



Select Board Meeting

Monday, March 18, 2024 7:00 PM

School Committee Room, School Administration Building
30 Whittier Court, Andover, MA 01810

RECEIVED
TOWN OF ANDOVER
MARCH 18 PM 5:31

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. Citizens Petitions and Presentations

V. Regular Business

A. Affordable Unit Right of First Refusal – 170 Haverhill Street, Unit 117

Board to vote to not exercise its right of first refusal to purchase the affordable housing unit at 170 Haverhill Street, Unit 117.

B. Annual Town Meeting Warrant

Board to consider voting to sign the 2024 Annual Town Meeting Warrant.

C. Annual Town Meeting Articles

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

P6	Financial Housekeeping Articles (A-H)
P7	Ballot Question for Town Government
P10	Unpaid Bills
P23	Zoning Bylaw Amendment Nonconforming Uses and Structures
P24	Zoning Bylaw Amendment Off-Street Parking Requirements
P25	Street Acceptance Monarch Lane
P30	Old Town Yard Confirmatory Actions
P31	Taking by Eminent Domain of Hacienda Way
P32	Town Charter Insertion of Residency Requirement for Town Manager
P33	Granting of a Non-Exclusive Access/Egress Easement
P34	Ballot Question: Type of Local Government
P35	General Bylaw Amendment

D. Notice of Bond Authorization from Greater Lawrence Technical School
Board to discuss bond authorization for debt to be incurred by Greater Lawrence Technical School in connection with a land acquisition by Greater Lawrence Technical School

E. Special Town Meeting Warrant
Board to consider calling a Special Town Meeting for Tuesday, April 30th at 7:00p.m., opening the warrant, inserting articles, closing the warrant and signing the warrant.

F. Special Town Meeting Articles
Board to consider voting to take a position on the following articles:

1	Zoning Bylaw Amendment / Multifamily Overlay District
2	Zoning Bylaw and Map Amendment / Establish Multifamily Overlay District
3	Greater Lawrence Technical School Land Acquisition
4	Notice of Bond Authorization from Greater Lawrence Technical School

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	Gabrielle Brickley	Kid Care Director	\$88,757.53/yr	04/08/2024
Department of Public Works	Paul Gahinet (Milagros Puello)	Assistant Town Engineer	\$91,900.40/yr	03/19/2024
Finance – Assessor’s Office	Aislyn Zybert (Anne Berthold)	Office Assistant III	\$55,959.78/yr	04/01/2024
Andover Police Department	Kathryn Kozikowski	Inspector of Animals	Term Expires 04/30/2025	05/01/2024
Council on Aging	Ralph Bledsoe	Member	Term Expires 06/30/2026	03/19/2024

VII. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. December 6, 2023 Tri-Board
2. January 17, 2024 Select Board
3. January 22, 2024 Select Board

VIII. Adjourn

If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Amy Heidebrecht in the Town Manager's Office at 978-623-8213 or by email at amy.heidebrecht@andoverma.us

MEETINGS ARE TELEVISED ON
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45



TOWN OF ANDOVER

Town Offices
Planning Division
36 Bartlet Street
Andover, MA 01810
(978) 623-8650

March 4, 2024

Re: Coachman's Ridge, 170 Haverhill Street, Unit 117, Affordable Unit Right of First Refusal

Dear Select Board,

When an affordable unit becomes available for resale, in some circumstances, the Town of Andover has the Right of First Refusal. An affordable unit at Coachman's Ridge, will become available this month, at a calculated price (based on 80% area median income) and listed for sale for \$227,298 based on the deed rider formula.

It is Unit 117, a one-bedroom and one bathroom unit.

It is recommended that we try to find an eligible buyer for the unit instead of exercising the Town's Right of First Refusal. There are two reasons for this, one there are not sufficient funds in the Housing Trust Fund account and two, the Town has been successful working with Andover Community Trust (ACT) and the Citizen's Housing and Planning Association (CHAPA) to find an eligible buyer in all cases.

If the Select Board votes to not exercise its Right of First Refusal, Andover Community Trust will begin marketing the unit to households that meet the following criteria:

- *Households with income less than 80% AMI
1 person - \$66,300 2 people - \$75,750*
- *Maximum Household Liquid Asset Limit \$75,000 (includes equity from home sale and other assets)*
- *The buyer is a first-time buyer.*

If you have any questions, feel free to reach out anytime.

Sincerely,

Lisa Schwarz, AICP
Assistant Planning Director

**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 for the Performing Arts, Andover High School, 100 Shawsheen Road, in said Andover, on

MONDAY, THE TWENTY-NINTH DAY OF APRIL, 2024

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

ARTICLE 1	ANNUAL TOWN ELECTION
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Annual Town Election: Moderator for one year, two Select Board members for three years, two School Committee members for three years, two Punchard Free School Trustees for three years, one member of the Andover Housing Authority for five years, and one Greater Lawrence Regional Vocational Technical School District Commission member for three years, or take any other action related thereto.

On request of the Town Clerk

ARTICLE 2	ELECTION NOT REQUIRED BY BALLOT
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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
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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 2025 BUDGET
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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, 2024 and ending June 30, 2025, or take any other action related thereto.

On request of the Town Manager

ARTICLE 5	FISCAL YEAR 2025 CAPITAL PROJECTS FUND
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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 2025 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

ARTICLE 6	FINANCIAL HOUSEKEEPING ARTICLES (A THROUGH I)
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A. Budget Transfers To see if the Town will vote to transfer from amounts previously appropriated at the May 2023 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

B. 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 May 2023 Annual Town Meeting, or take any other action related thereto.

On request of the Town Manager

C. 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

D. Free Cash To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2025 tax rate and to affect appropriations voted at the May 2023 Annual Town Meeting, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

E. 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 Chief Administrative & Financial Officer

F. 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 Chief Administrative & Financial Officer

G. Fiscal Year 2025 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, 2024, or take any other action related thereto:

Revolving Fund	FY2025 Limit
Community Development & Planning Department	\$35,000
Memorial Hall Library-Lost/Damaged Materials	\$20,000
Health Clinic	\$60,000
Division of Recreation	\$1,750,000
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
Professional Development Institute	\$50,000
Student Technology Rental	\$200,000

On request of the Chief Administrative & Financial Officer

H. PEG Access and Cable Related Expenses To see if the 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 2025, which begins on July 1, 2024, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

I. Pension Obligation Bond Stabilization Fund Transfer To see if the Town will vote to appropriate and raise from taxation or transfer from available funds a sum of money to the Pension Stabilization Fund in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any action related thereto.

On request of the Chief Administrative & Financial Officer

ARTICLE 7	BYLAW AMENDMENT REVOLVING FUND REVENUES AND EXPENDITURES
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To see if the Town will vote to amend General Bylaw Article XII Section 48 (“Departmental revolving funds”), subsection 5(G) by amending the table to expand the permitted revenue sources and expenses from the Division of Recreation, Division of Youth Services, Division of Elder Services, and Compost Program revolving funds as follows (deleted language in “strikethrough” additional language underscored):

Revolving Fund	Revenues (Column C)	Expenses (Column D)
Division of Recreation	Participant fees, <u>rentals and concessions</u>	Trips, ticket sales and special programs and activities <u>Programs, activities, events, supplies, staffing and related expenses, facility maintenance and capital improvements</u>
Division of Youth Services	Participant fees, <u>rentals and concessions</u>	All p Programs and activities expenses, part-time help events, <u>supplies, staffing and related expenses, facility maintenance and capital improvements</u>
Division of Elder Services	Participant fees, <u>rentals and concessions</u>	Senior p Programs, classes and activities, <u>events, supplies, staffing and related expenses, facility maintenance and capital improvements</u>
Compost Program		Current: Offset c Compost monitoring and cleanup expenses, <u>and staffing</u>

On request of the Chief Administrative & Financial Officer

ARTICLE 8	BYLAW AMENDMENT OTHER PUBLIC SPACES REVOLVING FUND
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To see if the Town will vote to amend General Bylaws Article XII Section 48 (“Departmental revolving funds”) subsection (5)(G) to authorize and establish a new Revolving Fund entitled “Other Public Space Rentals” authorizing the Director of Facilities and Director of Planning to spend funds from rental and space use fees in public buildings; and further to authorize expenditures from the fund to pay the cost of custodial services, facility maintenance, programming and capital improvements; and further to authorize the amount of \$50,000 to be expended in fiscal year 2025 and subsequent years; or take any action related thereto.

On request of the Chief Administrative & Financial Officer

ARTICLE 9	INDEMNIFICATION OF PUBLIC SAFETY MEDICAL COSTS
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To see if the Town will appropriate a sum of money in accordance with the provisions of Chapter 41, Sections 100 and 100B of the General Laws, to indemnify certain active and retired Police Officers and Firefighters for all reasonable medical and surgical expenses for those conditions or injuries which they incurred in the course of their service, determine how the money will be raised and expended; or take any action related thereto.

On request of the Chief Administrative & Financial Officer

ARTICLE 10	ADOPTING A NEW TOWN SEAL
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To see if the Town will vote to establish and adopt a new Town Seal in accordance with G.L. c. 40 § 47, as recommended by the Andover Town Seal Review Committee; or take any other action relating thereto.

On request of the Town Seal Review Committee

ARTICLE 11	BALLOT QUESTION FOR TOWN GOVERNMENT
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To see if the Town will vote to direct that the Select Board place a non-binding advisory question on the 2025 Annual Town Election ballot in conformance with G.L. c. 53 sec. 18A as follows:

Should the Town of Andover continue to use Open Town Meeting as its form of local government?

Yes

No

; or take any action related thereto.

On request of the Select Board

ARTICLE 12	BALLOT QUESTION: TYPE OF LOCAL GOVERNMENT
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To see if the Town will vote to add one or more of the following non-binding questions to the ballot of the 2025 Town Election:

- A. Should the Town of Andover continue to use Open Town Meeting with a Select Board and an appointed town manager as its form of local government? ___ Yes ___ No*

- B. Should the Town of Andover consider changing to a Representative Town Meeting with a Select Board and an appointed town manager as its form of local government? ___ Yes
___ No*

- C. Should the Town of Andover consider changing to a city council with an appointed city manager as its form of local government? ___ Yes ___ No*

D. *Should the Town of Andover consider changing to a city council with an elected mayor as its form of local government?* ___ Yes ___ No

or take any action related thereto.

On petition of Kathleen Grant and others

ARTICLE 13	MINOR FINANCIAL ARTICLES (A THROUGH E)
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A. **Overlay Surplus Transfer** To see if the Town will vote to transfer \$75,000 from Overlay Surplus to fund expenses related to the FY2025 valuation of real and personal property and to fund the FY2025 property tax recertification, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

B. **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

C. **Support for Andover Day and Other Civic Events** To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$25,000 for the purpose of paying costs associated with Andover Day and other civic events, or take any other action related thereto.

On request of the Town Manager

D. **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

E. **Elections and Town Meeting Expenses** To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$75,000 for the purpose of paying costs related to elections, Annual Town Meetings, and Special Town Meetings, or take any other action related thereto.

On request of the Town Clerk

ARTICLE 14	GENERAL HOUSEKEEPING ARTICLES (A THROUGH G)
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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 2025 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 Chief Administrative & Financial Officer

ARTICLE 15	UNPAID BILLS
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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
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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	GRANTING EASEMENTS
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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 18	STABILIZATION FUND BOND PREMIUM
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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 Chief Administrative & Financial Officer

ARTICLE 19	WATER TREATMENT PLANT MAINTENANCE
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To see if the Town will vote to appropriate the sum of \$150,000 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 20	SEWER COLLECTION SYSTEM MAINTENANCE
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To see if the Town will vote to appropriate the sum of \$300,000 in the Sewer Enterprise Fund for the purpose of paying various maintenance costs related to the 12 sewer stations located in Andover that collect and pump wastewater to Greater Lawrence Sanitary District, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE 21	JERRY SILVERMAN FIREWORKS
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To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$15,000 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 22	INDEMNIFICATION OF MEMBERS OF THE ANDOVER CONTRIBUTORY RETIREMENT BOARD
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To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32, Section 20A, which will indemnify the Board members of the Andover Contributory Retirement System against civil actions brought against the Board or members of the Board or take any other action related thereto.

On request of the Andover Contributory Retirement Board

ARTICLE 23	HOME RULE LEGISLATION APPOINTMENT OF TOWN EMPLOYEES AND OFFICIALS
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To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to change the appointment of certain Town employees and officials, in substantial conformance with the following:

“AN ACT REGARDING THE APPOINTMENT OF OFFICIALS AND EMPLOYEES OF THE TOWN OF ANDOVER”

Section 1. Chapter 571 of the Acts of 1956 (The Andover Town Charter) as subsequently amended, is hereby amended as follows:

First, by deleting the entirety of Section 3(d) and replacing it with the following:

“The town manager shall appoint, subject to the approval of the select board, upon merit and fitness alone, and may, subject to the provisions of chapter 31 of the General Laws where applicable, remove for cause the positions of Deputy Town Manager, Police Chief, Fire Chief, Finance Director/Chief Financial Officer, Town Clerk and Town Counsel, a board of public health, a planning board, a board of assessors, a board of library trustees, and all other officers, boards,

committees of the town, with the exception of the elected officials specified in section two, and employees of such elected officials.”

Section 2. This Act shall take effect upon its passage.

; or take any other action related thereto.

On request of the Select Board

ARTICLE 24	CAPITAL PROJECTS FROM GENERAL FUND BORROWING
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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 \$4,980,000 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
IT-3	IT Infrastructure	\$350,000	C 44 Sec 7(1)
FR-2	Radio Box Repeater System	\$130,000	C 44 Sec 7(1)
FR-4	Thermal Imaging Camera Replacement	\$45,000	C 44 Sec 7(1)
DPW-7b	Public Works Vehicles – Large	\$560,000	C 44 Sec 7(1)
DPW-8	Minor Storm Drainage Improvements	\$650,000	C 44 Sec 7(1)
DPW-9	Town Bridge Evaluation and Maintenance	\$200,000	C 44 Sec 7(1)
FAC-3	Town and School Security Projects	\$130,000	C 44 Sec 7(1)
FAC-5	Town Parks and Playground Improvements	\$600,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$900,000	C 44 Sec 7(1)
FAC-7	Town / School Energy Initiatives	\$115,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$1,300,000	C 44 Sec 7(1)

On request of the Chief Information Officer, Fire Chief, Director of Public Works, and Director of Facilities

ARTICLE 25	CAPITAL PROJECTS FROM FREE CASH
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To see if the Town will vote to transfer from available funds and appropriate the sum of \$2,035,000 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	Facility Master Plan Update	\$50,000
TM-2	Traffic and Intersection Safety Studies	\$25,000
TM-3	Hazard Tree Removal	\$150,000
IT-1	Annual Staff Device Refresh	\$340,000
IT-2	Annual Student Device Refresh	\$250,000
POL-1	Police Vehicle Replacement	\$205,000

DPW-2	Minor Sidewalk Repairs	\$200,000
DPW-4	Town Sidewalk Program	\$775,000
DPW-6	Stormwater Management	\$40,000

On request of the Town Manager, Chief Information Officer, Chief of Police and Director of Public Works

ARTICLE 26	CAPITAL PROJECTS FROM WATER AND SEWER ENTERPRISE FUNDS
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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 \$7,294,000 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-14	Water Main Replacement / Distribution Improvements Project (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-18	Water Treatment GAC Replacement (Water Enterprise Borrowing)	\$294,000	Ch 44 Sec 8 (7A)
DPW-24	Sanitary Sewer Collection System Improvements (Sewer Enterprise Reserves)	\$250,000	N/A
DPW-25	Shawsheen River Sewer Interceptor Improvements (Sewer Enterprise Borrowing)	\$500,000	Ch 44 Sec 8 (14)
DPW-30	Inflow/Infiltration (I/I) Removal Program (Sewer Enterprise Reserves)	\$250,000	N/A

On request of the Director of Public Works

ARTICLE 27	ZONING BYLAW AMENDMENT NONCONFORMING USES AND STRUCTURES
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To see if the Town will vote to amend Section 3.3 “Nonconforming Uses and Structures” of the Zoning Bylaw Article VIII to clarify when a variance or special permit is required for a catastrophe, demolition, derelict condition, reconstruction, extension, alteration, or change to a structure, as well as to provide illustrative examples of increases or intensifications of nonconformities or take any action related thereto.

Proposed changes as set forth in draft amended section 3.3 of the Article VIII (or as later amended by the Planning Board), as well as illustrative examples are on file in the Office of the Town Clerk, and the Department of Planning and Community Development, located at 36 Barlet Street, Andover, MA ; and on the Town’s website at <https://andoverma.gov/149/Community-Development-Planning>.

On request of the Inspector of Buildings

ARTICLE 28	ZONING BYLAW AMENDMENT OFF-STREET PARKING REQUIREMENTS
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To see if the Town will vote to amend Section 5.1; Section 4.1.4; Section 5.3; Section 7.3.3; Section 7.8.5; Section 8.1; Section 8.2; Section 8.5; Section 8.7; and Appendix A Table 3 of the Andover Zoning Bylaw Article VIII to update the design standards, parking district information, and parking special permits to incorporate to the best extent possible off street parking information and requirements into Section 5.1 and Appendix A Table 3 Off-Street Parking; or take any other action related thereto.

Proposed changes as set forth in draft amended sections of the above listed bylaws (or as later amended by the Planning Board), as well as illustrative examples are on file in the Office of the Town Clerk, and the Department of Planning and Community Development, located at 36 Barlet Street, Andover, MA ; and on the Town’s website at <https://andoverma.gov/149/Community-Development-Planning>.

On request of the Planning Board

ARTICLE 29	STREET ACCEPTANCE MONARCH LANE
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To see if the Town will vote to accept and name as a public way any or all of the following street: Monarch Lane as further described below, and to accept deeds to the streets and all related easements:

Monarch Lane, as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION (FORM C) SPECIAL PERMIT FOR CLUSTER DEVELOPMENT & EARTH MOVEMENT PLAN FOR MONARCH WOODS ANDOVER, MASS’ dated August 30, 2016 last revised August 8, 2017, sheet 4 of 15 (Recordable sheet 1 of 1) being recorded in the Essex North District Registry of Deeds as Plan Number 17784 and further shown as Lot 130 on Land Court Plans filed as Plan Number 10362N; or take any other action related thereto.

On request of the Select Board

ARTICLE 30	OLD TOWN YARD CONFIRMATORY ACTIONS
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To see if the Town will vote to:

- (a) discontinue as a public way those portions of Lewis Street and Buxton Court which are shown as “Parcel C” and “Parcel D” on that certain plan entitled “Plan of Land Located in Andover, Mass. Prepared for the Inhabitants of the Town of Andover,” dated June 22, 2023, last revised December 12, 2023, prepared by The Morin-Cameron Group, Inc. (the “Plan”), a copy of which Plan is on file with the Office of the Town Clerk;
- (b) authorize the Select Board to acquire title in fee simple absolute, by gift, option, purchase, or eminent domain, upon such terms and conditions deemed by the Select Board to be in the best interest of the Town, the land and improvements thereon shown as “Parcel A”, “Parcel B”, “Parcel C”, and “Parcel D” on the Plan for the purpose of resolving any matters regarding the title and boundaries of the property to be taken, and

to appropriate a sum of money for the payment of damages for said takings. Such acquisition of “Parcel C” shall be subject to an easement for the use by the unit owners of the condominium located on the real property at 11-13 Buxton Court known as the 11 Buxton Court Condominium, and their tenants, licensees, and invitees, and each of their respective successors and assigns, of the portion of said “Parcel C” that is shown on Detail B of the Plan as “Public Use Area” for the purposes of vehicular and pedestrian access to and from Buxton Court and the driveway located at such Condominium;

- (c) accept as a public way the relocation of the layout of Buxton Court, from the layout described in that certain Town Meeting vote dated February 23, 1901 (the “1901 Layout”), to the layout of the street identified as Buxton Court, as shown on that certain plan entitled “Right of Way Layout Plan Located In Andover, Mass. Prepared for the Inhabitants of The Town of Andover,” dated June 1, 2023, prepared by the Morin-Cameron Group, Inc. (the “2023 Layout Plan”), copies of which 1901 Layout and 2023 Layout Plan are on file with the Office of the Town Clerk; and
- (d) authorize the Select Board to acquire on behalf of the Town by gift, option, purchase, or eminent domain, an easement in the land within the layout of ways known as Lewis Street and Buxton Court as heretofore laid out by the Select Board in the 1901 Layout, as may be modified by the 2023 Layout Plan, copies of which 1901 Layout and 2023 Layout Plan are on file with the Office of the Town Clerk, for all purposes for which public ways are used in the Town of Andover, including any drainage, utility, access, and other easements necessary for or related thereto, and to appropriate a sum of money for the payment of damages for said takings; or take any other action related thereto.

On request of the Town Manager

ARTICLE 31	TAKING BY EMINENT DOMAIN OF HACIENDA WAY
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To see if the Town will vote to authorize the Select Board of Andover to acquire by eminent domain, gift, purchase, or otherwise, any fee, easement or other interest in the land shown as Hacienda Way and all related easements, including but not limited to easements shown on Lots 18, 18A, 19 and 19A, all as shown on a plan entitled “ Subdivision & Acceptance Plan Pleasant Street Estates, Andover, Mass.” dated April, 1973, prepared by Charles E. Cyr, and recorded with Essex North District Registry of Deeds as Plan No. 7035, and also shown on a plan entitled “Plan of Land Prepared for Belmont Realty Trust Located in Andover, Mass.”, dated July, 1977, and recorded with Essex North District Registry of Deeds as Plan No. 7640 and on file in the Office of the Town Clerk, and as constructed, and to appropriate and borrow or transfer from available funds or any combination thereof a sum of \$120,000 for damages or compensation for said takings or payment for said acquisitions of interests in land and for the required engineering services, legal services, repairs and improvements to Hacienda Way and expenses thereto, or take any other action related thereto.

On petition of Courtney Famiglietti and others

ARTICLE 32	TOWN CHARTER INSERTION OF RESIDENCY REQUIREMENT FOR TOWN MANAGER
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To see if the Town will vote to reinsert the following sentence in section 6 of the Andover Town Charter:

“He/she need not be a resident of the town when appointed, but shall be a resident of the town during his/her term of office.”

On petition of Bob Pokress and others

ARTICLE 33	GRANTING OF A NON-EXCLUSIVE ACCESS/EGRESS EASEMENT
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To see if the Town will vote to authorize to grant a non-exclusive access/egress easement over under and through portions of property owned by the town of Andover under the care, control and use of the Andover conservation commission located in the town of Andover shown on Assessor’s Map 117 as Lot 15 and having an address of 268 Andover Street. Said parcel is also shown on a plan entitled “Plan of Land in Andover, prepared for Kathleen & Remi Machet, 264 Andover Street, Andover, MA and Inhabitants of the Town of Andover, 268 Andover Street, Andover, MA” dated April 19, 2023 and prepared by John Abagis & Associates, Professional Land Surveyors, which Plan is on file in the Town Clerk’s office, for the purpose of motor vehicle and pedestrian access and egress over said land but shall not allow parking on said land. The easement is shown on said Plan as “Proposed Access/Egress Easement Containing 3,242 sf” and is for the benefit of the abutting parcel shown on said Plan as “Lot #24 Land of Remi & Kathleen Machet” and for consideration in a sum set by the Select Board; and further voted to request the Select Board petition the Legislature to pass a Special Act in accordance with Article 97 of the Amendments to the Massachusetts Constitution and any other applicable law to authorize the above transfer including approval from the Executive Office of Energy and Environmental Affairs, if required, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any action related thereto. The land benefited by this non-exclusive easement is described on a deed recorded at the Essex North District Registry of Deeds at Book 12926, Page 231.

On petition of Remi Machet & Kathleen Machet and others

ARTICLE 34	GENERAL BYLAW AMENDMENT
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To see if the Town will vote to amend Article V of the General Bylaws by amending the second paragraph of Section 1 as follows:

Contracts for *personal services, employee compensation*, the purchase of services, or *the purchase of* supplies shall be executed in the name of town by the Town Manager *and shall not contain any Non-Disclosure Agreements (NDAs)*.

Original wording

Contracts for the purchase of services or supplies shall be executed in the name of the town by the Town Manager.

On petition of Kathleen Grant and others

Hereof fail not, and make return of this Warrant with your doings thereon, at the time and place of said meeting.

Given our hands this 18th day of March 2024.

_____)	
Melissa Morris Danisch, Chair)	
)	
_____)	
Laura M. Gregory, Vice Chair)	SELECT BOARD
)	
_____)	OF
Ann W. Gilbert, Member, Select Board)	
)	ANDOVER
_____)	
Christian C. Huntress, Member, Select Board)	
)	
_____)	
Alexander J. Vispoli, Member, Select Board)	

A true copy

A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2024

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *Eagle Tribune*. Said warrants have been posted and published fourteen days.

Ronald Bertheim, Constable



TOWN OF ANDOVER

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

To: Select Board
Andrew Flanagan, Town Manager

CC: Douglas Heim, Town Counsel
Austin Simko, Deputy Town Manager/Town Clerk
Michael Morse, Town Treasurer

From: Jacki Byerley, AICP Planner *JB*

Re: 2024 Town Meeting Article P23 – Zoning Bylaw Amendment Nonconforming Uses and Structures

Date: February 28, 2024

In early 2021 as part of the Zoning Bylaw Recodification our consultant Barrett Planning Group performed a Zoning Diagnostic of our then current Bylaw. That diagnostic included a review of the Bylaw and interviews of staff, board members, current and past members, along with frequent uses of the Bylaw. One of the areas identified as part of this outreach was a need for a review of the Non-Conforming Section.

There was concern the section was allowing the voluntary demolition and reconstruction of a non-conforming structure, when the goal of this section was to allow the reconstruction of a non-conforming structure when it was destroyed or damaged by catastrophe. It was also noted that illustrations with explanation to this section would make it more user friendly to the residents.

This amendment to the nonconforming uses and structures of section 3.3 provides for clarity to when a variance or special permit is required for a catastrophe, demolition, derelict condition, reconstruction, extension, alteration, or change to a structure, as well as to provide illustrative examples of increases or intensifications of nonconformities.

On February 27, 2024, the Planning Board voted 4-0 to recommend Town Meeting Approval.

NOTE:

Proposed new language is shown underlined.

Proposed language to be deleted is shown in ~~Strikeout~~.

3.3 NONCONFORMING USES AND STRUCTURES.

3.3.1 Applicability.

This Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing required for zoning bylaw adoption or amendment by G.L. c. 40A, §5. at which this Bylaw, and any If the zoning amendments ~~were~~ are adopted by Town Meeting such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished unless authorized under this section 3.3.

3.3.2 Nonconforming Uses.

The Zoning Board of Appeals may grant a special permit to change or substantially extend a nonconforming use in accordance with this section only if it makes a finding- ~~determines~~ that the change or extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming use.

3.3.3 Nonconforming Structures.

If the Building Commissioner determines that the nonconforming nature of the structure would be increased by the proposed reconstruction, extension, alteration, or change, the Zoning Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure other than single or two-family dwellings in accordance with this section only if it makes a finding- ~~determines~~ that the reconstruction, extension, alteration, or change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

1. Reconstructed, extended, or structurally changed; or
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

3.3.4 Variance Required.

Except as provided in Section 3.3.5 below, the reconstruction, extension, or structural change of a nonconforming structure other than single or two-family dwellings in such a manner as to increase an existing nonconformity or create a new nonconformity shall require the grant of a variance by the Zoning Board of Appeals. For the purposes of this section, the extension of an exterior wall at or along the same nonconforming distance within a required yard shall require the grant of a variance by the Zoning Board of Appeals.

3.3.5 Nonconforming Single- and Two-Family Residential Structures.

Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that the proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of the structure.

1. The following circumstances, individually or in combination, shall not be deemed to increase the nonconforming nature of the structure:
 - a. Reconstruction, extension, alteration, or change ~~Alteration~~ to a structure that complies with all current setback and building height requirements on a lot with insufficient area, where the reconstruction, extension, alteration, or change will also comply with all current requirements.
 - b. Reconstruction, extension, alteration, or change ~~Alteration~~ to a structure that complies with all current setback and building height requirements on a lot with insufficient frontage, where the reconstruction, extension, alteration, or change will also comply with all current requirements.
 - c. Reconstruction, extension, alteration, or change ~~Alteration~~ to a structure that presently encroaches upon one or more required setback areas, where the reconstruction, extension, alteration, or change will comply with all current setback, yard, and building height requirements.
2. If the Building Commissioner determines that the nonconforming nature of the structure would be increased by the proposed reconstruction, extension, alteration, or change, the Zoning Board of Appeals may, by special permit, allow the reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

3.3.6 Abandonment or Non-Use.

A nonconforming use or structure that has been abandoned or not used for a period of two consecutive years shall lose its protected status and be subject to all the provisions of this Bylaw.

