate.
- c. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section 8.9.4.b. to the nearest point of the property line of the proposed RMD.

8.9.5 Signage: All signage shall conform to the requirements of the Andover Zoning Bylaw. The Planning Board may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.

8.9.6 Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) for an RMD special permit.

- a. Application: 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. In addition to the above requirements the applicant shall include 12 copies of the following:
 1. A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”);
 2. A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
 3. Detailed site plans that include the following information:
 - a. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings and all other provisions of this Bylaw;

- b. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - e. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - f. Adequacy of water supply, surface and subsurface drainage and light.
4. A description of the security measures, including employee security policies, approved by DPH for the RMD;
 5. A copy of the emergency procedures approved by DPH for the RMD;
 6. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
 7. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
 8. A copy of proposed waste disposal procedures; and
 9. A description of any waivers from DPH regulations issued for the RMD.
- b. The SPGA shall refer copies of the application to the Building Division, Fire Department, Police Department, Board of Health, Conservation Commission and the Department of Public Works. These boards/departments/divisions shall review the application and shall submit their written recommendations to the Planning Board. Failure to make recommendations within 45 days of referral of the application shall be deemed lack of opposition.
 - c. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the SPGA may act upon such a permit.

8.9.7 Special Permit Conditions on RMDs: The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to

the applicant's RMD, the SPGA shall include the following conditions in any Special Permit granted under this Bylaw:

- a. Hours of Operation.
- b. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Building Inspector, Police and Fire Departments and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- c. The permit holder shall file a copy of any cease and desist order, quarantine order, suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Building Inspector and SPGA within 48 hours of receipt by the RMD.
- d. The permit holder shall provide to the Building Inspector, Fire Chief and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- e. The Special Permit authorizing the establishment of an RMD shall be valid only for the specific registered entity to which the Special Permit was issued, and only for the site on which the RMD has been authorized by Special Permit. If the registration for the RMD has been revoked by the DPH or if the RMD registration is to be transferred to another controlling entity, or is to be relocated to a different site within the Medical Marijuana Overlay District, a new Special Permit shall be required.
- f. An RMD shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.
- g. The Special Permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
- h. The permit holder shall notify the Building Inspector, the Chiefs of the Police and Fire Departments and the SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.
- i. The Police Department, Fire Department, Building Inspector and Board of Health shall have the right to inspect the subject premises to assure compliance with the special permit.

8.9.8 Exemption from RMD Special Permit Requirement: RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a

Special Permit but shall apply for Site Plan Approval pursuant to Section 9.5 of the Zoning Bylaw.

8.9.9 Prohibition Against Nuisances: No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

8.9.10 Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence or clause of this Bylaw or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

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

On request of the Planning Board

Zoning Bylaw Amendment – Special District Regulations – Medical Marijuana Treatment Facilities

ARTICLE 35. To see if the Town will vote to amend Section 8, Special District Regulations, of the Town of Andover Zoning Bylaw by adding Section 8.9, Medical Marijuana Treatment Center, in order to allow time to make the appropriate amendments to the Zoning Bylaw to allow the use of a Medical Marijuana Treatment Center. The new Section 8.9 to read as follows:

8.9.1 Purpose: Provide restrictions that will allow the Town adequate time to undertake a planning process to address the potential impacts of Medical Marijuana Treatment Facilities, to consider the Department of Public Health regulations regarding such Treatment Centers and related uses, to address the potential impacts of such Treatment Centers on the Town of Andover and to adopt new zoning regulations regarding Medical Marijuana Treatment Facilities and related uses.

8.9.2 Definition: A Medical Marijuana Treatment Center shall mean any medical marijuana treatment center as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tincture, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana related supplies or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

8.9.3 Interim Restriction: Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the Town of Andover so long as this Section 8.9 is effective, as set forth in Section 8.9.4 below. Use variances shall be strictly prohibited.

