



Select Board Meeting

Monday, March 23, 2020 7:00 PM

36 Bartlet Street, Andover, MA 01810

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

RECEIVED
TOWN CLERK'S OFFICE

2020 MAR 23 P 3:28

TOWN OF ANDOVER, MASS

I. Call to Order – 7:00 P.M.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

III. Communications/Announcements/Liaison Reports

IV. Public Hearings

A. National Grid and Verizon New England Pole Petition – (10 minutes)

Board to discuss and consider voting to approve a petition from National Grid and Verizon New England for National Grid to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across Salem Street, Andover, MA.

Select Board to vote to continue this public hearing without discussion.

B. Discontinuance of a Portion of Lewis Street as a Public Way – (10 minutes)

Board to consider recommendation of the Discontinuance of a Portion of Lewis Street as a Public Way and consider approval of Town Meeting Article 21.

V. Regular Business of the Board

A. Declaration of Emergency – (20 minutes)

Board to discuss and possibly vote on a Declaration of Emergency.

B. Town Election – (20 minutes)

Board to vote on postponing the March 24, 2020 Town Election and discuss a new date for the election.

C. Board of Registrars

Board to consider nominee for appointment to the Board of Registrars of Voters and to reappoint a registrar to a term expiring March 31, 2023. The Democratic Town Committee nominates Michael Sassin of 8 Stevens Circle.

D. Granting of Easement – (10 minutes)

Board of Selectmen to review and consider signing a grant of easement located at 161 Andover Street to National Grid for the right to install, own and operate and properly maintain a pole and related equipment to provide service in connection with the construction of the new Ballardvale Fire Station.

E. Gas Impacted Area Paving – (20 minutes)

Department of Public Works to update the Board on the paving in the gas impacted area.

F. Annual Town Meeting Articles - (60 minutes)

Board to consider voting to take a position on the following articles:

Article 12	Unexpended Appropriations Capital Projects Fund
Article 19	School Department Revolving Account
Article 23	School Department Supplemental Funding for Circuit Breaker
Article 29	Zoning Bylaw Amendment – Solar Bylaw
Article 38	Automatic Sprinklers
Article 41	Acceptance of General Law Provision to Consolidate Maintenance Functions of Schools and Town
Article 43	Zoning Bylaw Amendment – Table of Use Regulations Temporary and Seasonal Placement of Tables and Chairs

VI. Consent Agenda

A. Appointments by the Town Manager

Board to vote that the following appointments by the Town Manager be approved:

Department	Name	Position	Rate/Term	Date of Hire
Community Services – Recreation	Lisa Cremin	Kid Care	\$25.00/hour	3/24/2020

VII. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. February 10, 2020
2. February 24, 2020
3. March 9, 2020
4. March 16, 2020

VIII. Executive Session

- A. Board to vote to go into Executive Session for confidential communication with Town Counsel and pursuant to option 6 to discuss the purchase, exchange, lease or value of real property and that the Chair declare that an open session may have a detrimental effect on the negotiating position of the Town, and to approve and not release Executive Session Meeting Minutes of February 10, 2020 and February 24, 2020 and not to return to open session.

IX. Adjourn

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Select Board will be

conducted via remote participation to the greatest extent possible. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: Andover TV COMCAST CHANNEL 22 AND VERIZON CHANNEL 45. Members of the public who wish to ask a question on particular agenda items during the meeting can do so by calling 311 from their landline or cell phone within the geographical boundaries of Andover or by calling 978-623-8311 from anywhere or by emailing manager@andoverma.gov. Residents are encouraged to email their questions ahead of the meeting, however, staff will be available to present the Board with questions received during the meeting. Please include your name and address with your question.

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.



TOWN OF ANDOVER

Town Offices
36 Bartlet Street
Andover, MA 01810
(978) 623-8200
www.andoverma.gov

March 12, 2020

Andrew Flanagan, Town Manager
Town Office Building
36 Bartlet Street
Andover, MA 01810

Re: 2020 Town Meeting – Article P-35 Discontinuance of a Portion of Lewis Street as a Public Way

Dear Andrew:

On March 10, 2020, the Planning Board voted (4-0) to recommend that a portion of Lewis Street be discontinued as a public way as shown on the plan entitled "Discontinuance Plan, Portion of Lewis Street, Andover, Mass. Prepared for: Town of Andover, Date: March 2, 2017, Scale 1"=40', Andover Consultants, Inc., 1 East River Place, Methuen, Mass., 01844."

Please feel free to speak with me if you have any questions.

Very truly yours,

Jacki Byerley
Planner

cc: Thomas J. Urbelis, Esq., Town Counsel
Austin Simko, Town Clerk
Select Board

TOWN OF ANDOVER
PUBLIC HEARING

Notice is hereby given that the Select Board of the Town of Andover will hold a public hearing on Monday, March 23, 2020 at 7:00 p.m. in the 3rd Floor Select Board Conference Room of the Andover Town Offices, 36 Bartlet Street, Andover, Massachusetts on the matter of the discontinuance of that portion of Lewis Street as a public way as shown as "Portion of Lewis Street to be Discontinued 6,722 S.F. +/-" on Plan of Land entitled "Discontinuance Plan, Portion of Lewis Street, Andover, Mass. Prepared for: Town of Andover, Date: March 2, 2017, Scale 1"=40', Andover Consultants, Inc., 1 East River Place, Methuen, Mass., 01844," a copy of which Plan is on file in the Office of the Town Clerk.

Laura M. Gregory, Chair
Andover Select Board

RECEIVED
TOWN CLERK'S OFFICE
2020 MAR - 3 P 12: 27
TOWN OF ANDOVER, MASS

Town of Andover, Massachusetts Select Board
Order of Discontinuance of a Portion of Lewis Street as a Public Way

The Select Board of the Town of Andover, in the County of Essex, having held a Public Hearing in Andover on March 24, 2020 at 7:00 P.M., and having received the report of the Planning Board, given after notice and a public hearing in accordance with the provisions of M.G.L. c. 41 s. 81I, declares that public necessity and convenience require that the following described portion of Lewis Street be discontinued as a public way:

The area shown as “Portion of Lewis Street to be Discontinued 6,722 +/-” on Plan of Land entitled “Discontinuance Plan, Portion of Lewis Street, Andover, Mass Prepared for: Town of Andover, Date: March 2, 2017, Scale 1”=40’, Andover Consultants, Inc., 1 East River Place, Methuen, Mass., 01844”, a copy of which Plan is on file with the Office of the Town Clerk;

And upon approval by Town Meeting, that said portion of Lewis Street be discontinued as a public way in accordance with M.G.L. c. 82 s. 21;

And the Select Board respectfully reports said action to the Town for its allowance and authorizes the Chair of the Select Board to sign this Order of Discontinuance on its behalf.

In witness whereof, Laura M. Gregory, Chair, sets her hand and seal on behalf of the Town of Andover Select Board this _____ day of _____, 2020.

Laura M. Gregory, Chair



TOWN OF ANDOVER *Facilities*

Janet Nicosia CEM, Director

Andrew P. Flanagan
Town Manager

Michael Lindstrom
Deputy Town Manager

*Municipal Services Facility
5 Campanelli Drive
Andover, MA 01810
(978) 623-8702*

To: Select Board

From: Janet Nicosia

RE: National Grid easement application

Dear Board Members:

An application for easement at 161 Andover Street has been filed by Massachusetts Electric Company (National Grid) in order to place a pole at our request to serve the new Ballardvale Fire Station. Paperwork is contained in your packet for the Select Board meeting to be held on Monday March 23, 2020. The easement form needs to be signed by the Board to proceed with assigning the work ticket to install the pole.

I have reached out to both Building Inspector Chris Clemente and Town Engineer Art Martineau who have provided to me in emails their support for this placement.

Due to the Coronavirus National Grid will not be sending a representative to our meeting; and any questions should be handled in writing. This could delay this process so I ask that you please consider this application approval without them present. The architect has met with National Grid on site to derive this plan and also supports the placement.

Town Counsel has provided the following language for the motion:

- I move that the Select Board approve and sign the Grant of Easement to Massachusetts Electric Company for the installation of a pole and related equipment at 161 Andover Street.

If needed I will attend the meeting.

Thank you,
Janet

CC: A. Flanagan
M. Lindstrom

For Grantor's title, see deed dated January 15, 2019, recorded with the Essex North District Registry of Deeds in Book 15749, Page 77.

IN WITNESS WHEREOF, the Select Board of the Town of Andover has caused these presents to be signed in its name and behalf by its Chair, being hereto duly authorized this _____ day of March, 2020.

TOWN OF ANDOVER

By: Laura M. Gregory, Chair

Commonwealth of Massachusetts

County of Essex,ss

On this the _____ day of _____, 2020, before me, the undersigned Notary Public, personally appeared Laura M. Gregory, Chair of the Town of Andover Select Board, proved to me through satisfactory evidence of identity, which was _____, to be the person whose name is signed on the preceding Grant of Easement and acknowledged to me that she signed it voluntarily for its stated purpose as Chair of the Select Board of the Town of Andover, having been duly authorized.

Signature of Notary Public

Printed Name of Notary Public

My Commission expires_____

(SEAL)

WR# 29042484 The provisions of Massachusetts General Laws Chapter 183 Section 6B are not applicable.

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

To Either of the Constables of the Town of Andover

Greeting:

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

MONDAY, THE TWENTY SEVENTH DAY OF APRIL, 2020

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

ARTICLE 1	ANNUAL TOWN ELECTION
------------------	-----------------------------

Annual Town Election: Moderator for one year, one Select Board member for three years, one School Committee member for three years, one Housing Authority member for five years, and two Punchard Free School Trustees for three years, or take any other action related thereto.

On request of the Town Clerk

ARTICLE 2	ELECTION NOT REQUIRED BY BALLOT
------------------	--

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

On request of the Town Clerk

ARTICLE 3	SALARIES OF ELECTED OFFICIALS
------------------	--------------------------------------

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

ARTICLE 4	FISCAL YEAR 2021 BUDGET
------------------	--------------------------------

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, 2020 and ending June 30, 2021, or take any other action related thereto.

On request of the Town Manager

ARTICLE 5	FISCAL YEAR 2021 CAPITAL PROJECTS FUND
------------------	---

To see if the Town will vote to raise by taxation and appropriate the sum of money for the purpose of funding the Fiscal Year 2021 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

ARTICLE 6	PENSION OBLIGATION BOND SPECIAL LEGISLATION
------------------	--

To see if the Town will authorize the Select Board to petition the General Court for legislation that would authorize the Town to borrow for the purpose of funding the unfunded pension liability, so-called, of the Town's retirement system, or take any other action relative thereto.

On the request of the Town Manager and the Finance Committee

ARTICLE 7	BUDGET TRANSFERS
------------------	-------------------------

To see if the Town will vote to transfer from amounts previously appropriated at the April 2019 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

On request of the Finance Director

ARTICLE 8	SUPPLEMENTAL BUDGET APPROPRIATIONS
------------------	---

To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the April 2019 Annual Town Meeting, or take any other action related thereto.

On request of the Town Manager

ARTICLE 9	STABILIZATION FUND
------------------	---------------------------

To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with Massachusetts General Laws Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003 and Chapter 218 of the Acts of 2016, or take any other action related thereto.

On request of the Town Manager

ARTICLE 10	FREE CASH
-------------------	------------------

To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2021 tax rate and to affect appropriations voted at the 2020 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

ARTICLE 11	UNEXPENDED APPROPRIATIONS
-------------------	----------------------------------

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

ARTICLE 12	UNEXPENDED APPROPRIATIONS CAPITAL PROJECTS FUND
-------------------	--

To see what disposition shall be made of unexpended appropriations in the Capital Projects Fund, or take any other action related thereto.

On request of the Finance Director

ARTICLE 13	GENERAL HOUSEKEEPING ARTICLES (A THROUGH G)
-------------------	--

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 Select Board 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 2021 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 interests of the Town by a vote of the Select Board 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 Select Board and the School Committee to accept grants of easements for streets, water, drainage, sewer, public access 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

ARTICLE 14	GRANTING EASEMENTS
-------------------	---------------------------

To see if the Town will vote to authorize the Select Board 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

ARTICLE 15	UNPAID BILLS
-------------------	---------------------

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

ARTICLE 16	CHAPTER 90 AUTHORIZATIONS
-------------------	----------------------------------

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

ARTICLE 17	JERRY SILVERMAN FIREWORKS
-------------------	----------------------------------

To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$14,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities, or take any other action related thereto.

