

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

WEDNESDAY, THE TWENTY-EIGHTH DAY OF APRIL, 2010

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

Annual Town Election

ARTICLE 1. Results of the Annual Town Election on March 23, 2010: Moderator for one year, two Selectmen for three years, two School Committee members for three years, one member of the Andover Housing Authority for five years and one member of the Greater Lawrence Regional Vocational Technical School District Committee for three years.

Election Not Required by Ballot

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

On request of the Town Clerk

Salaries of Elected Officials

ARTICLE P-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-2011 Budget

ARTICLE P-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, 2010 and ending June 30, 2011, or take any other action related thereto.

On request of the Town Manager

FY-2011 Capital Projects Fund Appropriation

ARTICLE P-5. To see if the Town will vote to raise by taxation and appropriate the sum of \$1,875,000 for the purpose of funding the Fiscal Year 2011 appropriation for the Capital Projects Fund or take any other action related thereto.

On request of the Town Manager

Budget Transfers

ARTICLE P-6. To see if the Town will vote to transfer from amounts previously appropriated at the 2009 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 P-7. To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the May 2009 Annual Town Meeting and the October 7, 2009 Special Town Meeting, or take any other action related thereto.

On request of the Finance Director

Free Cash

ARTICLE P-8. To see what amount the Town will vote to permit the Assessors to use in free cash to reduce the Fiscal Year 2011 tax rate and to affect appropriations voted at the 2010 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

Unexpended Appropriations

ARTICLE P-9. 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 P-10. 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 2011 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 P-11. 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 P-12. 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 P-13. 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

Revolving Accounts

ARTICLE P-14. To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2010, or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2011 Limit
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$140,000
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	\$605,000
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	\$200,000
H. Police Communications	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
I. Memorial Hall Library Audio/Visual	MHL Director	Purchase of audio/visual materials	Rental of audio/visual materials	\$40,000
J. School Photocopy Fees	School Dept.	Photocopy Center Costs	External Private Groups	\$20,000
K. Compost Program	Plant Facilities & Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	\$60,000

L. Solid Waste	Public Works Director	Offset Trash & Recycling Costs	CRT, HHW & Trash fees	\$40,000
M. Stormwater Management	Planning Director	Consulting and environmental monitoring of Stormwater Management applications and permits	Applicant	\$30,000
N. Public Safety Emergency Billing	Fire Chief	Fire Rescue training and equipment	Service Fees	\$200,000

On request of the Finance Director

Elderly/Disabled Transportation Program

ARTICLE P-15. To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program, or take any other action related thereto.

On request of the Council on Aging

Transfer of 24 Brechin Terrace

ARTICLE P-16. To see if the Town will vote to transfer the care, custody and control of the property at 24 Brechin Terrace (Assessor’s Map 54, Parcel 33) to the Conservation Commission pursuant to General Laws Chapter 40, Section 8C, for conservation and open space use, or take any other action related thereto.

On request of the Conservation Commission

Conservation Land Acquisition Fund

ARTICLE P-17. To see if the Town will vote to appropriate the sum of \$480,000 for the acquisition of land near Fosters Pond as shown on Assessors Map 123, parcels 26 and 27, 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, and to authorize the Board of Selectmen and Conservation Commission to acquire this land by gift, purchase 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(3) 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.

On request of the Conservation Commission

Acceptance of Massachusetts General Laws Chapter 71, Section 37M – Consolidation of Administrative Functions

ARTICLE P-18. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 71, Section 37M, and to authorize the consolidation of all or some of the following functions: purchasing, payroll, information technology, personnel, maintenance and facility management, or take any other action related thereto.

On request of the Town Manager

Fire Rescue Ambulance

ARTICLE P-19. 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 \$225,000 for the purpose of purchasing an ambulance, or to take any other action related thereto.

On request of the Fire Chief

DPW Vehicles

ARTICLE P-20. 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 \$252,000 for the purpose of purchasing Public Works vehicles, or to take any other action related thereto.

On request of the Department of Public Works Director

School Building Maintenance and Renovation

ARTICLE P-21. 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 \$2,525,000 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, or to take any other action related thereto.

On request of the Director of Plant and Facilities

Town Building Maintenance and Renovation

ARTICLE P-22. 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 \$465,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings and roofs and for the payment of all other costs incidental and related, or to take any other action related thereto.

On request of the Director of Plant and Facilities

Water Main – Construction and Reconstruction

ARTICLE P-23. 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 constructing, reconstructing or replacing water mains, including, but not limited to, all costs associated with land acquisition by eminent domain, or take any other action related thereto.

On request of the Department of Public Works Director

Water Treatment Plant – GAC Replacement

ARTICLE P-24. 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 replacing the granular activated carbon in the filter beds at the Water Treatment Plant, or take any other action related thereto.

On request of the Department of Public Works Director

Sewer Main – Construction and Reconstruction

ARTICLE P-25. 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 constructing, reconstructing or replacing sewer mains, including, but not limited to, all costs associated with land acquisition by eminent domain, or take any other action related thereto.

On request of the Department of Public Works Director

Water Treatment Plant – HVAC Systems and Equipment

ARTICLE P-26. 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 \$250,000 for the purpose of paying costs of replacing, equipping, reconstructing and making extraordinary repairs to the Water Treatment Plant and for the payment of all other costs incidental and related, or take any other action related thereto.

On request of the Department of Public Works Director

DPW Town Yard Land Acquisition and Building

ARTICLE P-27. To see if the Town will vote to appropriate the sum of \$ _____ to pay costs of developing a new Department of Public Works facility, which project may include, among other things, the purchase of land as shown on Assessors Map _____, parcel(s) _____ and construction of a new Department of Public Works facility thereon, or the purchase of land as shown on Assessors Map _____, parcel(s) _____ and existing structures

thereon for use as a new Department of Public Works facility, including the remodeling and reconstruction of any such existing structures and the leasing of a portion of such structures; to pay costs of originally equipping and furnishing the new Department of Public Works facility, and for the payment of any and all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(3) and 7(3) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; provided, however, that no sums shall be borrowed or expended for this purpose unless and until the Town shall have voted to exclude the amounts required to be raised to repay any borrowing pursuant to this vote from the limitations of Chapter 59, Section 21C of the General Laws (also known as Proposition 2½), or take any other action related thereto.

On request of the Director of Plant and Facilities and the Department of Public Works Director

Parking Meters and Pay and Display Units

ARTICLE P-28. To see if the Town will vote to transfer the sum of \$60,000 from the Off-Street Parking Meter reserve account and appropriate the sum of \$60,000 for the purpose of installing and/or replacing parking meters and pay and display units including costs incidental and related thereto, or take any other action related thereto.

On request of the Police Chief

Wood Memorial Park Restoration – Phase II

ARTICLE P-29. To see if the Town will vote to transfer the sum of \$75,000 from the Wood Memorial Trust Fund and appropriate the sum of \$75,000 for the purpose of continuing the fence and tree restoration project including costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Plant and Facilities

Other Post Employment Benefits Trust Fund – OPEB

ARTICLE P-30. To see if the Town will vote to accept the provisions of Chapter 479 of the Acts of 2008 – An Act Providing for the Establishment of Other Post Employment Benefits Liability Trust Funds in Municipalities, or take any other action related thereto.