3.3.7 Catastrophe. ~~or Demolition.~~

Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, or after any demolition following such catastrophe provided that reconstruction is completed within 24 months after such catastrophe or demolition, and provided that the building as reconstructed shall not exceed the ~~be only as great in~~ volume or area as the original nonconforming structure unless a larger volume or area is authorized by special permit from the Zoning Board of Appeals. The time for completing reconstruction may be extended by the Zoning Board of Appeals for good cause.

3.3.8 Demolition of Nonconforming Derelict Structures.

If the Building Commissioner determines that a derelict nonconforming structure requires demolition and the new proposed structure does not conform to all Zoning Bylaw requirements, then the Zoning Board of Appeals may, by special permit, allow for the demolition and

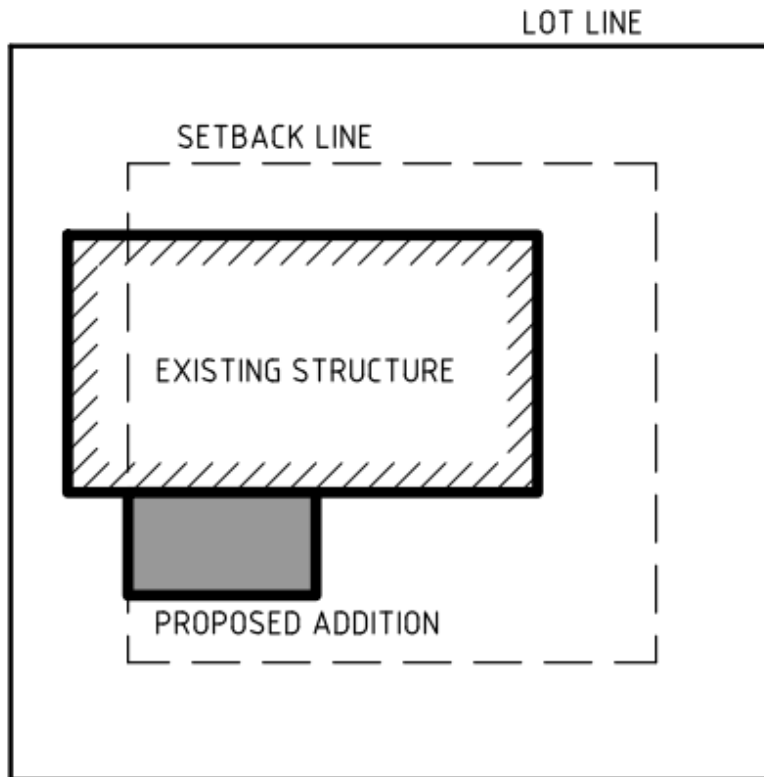
rebuilding of the derelict structure in whole, or in part, where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

3.3.9 Reversion to Nonconformity.

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

3.3.10 Illustrations of Nonconforming Structures.

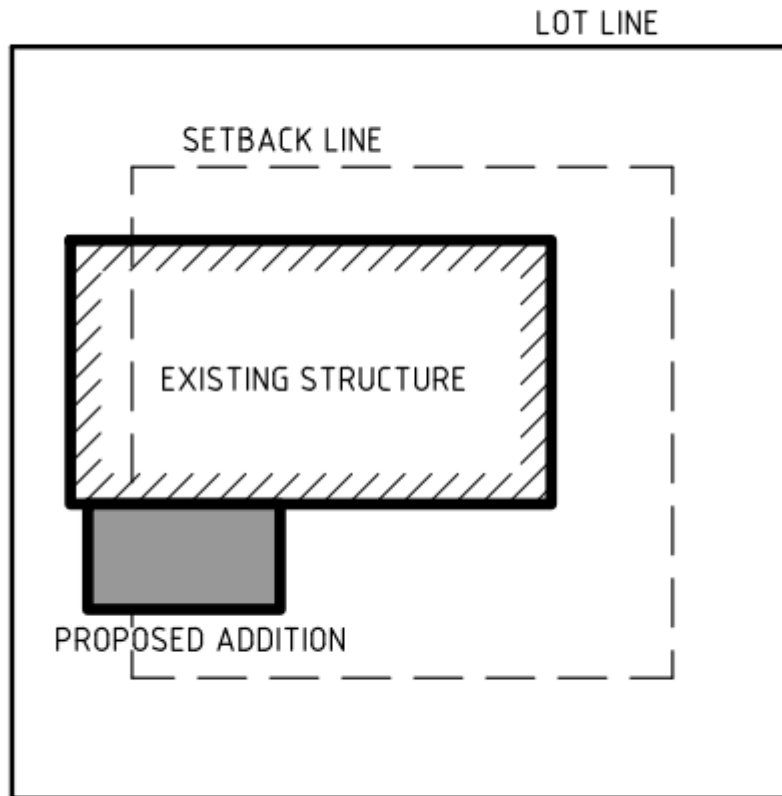
Example No. 1



Proposed addition complies with zoning.

1. Residential Structure (Single- or Two-Family Residence).
 - a. Does not increase or intensify nonconformity.
 - b. Addition permitted as of right after determination by Building Department.
2. Nonresidential Structure (Commercial or Residential Structure other than a Single- or Two-Family Residence).
 - a. Complies with zoning. No variance needed.
 - b. Permitted upon a finding by Building Department.

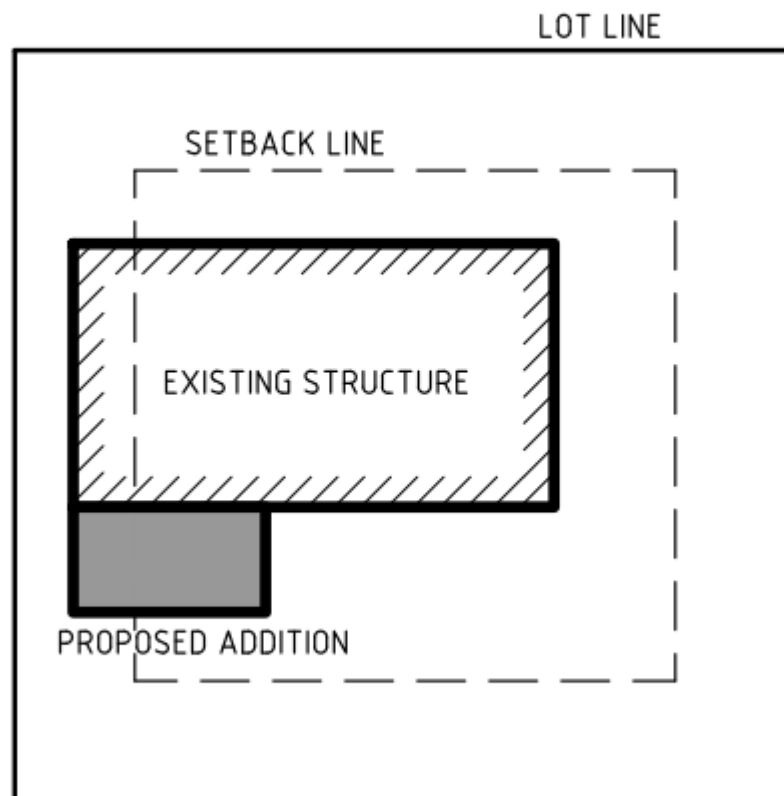
Example No. 2



Proposed addition does not comply with zoning and infringes into setback.

1. Residential Structure.
 - a. Intensifies nonconformity variance required.
2. Nonresidential Structure.
 - a. Does not comply with zoning, so variance is needed.

Example No. 3

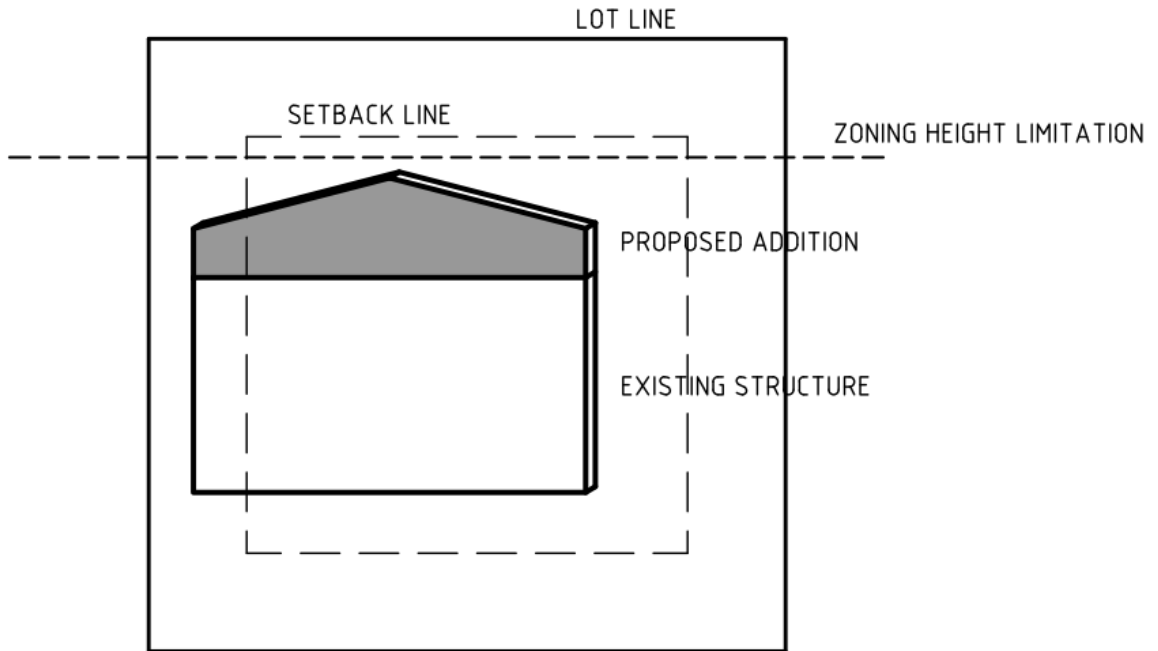


Proposed addition does not comply with zoning and infringes into setback.

1. Residential Structure.
 - a. Intensifies nonconformity variance required.

2. Nonresidential Structure.
 - a. Does not comply with zoning, so variance is needed.

Example No. 4

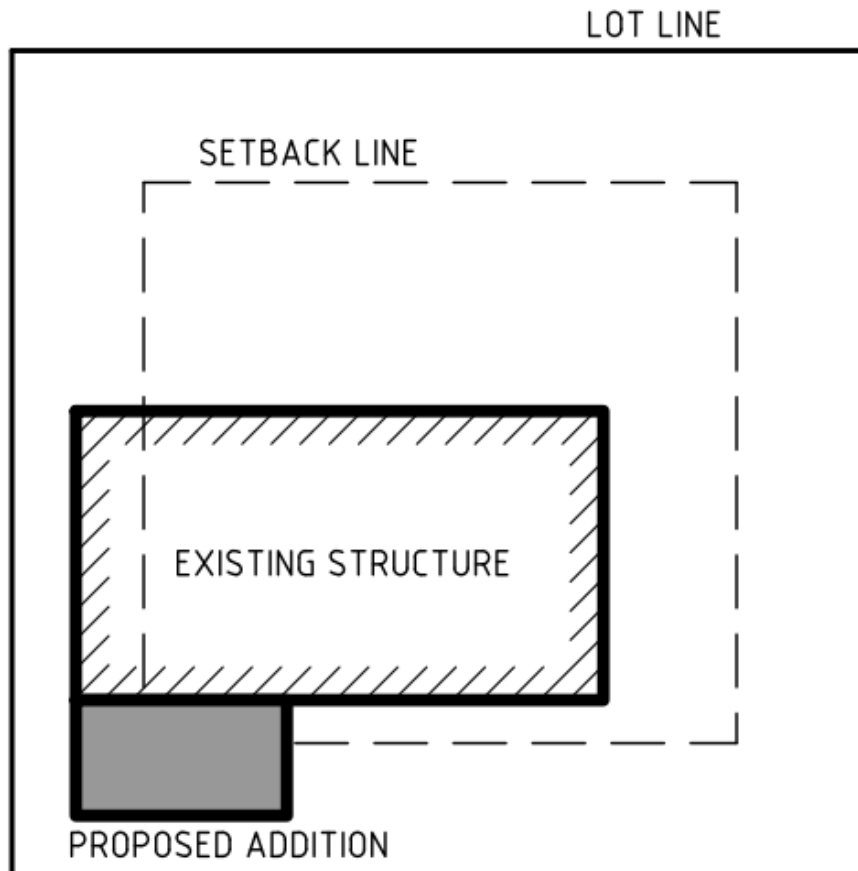


Proposed addition does not comply with zoning.

1. Residential Structure.
 - a. Intensifies nonconformity variance required.

2. Nonresidential Structure.
 - a. Does not comply with zoning, so variance is needed.

Example No. 5



Proposed addition does not comply with zoning and infringes into setback.

1. Residential Structure.
 - a. Intensifies nonconformity and results in additional one, variance required.
2. Nonresidential Structure.
 - a. Does not comply with zoning, so variance needed.

Proposed new language is underlined.
Proposed language to be deleted is shown in Strikeout.

5.1. OFF-STREET PARKING AND LOADING.

5.1.1. Purpose.

The objectives of this section are as follows:

1. Promote traffic safety by assuring adequate places for storing of motor vehicles ~~off the street~~ and for their orderly access and egress to and from the streets;
2. Increase the traffic-carrying capacity of streets and highways ~~in the town~~ and obtain a more efficient utilization of ~~on-street curbside~~ parking;
3. Reduce hazards to pedestrians ~~upon public~~-sidewalks and bicyclists; ~~and~~
4. Promote clean air, and sustainability, and reduce reliance on fossil fuels; and
- 4.5. Protect adjoining lots and the general-public from nuisances and hazards such as:
 - a. Noise, glare of headlights, dust, and fumes resulting from the operation of motor vehicles;
 - b. Glare and heat from parking lots;
 - c. A lack of visual relief from expanses of paving; and
 - d. Accelerated runoff of surface water from land covered by impervious materials.

5.1.2. Applicability.

No building permit or certificate of occupancy shall be issued for the construction of a new building, the enlargement of an existing building, the development of a use not located in a building, the redevelopment of an existing building, or the change from one type of use to another, unless off-street parking is provided in accordance with this Section 5.1.

5.1.3. Interpretation of this Section.

The following rules for interpretation of this section shall apply:

1. *Fractional Numbers.* In the computation of required parking spaces, only the fraction of 1/2 or more shall be counted as one space.
2. *Number of Employees.* Where the parking requirement is based on the number of employees, the number shall be based on the number of employees on the largest shift.
3. *Change of Use.* For the purposes of this section 5.1, a change of use shall be a change in part or all of an existing building or lot from one use category to another as permitted in the Table of Use Regulations.

4. *Maximum Rate Occupancy.* The maximum floor area allowances permitted per occupant as required in the Massachusetts State Building Code.

5.1.4. Parking Space Requirements.

Appendix A, Table 3, Off-Street Parking Requirements, establishes the minimum number of parking spaces required for the corresponding type of use. Where a use is not specifically included in Table 3, the regulations for the most nearly comparable use, as determined by the Building Commissioner, shall apply.

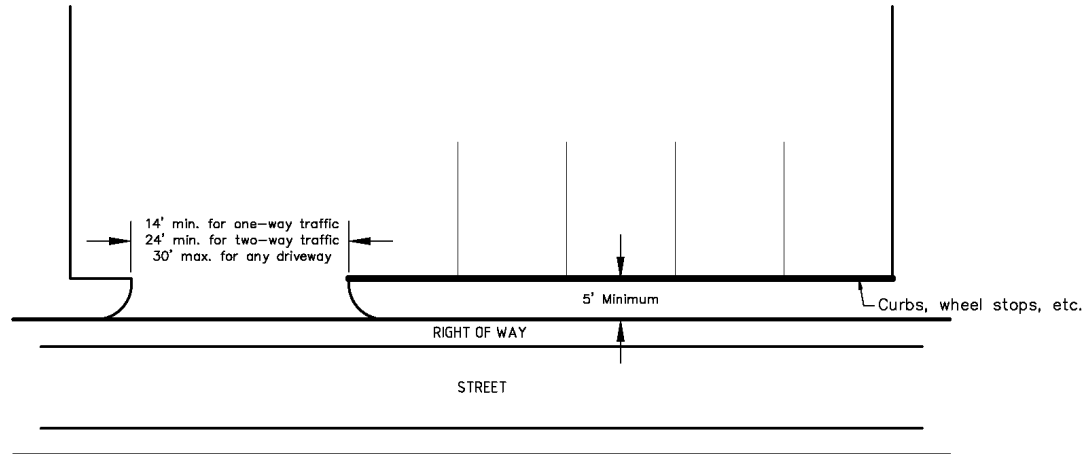
5.1.5. Design Standards.

The following design standards shall apply to vehicular parking areas for uses other than a one-family or two-family dwelling:

1. *Parking Dimensions.* The minimum dimensions of parking spaces and maneuvering aisles shall be as shown in Appendix A, Table 4, Parking Dimensions.
2. *Parking Layout.*
 - a. Access to and egress from all parking areas shall be only via driveways that meet the design standards of Section 5.1.5.4;
 - b. All portions of all parking spaces, loading areas, and maneuvering aisles shall be set back a minimum of five feet from any street or way and a minimum of five feet from any property line. Curbs, wheel stops, screening, or similar barriers shall be installed along the setback line for parking and loading to prevent vehicles from being parked or driven within required setback areas or required landscaped areas;
 - c. Each required off-street parking space and loading area shall be designed so that any motor vehicle may proceed to and from it without requiring the moving of any other vehicle or the passing over any other parking space or loading area;
 - d. The circulation system in each parking area shall be designed so that all vehicles may exit from and enter into the adjacent street or way by being driven in a forward direction and no vehicle shall be required to enter or leave by backing out; and
 - e. All required parking areas shall be paved, use a permeable system, or combination of the two in order to achieve an all weather surface that is load bearing, can be plowed, supports stormwater management, and will be free of dust and debris. All ~~and~~ parking spaces shall be marked to ~~provide delineate delineation between~~ parking spaces and aisles; and

d.f. Snow storage areas shall be designed in the parking lot layout. They shall not be placed in such a way as to prevent clear sight lines along the exit or entrance.

SECTIONS
5.15.2a
5.15.2b
5.15.4b



3. *Parking for People with Disabilities.*

- a. Parking facilities shall provide parking spaces designed for people with disabilities in accordance with the rules and regulations of the Massachusetts Architectural Access Board (AAB);
- b. Each parking space shall be clearly marked by a sign and shall be located near the entrance of the building served.

4. *Driveways.*

- a. The maximum number of driveways permitting entrance to and exit from a lot shall be limited to two per street line;
- b. The minimum width of a driveway used for two-way traffic shall be 24 feet. The minimum width of a driveway used for one-way traffic shall be 14 feet. The maximum width shall not exceed 30 feet;
- c. Driveways shall be located to minimize conflict with traffic on the street and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.

5. *Loading Areas.*

- a. An adequate number of off-street loading areas shall be provided for any use that may be serviced by delivery vehicles;

- b. Loading areas shall be located in the side or rear yards only;
 - c. Each loading area shall be located separately from employee and customer parking and shall be designed to protect pedestrian and bicycle safety and avoid traffic conflicts with vehicles within, without, and entering and leaving the lot where the loading area is located;
 - d. No area may be utilized and counted as both a required parking space and a required loading area; and
 - e. Each loading area shall consist of a bay measuring at least 30 feet long, 12 feet wide, and 14 feet high if covered and a maneuvering space equal to the length of the bay.
6. *Maintenance.* Parking areas, loading spaces, and landscaping shall be continuously maintained, and whenever necessary, surfacing, lighting, parking space markings, and plantings shall be replaced or repaired, and drainage structures maintained. Failure to adequately maintain parking facilities shall be ~~considered~~ deemed a violation of this Bylaw.
7. *Electric Vehicle (EV) Charging Stations.* In any residential or nonresidential development EV charging stations shall be installed as may be required by 780 CMR (Massachusetts State Building Code).
8. *Bicycle Parking.* The following requirements shall apply to bicycle parking:
- a. For purposes of this bylaw, a bicycle parking space is an area within which one intact bicycle may be conveniently and securely stored and removed in an upright position with both wheels resting on a stable surface without requiring the use of a kickstand, and without requiring the movement of other parked bicycles, vehicles, or other objects to access the space;
 - b. Long-term bicycle parking is intended primarily to serve residents, employees, or other people who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days. Short-term bicycle parking is intended primarily to serve visitors, such as retail patrons making trips of up to a few hours to a particular use;
 - c. The Planning Board may adopt rules and regulations and guidelines for the design and placement of bicycle racks for long-term and short-term bicycle parking.
9. *Pedestrian Access and Walkways.*
- a. Pedestrian access shall be provided through improved pathways, stairway access, or other physical improvements, and shall be clearly marked;

- b. Direct and vital pedestrian access shall be provided to other abutting commercial properties or open space or other recreation facilities, and shall serve to improve safe pedestrian circulation;
- c. Walking and biking paths shall be provided to connect the parking lot and sidewalks or open space or other recreation facilities in a manner that safely accommodates pedestrian, bicycle, and vehicular traffic.

10. Landscaping.

- a. Each parking area shall have interior landscaped areas planted primarily with native species which meet the design guidelines or as specified in the bylaw;
- b. The Planning Board may adopt rules and regulations and design guidelines for parking area landscaping.

11. Lighting.

- a. Lighting shall provide safety and security for users and shall be designed and installed so as to prevent glare or overspill from the light source onto adjacent property or into public ways, and shall be Dark Sky compliant;
- b. Light fixtures shall be provided in the parking area for safe vehicular and pedestrian travel. The height and placement of fixtures shall be designed to distinguish parking areas from pedestrian walkways or sidewalks, and shall be placed so as to prevent conflict with landscaping.

5.1.6. Parking in Apartment Districts (APT).

The following parking requirements shall apply to APT districts:

1. Location. Required spaces shall be located either in an off-street paved area or in a garage or carport.
2. Proximity to Dwelling. The spaces shall be located within 200 feet from the outside entrance to the dwelling unit served.
3. Driveway. Any spaces located in a driveway providing access to more than one dwelling unit shall not reduce the effective width of the driveway to less than 12 feet.
4. Applicability of Minor Residential Ways. Any way or driveway providing principal access to six or more dwelling units or eight or more parking spaces shall conform to applicable provisions of the Planning Board regulations for minor residential ways. To

confirm the extent of conformity, the Zoning Board of Appeals shall request a report from the Planning Board before granting a special permit.

5. Landscaping. Each paved parking area shall have interior landscaping areas, primarily planted with shade trees, equivalent in size to at least 5 percent of the parking area's total pavement area.

5.1.7 Parking in General Business Districts (GB).

The following parking requirements shall apply to GB Districts:

1. Location. The required number of off-street spaces shall be provided on the same lot as the use or uses in question except as provided below unless the Planning Board grants a special permit for a change in parking space requirements pursuant to Section 5.1.9+2.

~~1.2.~~No Additional Spaces. No additional parking spaces shall be required for a proposed use in an existing building if:

- a. The change of use or rearrangement of uses does not result in an increase in the number of required parking spaces;
- b. The total number of parking spaces required for a particular use, including a particular use in an existing multi-use building, is six spaces or less. This shall not apply to proposals involving the total renovation/redevelopment of a structure; and
- c. Having applied subsections a. and b. above, a proposed change of use results in a net increase of ~~three~~ 10 spaces or less. If the change of use results in a net increase of more than ~~three~~ 10 spaces, then the total number of parking spaces shall be provided.

~~2.3.~~Multiple Uses Sharing a Common Parking Lot. For two or more uses on a common lot, the minimum required number of spaces shall be ~~Required parking spaces may be provided for two or more uses on a common lot if the total number of spaces available is not less than~~ 75 percent of the sum of the spaces required for each use individually. The required number of spaces on a common lot may be further reduced by a special permit under Section 5.1.9+2 if it can be shown that a lower total number of spaces will serve all uses adequately, as determined by the Planning Board or special permit granting authority.

~~3.4.~~Extension or Alterations of Nonconforming Buildings and Uses. Extensions or alterations of a preexisting, nonconforming building or use that requires a special permit under Section 9.4 shall provide only the additional number of parking spaces that would be required for the extension or alteration.

~~4.5.~~Replacement After Catastrophe. The following parking requirements shall apply to a building or structure that has been damaged by fire, explosion, or other catastrophe:

- a. If a building or structure that did not conform to Table 3, Off-Street Parking Requirements, is rebuilt not to exceed its pre-catastrophe size and if no change in use occurs, continuance of that nonconformance will be allowed;
- b. Any change in use shall require the building or structure to conform to Table 3, Off-Street Parking Requirements;
- c. If a building or structure is rebuilt to exceed its pre-catastrophe size, the additional number of parking spaces that would be required for the excess floor area must be provided.

5.6. Compact Car Spaces. In parking lots of more than 40 parking spaces, up to 30 percent of the spaces may be designed for compact cars to service all-day parkers in accordance with the design standards of Appendix A, Table 4. Compact car stalls shall be grouped in one or more contiguous areas and conspicuously identified by signs or pavement markings.

5.1.8. Parking in Industrial Districts.

The following parking requirements shall apply to Industrial Districts:

1. Adequate off-street parking must be provided on the premises to service all parking demand created by new construction, whether through new structures or through additions to existing ones, or by change of use creating higher parking demands.
2. In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth below shall be met for the new demand without counting existing parking.
3. Only one driveway or entranceway will be permitted in any 150 feet of frontage unless the frontage is less, in which case, only a driveway or entrance way to the property will be permitted.
4. Each parking area shall contain no more than 240 parking spaces.
5. There shall be no more than 30 parking spaces in any uninterrupted row.
6. Each parking area shall be enclosed (except for access points) by a landscaped buffer not less than 12 feet wide, planted with shade trees.
7. Each parking area shall have interior landscaping areas, primarily planted with trees, equivalent in size to at least 5 percent of the parking ~~areas~~ ~~area's~~ total pavement area.
8. The size of a parking space may be reduced to a compact car space as presented in Appendix A, Table 4, for those spaces serving all-day parkers. Uses that generate

frequent parking space turnover shall be required to have the standard size parking spaces.

8-9. In the Industrial D District, no off-street parking shall be located within 50 feet of the street line of any public way or internal access road on which the building fronts.