On request of the Town Manager

ARTICLE 18	FISCAL YEAR 2021 REVOLVING ACCOUNTS
-------------------	--

To see if the Town will vote to authorize the following expenditure limits for revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2020, or take any other action related thereto:

Revolving Fund	FY2021 Limit
Community Development & Planning Department	\$20,000
Memorial Hall Library-Lost/Damaged Materials	\$20,000
Health Clinic	\$60,000
Division of Recreation	\$625,000
Division of Youth Services	\$400,000
Field Maintenance	\$150,000
Division of Elder Services	\$225,000
Police Communications	\$50,000
School Photocopy Fees	\$10,000
Compost Program	\$60,000
Solid Waste	\$40,000
Stormwater Management	\$5,000
Fire Rescue	\$100,000
Health Services	\$100,000

Sign Shop Revolving Fund	\$10,000
--------------------------	----------

On the request of the Finance Director

ARTICLE 19	SCHOOL DEPARTMENT REVOLVING ACCOUNT
-------------------	--

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 44 Section 53E ½ to allow all monies received by the School Department in connection with a fee based, Andover led professional development institute for teachers and educators, or take any other action related thereto.

On request of the School Committee

ARTICLE 20	SALE OF TOWN YARD PROPERTY AND PORTION OF LEWIS STREET
-------------------	---

To see if the Town will vote to transfer the care, custody, management and control of the land and buildings known as the Town Yard, and a portion of Lewis Street to be discontinued, which land and buildings are shown as Lot 1, and bounded and described on a Plan entitled “Plan of Land in Andover, Mass. Prepared for the Town of Andover, Date: February 13, 2020, Scale 1” = 30’” prepared by Andover Consultants, Inc., containing 3.404 acres, a copy of which Plan is on file with the Office of the Town Clerk, from the Select Board for the purposes for which such land and buildings are currently held to the Select Board for the purposes of sale of said land and buildings, to declare said land and buildings available for sale and to authorize the Select Board to sell said land and buildings, according to the provisions of Massachusetts General Laws Chapter 30B, substantially in accordance with the terms, conditions and restrictions set forth in the Request for Proposals on file with the Office of the Town Clerk, upon such final terms and conditions as the Select Board deems to be in the best interests of the Town, and further that the Select Board approve any other restrictions, including restrictions on use, that are in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

ARTICLE 21	DISCONTINUANCE OF A PORTION OF LEWIS STREET AS A PUBLIC WAY
-------------------	--

To see if the Town will vote to discontinue as a public way that portion of Lewis Street which is described as follows:

The area shown as “Portion of Lewis Street to be Discontinued 6,722 S.F.+/- ” on Plan of Land entitled “Discontinuance Plan, Portion of Lewis Street, Andover, Mass. Prepared for: Town of Andover, Date: March 2, 2017, Scale 1” = 40’, Andover Consultants, Inc., 1 East River Place, Methuen, Mass., 01844,” a copy of which Plan is on file in the Office of the Town Clerk, or take any other action related thereto.

On request of the Town Manager

ARTICLE 22	TAKING BY EMINENT DOMAIN OF TOWN YARD PROPERTY AND DISCONTINUED PORTION OF LEWIS STREET
-------------------	--

To see if the Town will vote to authorize the Select Board to take by eminent domain the land and buildings known as the former Town Yard and a discontinued portion of Lewis Street, shown as Lot 1, containing 3.404 acres, and the parcel of land shown as Parcel X containing 1,884 square feet, bounded and described on the plan entitled “Plan of Land in Andover, Mass.” Prepared for the Town of Andover, Date: February 13, 2020, Scale 1” =30’, prepared by Andover Consultants, Inc., a copy of which Plan is on file with the Office of the Town Clerk, for the purpose of resolving any matters regarding the title and boundaries of said property, and to pay no damages for said taking, or take any other action related thereto.

On request of the Town Manager

ARTICLE 23	SCHOOL DEPARTMENT SUPPLEMENTAL FUNDING FOR CIRCUIT BREAKER
-------------------	---

To see if the Town will vote to transfer from available funds the sum of \$212,000 to defray charges and expenses of the School Department for unanticipated out-of-district placements, or take any other action related thereto.

On request of the School Committee

ARTICLE 24	BALD HILL AND TEWKSBURY STREET LAND SWAP
-------------------	---

To see if the Town will vote to transfer the care, custody, and control of the parcel of land, consisting of approximately 7.419 acres, located at 126 Tewksbury Street, and recorded at Book 10031, Page 237 of the Essex North District Registry of Deeds, shown as Assessors Map 182, Parcel 7 which is being used for general municipal purposes from the Select Board to the Conservation Commission pursuant to Massachusetts General Laws, Chapter 40, Section 8C and Article 97 of the Massachusetts Constitution for conservation and passive recreation purposes and to transfer the care, custody and control of two parcels of land on High Plain Road consisting of approximately 4.401 acres used as the Bald Hill composting facility and approximately .677 acres used as a dog park and parking lot, both parcels being a portion of the property described in a deed recorded at Book 1294, Page 232 and shown as Lot 1 and Lot 2 respectively on a plan on file at the Town Clerk’s Office titled “Plan of Land in Andover, Mass. Prepared for Town of Andover, Date January 20, 2020” by Andover Consultants Inc. from the Conservation Commission to the Select Board on the conditions that said composting facility shall remain as a composting facility only to be used for composting organic material such as leaves, sticks, grass clippings, wood chips and the like, and said dog park and parking lot shall remain as a dog park and parking lot and if the land transferred to the care, custody and control of the Select Board ceases to be used as a composting facility or dog park and parking lot, then that portion of the land which is not so used as a composting facility or dog park and parking lot shall revert back to the Conservation Commission of the Town of Andover for conservation and passive recreation purposes, and to authorize the Town Manager to petition the Legislature for special legislation to authorize the foregoing transfers and conditions, provided that the Legislature may reasonably

vary the form and substance of the required legislation within the scope of the general public objectives of the petition or take any other action related thereto.

On request of the Town Manager

ARTICLE 25	PEG ACCESS AND CABLE RELATED FUND EXPENSES
-------------------	---

To see if the will Town will vote to appropriate cable franchise fees and other cable-related revenues to support PEG access services, cable related expenses, and oversight of the cable franchise agreements for fiscal year 2021, which begins on July 1, 2020, or take any other action related thereto.

On request of the Finance Director

ARTICLE 26	OVERLAY SURPLUS TRANSFER
-------------------	---------------------------------

To see if the Town will vote to transfer \$20,000 from Overlay Surplus to fund expenses related to the FY2021 valuation of personal property accounts of locally assessed gas distribution companies, or take any other action related thereto.

On request of the Finance Director

ARTICLE 27	APPROPRIATION FROM ELDER SERVICES PROGRAM STABILIZATION FUND
-------------------	---

To see if the Town will vote to transfer and appropriate the sum of \$12,000 from the Elder Services Program Stabilization Fund established under Article 1 of the May 7, 2013 Special Town Meeting to be used for the development and implementation of new programs, services and activities as recommended by the Division of Elder Services and approved by the Town Manager, or take any other action related thereto.

On request of Director of Community Services

ARTICLE 28	ELDERLY/DISABLED TRANSPORTATION PROGRAM
-------------------	--

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

ARTICLE 29	ZONING BYLAW AMENDMENT – SOLAR BYLAW
-------------------	---

To see if the Town of Andover will vote to add a new Section 6.10 to the Andover Zoning Bylaw, Article VIII and amend the Andover Zoning Bylaw, Article VIII, Section 3.1.3 Table of Use Regulations Appendix A Table 1, and Section 10 Definitions by adding the following:

Add to Section 3.1.3 Table of Use Regulations, Appendix A, Table 1:

E. Other Main Uses	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
9. Solar Energy Systems												
a. Roof/Building-mounted	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Ground-mounted, small-scale as an accessory use (See Section 6.10)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
c. Ground-mounted, medium-scale as an accessory use (See Section 6.10)	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
d. Ground-mounted, large-scale (See section 6.10)	N	N	N	N	N	N	N	N	PB	PB	PB	PB

Add to Section 6.0 Special Regulations:

6.10 Solar

6.10.1 Purpose

The purpose of this bylaw is to encourage and regulate the creation, construction and operation of new solar energy installations by defining requirements for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

6.10.2 Applicability

This section applies to solar energy systems proposed to be constructed after the effective date of this section, excluding those installed by or on behalf of the Town or on Town property. This section also pertains to physical modifications that materially alter the type, configuration, or size of such installations or related equipment.

The Planning Board shall act as the Special Permit Granting Authority.

6.10.3 Standards

Any installation of ground mounted solar shall meet the following standards.

1. The construction and operation of all solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and

fixtures forming part of a solar energy installation shall be constructed in accordance with the State Building Code.

2. Solar energy systems, ground-mounted small-scale and medium-scale shall be allowed as an accessory use in rear yards and side yards, but not in front yards, provided such they are not located nearer to any property line of the rear yard than 10 feet or the system height, whichever is greater, they comply with the minimum setback requirements for side yards in the particular district, and do not exceed 15 feet in height in a residential district.
3. Landscaping that visually buffers the solar energy system from adjacent properties, including, but not limited to, walls and fences, shall be properly maintained.
4. Solar energy systems and access drives will not be allowed within critical habitats, wetlands and wetland buffer zones unless approved by the Conservation Commission or Massachusetts Department of Environmental Protection; however solar energy systems panels are allowed to overhang in the wetland buffer zones.

6.10.4 Special Permit Standards

The following are in addition to the standards located in section 6.10.3 that shall apply for Medium-Scale and Large-Scale Solar Energy Systems.

1. The size of a solar energy system as an accessory use within the residential and business districts shall be limited to that needed to generate energy consumed on-site on an annual basis as documented by prior energy usage and any permitted improvements within the next year and included in the special permit application.
2. For ground-mounted installations requiring a special permit, reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures. The Planning Board may also require that ground-mounted installations not occlude building signage or entry ways.
3. Any solar carport system for non-residential use must have a minimum clearance for emergency vehicles.
4. Lighting of ground-mounted solar energy systems shall be consistent with local, state and federal law. Lighting of the system's components, including appurtenant structures, shall be limited to what is required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
5. Signs affixed to or associated with ground-mounted solar energy installations shall comply with Section 5.2. A sign consistent with Section 5.2 shall be required to identify the owner and provide an up-to-date 24-hour emergency contact phone number.
6. Reasonable efforts shall be made to place all utility connections from the solar installations underground, depending on appropriate soil conditions, shape, and topography of the site

and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

7. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the installation or otherwise prescribed by applicable laws, regulations, and bylaws.
8. For large-scale ground-mounted solar energy systems, height, front, side and rear setbacks shall meet the dimensional requirements of the district.
9. The installation owner or operator of a ground-mounted solar energy system may be required to provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
10. The solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar energy installation and any access road(s), unless accepted as a public way.
11. Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall remove all structures associated with the solar energy system within one year of the cessation of said use. The owner or operator shall notify the Inspector of Buildings by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - Physical removal of all medium-scale and large-scale ground-mounted solar energy installations, structures, equipment, security barriers and transmission lines from the site.
 - Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - Stabilization or re-vegetation of the site as necessary to minimize erosion.
12. The Planning Board may impose a condition requiring the owner/operator to post a bond or other financial surety acceptable to the town in an amount sufficient to cover the cost of removal and disposal of the solar energy system.
13. Access driveways for large-scale ground mounted solar energy systems shall be constructed to a minimum of 20 feet wide and constructed for perimeter access. Aisle width access should be reviewed by the fire department for access for emergency vehicles with a turnaround. Access drives do not have to be paved.
14. The land area being disturbed for the installation of large-scale ground mounted solar installations shall be landscaped to minimize surface water run-off and soil erosion.

Application:

A special permit application shall follow the provisions of subsections 9.5.3 and 9.5.4.

Add to Section 10.0 Definitions:

Solar Energy Systems - A system of devices and/or structures whose primary purpose is to transform solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Includes solar photovoltaic systems, which convert solar energy to electricity, and solar-thermal collectors, which heat water.

Solar Energy Systems, Ground-mounted - A solar energy system that is structurally mounted to the ground and not to a building.

- Small-scale - Having 1,750 square feet or less of solar panel area, except within the SRA and SRB Districts the solar panel area is limited to 1,000 square feet or less, including Solar Carport Systems.
- Medium-scale - Having more than 1,750 square feet of solar panel area, or more than 1,000 square feet in districts SRA and SRB and not more than 25,000 square feet, including Solar Carport Systems.
- Large-scale - Having more than 25,000 square feet of solar panel area, including Solar Carport Systems. A large-scale system can be a primary use or an accessory use.

Solar Carport System - A ground-mounted solar energy system that provides cover or shade for parking or pedestrian areas.