On request of the Finance Director

Funding OPEB Trust Fund

ARTICLE P-31. To see what amount the Town will vote to transfer 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

Zoning By-law Amendment – Definitions

ARTICLE P-32. To see if the town will vote to amend Article VII, Section 10.0 DEFINITIONS of the Andover Zoning By-law by modifying the definition for “STRUCTURE” to read as follows:

“STRUCTURE: Any combination by man of matter composed of parts or materials assembled and joined or mixed together in some definite manner or pattern at a certain location for whatever purpose or use, whether or not affixed to the land. “Structure” shall include, but not be limited to, swimming pools, tennis courts, sports courts and courts for athletic and recreational activity and the equipment and paraphernalia associated with any such court but shall not include fences, garden walls and paved areas used solely for vehicular or pedestrian access or both.”

or take any other action related thereto.

On request of the Inspector of Buildings

Land Transfer – Town and AVIS

ARTICLE P-33. To see if the Town will vote to accept from the Andover Village Improvement Society (AVIS) certain parcels of land described herein and to convey to AVIS certain parcels of land also described herein, and to authorize the Town Manager and Board of Selectmen to petition the General Court for Special Legislation authorizing said conveyances providing that the General Court may reasonably vary the form and substance of the request legislation within the scope of the general public objectives of the petition:

Land to be conveyed to the Town:

The following parcels of land in the Town of Andover, Essex County, Massachusetts, for general municipal purposes, being shown as follows: Map 148, Parcels 7, 8, 9, 10A, 11, 11A, 12A, 13 and paper streets contained therein for a total of 16.21 acres and Map 171, a portion of Parcel 1, as shown on a plan titled _____, for a total of 4.70 acres. Total of land conveyed to the Town of Andover is 20.91 acres. It is the intent that at some future Town Meeting, it would be requested that this land be transferred to the care, custody and control of the Conservation Commission.

Land to be conveyed to the Andover Village Improvement Society (AVIS):

The following parcels of land in the Town of Andover, Essex County, Massachusetts, being shown as follows: Map 207, Parcels 57 and 58 for a total of 2.01 acres, Map 5, Parcel 92 for a total of 0.33 acres, and Map 94, Parcel 1A for a total of 11.11 acres. The total of land conveyed to AVIS is 13.45 acres.

Conditions:

1. These conveyances to AVIS shall require a permanent Conservation Restriction as approved by the Executive Office of Environmental and Energy Affairs.
2. The Town of Andover retains the right to develop a well on Map 94, Parcel 1A and AVIS grants an access easement over said parcel to develop the well.
3. The Town of Andover grants a pedestrian access easement across a parcel identified as Map 193, Parcel 2 (Virginia Hammond Reservation, under the care, custody and control of the Conservation Commission) as shown on a plan of land dated _____, titled "Pedestrian Access Easement".
4. No financial consideration is to be paid by either party to accomplish these conveyances.

Said conveyances are to be free and clear of all encumbrances, except as indicated above, subject to such terms and conditions as the Selectmen deem advisable in the interest of the Town of Andover.

Said land to be conveyed subject to the rights of others, if any, including without limitation all existing utility easements and subject to such further restrictions, easements, terms and conditions the Selectmen deem advisable in the interest of the Town of Andover, or take any other action related thereto.

On request of the Town Manager

Fireworks

ARTICLE P-34. To see if the Town will provide funding in the amount of \$12,000 for a Fireworks Program as part of the Fourth of July festivities from available funds, or take any other action related thereto.

On request of the Town Manager

Acquisition of 3 Blanchard Street

ARTICLE P-35. To see if the Town will vote to appropriate the sum of \$400,000 for the acquisition, and for costs related to such acquisition, of the land with the buildings thereon and demolition of the buildings thereon at 3 Blanchard Street, containing 1.04 acres, more or less, as shown on Assessors Map 199, Parcel 7, and described in the deed recorded at Book 5471, Page 243 at the North Essex Registry of Deeds and to authorize the Board of Selectmen to acquire such land with the buildings thereon, by gift, option, lease, purchase or eminent domain, 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 therefore, or take any other action related thereto.

On request of the Town Manager

Sale of Buildings at 3 Blanchard Street

ARTICLE P-36. To see if the Town will vote to transfer the care, custody and control of the buildings situated on the property at 3 Blanchard Street to the Board of Selectmen for the purpose of removing the buildings and to authorize the Board of Selectmen to remove the buildings from the property, either by the sale or conveyance of the buildings on terms and conditions they deem to be in the best interest of the Town, even if the Town receives no financial payment or by demolition of the buildings, if the Board of Selectmen determines that demolition of the buildings is in the best interest of the Town, or take any other action related thereto.

On request of the Town Manager

Discontinuance of a Portion of Cassimere Street

ARTICLE P-37. To see if the Town will vote to discontinue the following described portions of Cassimere Street which were accepted by the Town as a public way by vote of the Town on Article 48 of the 1954 Annual Town Meeting and shown on plan of land entitled "Subdivision Plan of Land in Andover, Mass. entitled Cassimere Street," dated February 18, 2000, Rev. February 14, 2001, drawn by Merrimack Engineering Services, and recorded with North Essex District Registry of Deeds as Plan No. 14187:

Lot A

Beginning at a point on the westerly side of Cassimere Street which lies S32-25'-30"W a distance of 45.00 feet from a stone bound,
Thence running S32-25'-30"W along the westerly side of Cassimere Street for a distance of 67.09 feet to a point,
Thence turning and running along a curve to the left having a radius of 25.00 feet for a distance of 32.03 feet to a point,
Thence turning and running along a curve to the right having a radius of 45.00 feet for a distance of 57.66 feet,
Thence turning and running S57-34'-30"E for a distance of 50.00 feet to the point of beginning.

Lot B

Beginning at a stone bound on the westerly side of Cassimere Street,
Thence running S32-25'-30"W along the westerly side of Cassimere Street for a distance of 45.00 feet to a point,
Thence turning and running N57-34'-30"W for a distance of 50.00 feet to a point,
Thence turning and running along a curve to the right having a radius of 45.00 feet for a distance 70.69 feet to a point,
Thence turning and running S57-34'-30"E for a distance of 5.00 feet to the point of beginning.

or take any other action related thereto.