5.1.9. Parking Requirement Special Permit Special Permit to Reduce Number of Parking Spaces.

~~In the Industrial Districts, the Planning Board may grant a special permit to reduce the number of parking spaces required by Appendix A, Table 3 upon finding that special circumstances render a lesser number of spaces adequate for all parking needs. To qualify for a special permit, the petitioner must present a site plan showing that all parking spaces needed to meet the requirements of Appendix A, Table 3 could be built on the site. The spaces to be waived shall be marked "Reserve Parking Area(s)" on the plan, which shall be kept on file with a copy of the Planning Board's special permit decision. The reserve parking area(s) shall be maintained as landscaped areas unless and until the Planning Board requires construction of additional parking spaces. No improvement other than parking spaces will ever be allowed in this area. In the ID2 District, the Planning Board may grant a special permit to reduce the number of parking spaces required by Appendix A, Table 3 upon finding that special circumstances, such as shared or remote parking opportunities as defined in Section 5.1.12, render a lesser number of spaces adequate for all parking needs.~~

5.1.10. Special Permit for Main Street Access.

~~In the General Business and Mixed Use Districts, where alternative access locations are feasible, parking lot driveways shall not provide access onto Main Street unless the Planning Board grants a special permit upon determining that access onto Main Street is dictated by consideration of safety, congestion, or conflict with other premises.~~

5.1.11. Special Permit for Alternative Parking Lot Design.

~~In the General Business District, the design of a parking lot may differ from the requirements of Appendix A, Table 4 if granted a special permit by the Planning Board, provided that such design satisfies the objectives of Section 5.1. and the design is prepared by a professional engineer or landscape architect.~~

5.1.12. Special Permit for Change in Parking Space Requirements.

~~In the General Business District, the provision of off-street parking spaces required by Appendix A, Table 3 may be changed if the Planning Board grants a special permit in accordance with the following provisions:~~

- ~~1. *Shared Private Parking Facilities.* Shared private parking facilities for different buildings or uses may be allowed by special permit subject to the following provisions:
 - ~~a. Up to 50 percent of the parking spaces serving a building may be used jointly for other uses not normally open, used, or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for a common parking facility.~~~~

~~b. A written common parking facility agreement defining the joint use acceptable to the Planning Board shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. The agreement shall be recorded with the Northern Essex Registry of Deeds; and~~

~~c. Any subsequent change in land uses for which the shared parking proposal was approved, and that results in the need for additional parking spaces, shall require a new special permit application under this subsection.~~

~~2. *Remote (Satellite) Parking Areas.* The Planning Board may grant a special permit for remote (satellite) parking areas, subject to the following provisions:~~

~~a. The satellite parking spaces will be used solely by the employees and, where practicable, clientele of the commercial use; and~~

~~b. The off-site parking spaces shall be located to adequately serve the proposed use and shall be within 600 feet of the building served for clientele of the commercial use. Off-site parking for employees of the business may be located within 1,200 feet unless shuttle vehicle arrangements are provided as a condition of the special permit. The parking distance shall be measured by the shortest route of pedestrian access, entrance to entrance.~~

~~3. *Pedestrian Access.* Any proposals submitted under this section which, in the opinion of the Planning Board, provide direct and vital pedestrian access to other abutting commercial properties and serve to improve pedestrian accessibility may reduce the number of parking spaces required by 15 percent. Pedestrian access shall be provided through improved pathways, stairway access or other physical improvements, and shall be clearly marked.~~

~~4. *Joint Driveways.* Joint driveways shall be permitted by special permit, subject to the following provisions:~~

~~a. Joint driveways, for the purposes of Section 5.1 shall be regulated by a binding agreement satisfactory in form to Town Counsel and recorded with the Northern Essex Registry of Deeds;~~

~~b. Joint driveways shall serve no more than two lots and shall be designed to provide access to another parking area or may straddle two lots if both lots are located in the General Business District; and~~

~~c. Joint driveways shall be designed to minimize conflict with traffic on streets and with due regard to interior circulation and separation of pedestrian and vehicular traffic.~~

~~5. *Special Permit Decision.* Remote parking lots, shared parking lots, or any enforceable alternatives that the Planning Board deems reasonable may be allowed based on the following criteria and other applicable provisions presented in this subsection:~~

- ~~a. The capacity, location, and current level of use of existing parking facilities, both public and private;~~
- ~~b. The efficient and maximum use of the General Business District in terms of parking needs and services provided;~~
- ~~c. The relief of traffic and parking congestion;~~
- ~~d. The safety of pedestrians;~~
- ~~e. The provision of reasonable access either by walking distance or shuttle vehicle arrangements; and~~
- ~~f. The maintenance of the character of the area.~~

1. The Planning Board may grant a special permit to reduce the number of parking spaces required if the applicant satisfactorily demonstrates one or more of the following:

a. *Shared Private Parking Facilities.* Shared private parking facilities for different buildings or uses:

- i. Up to 50 percent of the parking spaces serving a building may be used jointly for other uses not normally open, used, or operated during similar hours. The applicant shall have the burden of proof with respect to the suitability for uses to share a common parking facility.
- ii. A written common parking facility agreement defining the joint use acceptable to the Planning Board shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. The agreement shall be recorded with the Northern Essex Registry of Deeds; and
- iii. Any subsequent change in land uses for which the shared parking proposal was approved, and that results in the need for additional parking spaces, shall require a new special permit application under this subsection.

b. *Remote (Satellite) Parking Areas:*

- i. The satellite parking spaces will be used solely by the employees and, where practicable, clientele of the commercial use; and
- ii. The off-site parking spaces shall be located to adequately serve the proposed use and shall be within 600 feet of the building served for clientele of the commercial use. Off-site parking for employees of the business may be

located within 1,200 feet unless shuttle vehicle arrangements are provided as a condition of the special permit. The parking distance shall be measured by the shortest route of pedestrian access, entrance to entrance.

c. Reserve Parking. The petitioner shall present a site plan showing that all parking spaces needed to meet the requirements of Appendix A, Table 3 could be built on the site. The spaces to be waived shall be marked "Reserve Parking Area(s)" on the plan, which shall be kept on file with a copy of the Planning Board's special permit decision. The reserve parking area(s) shall be maintained as landscaped areas unless the Planning Board determines within 2 years of the issuance of the final certificate of occupancy that the additional parking spaces are required, in which case the spaces shall be constructed. No improvement other than parking spaces will ever be allowed in this area except open air amenities for employee use, such as outdoor recreation facilities, park benches, and the like.

d. Alternative Parking Lot Design. The design of a parking lot may differ from the requirements of Appendix A, Table 4 if approved by the Planning Board under Site Plan Review, provided that such design satisfies the objectives of Section 5.1. and the design is prepared by a professional engineer or landscape architect.

2. Special Permit Decision. Remote parking lots, shared parking lots, or any enforceable alternatives that the Planning Board deems reasonable may be allowed based on the following criteria and other applicable provisions presented in this subsection:

a. The capacity, location, and current level of use of existing parking facilities, both public and private;

b. The efficient and maximum use of the General Business District in terms of parking needs and services provided;

c. The relief of traffic and parking congestion;

d. The safety of pedestrians;

e. The provision of reasonable access either by walking distance or shuttle vehicle arrangements; and

f. The maintenance of the character of the area.

~~5.1.13.~~ **5.1.10. Parking in Single-Family Residential A (SRA).**

For the creation of new multifamily dwellings, family dwelling units, or the conversion to two-family or multifamily dwellings in the SRA District, all parking spaces shall be located in a side yard, rear yard, or garage. Only driveways may be located in the front yard. (Single-family houses are excluded from this regulation.)

4.1.4. Special District Regulations.

1. *Apartment Districts.*
 - a. The minimum lot area and frontage requirements shall be the same as applies to the adjoining single residence sharing the longest common boundary. In the event there is no adjoining single residence district, the requirements of the nearest single residence district shall apply.
 - b. For multiple dwellings, there shall be at least 3,500 square feet of lot area for each dwelling unit. See Section 7.7.3 of this Bylaw.
2. *Business Districts (LS, OP, GB, MU).*
 - a. No building in a business district shall be erected or expanded within 15 feet of a building containing a residential use, regardless of the district in which the building containing a residential use is located.
 - b. In the General Business District, the front setback shall be the average front setback of existing buildings on the block.
3. *Industrial Districts and Office Park Districts.*
 - a. In the Industrial A, Industrial D, and Office Park Districts, the front, side, and rear minimum yard depth requirements in Appendix A, Table 2 shall apply to all nonresidential facilities, including structures, parking areas, driveways, tanks, loading bays, outdoor storage or work areas, and similar accessory operations on any lot in nonresidential use if the lot abuts a lot in residential use or a lot zoned Single Residence A or B or C, or abuts a public or private way that abuts in whole or in part a Single Residence A or B or C District.
 - b. In Industrial A and Industrial D2 and Industrial D and Office Park Districts, no nonresidential structure shall be erected nearer than 300 feet to the outside wall of any existing dwelling, regardless of the district in which the dwelling is situated, and whether or not a public or private way lies within the 300 feet.
 - c. In the case of lots that are located in industrial districts and abut railroad property, the minimum yard depth requirement from the railroad property shall not apply if a railroad siding is to be constructed.
 - d. In all industrial districts, yard depth requirements shall be measured from the street line of a public way or internal access road, whichever applies.
 - e.—In the Industrial D District, required yard areas shall be developed and maintained only for lawns, landscaping, walks, driveways, and off-street parking. ~~No off-street parking shall be located within 50 feet of the street line of any public way or internal access road on which the building fronts unless the Zoning Board of Appeals grants a~~

~~special permit to reduce this requirement upon determining that the site and proposed site plan provide adequate control of visual intrusion and traffic.~~

5.3 LANDSCAPING, BUFFERING, AND LIGHTING.

5.3.1. Office Park (OP) District.

In the Office Park District, landscaping shall be provided and maintained in accordance with planting approved by the Planning Board and incorporated as part of the plans on which the special permit of the Zoning Board of Appeals is based.

5.3.2. Industrial Districts.

In the Industrial Districts, landscaping shall be provided and maintained in front yards and in side yards abutting public ways for aesthetic reasons to break up lines of buildings, in parking areas (as per Section 5.1-8), and for screening accessory facilities under the requirements discussed below.

1. Specifically, in Industrial Districts IA and ID, landscape screening shall be provided adjacent to:
 - a. Abutting properties situated in residential or office park districts;
 - b. Abutting existing residential properties in industrial districts; and
 - c. Abutting limited access highways and rivers in addition to the landscaping in front and side yards mentioned above.
2. Landscape screening shall consist of plantings, including evergreens, of sufficient height and depth to screen from view from abutting area any unshielded light source, either inside or outside a building, or to screen parking lots, tanks, loading bays, outdoor storage and work areas, and similar accessory operations or facilities not hidden by building. Fences or walls may be included in the screening where deemed necessary but shall not be a substitute for landscaping or left unscreened from abutting areas. The adequacy of the screening and landscaping shall be approved by the Building Commissioner on the advice of the Planning Board and shown on planting plans that shall be incorporated in the Building Department records. In cases requiring a special permit, these plans shall also be incorporated as part of the findings of the Zoning Board of Appeals.

5.3.3 General Business (GB) and Mixed Use (MU) Districts.

In the General Business District and Mixed Use District, all lots in use other than solely as single-family residential shall meet the following standards:

1. A buffer area shall be provided for screening purposes along the entire length of each property line (excluding driveway access points) that abuts either a lot zoned Single Residence A, B or C or a lot that contains a residential use, regardless of the district in which the lot is located. The following standards shall apply:

- a. Width: the buffer area dimensions shall meet the following standards:
 - i. In a General Business District, the buffer area shall measure at least five feet in width;
 - ii. In a Mixed Use District, the buffer area shall measure at least 10 feet in width.
 - b. If a landscaped treatment is selected, minimum requirements are plantings of evergreen shrubs measuring at least four feet high at time of planting and which may be expected to form a six-foot high screen within three years, the entire length of the buffer area to be 80 percent or more opaque when viewed horizontally.
 - c. If a fencing treatment is selected, minimum requirements are a solid fence six feet in height with 20 percent or more of the fence face planted with evergreens, such screening to be compatible with the character of the neighborhood.
2. Where landscaped areas abut parking areas or driveways, the landscaped areas shall be protected from vehicular encroachment by curbs or berms.
 3. The owner of the property shall be responsible for the proper maintenance and replacement of all landscape materials. All fences shall be maintained in a safe condition. Planted screening shall be maintained, and dead portions of any natural screening shall be promptly replaced.

5.3.4. Limited Service (LS) District.

In the Limited Service District, parking and landscape screening shall be provided and maintained as required in Sections 5.1 and 5.3.2 of this Bylaw. Parking areas shall be enclosed (except for access points) by a landscaped buffer not less than 12 feet wide, planted with shade trees. Each parking area shall have interior landscaping areas, primarily planted with trees, equivalent in size to 5 percent of that parking area's total pavement area.

7.3.3. Assisted Living Residences — Dimensional Requirements and Design Standards.

Dimensional requirements and design standards shall be as follows:

1. *Minimum Lot Size.* An assisted living residences shall be permitted in the SRA and SRB Districts only within a single lot containing a total area of not less than five acres. In the MU District, the minimum lot size shall be two acres. There shall be no minimum lot size required for the GB District.
2. *Density.* The maximum allowable density shall be 3,000 square feet of lot area per assisted living unit.
3. *Building Height.* Any addition or new construction shall not exceed 35 feet in height as measured in accordance with the State Building Code or three stories. This does not preclude the reuse and renovation of existing structures that may exceed this height limit.
4. *Building Coverage.* The maximum building coverage, including accessory buildings, shall not exceed 30 percent of the lot area for new construction or expansion of existing structures.
5. *Building Setbacks.* In the SRA and SRB Districts, buildings shall be set back a minimum of 50 feet from all property lines. In the MU District, the building setback will be 20 feet. Buildings in the GB District shall be setback as required in Section 4.1.4.2.b of this Bylaw.
6. *Setback from Residential Dwellings.* In the SRA and SRB Districts, all buildings associated with the assisted living residences shall be set back a minimum of 200 feet from existing residential dwellings; however, with respect to accessory structures not greater than 300 square feet in said districts, the SPGA, in its discretion, may reduce the setback by an amount to no closer than 100 feet if it determines that the structure will not adversely impact the use and enjoyment of the existing residential dwelling. In the MU and GB districts, the setback shall be 50 feet.
7. *Minimum Lot Frontage.* The minimum lot frontage shall conform to the requirements of the district where assisted living residence use is located.
8. *Town Services.* Assisted living residences shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.
9. *Transportation Services.* The operator of the assisted living residence shall be required to provide or arrange for transportation to Town services and facilities for the residents.
10. *Common Open Space:* In the SRA and SRB Districts, there shall be an area of common open space equal to at least 30 percent of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than 25 percent

of the minimum required open space shall be situated within wetlands. A permanent conservation restriction as approved by Town Counsel and the Secretary of the Executive Office of Energy and Environmental Affairs pursuant to G.L. c. 184 § 32 shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation and/or passive recreation.

11. *Parking.* ~~The minimum number of parking spaces provided on the lot shall be 0.4 parking space per assisted living unit plus one parking space per three employees during the largest shift.~~ Parking shall be provided as required by Appendix A, Table 3. Up to 25 percent of the minimum number of required spaces may be allocated for compact cars in accordance with the parking requirements of Appendix A, Table 3 this Bylaw. The Planning Board, in its discretion, may require additional parking spaces to serve the needs of employees, visitors, and service vehicles, such spaces to be provided in a "reserve parking area" that would not be built unless determined necessary by the Building Commissioner. Parking shall meet the requirements of the Massachusetts Architectural Access Board and the Americans with Disabilities Act (ADA).
12. *Access and On-site Circulation.* Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks, streets and accessibility of the site and building(s) for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.
13. *Public Safety.* The facility shall also have an integrated emergency call, telephone, and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Andover Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.
14. *Landscaping.* Landscaping and screening shall be required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations, and loading areas. In the SRA and SRB Districts, the minimum setback from all property lines of parking lots, dumpster locations, and loading areas except for their points of ingress and egress shall be 15 feet.

7.8.5. Design Standards.

1. Access. Parking lot driveways access shall not provide access onto North Main Street or Main Street unless granted a special permit by the Planning Board in accordance with Section 5.1.10 meet the standards of Section 5.1.
2. Parking Requirements.
 - a. ~~There shall be two parking spaces per dwelling unit~~ Parking for residences shall be provided as required by Appendix A, Table 3. Visitor parking shall be determined by the Planning Board with reference to the number of dwelling units proposed.
 - b. For mixed use developments parking shall be provided as required by Appendix A, Table 3, ~~the parking required for each use shall be calculated and added to the total.~~
 - c. Upon the issuance of a special permit by the Planning Board, the required number of parking spaces on a common lot may be reduced if it can be shown that the parking needs for the uses are such that a lower total will serve all uses adequately. The Planning Board shall use the criteria under Section 5.1.12.5 in its review of the proposed parking alternative(s).
 - d. Parking lots and driveways shall be designed as per Section 5.1. The Planning Board, in its discretion, may allow alternative dimensional designs for parking spaces and parking aisles if the Board finds that the design satisfies the objectives of Section 5.1.1 of this Bylaw.
 - e. ~~Parking areas, driveways and pedestrian walkways shall be designed to ensure safe separation of vehicles and pedestrians and sufficient on-site traffic circulation and control in relation to surrounding streets and pedestrian ways. Pedestrian walkways shall be designed to link parking areas to buildings and, where applicable, to provide access along waterways and to abutting open space.~~
3. Landscaping, Screening, and Lighting should meet the standards of Sections 5.1 and 5.3. ~~Where a parking lot exceeds 50 parking spaces, at least 5 percent of the parking lot interior shall be landscaped. "Landscaping" is defined as planted trees, shrubs, and ground covers in a prepared planting area.~~
 - a. ~~Landscaping shall be used to:~~
 - i. ~~buffer adjacent properties;~~
 - ii. ~~provide separation between buildings and parking areas; and~~
 - iii. ~~provide shading within parking areas.~~
 - b. ~~Parking areas shall be screened by landscaping, fencing or berms to minimize headlight glare. Lighting shall be designed and screened to prevent light overspill onto abutting properties and ways.~~

4. Disposal Areas. Adequate provision shall be made for snow disposal areas and dumpsters where appropriate. Dumpsters shall be screened by fencing or landscaping.
5. Access and Utilities.
 - a. The lot shall have frontage on an existing public way with sufficient capacity to safely accommodate the projected traffic volume;
 - b. There shall be Town water and sewer available with sufficient capacity to serve the project;
 - c. Emergency vehicles shall have sufficient access to each structure.

8.1. INDUSTRIAL D DISTRICT (ID).

8.1.1. General.

All development in an Industrial D District shall be subject to the following, unless a special permit to vary these requirements is granted by the Zoning Board of Appeals, upon its determination that alternative provisions provide comparable protection for adjoining lots and ways.

1. All utility service lines shall be placed underground. All transformers, meters, or similar utility apparatus shall be placed on or below the surface of the land and be screened from view.
2. All developed land area not covered by buildings, parking areas, driveways, and other site improvements shall be landscaped, and all parking areas shall be screened by landscaping in accordance with Sections 5.1-8-6 and 5.3-2.
3. All undeveloped portions of land may remain in the natural state, provided that these areas do not create a hazard or nuisance.
4. No outdoor lighting shall be mounted higher than 25 feet above finished grade, and lighting sources shall be designed to prevent excessive glare on adjoining property.

8.2. MIXED USE DISTRICT (MU).

8.2.1. Purpose.

The purpose of the Mixed Use District is to foster greater opportunity for creative development by providing guidelines that encourage a mix of uses compatible with neighboring properties, to provide housing and business uses in locations where Town services are available, and to encourage the provision of open areas.

8.2.2. Design Standards.

No building permit or certificate of occupancy shall be issued for the erection of a new building, the enlargement of an existing building, the redevelopment of an existing building, the development of a use not located in a building or the change from one permitted use to another unless the design standards set forth below are satisfied.

1. Parking. Off-street parking requirements listed in Appendix A, Table 3 and Sections 5.1.1 through 5.1.5 shall apply. Where multiple uses share a common parking lot, parking shall be calculated for each use to determine the total parking required.
2. ~~On-site Circulation. Pedestrian walkways, streets and driveways shall be designed to provide safe and convenient access to the proposed uses and to surrounding streets and pedestrian ways. Walkways shall be encouraged along waterways and in the vicinity of buildings and parking areas.~~
3. Screening. Section 5.3.3 shall apply.
4. Driveway Locations. Driveways shall be designed in accordance with Section 5.1.5.4.
5. Landscaping. Landscaping shall be provided in front, side and rear yards and along the perimeter of parking areas to provide separation from building and public ways and shall be designed in accordance with Section 5.1 and 5.3. ~~At a minimum, parking lots shall be enclosed by a landscaped area five feet in width. At least 5 percent of the parking lot interior shall be landscaped for parking lots that exceed 50 parking spaces.~~
6. Distance from Residential Dwellings. Section 4.1.4.4 shall apply.
7. Maintenance. All landscaping and screening shall be maintained by the property owner.

8.2.3. Review Requirements.

Any commercial, industrial, institutional, and/or multifamily use in the Mixed Use District shall require site plan review and approval pursuant to Section 9.5.

8.5.9. Off-Street Parking and Loading Areas.

1. *Structured Parking.* Parking within the HMOD shall be accommodated within Structured Parking Facilities and under buildings to the maximum extent possible. On-street parking may be provided on private streets within the development project in front of and adjacent to retail stores.
2. ~~Off-Street Parking.~~ For any structure that is constructed, enlarged, or extended, or has a change-of-use that affects the computation of parking spaces, or if any existing use is changed, the parking shall be provided as required by Appendix A, Table 3 ~~spaces shall meet the following requirements:~~
 - a. ~~Residential uses; minimum of 1 space per dwelling unit.~~
 - b. ~~Non-residential uses; minimum of 2 spaces per 1,000 square feet of gross floor area.~~
3. *Shared Parking Facilities.* The Planning Board may allow for shared parking facilities within the HMOD for different buildings or uses subject to the following provisions:
 - a. Up to 50 percent of the parking spaces serving a building may be used jointly for other uses not normally open, used, or operated during similar hours. The applicant must demonstrate to the Planning Board that the peak demand and principal operating hours for each use are suitable for a common parking facility.
 - b. A written agreement defining the joint use of the common parking facility acceptable to the Planning Board shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. This agreement shall be recorded with the Northern Essex Registry of Deeds.
4. *Computation of Spaces.* When the computation of required parking spaces results in the requirement of fractional space, any fraction more than one-half (1/2) shall require one (1) space.
5. *Loading Areas.* Loading areas shall be designed in accordance with Section 5.1-5.5 of this Bylaw.

8.5.10. Submission Requirements and Procedures.

1. *Pre-Application.* Prior to the submittal of a special permit application, a "Concept Plan" shall be submitted to help guide the development of the site plan process for the proposed project build-out and individual elements thereof. The Concept Plan should reflect the following:
 - a. Overall building footprint;
 - b. Areas that shall remain undeveloped;

c. General site improvements, groupings of buildings, and proposed land uses.

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

8.7.6. Roadway and Parking Requirements

1. The following parking standards shall apply to SRCOD facilities approved under this Section 8.7. The Planning Board may waive the construction of parking until it is demonstrated that it is needed. However, parking areas shall be designated to anticipate the future demand. The parking shall be provided as required by Appendix A, Table 3. ~~minimum requirements are as follows:~~
 - a. ~~Detached Independent Living: One parking space per dwelling unit.~~
 - b. ~~Attached Independent Living: One parking space per dwelling unit.~~
 - c. ~~Congregate Housing and Assisted Living: One parking space for every five beds and one parking space for each employee on the largest shift.~~
 - d. ~~Restorative Care or Nursing Care facility: One parking space for every 20 beds and one parking space for every employee on the largest shift.~~
2. All other parking and screening provisions of the Zoning Bylaw shall apply unless modified by this section.
3. If there is a mix of uses, the Planning Board may waive the parking requirements to reduce the amount of impervious material on site. The Planning Board may require areas to be set aside for future parking needs.

APPENDIX A

TABLE 3

**Section 5.1.4 – Table of Off-Street Parking Requirements
 Unless otherwise specified, floor area means net floor area**

Class of Use	Required Parking Spaces
A. Residential Uses	
1. Detached one-family dwelling	Two parking spaces for each dwelling unit.
2. Cluster development	Two parking spaces for each dwelling unit.
3. Board or lodging house	One parking space for each room rented.
4. Multiple dwellings:	—
a. Conversion or a one-family or a two- or more family dwelling	One parking space for each studio or 1-bedroom unit; two parking spaces for each unit with two or more bedrooms, <u>except: One space per unit within ½ mile of commuter rail station.</u>
b. Multiple-dwelling (Apartment Building)	One parking space for each studio or 1-bedroom unit; two parking spaces for each unit with two or more bedrooms, <u>except: One space per unit within ½ mile of commuter rail station.</u>
c. Planned Development – Multifamily or Mixed Use	<u>As set forth in Section 7.8.5.2 One parking space per dwelling unit. Visitor parking determined by Planning Board. Mixed development parking calculated per each use and added to the total.</u>
d. Conversion of an existing structure of 50,000 square feet gross floor area or more to multifamily use	One parking space for each studio or 1-bedroom unit; two parking spaces for each unit with two or more bedrooms, <u>except: One space per unit within ½ mile of commuter rail station.</u>
e. Attached Cluster	Two parking spaces per dwelling unit.
f. <u>Senior Residential Community Overlay District</u>	<u>Independent Living: One parking space per unit. Congregate Housing and Assisted Living: One parking space per five beds plus one parking space per employee. Restorative Care or Nursing Care facility: One parking space per twenty beds plus one parking space per employee.</u>
5. Assisted Living Residence:	—
a. Long-term care facility	One parking space per two beds, plus one parking space per employee.
b. Assisted living residence	<u>0.4 parking spaces per unit plus one parking space per three employees. As set forth in Section 7.3.3.11</u>
c. Congregate Living facility	<u>0.4 parking spaces per unit plus one parking space per three employees. As set forth in Section 7.3.3.11</u>
d. Independent living residence	One parking space for each studio or 1-bedroom unit; two parking spaces for each unit with two or more bedrooms.
6. Subsidized low or moderate-income dwelling	One parking space for each studio and 1-bedroom unit or elderly housing unit; 1.5 parking spaces for each unit with two or more bedrooms.
7. <u>Historic Mill Overlay District</u>	<u>Residential uses: One space per unit. Non-residential uses: Refer to specific use in table as defined in the underlying zoning district.</u>
B. Institutional Uses	
1. Exempt religious uses	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
2. Exempt educational uses	Elementary, secondary schools: Two parking spaces per classroom. College, technical school: One parking space for each four persons maximum occupancy.
3. Municipal facility	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
4. Child care facility:	—
a. in existing structure	One parking space per ten children, maximum rated occupancy, plus one parking space per employee.
b. in new structure	One parking space per ten children, maximum rated occupancy, plus one parking space per employee.
5. Any use or facility operated by a private nonprofit organization for the conservation of natural resources, for the preservation of historic sites, or for park or recreational purposes	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
6. Hospital	One parking space per two beds, plus one parking space per employee.

APPENDIX A
TABLE 3
Section 5.1.4 – Table of Off-Street Parking Requirements
(continued)

Class of Use	Required Parking Spaces
C. Business and Commercial Uses	
1. Outdoor recreation club or camp	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
2. Private club not conducted for profit	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
3. Personal service establishment	General Business District and Mixed Use District: One parking space per 500 square feet of gross <u>net</u> floor area, on street level floor; one parking space per 600 square feet of gross floor area on other floors, including the basement level floors. Other Districts: One parking space per 250 square feet of gross <u>net</u> floor area.
4. Adult uses:	—
a. Adult bookstores, adult paraphernalia stores and adult video stores	One parking space per 250 square feet of gross <u>net</u> floor area.
b. Adult cabarets and adult motion-picture theaters	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
5. Banking establishment	One parking space for each 250 square feet of gross <u>net</u> floor area for lobby/banking area, plus one parking space for each 300 square feet of gross <u>net</u> floor area for office/operations area.
6. Establishment for the retail sale of merchandise	<u>General Business District and Mixed Use District: No parking for a retail establishment with less than 1,000 square feet of net floor area. For retail with 1,000 square feet or more, a minimum of one parking space per 1,000 square feet of net floor area.</u> <u>Other Districts: One parking space per 500 square feet of net floor area.</u> <u>General Business District and Mixed Use District: one parking space per 600 square feet of gross floor area</u> Other Districts: one parking space per 250 square feet of gross floor area
7. Convenience store	<u>General Business District and Mixed Use District: One parking space per 500 square feet of net floor area.</u> <u>Other Districts: One parking space per 250 square feet of net floor area.</u> <u>General Business District and Mixed Use District: one parking space per 500 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors.</u> Other Districts: one parking space per 250 square feet of gross floor area.
8. Non-exempt educational use	One parking space for each four persons maximum occupancy.
9. Medical center or clinic	Office Park District: One parking space for each 200 square feet of net floor area and four parking spaces for each doctor or dentist. Other Districts: Three parking spaces per treatment area.
10. Funeral home	One parking space for each four patron seats in the largest assembly area.
11. Self-service laundry or dry-cleaning operation	One parking space for each 250 square feet of gross <u>net</u> floor area.
12. Restaurants:	
a. Restaurant, sit-down	General Business District and Mixed Use District: One parking space per 500 square feet of gross <u>net</u> floor area, plus 1 parking space per 2 employees. Other Districts: One parking space for each two seats Four parking spaces per 1,000 square feet of net floor area, plus 1.5 parking spaces for each 2 employees
b. Restaurant, limited service	General Business District and Mixed Use District: One parking space per 500 square feet of gross <u>net</u> floor area, plus 1 parking space per 2 employees. Other Districts: One parking space for each 200 square feet of gross floor area Four parking spaces per 1,000 square feet of net floor area.
13. Shop for custom work involving the manufacture of articles to be sold on the premises	<u>General Business District and Mixed Use District: No parking for a retail establishment with less than 1,000 square feet of net floor area. For retail area with 1,000 square feet or more of net floor area, a minimum of one</u>

	parking space per 1,000 square feet. Other Districts: One parking space per 500 square feet of net floor area. One parking space for each 200 square feet of gross floor area devoted to retail
14. Indoor commercial recreation establishment	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
15. Business, professional or administrative office	General Business District and Mixed Use District: One parking space per 5300 square feet of gross-net floor area, on-street-level-floor; one parking space per 500 square feet of gross floor area on other floors including the basement level floors. All Other Districts: One parking space for each 300 square feet of gross net floor area.
16. Motel or hotel	One parking space per rental room or suite; plus one parking space per four persons maximum occupancy for each assembly room (banquet or public meeting room); plus parking spaces required for other accessory uses on the premises.

