

Call to Order:

Dan Casper called the meeting to order at 6:30PM with committee members Heather Lauten, Jon Maren, Susan Stott and Dan Casper present.

Town officials, Tom Urbelis, Paul Materazzo, Jackie Byerley, Chris Clemente and Austin Simko were also in attendance.

Discuss legal and policy basics of zoning

Paul and Tom reviewed Zoning for Beginners, <http://andoverma.gov/DocumentCenter/View/1573/Zoning-Overview-for-Beginners-2017?bidId=>, which provides the legal and policy basis for zoning which regulates physical dimensions and use of property in Andover. There are 12 zoning districts in Andover and multiple zoning overlay districts. Use may be allowed by right, by special permit and prohibited and is identified by district in the table of use regulations in the Andover zoning bylaw. (AZB) Both federal and state regulations may supersede the AZB. Town meeting may amend the AZB by a 2/3 vote and the building inspector is the primary enforcer of the AZB. The MA attorney general has to approve changes to the AZB to certify they are in compliance with state law. The 2012 Andover Master Plan describes the aspirations the Town has for its development and was approved by the Planning Board (PB) and the Board of Selectmen (BOS).

Tom and Paul also described the Town meeting schedule which starts in June with review of potential PB Zoning articles they may wish to propose for the following spring. That review continues in the fall and articles must be submitted before the warrant closes Jan. 25, 2019, In February and March the PB and BOS hold public hearings prior to the warrant being sent to the printer on April 3. April 29 is the first night of 2019 Town Meeting. One question for the ZBSC is how best to reach out for public input during the process of reviewing any proposed zoning articles.

Review Draft Zoning Proposal “Scorecard”

Committee members considered the “Zoning Amendment Audit” developed by the PB, attached, as a starting point to develop a set of criteria and priorities when reviewing proposed amendments to the AZB. We also asked if the 2012 mater Plan reflects the desires of town residents that might guide the review of the AZB and any proposed amendments. Heather suggested we might want to add criteria related to energy sustainability to the list. The clerk will convert the audit criteria to an excel spreadsheet.

Hear Proposal to Amend Age Requirement in River Rd. Senior Overlay District

Mark Johnson presented the proposal to change the age limit in 8.8 from 62 to 55. The committee was told the purpose of the Senior Residential Community Overlay District and the Pulte Development was to provide housing in Andover for Andover Residents as they age and want to downsize. Developments in Methuen have attracted many Andover households over 55. Pulte has letters of support from the Merrimack Valley Planning Commission, Melmark and the Andover Council on Aging. Forty of 50 completed units in the first building are occupied and 4 of 6 townhouse condos are occupied. When the project is complete there will be 200 units. Only about 10% of residents to date are from Andover. Fifteen percent of the units will

be affordable in three tiers: units for households with income below 60% of the area median income (AMI), for households with income below 80% of AMI, for which there is a regulatory agreement with DHCD and units for households with income below 120% of AMI. Seven of 8 completed units are occupied. Mark Johnson will provide electronic copies of the restrictions in the regulatory documents on both age and income. We will also try to get copies of minutes of the SRCOD committee to better understand their intent. One role of the ZBSC is to try to understand what if any unintended consequences might result from this change in the age restriction.

Committee members talked about the role of the ZBSC. We probably need to proceed on two tracks, one reactive to proposals for zoning bylaw amendments submitted for the 2019 Town meeting, and one to work proactively reviewing the AZB to address internal consistencies and unintended consequences. We also want to find a way to reach out to residents about priorities. Conflicts arise between development “by right” in existing neighborhoods and uses allowed by special permit to accomplish development, such as senior and affordable housing, not otherwise allowed. Austin Simko suggested the zoning proposals must be addressed in a timely fashion and that the broader review should be second priority. The committee set its next meeting for Jan. 22 at 7:30 AM for the purpose of developing a process and planning its priorities. A second meeting is set for Feb. 4 at 6:30 PM to continue that work review additional information on Pulte and hear any new amendment proposals. We anticipate an amendment that might be considered “spot zoning”.

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Susan Stott, Clerk