On request of the Town Manager

Order of Taking – Cassimere Street

ARTICLE P-38. To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise, any fee, easement, or other interest in the following described roadway, known as Cassimere Street, which was accepted by the Town as a public way by vote of the Town on Article 48 of the 1954 Annual Town Meeting, and to award no damages for said eminent domain taking:

Beginning at a stone bound on the northerly side of Stevens Street at the intersection of a stone wall on the westerly side of Cassimere Street,
Thence running N2-57'-20"E along the stone wall for a distance of 98.72 feet to a stone bound,
Thence turning and running N6-25'-30"E along the stone wall for a distance of 119.01 feet to a stone bound,
Thence turning and running N32-25'-30"E for a distance of 149.02 feet to a stone bound,
Thence continuing N32-25'-30E for a distance 112.09 feet to a stone bound,
Thence turning and running S57-34'-30"E for a distance of 40.00 feet to a stone bound,
Thence turning and running S32-25'-30"W for a distance of 237.05 feet to stone bound,
Thence turning and running along a curve to the left having a radius of 36.40 feet for a distance of 17.08 feet to a stone bound,
Thence turning and running S5-32'-30"W for a distance of 127.92 feet to a stone bound,
Thence turning and running along a curve to the left having a radius of 25.00 feet for a distance of 54.67 feet to a stone bound on the northerly side of Stevens Street,
Thence turning and running S60-14'-30"W along the northerly side of Stevens Street for a distance of 97.36 feet to the point of beginning.

or take any other action related thereto.

On request of the Town Manager

Insurance Recovery Transfer

ARTICLE P-39. To see if the Town will vote to transfer the sum of \$78,128.02 from the Insurance Proceeds in Excess of \$20,000 Account and appropriate to the Municipal Building/Insurance Fund, said sum being the amount of insurance proceeds received on damages to a fire truck, or take any other action related thereto.

On request of the Finance Director

Zoning By-law Amendment – Height of Municipal/Educational Buildings

ARTICLE P-40. To see if the Town will vote to amend the Andover Zoning By-law, Article VIII, Section 4.1.3.3.b., by deleting “forty feet” and replacing it with “forty-five feet” as follows:

“b. Buildings in any residence district or the Apartment District used for municipal or educational purposes may be three stories in height but not in excess of forty-five feet.”

or take any other action related thereto.

On request of the Director of Plant and Facilities

Overlay Surplus Transfer for Tax Abatement and Exemptions

ARTICLE P-41. 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 Chief Assessor

Wetlands Protection By-law Amendment – Notice and Hearings

ARTICLE P-42. To see if the Town will vote to amend the Wetlands Protection By-law, Article XIV, Section 6., Notice and Hearings, by adding the words “or by certificates of mailing confirmed by the United States Postal Service” as follows:

“Section 6. Notice and hearings.

Any person filing a permit application or a Request for Determination with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested), hand delivered or by certificates of mailing confirmed by the United States Postal Service, to all abutters at their mailing addresses shown on the most recent applicable tax list of the Assessors. The notice to abutters shall enclose a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the Determination itself shall be sent by the Commission to the owner as well as to the person making the request.”

or take any other action related thereto.

On request of the Conservation Commission

Wetlands Protection By-law Amendment – Consultant Fees

ARTICLE P-43. To see if the Town will vote to amend the Wetlands Protection By-law, Article XIV, Section 5, Fees, by deleting Section 5(b) in its entirety and replacing it with the following:

“(b) Consultant fees. Pursuant to Massachusetts General Laws Chapter 44, Section 53G and any rules and regulations thereunder, the Commission is authorized to require the applicant to pay the reasonable costs and expenses borne by the Commission for specific expert engineering and consulting services deemed necessary by the Commission to review any application.

The Commission may also impose fees when requested to make a determination of the boundary line of any resource area to be performed by an agent for the Commission pursuant to a Request for Determination of Applicability, Notice of Intent or Abbreviated Notice of Resource Area Delineation relative to any wetlands boundary exceeding 250 linear feet.”

or take any other action related thereto.

On request of the Conservation Commission

Zoning By-law Amendment – Overlay Districts

ARTICLE P-44. To see if the Town will amend Article VIII, Section 2.2., Overlay Districts, of the Zoning Bylaw, by adding Andover Smart Growth Overlay District at the end of Section 2.2., or take any other action related thereto.

On the request of the Town Yard Task Force and the Planning Director

Zoning By-law Amendment – Smart Growth Overlay District

ARTICLE P-45. To see if the Town will amend Article VIII, Section 8.0 Special District Regulations of the Zoning Bylaw by adding the following new Section 8.7, Andover Smart Growth Overlay District (ASGOD), and Appendix B, map of the Andover Smart Growth Overlay District. The ASGOD consists of approximately 24.33 acres of land in the vicinity of North Main Street, Pearson Street, Essex Street and Railroad Street.

“SECTION 8.7: ANDOVER SMART GROWTH OVERLAY DISTRICT (ASGOD)

8.7.1 Purpose. It is the purpose of this section to establish an Andover Smart Growth Overlay District (ASGOD) and to encourage smart growth in accordance with the purposes of Massachusetts General Laws Chapter 40R, to foster a range of housing opportunities along with a mixed-use development component and 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 diversity of housing opportunities;
2. Promote mixed use and economic development that is safe, pedestrian friendly, and oriented to rail transit;
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 contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
6. Establish development standards to allow high quality design and creative site planning;
7. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the ASGOD.

8.7.2 Definitions. For purposes of this section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section 8.7. To the extent that there is any conflict between the definitions set forth in this section and the enabling laws, the terms of the enabling laws shall govern.

Affordable Homeownership Unit: A dwelling unit required to be sold to an eligible household.

Affordable Housing: A dwelling unit that is affordable to and occupied by eligible households.

Affordable Housing Restriction: A deed restriction of affordable housing meeting statutory requirements in G.L. c. 184, § 31 and the requirements of Section 8.7 of this by-law.

Affordable Rental Unit: A dwelling unit required to be rented to an eligible household.

As-of-right Project or Project: means a multifamily use development or a mixed use development allowed hereunder without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

Design Standards: Standards adopted to preserve and augment the architectural qualities, historic character and pedestrian scale of, and which are applicable to, all development projects. See Section 8.7.10.

Development Project: A residential, commercial or mixed-use development undertaken under Section 8.7. A development project shall be identified on the site plan which is submitted to the Plan Approval Authority for Site Plan Review.

DHCD: The Department of Housing and Community Development of the Commonwealth of Massachusetts or any successor agency.

Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

Eligible Household: An individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws: G.L. Chapter 40R and 760 CMR 59.00.

Mixed Use: Any structure containing two or more of the permitted uses as set forth in Section 8.7.6.

Multifamily Dwelling: Dwelling containing four or more dwelling units.

Plan Approval: Standards and criteria which a project in the ASGOD must meet under the procedures established herein and in the Enabling Laws.

Plan Approval Authority (PAA): For purposes of reviewing project applications and issuing decisions on development projects within the ASGOD, the Plan Approval Authority (PAA), consistent with G.L. c. 40R and 760 CMR 59.00, shall be the Planning Board. The PAA is authorized to approve a site plan to implement a project.

Plan Review: The review procedure established by this Section 8.7 and administered by the Plan Approval Authority.

Site Plan: A plan depicting a proposed Development Project for all or a portion of the ASGOD and which is submitted to the Plan Approval Authority for its review and approval in accordance with provisions of this by-law.

Structured Parking Facilities: A structure or structures constructed to provide off-street parking for automobiles required by the provisions of Section 8.7 in connection with the construction of a Development Project. To the greatest extent possible, structured parking facilities shall be constructed at grade level or sub-grade level.