APPENDIX A
TABLE 3
Section 5.1.4 – Table of Off-Street Parking Requirements
(continued)

Class of Use	Required Parking Spaces
17. Commercial parking lot or garage	Not applicable.
18. Motor vehicle sale or rental	As determined by the Planning Board and reported in a memorandum to be filed with the certificate of occupancy or building permit.
19. Motor vehicle service station	One parking space for each employee on principal work shift, plus four parking spaces for each service bay, or 300 square feet of interior service area.
20. Motor vehicle repair garage or body shop	One parking space for each employee on principal work shift, plus four parking spaces for each service bay, or 300 square feet of interior service area.
21. Car washing facility	One parking space for each employee on principal work shift, plus four parking spaces for each service bay, or 300 square feet of interior service area.
22. Building supply and fuel establishment, contractor's yard and similar wholesale storage warehousing or service uses	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
23. Contractor's yard	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
24. Wholesale storage warehousing	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
25. Major commercial project	See parking requirements for specific uses.
26. Grocery store	One parking space per 300 square feet of gross-net floor area.
D. Manufacturing and Industrial Uses	
1. Laboratory for research and development work	One parking space for each 300 per 1,000 square feet of gross-net floor area.
2. Establishment engaged in manufacture or other industrial work, including fabrication assembly	One parking space per 300 -1,000 square feet of net floor area.
3. Warehousing	One parking space per 600 -1,600 square feet of net floor area.
4. Storage of goods, materials, products, equipment and nonregistered motor vehicles within enclosed structures incidental to subsection D. 1, 2 and 3 above.	Not applicable.
E. Other Main Uses	
1. Exempt agricultural use	Not applicable.
2. Non-exempt agricultural use	Not applicable.
3. Exempt farm stand	One parking space per 200 square feet of gross-net floor area if customers are served in a structure.
4. Non-exempt farm stand	One parking space per 200 square feet of gross-net floor area if customers are served in a structure.
5. Public transportation station or terminal excluding airports	Not applicable.
6. Essential services	Not applicable.
7. Earth Movement	Not applicable.
8. Cemetery	Not applicable.

F. Accessory Uses	
1. Family child care, small	Not applicable.
2. Customary home occupation	Two parking spaces per residence and one parking space per employee.
3. Family dwelling unit	One parking space per family dwelling unit.
4. Professional home office	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
5. Keeping or boarding of horses, ponies, cows or other large domestic animals:	—
a. Solely as pets or for private noncommercial use	Not applicable.
b. Keeping or boarding more than 6 such animals regardless of ownership; or charging of fees for riding, training, lessons, breeding or other uses of the premises	As determined by the Planning Board.

APPENDIX A
TABLE 3
Section 5.1.4 – Table of Off-Street Parking Requirements
(continued)

Class of Use	Required Parking Spaces
6. Heliport	Not applicable.
7. Temporary and seasonal placement of tables and chairs and retail fixtures	See Sections 3.2.1.6 and 10.
8. Parking or keeping of a commercial motor vehicle less than 9,500 pounds manufacturer's GVW rating on residentially used property	See Section 3.2.
9. Parking or keeping of a commercial motor vehicle more than 9,500 pounds manufacturer's GVW rating on residentially used property	See Section 3.2.
10. Parking or keeping of equipment or vehicles, or the maintenance of temporary buildings on construction sites for a period not to exceed 1 year, subject to permit issued by the Building Commissioner	Not applicable.
11. Use of a mobile home as a temporary dwelling on the site of a single-family residence which has been destroyed or rendered uninhabitable by fire or other catastrophe	Two parking spaces.
12. Accessory scientific uses	Not applicable.
13. Wind energy towers	Not applicable.
14. Wireless communications facilities or other communications use	Not applicable.
15. Amateur radio facilities	Not applicable.
16. Tower or antenna for commercial communications purposes	Not applicable.
17. Open storage of second-hand junk or scrap material	Not applicable.
18. Temporary use of residential premises for sale of crafts	Not applicable.
19. Storage of one unregistered vehicle or of one vehicle not in condition for travel	See Section 6.8.



TOWN OF ANDOVER

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

To: Select Board
Andrew Flanagan, Town Manager

CC: Douglas Heim, Town Counsel
Austin Simko, Deputy Town Manager/Town Clerk
Michael Morse, Town Treasurer

From: Jacki Byerley, AICP Planner

Re: 2024 Town Meeting Article P24 – Zoning Bylaw Amendment Off-Street Parking

Date: February 28, 2024

The Off-Street Parking Requirements of the Bylaw is up for an amendment at the 2024 Town Meeting. The amendment includes revisions to amend Section 5.1; Section 4.1.4; Section 5.3; Section 7.3.3; Section 7.8.5; Section 8.1; Section 8.2; Section 8.5; Section 8.7; and Appendix A Table 3 of the Andover Zoning Bylaw Article VIII to update the design standards, parking district information, and parking special permits to incorporate to the best extent possible off street parking information and requirements into Section 5.1 and Appendix A Table 3 Off-Street Parking.

Amend Section 5.1:

- Added Electric Vehicle Charging Station requirement.
- Added Bicycle Parking requirement.
- Added Pedestrian Access and Walkway requirement for all parking lots.
- Additional landscaping and lighting information to reinforce Section 5.3.
- Special Permit Requirements – Updated special permits for shared parking facilities, remote parking areas, reserve parking areas, and alternative parking design to all districts.
- Removed Special Permit for Main Street Access.

Table of Regulations Appendix A:

- Moved the number of parking spaces required from the Sections to the Parking Table.
- Updated number of parking spaces required from gross floor area to net floor area to reflect the use of the space.
- Updated number of parking spaces requirement based on present and anticipated future industry uses and the Comprehensive Plan.
- Residential Uses Classification – Updated single family, multifamily within ½ mile of commuter rail to 1 space per unit.

- Added Planned Development, Senior Residential Community Overlay District, Assisted Living Residence, and Historic Mill Overlay District.
- Institutional Uses Classification – No revisions.
- Business and Commercial Uses Classification – Updated from gross floor area to net floor area, removed different parking requirements for each level, removed parking requirement for businesses under 1,000 square feet.
- Manufacturing and Industrial Uses Classification – Updated from gross floor area to net floor area, decreased number of parking spaces required per net floor area.
- Other Main Uses Classification – Updated from gross floor area to net floor area.

Section 7.3.3; Section 7.8.5; Section 8.1; Section 8.2; Section 8.5; Section 8.7:

- Moved the number of parking spaces required from the Sections to the Parking Table.
- Moved other off street parking requirements throughout the Bylaw to Section 5.
- Section 4.1.4 Special District Regulations – ID parking requirement not within 50 feet of street line moved to 5.1.8.9.
- Section 5.3 Landscaping, Buffering and Lighting – Section references corrected to 5.1.
- Section 7.3.3 Assisted Living Residences – Number of parking space requirement moved to Table.
- Section 7.8.5 – Planned Development Design Standard – Updated references to Section 5.1 and moved number of parking space requirement to Table.
- Section 8.1 Industrial D District (ID) – Section references corrected.
- Section 8.2 Mixed Use District (MU) – Section references corrected; removed language already stated in Section 5.1.
- Section 8.5.9 Historic Mill Overlay District (HMOD) – Number of parking space requirement moved to Table.
- Section 8.7.6 Senior Residential Community Overlay District (SRCOD) – Number of parking space requirement moved to Table.

On February 27, 2024, the Planning Board voted 4-0 to recommend Town Meeting Approval.



TOWN OF ANDOVER

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

February 28, 2024

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

Re: 2024 Town Meeting – Article P25 – Street Acceptance Monarch Lane

Dear Mr. Flanagan:

On February 27, 2024, the Planning Board voted (4-0) to recommend that Monarch Lane be approved by the Select Board at the street layout meeting contingent upon a favorable review of the documents by Town Counsel and the Department of Public Works.

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

Very truly yours,

Jacki Byerley
Planner

cc: Douglas Heim, Town Counsel
Austin Simko, Deputy Town Manager/Town Clerk
Select Board
Engineering

Attorney Kathryn M. Morin

Admitted in MA, NH, & ME

February 28, 2024

Ms. Jacki Byerley
Town of Andover Planner
36 Bartlet Street
Andover, MA 01810

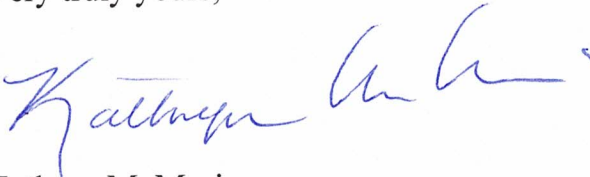
Re: Monarch Lane – Street Acceptance

Dear Jacki:

Enclosed is my Certification of Notice relative to the layout meeting for Monarch Lane scheduled for March 18, 2024. I have also provided a copy of the Certificate to Town Counsel.

Please let me know if you have any questions.

Very truly yours,



Kathryn M. Morin

KMM/i

cc: Andover Town Counsel *via email only*


Attorney Kathryn M. Morin

Admitted in MA, NH, & ME

February 28, 2024

CERTIFICATE REGARDING NOTICE
OF PUBLIC MEETING FOR
STREET ACCEPTANCE PURPOSES

I, Kathryn M. Morin, Attorney at Law, having a usual business address of P.O. Box 370, Plaistow, Rockingham County, New Hampshire 03865, do hereby certify that I have given proper notice to all property owners, mortgagees, and abutters of a public hearing pursuant to the provisions of the Massachusetts General Laws, Chapter 82, Section 22, for the acceptance of Monarch Lane as a public way by the Town of Andover, by mailing a notice containing the language on the attached Notice of Public Hearing to all of said parties by Certified Mail – Return Receipt Requested on February 26, 2024, all pursuant to the provision of Massachusetts General Laws, Chapter 82, Section 22. In addition, all property owners, mortgagees, and abutters were sent notice via first class mail.


Kathryn M. Morin, Attorney at Law

PUBLIC HEARING
TOWN OF ANDOVER
SELECT BOARD
STREET LAYOUT MEETING

Notice is hereby given that pursuant to M.G.L. Chapter 82, Section 22, a public hearing will be convened by the Town of Andover Select Board on Monday, March 18, 2024, at 7:00 p.m. in the School Committee Conference Room, School Administration Building, 30 Whittier Court, Andover, to consider laying out the following street as a public way for consideration at the 2024 Annual Town Meeting: Monarch Lane. A copy of the street layout plan is available in the Town Clerk's Office.

Melissa Danisch, Chair

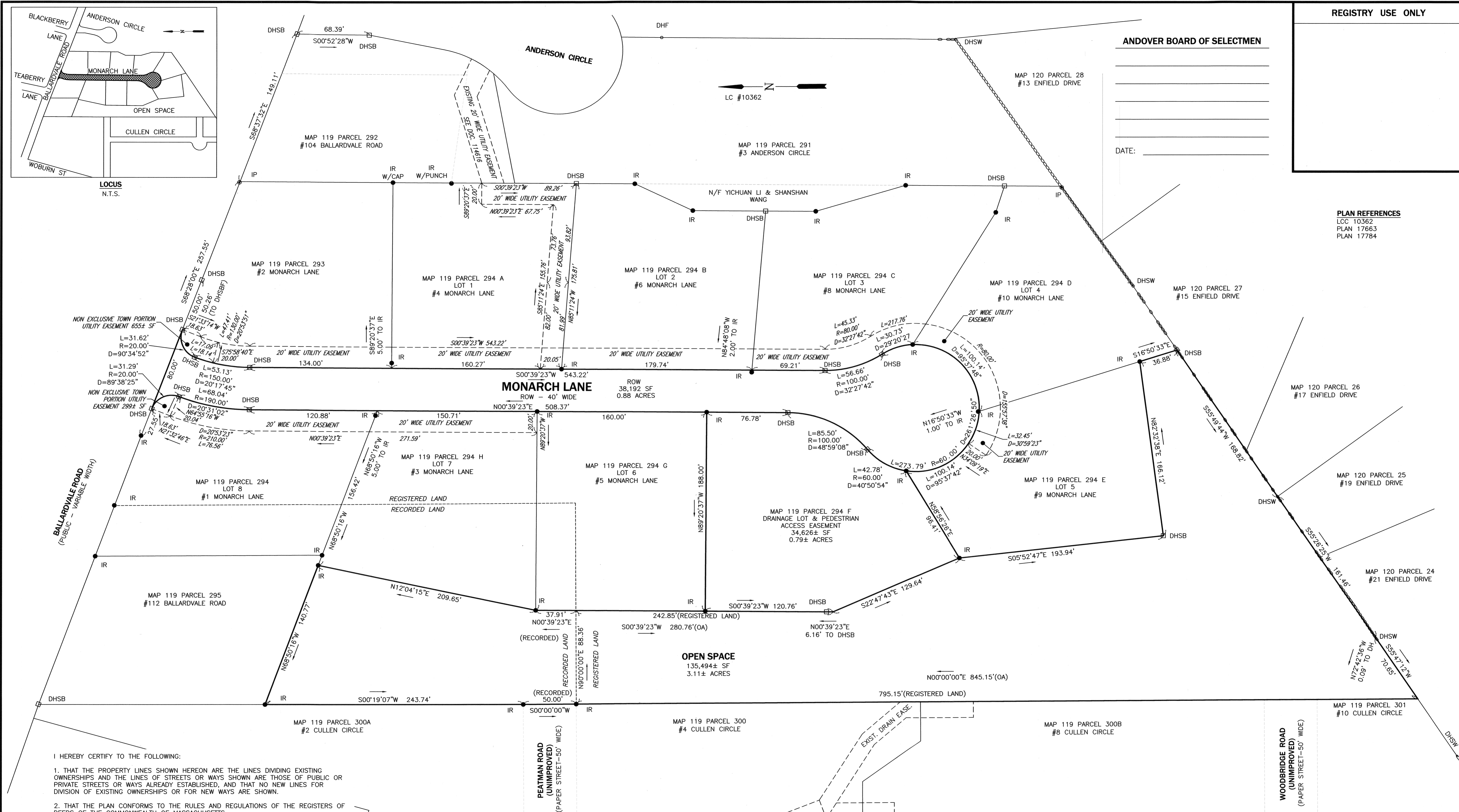
Andover Select Board

Date of Issue: February 26, 2024

ANDOVER BOARD OF SELECTMEN

DATE: _____

PLAN REFERENCES
LCC 10362
PLAN 17663
PLAN 17784



I HEREBY CERTIFY TO THE FOLLOWING:

1. THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.
2. THAT THE PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.



LEGEND

ROW/PARCEL PERIMETER	—————
ABUTTER PARCELS	—————
EASEMENT LINE	- - - - -
INTERIOR LOT LINE	—————
STONE WALL	⋯⋯⋯⋯⋯
DRILL HOLE/NAIL	○
BOUND	□
IRON PIPE	●
IRON ROD	●

REV.	DESCRIPTION	DATE

40' 20' 0 40' 80' 120'

STREET ACCEPTANCE PLAN

MONARCH LANE
ANDOVER, MASS.

APPLICANT:
TWIN BIRCH DEVELOPMENT, LLC
P.O. BOX 483
NORTH ANDOVER, MA 01845

SCALE: 1"=40' DATE: FEBRUARY 28, 2024

Marchionda & Associates, LP

Engineering and Planning Consultants

62 Montvale Avenue TEL: (781) 438-6121
Suite 1 FAX: (781) 438-9654
Stoneham, MA 02180

Email: engineering@marchionda.com
Website: www.marchionda.com

(Space Above this Line Reserved for Registry of Deeds)

QUITCLAIM DEED

Twin Birch Development, LLC, a Massachusetts limited liability company, having a mailing address of P.O. Box 483, North Andover, Massachusetts 01845

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

grants to the Inhabitants of the Town of Andover, a Massachusetts municipality, having an address of 36 Bartlet Street, Andover, MA 01810

with Quitclaim Covenants

That certain street or way located off Ballardvale Road, Andover, Essex County, Massachusetts and being shown as Lot 130, Monarch Lane, on Land Court Plan No. 10362N (“Plan”).

Lot 130, Monarch Lane, is described as follows:

Beginning at a point at the northeasterly terminus of Lot 130 near the northwesterly corner of Lot 123 as shown on Land Court Plan Number 10362L;

Then running along a curve to the left having a radius of 20.00’ a distance of 31.62’ to a point;

Then running along a curve to the left having a radius of 150.00’ a distance of 53.13’ to a point;

Then running S 00°39’23” W a distance of 543.22’ to a point;

Then running along a curve to the left having a radius of 100.00’ a distance of 56.66’ to a point;

Then running along a curve to the right having a radius of 60.00’ a distance of 273.79’ to a point;

Then running along a curve to the left having a radius of 100.00’ a distance of 85.50’ to a point;

Then running N 00° 39’23” E a distance of 508.37’ to a point;

Then running along a curve to the right having a radius of 190.00’ a distance of 68.04’ to a point;

Property Address: Fee in Monarch Lane (Lot 130), Andover, MA

Then running along a curve to the left having a radius of 20.00' a distance of 31.29' to the northwesterly corner of Lot 130;

Then turning and running along the southerly line of Ballardvale Street S 68°28'00" E a distance of 80.00' to the point of beginning.

Monarch Lane, Lot 130, contains 38, 192 +/- square feet (0.88+/- acres) of land as shown on the Plan.

Monarch Lane, Lot 130, is conveyed subject to:

- A. Grant of Easement by Twin Birch Development, LLC to Massachusetts Electric Company, dated June 8, 2018, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,098, as noted on Certificate of Title No. 17980.
- B. Easement by Twin Birch Development, LLC to Bay State Gas Company d/b/a Columbia Gas of Massachusetts, dated September 13, 2018, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,696, as noted on Certificate of Title No. 17980.
- C. Planning Board Decision SP16-02 – Cluster, dated December 14, 2016, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,072 as noted on Certificate of Title No. 17980.
- D. Planning Board Decision SP16-03 – Earth Movement, dated December 14, 2016, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,073 as noted on Certificate of Title No. 17980.
- E. Conditions of Approval filed on June 7, 2018, with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,071 as noted on Certificate of Title No. 17980.
- F. Rights of others to use Monarch Lane, Lot 130, for all purposes for which streets and ways are commonly used in the Town of Andover.

For grantor's title see deed dated June 6, 2018, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,070, as noted on Certificate of Title No. 17980.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. In addition, no member of the grantor is an entity taxed as a corporation in Massachusetts. This is not homestead property.

End of Text
Signature Page Follows

Signed as a sealed instrument this _____ day of _____, 2024.

TWIN BIRCH DEVELOPMENT, LLC

By: David Kindred
Its: Manager/Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared David Kindred, as Manager and Real Estate Signatory of Twin Birch Development, LLC, who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and has the authority to sign in that capacity.

Name:
Notary Public
My Commission Expires:

Acceptance by Select Board

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover, this _____ day of _____, 2024.

Melissa Danisch

Laura M. Gregory

Christian C. Huntress

Ann W. Gilbert

Alexander J. Vispoli

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state government agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My Commission Expires:

(Space Above this Line Reserved for Registry of Deeds)

QUITCLAIM DEED

Twin Birch Development, LLC, a Massachusetts limited liability company, having a mailing address of P.O. Box 483, North Andover, Massachusetts 01845

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

hereby grants to the Inhabitants of the Town of Andover, to be under the care, custody and control and management of the Andover Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, having an address of 36 Bartlet Street, Andover, MA 01810.

with Quitclaim Covenants

That certain parcel of land located off Monarch Lane in Andover, Essex County, Massachusetts being shown as "Open Space" on plan of land entitled, "Plan of Land Monarch Woods in Andover, Mass." Prepared by Marchionda & Associates, L.P., dated August 30, 2016, Scale: 1" = 40' which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17784, including, without limitation, the registered land portion of the lot, being

Lot 140 as shown on plan of land entitled, "Plan of Land in Andover, Mass" Sheet 1 of 1, Scale: 1"=40', Date: May 14, 2018, being a division plan of land of Lot 122 as shown on LC 10362K and Lot 124 as shown on LC 10362L creating Lots 125 through 140, record owners Twin Birch Development, LLC, Former Parcels C1 & C2/Formal Parcel 122 and Dana C. Scholtz & Anne Mattison, Former Lots A & 120/Formal Parcel 124, prepared by Marchionda and Associates, L.P., which plan is filed as Land Court Plan No. 10362N.

Lot 140 contains 2.44 +/- acres of land as shown on Plan Number 10362N. The Open Space, including both the registered and recorded portions, contains 135,488 s.f. +/- (3.06 Acres) of land, according to Plan Number 17784.

Property Address: Open Space off Monarch Lane (Lot 140), Andover, MA

The land hereby conveyed is more particularly described as follows:

REGISTERED LAND:

Beginning at a point at the southwesterly corner of the Open Space at a point at the intersection of the lot lines of the Open Space, the land designated on Land Court Plan 10362N as Map 120 Parcel 24 #21 Enfield Drive LC 14540D Lot 10 Cert 12452 N/F Richard, Jr. & Marie C. Licciardi, and the land designated on Land Court Plan 10362N as Map 119 Parcel 301 #10 Cullen Circle LC 10362B Cert 15882 Lots 25-27 N/F Peter & Jacqueline Hesketh;

Then running N 00°00'00" E a distance of 795.15' to a point at the northwest corner of Lot 140;

Then turning and running S 90°00'00" E a distance of 88.36' to the westerly boundary line of lot 137;

Then turning and running S 00°39'23" W a distance of 242.85' to a point;

Then turning and running S 22°47' 43" E a distance of 129.64' to a point at the northwesterly corner of Lot 135;

Then turning and running S 05°52'47" E a distance of 193.94' to a point at the southwesterly corner of Lot 135;

Then turning and running N 82° 32' 38" E a distance of 166.12 feet to the southeasterly corner Lot 135;

Then turning and running S 16° 50' 33" W a distance of 36.88' to the southeasterly corner of the Open Space;

Then turning and running S 55°49'44" W a distance of 168.82' to a point;

Then turning slightly and running S 55° 26'25" W a distance of 161.46' to a point;

Then turning slightly and running S 55°47'12" W a distance of 70.65' to the point of beginning.

RECORDED LAND:

Beginning at a point at the southeasterly corner of the parcel herein described being located 37.91' southerly of the northwesterly corner of Lot #6;

Then running N 00° 39'23" E a distance of 37.91' to the northwesterly corner of Lot #6;

Then turning slightly and running N 12°04'15" E a distance of 209.65 feet to the northeasterly corner of the parcel herein described;

Then turning and running N 68°50'16" W a distance of 140.77 feet the northwesterly corner of the parcel herein described;

Then turning and running S 00°19'07" W a distance of 243.74' to a point;

Then turning slightly and running S 00°00'00" E a distance of 50.00' to the southwesterly corner of the parcel herein described;

Then turning and running S 90°00'00" E a distance of 88.36' to the point of beginning.

There is conveyed herewith rights of access to and egress from the Open Space over Monarch Lane (Lot 130, Plan 10362N) and the Drainage Lot (Lot 136, Plan 10362N).

Access to the Open Space is conveyed subject to:

- A. Grant of Easement by Twin Birch Development, LLC to Massachusetts Electric Company, dated June 8, 2018, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,098, as noted on Certificate of Title No. 17980.
- B. Easement by Twin Birch Development, LLC to Bay State Gas Company d/b/a Columbia Gas of Massachusetts, dated September 13, 2018, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,696, as noted on Certificate of Title No. 17980.
- C. Rights of others to use Monarch Lane, Lot 130, for all purposes for which streets and ways are commonly used in the Town of Andover.

The Open Space and access thereto are conveyed subject to:

- D. Planning Board Decision SP16-02 – Cluster, dated December 14, 2016, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,072 as noted on Certificate of Title No. 17980.
- E. Planning Board Decision SP16-03 – Earth Movement, dated December 14, 2016, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,073 as noted on Certificate of Title No. 17980.
- F. Conditions of Approval filed on June 7, 2018, with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,071 as noted on Certificate of Title No. 17980.

The Open Space is hereby conveyed to Grantee under the provisions of Massachusetts General Laws Chapter 40, Section 8C to be managed and controlled by the Conservation Commission of the Town of Andover, Massachusetts for the promotion and development of the natural resources and for the protection of the watershed resources of the Town of Andover, Massachusetts.

For grantor's title see deed dated June 6, 2018, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,070, as noted on Certificate of Title No. 17980 and deed recorded at Book 15504, Page 126.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. In addition, no member of the grantor is an entity taxed as a corporation in Massachusetts. This is not homestead property.

End of Text
Signature Page Follows

Signed as a sealed instrument this _____ day of _____, 2021.

TWIN BIRCH DEVELOPMENT, LLC

By: David Kindred
Its: Manager/Real Estate Signatory

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared David Kindred, as Manager and Real Estate Signatory of Twin Birch Development, LLC, who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and has the authority to sign in that capacity.

Name:
Notary Public
My Commission Expires:

Acceptance by Andover Conservation Commission

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover, this _____ day of _____, 2021.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state government agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My commission expires:

Acceptance by Select Board

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover, this _____ day of _____, 2021.

Ann W. Gilbert

Richard Howe

Christian C. Huntress

Laura M. Gregory

Alexander J. Vispoli

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state government agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:

Notary Public

My Commission Expires:

(Space Above this Line Reserved for Registry of Deeds)

GRANT OF UTILITY EASEMENT

Twin Birch Development, LLC, a Massachusetts limited liability company of P.O. Box 483, North Andover, Massachusetts 01845

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

grants to the Inhabitants of the Town of Andover, a Massachusetts municipality, having an address of 36 Bartlet Street, Andover, MA 01810

with Quitclaim Covenants

The following utility easements affecting portions of the land located at 1 Monarch Lane and 2 Monarch Lane, Andover, Essex County, Massachusetts:

A non-exclusive Utility Easement located on, over, under, and through that portion of the premises located at and known as 1 Monarch Lane, Andover, Essex County, Massachusetts, depicted on the easement sketch plan attached hereto as Exhibit A as "Non Exclusive Town Portion Utility Easement 299± SF" and being described as follows:

Beginning at a point at the southwesterly corner of the easement area herein described;

Then running N 21°32'46" E a distance of 18.63' to the southerly line of Ballardvale Road;

Then turning and running along a curve to the right having a radius of 20.00' a distance of 31.29' to a DHSB as shown on the sketch plan attached;

Then turning and running N 64°55'16" W a distance of 20.04' to the point of beginning.

The affected premises are a portion of Lot 139 on Land Court Plan Number 10362N, being currently described in Certificate of Title Number 18263. The Utility Easement was created by reservation in deed filed as Document Number 120,466. The Utility Easement hereby granted is non-exclusive and the grantor in this instrument reserves the right to convey the entire or any portion of the reserved Utility Easement to another grantee or other grantees.

Property Address: Utility Easements, 1 and 2 Monarch Lane, Andover, MA 01810

Also, a non-exclusive Utility Easement located on, over, under, and through that portion of the premises located at and known as 2 Monarch Lane, Andover, Essex County, Massachusetts, depicted on the easement sketch plan attached hereto as Exhibit B as "Non Exclusive Town Portion Utility Easement 655± SF" and being described as follows:

Beginning at a point on the easterly line of Monarch Lane, near but southerly of the northwesterly corner of Lot 123;

Then running S 75°58'40" E a distance of 20.00' to a point;

Then turning and running along a curve to the right having a radius of 130.00' a distance of 17.09' to a point;

Then running N 21°33'14" E a distance of 18.63' to the southerly sideline of Ballardvale Road;

Then turning and running along a curve to the left having a radius 20.00' a distance of 31.62' to a DHSB as shown on the sketch plan attached as Exhibit B;

Then running along a curve to the left having a radius of 150.00' a distance of 18.14' to the point of beginning.

The affected premises are a portion of Lot 123 on Land Court Plan Number 10362L, being currently described in Certificate of Title Number 18083. The Utility Easement was created by reservation in deed filed as Document Number 120,466. The Utility Easement hereby granted is non-exclusive and the grantor in this instrument reserves the right to convey the entire or any portion of the reserved Utility Easement to another grantee or other grantees.

The purpose of the easements shown on Exhibit A and Exhibit B is for maintenance and repair of the sewer manholes shown on Exhibit A and Exhibit B and the gravity fed sewer line from the manholes to the sewer main in Ballardvale Road.

For grantor's title see Certificate of Title Number 17980.

Grantee shall have the right but not the obligation to restore landscaping and improvements within the easement area following exercise of the easement rights granted hereunder.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. In addition, no member of the grantor is an entity taxed as a corporation in Massachusetts. This is not homestead property.

Signed as a sealed instrument this _____ day of _____, 20____.

TWIN BIRCH DEVELOPMENT, LLC

By: David Kindred
Its: Manager

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared David Kindred, as Manager of Twin Birch Development, LLC, who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and has the authority to sign in that capacity.

Name:
Notary Public
My Commission Expires:

Acceptance by Select Board

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover, this _____ day of _____, 2024.