On request of the Andover Green Advisory Board

ARTICLE 30	SUPPORT FOR ANDOVER DAY
-------------------	--------------------------------

To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$5,000 for the purpose of paying a portion of the municipal costs associated with Andover Day in the downtown, or take any other action related thereto.

On request of the Town Manager

ARTICLE 31	SPRING GROVE CEMETERY MAINTENANCE
-------------------	--

To see if the Town will vote to transfer the sum of \$6,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE 32	STABILIZATION FUND BOND PREMIUM
-------------------	--

To see if the Town will vote to transfer the sum of \$100,000 from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

On request of the Finance Director

ARTICLE 33	WATER TREATMENT PLANT MAINTENANCE
-------------------	--

To see if the Town will vote to appropriate the sum of \$300,000 in the Water Enterprise Fund for the purpose of paying various maintenance costs related to the water distribution system and the Water Treatment Plant, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE 34	CAPITAL PROJECTS FROM GENERAL FUND BORROWING
-------------------	---

To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$7,442,000 to pay costs of purchasing capital equipment, making infrastructure improvements, or for purchasing services and materials related to capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount	Statutory Citation
POL-2	Public Safety CAD/RMS System	\$332,000	C 44 Sec 7(9)
FR-1	Fire Apparatus Replacements	\$725,000	C 44 Sec 7(1)
FR-4	Fire Bi-Directional Amplifier System	\$300,000	C 44 Sec 7(1)
DPW-7b	Public Works Vehicles – Large	\$580,000	C 44 Sec 7(1)
DPW-8	Minor Storm Drain Improvements	\$300,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$825,000	C 44 Sec 7(1)
FAC-7	Town & School Energy Initiatives	\$300,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$4,080,000	C 44 Sec 7(1)

On request of the Town Manager, Police Chief, Fire Chief, Director of Public Works, and Director of Facilities

ARTICLE 35	CAPITAL PROJECTS FROM FREE CASH
-------------------	--

To see if the Town will vote to transfer from available funds and appropriate the sum of \$3,560,000 to pay costs of purchasing capital equipment, infrastructure, or for purchasing services and materials related to capital improvements, as more particularly described below, including any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount
TM-1	Town Off. Meeting Room Exp. & Public Access Imp.	\$625,000
TM-2	Sidewalk Program	\$950,000
TM-3	Cons & Open Space Imp-Haggetts/Dale St Design	\$125,000
TM-4	High Plain/Wood Hill Turf Field Complex	\$1,100,000
TM-5	Tree Fund	\$250,000
TM-6	Merrimack River Access	\$510,000

On request of the Town Manager

ARTICLE 36	CAPITAL PROJECTS FROM SPECIAL DEDICATED FUNDS
-------------------	--

To see if the Town will vote to transfer from available funds and appropriate the sum of \$200,000 to pay costs of purchasing, or leasing capital equipment, infrastructure, or for purchasing services and materials related to capital improvements, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

ARTICLE 37	CAPITAL PROJECTS FROM WATER AND SEWER ENTERPRISE FUNDS
-------------------	---

To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$8,549,350 to pay costs of purchasing capital equipment, making infrastructure improvements, and purchasing services and materials related to making capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount	Statutory Citation
DPW-12	Water & Sewer Vehicles (WER)	\$225,000	N/A
DPW-14	Water Main Replacement Projects (WEB)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-17	Hydrant Replacement Program (WER)	\$100,000	N/A
DPW-18	Water Treatment GAC Replacement (WER)	\$450,000	N/A
DPW-23	Shawsheen Pump Station (SEB)	\$1,574,350	Ch 44 Sec 7 & 8
DPW-24	Minor Sanitary Sewer Collections System Imp (SER)	\$50,000	N/A
DPW-30	Inflow/Infiltration (I/I) Removal Program (SER)	\$150,000	N/A

On request of the Director of Public Works

ARTICLE 38	AUTOMATIC SPRINKLERS
-------------------	-----------------------------

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 148, Section 26 I, relating to automatic sprinklers, or take any other action related thereto.

On request of the Fire Chief and the Inspector of Buildings

ARTICLE 39	COMMUNITY CHOICE AGGREGATION
-------------------	-------------------------------------

To see if the Town will vote to grant the Select Board authority to initiate a municipal aggregation program to aggregate the electrical load of interested residents and businesses within the Town independently, or in joint action with other municipalities, retain the right of individual residents and businesses to opt-out of the aggregation pursuant to M.G.L. c. 164. Sec. 134; and to authorize the Select Board to (i) enter into one or more agreements with one or more consultants to assist the Town with the development, implementation and administration of such aggregation program for a term of more than three years; and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the aggregation program and consultant agreements, which agreements and documents shall be on such terms and conditions and for such consideration as the Select Board deems in the best interest of the Town, or take any other action related thereto.

On request of the Town Manager

ARTICLE 40	ACQUISITION OF 65 RIVER ROAD
-------------------	-------------------------------------

To see if the Town will vote to appropriate a sum of money for the acquisition, and for costs related to such acquisition, of all or part of the land at 65 River Road for municipal purposes and for any other costs incidental and related thereto, and to authorize the Select Board to acquire such land with the buildings thereon, by gift, option, purchase, or eminent domain, upon terms and conditions deemed by the Select Board to be in the best interests of the Town, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(3) and 7(3a) of the General Laws, or pursuant to 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 Town Manager

ARTICLE 41	ACCEPTANCE OF GENERAL LAW PROVISION TO CONSOLIDATE MAINTENANCE FUNCTIONS OF SCHOOLS AND TOWN
-------------------	---

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 71, Section 37M for the purpose of consolidating the maintenance functions of the Andover School Committee with those of the Town or take any other action with respect thereto.

On request of the Town Manager

ARTICLE 42	LEASE OF LAND AT THE WATER TREATMENT PLANT TO FEDERAL AVIATION ADMINISTRATION
-------------------	--

To see if the Town will vote to authorize the Select Board to renew a lease with the Federal Aviation Administration for a parcel of land containing 0.01 acres of land, more or less, located at the water treatment plant for the purpose of an outer marker, for a term not to exceed twenty years, including renewals, upon terms and conditions the Select Board deems to be in the best interest of the Town, or take any other action related thereto.

On request of the Town Manager

ARTICLE 43	ZONING BYLAW AMENDMENT – TABLE OF USE REGULATIONS TEMPORARY AND SEASONAL PLACEMENT OF TABLES AND CHAIRS
-------------------	--

To see if the Town will amend APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations by amending the N (prohibited use) to a BA (Special Permit/Board of Appeals) in the IA, ID and ID2 Districts of the F. Accessory Uses 8. Temporary and seasonal placement of tables and chairs in the:

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
F. Accessory Uses (See Section 3.2)												
8. Temporary and seasonal placement of tables and chairs	N	N	N	N	BA	N	BA	BA	BA	BA	BA	BA

On the request of the Planning Board

ARTICLE 44	ZONING BYLAW AMENDMENT – SECTION 5.2 SIGN BYLAW
-------------------	--

To see if the Town will vote to amend Article VIII, Section 5.2 of the Andover Zoning Bylaws titled “Signs” by deleting the language stricken from the bylaw as shown below and adding the language in bold and italic which is shown as follows:

5.2 SIGNS.

[Amended 4-30-2002 ATM, Art. 57; 5-2-2005 ATM, Arts. 42, 43, 44, 45, 47 and 48; 5-26-2009 ATM, Art. 36]

5.2.1 Purpose.

The following sign regulations are intended to:

1. Preserve the historical ambiance, ***small-town character*** and aesthetic ***appeal*** ~~character~~ of the town;
2. ***Preserve views of greenery and landscapes;***
3. ~~2.~~ Maintain public safety by eliminating potential hazards to motorists

and pedestrians created by distracting or confusing sign displays and excessive illumination;

4. Preserve the value of private and public property;

5. Preserve the non-commercial character of residential neighborhoods.

~~3. Encourage efficient communication for business identification and public information.~~

The following sign bylaws are crafted to be compatible with the 2015 decision of the Supreme Court in the case of Clyde Reed v. Town of Gilbert, Arizona and are intended to avoid constitutionally suspect regulations related to time limits on legal signs on private property. The Reed decision stated that sign bylaws which are content-based must withstand strict scrutiny. That is, the government must have a compelling reason to regulate speech based on content.

5.2.2 Definitions.

In this bylaw, the following terms shall apply:

1. Sign: A sign shall consist of any of the following elements:

- a.** Lettering, words, numerals, emblems, trademarks, logos, images, drawings, pictures, graphics, pennants, streamers, or other devices of any material or construction, however displayed, whether as an independent structure or as part of a building or other structure or object;
- b.** Any visual device designed to inform, attract or draw the attention of persons outside the premises on which the device is located, including messages within or attached to windows and doors;
- c.** Any exterior building surface that is internally illuminated or decorated with gaseous tubing, LED displays or back lighting.

2. Sign Area: The area of the smallest horizontal or vertical rectangle enclosing the entire display area of the sign. The display area of a sign is the entire area, different in color or composition from the facade or common trim of the building, used to frame or provide a background for the sign. The display area may contain open space and irregular shapes if they are part of the sign. The display area shall also include internally illuminated, back-lit or decoratively lighted sign support structures if such elements are present. The area of doublesided signs shall be calculated using the area of only one face of the sign.

3. Sign Height: The distance measured from the ground level at the base of the sign to the top of the sign or support structure, whichever is higher. For freestanding signs, the land under or surrounding the sign may not be built up or elevated to reduce the calculated height of the sign.

4. Sign Support Structure: Any device, such as a pole, bracket or post, used to support a sign. The sign support structure shall be excluded from the calculation of the sign area if it contains none of the elements described in § 5.2.2.1 above, and, for freestanding signs, the total width of the support structure is less than 25% of the width of the supported sign.

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

[Amended 4-28-2010 ATM, Art. 49]

6. *Freestanding Sign*: A sign that is supported by its own structure and is not attached to a building or other structure.

7. *Projecting Sign*: A sign mounted perpendicular to the building facade.

8. *Double-sided Sign*: A freestanding or projecting sign having two parallel opposite faces separated by a distance of not more than 12 inches. A sign with two opposite faces that are not parallel shall be considered a double-sided sign if the two faces are joined to each other, or to a common support structure, at one end, and the angle of separation between the two faces does not exceed 30°.

~~9. *Temporary Sign*: A non-permanent sign that is displayed for a limited duration. Temporary signs may be exterior (displayed on the exterior or outside of a structure) or interior (attached or displayed from the inside of a structure, viewed from the outside through a window or other opening).~~

~~9.10. *Portable or Removable Sign*: A temporary sign of any shape or configuration that is self supporting and not permanently fixed or mounted to the ground or to another structure.~~

~~10.11. *Internally Illuminated Sign*: A sign that is illuminated by a light source internal to the sign. Signs having a light source that forms the exterior surface of the sign or all or part of the design elements, shall be considered to be internally illuminated.~~

~~11.12. *Nonconforming Sign*: A sign, including its support structure, that does not conform to the regulations prescribed in this bylaw, but which was in existence at the time the regulations became effective and was lawful at the time it was installed or erected.~~

~~12.13. *Open Space*: For the purposes of this Section 5.2. open space shall be defined as undeveloped land available to the public at no cost, for passive recreation such as hiking, bird watching, fishing, photography, picnicking, cross country skiing, biking, horseback riding or other activities which do not alter or disturb the terrain and at the same time to conserve natural and scenic resources, protect air, streams or water supply, and enhance the value of the land to the public.~~

~~13.14. *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.~~

[Added 4-28-2010 ATM, Art. 49]

14. *Commercial Sign*: A sign that directly or indirectly describes or proposes a transaction

involving the exchange of money or goods.

5.2.3 General Provisions.

1. *Exemptions.* The following signs are exempt from the provisions of the bylaw:

a. Flags and insignia of any government, except when they are displayed in connection with the advertising or promotion of a commercial product or service.

b. Legal notices or informational devices erected or required by public agencies.

c. Signs affixed to ***a pump from which motor fuel is sold at retail that are required by MGL Part I Title XV Chapter 94 Section 295C and/or 202 CMR 2.06.*** ~~standard gasoline pumps bearing the formula and price of gasoline. Such signs shall not exceed two square feet in area. Additional signage on the pumps may not exceed 20% of the surface area of the pump.~~

d. Integral decorative or architectural features of buildings, except for lettering, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights.

e. On-premises signs intended to guide and direct traffic and parking, not exceeding two square feet in area and four feet in height and bearing no ***elements, as defined in 5.2.2.1.a, that are not necessary to guide and direct traffic and parking,*** ~~advertising matter or~~ ***and having no*** internal illumination.

f. On valances of awnings or similar devices, lettering, symbols, or graphic elements not exceeding six (6) inches in height and not exceeding 75% of the height of the valance. [Amended 5-8-2013 ATM, Art. 47]

g. On awnings or similar devices, one symbol or graphic element, without text, not exceeding five square feet per awning.

h. Signs located on facilities or land under the care and control of the Massachusetts Bay Transportation Authority;

i. ~~Banners installed subject to the provisions of the Andover General Bylaw, Article XII § 44.~~

~~2. *Relevance.* A sign shall pertain to the premises on which it is located or to products, accommodations, services or activities that regularly occur or are offered on the premises.~~

~~2. 3.~~ *Maintenance.* All signs shall be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings and in accordance with the Commonwealth of the Massachusetts State Building Code, 780 CMR.