Substantially Developed Land: Land within the ASGOD that is currently used for commercial, industrial, institutional or governmental use or for residential use consistent with or exceeding the densities allowable under the underlying zoning.

Zoning By-law: The Zoning By-law of the Town of Andover applicable to the geographic area in which the ASGOD is located as said by-law may from time to time be amended.

8.7.3 Overlay District. The ASGOD is an overlay district having a land area of approximately 24.33 acres, as shown on a plan entitled “Figure 6: District Boundary, as prepared by the Cecil Group, dated December 31, 2009”; that is super-imposed over the underlying zoning district(s), as attached hereto as Appendix B. This map is hereby made a part of the Zoning By-Law and is on file in the Office of the Town Clerk.

1. *Underlying Zoning.* The ASGOD 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 Section 8.7. Within the boundaries of the ASGOD a developer may elect to develop a project in accordance with the Smart Growth Zoning, 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 ASGOD.* In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an applicant for a project located within the ASGOD may seek plan approval in accordance with the requirements of this Section 8.7. In such case, then notwithstanding anything to the contrary in this Zoning By-Law, such plan approval shall not be subject to any other provisions of this Zoning By-Law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations. When a building permit is issued for any project approved in accordance with this Section 8.7, 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 Section 8.7 for such project.

8.7.4 Housing and Affordability.

1. *Marketing Plan.* Prior to granting plan approval for housing within the ASGOD, an applicant for such approval must submit a narrative document, housing marketing plan and resident selection plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents, in combination, to be submitted with an application for plan approval pursuant to Section 8.7.12 below shall include details about construction related to the provision, within the Development Project, of units that are accessible to the disabled. The marketing

plan must be approved by DHCD prior to the issuance of a building permit for a Development Project.

2. *Number of Affordable Housing Units.* Not less than twenty percent (20%) of the total dwelling units constructed in a project shall be affordable housing. For all projects where the affordable housing units proposed are rental units the Plan Approval Authority may require that not less than twenty five percent (25%) of total housing units in any building containing rental units shall be affordable housing units; provided, however, that 20% of such units may be affordable where restricted to households earning less than 50% of area median income. For purposes of calculating the number of units of affordable housing units required within a project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.
3. *Requirements.* Affordable housing shall comply with the following requirements:
 - a. For an affordable rental unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
 - b. For an affordable homeownership unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the unit plus one.
 - c. Affordable housing required to be offered for rent or sale shall be rented or sold to and occupied only by eligible households.
 - d. The ASGOD shall not include the imposition of restrictions on age upon the entire district but the development of specific projects within the ASGOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than 25% of the housing units in such a restricted project shall be restricted as affordable housing.
 - e. At least 10% of the affordable housing units shall be handicapped-accessible.
4. *Design and Construction.* Units of affordable housing shall be finished housing units. Units of affordable housing shall be dispersed throughout the development of which they are part and be comparable in initial construction, quality and

exterior design to other housing units in the development. The total number of bedrooms in the affordable housing shall be proportionate to the total number of bedrooms in all the units in the development project of which the affordable housing is part.

5. *Affordable Housing Restriction.* Each unit of affordable housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate Registry of Deeds or District Registry of the Land Court and prior to such recording has been approved by DHCD. Such Affordable Housing Restriction shall contain the following:
 - a. Specification of the term of the Affordable Housing Restriction which shall be the maximum period allowed by law but not less than ninety nine years;
 - b. The name and address of a Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
 - c. A description of the affordable homeownership unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of affordable rental units in a project or portion of a project which are rental. Such restriction shall apply individually to the specifically identified affordable homeownership unit and shall apply to a percentage of rental units of a rental project or the rental portion of a project without specific unit identification.
 - d. Reference to a housing marketing and resident selection plan, to which the affordable housing is subject and which includes an affirmative fair housing marketing program including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for preferences in resident selection for the affordable housing units; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such unit shall be given to a household of the appropriate size;
 - e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of eligible households compiled in accordance with the housing marketing and selection plan;
 - f. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;

- g. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a homeownership housing unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lender;
- h. A requirement that only an eligible household may reside in affordable housing and that notice of any lease or sublease of any unit of affordable housing shall be given to the Monitoring Agent;
- i. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
- j. Provision that the restriction on an affordable homeownership unit shall run in favor of the Monitoring Agent and the Town in a form approved by municipal counsel and shall limit initial sale and resale to and occupancy by an eligible household;
- k. Provision that the restriction on affordable rental units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the Monitoring Agent and the Town, in a form approved by Town Counsel and shall limit rental and occupancy to an eligible household;
- l. Provision that the owner(s) or manager(s) of affordable rental unit(s) shall file an annual report to the Monitoring Agent in a form specified by that agent certifying compliance with the affordability provisions of this by-law and containing such other information as may be reasonably requested in order to ensure affordability;
- m. A requirement that residents in affordable housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

6. *Monitoring Agent.* A Monitoring Agent which may be the Local Housing Authority or other qualified housing entity shall be designated by the PAA as the Monitoring Agent for all affordable housing units in the ASGOD. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a project within the ASGOD and on a continuing basis thereafter as the case may be:

- a. Prices of affordable homeownership units are properly computed; rental amounts of affordable rental units are properly computed;
 - b. Income eligibility of households applying for affordable housing is properly and reliably determined;
 - c. The housing marketing and resident selection plan conforms to all requirements and is properly administered;
 - d. Sales and rentals are made to eligible households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
 - e. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper Registry of Deeds or District Registry of the Land Court.
7. *Housing Marketing and Selection Plan.* The housing marketing and selection plan shall make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of eligible households and to monitor and enforce compliance with affordability requirements, as set forth in Section 8.7.4.
 8. *Phasing.* The PAA, as a condition of any plan approval, may require a Development Project to be phased in order to mitigate any extraordinary adverse Project impacts on nearby properties. For Development Projects that are approved and developed in phases, the PAA shall assure the required number of affordable housing units in the project. Such assurance may be provided through use of the security devices referenced in G.L. c. 41, § 81U or through the PAA's withholding of certificates of occupancy until proportionality has been achieved. No density bonus payment will be received by the Town until such proportionality has been achieved by the issuance of occupancy permits for the affordable housing units in the Development Project.
 9. *Computation.* Prior to the granting of any plan approval of a Development Project, the applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.
 10. *No Waiver.* Notwithstanding anything to the contrary herein, the affordability provisions in this Section 8.7.4 shall not be waived.

8.7.5 Substantially Developed Land. For substantially developed land, the construction of infill housing on existing vacant lots and of additional housing units in existing residential buildings or additions thereto or replacements thereof, shall be permitted as of right. The allowable residential densities in such substantially developed land shall be equal to those set forth in the underlying zoning. The adoption of the ASGOD shall supersede the use regulations applicable in the underlying zoning to the extent necessary to permit such residential uses as of right.