8.9.4 Expiration: The Moratorium shall be in effect through October 31, 2014, so that the Town of Andover can enact superseding zoning regulations that set forth the allowed locations, dimensional, parking and other requirements applicable to medical marijuana uses, or take any other action related thereto.

On request of the Board of Selectmen

Medical Marijuana Overlay District – River Road

ARTICLE 36. 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, Medical Marijuana Overlay District, and amend the Town of Andover Zoning Map to establish a Medical Marijuana Overlay District as shown on a plan titled “Proposed Medical Marijuana Overlay District River Road”, dated February 27, 2014, as prepared 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 bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On the request of the Planning Board

Medical Marijuana Overlay District – Lowell Junction Road

ARTICLE 37. 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, Medical Marijuana Overlay District, and amend the Town of Andover Zoning Map to establish a Medical Marijuana Overlay District as shown on a plan titled “Proposed Medical Marijuana Overlay District Lowell Junction Road”, dated February 27, 2014, as prepared and reviewed by the Town Engineer, which plans are on file in the Office of the Town Clerk and are hereby made part of the Town Zoning Map.

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

On the request of the Planning Board

Medical Marijuana Overlay District – Dascomb Road

ARTICLE 38. 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, Medical Marijuana Overlay District, and amend the Town of Andover Zoning Map to establish a Medical Marijuana Overlay District as shown on a plan titled “Proposed Medical Marijuana Overlay District Dascomb Road”, dated

February 27, 2014, as prepared and reviewed by the Town Engineer, which plans are on file in the Office of the Town Clerk and are hereby made part of the Town Zoning Map.

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

On the request of the Planning Board

Town and School Energy Initiatives

ARTICLE 39. 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 \$236,000 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

Technology Hardware and Software

ARTICLE 40. 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 purchasing or leasing technology hardware and software, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

Town Playground Replacements & Handicapped Accessibility

ARTICLE 41. 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 \$150,000 for the purpose of paying the costs of town playground replacements, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

School Site Improvements

ARTICLE 42. 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 \$319,000 for the purpose of paying the costs of making various school site safety, circulation and infrastructure improvements, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

Town Building and Facility Maintenance

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 \$507,000 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

Water Storage Tank Fund Transfer

ARTICLE 44. To see if the Town will vote to amend its vote adopted under Article 27 on the warrant of the 1996 Annual Town Meeting so as to permit the remaining balance of \$37,862.97, which was raised from available funds, to be used instead to pay for the cost of inspection, specification writing and bidding for rehabilitation work on various town water storage tanks, or take any action related thereto.

On request of the Director of Municipal Services

DPW Vehicles

ARTICLE 45. 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 \$260,000 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

Off-Street Parking Program

ARTICLE 46. To see if the Town will vote to transfer the sum of \$118,000 from off-street parking receipts and appropriate \$118,000 for the purpose of paying the costs of a parking management plan, purchasing and installing pay-and-display units in the Memorial Hall Library parking lot, and purchasing a parking enforcement vehicle, including costs incidental and related thereto or take any other action related thereto.

On request of the Chief of Police

Annual Computer Workstation & Laptop Replacement Program

ARTICLE 47. To see if the Town will vote to raise by taxation and transfer from available funds (Cable Franchise Fee account) the sum of \$360,000 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

Ledge Road Landfill Stabilization Fund

ARTICLE 48. To see if the Town will vote (1) to create a Stabilization Fund titled “Ledge Road Landfill Stabilization Fund” in accordance with M.G.L. Chapter 40, Section 5B, for the purpose of paying costs associated with the closing of the Ledge Road Landfill and (2) transfer \$1,000,000 plus applicable interest from the Town’s Stabilization Fund to the new “Ledge Road Landfill Stabilization Fund” and (3) vote to appropriate and transfer from available funds the sum of \$1,000,000 or take any other action related thereto.