3. ~~4.~~ *Nonconforming Signs.*

a. Any nonconforming sign and/or support structure, legally permitted and erected prior to the adoption of this provision, or any amendments thereto, which remains unaltered in any way, may be continued and maintained.

~~b. Any sign associated with a business that has terminated activities loses its relevance and therefore becomes nonconforming. Any nonconforming sign and/or support structure shall be removed within 30 days of a change in use or termination of activities on the premises. [Amended 4-28-2010 ATM, Art. 49]~~

~~b. e.~~ Nonconforming signs shall not be enlarged, rebuilt, restored or altered except in conformity with this bylaw.

~~c. d.~~ Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 1/3 of the replacement value as of the date of such damage or destruction shall not be repaired, rebuilt, restored or altered except in conformity with this bylaw.

~~4. 5.~~ *Liability.* No sign shall project more than five feet over any public right-of-way or other public property. Any sign projecting over a public right-of-way shall be covered by liability insurance in the amount of \$2,000,000 as verified by a certificate of insurance filed with the Town Clerk. ***The Town of Andover shall be named as additional insured on all such certificates.***

5.2.4 Sign Permit.

Unless specifically exempted or provided for elsewhere in this section, no sign shall be installed, erected, enlarged, redesigned or structurally altered without a sign permit issued by the Inspector of Buildings.

1. Application and Review.

a. Sign Permit Application: A completed sign permit application, fulfilling all requirements for requested materials and documents and specifying all pertinent dimensions and materials, shall be submitted to the Inspector of Buildings prior to the installation or alteration of any sign for which a permit is required.

b. Review by the Design Review Board: 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 square feet in the General Business (GB) and Mixed Use (MU) Districts. Applications for review by the Design Review Board shall be submitted on a standard application form specified by the DRB. See § 5.2.15, Design Guidelines for Signs. **[Amended 4-28-2010 ATM, Art. 49]**

2. Criteria for a Special Permit. When acting on an application for a special permit, the Board of Appeals shall consider the following:

a. The character of the proposed sign and its suitability to the building and the surrounding neighborhood.

b. Its relationship to the architectural style, size and scale of the building.

~~c. The relevance of the information on the sign to the business or activities conducted on the premises.~~

c. d. The impact of the size and illumination of the sign on other establishments

and the surrounding neighborhood.

d. e. The criteria specified in § 9.6.4 of this Bylaw, and such other factors as the Board of Appeals deems appropriate in order to assure that the public interest is protected.

5.2.5 Prohibited Signs and Devices.

1. No sign shall be lighted, except by a steady external and stationary light source which is shielded and directed solely at the sign, unless specifically provided for in this bylaw.
2. No illumination shall be permitted which casts glare onto any residential premises or onto any portion of a way so as to create a traffic hazard.
3. No ~~commercial~~ signs shall be illuminated in any residential district, or within 200 feet of a residential district, between the hours of 9:00 p.m. and 7:00 a.m., unless the establishment is open to the public.
4. No sign shall be illuminated by any color other than colorless or white light, except for temporary holiday lighting.
5. No animated, revolving, flashing, backlit, exposed neon or similar exposed gaseous tube illuminated signs shall be permitted.
6. No signs shall be attached to motor vehicles, trailers or other movable objects regularly or recurrently located for fixed display.
7. Visibility for motorists and pedestrians shall not be obstructed at any intersection, driveway, or crosswalk. See also Article VIII, § 4.1.3.2.g.
8. No portable or removable sign shall be allowed in any zoning district except as permitted under § 5.2.7.3.
9. No attached exterior sign shall cover any portion of a window or door casing.
10. No signs shall be allowed on the uppermost roof of any building.
11. No portion of a sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
12. ***No commercial sign is allowed in zoning districts SRA, SRB, SRC and APT unless the sign pertains to an allowed commercial activity relating to or occurring on the property.***

5.2.6 ~~Permanent Signs allowed in all zoning districts without a permit.~~

The following signs are allowed ~~in all zoning districts~~ ***in addition to the signs allowed in other sections of these bylaws and not otherwise prohibited.*** See also specific requirements for each zoning district in § 5.2.9 through § 5.2.14, inclusive.

1. Limitations.

a. A sign allowed by Section 5.2.6.2.a may be lighted or illuminated. No other sign allowed in Section 5.2.6 shall be lighted or illuminated.

b. A projecting sign always requires a permit.

c. No sign allowed in Section 5.2.6 may be erected on premises occupied by a business or organization until a sign permit has been issued for at least one other sign on the premises, except in the following cases:

i. Signs allowed by Section 5.2.6.2.a, Section 5.2.6.2.b and Section 5.2.6.2.c may always be erected.

ii. When a building, or of a unit of a building, in which a business or organization may operate is unoccupied, signs allowed in Section 5.2.6 may be erected.

iii. When land is undeveloped, signs allowed in Section 5.2.6 may be erected.

iv. When a residence contains a customary home occupation, signs allowed in Section 5.2.6 may be erected.

2. Signs allowed without a permit in all zoning districts.

~~a.1.~~ One sign, either attached or freestanding, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon, does not require a sign permit if it does not exceed two square feet in area.

~~b.2.~~ Open Space signs. A sign on open space or other undeveloped property open to the public, bearing no commercial, or advertising material and displaying historical, cultural, educational, environmental, or safety information pertaining to such property and/or rules relating to the public use thereof, requires no sign permit if the sign is less than 35 square feet in area.

~~c.5.2.7.2.a~~ Interior temporary signs that do not exceed 30% of the transparent area of the window and/or door on which they are affixed or displayed **do not require a sign permit.**

~~d.5.2.7.2.b~~ **One or more exterior signs not exceeding 15 square feet in aggregate area do not require sign permits. Each residential unit in multiple-family residences and each unit in multiple-unit nonresidential properties may erect such signs. No additional signs are allowed beyond the 15 square feet in aggregate area because of the existence of a customary home occupation at a residence.**

~~e.5.2.7.2.e~~ One exterior temporary sign **per property does not require a sign permit**, related to property maintenance or improvement which does not require a building permit, shall be allowed on the premises associated with the maintenance or improvement, subject to **if it meets** the following conditions:

~~i. The sign shall not be lighted or illuminated.~~ ~~ii. The sign shall have an area not to exceed six square feet.~~

ii. ~~iii.~~ The sign shall be set back a minimum of 15 feet from the nearest vehicular public or private way and shall not obstruct the line of sight for vehicles entering or exiting the property or adjacent properties.

~~iv. The sign shall be removed within 30 days of the completion of the work on the premises.~~

3. Sign allowed without a permit only in zoning districts SRA, SRB and SRC.

One exterior sign per property does not require a permit if it meets the following conditions:

i. The sign area shall not exceed 15 square feet.

ii. A freestanding sign shall have a height not to exceed five feet and a sign attached to a structure shall have a height not to exceed 10 feet above the ground level.

4. Sign allowed without a permit in all zoning districts except SRA, SRB and SRC.

One exterior sign per property does not require a permit if it meets the following conditions:

i. The sign area shall not exceed 25 square feet.

ii. The sign height shall not exceed 10 feet.

~~3. Off-Premises Directional Signs.~~

~~a. The Board of Selectmen may allow, by special permit, one un-lighted off-premises directional sign or signs within the public right of way or at any intersection designating the route to an establishment not on the street or way to which the sign is oriented.~~

~~b. The Board of Appeals may allow, by special permit, an off-premises directional sign or signs on private property designating the route to an establishment provided that the sign will not endanger public safety and is of such size, location and design that it will not be detrimental to the character of the neighborhood.~~

~~c. No off-premises directional sign shall exceed two square feet in area.~~

~~d. At locations where directions to more than one establishment are to be provided, all such directional signs shall be incorporated into a single sign support structure that shall not exceed six feet in height.~~

~~4. Except as provided in Section 5.2.7. Political speech signs shall be allowed in all zoning districts but may not exceed the regulations for signs in said district.~~

5.2.7 Temporary Signs allowed in all zoning districts.

1. General requirements.

a. Temporary signs shall be allowed if the sign announces or provides directions to a sale or a special event having a limited and specific duration.

- b. Temporary signs shall not advertise a continuing or regularly recurring business operation, product or a routinely provided service.
- c. Temporary signs shall be removed promptly when the information they display is out of date or no longer relevant.
- d. Except for political signs in Section 5.2.7.2.c below, temporary signs may be installed or in place for a period not to exceed 30 days unless otherwise specified in this By-law.

[Amended 4-27-2011 ATM, Art. 47]

2. Temporary signs not requiring a sign permit:

- a. Interior temporary signs that do not exceed 30% of the transparent area of the window and/or door on which they are affixed or displayed.
- b. Exterior temporary signs, unless otherwise stipulated in this bylaw, shall not exceed 10 square feet in aggregate area per business entity. Permanently installed sign support structures erected solely for the display of 'temporary signs' are prohibited.
- c. Political signs pertaining to a candidate or ballot question appearing in an upcoming duly called election in the Town of Andover.
 - i. Such signs shall be permitted only on private property.
 - ii. Such signs shall have an area not to exceed six square feet.
 - iii. Such signs shall not be higher than three feet above ground level.
 - iv. Such signs shall be stationary and shall not be illuminated.
- d. Unless otherwise specified in this Bylaw, temporary signs pertaining to other noncommercial issues shall require no sign permit and shall be allowed in all zoning districts. Such signs shall be subject to the requirements set forth in § 5.2.7.2.c above.
- e. One temporary sign, related to property maintenance or improvement which does not require a building permit, shall be allowed on the premises associated with the maintenance or improvement, subject to the following conditions:
 - i. The sign shall not be lighted or illuminated.
 - ii. The sign shall have an area not to exceed six square feet.
 - iii. The sign shall be set back a minimum of 15 feet from the nearest vehicular public or private way and shall not obstruct the line of sight for vehicles entering or exiting the property or adjacent properties.
 - iv. The sign shall be removed within 30 days of the completion of the work on the premises.
- f. One temporary sign, related to the construction, maintenance or improvement of a

property requiring the issuance of a building permit, shall be allowed on the property associated with the building permit, subject to the following conditions:

- i. The sign shall not be lighted or illuminated.
- ii. A freestanding sign shall have an area not to exceed 15 square feet and a height not to exceed five feet.
- iii. A sign attached to the structure under construction shall have an area not to exceed 15 square feet and a height not to exceed 10 feet above the ground level.
- iv. A freestanding sign shall be set back a minimum of 15 feet from the nearest vehicular public or private way and shall not obstruct the line of sight for vehicles entering or exiting the property or adjacent properties.
- v. The sign shall be removed within 30 days of project's completion, or when an occupancy permit is issued, whichever is sooner.

g. A non-profit entity or institution may install a temporary sign announcing or providing directions to a specific event or occurrence, subject to the following conditions:

- i. The sign area shall not exceed 12 square feet.
- ii. The sign may be installed for a period not to exceed 30 days.

5.2.7 ~~3.~~ Temporary Signs requiring a Sign Permit:~~a.~~ Portable or Removable Sign:

In addition to the signs allowed in other sections of these bylaws ~~The Inspector of Buildings may issue a permit for the temporary placement of a portable or removable sign~~ ***in any zoning district, that announces or provides directions to a specific event or occurrence, subject to the following conditions: The permit may impose limiting conditions, including among other matters the number of signs allowed at each location.***

- i. The sign shall be securely anchored so as not to be dislodged or blow over.
 - ii. ~~The sign shall be neat and professional in appearance.~~ ***The sign must be placed along a street, road or parking lot on which the property has frontage and only one sign is allowed per tenant on each such street, road or parking lot.***
 - iii. The sign shall have an area not to exceed six square feet and a height not to exceed four feet.
 - iv. ~~The sign shall be removed at the close of each business day and at the expiration of the permit.~~
- iv.v. The sign shall not obstruct a public or private walkway.