8.7.6 Permitted Uses

1. *Principal Uses.* The following uses are permitted as of right in the ASGOD. All other uses are prohibited:
 - a. Multifamily dwelling;
 - b. Mixed use;
 - c. Municipal Facilities;
 - d. Structured Parking Facilities; and
 - e. Non-residential uses in accordance with the following “Table of Non-residential Uses”.

Use	Permissions
<u>Institutional Uses</u>	
1. Religious or educational uses exempt from zoning prohibition by G.L. c.40A, § 3.	Y
2. Municipal facility	Y
3. Child care facility	
a. In existing structure	Y
b. In new structure	PB
4. Any use or facility operated by a private nonprofit organization for the conservation of natural resources, for the preservation of historic sites, or for park or recreational purposes	Y
5. Hospital	N
6. Philanthropic or charitable institution	BA
<u>Business and Commercial Uses</u>	
1. Outdoor recreation club or camp	N
2. Private club not conducted for profit	Y
3. Personal service establishment	Y
4. Adult uses (see Section 6.5 of the Zoning By-Law)	N

5. Banking establishment	Y
6. Retail sales establishment	Y
7. Convenience store	BA
8. Non-exempt educational use	Y
9. Medical center or clinic	Y
10. Funeral home	N
11. Self-service laundry or dry-cleaning operation	Y
12. Restaurants	
a. Restaurant, sit down	Y
b. Restaurant, fast food	Y
c. Restaurant, drive-in	N
13. Shop for custom work involving the manufacture of articles to be sold on the premises	Y
14. Indoor commercial recreation establishment	Y
15. Business, professional or administrative office	Y
16. Motel or hotel (see Section 4.1.5.1 of the Zoning By-Law)	Y
17. Commercial parking lot or garage	Y
18. Motor vehicle sale or rental	N
19. Motor vehicle service station	N
20. Motor vehicle repair garage or body shop (see Section 4.1.5.2 of the Zoning By-Law)	N
21. Car washing facility(see Section 4.1.5.2 of the Zoning By-Law)	N
22. Building supply and fuel establishment	N
23. Contractor's yard	N
24. Wholesale storage warehousing	N
25. Major non-residential project (see Sections 9.4 and 10.0 of the Zoning By-Law)	PB

Non-residential use of any building, structure or land within the ASGOD is prohibited except as permitted above. For the purposes of the “Table of Non-residential Uses”, the letter “Y” shall designate that a use requires Plan Approval, the letter “N” shall designate that a use is not permitted, the letters “BA” shall designate that the use requires a Special Permit from the Zoning Board of Appeals and the letters “PB” shall designate that the use requires a Special Permit from the Planning Board.

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

8.7.7 Density.

1. *Residential.* The permissible residential density in the ASGOD is at least 20 dwelling units per developable acre. There are 12.66 developable acres. Residential density in the ASGOD is capped at 254 dwelling units.
2. *Non-residential.* The total amount of non-residential development in the ASGOD shall be capped at 350,000 square feet of gross floor area excluding any municipal structures and structured parking facility.
3. *Non-residential - Retail.* No individual retail establishment shall exceed 25,000 square feet of gross floor area without specific approval of the PAA.
4. *Integration of Uses.* The PAA may require the integration of residential and non-residential uses in a Mixed Use structure as a condition of Plan Approval.
5. *Multiple Buildings.* In the ASGOD more than one building may be erected on a single lot.

8.7.8 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 all streets. Regardless of the width of the existing sidewalk, a minimum of 8 feet shall be required from the curb line to the front of building.
2. *Height.* Building heights shall conform to and be measured according to the standards of the Andover Zoning By-laws with the following exceptions:
 - a. When adjacent to North Main Street, the maximum allowed heights of all buildings in the District shall be 35 feet or 3 stories, whichever is less, above the adjacent public street within a distance of 90 feet back from the property line on North Main Street.
 - b. After 90 feet back from the property line on North Main Street, the maximum allowed height shall be the maximum of 65 feet or 6 stories, whichever is less.
 - c. On Essex Street and Pearson Street, the maximum allowed heights of buildings shall be 35' or two stories within 15 feet, after which allowed height shall be 45' within a distance of 50 feet back from the property line on the public street. After 50 feet, the maximum allowed height shall be 65 feet.
 - d. South of Pearson Street and when adjacent to Essex Street and Railroad Street, the maximum allowed heights buildings shall be 50 feet above the adjacent public street.

- e. When a building façade extends more than 100 feet across a grade that changes 10 feet or more in elevation, the maximum height shall be determined from the average grade across each 100 foot increment.
 - f. No additional restrictions shall apply to buildings fronting on Lewis Street, Buxton Court or to any new roads created within the district.
 - g. The height of any building in the ASGOD shall be the vertical distance measured from the average finished grade adjacent to said building (exclusive of basements) and the ceiling of the upper-most occupied space in the building in the case of flat roofs and in the case of buildings with pitched roofs, at the point at which the ceiling intersects the exterior portion of the building. The calculation of building height shall not apply to roof tanks and their supports, ventilating, air conditioning and similar service equipment, chimneys, railings and other similar features of buildings which are in no way designed for occupancy or use nor to the portion of a pitched roof above the intersection of the ceiling of the upper-most occupied space in the building.
- 3. *Coverage.* Maximum coverage in the ASGOD shall be 75% measured as to the total area of developable acres in the ASGOD.
 - 4. *Parcel Size.* The minimum parcel size required for a Development Project shall be 2 acres.

8.7.9 Performance Standards

- 1. *Driveways.* Curb cuts provide for safe entering and exiting. The location of driveway openings in relation to traffic and to 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 proposed development shall assure safe interior circulation within its site by separating pedestrian, bike ways and vehicular traffic.
- 3. *Transportation Plan.* The proposed development shall be subject to an approved Transportation Plan. The Transportation Plan shall consist of the following information:
 - a. 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. A minimum of two access and egress points will be required for each Development Project.
 - b. 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. The PAA shall approve 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 the geographic location of the site.

- c. Proposed mitigation measures, if any, including vehicle trip reduction from the project.
4. *Noise.* Any project in the ASGOD shall comply with 310 CMR 31.07, as may be amended.

8.7.10 Design Standards

1. *General.* In order to preserve and augment the ASGOD's architectural qualities, historic character and pedestrian scale, Development Projects shall comply with the following design standards except where a specific waiver is granted. Said design standards are intended to be applied flexibly by the PAA as part of the plan approval process.

Architectural Elements. The following architectural elements are appropriate for all Development Projects:

- a. Building height that conforms to the standards of the Zoning By-law, subject to appropriate exceptions.
- b. Massing of buildings such that first-floor commercial uses are located closest to the street, building separation is limited, the largest buildings are within the center of the ASGOD and entry corners to the ASGOD are highlighted as gateways.
- c. Façades with high quality architectural style throughout a Development Project incorporating sub-element façade features and colors complementary of a building's natural materials.
- d. Storefronts that are consistent in style with building architecture, provide clarity and interest to the façade, provide for a high level of transparency and are harmonious with other adjacent storefronts.
- e. High-quality, traditional exterior building materials, consistent across the building façade with limited exposure of concrete foundations.
- f. Doors and windows appropriate to the architectural style of the Development Project, with transparent primary entrances facing the street,

secondary entrances where appropriate and larger-scale, transparent windows at the ground level.