On request of the Finance Director

Bond Premium Stabilization Fund

ARTICLE 49. To see if the Town will vote to (1) create a Stabilization Fund titled “Bond Premium Stabilization Fund” in accordance with M.G.L. Chapter 40, Section 5B, for the purpose of paying principal and interest on non-exempt outstanding debt; and (2) transfer \$600,000 plus applicable interest from the Town’s Stabilization Fund to the new “Bond Premium Stabilization Fund”, or take any other action related thereto.

On request of the Finance Director

Stabilization Fund Bond Premium

ARTICLE 50. To see if the Town will vote to transfer the sum of \$116,500 from the Stabilization Fund to the General Fund to offset debt interest payments, or take any other action related thereto.

On request of the Finance Director

Deyermund Sports Complex Parking Lot Paving

ARTICLE 51. 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 \$250,000 for the purpose of paying the costs of paving the parking lot area of the Deyermund Sports Complex on Blanchard Street including drainage and any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

School Building Maintenance and Renovation

ARTICLE 52. 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 \$1,500,000 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

Water & Sewer Vehicles

ARTICLE 53. To see if the Town will vote to transfer \$85,000 from water reserves and appropriate the sum of \$85,000 for the purpose of purchasing water vehicles, or to take any other action related thereto.

On request of the Director of Municipal Services

Bylaw Amendment – Banners in the General Business District

ARTICLE 54. To see if the Town will vote to amend Article XII, Section 44 of the Town of Andover General Bylaws, “Banners in the General Business District”, by deleting section (3) and replacing it with the following:

- (3) Design and construction
 - a. The banner must be a maximum of 40 feet in length and 36 inches in height.
 - b. The banner must be double-sided with identical information on both sides.
 - c. The design and construction of the banner must be in accordance with the Banner Design Specification as established by the Board of Selectmen.

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

On request of the Board of Selectmen

Open Space Management

ARTICLE 55. To see if the Town will vote to raise by taxation, transfer from available funds or by any combination thereof and appropriate the sum of \$25,000 for the purpose of paying the costs of maintenance, mowing, surveying, land management, security gates and other improvements to foster the use of land currently owned by the Town and under the care and custody of the Conservation Commission and all other costs incidental and related, or take any other action related thereto.

On request of the Conservation Commission

Transfer of Open Space Land Acquisition Bonding Appropriations

ARTICLE 56. To see if the Town will vote to amend its vote adopted under Article 12 on the Warrant of the 2001 Annual Town Meeting, so as to permit \$800,000 authorized to be borrowed thereunder, to be borrowed instead to pay costs of acquiring all or any portion of any or all of the following parcels of real property or interests in such real property for conservation and open space purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, and for expenses incidental and related thereto, together with any buildings that may be thereon, consisting of the acres, more or less, of land above or below water or both together with all flowage and other rights and easements which may exist, which parcels are described as follows:

<u>Assessors Map</u>	<u>Lot</u>	<u>Address</u>	<u>Acreage</u>
183	11	83 Lowell Junction Road	3.08
146	8	153 Chandler Road	12.67
123	30	25 Willard Circle	1.48
123	31	23 Willard Circle	0.90
125	2	57R River Road	7.80
184	3	1320 South Street	20.00
211	4	12 Woodland Road	35.46
24	7	22 Woodland Road	24.60
24	8	28 Woodland Road	9.40
24	9	Woodland Road	8.93
24	10	Woodland Road	7.67
25	12	50 Woodland Road	14.67
25	30	74 Salem Street	18.00
25	44	Route 125	1.88
25	45	Route 125	10.60
25	45A	Route 125	3.56
95	1	141 Abbot Street	53.04
229	5A	445 River Road	6.00
229	5	459 River Road	69.00
228	4	River Road	7.80

And to authorize the Board of Selectmen and Conservation Commission to acquire the property or interests in the property described herein by gift, purchase, or eminent domain, and to use such funds to acquire all or any portion of such real property or interest in such real property for conservation and open space purposes under the provisions of Chapter 40, Section 8C of the Massachusetts General Laws, on terms and conditions they deem to be in the best interest of the Town, or take any other action related thereto.