Melissa Danisch

Laura M. Gregory

Christian C. Huntress

Ann W. Gilbert

Alexander J. Vispoli

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state government agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My Commission Expires:

Property Address: Utility Easement, 4 Monarch Lane and 104 Ballardvale Road, Andover, MA 01810

(Space Above this Line Reserved for Registry of Deeds)

GRANT OF UTILITY EASEMENT

Twin Birch Development, LLC, a Massachusetts limited liability company of P.O. Box 483, North Andover, Massachusetts 01845

for consideration paid and in full consideration of fewer than one hundred dollars (\$100.00)

grants to the Inhabitants of the Town of Andover, a Massachusetts municipality, having an address of 36 Bartlet Street, Andover, MA 01810

with Quitclaim Covenants

The following utility easement affecting land located on and near Monarch Lane in Andover, Essex County, Massachusetts:

A Utility Easement located on, over, under, and through portions of the premises located at and known as 4 Monarch Lane and 104 Ballardvale Road, Andover, Essex County, Massachusetts, depicted as:

“20’ Wide Utility Easement” running along the southerly boundary of Lot 131, Plan 10362N and along the southerly and a portion of the easterly boundary of Lot 125, Plan 10362M, affecting portions of the premises at 4 Monarch Lane; and

“Proposed 20’ Wide Easement 2,406 Sq. Ft.” on Easement Plan attached to document filed with the Land Court Department at the Essex North District Registry of Deeds as Document Number 114,616 affecting a portion of the premises at 104 Ballardvale Road.

The 20’ Wide Utility Easement easement area is described as follows:

Beginning at a point on the westerly line of Lot 131 on Land Court Plan 10362N at the southwesterly corner of Lot 131;

Then running N 00°39’23” E a distance of 20.05’ to a point;

Then turning and running S 85°11'24" E a distance of 82.00' to a point on the westerly line of Lot 125 on Land Court Plan 10362M and continuing S 85°11'24" E a distance of 73.76' on Lot 125, for a total distance on the bearing of S 85°11'24" E of 155.76';

Then turning and running N 00°39'23" E a distance of 67.75' to a point;

Then turning and running S 89°20'37" E a distance of 20.00 feet to a point on the easterly lot line of Lot 125 on Land Court Plan Number 10362M;

Then turning and running S 00°39'23" W a distance of 89.26' to the southeasterly corner of Lot 125 on Land Court Plan 10362M;

Then turning and running N 85°11'24" W a distance of 93.82' to a point on the easterly line of Lot 131 on Land Court Plan 10362N and continuing N 85°11'24" W on Lot 131 a distance of 81.99' for a total distance on the bearing of N 85°11'24" W of 175.81' to the point of beginning.

Title to the easement area affecting portions of the premises located at 4 Monarch Lane (Lot 131 Plan 10362N and Lot 125 Plan 10362M) is by deed dated June 6, 2018, filed with the Land Registration Office of the Land Court in the Essex North District Registry of Deeds as Document No. 118,070, as noted on Certificate of Title No. 17980.

The Proposed 20' Wide Easement 2,406 Sq. Ft. is as described in Document Number 114,616 and the plan attached thereto, and noted on Certificates of Title Numbered 11736 and 12120.

Title to the easement area affecting portions of the premises located at 104 Ballardvale Road is by grant of Utility Easement from Matthew Laracy and Susan M. Laracy to Twin Birch Development, LLC, dated July 8, 2016, filed as Document Number 114,616, and noted on Certificates of Title Numbered 11736 and 12120.

Grantee shall have the right but not the obligation to restore landscaping and improvements within the easement area following exercise of the easement rights granted hereunder.

This is not the conveyance of all or substantially all of the Massachusetts assets of an entity taxed as a corporation in Massachusetts. In addition, no member of the grantor is an entity taxed as a corporation in Massachusetts. This is not homestead property.

Signed as a sealed instrument this _____ day of _____, 20____.

TWIN BIRCH DEVELOPMENT, LLC

By: David Kindred
Its: Manager

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared David Kindred, as Manager of Twin Birch Development, LLC, who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and has the authority to sign in that capacity.

Name:
Notary Public
My Commission Expires:

Acceptance by Select Board

The foregoing conveyance is hereby accepted for and on behalf of the Inhabitants of the Town of Andover, this _____ day of _____, 2024.

Melissa Danisch

Laura M. Gregory

Christian C. Huntress

Ann W. Gilbert

Alexander J. Vispoli

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared

who proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state government agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Name:
Notary Public
My Commission Expires:



March 11, 2024

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND VIA FIRST CLASS MAIL

Melissa Danisch, Chairperson
Andover Select Board
Town Offices
36 Bartlet Street
Andover, MA 01810

Re: Greater Lawrence Technical School, Debt Approval Vote

Dear Ms. Danisch:

Pursuant to the agreement establishing the Greater Lawrence Regional Vocational-Technical School District and the provisions of Chapter 330 of the Acts of 1960, as amended, I hereby notify you that the following is a true copy of the votes passed by the Regional District School Committee at a meeting held March 8, 2024.

VOTED: That the Greater Lawrence Regional Vocational Technical High School District (the "District") hereby appropriates Four Million Dollars (\$4,000,000) to pay costs of purchasing a parcel of land and any buildings thereon located on Andover Street in the City of Lawrence, in order to expand the existing programs of the District, including the payment of all costs incidental and related thereto. To meet this appropriation the District Treasurer, with the approval of the Chair of the Committee, is authorized to borrow said amount under c. 330, §6(d) of the Acts of 1960, as amended, or pursuant to any other enabling authority; provided, however, that no amounts shall be borrowed or expended hereunder in the event that a member city or town of the District shall have voted to disapprove of the debt herein authorized within 60 days following the date of adoption of this vote.

FURTHER VOTED: That the Chair of the School Committee, the Superintendent/Director and any other appropriate official of the District are each hereby authorized to acquire the property described above pursuant to c. 330, §6(c), or any other enabling authority.

FURTHER VOTED: That within seven (7) days from the date on which this vote is adopted the Secretary be and hereby is instructed to notify the City Council president of the Cities of Lawrence and Methuen, and the Select Boards of the Towns of Andover and North Andover as to the amount and general purposes of the debt herein authorized, as required by the District Agreement and by c. 330, §6(d) of the Acts of 1960, as amended.

FURTHER VOTED: That the Superintendent/Director of the Greater Lawrence Regional Vocational Technical High School, John Lavoie, and/or counsel for the Greater Lawrence Regional Vocational Technical High School Morris, Rossi & Hayes, be authorized to file warrant articles and motions in Andover and North Andover in substantial conformance with the following:

(Member Town Article and Motion)

Article __: To see if the Town will vote to approve of the \$4,000,000 debt authorized by the Greater Lawrence Regional Vocational Technical High School District to pay costs of purchasing a parcel of land and any buildings thereon located on Andover Street in the City of Lawrence, in order to expand the existing programs of the District, including the payment of all costs incidental and related thereto, or to take any other action relative thereto.

Motion __: That the Town approves the \$4,000,000 debt authorized by the Greater Lawrence Regional Vocational Technical High School District to pay costs of purchasing a parcel of land and any buildings thereon located on Andover Street in the City of Lawrence, in order to expand the existing programs of the District, including the payment of all costs incidental and related thereto.

Enclosed please find an original certification of vote for your records.

Please do not hesitate to contact Superintendent John N. Lavoie if you have any questions. Thank you.

Very truly yours,



Clerk, Greater Lawrence Regional
Vocational Technical School District
Committee

cc: Andrew P. Flanagan, Town Manager (Via Certified Mail,
Return Receipt Requested and Via First Class Mail)

GLTS

Greater Lawrence Technical School

John N. Lavoie
Superintendent-Director

I, John N. Lavoie, Clerk of the Greater Lawrence Regional Vocational Technical School District Committee, do hereby certify that at a special meeting of the Greater Lawrence Regional Vocational Technical School District Committee held at the Greater Lawrence Technical School at 57 River Road, Andover, Massachusetts on Friday, March 8, 2024, with a quorum of the Members of the District Committee being present and voting, it was unanimously:

VOTED: That the Chair of the School Committee, the Superintendent/Director and any other appropriate official of the District are each hereby authorized to acquire all or any portion of the West Side Hanger, so-called, at the Lawrence Airport and in connection therewith, to enter into any leases, subleases or any combination of the foregoing that are necessary to accomplish this purpose. In order to pay costs associated with this project, the sum of \$300,000 is hereby appropriated from the Massachusetts Capital Skills Grant to purchase the Hanger, and \$25,500, representing the amount of estimated rental payments on any leases and/or subleases of land associated with the purchase of the West Side Hanger that would be payable in the current fiscal year, shall be appropriated from available non-foundational assessment revenue.

FURTHER VOTED: That the Superintendent/Director of the Greater Lawrence Regional Vocational Technical High School, John Lavoie, and/or counsel for the Greater Lawrence Regional Vocational Technical High School Morris, Rossi & Hayes, be authorized to file warrant articles in Andover and North Andover in substantial conformance with the following and a motion to effectuate same:

**(Member Town Article to Amend
the District Agreement to Permit the Hanger Lease)**

Article __: To see if the Town will approve an amendment to the District Agreement of the Greater Lawrence Regional Vocational Technical High School District, so as to permit the District to enter into leases of land incidental and related to the District's purchase of the West Side Hangar, so-called, at the Lawrence Airport in furtherance of the District's programs, as permitted by c. 330, §4 of the Acts of 1960, as amended, or to take any other action relative thereto.

I further certify that the foregoing is true and accurate:



John N. Lavoie, Clerk, Greater Lawrence
Regional Vocational Technical School District Committee

Dated: March 8, 2024



Greater Lawrence Technical School
57 River Road, Andover, MA 01810
978-686-0194 www.glts.net



March 11, 2024

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND VIA FIRST CLASS MAIL

Melissa Danisch, Chairperson
Andover Select Board
Town of Andover
36 Bartlet Street
Andover, MA 01810

Re: **Town Warrant Article – Greater Lawrence Technical School,**
Amendment of District Agreement to Permit Lease of Airport Hangar
Land

Dear Ms. Danisch:

Pursuant to the agreement establishing the Greater Lawrence Regional Vocational-Technical School District and the provisions of Chapter 330 of the Acts of 1960, as amended, I hereby notify you that the following is a true copy of the votes passed by the Regional District School Committee at a meeting held March 8, 2024.

VOTED: That the Chair of the School Committee, the Superintendent/Director and any other appropriate official of the District are each hereby authorized to acquire all or any portion of the West Side Hanger, so-called, at the Lawrence Airport and in connection therewith, to enter into any leases, subleases or any combination of the foregoing that are necessary to accomplish this purpose. In order to pay costs associated with this project, the sum of \$300,000 is hereby appropriated from the Massachusetts Capital Skills Grant to purchase the Hanger, and \$25,500, representing the amount of estimated rental payments on any leases and/or subleases of land associated with the purchase of the West Side Hanger that would be payable in the current fiscal year, shall be appropriated from available non-foundational assessment revenue.

FURTHER VOTED: That the Superintendent/Director of the Greater Lawrence Regional Vocational Technical High School, John Lavoie, and/or counsel for the Greater Lawrence Regional Vocational Technical High School Morris, Rossi & Hayes, be authorized to file warrant articles in Andover and North Andover in substantial conformance with the following and a motion to effectuate same:

**(Member Town Article to Amend
the District Agreement to Permit the Hanger Lease)**

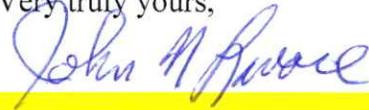
Article __: To see if the Town will approve an amendment to the District Agreement of the Greater Lawrence Regional Vocational Technical High School District, so as to permit the District to enter into leases of land incidental and related to the District's purchase of the West Side Hangar, so-called, at the Lawrence Airport in furtherance of the District's programs, as permitted by c. 330, §4 of the Acts of 1960, as amended, or to take any other action relative thereto.

Please be advised that we are formally requesting that the above Article be placed on the Warrant for the next regular or special Andover Town Meeting scheduled for April 29, 2024, pursuant to Article VII(B) of the Agreement establishing the Greater Lawrence Regional Vocational Technical School District which states: "the selectmen of each member town shall include in the warrant for the next annual or special town meeting an article stating the amendment or substance thereof."

Enclosed please find an original certification of vote for your records.

Please do not hesitate to contact Superintendent John N. Lavoie if you have any questions. Thank you.

Very truly yours,



Clerk, Greater Lawrence Regional
Vocational Technical School District
Committee

cc: Austin Simko, Town Clerk (Via Certified Mail, Return Receipt Requested and Via First Class Mail)

Andrew Flanagan, Town Manager (Via Certified Mail, Return Receipt Requested and Via First Class Mail)

GLTS

Greater Lawrence Technical School

John N. Lavoie
Superintendent-Director

I, John N. Lavoie, Clerk of the Greater Lawrence Regional Vocational Technical School District Committee, do hereby certify that at a special meeting of the Greater Lawrence Regional Vocational Technical School District Committee held at the Greater Lawrence Technical School at 57 River Road, Andover, Massachusetts on Friday, March 8, 2024, with a quorum of the Members of the District Committee being present and voting, it was unanimously:

VOTED: That the Greater Lawrence Regional Vocational Technical High School District (the "District") hereby appropriates Four Million Dollars (\$4,000,000) to pay costs of purchasing a parcel of land and any buildings thereon located on Andover Street in the City of Lawrence, in order to expand the existing programs of the District, including the payment of all costs incidental and related thereto. To meet this appropriation the District Treasurer, with the approval of the Chair of the Committee, is authorized to borrow said amount under c. 330, §6(d) of the Acts of 1960, as amended, or pursuant to any other enabling authority; provided, however, that no amounts shall be borrowed or expended hereunder in the event that a member city or town of the District shall have voted to disapprove of the debt herein authorized within 60 days following the date of adoption of this vote.

FURTHER VOTED: That the Chair of the School Committee, the Superintendent/Director and any other appropriate official of the District are each hereby authorized to acquire the property described above pursuant to c. 330, §6(c), or any other enabling authority.

FURTHER VOTED: That within seven (7) days from the date on which this vote is adopted the Secretary be and hereby is instructed to notify the City Council president of the Cities of Lawrence and Methuen, and the Select Boards of the Towns of Andover and North Andover as to the amount and general purposes of the debt herein authorized, as required by the District Agreement and by c. 330, §6(d) of the Acts of 1960, as amended.

FURTHER VOTED: That the Superintendent/Director of the Greater Lawrence Regional Vocational Technical High School, John Lavoie, and/or counsel for the Greater Lawrence Regional Vocational Technical High School Morris, Rossi & Hayes, be authorized to file warrant articles and motions in Andover and North Andover in substantial conformance with the following:

(Member Town Article and Motion)

Article __: To see if the Town will vote to approve of the \$4,000,000 debt authorized by the Greater Lawrence Regional Vocational Technical High School District to pay costs of purchasing a parcel of land and any buildings thereon located on Andover Street in the City of Lawrence, in order to expand the existing programs of the District, including the payment of all costs incidental and related thereto, or to take any other action relative thereto.



Greater Lawrence Technical School
57 River Road, Andover, MA 01810
978-686-0194 www.glts.net

Motion__: That the Town approves the \$4,000,000 debt authorized by the Greater Lawrence Regional Vocational Technical High School District to pay costs of purchasing a parcel of land and any buildings thereon located on Andover Street in the City of Lawrence, in order to expand the existing programs of the District, including the payment of all costs incidental and related thereto.

I further certify that the foregoing is true and accurate:



John N. Lavoie, Clerk, Greater Lawrence
Regional Vocational Technical School District Committee

Dated: March 8, 2024



Greater Lawrence Technical School
57 River Road, Andover, MA 01810
978-686-0194 www.glts.net

No person shall be excluded from or discriminated against in admission to the Greater Lawrence Technical School or in obtaining the advantages, privileges, course of study and support services of the Greater Lawrence Technical School on account of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, homelessness or limited English speaking ability.

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 for the Performing Arts, Andover High School, 100 Shawsheen Road, in said Andover, on

TUESDAY, THE THIRTIETH DAY OF APRIL, 2024

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

ARTICLE 1	ZONING BYLAW AND MAP AMENDMENT / ESTABLISH MULTIFAMILY OVERLAY DISTRICT
------------------	--

To see if the Town will vote to amend the Zoning Bylaw by adding a following new Section 8.9, Multifamily Overlay District, or take any other action related thereto.

8.9. MULTIFAMILY OVERLAY DISTRICT

8.9.1 Purpose.

The purpose of the Multifamily Overlay District (MOD) is to foster a range of housing opportunities near retail sales and services, transportation options, employment centers, and civic and personal services. In addition, Section 8.9 is intended to:

1. Provide family housing in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC);
2. Provide opportunities for housing near public transportation such as the Town's commuter rail stations and regional bus routes;
3. Encourage a mix of housing sizes and types in walkable areas to promote public health, reduce greenhouse gasses, improve air quality, and concentrate development where adequate facilities and services exist to support it;
4. Provide predictable permitting of new housing development;
5. Encourage residential and commercial uses to provide a customer base for local businesses;
6. Encourage economic investment in the redevelopment of properties;
7. Respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;

8. Advance a number of land use, housing and mobility goals of the Andover Comprehensive Plan; Andover Housing Production Plan, Community Health Improvement Plan and the Climate Action and Substantiality Plan; and
9. Be consistent with the Town of Andover Complete Streets Policy.

8.9.2 Applicability.

1. The MOD includes all the lands designated on the map titled Multifamily Overlay District and Subdistricts, dated February 29, 2024 and prepared by the Town of Andover, on file with the Town Clerk and hereby made part of the Zoning Map. The MOD shall include the following subdistricts:
 - a. Downtown
 - i. Transit (MODT)
 - ii. Downtown Residential (MODR)
 - b. Ballardvale (MODB)
 - c. River Road (MODRR)
2. *Underlying Zoning.* Except as otherwise provided in this Section 8.9, all regulations of the underlying district(s) shall apply to land in the MOD; provided, however, that in the case of conflict between the provisions of the underlying district and the MOD, the provisions of the MOD shall control. When a building permit is issued for any Project approved under this Section 8.9, the provisions of the underlying district(s) shall no longer apply to the land shown on the site plan.
3. The Planning Board is the Site Plan Review and Special Permit granting authority for the MOD.

8.9.3 Permitted Uses.

1. The following uses are permitted as of right in the MOD, subject to Site Plan Review under Section 9.5.
 - a. Multifamily housing
 - b. Residential accessory uses permitted in the underlying zoning district(s).
2. *Special Permit Uses.* In the MODT, MODRR and MODB, the Planning Board may grant a Special Permit for a Mixed-Use Structure in which multi-family housing is the principal use and any of the following nonresidential uses may be located on the ground floor, subject to any conditions that the Planning Board deems appropriate:
 - a. Private club not conducted for profit
 - b. Personal service establishment
 - c. Establishment for the retail sale of merchandise

- d. Convenience store
- e. Non-exempt educational use
- f. Medical center or clinic
- g. Self-service laundry or dry-cleaning operation
- h. Restaurant
- i. Restaurant, sit-down
- j. Restaurant, limited service
- k. Shop for custom work involving the manufacture of articles to be sold on the premises
- l. Indoor commercial recreation establishment
- m. Business, professional or administrative office
- n. Grocery store

8.9.4. Dimensional Regulations.

- 1. Development in the MOD shall comply with the following dimensional and density regulations:

Table of MOD Dimensional and Density Regulations

Requirement	Downtown		Ballardvale	River Road
	MODR	MODT	MODB	MODRR
Minimum lot area	N/A	N/A	N/A	N/A
Maximum lot coverage	50%	50%	30%	30%
Minimum open space	5%	5%	5%	10%
Maximum height				
Stories (maximum)	2.5	3	3	4
Feet (maximum)	35	45	45	55
Minimum frontage	0	0	0	50
Minimum required setbacks:				
Front	10	5	5	20
Side	10	5	5	5
Rear	10	5	5	5
Maximum units per acre	15	25	20	35
Maximum buildings on a lot	N/A	N/A	N/A	N/A

2. *Additional Requirements.*

- a. When adjacent to or up to 10 feet from the property line of a lot on Essex Street, Pearson Street, North Main Street, Dale Street, and Andover Street, the maximum building height shall not be more than 35 feet above the adjacent public street.
- b. When a building facade extends more than 100 feet across a grade equal to or greater than 10 feet in elevation differential, the maximum height of the building shall be determined from the average grade across each 100-foot increment.

3. *Open Space.* For purposes of complying this Section 8.9, the minimum open space requirement refers to land not used for buildings, structures, roadways, or other impervious surfaces. It may be preserved in its natural state or landscaped. With approval from the Planning Board, open space may be used for walkways that satisfy the requirements of Section 8.9.5.3.

4. *Exceptions to Maximum Building Height.* The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings that are not used for living purposes and do not constitute more than 25 percent of the ground floor area of the building. More than one residential or accessory building or structure shall be allowed on a lot in the MOD. All structures must conform to the Massachusetts Building Code with respect to building separation and firewalls.

5. In the MODRR subdistrict, the Planning Board may grant a Special Permit to authorize an increase in the maximum building height, up to 5 stories and 65 feet, for a Mixed-Use Structure and increase the allowable density to 45 units per acre.

8.9.5 Development Standards.

1. Developments in the MOD shall conform to the standards in this Section 8.9 and the following:

- a. Section 5.1, Off-Street Parking and Loading, subject to Subsection 4 below.
- b. Section 5.3, Landscaping, Buffering, and Lighting, subject to Subsection 8 below.
- c. Section 8.3, Flood Hazard Overlay District.

2. *Setbacks and Buffers.*

- a. No use other than landscaping, sidewalks, multi-use paths, street furniture, seating, and permitted signs shall be permitted in the front yard of any lot.
- b. Where applicable, the front setback may be increased for purposes of amenities such as a courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, or façade offsets, but not for automobile use.
- c. River Road Subdistrict.

- i. In the MODRR Subdistrict, no multifamily structure shall be erected within 80 feet of the property line of any industrial use.

- ii. There shall be a landscape buffer of at least 30 feet between any residential or mixed-use development in the MODRR and any manufacturing and industrial uses. Landscaped screening shall meet the requirements in Section 5.3.
3. *Sidewalks, Internal Walkways, and Landscaping.*
- a. All developments shall provide accessible walkways that connect buildings to other buildings, buildings to streets, and buildings to sidewalks and adjacent public features, such as parks and playgrounds, with minimal interruption by driveways.
 - b. Parking lot aisles and access and interior driveways shall not count as walkways. The Planning Board may require benches, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
 - c. To the maximum extent possible, walkways should have some degree of shelter achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delimit the pedestrian space.
 - d. Pedestrian and bicycle pathways shall be included within 100 feet of the Shawsheen River for public use and enjoyment if the Project includes frontage along the Shawsheen River. Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance to the Town of Andover. The easement width for these pathways shall be not less than 20 feet, unless otherwise approved by the Planning Board.
 - e. Site landscaping shall not block a driver's view of oncoming traffic.
 - f. Compliance with these standards shall be demonstrated in site circulation and landscaping plans submitted with the MOD Development Plan Application.
4. *Off-Street Parking and Loading.* Development in the MOD shall be provided as required by Section 5.1.4 Appendix A, Table 3 Off-street parking requirements and shall comply with Section 5.1 of this Bylaw. Any conflict between 5.1 and 8.9 shall be resolved in favor of 8.9.
- a. The minimum number of parking spaces shall be 1.5 spaces per unit in the MODRR subdistrict, and 1 space per unit in the MODR, MODB, and MODT district.
 - b. No surface parking shall be located between the front building line of a residential building and the front lot line nor within any minimum setback under Section 8.9.4. Surface parking shall be located to the rear or side of the principal building.
 - c. Structured parking in a separate parking garage shall be located behind the front building line of the multifamily dwellings on the lot.
 - d. For structured parking that is located partially or entirely under a residential building, the vehicular entry to the parking area shall be subordinate in design and placement to the principal pedestrian entry into the building. For example, vehicle parking that is not underneath the multifamily building but is covered by it shall be effectively shielded from view from the street and sidewalks by any combination of the following methods: fence, trees, or building wall sufficiently articulated to avoid the appearance of a blank wall at the street level.

- e. *Shared Parking Facilities.* The Planning Board may allow for shared parking facilities within the MOD for different buildings or uses subject to the following provisions:
 - i. Up to 50 percent of the parking spaces serving a building may be used jointly for other uses not normally open, used, or operated during similar hours. The applicant must demonstrate to the Planning Board that the peak demand and principal operating hours for each use are suitable for a common parking facility.
 - ii. A written agreement defining the joint use of the common parking facility acceptable to the Planning Board shall be executed by all parties concerned and approved by the Planning Board as part of the Site Plan Review process. This agreement shall be recorded with the Registry of Deeds.

5. *Bicycle Parking.* The following requirements shall apply to bicycle parking:

- a. In any development of ten or more multifamily units, the minimum number of covered bicycle parking spaces shall be one space per two units.
- b. For purposes of this bylaw, a bicycle parking space is an area within which one intact bicycle may be conveniently and securely stored and removed in an upright position with both wheels resting on a stable surface without requiring the use of a kickstand, and without requiring the movement of other parked bicycles, vehicles, or other objects to access the space.
- c. Long-term bicycle parking is intended primarily to serve residents, employees, or other people who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days. Short-term bicycle parking is intended primarily to serve visitors, such as retail patrons making trips of up to a few hours to a particular use.
- d. The Planning Board may adopt rules and regulations and guidelines for the design and placement of bicycle racks for long-term and short-term bicycle parking.

6. *Buildings.*

- a. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building materials on the primary, public-facing façade(s) (front, side, and rear) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- b. Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
- c. To encourage clustering of buildings and provide for common open space and amenities on the lot, no building may be more than 90 feet from the nearest adjacent building unless approved by the Planning Board.

7. *Shared outdoor space.* Multi-family housing shall have common outdoor space that all residents can access. The outdoor space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

8. *Exterior Lighting.* Throughout the MOD district, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. To this end, exterior lighting in the MOD shall conform to the following standards and shall be in accordance with a lighting plan approved by the Planning Board.
 - a. *Pedestrian Lighting.*
 - i. Pedestrian lighting shall complement the character, aesthetic appeal, and safety of a development and promote greater pedestrian activity.
 - ii. Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, developments shall be equipped with downcast or full-cutoff fixtures.
 - iii. When pedestrian lighting is used in conjunction with street lighting, the illumination provided by the former shall be distinguishable from the illumination provided by the latter to clearly define the pedestrian path of travel.
 - b. Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the continuity of the streetscape. Where possible, the Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern rather than fewer, taller fixtures.
 - c. *Parking Areas.*
 - i. Within parking areas, there shall be a unified system that provides attractive lighting throughout the lot.
 - ii. Fixtures shall minimize spill light and glare onto adjacent properties. Fixtures adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.
 - iii. Lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to walkways, parking area lighting shall not overpower the quality of pedestrian area lighting.
9. *Waivers.* Upon the request of the Applicant, the Planning Board may waive by majority vote the requirements of this Section 8.9.5. 1 through 8.9.5.8 above in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MOD.
10. *Affordability.* Development in the MOD shall comply with 7.8.4 except as follows:
 - a. All residential developments consisting of 10 or more units shall have at least 15% of the dwelling units (and no fewer than one unit) available as affordable units limited to 80% Area Median Income (AMI) and eligible for listing in the Town's Subsidized Housing

Inventory (SHI). For purposes of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of 0.5 or above.

- b. If EOHLC determines in writing that the Town has not shown this 15% requirement to be economically feasible, at least 10% of the dwelling units in any development in the MOD shall be affordable units with household income limited to 80% of AMI and eligible for inclusion on the Subsidized Housing Inventory. For purposes of calculating the number of affordable units required, the unit requirement shall round down to a whole number in the instances of a fraction.
- c. The applicant may, with the permission of the Planning Board, in lieu of one or more affordable unit(s) contribute to the Town of Andover Municipal Affordable Housing Trust Fund, a cash contribution determined by the Planning Board in consultation with the Housing Trust Fund Board of Trustees.

8.9.6 Procedure.

- 1. Development within the MOD shall be subject to Site Plan Review under Section 9.5 of this Bylaw.
- 2. The Planning Board may adopt advisory design guidelines to assist applicants in building design and site planning for a Project.
- 3. The Design Review Board shall review developments proposed in the MOD and provide advisory recommendations to the Planning Board.
- 4. The Planning Board may adopt advisory regulations to facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and EOHLC's current Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act, as amended.

8.9.7 Severability.

The invalidity of any section or provision of this Section 8.9 shall not invalidate any other section or provision herein.

And further; To amend Article VIII, Section 2.2 Overlay Districts of the Zoning Bylaw by adding at the end of Section 2.2, Multifamily Overlay District and amend the Town of Andover Zoning Map, to establish a Multifamily Overlay District as shown on a plan titled “Proposed Zoning Multifamily Overlay District”, dated February 29, 2024, as prepared by the Town of Andover, which is on file in the Town Clerk’s Office, and which are hereby made part of the Town Zoning Map.

On request of the Planning Board

ARTICLE 2	GREATER LAWRENCE TECHNICAL SCHOOL LAND ACQUISITION
------------------	---

To see if the Town will approve an amendment to the District Agreement of the Greater Lawrence Regional Vocational Technical High School District, so as to permit the District to enter into leases of land incidental and related to the District’s purchase of the West Side Hangar, so-called, at the

Lawrence Airport in furtherance of the District's programs, as permitted by c. 330, §4 of the Acts of 1960, as amended, or to take any other action relative thereto.