- g. Awnings, canopies and marquees, if provided, that complement overall façade organization and identify storefront locations.
- h. Signage that conforms to the standards of the Zoning By-law, that is of a type, color and material that complement the architectural style and details of the Development Project.
- i. Preservation of historic structures or the historic nature of the neighborhood where applicable.

Site Elements. The following site elements are appropriate for all Development Projects:

- a. Lighting that is shielded so as to reduce light pollution, with pedestrian-scale lighting appropriate for sidewalks, walkways and parking areas.
- b. Grading that minimizes the height of retaining walls, if any, and incorporates erosion controls.
- c. Landscaping to include trees and other plantings along roadways, foundation landscaping, the division of large, paved areas with appropriate greenery and the preservation of existing, significant trees.
- d. Landscaped buffers between commercial and residential use, and the installation of irrigations systems, if feasible.
- e. Incorporation of pedestrian and bicycle amenities, including appropriately-surfaced, continuous sidewalks, bus stops and bicycle racks.
- f. ADA-compliant sidewalks, limited pavement width and a controlled number of curb cuts for vehicle entrances to parking structures within the ASGOD.
- g. Underground utilities and screened service areas.
- h. Stormwater management systems that utilize Low Impact Development (LID) techniques, and minimization of impervious surfaces.
- i. Design and construction that conforms to the “Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas,” published by the Department of Environmental Protection (DEP).

- j. Parking located behind principal building, surface parking limited to on-street locations and structured parking screened with vegetation, fencing or otherwise.
 - k. Interconnection of projects to provide safe vehicular, pedestrian, and bicycle access.
2. *Rules and Regulations.* The PAA may adopt, by majority vote, reasonable regulations for the implementation of these design standards.
 3. *Amendments.* Any amendment to the design standards or the PAA's Rules and Regulations imposing a mandatory design requirement must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require any amendment to the Design Standards or the PAA's rules and regulations to contain graphics illustrating a particular standard, guideline or definition in order to make such standard, guideline or definition clear and understandable.
 4. *DHCD Approval.* All amendments to the design standards or the PAA rules and regulations shall be submitted to DHCD for approval prior to adoption by Town Meeting or the PAA. The DHCD may, at its discretion, require that any amendment to the design standards or the PAA's rules and regulations shall not take effect until approved by DHCD and filed with the Town Clerk. In submitting a proposed design standard or regulation for DHCD approval, the PAA shall also submit sufficient documentation clearly showing that the proposed design standard or regulation will not add unreasonable costs to Development Projects or unreasonably impair the economic feasibility of a Development Project. A letter from a developer, property owner or other interested party indicating that the design standards or the PAA's rules and regulations will not add unreasonable costs or unreasonably impair the economic feasibility of a Development Project shall not constitute sufficient documentation.
 5. *Plan Approval.* An application for plan approval that has been submitted to the Town Clerk shall not be subject to any design standard or regulation that has not been approved by DHCD and filed with the Town Clerk.

8.7.11 Off-Street Parking and Loading Regulations.

1. *Structured Parking Required.* All parking within the ASGOD for any project shall be accommodated within structured parking facilities located within the ASGOD. On-street parking may be provided on streets within the Development Project in front of and near 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 be meet the following requirements:

Residential uses	1.0 space per unit
Non-residential uses	3.0 spaces per 1,000 sq. ft. of gross floor area

3. *Allowance.* The PAA may make an allowance for up to 15% reduction with shared parking.
4. *Computation of Spaces.* When the computation of required parking or loading spaces results in the requirement of fractional space, any fraction over one-half shall require one space.
5. *Location of Loading Spaces.* Any 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.

8.7.12 Application for Plan Approval

The Plan Approval Authority shall adopt and file with the Town Clerk, the Administrative Rules and Regulations relative to the application requirements and content for plan review and plan approval. Such Administrative Rules and Regulations and any amendment thereto must be approved by the DHCD. The plan review process encompasses the following:

1. *Pre-Application.* Prior to the submittal of a plan approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive site plan for the proposed Development Project buildout and individual elements thereof. Such concept plan should reflect the following:
 - a. Overall building envelope areas;
 - b. Areas which shall remain undeveloped;
 - 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 PAA to ensure that the proposed Project design will be consistent with the Design Standards and Guidelines and the other requirements of the ASGOD.

2. *Application.* An application for plan approval shall be submitted to the PAA on the form provided by the PAA. An application shall show the proposed buildout of the entire project, whether the project will be phased or not.
3. *Required Submittals.* The application for plan approval shall be accompanied by the following plans and documents:
 - a. Properly executed application form, and (if applicable) all materials necessary for facilitating a public hearing on the application;
 - b. A filing fee in an amount established by the PAA and incorporated into the Rules and Regulations of the PAA relative to the application requirements for plan review and plan approval to cover Town administrative costs.
 - c. List of any requested waivers from the requirements of this Section 8.7, including a detailed explanation/justification of the reason for such request.
 - d. A site plan, prepared by a registered professional architect, registered civil engineer or a professional landscape architect, drawn at a scale of one (1) inch equals forty (40) feet, containing the following information: (a) date; (b) North arrow; (c) name and address of the owner; (d) name and address of the designer; (e) locus plan; (f) lot lines and setbacks; (g) adjacent streets and ways; (h) owners and uses of abutting lots; (i) zoning district boundaries; (j) wetlands and wetlands buffers, as shown on maps entitled "Wetlands Areas of Andover, Massachusetts" available from the Conservation Commission; (k) all existing and proposed topography at two-foot intervals; (l) all test boring sites, keyed to accompanying documentation of results; (m) all existing and proposed buildings, structures, parking and loading areas (with dimensional notations), driveways, walkways, signs, fences and refuse collection areas; (n) all existing structures and/or pavement to be removed or demolished; (o) all utilities, including waterline locations, sewer line locations and profiles, and storm drainage systems; and (p) all areas designated as easements, Conservation Restriction areas or open space (wherever possible, provision for pedestrian/bicycle accessways connecting to adjacent open space, neighborhoods, schools, recreation areas or transportation facilities and for alternative transit programs).
 - e. A separate plan drawn at the same scale showing landscaping and lighting details.
 - f. A written statement detailing the size of the lot(s), the proposed use, parking calculations, building footprint coverage and calculations of volume of earth to be moved and removed.

g. For any Development Project subject to the affordability requirements of Section 8.7.4, the application shall be accompanied by the following documents:

(i) Evidence that the Development Project complies with the cost and eligibility requirements of Section 8.7.4;

(ii) Development Project plans that demonstrate compliance with the design and construction standards of Section 8.7.4; and

(iii) a form of Affordable Housing Restriction that satisfies the requirements of Section 8.7.4.

The applicant must also submit a copy of the aforementioned documents to the Monitor Agent at the time of plan submission.