On request of the Conservation Commission

Land Acquisition – Chandler Road

ARTICLE 57. To see if the Town will vote to correct a scrivener's error in Article 33 of the 2013 Annual Town Meeting by deleting the words "141 Chandler Road" and inserting in place thereof the words "a portion of 138 Chandler Road," or take any other action related thereto.

On request of Town Counsel

Water & Sewer Rate Study

ARTICLE 58. To see if the Town will vote to transfer \$100,000 from water and sewer reserves and appropriate the sum of \$100,000 for the purpose of paying the costs of a water and sewer rate study, including any costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

Abandon Old Layout of Lowell Junction Road

ARTICLE 59. To see if the Town will vote to abandon so much of the layout of Lowell Junction Road in front of 58 and 60 Lowell Junction Road as made by the Town of Andover at any time prior to 1968 which is not within the layout of Lowell Junction Road made by the Town of Andover in 1968. The 1968 takings for the 1968 layout are recorded at Essex County Registry of Deeds in Book 1103, Pages 491 and 493 (Plan Number 5826) and in Book 1113, Page 331 (Plan Number 5900), or take any other action related thereto.

On petition of George Morey and others

Sewer Master Plan Study

ARTICLE 60. To see if the Town will vote to transfer \$100,000 from sewer reserves and appropriate the sum of \$100,000 for the purpose of paying the costs of a sewer master plan study, including any costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Municipal Services

Street Acceptance – Dawn Circle

ARTICLE 61. To see if the Town will vote to accept and name as a public way the following street: Dawn Circle, as shown on a plan approved by the Andover Planning Board entitled "Sunnyside Acres", dated 1/27/1983, as prepared by Kaminski, Gelinis & Associates, Inc. and recorded in the Essex North District Registry of Deeds as Plan Number 9142, or take any other action related thereto.

On request of the Board of Selectmen

Water Maintenance

ARTICLE 62. 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 relating 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

Bylaw Amendment – Mobile Food Vendors

ARTICLE 63. To see if the Town will vote to amend the Town Bylaws, Article XI, Licenses and Permits, by adding the following section:

10. Licensing and Regulation of Mobile Food Vendors
 - (a) The Board of Selectmen may grant licenses to persons whose business is a mobile food vendor. No person who is eligible for such a license shall conduct such business without being so licensed. This bylaw shall not require the Selectmen to grant said license if, in their opinion, the public good does not require it. For these purposes, in determining whether the public good is served, the Selectmen shall ascertain whether the traveling public will be inconvenienced in its use of the public ways and sidewalks, whether the business has sufficient parking and whether the public safety is protected.
 - (b) The Board of Selectmen shall establish an annual fee for such licenses.
 - (c) Licenses shall expire on January first of each year unless renewed by application to and approval by the Board of Selectmen and payment of the annual fee.
 - (d) The Board of Selectmen may adopt rules and regulations to govern the administration of the licensing process and, in doing so, may impose such terms and conditions upon granting such licenses as it may consider appropriate.
 - (e) The Board of Selectmen may establish fines for violations of this bylaw or the regulations promulgated hereunder, not to exceed \$300.00 for each such violation. Each day of the violation shall constitute a separate offense. In addition to any other applicable remedy, violations of this bylaw or the rules or regulations promulgated hereunder may be enforced by noncriminal disposition in accordance with Massachusetts General Laws Chapter 40, Section 21D. The Building Inspector, Health Inspector and Police Officers shall be enforcing persons.
 - (f) Any person conducting said business as of the adoption of the rules and regulations may continue to do so for up to 90 days, after which time, said business shall be discontinued unless a license has been issued. In entertaining an application, the Board of Selectmen shall apply the standards set forth in Section

10(a) insofar as is practicable considering that the applicant has been operating prior to the Town enacting said bylaw.