~~b. Real Estate Signs: The Inspector of Buildings may issue a renewable one-year permit for the temporary placement of a sign advertising the sale, rental or lease of the premises or subdivision on which the sign is erected. No sign permit for an individual~~

~~sign shall be required if the erecting agent has obtained a blanket one-year permit for erecting such signs. All real estate signs shall meet the following requirements:~~

- ~~i. In the SRA, SRB, and SRC zoning districts, the sign area shall not exceed eight square feet.~~
- ~~ii. In all other zoning districts, the sign area shall not exceed 25 square feet.~~
- ~~iii. The sign shall not be lighted or illuminated.~~

5.2.8 Signs in Residential Districts (SRA, SRB, and SRC, APT).

1. Single Family Residential Districts (SRA), (SRB), and (SRC). In addition to the signs allowed in § 5.2.6 **and** § 5.2.7, the following signs are allowed:

- ~~a. One sign, either attached or freestanding, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon; does not require a sign permit and shall not exceed two square feet in area.~~
- ~~b. Any sign, either attached or freestanding, that exceeds two square feet in area may be allowed by special permit from the Board of Appeals. In no case, however, shall the sign area exceed six square feet or the sign height exceed four feet.~~

2. Apartment Districts (APT). In addition to the signs allowed in § 5.2.6 **and** § 5.2.7, the following signs are allowed:

- ~~a. One freestanding sign, identifying entry points to the housing complex on each street on which the complex has street frontage, provided that the frontage also provides vehicular or pedestrian access to the complex. The sign area shall not exceed 15 square feet and the sign height shall not exceed eight feet.~~

5.2.9 Signs in General Business (GB) Districts.

In addition to the signs allowed in § 5.2.6 **and** § 5.2.7, the following signs are allowed for commercial or business uses:

1. One attached sign shall be allowed, oriented to each street and parking lot on which the commercial or business use has a facade, providing that such facade has either a window or a direct entryway into the use's space.[Amended 4-28-2010 ATM, Art. 47]

- ~~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 15% of the portion of the facade associated with that use.~~
- ~~d. Flat attached signs oriented to the street shall not exceed 50 SF in area.~~

e. Flat attached signs oriented to a parking lot shall not exceed 25 SF in area unless they mark the primary entrance to a building or establishment, in which case the sign area shall not exceed 50 square feet.

f. Attached signs displayed on the body of awnings or canopies shall not exceed 20% of the area of the awning or canopy, and in no case shall they exceed 25 square feet.

[1] *Editor's Note: Former Section 5.2.9.1.g, which immediately followed, regarding lettering on the valance of an awning, was repealed 5-8-2013 ATM, Art. 47.*

2. In addition to the above, each building that is set back a minimum of five feet from the property line may install one freestanding sign, with a sign area not to exceed 12 square feet and a sign height not to exceed six feet above ground level.

3. In addition to the above, each commercial or business use may install one projecting sign on each facade providing that such facade has either a window or a direct entryway into the use's space, subject to the following conditions:

a. The sign area shall not exceed nine square feet, excluding sign support structure.

b. The bottom of a projecting sign shall be at least eight feet above the ground, and the top of the sign shall be no more than 25 feet from the ground.

c. No sign shall project more than five feet from the facade to which it is attached.

d. A larger sign may be allowed by special permit from the Board of Appeals; in no case, however, shall the sign area exceed 15 square feet.

4. A building occupied by multiple commercial or business uses may install a single directory sign, either attached to or projecting from the building, identifying those occupants. The total area of such a directory sign shall not exceed one square foot per occupant.

5. Unlighted graphics, lettering or symbols with transparent background mounted on the inside of windows or transparent entry doors shall require no sign permit if their area does not exceed 30% of the glass or transparent area. Telephone numbers, web addresses, prices, and similar text shall not exceed two inches in height.

5.2.10 Signs in Mixed Use (MU) Districts.

In addition to the signs allowed in § 5.2.6 *and* § 5.2.7, the following signs are allowed:

1. One attached sign shall be allowed, oriented to each street and parking lot on which the commercial or business use has a facade, providing that such facade has either a window or a direct entryway into the use's space.[Amended 4-28-2010 ATM, Art. 47]

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 10% of the portion of the facade associated with that use and in no case shall the sign area exceed 80 square feet.

d. Attached signs displayed on the body of awnings or canopies shall not exceed 20% of the area of the awning or canopy, and in no case shall they exceed 25 square feet.

[1]Editor's Note: Former 5.2.10.1.e, which immediately followed, regarding lettering on the valance of an awning, was repealed 5-8-2013 ATM, Art. 47.

2. In addition to the above, each building that is set back a minimum of five feet from the property line may install one freestanding sign, with a sign area not to exceed 25 square feet and a sign height not to exceed eight feet above ground level.

3. In addition to the above, each commercial or business use may install one projecting sign on each facade of the building, subject to the following conditions:

a. The facade shall have either a window or a direct entryway to the premises.

b. The sign area shall not exceed nine square feet, excluding any sign support structure.

c. No sign shall project more than five feet from the facade to which it is attached. The bottom of a projecting sign shall be at least eight feet above the ground, and the top of the sign shall be no more than 25 feet from the ground.[Amended 4-28-2010 ATM, Art. 49]

d. A larger sign may be allowed by special permit from the Board of Appeals; in no case, however, shall the sign area exceed 15 square feet.

4. A building occupied by multiple commercial or business uses may install a single directory sign, either attached to or projecting from the building, identifying those occupants. The total area of such a directory sign shall not exceed one square foot for each occupant listed thereon.

5. Unlighted graphics, lettering or symbols with transparent background mounted on the inside of windows or transparent entry doors shall require no sign permit if their area does not exceed 30% of the glass or transparent area. Telephone numbers, web addresses, prices, and similar text shall not exceed two inches in height.

5.2.11 Signs in Office Park Districts (OP) and Limited Service Districts (LS).

In addition to the signs allowed in § 5.2.6 **and** § 5.2.7, the following signs are allowed:

1. One freestanding sign shall be allowed for each street upon which a building or complex has frontage, subject to the following conditions:

a. The sign area shall not exceed 25 square feet and the sign height shall not exceed eight feet.

b. The Board of Appeals may grant, subject to the criteria of § 5.2.4.2, a special permit for a larger sign if required for legibility, up to 16 feet in height, if the property fronts on a high-speed, limited access highway.

2. In addition to the above, one 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 25 square feet. Attached signs displayed on the body of awnings or canopies shall not exceed 20% of the area of the awning or canopy, and in no case shall they exceed 25 square feet. [Amended 4-28-2010 ATM, Art. 48; 5-8-2013 ATM, Art. 47]

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 square feet. [Amended 4-28-2010 ATM, Art. 48]

4. The Board of Appeals may grant, subject to the criteria of § 5.2.4.2, a special permit for a second sign on a building facing a limited access, high-speed highway. ~~The content of a second sign shall be limited to the name of the principal tenant of the building.~~

5.2.12 Signs in Industrial G (IG) Districts.

In addition to the signs allowed in § 5.2.6 **and** § 5.2.7, the following signs are allowed:

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: [Amended 4-28-2010 ATM, Art. 48]

a. The sign area of a flat attached sign shall not exceed 20% of the area of the side of the building to which it is attached, or 80 square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed 20% of the area of the awning or canopy, and in no case shall they exceed 25 square feet. [Amended 5-8- 2013 ATM, Art. 47]

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.

2. In addition to the above, one freestanding sign, ~~identifying the name of the firm and/or the goods and services available or produced on the premises,~~ for each street on which the property fronts, subject to the following conditions:

a. The area of each sign shall not exceed 50 square feet.

b. No part of any such sign shall be more than eight feet above ground level.

c. No such sign shall be located closer than five feet to any property line or the line of any street or way.

3. The Board of Appeals may grant, subject to the criteria of § 5.2.4.2, a special permit for a larger or an internally-illuminated sign.

5.2.13 Signs in Industrial A (IA) Districts.

In addition to the signs allowed in § 5.2.6 **and** § 5.2.7, the following signs are allowed:

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: [Amended 4-28-2010 ATM, Art. 48]

a. The total area of all such signs on a building shall not exceed 20% of the area of the side of the building to which they are attached, or 200 square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed 20% of the area of the awning or canopy, and in no case shall they exceed 25 square feet. [Amended 5-8-2013 ATM, Art. 47]

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.

2. One freestanding sign, ~~identifying the name of the firm and/or the goods and services available or produced on the premises~~, for each street on which the property fronts, subject to the following conditions:

a. The area of each sign shall not exceed 100 square feet.

b. No part of any such sign shall be more than 25 feet above ground level.

c. No such sign shall be located closer than five feet to any property line or the line of any street or way.

3. Internally illuminated signs are allowed.

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

[Amended 4-28-2010 ATM, Arts. 48, 49; 5-8-2013 ATM, Arts. 47, 50]

In addition to the signs allowed in § 5.2.6 **and** § 5.2.7, the following signs are allowed:

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 10% of the area of the side of the building to which they are attached, or 200 square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed 20% of the area of the awning or canopy, and in no case shall they exceed 25 square feet.

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.

2. In addition to the above, one freestanding sign, ~~identifying the name of the firm and/or the goods and services available or produced on the premises~~, for each street on which the property fronts, subject to the following conditions:

a. The area of each sign shall not exceed 100 square feet.

b. No part of any such sign shall be more than 12 feet above ground level.

c. No such sign shall be located closer than five feet to any property line or the line of any street or way.

3. Internally illuminated signs are allowed.

5.2.15 Design Guidelines for Signs.

The following are further means by which the objectives for signs stated in Section 5.2.1 can be served. These guidelines are not mandatory, but the degree of compliance with them shall be considered by the Special Permit Granting Authority in acting upon special permits, and by the Design Review Board as authorized hereunder.

1. Efficient Communication.

~~a. Signs should not display brand names, symbols or slogans of nationally distributed products except in cases where the majority of the floor or lot area of the premises is devoted to manufacture, processing or sale of that specific product.~~

~~b. Premises chiefly identified by or associated with a specific product brand name (such as gasoline or automobiles) should devote some part of their permitted sign area to displaying the identity of the local outlet or proprietor.~~

~~c. Signs should not contain advertising slogans or other advertising material which is not an integral part of the name or other identification of the product or enterprise.~~

~~a.d.~~ Sign content normally should not occupy more than 40% of the sign background, whether a signboard or a building element.

~~b.e.~~ Non-verbal devices should be considered, in addition to text, as such graphic images can provide rapid and effective communication as well as character.

2. Environmental Relationship.

a. Sign brightness should not be excessive in relation to background lighting levels, e.g., averaging not in excess of one-hundred-foot-lamberts in the downtown or similarly bright areas and not in excess of twenty-foot-lamberts in unlighted outlying areas.

3. Relationship to Buildings.

a. Signs should be sized and located so as to not interrupt, obscure or hide the continuity of columns, cornices, eaves, sill lines or other architectural elements of the building and, wherever possible, should reflect and emphasize the building's architectural form.

b. Sign materials, colors and lettering should be representative of and appropriate to the character of the building to which the sign relates, just as sign size should be related to building size.

On the request of Andrew Rouse and others

ARTICLE 45	ZONING BYLAW AMENDMENT – SECTION 10 DEFINITIONS
-------------------	--

To see if the Town will vote to amend Article VIII, Section 10-1 of the Andover Zoning Bylaws titled “Definitions” by deleting the language within brackets from the bylaw as shown below:

Portable or Removable Sign: A [temporary] sign of any shape or configuration that is self supporting and not [permanently] fixed or mounted to the ground or to another structure.

On the request of Andrew Rouse and others

ARTICLE 46	MISCELLANEOUS BYLAW AMENDMENT – BANNERS IN THE GENERAL BUSINESS DISTRICT
-------------------	---

To see if the town will vote to amend Article XII Section 44 of the Andover Bylaws titled “Banners in the General Business District” by deleting all sections, paragraphs and text and by replacing the title of Section 44 with the new title “Reserved”.

On the request of Andrew Rouse and others

ARTICLE 47	ESTABLISHMENT OF WATER ADVISORY COMMISSION
-------------------	---

To see if the Town will vote to establish a Water Task Force comprised of a 5 residents appointed by the Select Board. The mission of the Water Task Force is to serve as a dedicated resource to both Town staff and the Select Board in their role as Water Commissioners. The Task Force will provide information and guidance related to the actual drinking water quality experienced by users and potential options for improvements thereto. Development and ongoing updating of recommendations for both long & short term water quality improvement plans to the Water Commission will be their primary responsibility. The Water Task Force will hold regular public meetings to accomplish its mission as well as to collect direct feedback from citizens, review successful best practices utilized statewide, and communicate progress on implemented water quality improvement measures.