On request of the Greater Lawrence Regional Vocational Technical School District Committee

ARTICLE 3	NOTICE OF BOND AUTHORIZATION FROM GREATER LAWRENCE TECHNICAL SCHOOL
------------------	--

To see if the Town will vote to approve of the \$4,000,000 debt authorized by the Greater Lawrence Regional Vocational Technical High School District to pay costs of purchasing a parcel of land and any buildings thereon located on Andover Street in the City of Lawrence, in order to expand the existing programs of the District, including the payment of all costs incidental and related thereto, or to take any other action relative thereto.

On request of the Greater Lawrence Regional Vocational Technical School District Committee

And you are directed to serve this Warrant by posting attested copies and publication thereof, fourteen days, at least, before the time and place of said meeting as directed by the Bylaws of the Town.

Hereof fail not, and make return of this Warrant with your doings thereon, at the time and place of said meeting.

Given our hands this 18th day of March 2024.

_____)	
Melissa Morris Danisch, Chair)	
_____)	
Laura M. Gregory, Vice Chair)	SELECT BOARD
_____)	
Ann W. Gilbert, Member, Select Board)	OF
_____)	
Christian C. Huntress, Member, Select Board)	ANDOVER
_____)	
Alexander J. Vispoli, Member, Select Board)	

A true copy

A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2024

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *Eagle Tribune*. Said warrants have been posted and published fourteen days.

Ronald Bertheim, Constable

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 for the Performing Arts, Andover High School, 100 Shawsheen Road, in said Andover, on

TUESDAY, THE THIRTIETH DAY OF APRIL, 2024

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

ARTICLE 1	ZONING BYLAW AND MAP AMENDMENT / ESTABLISH MULTIFAMILY OVERLAY DISTRICT
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To see if the Town will vote to amend the Zoning Bylaw by adding a following new Section 8.9, Multifamily Overlay District, or take any other action related thereto.

8.9. MULTIFAMILY OVERLAY DISTRICT

8.9.1 Purpose.

The purpose of the Multifamily Overlay District (MOD) is to foster a range of housing opportunities near retail sales and services, transportation options, employment centers, and civic and personal services. In addition, Section 8.9 is intended to:

1. Provide family housing in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC);
2. Provide opportunities for housing near public transportation such as the Town's commuter rail stations and regional bus routes;
3. Encourage a mix of housing sizes and types in walkable areas to promote public health, reduce greenhouse gasses, improve air quality, and concentrate development where adequate facilities and services exist to support it;
4. Provide predictable permitting of new housing development;
5. Encourage residential and commercial uses to provide a customer base for local businesses;
6. Encourage economic investment in the redevelopment of properties;
7. Respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;

8. Advance a number of land use, housing and mobility goals of the Andover Comprehensive Plan; Andover Housing Production Plan, Community Health Improvement Plan and the Climate Action and Substantiality Plan; and
9. Be consistent with the Town of Andover Complete Streets Policy.

8.9.2 Applicability.

1. The MOD includes all the lands designated on the map titled Multifamily Overlay District and Subdistricts, dated February 29, 2024 and prepared by the Town of Andover, on file with the Town Clerk and hereby made part of the Zoning Map. The MOD shall include the following subdistricts:
 - a. Downtown
 - i. Transit (MODT)
 - ii. Downtown Residential (MODR)
 - b. Ballardvale (MODB)
 - c. River Road (MODRR)
2. *Underlying Zoning.* Except as otherwise provided in this Section 8.9, all regulations of the underlying district(s) shall apply to land in the MOD; provided, however, that in the case of conflict between the provisions of the underlying district and the MOD, the provisions of the MOD shall control. When a building permit is issued for any Project approved under this Section 8.9, the provisions of the underlying district(s) shall no longer apply to the land shown on the site plan.
3. The Planning Board is the Site Plan Review and Special Permit granting authority for the MOD.

8.9.3 Permitted Uses.

1. The following uses are permitted as of right in the MOD, subject to Site Plan Review under Section 9.5.
 - a. Multifamily housing
 - b. Residential accessory uses permitted in the underlying zoning district(s).
2. *Special Permit Uses.* In the MODT, MODRR and MODB, the Planning Board may grant a Special Permit for a Mixed-Use Structure in which multi-family housing is the principal use and any of the following nonresidential uses may be located on the ground floor, subject to any conditions that the Planning Board deems appropriate:
 - a. Private club not conducted for profit
 - b. Personal service establishment
 - c. Establishment for the retail sale of merchandise

- d. Convenience store
- e. Non-exempt educational use
- f. Medical center or clinic
- g. Self-service laundry or dry-cleaning operation
- h. Restaurant
- i. Restaurant, sit-down
- j. Restaurant, limited service
- k. Shop for custom work involving the manufacture of articles to be sold on the premises
- l. Indoor commercial recreation establishment
- m. Business, professional or administrative office
- n. Grocery store

8.9.4. Dimensional Regulations.

- 1. Development in the MOD shall comply with the following dimensional and density regulations:

Table of MOD Dimensional and Density Regulations

Requirement	Downtown		Ballardvale	River Road
	MODR	MODT	MODB	MODRR
Minimum lot area	N/A	N/A	N/A	N/A
Maximum lot coverage	50%	50%	30%	30%
Minimum open space	5%	5%	5%	10%
Maximum height				
Stories (maximum)	2.5	3	3	4
Feet (maximum)	35	45	45	55
Minimum frontage	0	0	0	50
Minimum required setbacks:				
Front	10	5	5	20
Side	10	5	5	5
Rear	10	5	5	5
Maximum units per acre	15	25	20	35
Maximum buildings on a lot	N/A	N/A	N/A	N/A

2. *Additional Requirements.*

- a. When adjacent to or up to 10 feet from the property line of a lot on Essex Street, Pearson Street, North Main Street, Dale Street, and Andover Street, the maximum building height shall not be more than 35 feet above the adjacent public street.
- b. When a building facade extends more than 100 feet across a grade equal to or greater than 10 feet in elevation differential, the maximum height of the building shall be determined from the average grade across each 100-foot increment.

3. *Open Space.* For purposes of complying this Section 8.9, the minimum open space requirement refers to land not used for buildings, structures, roadways, or other impervious surfaces. It may be preserved in its natural state or landscaped. With approval from the Planning Board, open space may be used for walkways that satisfy the requirements of Section 8.9.5.3.

4. *Exceptions to Maximum Building Height.* The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings that are not used for living purposes and do not constitute more than 25 percent of the ground floor area of the building. More than one residential or accessory building or structure shall be allowed on a lot in the MOD. All structures must conform to the Massachusetts Building Code with respect to building separation and firewalls.

5. In the MODRR subdistrict, the Planning Board may grant a Special Permit to authorize an increase in the maximum building height, up to 5 stories and 65 feet, for a Mixed-Use Structure and increase the allowable density to 45 units per acre.

8.9.5 Development Standards.

1. Developments in the MOD shall conform to the standards in this Section 8.9 and the following:

- a. Section 5.1, Off-Street Parking and Loading, subject to Subsection 4 below.
- b. Section 5.3, Landscaping, Buffering, and Lighting, subject to Subsection 8 below.
- c. Section 8.3, Flood Hazard Overlay District.

2. *Setbacks and Buffers.*

- a. No use other than landscaping, sidewalks, multi-use paths, street furniture, seating, and permitted signs shall be permitted in the front yard of any lot.
- b. Where applicable, the front setback may be increased for purposes of amenities such as a courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, or façade offsets, but not for automobile use.
- c. River Road Subdistrict.

- i. In the MODRR Subdistrict, no multifamily structure shall be erected within 80 feet of the property line of any industrial use.

- ii. There shall be a landscape buffer of at least 30 feet between any residential or mixed-use development in the MODRR and any manufacturing and industrial uses. Landscaped screening shall meet the requirements in Section 5.3.
3. *Sidewalks, Internal Walkways, and Landscaping.*
- a. All developments shall provide accessible walkways that connect buildings to other buildings, buildings to streets, and buildings to sidewalks and adjacent public features, such as parks and playgrounds, with minimal interruption by driveways.
 - b. Parking lot aisles and access and interior driveways shall not count as walkways. The Planning Board may require benches, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
 - c. To the maximum extent possible, walkways should have some degree of shelter achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delimit the pedestrian space.
 - d. Pedestrian and bicycle pathways shall be included within 100 feet of the Shawsheen River for public use and enjoyment if the Project includes frontage along the Shawsheen River. Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance to the Town of Andover. The easement width for these pathways shall be not less than 20 feet, unless otherwise approved by the Planning Board.
 - e. Site landscaping shall not block a driver's view of oncoming traffic.
 - f. Compliance with these standards shall be demonstrated in site circulation and landscaping plans submitted with the MOD Development Plan Application.
4. *Off-Street Parking and Loading.* Development in the MOD shall be provided as required by Section 5.1.4 Appendix A, Table 3 Off-street parking requirements and shall comply with Section 5.1 of this Bylaw. Any conflict between 5.1 and 8.9 shall be resolved in favor of 8.9.
- a. The minimum number of parking spaces shall be 1.5 spaces per unit in the MODRR subdistrict, and 1 space per unit in the MODR, MODB, and MODT district.
 - b. No surface parking shall be located between the front building line of a residential building and the front lot line nor within any minimum setback under Section 8.9.4. Surface parking shall be located to the rear or side of the principal building.
 - c. Structured parking in a separate parking garage shall be located behind the front building line of the multifamily dwellings on the lot.
 - d. For structured parking that is located partially or entirely under a residential building, the vehicular entry to the parking area shall be subordinate in design and placement to the principal pedestrian entry into the building. For example, vehicle parking that is not underneath the multifamily building but is covered by it shall be effectively shielded from view from the street and sidewalks by any combination of the following methods: fence, trees, or building wall sufficiently articulated to avoid the appearance of a blank wall at the street level.

- e. *Shared Parking Facilities.* The Planning Board may allow for shared parking facilities within the MOD for different buildings or uses subject to the following provisions:
 - i. Up to 50 percent of the parking spaces serving a building may be used jointly for other uses not normally open, used, or operated during similar hours. The applicant must demonstrate to the Planning Board that the peak demand and principal operating hours for each use are suitable for a common parking facility.
 - ii. A written agreement defining the joint use of the common parking facility acceptable to the Planning Board shall be executed by all parties concerned and approved by the Planning Board as part of the Site Plan Review process. This agreement shall be recorded with the Registry of Deeds.

5. *Bicycle Parking.* The following requirements shall apply to bicycle parking:

- a. In any development of ten or more multifamily units, the minimum number of covered bicycle parking spaces shall be one space per two units.
- b. For purposes of this bylaw, a bicycle parking space is an area within which one intact bicycle may be conveniently and securely stored and removed in an upright position with both wheels resting on a stable surface without requiring the use of a kickstand, and without requiring the movement of other parked bicycles, vehicles, or other objects to access the space.
- c. Long-term bicycle parking is intended primarily to serve residents, employees, or other people who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days. Short-term bicycle parking is intended primarily to serve visitors, such as retail patrons making trips of up to a few hours to a particular use.
- d. The Planning Board may adopt rules and regulations and guidelines for the design and placement of bicycle racks for long-term and short-term bicycle parking.

6. *Buildings.*

- a. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building materials on the primary, public-facing façade(s) (front, side, and rear) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- b. Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
- c. To encourage clustering of buildings and provide for common open space and amenities on the lot, no building may be more than 90 feet from the nearest adjacent building unless approved by the Planning Board.

7. *Shared outdoor space.* Multi-family housing shall have common outdoor space that all residents can access. The outdoor space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

8. *Exterior Lighting.* Throughout the MOD district, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. To this end, exterior lighting in the MOD shall conform to the following standards and shall be in accordance with a lighting plan approved by the Planning Board.
 - a. *Pedestrian Lighting.*
 - i. Pedestrian lighting shall complement the character, aesthetic appeal, and safety of a development and promote greater pedestrian activity.
 - ii. Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, developments shall be equipped with downcast or full-cutoff fixtures.
 - iii. When pedestrian lighting is used in conjunction with street lighting, the illumination provided by the former shall be distinguishable from the illumination provided by the latter to clearly define the pedestrian path of travel.
 - b. Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the continuity of the streetscape. Where possible, the Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern rather than fewer, taller fixtures.
 - c. *Parking Areas.*
 - i. Within parking areas, there shall be a unified system that provides attractive lighting throughout the lot.
 - ii. Fixtures shall minimize spill light and glare onto adjacent properties. Fixtures adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.
 - iii. Lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to walkways, parking area lighting shall not overpower the quality of pedestrian area lighting.
9. *Waivers.* Upon the request of the Applicant, the Planning Board may waive by majority vote the requirements of this Section 8.9.5. 1 through 8.9.5.8 above in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MOD.
10. *Affordability.* Development in the MOD shall comply with 7.8.4 except as follows:
 - a. All residential developments consisting of 10 or more units shall have at least 15% of the dwelling units (and no fewer than one unit) available as affordable units limited to 80% Area Median Income (AMI) and eligible for listing in the Town's Subsidized Housing

Inventory (SHI). For purposes of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of 0.5 or above.

- b. If EOHLC determines in writing that the Town has not shown this 15% requirement to be economically feasible, at least 10% of the dwelling units in any development in the MOD shall be affordable units with household income limited to 80% of AMI and eligible for inclusion on the Subsidized Housing Inventory. For purposes of calculating the number of affordable units required, the unit requirement shall round down to a whole number in the instances of a fraction.
- c. The applicant may, with the permission of the Planning Board, in lieu of one or more affordable unit(s) contribute to the Town of Andover Municipal Affordable Housing Trust Fund, a cash contribution determined by the Planning Board in consultation with the Housing Trust Fund Board of Trustees.

8.9.6 Procedure.

- 1. Development within the MOD shall be subject to Site Plan Review under Section 9.5 of this Bylaw.
- 2. The Planning Board may adopt advisory design guidelines to assist applicants in building design and site planning for a Project.
- 3. The Design Review Board shall review developments proposed in the MOD and provide advisory recommendations to the Planning Board.
- 4. The Planning Board may adopt advisory regulations to facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and EOHLC's current Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act, as amended.

8.9.7 Severability.

The invalidity of any section or provision of this Section 8.9 shall not invalidate any other section or provision herein.

And further; To amend Article VIII, Section 2.2 Overlay Districts of the Zoning Bylaw by adding at the end of Section 2.2, Multifamily Overlay District and amend the Town of Andover Zoning Map, to establish a Multifamily Overlay District as shown on a plan titled “Proposed Zoning Multifamily Overlay District”, dated February 29, 2024, as prepared by the Town of Andover, which is on file in the Town Clerk’s Office, and which are hereby made part of the Town Zoning Map.

On request of the Planning Board

ARTICLE 2	GREATER LAWRENCE TECHNICAL SCHOOL LAND ACQUISITION
------------------	---

To see if the Town will approve an amendment to the District Agreement of the Greater Lawrence Regional Vocational Technical High School District, so as to permit the District to enter into leases of land incidental and related to the District’s purchase of the West Side Hangar, so-called, at the

Lawrence Airport in furtherance of the District's programs, as permitted by c. 330, §4 of the Acts of 1960, as amended, or to take any other action relative thereto.

On request of the Greater Lawrence Regional Vocational Technical School District Committee

And you are directed to serve this Warrant by posting attested copies and publication thereof, fourteen days, at least, before the time and place of said meeting as directed by the Bylaws of the Town.

Hereof fail not, and make return of this Warrant with your doings thereon, at the time and place of said meeting.

Given our hands this 18th day of March 2024.

_____)	
Melissa Morris Danisch, Chair)	
)	
_____)	
Laura M. Gregory, Vice Chair)	SELECT BOARD
)	
_____)	OF
Ann W. Gilbert, Member, Select Board)	
)	ANDOVER
)	
_____)	
Christian C. Huntress, Member, Select Board)	
)	
_____)	
Alexander J. Vispoli, Member, Select Board)	

A true copy

A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2024

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *Eagle Tribune*. Said warrants have been posted and published fourteen days.

Ronald Bertheim, Constable

Tri-Board Meeting
Select Board - Finance Committee
School Committee

Wednesday, December 6, 2023

Memorial Hall

Memorial Hall Library

2 North Main Street, Andover, Massachusetts

I. Call to Order

Select Board Chair, Melissa Danisch called the Triboard Meeting to order at 7:00 PM in the Meeting Room at Memorial Hall Library. Present from the Select Board: Melissa Danisch and Annie Gilbert

Others in Attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Town Clerk & Deputy Town Manager Austin Simko and Chief Administrative and Financial Officer Patrick Lawlor.

School Committee Chair Tracey Spruce called the School Committee to order. Members present: Susan McCready, Lauren Conoscenti, Sandis Wright, Emily DiCesaro. Others in attendance Superintendent Dr. Magda Parvey and Assistant Superintendent of Finance and Administration Keith Taverna.

Finance Committee Chair Paula Colby Clements called the Finance Committee to order. Members in attendance: Roll call Vice Chair Kim Perry-Y, Aaron Buzay-Y, William Haskell-Y, Yican Cao-Y, Paul MacKay-Y, Brian Major-Y, Andrew McBrien, and Ken Russo teleconferenced in.

II. Opening Ceremonies/Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence dedicated to Joanne Marden, followed by a Salute to the Flag.

III. Presentation by the Town Manager

The Town Manager, Andrew Flanagan presented the Recommended Capital Improvement Preliminary Overview of FY-2023 Budget that included:

1. Preliminary budget overview for FY2025
2. Preliminary Tax Projections
3. Capital Improvement Program
4. Debt Service
5. On the Horizon

Budget Model starts with the revenue Property Taxes, State Aid allocation (Chapter 70 and unrestricted government aid) and local receipts (motor vehicle excise tax, licenses and permits,

hotel and motel taxes, meal tax, and other; with the available revenue appropriation to Town and School budgets.

FY-2025 Revenue Assumptions

The Foundation is the prior year levy limit of a projected \$175,282,980.

A 2.5% increase projected \$4,382,075 (prior year levy plus 2.5%) using the new growth estimate of \$1,931,422 (they have been using an adjusted 10-year average).

Unused Levy Capacity: (\$300,000) has been the standing policy of the Select Board.

Reserve unused Excess Capacity of (\$2,551,253) created as a result of the Pension Obligation Budget (POB).Reserved /and approved by Town Meeting.

Exempt Debt Service Revenue: CIP and Revenue raised via Prop 2.5 Projected at \$13,097,652. Offset as an expense.

State Aid – includes Chapter 70 (assistance to school district) and unrestricted Government Aid. They have projected a 2% increase for each.

Local Receipts: \$11,946,158. There are 24 categories of local receipts with the majority coming from Excise Tax and General Revenue which is also a revenue source reviewed by the Dept of Revenue. 3.75% and change for School Dept for 2024, \$3,735.035.

Health Insurance: Programmed an 8% increase and backed out of the savings form the OPEB funding plan and the savings increase from active personnel hired after July 1, 2017 which resulted in significant savings.

Water Rate Plan: Increase last year adopted two new tiers, having to increase those at the lowest tier, how having five tiers. There is a 10-year plan to increase rates.

Capital Projects Funded: Article 5: Items funded by cash.

They used the increase allocated by the Governor for Chapter 70 and passed it through the CIP Fund to offset the Doherty Improvement Project; thereby borrowing less. Projecting \$2.4M for this year.

Preliminary Projected Tax Bills: Total increase of 5.2%. The tax rate funds the budget approved at the prior Town Meeting.

The projected average single family tax bill for FY-2024 is \$12,344 and \$12,975 for FY-2025. The Town Manager included information on the changes to the shift and the effect on increases in taxes.

Debt Service: Includes exempt and non-exempt service and within the limitations of Prop 2.5. The shift effects the tax rate. Factors: Proportional or disproportional growth, the shift, and the West Elementary Debt, establishing a target using 5.73%

Non-exempt target has been set at .72% of revenue.
 The FY 2024 CIP is slightly less than target at 5.53% of revenue.

Total CIP:	<u>\$18,104,126</u>	
General Fund Revenue	\$ 2,400,000	Facilities related Town/School
General Fund Borrowing	\$ 4,980,000	Funded by Debt Service
Use of Free Cash	\$ 2,035,000	Special Dedicated Funds
Special dedicated Funds	\$ 1,395,126	
Water & Sewer Investments	<u>\$ 7,294,000</u>	
	\$18,104,126	Total

Free Cash is certified at \$14.49M. They are recommending \$2,035,000 in Free Cash be used towards the CIP providing a road map for future building projects, police vehicle replacement, IT-1 and II for annual staff and student device refresh, as well as minor sidewalk repairs, the Town Sidewalk Program funds design and construction and other related work. The Sidewalk Master Plan is available on the Town Website. Finally, the Storm Water Management funding is to comply with Federal mandates, and traffic and intersection safety studies.

Hazardous Tree Removal is an addition to the Free Cash Chart due to the September storm that had a major impact on some of Town conservation town property areas for a preliminary cost estimate of \$150,000 to clean up the damage.

General Fund Borrowing Recommendation

\$4,980,00 funded by debt service within the limitations of Prop 2.5.

Projects include:

IT-3	\$350,000	IT infrastructure, Cyber Security and network switches
Fire II	\$130,000	Fund equipment for Radio Box Repeater System
Fire 4	\$ 45,000	Thermal Imaging Cameras Replacements
DPW 7b	\$560,000	Public Works Vehicles - Large
DPW 8	\$650,000	Minor Storm Water Drainage Improvements
DPW 9	\$200,000	Town Bridge inspections and maintenance
Facilities 3	\$130,000	Town & School Security Projects
Facilities 5	\$600,000	Town Parks and Playgrounds Improvements
Facilities 6	\$900,000	Major Town Projects: i.e. Removal of the Barn on Park Property Significant investment to the Youth Center including the installation of rain drainage system. Funds for various Town buildings – floors/doors, bathroom improvements. etc.
Facilities 7		Town & School Energy Initiatives Investment in DMS that will begin the end of this month Door handles that are ADA compliant Concrete repairs at South School

SCH-5

Major School Projects:
WMS \$300,000 for kitchen improvement projects and Investments at WHMS and High Plain for replacement of hot water systems and other repairs.

Question: should we expect the cost of main school projects to tick up? The Town Manager said it will depend upon what we can borrow and depending upon what it is, if it has a longer extended useful life, and if there could be a debt exclusion package and upon what the needs are.

Question: What is the time frame for getting the Master Plan done? The Town Manager said funds would be available after July 1, 2024; so probably in another year.

DPW1 - Special Dedicated Funds: \$1,395,126
State Funding Chapter 90 – Annual Road Maintenance.

<u>Water & Sewer Enterprise Funds:</u> Total: \$7,924,000	
DPW-14 Major Water Main Replacement/Distribution Improvement:	\$ 6,000,000
Water Treatment GAC Replacement (WEB)	\$ 294,000
Sanity Sewer Collection System Improvements	\$ 250,000
Shawsheen Sewer River Interceptor Improvements	\$ 500,000
Inflow/Infiltration Removal Program	\$. 250,000

Debt Service

Exempt Debt is debt that has been excluded from the limits of Prop 2.5 by a referendum vote. Exempt debt has a dedicated funding source from property taxes. This dedicated funding source expires when the debt is fully amortized. Debt Exclusions required the approval of Town Meeting and at the Ballot Box. Debt Exclusions are typically used for larger projects or initiatives that cannot be funded through the CIP Program or other funding sources. i.e. New Town/ School buildings, major upgrades, and the Pension Obligation Bond. Total Exempt Debt Service represents \$796 on the average tax bill; if the number goes up that will increase.

Non-exempt Debt Service – funded within the levy and the other 50% of the POB.

On the Horizon

General Fund Operating Budget: Includes contractual obligations (which will be a major cost driver for both the Town and School Dept). Funding the elimination of bus fees, and the cost of goods and services; prices have increased on everything.

Enterprise & Revolving Funds:

The Board has adopted a very aggressive water rate fund for the next several years.

- ~Regular evaluation of water rate plan and managing short and long-term operating and capital costs.
- ~Making investments in the plant for current and future demands.
- ~Align water capital budget to best leverage the agreement with North Reading.
- ~Evaluate sewer rates and long-term needs.
- ~Continue to explore opportunities to expand programs and capital capacity by utilizing revenues generated by the Department of Community Services.

Capital Improvement Program

- ~Study the potential benefits of establishing a Stormwater Utility
- ~AHS Building “Interim Approach”
- ~The Town Recreation Dept. has consistently set a record of revenue increases and they want to explore some offsets of those revenues and investments.

Update the Facility Master Plan

- ~Continue to explore opportunities to expand programs to capital capacity by utilizing revenues generated by the Dept of Community Services. Year over year, the Town Recreation Division has set a new record for expanding programs and revenue benchmarks.
- ~Updating the facility master plan
- ~Study potential benefits of establishing Stormwater Utility
- ~AHS Interim approach that was approved at Special Town Meeting would result in a significant investment (exempt debt service).

IV. Adjourn

On a motion by Tracey Spruce and seconded by Susan McCready the School Committee moved to adjourn. On a motion by Brian Major and seconded by Kim Perry the Finance Committee moved to adjourn. On a motion by Annie Gilbert and seconded by Melissa Danisch the Select Board moved to adjourn.

The Triboard Meeting of December 6, 2023, adjourned at 8:00 PM.

Dee DeLorenzo
Recording Secretary

Presentation by the Town Manager

12/6/2023
1.2



Select Board Meeting – Amended 1/12/2024

Wednesday, January 17, 2024 7:35 PM

2nd Floor Conference Room, Town Offices

36 Bartlet Street, Andover, MA 01810

I. Call to Order – 7:35 P.M.

The Chair, Melissa Danisch called the meeting of Wednesday January 17, 2024 to order at 7:35 PM in the 2nd Floor Conference Room located in Town Offices.

Members in attendance: Alex Vispoli, Annie Gilbert, Chris Huntress. Laura Gregory participated remotely.

Others in attendance: Town Manager Andrew Flanagan, Deputy Town Manager and Town Clerk Austin Simko, and Town Counsel Doug Heim.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by the Pledge of Allegiance.

III. Regular Business

A. **Article I of November 20, 2023 Special Town Meeting**

Discussion of Article 1 – Ballot Question voted on at the November 20, 2023 Special Town Meeting. At the Board’s last meeting, they discussed several possibilities to see if the Town will authorize the Select Board to add the following non-binding ballot question related to Open Town Meeting or the next Town local election.

Recap from the last Select Board meeting. The board discussed several possibilities starting with a review of Article I as it was presented and voted on at Special Town Meeting. Chris Huntress and Doug Heim worked together to find out from the Elections Division what the status of that type of question was. Chris Huntress was able to present a suggested question to simplify the question itself. The Board took a vote on having a ballot question of that question; if the Town of Andover should continue to have an Open Town Meeting as their form of local government. Two members voted no, two members voted in the affirmative and one member abstained.

The Board further discussed a proposed Annual Town Meeting, Article I, to see if the Town will vote to request the Select Board place a non-binding question on the 2025 Annual Town Election Ballot to see if the Town of Andover should continue to use Open Town Meeting as its form of government and Article 2 to see if the Town will vote to request that the Select Board add the following non-binding questions on the 2025 Annual Town Election Ballot: Should the Town of Andover continue using Open Town Meeting as its form of government or consider changing to a representative Town Meeting as it’s form of local government, should the Town of Andover consider changing to a City Council with an elected City Manager or Mayor.

There was a conversation about an Annual Town Meeting Article. The Board took a vote on having a ballot question for the Annual Town Meeting as it's form of government (yes/no). The Board is adding a non-binding advisory question on the 2025 Annual Town Election Ballot in conformance with MGL Chapter 53, Section 18A as follows: Should the Town of Andover continue using Open Town Meeting as its form of local government?

Would you be in favor or opposed to keeping Open Town Meeting, Town of Andover's current form of government?

Yes: Continue with the existing form of government where Town Meeting acts as the legislative body and the Select Board and Town Manager act together as the executive branch.

No: Voters want another form of government presently and in the future . Town officials will come back to the next Town Meeting with ballot question(s) for voters' consideration on future form of government branch.

On petition of Kathleen Grant and others

Melissa Danisch reported on Article I as presented at the November 2023 Special Town Meeting. There were plenty of questions and concerns on how this would translate in terms of actions and what we would do with that information.

Chris Huntress worked with Atty. Heim and they met with the Elections Division Elections Division who will not allow the original article in the format it was presented.

Austin Simko said it is easier to think of it as Option.

1. Ballot Question for March 2024 on Town Election Ballot
2. Multi-part Articles for 2024 Annual Town Meeting
3. Single Article for 2024 Annual Town Meeting.

The Board discussed the three options presented. Alex Vispoli asked if Option #3, to put the question on as an article for the 2024 Town Meeting, is essentially the same as the motion they had a 2-2 vote on. In an election, you will get more residents attending to weigh in on the decision. Alex would like to put it on the ballot now instead of waiting.