8.7.13 Procedures.

1. *Filing.* An applicant for plan approval shall file the application and all required submittals with the Town Clerk for certification of the date and time of filing, and shall also file forthwith twelve (12) copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.
2. *Circulation to Other Boards.* Upon receipt of the application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Zoning Board of Appeals, Board of Health, Conservation Commission, Fire Rescue, Police Department, Inspector of Buildings, Department of Public Works, the Design Review Board, the Preservation Commission and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
3. *Hearing.* The PAA shall hold a public hearing for which notice has been given as provided in G.L. Chapter 40A, Section 11. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.
4. *Peer Review.* In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the plan approval application, pursuant to G.L. c. 40R, § 11. The amount of the peer review fees and

the method and time of payment thereof shall be established by the PAA and be incorporated in the rules and regulations adopted by the PAA relative to the application requirements for Plan Review and plan approval. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant.

8.7.14 Decision

1. *Waivers.* Except where expressly prohibited herein, upon the request of the applicant, the Plan Approval Authority may waive dimensional and other requirements of Section 8.7, including the design standards in the interests of design flexibility and overall project quality and upon a finding of consistency of such variation with the overall purpose and objectives of the ASGOD or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses and/or physical character allowable under this section.
2. *Plan Review.* An application for plan approval shall be reviewed for consistency with the purpose and intent of this section and such plan review shall be construed as an as-of-right review and approval process as required by and in accordance with the enabling laws.
3. *Plan Approval.* Plan approval shall be granted by a simple majority where the PAA finds that:
 - a. The applicant has submitted the required fees and information as set forth herein or in the applicable PAA Rules and Regulations;
 - b. The proposed Development Project and site plan meet the requirements and standards set forth this Section 8.7, the applicable design standards and the PAA's rules and regulations, or a waiver has been granted therefrom;
 - c. Extraordinary adverse potential impacts of the project on nearby properties have been adequately mitigated by means of suitable conditions. The PAA may attach conditions to the plan approval decision that are necessary to insure substantial compliance with this section or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties; and
 - d. For a Development Project subject to the affordability requirements of this section shall also include written confirmation by the Monitoring Agent that all requirements of this section have been satisfied,

4. *Plan Disapproval.* A site plan may be disapproved only where the PAA finds that:
 - a. The applicant has not submitted the required fees and information as set forth herein; or
 - b. The project and site plan do not meet the requirements and standards set forth this Section 8.7 or a waiver has not been granted therefrom; or
 - c. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.
5. *Form of Decision.* All decisions of the PAA shall be by a majority vote of the members present and voting. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision shall be provided to the Inspector of Buildings. A copy of the decision or application bearing such certification shall be recorded in the Essex North Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

8.7.15 Change in Plans after Approval by PAA

1. *Minor Change.* After plan approval, an applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan reflecting the proposed change and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Inspector of Buildings and shall be recorded at the Essex North Registry of Deeds.
2. *Major Change.* Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as

described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this section.

8.7.16 Enforcement; Appeal. The provisions of the ASGOD shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding an application for Plan Approval decision for a Development Project shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A.

8.7.17 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. The invalidity of any provision of this Section 8.7 shall not affect the validity of the remainder of the Town's Zoning By-Law."

APPENDIX B


A. Map of the Andover Smart Growth Overlay District

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

On request of the Town Yard Task Force and the Planning Director



Figure 6: District Boundary
December 31, 2009

North

 0 100 200'-0"
The Cecil Group
 Planning and Design

Zoning By-law Amendment – District Boundaries

ARTICLE P-46. To see if the Town will amend Article VIII, Section 2.3, District Boundaries, of the Andover Zoning Bylaw and make the appropriate changes to the zoning maps of Andover, Mass., to depict the Andover Smart Growth Overlay District, containing 24.33 acres of land more or less, as shown on a plan entitled, “Figure 6: District Boundary, as prepared by the Cecil Group, dated December 31, 2009”, or take any other action related thereto.

On the request of the Town Yard Task Force and the Planning Director

Sign By-law Amendment – Housekeeping

ARTICLE P-47. To see if the Town will vote to amend Article VIII, Section 5.2.4.1.b. of the Andover Zoning By-law, by deleting the following text: “The Design Review Board (DRB) shall, within thirty (30) days of submission, review applications for all signs in the General Business (GB) and Mixed Use (MU) Districts, as well as all municipal signs equal to or greater than four (4) square feet in area, prior to issuance of a sign permit.” and replacing it with the following:

“Prior to the issuance of a sign permit, the Design Review Board (DRB) shall, within 30 days of submission of an application for a sign permit, review an application for: (a) a municipal sign in any district; and (b) a sign greater than four (4) square feet in the General Business (GB) and Mixed Use (MU) Districts.”

Section 5.2.10.3. by inserting the following text:

“5.2.10.3.c. The bottom of a projecting sign shall be at least eight (8) feet above the ground, and the top of the sign shall be no more than twenty-five (25) feet from the ground.”

Section 5.2.14.2.b. by deleting the text, “No part of any such sign shall be more than six (6) feet above ground level” and replacing it with:

“No part of any such sign shall be more than twelve (12) feet above ground level.”

Section 5.2.3.4. by deleting the text: “b. Any nonconforming sign and/or support structure shall be removed within thirty (30) days of a change in use or termination of activities on the premises.” and replacing it with:

“b. Any sign associated with a business that has terminated activities loses its relevance and therefore becomes nonconforming. c. Any nonconforming sign and/or support structure shall be removed within thirty (30) days of a change in use or termination of activities on the premises.”

Section 5.2.2.5. by deleting the text: “*Attached Sign:* A sign attached parallel to the façade of a building, facing in the same direction as the façade” and replacing it with:

“Attached Sign: A sign that is either attached parallel to the façade of a building, facing in the same direction as the façade, or displayed on the fixed canopy or awning of a building.”

Inserting a new section as follows:

“Section 5.2.2.14. *Awning*: A fixed or retractable structure, whether made of canvas, plastic, metal or other material, placed over a storefront, door or window. For the purpose of this Section 5.2. Signs, awnings shall not be considered a sign. Lettering, symbols or graphic elements appearing on either the body or the valance of an awning (and not otherwise exempt) shall constitute an Attached Sign. The area of a sign displayed on an awning consists of the area encompassed by any lettering, symbols, or graphic elements distinct from the awning background color.”

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

Sign By-law Amendment – Signs in the General Business (GB) District

ARTICLE P-48. To see if the Town will vote to amend Article VIII, Section 5.2.9.1. by deleting the text in a. through e. in its entirety and replacing it with the following:

- a. The sign may be either attached flat against the wall or placed on an awning or fixed canopy of the building.
- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
- c. The sign area of a flat attached sign for any individual commercial or business use shall not exceed fifteen (15) percent of the portion of the façade associated with that use.
- d. Flat attached signs oriented to the street shall not exceed fifty (50) SF in area.
- e. Flat attached signs oriented to a parking lot shall not exceed twenty-five (25) SF in area unless they mark the primary entrance to a building or establishment, in which case the sign area shall not exceed fifty (50) square feet.
- f. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet.
- g. Lettering on the valance of an awning shall not exceed 4.5 inches.”