On the request of Jenny Ezell and others

ARTICLE 48	DEDICATION AND NAMING OF FIRE STATION
-------------------	--

To see if the Town will vote to Authorize the Board of Selectmen and The Town Manager to officially Dedicate and Name the Ballardvale Fire Station in the Honor of William T Downs.

On the request of John Hines and others



TO: SELECT BOARD
ANDREW FLANAGAN, TOWN MANAGER

CC: THOMAS URBELIS, ESQUIRE
AUSTIN SIMKO, TOWN CLERK/CHIEF STRATEGY OFFICER
MICHAEL MORSE, TOWN TREASURER

FROM: PAUL MATERAZZO, DIRECTOR OF PLANNING

SUBJ: TOWN MEETING 2020

DATE: MARCH 11, 2020

On March 10, 2020, the Planning Board held public hearings to review several Town Meeting Articles related to zoning. Following detailed discussion, the Planning Board made the following recommendations:

- Article P38 Zoning Bylaw Amendment - Solar Bylaw – Voted 5-0 to recommend Town Meeting Approval.
- Article P39 Zoning Bylaw Amendment - Section 5.2 Sign Bylaw – Voted 5-0 to recommend Town Meeting Approval.
- Article P40 Zoning Bylaw Amendment - Section 10 Definitions - Voted 5-0 to recommend Town Meeting Approval.
- Article P41 Miscellaneous Bylaw Amendment - Banners in the General Business District - Voted 5-0 to recommend Town Meeting Approval.
- Article P42 Zoning Bylaw Amendment - Table of Use Regulations Temporary and Seasonal Placement of Tables and Chairs - Voted 5-0 to recommend Town Meeting Approval.

**Select Board Meeting
Minutes of February 10, 2020**

I. Call to Order

Chairwoman Laura Gregory called the meeting of the Select Board to order at 7:00 P.M. in the 3rd Floor Conference Room located at Town Offices. Present from the Select Board: Alex Vispoli, Dan Koh, Annie Gilbert, Chris Huntress, and Laura Gregory.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Town Counsel Tom Urbelis, Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence and a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

The Town's FY-21 Budget was officially released on Friday, February 6th and is available on-line with copies available at Memorial Hall Library. The Town Manager said the first budget meeting will be held on Saturday, March 7th at MHL followed by a Triboard Meeting on March 11th.

McKay Construction has been awarded the contract to build the new Ballardvale Fire Station starting in early March. The renovation of the Senior Center also begins within the next few weeks.

Chris Huntress said the Dept of Public Utilities is holding a hearing at the Collins Center to discuss the Columbia Gas crisis. State Senator Barry Finegold and State Representative Tram Nguyen will be attending.

Laura Gregory and Annie Gilbert attended the Capstone Program at AHS on Thursday and said the students' literature review presentations were very impressive.

IV. Citizens Petitions and Presentations - None

V. Public Hearings

A. Small Cell Wireless Installation 308 Lowell Street

Board to review a request by AT&T to install a new small cell facility in Andover to address coverage and capacity issues in the network. The proposed design includes mounting a small antenna measuring 25" tall with a 10" diameter on top of the existing utility pole along with an equipment cabinet, an electrical meter, circuit breaker and associated cables mounted on the side of an existing National Grid utility pole within the public right of way at 308 Lowell Street, Andover, MA, Utility Pole #591-84.

Atty. Michael Dolan of Brown Rudnick LLP was present on behalf of AT & T for the 5G Public Hearing and answered questions presented by the Select Board.

Chris Huntress has questions in regard to an email the Board received from a resident questioning the health impacts of 5G and the National Environmental Policy Act of 1969. *Attorney Dolan: The FCC has jurisdiction over the emissions levels of safety and they do and will comply with those. The application includes an emissions study shows a very, very, low level and well below the FCC allowed emissions.*

The Board can, at any time, amend their bylaw to address issues relating to technology. The Board discussed compliance obligations, testing, and protocols for the recertification process.

Peer Review: Atty Dolan stated AT & T has an obligation to comply with FCC Guidelines and if the Town would like to perform its own peer review they can. The Industry has to be compliant with the FCC but they do not have to conduct testing, although they do conduct some.

Dan Koh is comfortable going forward and it would be helpful to have some type of a testing schedule.

Annie Gilbert moved to approve AT&T's petition to install a new cell phone facility in Andover to address coverage and capacity issues in the network. The proposed design includes mounting a small antenna measuring 25" tall with a 10" diameter on top of the existing utility pole along with an equipment cabinet, an electrical meter, circuit breaker and associated cables mounted on the side of an existing National Grid utility pole within the public right of way at 308 Lowell Street, Andover, MA, Utility Pole #591-84. The motion was seconded by Alex Vispoli.

Discussion: Chris Huntress is not inclined to vote in favor of this petition because there should be some type of 3rd party review and the Select Board's Policy should be addressed especially on recertification. There should be an annual review of the testing provided when the companies come back for recertification. Dan Koh agrees, but we do have a vehicle to assure compliance. Tom Urbelis said the small cell companies have to provide an annual certification showing they are in compliance. Chris would appreciate receiving an exact testing schedule and what protocols they follow. Dan Koh proposed holding the approval until more information on testing and protocols for recertification.

Annie Gilbert withdrew her motion. The hearing is rescheduled to February 24.

A. 99 Restaurants of Boston, LLC, Liquor License Change in Officers / Directors and a Change of Ownership Interest

On a motion by Chris Huntress seconded by Alex Vispoli, the Select Board voted 5-0 to approve the request from the 99 Restaurants of Boston, LLC, d/b/a Nine-Nine Restaurant & Pub 464 Lowell Street, for a change in Officers / Directors and a Change of Ownership Interest relating to its Restaurant All Alcoholic Beverages License.

- B. The US Census 2020: The US Census is conducted once every decade and required by the Constitution. The Census information insures accurate state representation and appropriate funding from state and federal government for a multitude of programs. Every household will receive a survey that can be done on-line, phone, or by mail. More information is available on their website at www.2020Census.gov.

VI. **Regular Business of the Board**

Director of Public Health, Tom Carbone and Assistant Director, Joanne Belanger presented information on the Coronavirus and best practices for prevention, information on symptoms, and monitoring of people. Rita Casper, Director of Nursing for the Andover Schools Health sent out information across the District ensuring that the nursing staff has up-to-date information. Information is available on the Board of Health's website and they will continue to push information out via social media.

A. **Town Governance Study Committee Update**

John Stumpf, 11 Stafford Lane, provided an update from the Town Governance Study Committee on the committee's process and determinations around identifying the issues of study. There are eleven members on the Town Governance Study Committee.

At their first meeting in September, they identified issues, sequence for exploration, continued community input, and established a robust website. Their goal is to present their recommendations to the Select Board in April 2021. They have hosted three Community Listening Sessions selecting different dates and times to be accommodating to all residents. They selected 18 stakeholders, hosted Chair Forums and received comments from residents. The process for identifying issues was conducted on January 30th.

The Study Committee will continue to explore issues and take public input in the next phase (February - May) with the goal to make a recommendation for the form of government to the Select Board in January 2021 (or earlier) keeping the Board apprised during the process.

B. **Alcoholic Beverage Licenses on Town Owned Property**

The Town Manager explained the Alcoholic Beverage Licenses on Town-owned Property Policy being presented for the Board's approval that would allow for a one-day alcoholic beverage license to be issued for use on Town-owned property requiring a security plan that will be reviewed and approved by the Chief of Police, the Health Dept, Dept of Public Works, and Fire Dept. Public Safety is of prime concern.

All applications would be subject to the Select Board's approval. The application(s) would be submitted to the Board and forwarded to the appropriate departments who would sign off on the application form. The Board would retain the right to revoke the policy. The Board will revisit the request at their February 24, 2020 Meeting.

C. Run for the Troops Request

Bill Pennington of Run for the Troops is seeking to have the Board waive Section XI.2.L of the Town's Alcoholic Beverage License Policy to allow for liquor consumption on Town property at the Run for the Troops 5K event on Sunday, April 26, 2020 from 9:30 a.m. to 11:30 a.m. Mr. Pennington provided a hand-out showing the location of the proposed Beer Garden which would have an occupancy rate of 250 people at one time and a limit of 2 tickets per person. No action taken.

D. Census Insert in Water or Vehicle Excise Tax Bill

In order to reach all residents including renters, the Town Clerk is asking the Board to vote to insert information on the 2020 federal census into the upcoming water or vehicle excise tax bills. The Board prefers the Vehicle Excise Bill that will reach more residents including renters.

Chris Huntress moved the board approve the insertion of the 2020 National Census in with the Vehicle Excise Tax Bill. The motion was seconded by Annie Gilbert and voted 5-0 to approve.

E. Election Warrants

Board to consider approving warrants for the March 3, 2020 Presidential Primary and the March 24, 2020 Annual Town Election.

On a motion by Alex Vispoli seconded by Dan Koh, the Board voted 5-0 to approve and sign the March 3, 2020 Presidential Primary and March 24, 2020 Annual Town Election Warrants as printed.

VII. Approval of Minutes

A. Board to approve the meeting minutes of January 13, 2020 and January 27, 2020 with revisions.

On a motion by Annie Gilbert seconded by Dan Koh, the Board voted 5-0 to approve the Select Board Minutes of January 13, 2020 and January 27, 2020 w/revisions.

VIII. Executive Session

Chris Huntress moved for the Select Board go into Executive Session to approve and release Executive Session Meeting Minutes of October 7, 2019, October 28, 2019, November 18, 2019, December 2, 2019, December 16, 2019, January 13, 2020 and to vote to approve Executive Session Minutes of January 27, 2020 and not to return to open session. The motion was seconded by Alex Vispoli. Roll call: A. Gilbert-Y, A. Vispoli-Y, D. Koh-Y, C. Huntress-Y, L. Gregory-Y.

IX. Adjourn

The Board adjourned from Regular Session at 9:00 P.M.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo, Recording Secretary

Select Board Meeting
Minutes of Monday, February 24, 2020

I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 7:00 P.M. in the 3rd Floor Conference Room located at Town Offices. Present from the Select Board: Alex Vispoli, Dan Koh, Annie Gilbert, Chris Huntress, and Laura Gregory.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Town Counsel Tom Urbelis, Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting started with a Moment of Silence followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

The Town Manager announced that early voting for the Presidential Primary began today and will continue to the end of the week. Voting hours are from 8:30 A.M.-4:30 P.M. and takes place in the conference room located on the main floor of the Town Hall.

Mike Lindstrom said the next meeting of the Andover Community Choice Aggregation will be held on Thursday, March 12 at 7:00 P.M. at the Public Safety Center. It was noted that in 2019 the Green Aggregation Communities in Massachusetts saved ratepayers over \$8M. The Sustainability Report will be uploaded and available on the Town Website.

Chris Huntress said they broke ground today for the Ballardvale Fire Station with a more formal ceremony to be held in the weeks to come. Thank you to the Ballardvale Historic District for assisting with the design of the station.

The Historic Mill District Task Force is holding a community event at the Oak & Iron Brewery on Saturday, February 29th from 10:30 A.M. to 1:00 P.M. Annie Gilbert said this community event is an opportunity to have a conversation on what the area will look like in the future.

Dan Koh reported on the Coronavirus which is having an impact on local restaurants and devastating small businesses in the area. People should not be worried about frequenting local restaurants.

Alex Vispoli said the Economic Development Council will be working with Lisa Schwartz of the Planning Department on the Town's Master Plan.

Laura Gregory reminded everyone that the U.S. Census Bureau will begin counting residents in the middle of March. Participating in the U.S. Census is very important

because it assures accurate funding from the state and federal agencies, accurate representation and funding for our schools, clinics, and roads. Visit their website at www.2020 Census | United States Census Bureau to learn more and to complete a simple questionnaire. Your information is protected under Federal Law and not shared.

IV. Citizens Petitions and Presentations - None

V. Public Hearings

A. Small Cell Wireless Installation – 308 Lowell Street – 3rd Reading

Board to review a request by AT&T to install a new small cell facility in Andover to address coverage and capacity issues in the network. The proposed design includes mounting a small antenna measuring 25" tall with a 10" diameter on top of the existing utility pole along with an equipment cabinet, an electrical meter, circuit breaker and associated cables mounted on the side of an existing National Grid utility pole within the public right of way at 308 Lowell Street, Andover, MA, Utility Pole #591-84.

Laura Gregory addressed issues on the small cell by-law and technology in response to questions they have received. It is the Select Board's responsibility to ensure that the emissions do not exceed regulations.