Annie Gilbert does not see any reason to rush to put it on a 2024 ballot. We should take the question in its proper form bring back to the legislative body of the town and present it properly. If it passes, we should put it on the ballot. She does not see a reason to have this rushed on the ballot this year.

Austin Simko said what complicates this is that the Town Clerk's Office has received a private article to do option 2. The Board had a lengthy discussion on the question(s) to put on the ballot relative to the original article.

Annie Gilbert would prefer the Select Board have their own article.

The Board discussed the process and how this would play out at Town Meeting and the wording and details of their warrant article.

Laura Gregory has a question on the 3rd option to see if the Town will vote to direct the Select Board to place a non-binding advisory question on the 2025 Annual Town Election ballot in conformance with GL c.53 sec 18A as follows, should the Town of Andover continue to use Open Town Meeting as its form of local government, Yes or No. that would go to the Annual Town Meeting with a potential if the Town of Andover should continue to use Open Town Meeting as its form of government and would be in favor of the third option, should this clause be included.

Atty Heim said it is sort of a safety valve for the Moderator with respect to scope. The Warrant Article is clear in the intent, do you want this placed on the ballot and its purpose is to allow for something like referral to a study committee or some action related to the subject matter. This is a non-binding advisory vote.

Kristin Wise, 8 Inwood Lane, presented a citizen's petition to the Board for the Town Ballot in March, which is the same as Chris Huntress's slide. It is important for the vote to happen this year at Town Election, and not be delayed and then a study group could be put together for Town Meeting next year. She would like to see the Board take the vote of the people who signed the petition approved. It would be unfair to disregard the vote of the people who showed up at the Special Town Meeting.

Austin Simko said Town Counsel sent a very clear letter advising the petitioner that the article was defective.

Dick Howe, 3 Robandy Road wants the question put on the March 2024 ballot. He believes the Town is in part responsible for the defective article and there is no reason to wait a year to put a corrective question on the ballot.

Kevin Coffey, One Stafford Lane. If there was confusion, it was with the strong majority of voters who wanted to not have Town Meeting any longer. He encouraged the Board to accept and act on the request and expectation of the resounding majority of voters who supported the motion.

Jane Gifun, 9 Castle Heights Road said she worked the floor of Town Meeting and found that many people were very confused on what they were voting on.

Melissa Danisch said that the Board has to decide the proper form and procedures. The petitioner was offered an opportunity to review the article. The simple question is to put it on for the Annual 2024 Town Meeting Article does endorse the voters the opportunity to weigh in the proper way.

If the Select Board should present the non-binding advisory question on the Annual Town Election Ballot in 2025, the question being if the Town of Andover should continue to use Open Town Meeting – yes or no.

Austin Simko read the petition presented by Kristin Wise; should the Town of Andover continue to use Open Town Meeting as it's form of local government, please vote Yes or

No. This petition would place the question on the 2024 Annual Town Election Ballot. Option 3 would place the same question, if approved on the Annual Town Meeting on the 2025 Ballot. The private article submitted by Kathy Grant is essentially Option 2.

The form of the Option 3 question is acceptable according to Atty Doug Heim.

Chris Huntress said they will have a much larger turnout for the National Election Ballot. He is concerned that two articles addressing the same question on the floor of Annual Town Meeting would be confusing. They have the ability to make things less confusing by simplifying the question and putting it on the March 2024 ballot.

He suggested they move forward with the petition Kristen Wise submitted tonight (but has not yet been certified). The Select Board can put the question on the March ballot themselves.

Kristin Wise urged the Select Board to put this on the March ballot themselves and they will then have the information for Town Meeting.

The Town Manager said that tonight is the last night the Board can approve a petition for the Annual Town Warrant for this year. Alex Vispoli suggested they put the simplified version on the ballot, then it is taken care of.

Melissa Danisch thinks it is important that the proper procedure is followed and that we give voters the opportunity to be heard in the proper forum. Putting this on the 2025 ballot makes sense; she has not heard any urgency as to why this has to happen at this election. The Select Board should make a decision about what it needs to do going forward.

The three options are: 1) Ballot Question for the March 2024 Annual Town Election. 2) Multi-part Articles for the 2024 Annual Town Meeting and 3) Single Article for the 2024 Annual Town Meeting.

Melissa Danisch would vote not to put it on the 2024 ballot and would vote to put it on the Annual Town Meeting Article

Annie Gilbert is in favor of placing option 3 on this year's 2024 Town Meeting Article. Laura Gregory is also in agreement with going forward with option 3.

Alex Vispoli said what he and Chris Huntress brought forward is a similar way to go. Chris said if our article goes on the Town Meeting and Ms. Grant's article goes on as well, they will have two questions on the same ballot.

Town Counsel, Doug Heim said the appropriate way to take an article off the Warrant, is to advise that it is not a feasible action; but to remove it from the legislative process is concerning that it could propose an immediate risk to the Town. He does not see a clear statutory path other than to advise Town Meeting on his view of the law.

Board discussed the process is when someone submits a private article for town meeting and petitions submitted by residents to the Select Board.

Alex Vispoli requested the Board take action at their next meeting on the petition presented tonight.

Annie Gilbert moved to approve placing Warrant Article Option 3 on the 2024 Annual Town Meeting Warrant to see if the Town will vote to direct to place a non-binding question on the 2025 Town Election Ballot in conformance with MGL Chapter 53, Section 18A as follows: Should the Town of Andover continue to use Open Town Meeting as its form of local government, yes or no or take any action there to. Motion seconded by Laura Gregory. Roll call vote: Alex Vispoli-Y, Annie Gilbert-Y, Laura Gregory-Y, Melissa Danisch-Y, Chris Huntress voted no. Motion passe 4-1.

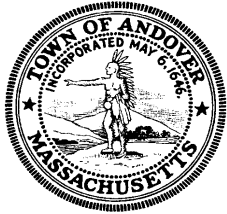
IV. Adjourn

At 8:36 P.M. on a motion by Alex Vispoli and seconded by Annie Gilbert, the Select Board voted 5-0 to adjourn the meeting of meeting of Wednesday, January 17 2024. . Roll call vote: A. Vispoli-Y, L. Gregory-Y, A. Gilbert-Y, M. Danisch-Y C. Huntress-Y. Motion passes 5-0.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Rev: 1.2
3.1.24



Select Board Meeting

Monday, January 22, 2024

7:00 PM

School Committee Room, School Administration Building
30 Whittier Court, Andover, MA 01810

I. Call to Order – 7:00 P.M.

Chair, Melissa Danisch called the Select Board Meeting of Monday, January 22, 2024 to order at 7:00 PM. Members in attendance: Laura Gregory, Chris Huntress, Annie Gilbert and Alex Vispoli.

Also in attendance: Town Manager Andrew Flanagan, Deputy Town Manager, Mike Lindstrom, Town Clerk and Deputy Town Manager Austin Simko, Chief Administrative & Financial Officer Patrick Lawlor and Town Counsel Doug Heim.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence and the Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager announced that they are on schedule to release the FY-2025 Town Manager's Recommended Budget and Financial Plan next Friday. The electronic document will be available on the Town website.

Mike Lindstrom reported that after 2.5 years, they have officially completed the process for approval of the Community Choice Aggregate Program and it has been stamped for final approval. Next steps will be presented before the Board at an upcoming meeting. It will be about three months before they can go out to bid.

Patrick Lawlor said that each Select Board member has been given a copy of the Annual Comprehensive Financial Report and Management Letter including their annual audit. He thanked Town Accountant Haley Green for her leadership in guiding us through this process.

Austin Simko said the applications to vote by mail have been sent out from the State for the 2024 elections. The first election is the presidential primary on March 5, 2024. They will send out ballots to residents as soon as they are received from the state.

Doug Heim said the warrant closed on Friday and a number of residents reached out to him to review warrant articles for Town Meeting.

Laura Gregory attended the DEI Commission retreat held at Phillips Academy this week end. It was a great event and she is excited about the steps moving forward.

Alex Vispoli reported that along with the Town Manager, he and Melissa Danisch attended the Mass MMA Conference held in Boston on Friday and Saturday. There was a lot of interest in Andover's Booth and a lot of shared practices and good ideas.

Alex Vispoli also recognized the Town Manager and his Team for a good representation and overview of Andover's progress at the Merrimack Valley's Mayors and Managers Event.

IV. Citizens Petitions and Presentations

Several residents came forward to speak about the paving of the Haggetts Pond Trail.

Jose Ossa, 98 Bellevue Road expressed presented some ideas to use in place of asphalt. Using stone dust would be a good surface to use. His concern that some of the points included paving as the best option because it requires less maintenance. He also spoke about the damage to the roots of the trees from the use of asphalt.

Jenicka Engler, 20 Hemlock Road, provided the best management practices from the Commonwealth of Massachusetts for controlling exposure to soil during the development of old railbed trails. It should be assumed that old railbed trails are contaminated. Her concern is that the project committee had done no soil testing, and do not what type of contaminants are in the soil, and that the soil will be disturbed. What are doing to ensure the quality of our water supply before and after and what assurances will the public receive. There are better locations to have a paved ADA trail.

Wendy Bossons, 3 Cuba Street, proposed an alternate solution to paving the Haggetts Pond Trail. She read from the Commonwealth of Massachusetts Trail Guide and standards for parking lots and amenities by use for persons with disabilities. Accessibility is a civil right.

John Page, 15 Harding Street also spoke about Haggetts Pond Trail. This is about a shared use path for bicyclists and pedestrian transportation. He shared information from Thomas Sexton, who is responsible for the North East Rails for Trails Conservatory, who looks at all trails and declared that this is already a wheelchair accessible trail.

Keith Saxon, 15 Wethersfield Drive, asked when will the WPOD permitting process begin for Haggetts Pond and requires projects to obtain a special permit by the Planning Board and Andover's General bylaw makes distinctions between parking lots of more than three spaces. It is important that permitting process begin. Article 97 had issues several years ago about the Dog Park at Bald Hill and as a leaf dump material handling facility. The Haggetts Pond Trail was acquired in 1932 specifically for protection of the watershed. When there is a change in use of watershed land it requires specific DEP approval.

V. Regular Business

A. Alcoholic Beverages License - Alteration of Premises

Board to review and consider voting to approve the application of RAVE Hospitality, Inc., doing business as Elm Square Oyster Co., at 2 Elm Square, Andover, for and Alteration of Premises on its All-Alcoholic Restaurant Alcoholic Beverage License. Austin Simko said all paperwork is in order. Annie Gilbert recused herself at this time.

Motion 1: Alex Vispoli moved to approve the application of RAVE Hospitality, Inc., doing business as Elm Square Oyster Co., for an Alteration of Premises to its All-Alcoholic Restaurant Alcoholic Beverage License at 2 Elm Square Oyster, Andover, subject to the

condition that all other requirements of the Town are met prior to issuance. Motion seconded by Chris Huntress and voted 4-0 to approve.

Motion 2: Alex Vispoli moved that the Board find that the application of RAVE Hospitality, Inc., doing business as Elm Square Oyster Co., for an Alteration of Premises to its All -Alcoholic Restaurant Alcoholic Beverage License at 2 Elm Square, Andover is not detrimental to the educational and spiritual activities of the Andover Baptist Church at 6 Essex Street or the Free Christian Church at 31 Elm Street. Motion seconded by Chris Huntress and voted 5-0 to approve.

Alcoholic Beverages License - Change of Category, Change of Manager, Transfer of Stock. Annie Gilbert recused herself at this time. Austin Simko said all paperwork is in order.

1. Alex Vispoli moved to approve the application of Lavdisha, Inc., dba Richdale Convenience, located at 10 Railroad St., Andover, to amend its Wine and Malt Alcoholic Retail Package Store License to an All-Alcoholic Retail Package Store License, subject to the condition that all other requirements of the Town are met prior to issuance. Motion seconded by Chris Huntress and voted 4-0 to approve.
2. Alex Vispoli moved to approve the application of Lavdisha, Inc., dba Richdale Convenience, located at 10 Railroad St., Andover, for a change of manager on its All-Alcohol Retail Package Store License. The new Manager to be Disha Patel of 536 Winthrop Street, Medford, Mass. subject to the condition that all other requirements of the Town are met prior to issuance. Motion seconded by Laura Gregory and voted 4-0 to approve.
3. Alex Vispoli moved to approve the application of Lavdisha, Inc., dba Richdale Convenience, located at 10 Railroad Street Andover, for a change of officer on its All-Alcoholic Retail Package Store License. The new officer to be Disha Patel of 536 Winthrop Street, Medford, Mass. subject to the condition that all other requirements of the Town are met prior to issuance. Motion seconded by Chris Huntress and voted 4-0 to approve.
4. Alex Vispoli moved to approve the approve the application of Lavdisha, Inc., dba Richdale Convenience, located at 10 Railroad Street Andover, for a Transfer of Stock on its All-Alcoholic Retail Package Store License; subject to the condition that all other requirements of the Town are met prior to issuance. Motion seconded by Laura Gregory and voted 4-0 to approve.
5. Alex Vispoli moved that the Board find that the application of Lavdisha, Inc., dba Richdale Convenience, located at 10 Railroad Street, Andover, to amend its Wine & Malt Alcoholic Retail Package Store License to an All-Alcoholic Retail Package Store License, subject to the condition that all other requirements of the Town are met prior to issuance. Motion seconded by Chris Huntress and voted 4-0 to approve.
6. Alex Vispoli moved to approve the application of Lavdisha, Inc., dba Richdale Convenience, located at 10 Railroad Street Andover, for a change of category, change of manager, change of officer and transfer of stock to its All-Alcohol Retail Package Store at 10 Railroad Street Andover is not detrimental to the education and spiritual

activities of St. Augustine Parish located at 43 Essex Street Andover. Motion seconded by Chris Huntress and voted 4-0 to approve.

B. Town Tree Policy

Board to consider amending policy to include a member of the Conservation Commission. Mike Lindstrom reported on the request to amend the policy to include a member of the Conservation Committee on the Town Tree Committee. They had a certified arborist come in and make a presentation and they have set a goal workshop for 2025. Laura Gregory moved to amend the Town Tree Policy to replace a member of the Conservation staff with a member of the Conservation Commission. Motion seconded by Annie Gilbert and voted 5-0 to approve.

C. MBTA Communities

Board to receive an update regarding MBTA Communities Multi-Family Zoning. Paul Materazzo, Director of Planning and Land Use, and Jen Lumberman, Chair of the Working Group provided a presentation that included the reason for the law and why multi-family stock needs to be grown around transit areas in the MBTA Communities across the State of Massachusetts. Paul said they began holding community engagement meetings in the spring of 2022. The results of the conversations came together and they arrived at three locations where 50% of this zoning happens within a half mile of a transportation, including downtown Andover, the Ballardvale train station, and River Road area that could be developed; currently a bus line goes there which has the highest density capacity.

The MBTA Communities District Recommendation for River Road, which is currently zoned ID2, is for buildings to be four stories with a bonus for mixed use. They have created a public portal on the Town website so people can see where the district boundaries are being considered. Next steps: Scheduling of working group meetings to be held Wednesday, January 24, the week of January 29th and a review of the Zone Map, Planning Board review of the draft and before the Planning Board Hearing(s) prior to presenting to the Select Board before Town Meeting.

Alex Vispoli asked what the deadline is on this requirement. Mr. Materazzo said Andover has until the end of December 2024 to reach an agreement to withdraw, not approve, etc. and they can work with the Town Manager's Office. The good news is there is an MVRA Bus Service in the River Rd area.

Chris Huntress said the Riley Yard in Ballardvale is almost entirely in the 100-year flood plain area. Why is the land chosen for Ballardvale in the flood zone? Paul said they heard from the community to lessen the density in Ballardvale. Doug Heim said the way to think about the MBTA Compliance, is the initial penalty and not being eligible for state grants; is surely a matter for the Commonwealth.

Petition to Place Question on Annual Town Election Ballot

Board to review and consider voting to take action on the petition of Kristin Wise, 8 Inman Lane, asking that the Select Board place a question on the March 26, 2024 Annual Town Election ballot if Andover should continue with the current form of government. Mrs. Wise talked about the status of the Article /ballot question to the

Select Board. She is asking to bring this question in front of the voters this year and if passed would go on to the March 2025 ballot. Alex Vispoli and Chris Huntress would support putting it on the March 2024 Town Ballot. Annie Gilbert would not support it. The presentation, form and procedure were explained by Melissa Danisch.

Andover residents Keith Saxon and Kevin Coffey both said that the Board has a perfectly valid citizen petition in front of them.

Alex Vispoli moved that the Select Board place a question on the 2024 Annual Town Election Ballot consistent with the petition of Kristen Wise. Motion seconded by Chris Huntress and voted 3-2 to not approve. Motion fails.

Annie Gilbert moved that the Select Board not place a question on the March, 2024 Town Election Ballot. Motion seconded by Laura Gregory and voted 3-2 to not place the question on the March 20224 ballot. Motion carries.

D. Consent Agenda

A. Appointments by the Town Manager

Chris Huntress moved that the Board vote that the following appointments by the Town Manager be approved. Motion seconded by Laura Gregory and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Department of Public Works	Eric Pape <i>Robert Charette</i>	Equipment Operator	\$27.96/hr	02/01/2024
Department of Public Works	Patrick Scholl <i>Vincent Mitrano</i>	Equipment Operator	\$27.12/hr	01/23/2024
Permanent Town Building Advisory Committee	Susan McCready	School Committee Representative	Term Expires 06/30/2026	01/23/2024
Elderly and Disabled Tax Fund Committee	Jane Burns	Member	Term Expires 06/30/2026	01/23/2024

E. Approval of Minutes:

Alex Vispoli moved that the Select Board move to approve the minutes for the following meetings:

- September 27, 2023 Quad Board
- October 18, 2023 Quad Board
- November 29, 2023 Select Board
- December 11, 2023 Select Board

F. 2024 Select Board Meetings

Board to consider voting to accept the following Select Board Meeting Schedule:

Alex Vispoli moved to accept the Saturday, March 2, 2024 Triboard/budget meeting and the April 8, 2024 and April 22nd Select Board meeting schedule subject to the to the approval of the other committee members. Annie Gilbert seconded the motion.

G. Adjourn

On a motion by Chris Huntress and seconded by Annie Gilbert, the Board voted 5-0 to adjourn the meeting of January 22, 2024.

Respectfully submitted,
Dee DeLorenzo
Recording Secretary



TOWN OF ANDOVER *Finance & Budget*

Hayley Green, CPA, Town Accountant/Assistant Finance Director
Accounting Department

36 Bartlet Street
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Andrew P. Flanagan
Town Manager

Michael Lindstrom
Deputy Town Manager

To: Select Board
Finance Committee
School Committee
Revenue and Expenditure Task Force

From: Hayley Green, Town Accountant/Assistant Finance Director

CC: Andrew Flanagan, Michael Lindstrom, Austin Simko, Patrick Lawlor, Magda Parvey,
Keith Taverna, Martha Sybert, Tara Bicknell, Town Website

Date: February 8, 2024

Re: ***FY 2024 Financials***

The attached reports summarize the Town's financial position through December 31, 2023.
Included are the following:

- Executive Summary
- Budgeted versus Actual Revenues – General Fund and Enterprise Funds
- Revenue Comparison Graphs
- Personal Services and Other Expenditures by Department
- Reserve Account and Compensation Fund Analysis
- Chapter 44 § 53 E ½ Revolving Funds
- Capital Projects status – FY18 – FY24

Feel free to contact me, should you have any questions regarding the reports.

The attached reports of the Town Accountant summarize FY 2024 revenues and expenditures for the General Fund, Enterprise Funds, Reserve Fund, Revolving Funds and Capital Projects through December 31, 2023.

General Fund

The total general fund receipts of all sources collected through December 31, 2023 are in line with annual projections through the first half of the year. FY2024 local receipts are \$1,391,990 greater than FY 2023 collections through the same period of time. This is primarily due to the increase in investment income as interest rates have risen in the past year. Off-set receipts collections are \$69,716 greater than FY23 collections through the same period of time last fiscal year. This is primarily due to the increase in ambulance receipts.

General fund personal services and other expenses are in line with or below FY 2024 projections through December 2023. Insurance premiums and the required appropriation for pension were paid in July. Encumbrances are adjusted throughout the year.

Water Enterprise Fund

The total water enterprise fund collections are lower than annual projections through December 2023. The user charges receipts are \$591,899 less than FY23 through the same period, due to the timing of a North Reading payment recorded in FY23. Water personal services and other expenses are in line with FY 2024 projections through December 2023.

Sewer Enterprise Fund

The total sewer enterprise fund collections are lower than projections through December 2023 and user charges receipts are \$93,616 less than prior year receipts through the same period. Sewer personal services are lower than FY 2024 projections through December 2023. Sewer other expenses are greater than projections but are in line with the prior year through this period.

Reserve Fund

Town Meeting approved a reserve fund balance of \$200,000. This money has not been spent through December 2023.

Revolving Accounts

Town Meeting voted to approve 16 revolving funds with a total spending limit of \$2,490,000.

Capital Projects

These projects are part of the Town's capital improvement plan voted at Town Meeting from taxation. There is a balance of \$3,631,523 available for the most recent seven years of approved projects.

Town of Andover
FY 2024 General Fund Year-To-Date Revenue Report
Budgeted vs. Actuals 12/31/2023 and 12/31/2022

Local Receipts	FY 24 Budgeted Receipts	FY 24 YTD Revenues	% Collected	FY 23 Budgeted Receipts	FY 23 YTD Revenues	% Collected	Change in Budgets	Change in YTD Receipts
Motor Vehicle Excise	5,708,009	770,617	13.5%	5,651,834	694,211	12.3%	56,175	76,407
Hotel/Motel/Meals	1,841,700	1,958,012	106.3%	1,799,000	1,613,810	89.7%	42,700	344,202
Penalties and Interest on Taxes and Excises	405,000	297,932	73.6%	480,000	194,491	40.5%	(75,000)	103,442
Fees	38,000	39,800	104.7%	61,000	27,633	45.3%	(23,000)	12,167
Payments in Lieu of Taxes	467,463	-	0.0%	451,731	-	0.0%	15,732	-
Other Departmental Revenues	234,586	53,896	23.0%	213,000	243,980	114.5%	21,586	(190,084)
Other Departmental Revenues - School Medicare	275,000	151,488	55.1%	200,000	230,552	115.3%	75,000	(79,064)
Non-Recurring Revenues	-	4,389	0.0%	5,000	61,000	1220.0%	(5,000)	(56,611)
Licenses and Permits	2,401,315	1,457,531	60.7%	2,377,540	1,749,947	73.6%	23,775	(292,416)
Fines & Forfeits	132,500	85,665	64.7%	132,500	76,795	58.0%	-	8,870
Investment Income	275,794	2,849,338	1033.1%	204,000	1,384,854	678.9%	71,794	1,464,483
Special Assessments	-	594	N/A	-	-	N/A	-	594
Total Estimated Receipts	11,779,367	7,669,262	65.1%	11,575,605	6,277,272	54.2%	203,762	1,391,990

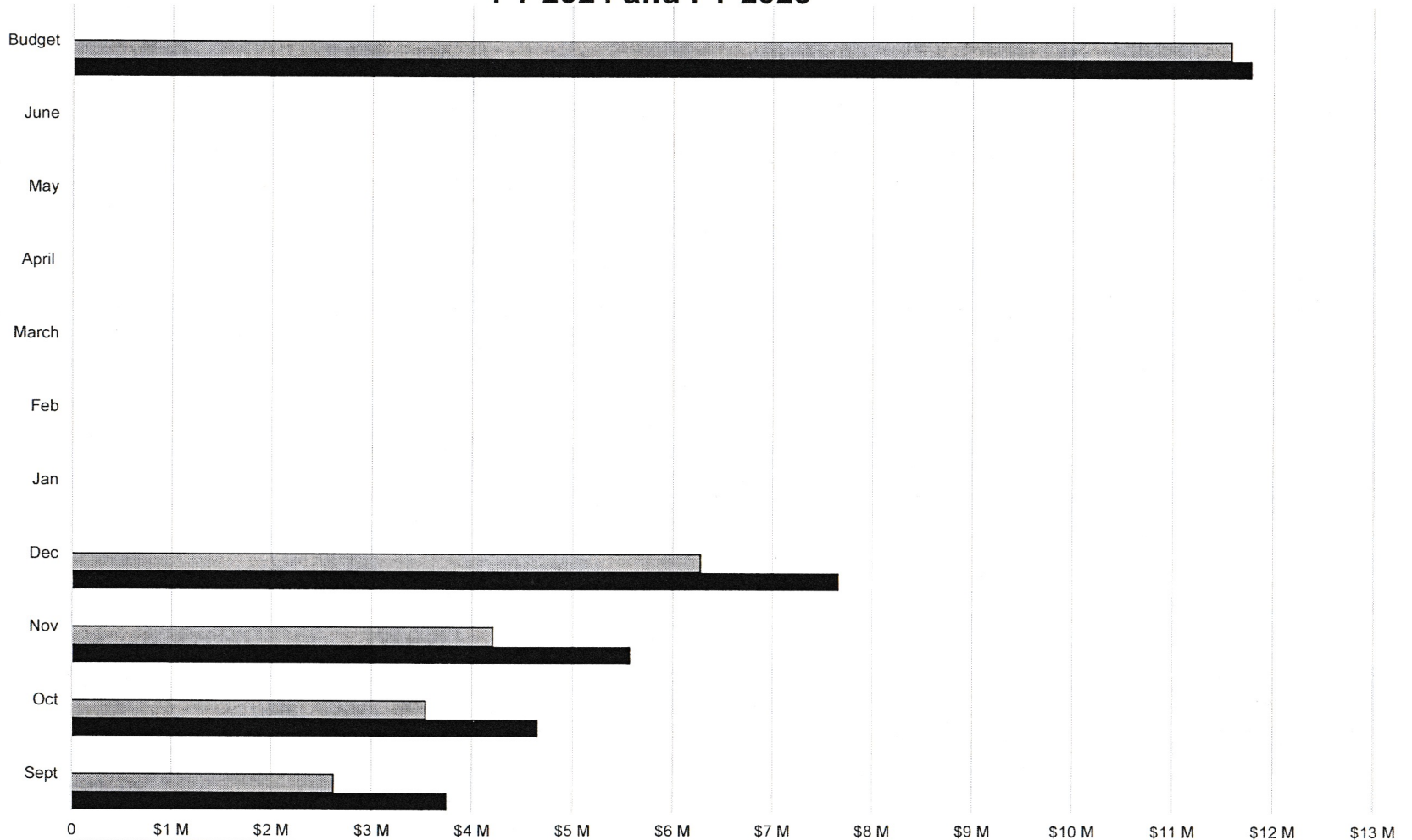
Off-Set Receipts	FY 24 Budgeted Receipts	FY 24 YTD Revenues	% Collected	FY 23 Budgeted Receipts	FY 23 YTD Revenues	% Collected	Change in Budgets	Change in YTD Receipts
Recreation	556,531	69,918	12.6%	531,531	63,199	11.9%	25,000	6,720
Elder Services	106,000	56,267	53.1%	106,000	53,795	50.8%	-	2,472
Public Facilities - Rental Receipts	60,000	58,893	98.2%	40,000	40,880	102.2%	20,000	18,013
Cemetery - Interment Fees	60,000	32,841	54.7%	60,000	37,086	61.8%	-	(4,245)
Public Safety - Police Detail Fees	70,000	33,268	47.5%	60,000	37,534	62.6%	10,000	(4,266)
Public Safety / Fire - Ambulance Receipts	1,750,000	876,039	50.1%	1,300,000	825,016	63.5%	450,000	51,022
Total Off-Set Receipts	2,602,531	1,127,226	43.3%	2,097,531	1,057,510	50.4%	505,000	69,716

Other Revenues	FY 24 Budgeted Receipts	FY 24 YTD Revenues	% Collected	FY 23 Budgeted Receipts	FY 23 YTD Revenues	% Collected	Change in Budgets	Change in YTD Receipts
Property Taxes (inc. Tax Titles)	183,970,396	87,394,353	47.5%	174,778,254	82,961,618	47.5%	9,192,142	4,432,735
State Aid	16,716,855	8,388,910	50.2%	14,794,019	7,351,370	49.7%	1,922,836	1,037,540
Total Other Revenues	200,687,251	95,783,263	47.7%	189,572,273	90,312,988	47.6%	11,114,978	5,470,275
Total Revenues	215,069,149	104,579,751	48.6%	203,245,409	97,647,770	48.0%	11,823,740	6,931,981

Town of Andover
FY 2024 Enterprise Funds Year-To-Date Revenue Report
Budgeted vs. Actuals 12/31/2023 and 12/31/2022