Section 5.2.10.1. by deleting the text in a. through c. in its entirety and replacing it with the following:

- “a. The sign may be either attached flat against the wall or placed on an awning or fixed canopy of the building.
- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
- c. The sign area of a flat attached sign for any individual commercial or business use shall not exceed ten percent (10%) of the portion of the façade associated with that use and in no case shall the sign area exceed eighty (80) square feet.
- d. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet.
- e. 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

Sign By-law Amendment – Signs in Office Park Districts (OP), Limited Service Districts (LS) and Industrial District (ID)

ARTICLE P-49. To see if the Town will vote to amend Article VIII, Section 5.2.11. of the Andover Zoning By-law by deleting the text in 2. and 3. In its entirety and replacing it with the following:

- “2. In addition to the above, one (1) attached sign for each street upon which a building or complex has frontage. The sign may be either attached flat against the wall or placed on an awning or fixed canopy of the building. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached. The sign area of a flat attached sign shall not exceed twenty-five (25) square feet. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet. Lettering on the valance of an awning shall not exceed 4.5 inches.
- 3. In addition to the above, each business or tenant shall be limited to one sign (attached or projecting) for each street and parking lot on which the business or tenant has an entryway. The sign area shall not exceed three (3) square feet.”

Section 5.2.12. by deleting the text in 1., a. and b. in its entirety and replacing it with the following:

- “1. One sign attached flat against the wall or placed on an awning or fixed canopy of the building, identifying the name of the firm and/or goods and services available or produced on the premises, subject to the following conditions:
 - a. The sign area of a flat attached sign shall not exceed twenty percent (20%) of the area of the side of the building to which it is attached, or eighty (80) square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet. Lettering on the valance of an awning shall not exceed 4.5 inches.
 - b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.”

Section 5.2.13. by deleting the text in 1., a. and b. in its entirety and replacing it with the following:

- “1. One or more signs attached flat against the wall or placed on an awning or fixed canopy of a building, identifying the name of the firm and/or the goods and services available or produced on the premises, subject to the following conditions:
 - a. The total area of all such signs on a building shall not exceed twenty percent (20%) of the area of the side of the building to which they are attached, or two hundred (200) square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet. Lettering on the valance of an awning shall not exceed 4.5 inches.
 - b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.”

Section 5.2.14 by deleting the text in 1., a. and b. in its entirety and replacing it with the following:

- “1. One or more signs attached flat against the wall or placed on an awning or fixed canopy of a building, identifying the name of the firm and/or the goods and services available or produced on the premises, subject to the following conditions:
 - a. The total area of all such signs on a building shall not exceed ten percent (10%) of the area of the side of the building to which they are attached, or two hundred (200) square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the

awning or canopy, and in no case shall they exceed twenty-five (25) square feet. Lettering on the valance of an awning shall not exceed 4.5 inches.

- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.”

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

Zoning By-law Amendment – Mixed Use District

ARTICLE P-50. To see if the Town will vote to amend Article VIII, Section 7.2.2.2., Mixed Use District, of the Andover Zoning By-law, by deleting the following text, “The Planning Board may, in its discretion, according to the characteristics of any particular lot, require less than the maximum allowable density.” and replacing it with the following:

“The Planning Board may, in its discretion, according to the characteristics of any particular lot, allow less than the 3,000 square feet of lot area per dwelling unit.”

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

Acceptance of Stretch Energy Code

ARTICLE P-51. To see if the Town will vote to accept the “Stretch Energy Code,” 780 CMR Appendix 120AA, or take any other action related thereto.

On request of the Andover Green Advisory Board and the Planning Director

Street Acceptances

ARTICLE P-52. To see if the Town will vote to accept and name as a public way any or all of the following streets: Cassimere Street and Woodman Ridge Road as further described below:

Cassimere Street, as shown on a plan approved by the Andover Planning Board entitled, “SUBDIVISION PLAN OF LAND IN ANDOVER, MASS. ENTITLED CASSIMERE STREET”, dated February 14, 2001 (revised) and recorded in the Essex North District Registry of Deeds as Plan Number 14187;

Woodman Ridge Road, as shown on plan approved by the Andover Planning Board entitled, "SUBDIVISION PLAN OF LAND IN ANDOVER, MASS. ENTITLED WOODMAN RIDGE", dated February 16, 1995 (revised) and recorded in the Essex North Registry of Deeds as Plan Number 13957 and further modified on plan entitled "SUBDIVISION PLAN OF LAND IN ANDOVER, MASS. ENTITLED WOODMAN RIDGE", dated November 9, 2004 (revised).

or take any other action related thereto.

On request of the Board of Selectmen

Repairs to Private Ways – Fosters Pond Road and Pomeroy Road

ARTICLE P-53. In accordance with the provisions of that section of the General By-laws added to Article XII (Miscellaneous By-laws) by Warrant Article 52 of the May 2009 Annual Town Meeting, the undersigned abutters of Fosters Pond and Pomeroy Road hereby petition the Town to make any and all repairs to these roads, including resurfacing and drainage work, necessary for safe and convenient travel by the public and to assess betterments thereof. Town Department of Public Works estimate is \$54,000 to be divided evenly by 37 parcel owners.

On petition of James Cyrier and others

Street Lights

ARTICLE P-54. To see if the Town will vote to turn 626 street lights back on that were turned off in 2009, and to transfer the following funds from the Free Cash Line item account to the Street Light Expenditure account #014242-5211 – in amounts not less than \$15,650.00 for the turn on of said street lights and not less than \$40,000 to replenish the budget for the continuation of the operating expense, resulting in a total of not less than \$55,650.00, and that the Town shall take every affirmative act to ensure that the restoration of the street lights be permanent.

On petition of Chester Darling and others

Sewer Line Extension – Lincoln Circle

ARTICLE P-55. To see if the Town will vote to appropriate the sum of \$225,000 for the extension of a sanitary sewer line, including costs incidental and related thereto, on Lincoln Street 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, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1) of the General By-laws, or any other enabling authority, and to issue bonds or notes of the town therefore; sewer betterments are to be assessed by the Board of Selectmen, acting in its capacity as Sewer Commissioners, based upon the Uniform Unit Method, or take any other action related thereto.

On petition of Tim Lindblad and others

Youth Services Seasonal Staff Account

ARTICLE P-56. To see if the Town will vote to raise and appropriate the sum of \$50,000.00 to the Youth Services Seasonal Staff account #015421-5140 by taxation, borrowing or transfer from available funds, to offset a decrease in funding for the Youth Services Seasonal Staff budget, or take any other action related thereto.

On petition of Will English 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 _____ day of _____, 2010.

Alex J. Vispoli, Chairman)

Mary K. Lyman, Vice Chairman)

Gerald Stabile, Jr.)

Brian P. Major)

Ted E. Teichert)

SELECTMEN
OF
ANDOVER

A true copy
A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2010

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

PRELIMINARY