Mike Dolan, Counsel for AT &T reported on the Board's previous request for protocols on guidelines and emissions, noting that failure to do so results in fines and could end-up in the loss of a license. Their equipment meets all FCC standards and the report demonstrates the proposed facility would operate at 5% less than the FCC allows. After installation, if changes were to occur to the antenna or pole, an alert would be sent out immediately to the facility.

Comments from the Board:

The Board's request is for the utility company to conduct an annual recertification that includes retesting, confirmation of compliance, and that the burden for retesting is not placed on the Andover taxpayer but the utility company. Atty. Dolan said they do not retest every year, but instead respond to signals received indicating a problem and, if need be, the antenna would be shut down immediately.

Don Hayes, Radiation Specialist, who wrote the report provided to the Board, presented information on small cell facilities and radiation exposure rates. Should a transmitter fall or malfunction, it would shut down as soon as it got reflection back into it. Emission levels would be less than 1% of the FCC's regulations for the public. The average maintenance tech visit of the small cell facilities is about once a month on average.

Laura Gregory asked if this small cell facility is a 4G or 5G application. Atty. Dolan replied that this technology is a 5G evolution, which is a bridge between 4G and 5G at least 20x the speed of 4G, that would become 5G in the future requiring changes for additional transmitters.

AT & T will not indemnify the Town of Andover because the facility is being installed in the MASS DOT Right-of Way, not Andover Right-of-Way. Each request would have one public hearing (initial) and thereafter, the recertification would come to the Board/Town Manager for an internal review administered however the Town sees appropriate.

Town Counsel recommended the Board not vote on this request tonight but to hold until a very specific motion based on information heard tonight can be drafted.

Laura Gregory said that this has been a long process but the safety of residents and precedents are important to recognize and to have standardized language going forward so that we are consistent in responding to future requests.

B. 99 Restaurants of Boston, LLC, Liquor License Change in Officers / Directors and a Change of Ownership Interest

Chris Huntress moved to approve the application of 99 Restaurants of Boston, LLC, d/b/a Ninety-Nine Restaurant & Pub, 464 Lowell Street, Andover, MA for a change of officers/directors and a change of ownership interest relating to its Restaurant All Alcoholic Beverage License, subject to the condition that all other requirements of the Town are met prior to issuance of the license. The motion was seconded by Alex Vispoli and voted 5-0 to approve.

VI. **Regular Business of the Board**

A. 11 Lewis Street "Town Yard" Request for Proposals (RFP) – 2nd Reading

Board to consider endorsing the Request for Proposals guiding the sale and redevelopment of the former Town Yard.

Austin Simko provided an update on what has occurred since the first reading of the RFP on January 13th. The RFP was endorsed by all stakeholders, environmental objectives strengthened and they continued engaging the community. The RFP includes only the 3.4 acres of the Town Yard plus abutting properties who wish to be part of it.

Once opened, RFP's become public documents which are ranked and interviews with developers made public. The Selection Committee will take recommendations to the Select Board and decisions made in a public meeting. After the decision to award is made (public), then the issuance of a special permit process would begin. The Select Board would go into Executive Session to discuss their negotiation strategy but not with the developer present.

Annie Gilbert moved for the Select Board to approve the request for proposals for the disposition of the Town Yard, i.e. Lewis Street. The motion was seconded by Alex Vispoli and voted 5-0 to approve.

B. Alcoholic Beverage Licenses on Town Owned Property – 2nd Reading

Board to review and consider voting to amend the Alcoholic Beverage Licenses on Town Owned Property Policy.

Town Counsel reported on the draft policy which has been revised for the Board's review (paragraph 4) which includes that the Select Board's vote applies to all town properties and final approval of which has to be approved by the department that has care and custody of the property (i.e. property under the care and custody of the School Committee would be contingent on the School Committee's approval).

Alex Vispoli moved that the Board vote to adopt as Section X1.2.N of the Select Board's Policies the Special One-Day Outdoor Alcohol License Policy and Application for Events on Town-Owned Property, and to amend the Select Board Policy X1.2.L in conformity with the new policy X1.2.N. subject to the procedural change. The motion was seconded by Annie Gilbert and voted 5-0 to approve.

C. Authorization to Lay Water Pipes and Conduits Per General Laws Chapter 40 Section 42

Board to vote pursuant to General Laws Chapter 40 Section 42 to authorize the laying of water pipes and conduits under all public ways in the Town. Tom Urbelis reported The DPW receives financing from the state who is requiring certification from Tom that the Town has the right to put pipes under project areas (downtown) on 7 properties. Tom will be certifying to the State that these are public ways and that because of that hopefully the board takes a vote tonight to authorize the laying of water pipes under public ways.

Alex Vispoli moved that the Board vote pursuant to General Laws Chapter 40 Section 42 to authorize the laying of water pipes and conduits under all public ways in the Town. The motion was seconded by Dan Koh and voted 5-0 to approve.

VII. Consent Agenda

A. Appointments by the Town Manager

On a motion by Chris Huntress and seconded by Dan Koh, the Board voted 5-0 that the following appointments by the Town Manager be approved as printed.

Department	Name	Position	Rate/Term	Date of Hire
Council on Aging Advisory Board	Joan Kleger	Member	Term Expires 6/30/2021	2/25/2020
Information Technology	Fernando Ricart (Christopher Primes)	Network and Platform Administrator	\$80,334.71/year	3/9/2020
Department of Public Works	Joseph Assenza (Jeffrey Crane)	Project Engineer	\$80,965.60/year	3/16/2020

Department of Public Works	Paul Gahinet (<i>Scott Kandrut</i>)	Civil Engineer	\$62,663.42/year	2/25/2020
Department of Facilities	Larry Johnson (<i>Edward Hammersley</i>)	Working Foreman – Building Division	\$70,403.71/year	2/25/2020
Community Services – Youth Services	Jackson Drake	Seasonal	\$12.00/hour	2/4/2020
Community Services – Youth Services	Liliana Bishop	Seasonal	\$12.00/hour	2/3/2020
Community Services – Recreation	Benjamin Roldan	Kid Care	\$12.00/hour	3/2/2020
Community Services – Recreation	Benjamin Entner	Kid Care	\$12.00/hour	3/2/2020

VIII. Executive Session

Annie Gilbert moved that the Board go into Executive Session to approve and not release Executive Session Meeting Minutes of October 7, 2019 (Executive Session 1), October 28, 2019, November 18, 2019, and January 27, 2020 and to vote to approve and release Executive Session Meeting Minutes of October 7, 2019 (Executive Session 2), December 2, 2019, December 16, 2019, January 13, 2020 and not to return to open session. The motion was seconded by Alex Vispoli. Roll Call: C. Huntress-Y, A. Gilbert-Y, D. Koh-Y, A. Vispoli-Y, and L. Gregory-Y.

IX. Adjourn

The Select Board adjourned from Open Session at 8:43 P.M.

Respectfully submitted,

Dee DeLorenzo
Dee DeLorenzo
Recording Secretary

Documents:

Select Board Meeting Minutes of March 9, 2020

I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 7:02 P.M. in the 3rd Floor Conference Room located at Town Offices. Present from the Select Board: Dan Koh, Annie Gilbert, Chris Huntress, and Laura Gregory.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Town Counsel Tom Urbelis, Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

1. Moment of Silence/Pledge of Allegiance

The meeting started with a Moment of Silence followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

The Town Manager announced that there will be a Ground-Breaking Ceremony for the new Ballardvale Fire Station at 8:30 A.M. on Friday, March 13th at 8:30 A.M.

Tom Carbone said the Town's Health Division has been working closely with the School Department and Town Departments are ensuring extra attention is being paid to our public areas. There is a new page on the Town website that houses information on the Coronavirus from the Dept. of Public Health, CDC, and the World Health Organization. We are taking measured responses, and, at this point, we do not have any cases in Andover.

Mike Lindstrom reported that the Sustainability Committee will hold a public information session at 7:00 P.M. on Thursday, March 10th at the Public Safety Center to discuss Community Aggregation.

Austin Simko said last week's primary election went well with 42% voter turnout. Our local elections will be held on Tuesday, March 24th

Chris Huntress welcomed Pazzo Pizza to Andover. Annie Gilbert announced the Savor Andover Dining Week will be held from March 22- 26 with special options offered. Additional information can be found at www.andoverma.gov/downtown.

Dan Koh said the Historic Mill District Community Information presentation held at Oak & Iron went well. Everyone was excited to learn what is being considered for the area. Dan thanked Austin Simko for the work he did in organizing the event and presenting the information.

Residents will soon be receiving a census questionnaire in the mail. Laura Gregory emphasized the importance of completing the information, either online, by phone, or the paper survey they will receive in the mail. The last resort will be census takers going house to house.

IV. Citizens Petitions and Presentations

None

V. Public Hearings

1. Small Cell Wireless Installation – 308 Lowell Street – 4th Reading

Board to review a request by AT&T to install a new small cell facility in Andover to address coverage and capacity issues in the network. The proposed design includes mounting a small antenna measuring 25" tall with a 10" diameter on top of the existing utility pole along with an equipment cabinet, an electrical meter, circuit breaker and associated cables mounted on the side of an existing National Grid utility pole within the public right of way at 308 Lowell Street, Andover, MA, Utility Pole #591-84.

Chris Huntress moved that the Board approve, with a condition, a request by Cingular Wireless, PSC, LLC, (d/b/a "AT&T") to install a new small cell facility in Andover to address coverage and capacity issues in the network. The proposed design includes mounting a small antenna measuring 25" tall with a 10" breaker and associated cables mounted on top of the existing utility pole along with an equipment cabinet, an electrical meter, circuit breaker and associated cables mounted on the side of an existing National Grid utility pole within the public right of way at 308 Lowell Street, Andover, MA, Utility Pole #591-84, as depicted on the submitted plans.

This approval is on the condition that in AT&T's annual recertification affidavit to the Town by July 1st of each year as required by the Select Board's Policy, there shall be a certification, under the pains and penalties of perjury, that the small cell wireless installation in place pursuant to this approval, remains in full compliance with all applicable Federal Communications Commission regulations, including but not limited to, radio frequency emission levels. The motion was seconded by the Chair is authorized to sign the Approval issued pursuant to this vote. Annie Gilbert seconded the motion voted 4-0 to approve.

VI. Regular Business of the Board

A. MSBA 2020 Statement of Interest Recommendation

The Select Board to discuss and consider to voting to authorize the Superintendent to submit to the Massachusetts School Building Authority 2020 Statement of Interest (SOI) Form for Andover High School.

Atty. Mark Johnson, Chair of the AHS Facilities Study, informed the Board that the most recent SOI for the renovations to AHS was not accepted by MSBA based on their calculations of the instructional utilization rate, which they calculated as much lower than our calculation because they included space that is not used for instructional space as part of their square footage calculation. They also stated that Andover is in the moderate/minor range for need with many other districts whose needs are greater.

Atty. Johnson provided the following three options for the Board's consideration.

Option 1: Submit SOI in April and focus on calculation of utilization rate.

Option 2: Not to submit an SOI but move forward for town project.

Option 3: Submit an SOI and simultaneously move forward with a Town Project.

The AHS Facility Study Group is recommending Option 3: Submitting an SOI in April to MSBA and to move forward with a Town Project in 2021 which the School Committee unanimously voted for.

In the past, they were led to believe that MSBA's funding of West Elementary school would not affect submission of an SOI for another school. MSBA has since changed this policy. An SOI cannot be submitted until the school that is under construction comes to completion.

Joel Blumstein, Chair of the School Committee, said the key takeaway is that our odds of being accepted by MSBA at this time are fairly low; there is little to lose by submitting the SOI. The next 10 months will be important in preparing for a Town funded project in 2021 at a Special Town Meeting.

Having convened in an open meeting on **March 9, 2020**, prior to the SOI submission closing date, the Select Board of Andover, Massachusetts, in accordance with its charter, by-laws, and ordinances, on a motion by Annie Gilbert and seconded by Dan Koh, voted 4-0 to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated **April 8, 2020** for the Andover High School located at 80 Shawsheen Road which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future, herein, described as: Priority 2: Existing conditions that constitute severe overcrowding; Priority 4: Conditions expected to result in increased enrollment; Priority 5: Issues surrounding school facility systems that require repair or replacement; Priority 7: Programs not currently available due to facility constraints.

B. Valet Parking License Agreement

Board to review and consider voting to approve a Valet Parking License Agreement.

Previous vote for Valet Parking License Agreement was contingent upon legal review and insurance compliance. A revised proposed license agreement was drafted with additional provisions included as explained by Town Counsel.

Dan Koh moved that the Board vote to approve the form of License Agreement an Application for Valet Parking as presented to the Board tonight. The motion was seconded by Chris Huntress and voted 4-0 to approve.