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

On request of the Planning Board

Constitutional Amendment – Corporate Political Contributions and Spending

ARTICLE 64. To see if the Town will vote that we, the citizens of Andover, Massachusetts, respectfully urge the Congress of the United States of America to pass an Amendment to the Constitution that would affirm that corporations are not entitled to the constitutional rights of human beings, and that both Congress and State governments may place limits, on both political contributions and spending, from any source, or take any other action related thereto.

On petition of Joseph Edward O'Brien and others

General Bylaw Amendment – Animal Control

ARTICLE 65. To see if the Town will vote to amend the Town Bylaws Article XII, Section 11 Dogs by amending the following subsections as follows:

- (a) Definitions: Delete the definition of CANINE CONTROL OFFICER in its entirety and add the following definition:

ANIMAL CONTROL OFFICER – Any person or persons appointed by the Town Manager with the approval of the Board of Selectmen, as the animal control officer or officers under the provisions of Chapter 140, Sections 151 and 151A of the General Laws to carry out the provisions of this bylaw. In the absence or vacancy in the office or unavailability of the “animal control officer,” the town’s inspector of animals or his deputy shall perform the duties of the “animal control officer(s).”

Delete the definition of KENNEL in its entirety and add the following definition:

KENNEL – A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

- (d) Unrestrained Dogs: Delete “10 days” where it appears in two places and substitute “7 days” in its place.

- (e) Reclaiming impounded cats and dogs: Delete the words “plus up to \$15 boarding charge for each day that the cat or dog has been impounded, plus up to \$150 for vaccinations and

exams, to a total maximum of \$325” and substitute the words “plus reasonable fees for boarding, vaccinations and exams as determined by the Board of Selectmen.”

(k) Bylaw violation: Delete the words “\$50 for a second or subsequent offense” and substitute the words “\$50 for a second offense and \$100 for a third or subsequent offense within one calendar year.”

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

On request of the Animal Control Officer

Andover Dog Park Appropriation

ARTICLE 66. 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 paying costs of constructing a dog park and for the payment of all other costs incidental and related thereto up to \$60,000, or take any other action related thereto.

On petition of the Friends of Andover Dog Park and others

Andover Dog Park – Dog License Fees

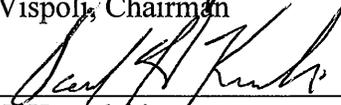
ARTICLE 67. To see if the Town will request that the Board of Selectmen consider increasing the annual dog license fee by \$6 for the calendar years 2015 through 2018 for the purpose of reimbursing the Town for funds requested in Article 66 for the construction of a dog park, and to see if the Board of Selectmen will consider this request prior to November of 2014, or take any other action related thereto.

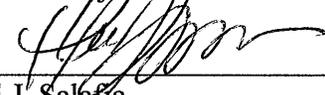
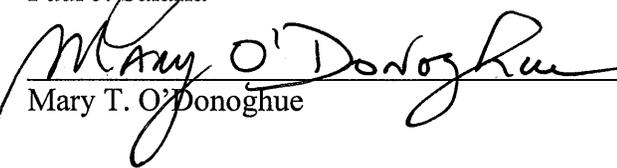
On petition of the Friends of Andover Dog Park and others

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 2nd day of April, 2014.


 _____)
 Alex J. Vispoli, Chairman)

 _____)
 Daniel H. Kowalski)

 _____)
 Brian P. Major)

 _____)
 Paul J. Salaffa)

 _____)
 Mary T. O'Donoghue)

SELECTMEN
OF
ANDOVER

A true copy

ATTEST



 Ronald Bertheim, Constable

Andover, Massachusetts, April 15, 2014

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 *ANDOVER TOWNSMAN*. Said warrants have been posted and published fourteen days.



 Ronald Bertheim, Constable