C. Annual Town Meeting Articles

An overview of the Pension Obligation Bonds was presented to the Board and Finance Committee by Peter Frazier, Managing Director of Hilltop Securities, as an opportunity to help with our unfunded pension liability. This would be an annual debt service payment. The first step in the process is seeking Home Rule Legislation that will allow us to do this and require a Town future Town Meeting action.

The presentation covered: Pension Obligation Bonds Defined, Potential Benefits, Risks, Credit Rating Agency Perspectives, City of Brockton Case Study, and the Authorization and Issuance Process. The presentation was followed by remarks from the Select Board and Finance Committee about becoming more creative on approaching our unfunded liabilities, and if this was an option for the Town of Andover. This will require a warrant article for Town Meeting for a home rule petition approved by the legislature to explore this option. We would have to go back to Town Meeting for authorization to borrow. Warrant Article submitted by the Finance Committee.

Town Meeting Warrant Articles

P46	Pension Obligation Bond Hold
P8 RA	Capital Projects from Special Dedicated Funds annual article appropriating cable funds. Annie Gilbert recommended approval of P8 Capital Projects Dedicated Funds as printed in the warrant. Dan Koh seconded the motion and the Board voted 4-0 to recommend approval.
P9 RA	Capital Projects from Water and Sewer Enterprise Funds Chris Huntress moved to recommend approval of Article-P9 as printed in the warrant. The motion was seconded by Annie Gilbert and voted 4-0 to recommend approval.
P10 No Action	Budget Transfers On a motion by Annie Gilbert and seconded by Dan Koh, the Select Board voted 4-0 to take no action on Article P10.
P11 Hold	Supplemental Budget Appropriations: Snow/Ice and Solid Waste
P12 No Action	Stabilization Fund On a motion by Dan Koh and seconded by Chris Huntress, the Select Board voted 4-0 to take no action on Article P12.
P13 No Action	Free Cash On a motion by Chris Huntress and seconded by Dan Koh, the Select Board voted 4-0 to take no action on Article P13.
P14 No Action	Unexpended Appropriations from Free Cash On a motion by Annie Gilbert and seconded by Dan Koh, the Select Board voted 4-0 to take no action on Article 14.
P16	General Housekeeping Articles

	Chris Huntress moved to recommend approval of Article P16 as printed. The motion was seconded by Dan Koh and voted 4-0 to recommend approval.
P17 RA	Granting Easements Dan Koh moved to recommend approval of Article P17 as printed. The motion was seconded by Annie Gilbert and voted 4-0 to recommend approval.
P18 RA	Unpaid Bills Annie Gilbert moved to recommend approval of Article P18 as printed. The motion was seconded by Chris Huntress and voted 4-0 to recommend approval.
P19 RA	Chapter 90 Authorization Chris Huntress moved to recommend approval of Article P19 as written. The motion was seconded by Dan Koh and voted 4-0 to recommend approval.
P20 RA	Jerry Silverman Fireworks Dan Koh moved to recommend approval of Article P20. Annie Gilbert seconded the motion and the Board voted 4-0 to recommend approval as written.
P21 RA	Fiscal Year 2021 Revolving Accounts Annie Gilbert moved to recommend Approval of Article P21. Chris Huntress seconded the motion and the Board voted 4-0 to recommend approval.
P24 RA	PEG Access and Cable Related Fund Expenses Chris Huntress moved to recommend approval of Article 24 as printed in warrant. Dan Koh seconded the motion and the Board voted 4-0 to recommend approval.
P25 RA	Overlay Surplus Transfer Annie Gilbert moved that the Board recommend approval of Article P25. Chris Huntress seconded the motion and the Board voted 4-0 to recommend approval.
P26 RA	Appropriation from Elderly Services Program Stabilization Fund Dan Koh moved to recommend approval of Article P26 as printed. Chris Huntress seconded the motion and the Board voted 4-0 to recommend approval.
P27 RA	Elderly/Disabled Transportation Program Chris Huntress moved to recommend approval of Article P27 as printed. Dan Koh seconded the motion and the Board voted 4-0 to recommend approval.

P28 RA	Support for Andover Day Annie Gilbert moved to recommend approval of Article P28 Support for Andover Day Chris Huntress seconded the motion and the Board voted 4-0 to recommend approval.
P29 RA	Spring Grove Cemetery Maintenance Chris Huntress moved to recommend approval of Article P2 as printed. The motion was seconded by Dan Koh and voted 4-0 to recommend approval.
P30 RA	Stabilization Fund Bond Premium Dan Koh moved to recommend approval of Article P30 as printed. The motion was seconded by Annie Gilbert and voted 4-0 to recommend approval.
P31 RA	Water Treatment Plant Maintenance Chris Huntress moved to recommend approval of Article P31. The motion was seconded by Dan Koh and voted 4-0 to recommend approval.
P34 RA	Sale of Town Yard Property and Portion of Lewis Street Annie Gilbert moved to recommend approval of Article K34. The motion was seconded by Chris Huntress and voted 4-0 to recommend approval.
P36 RA	Taking by Eminent Domain Town Yard Property and Discontinued Portion of Lewis Street Chris Huntress moved to recommend approval of Article P36 as written. The motion as seconded by Dan Koh and voted 4-0 to recommend approval.
P37 RA	Lease of Land at the Water Treatment Plant to Federal Aviation Administration Chris Huntress moved to recommend approval of Article P-37 as written. The motion was seconded by Annie Gilbert and voted 4-0 to recommend approval.

VII. Consent Agenda

A. Appointments by the Town Manager

Dan Koh moved for the Board to approve the following appointments by the Town Manager as printed. The motion was seconded by Annie Gilbert and voted 4-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Information Technology	Wallace McKenzie (Michael Kirk)	Solutions Architect	\$117,655.00/year	3/24/2020

Information Technology	Daniel DeCesare (Jay Wassouf)	Solutions Manager	\$93,689.00/year	3/16/2020
Facilities	Daniel Chadwick (Larry Johnson)	Carpenter	\$62,523.00/year	3/23/2020
Facilities	Kevin Casimir (James O'Donnell)	Security Guard	\$21.01/hour	3/14/2020
Facilities	Michael LaPlante (Timothy McLaughlin)	Security Guard	\$21.02/hour	3/14/2020
Community Services – Recreation	Andrew Preston	Kid Care	\$12.00/hour	2/25/2020
Community Services – Recreation	Tia Pittounicos	Kid Care	\$16.00/hour	3/10/2020
Community Services – Recreation	Katelyn Bohan	Seasonal	\$12.75/hour	2/25/2020
Community Services – Recreation	Emily Generazzo	Seasonal	\$12.75/hour	2/25/2020
Community Services – Recreation	Ryan Harris	Seasonal	\$12.75/hour	2/25/2020
Community Services – Recreation	Devin Kim	Seasonal	\$12.75/hour	2/25/2020
Community Services – Recreation	Maxwell Murray	Seasonal	\$12.75/hour	2/25/2020
Community Services – Recreation	Christos Douroudis	Seasonal	\$20.00/hour	3/10/2020
Community Services – Youth Services	Abbie Ledoux	Seasonal	\$12.00/hour	3/4/2020

The Board agreed to schedule a meeting for Saturday March 14th at 9:00 A.M. in Town Offices.

VIII. Adjourn

At 9:14 P.M. on a motion by Dan Koh and seconded by Annie Gilbert, the Select Board voted 4-0 to adjourn from the Regular Meeting of March 9, 2020.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo

Recording Secretary

SELECT BOARD
Minutes of
Monday, March 16, 2020

I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 5:15 P.M. in the 3rd Floor Conference Room located at Town Offices. Present from the Select Board: Alex Vispoli, Annie Gilbert, and Laura Gregory. Dan Koh and Chris Huntress teleconferenced into the meeting.

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Asst. Town Manager Patrick Lawler, Town Counsel Tom Urbelis, Town Clerk Austin Simko. The meeting was duly posted and cablecast live.

II. Update from Town Manager

As a result of the Covid-19 health risk, the Town Manager said Town Offices were closed today but they will be working out of the first floor going forward on a limited basis. Memorial Hall Library closed effective Saturday, March 14th as did the Senior Center; although they will continue to offer Meals on Wheels and needed Social Work as required. The Veterans' Office will continue to their work by appointment only.

Restaurants are closing with only take-out allowed. All restaurants have been advised and the majority will be offering take-out and providing curbside pickup. The Town Election scheduled for Tuesday, March 24th may be postponed depending on the Select Board's discussion today.

Laura Gregory recused herself from the meeting and turned the meeting over to Vice-Chair Annie Gilbert.

III. Annual Town Election

Austin Simko provided 2 options to consider the for the Annual Town Election; to either proceed or postpone.

Option 1: Proceed as scheduled taking a number of pre-cautionary steps to protect the safety of election officers and voters. i.e. Off-peak voting, providing hand-sanitizer, gloves, use of disposable pencils, frequent cleaning of voting booths and spacing booths further apart, etc.

Option 2: To postpone the election based on the Governor's decision prohibiting not more than 25-people at any gathering. There is concern for election officers, who are often retirees, and who may not feel comfortable working on Election Day. Precinct wardens and clerks have specific duties making it harder for town employees to step in for them. Postponing would allow absentee ballots to continue unabated on a rolling basis. Another consideration of postponing the election is that our seasoned officials would continue serving in their posts.

To Alex Vispoli's question of, if delayed do we need to set a new date tonight or can we push it out as far as June 30th. Austin replied that we are asking for authorization to approve all four options by the Governor and the Courts. Absentee ballots would continue to be available. The Board discussed the effect on Town Meeting. The Board would be requesting the following:

- Asking the Governor for a written order clarifying that the Town is authorized to postpone the election per his authorization for gatherings of no more than 25 people.
- Asking the Governor and Legislature to take action to bring in effective legislation proposed by the Governor to give municipalities the authorization to postpone.
- Authorize the municipality to postpone.
- The Governor's Bill, done under the auspice of Home Rule, the Select Board requests the Governor file on our behalf before the legislature to authorize us to postpone our election.

Alex Vispoli moved that, whereas the rapidly-evolving public health challenges associated with Covid-19 pose a risk to the most vulnerable populations inherent in public gatherings;

whereas various public and private entities, including professional sports leagues, universities, school districts, cultural institutions and events, and more, have been cancelled, closed, or temporarily suspended;

whereas the World Health Organization has identified the current crisis as a pandemic;

whereas the Governor has declared a State of Emergency in the Commonwealth;

and whereas the Governor ordered on March 15th, 2020 that gatherings of over 25 persons are prohibited, the Town is taking action consistent with recommendations from federal and state agencies to limit the spread of this disease amongst the residents of Andover.

For all of these reasons, the Select Board votes to request the following regarding the Town's March 24th Annual Town Election:

1. That the Governor issue a written order clarifying that the Town is required and authorized to postpone the Annual Town Election to maintain compliance with the Governor's March 15, 2020 prohibition on gatherings of more than 25 persons, and/or
2. That the Governor and Legislature immediately ratify as law legislation, including the legislation proposed by the Secretary of the Commonwealth, allowing municipalities to postpone Annual Town Elections, and that, in the event such legislation is enacted into law, the Select Board authorizes the Town Manager to reschedule the Annual Town Election to a date to be determined in his sole discretion, and/or
3. That the Town Manager direct a filing in Massachusetts courts requesting a judicial order authorizing the postponement of the Annual Town Election, and/or

4. That the Governor file emergency legislation on behalf of the Town, a so-called "Governor's Bill", seeking authorization to delay and reschedule the Annual Town Election to a date to be determined by the Select Board in consultation with the Town Clerk, Board of Health, and other public safety personnel, Provided, with regard to parts 1-4 above, that all nominations, ballot preparation, absentee voting and the like be ratified, validated and confirmed as though it was undertaken consistent with the date of the postponed election; and, further, if any legislation is not passed prior to the date of the scheduled Annual Town Election, to ratify, validate and confirm the Board's vote to continue the 2020 Annual Town Election.

The motion was seconded Chris Huntress.

Roll call: A. Vispoli-Y, D. Koh-Y, C. Huntress-Y, A. Gilbert-Y. Motion passes 4-0.

The Town Clerk will send out a press release to the community on the decision of the Board to postpone the election and provide information on the options.

VII. Adjourn

At 5:44 P.M. on a motion by Alex Vispoli and seconded by Dan Koh, the Select Board moved to adjourn the meeting of Monday, March 16, 2020.

Roll call: A. Gilbert-Y, C. Huntress-Y, D. Koh-Y, A. Vispoli-Y. Motion passes 4-0.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo
Recording Secretary