Water Fund	FY 24 Budgeted Receipts	FY 24 YTD Revenues	% Collected	FY 23 Budgeted Receipts	FY 23 YTD Revenues	% Collected	Change in Budgets	Change in YTD Receipts
User Charges	12,777,571	5,881,928	46.0%	10,445,844	6,473,827	62.0%	2,331,727	(591,899)
Water Connection	5,000	6,919	138.4%	7,500	3,774	50.3%	(2,500)	3,145
Water Testing Fees	5,000	17,920	358.4%	12,000	5,075	42.3%	(7,000)	12,845
Meter Installations	10,000	3,750	37.5%	10,000	5,050	50.5%	-	(1,300)
Fire Flow Test	5,000	3,500	70.0%	5,000	6,500	130.0%	-	(3,000)
Special/Final Reads	15,000	8,983	59.9%	25,000	10,636	42.5%	(10,000)	(1,653)
Backflow/Cross Connection Fees	80,000	35,825	44.8%	87,500	36,530	41.7%	(7,500)	(705)
Water Tap	-	650	N/A	-	575	N/A	-	75
Liens	70,000	6,511	9.3%	85,000	12,546	14.8%	(15,000)	(6,034)
Fire Suppression	250,000	109,559	43.8%	280,000	116,672	41.7%	(30,000)	(7,114)
Interest /Misc Revenue	-	3,118	N/A	2,500	655	26.2%	(2,500)	2,463
Non-Revenue Interest	26,445	4,726	17.9%	7,500	17,421	232.3%	18,945	(12,696)
Total Water Receipts	13,244,016	6,083,388.76	45.9%	10,967,844	6,689,261	61.0%	2,276,172	(605,873)
Sewer Fund	FY 24 Budgeted Receipts	FY 24 YTD Revenues	% Collected	FY 23 Budgeted Receipts	FY 23 YTD Revenues	% Collected	Change in Budgets	Change in YTD Receipts
User Charges	5,354,484	2,310,530	43.2%	5,173,301	2,404,146	46.5%	181,183	(93,616)
Committed Interest/Income	130,000	4,328	3.3%	110,000	13,543	12.3%	20,000	(9,215)
Liens	50,000	3,066	6.1%	55,000	6,863	12.5%	(5,000)	(3,796)
Apport Assmnts	400,000	50,384	12.6%	340,000	45,746	13.5%	60,000	4,638
Deferred Property Tax	-	-	N/A	-	10,800	N/A	-	(10,800)
Interest /Misc Revenue	-	473	N/A	3,500	580	16.6%	(3,500)	(107)
Non-Revenue Interest	25,000	31,034.61	124.1%	6,500	16,599	255.4%	18,500	14,436
Total Sewer Receipts	5,959,484	2,399,816	40.3%	5,688,301	2,498,277.38	43.9%	271,183	(98,461)
Total Enterprise Revenues	19,203,500	8,483,205	44.2%	16,656,145	9,187,539	55.16%	2,547,355	(704,334)

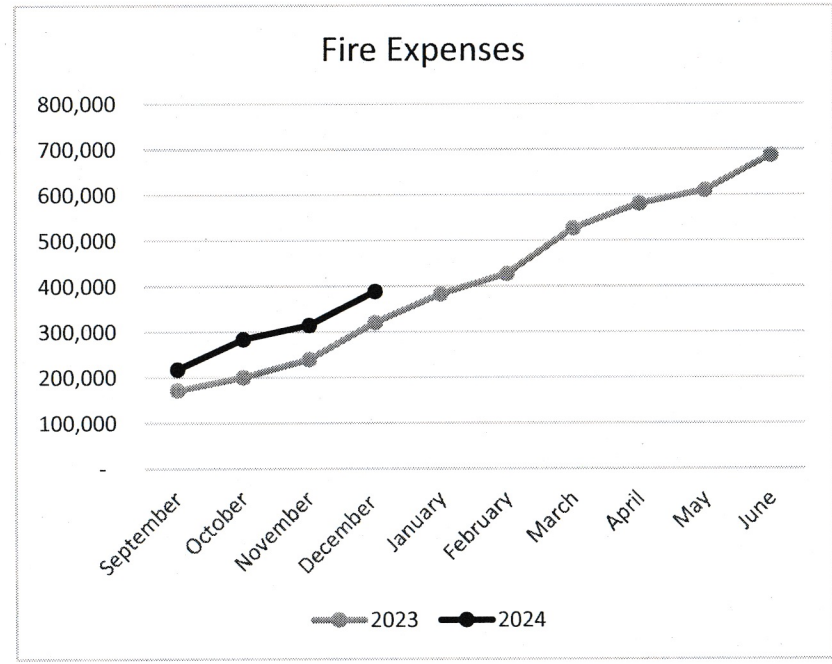
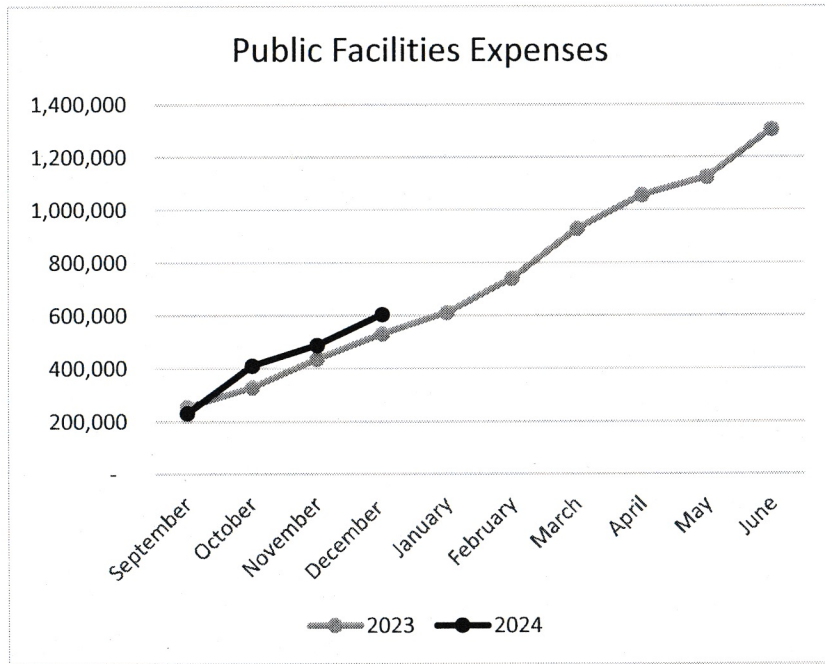
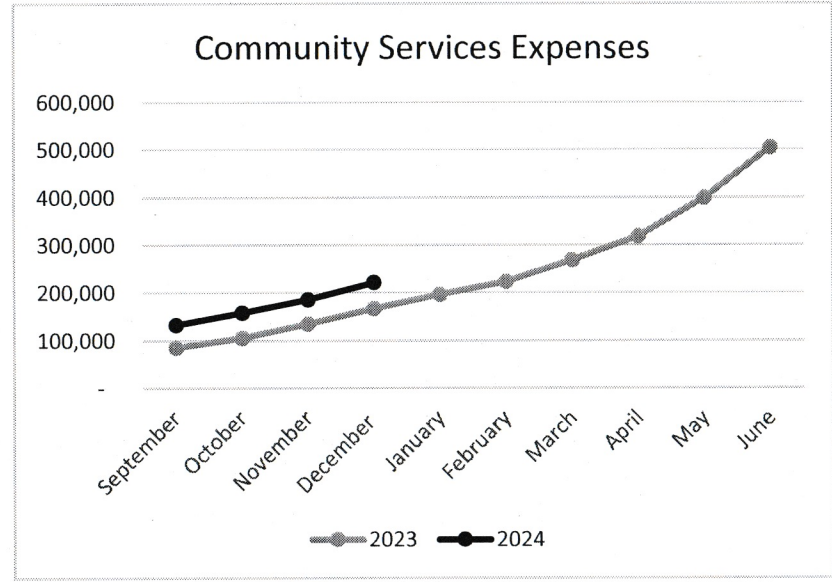
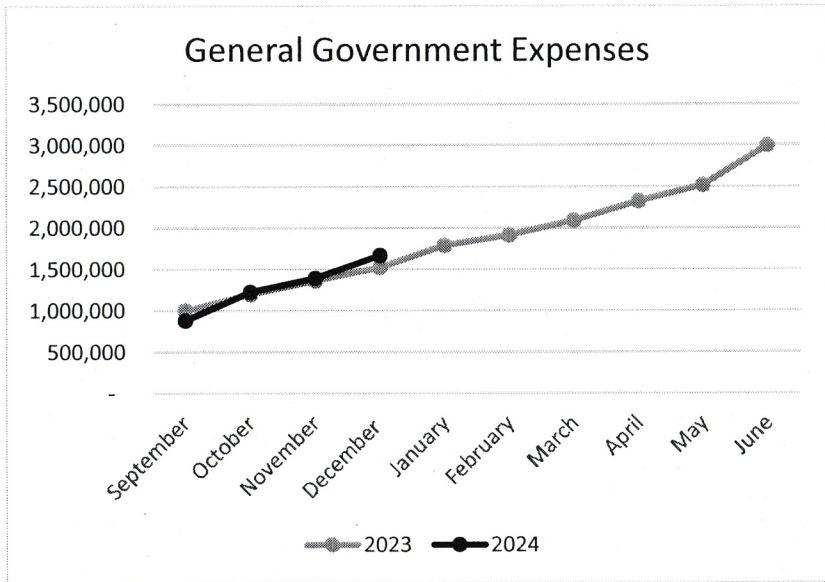
Town of Andover Local Receipts FY 2024 and FY 2023



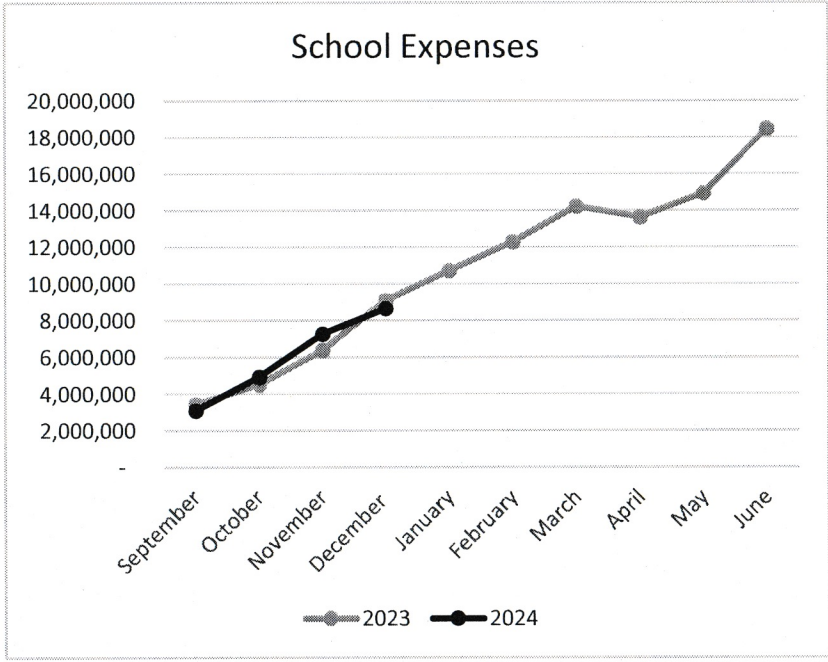
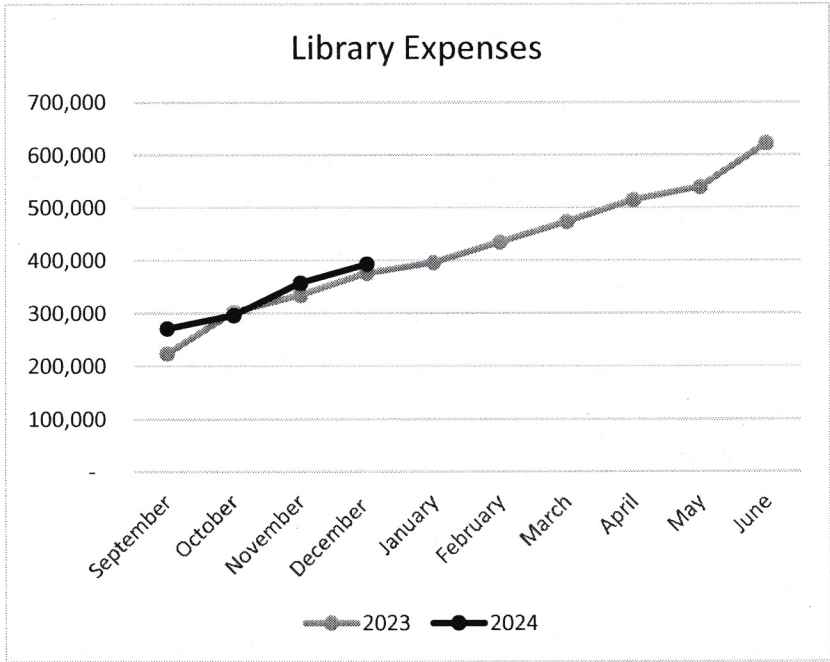
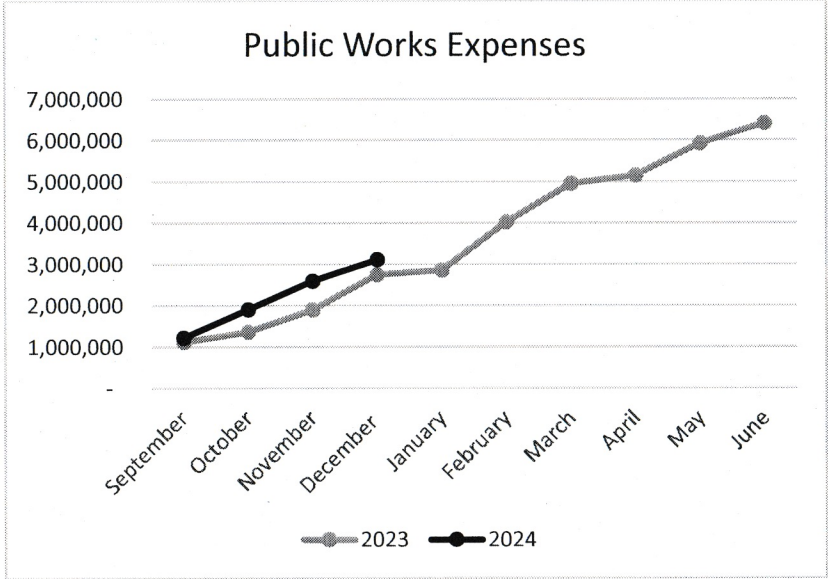
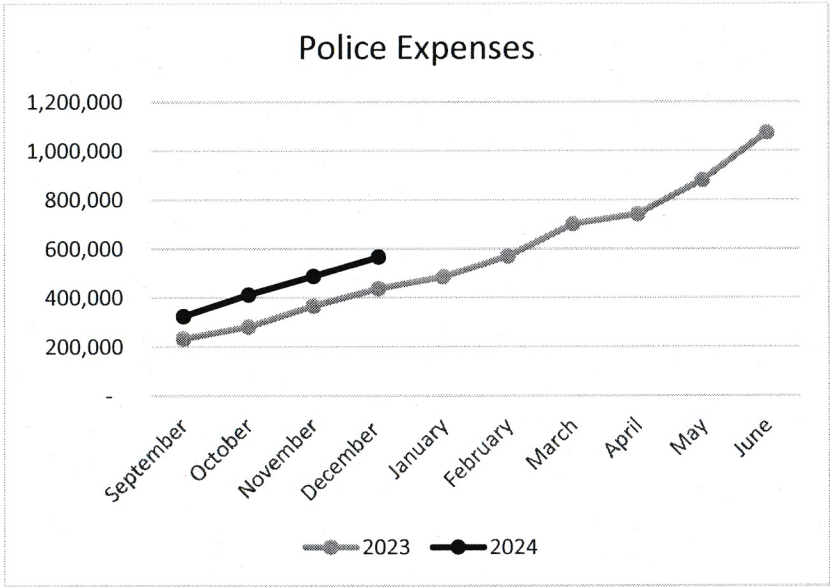
	0	\$1 M	\$2 M	\$3 M	\$4 M	\$5 M	\$6 M	\$7 M	\$8 M	\$9 M	\$10 M	\$11 M	\$12 M	\$13 M
		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Budget		
■ FY 2023 % of Budget		22.6%	30.5%	36.3%	54.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		
■ FY 2024 % of Budget		31.9%	39.6%	47.4%	65.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		
■ FY 2023 Receipts		\$2,618,268	\$3,535,004	\$4,202,086	\$6,277,272	\$0	\$0	\$0	\$0	\$0	\$0	\$11,575,605		
■ FY 2024 Receipts		\$3,752,141	\$4,659,961	\$5,577,813	\$7,669,262	\$0	\$0	\$0	\$0	\$0	\$0	\$11,779,367		

Town of Andover
FY 2024 Year-To-Date Budget Report
Personal Services and Other Expenditures thru 12/31/2023

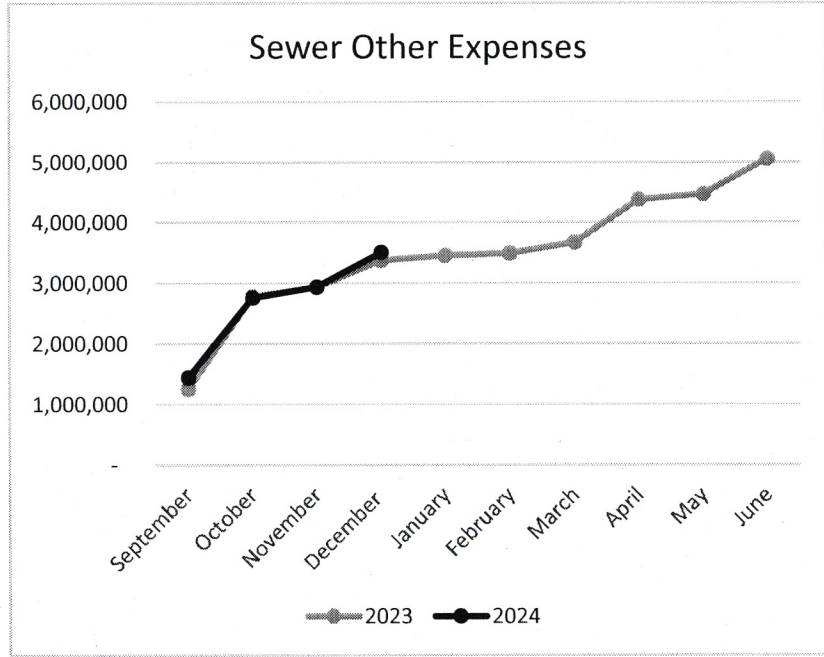
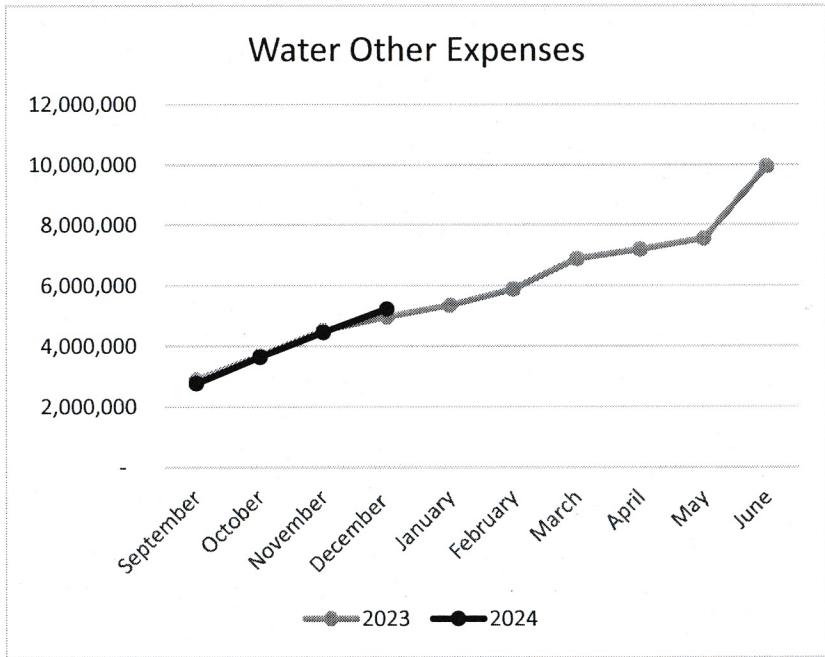
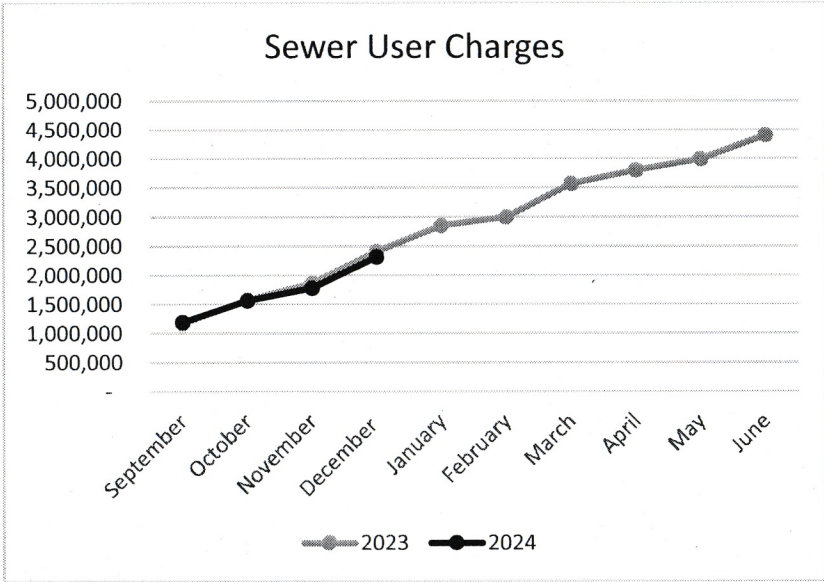
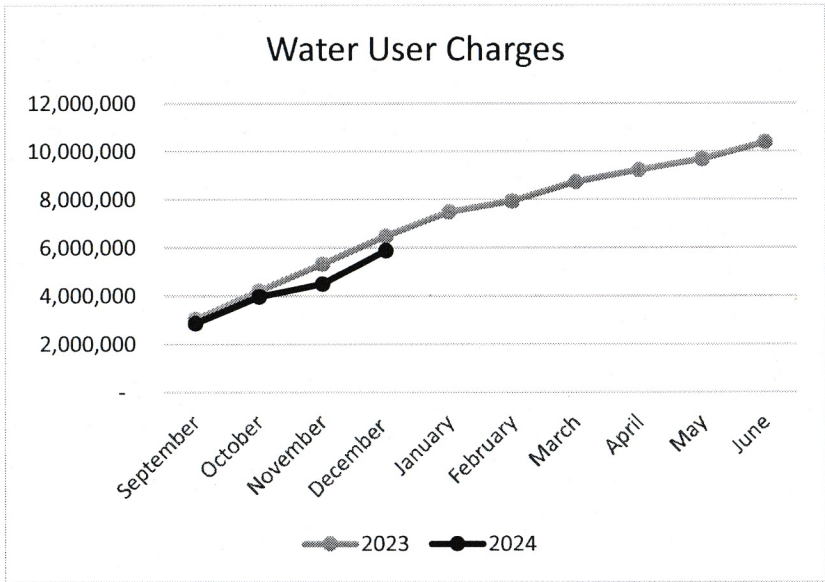
	Original Appropriation	Transfers/ Adjustments	Revised Budget	YTD Expended	Encumbrances	Available Balance	% Expended & Encumbered	% Expended
Personal Services								
General Government	7,771,063	-	7,771,063	3,711,048	-	4,060,015	47.8%	47.8%
Community Services	1,956,387	-	1,956,387	921,247	-	1,035,140	47.1%	47.1%
Public Facilities	2,732,130	-	2,732,130	1,301,354	-	1,430,776	47.6%	47.6%
Public Safety - Fire	9,255,441	-	9,255,441	4,573,255	-	4,682,186	49.4%	49.4%
Public Safety - Police	8,579,059	-	8,579,059	4,101,284	-	4,477,775	47.8%	47.8%
Public Works	3,930,369	-	3,930,369	1,892,796	-	2,037,573	48.2%	48.2%
Library	2,383,930	-	2,383,930	1,108,340	-	1,275,590	46.5%	46.5%
School	79,732,097	-	79,732,097	30,836,859	50,655,159	(1,759,921)	102.2%	38.7%
Total Personal Services - General Fund	116,340,476	-	116,340,476	48,446,183	50,655,159	17,239,134	85.2%	41.6%
Water Enterprise	2,395,322	-	2,395,322	1,144,192	-	1,251,130	47.8%	47.8%
Sewer Enterprise	378,940	-	378,940	158,111	-	220,829	41.7%	41.7%
Total Personal Services - Enterprise Funds	2,774,262	-	2,774,262	1,302,303	-	1,471,959	46.9%	46.9%
Other Expenses								
General Government	2,911,145	348,766	3,259,911	1,668,903	476,238	1,114,770	65.8%	51.2%
Community Services	617,115	113,146	730,261	221,411	163,617	345,233	52.7%	30.3%
Public Facilities	1,446,400	112,124	1,558,524	604,854	480,227	473,443	69.6%	38.8%
Public Safety - Fire	749,465	46,696	796,161	388,713	177,004	230,444	71.1%	48.8%
Public Safety - Police	1,047,300	55,998	1,103,298	566,447	238,665	298,186	73.0%	51.3%
Public Works	6,445,997	619,297	7,065,294	3,110,917	2,737,746	1,216,631	82.8%	44.0%
Library	674,179	2,207	676,386	393,300	197,996	85,089	87.4%	58.1%
School	19,868,827	1,927,127	21,795,954	8,653,550	11,564,540	1,577,865	92.8%	39.7%
Technical Schools	1,312,220	-	1,312,220	626,884	626,883	58,453	95.5%	47.8%
Debt Service	25,503,634	-	25,503,634	16,927,150	-	8,576,484	66.4%	66.4%
Insurance	1,280,400	-	1,280,400	1,215,257	15,176	49,967	96.1%	94.9%
Health Insurance	23,835,094	-	23,835,094	6,698,395	-	17,136,699	28.1%	28.1%
Unemployment	168,100	29,031	197,131	99,030	-	98,101	50.2%	50.2%
Retirement	7,124,644	-	7,124,644	7,124,844	-	(200)	100.0%	100.0%
Reserve Fund	200,000	-	200,000	-	-	200,000	0.0%	0.0%
OPEB Appropriation	1,812,834	-	1,812,834	1,812,834	-	-	100.0%	100.0%
Total Other Expenses - General Fund	94,997,354	3,254,393	98,251,747	50,112,489	16,678,091	31,461,166	68.0%	51.0%
Water Enterprise	8,759,225	1,024,434	9,783,659	5,231,227	2,091,346	2,461,086	74.8%	53.5%
Sewer Enterprise	4,819,026	871,202	5,690,228	3,505,989	1,668,043	516,196	90.9%	61.6%
Total Other Expenses - Enterprise Funds	13,578,251	1,895,636	15,473,887	8,737,216	3,759,389	2,977,282	80.8%	56.5%
Total - General Fund	211,337,830	3,254,393	214,592,223	98,558,672	67,333,250	48,700,301	77.3%	45.9%
Total - Enterprise Funds	16,352,513	1,895,636	18,248,149	10,039,519	3,759,389	4,449,241	75.6%	55.0%



*Expenses vary from year to year due to timing and departmental needs, but can still be on budget.



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Town of Andover
FY 2024 Revolving Accounts
(M.G.L. CH. 44, § 53 E1/2)
As of 12/31/23

	CD & P Legal Notices Acct 5550	Library Lost/Damaged Materials Acct 5631	CD & P Health Services Clinics Acct 5557	Recreation Special Services Acct 5552	Youth Services Acct 5553	Facilities Field Maintenance Acct 5622	Elder Services Acct 5554	Police Antenna Uses Acct 5653	School Photocopy Fees Acct 4510	Facilities Compost Program Acct 5666	DPW Solid Waste Fees Acct 5667	CD & P Stormwater Management Acct 5668	Fire Emergency Billing Acct 5669	Health Services Inspections Acct 5670	School Professional Development Acct 4500	Student Technology Rental Acct 4260
Balance thru 6/30/2022	24,288	18,086	13,920	1,041,162	341,339	155,602	141,987	53,645	41,855	36,333	89,403	0	681	150,066	3,279	46,503
Receipts thru 6/30/2023	30,230	3,965	73,295	1,935,462	293,757	96,210	123,989	5,247	8,743	29,956	34,215	0	0	63,540	0	34,975
Expenditures thru 6/30/2023	20,000	3,163	34,139	1,546,422	200,020	27,601	86,427	0	0	32,093	40,000	0	0	37,130	95	29,624
Balance thru 6/30/2023	34,517	18,888	53,076	1,430,203	435,076	224,211	179,548	58,892	50,598	34,197	83,617.47	0	681	176,477	3,184	51,854
Receipts thru 12/31/2023	12,269	1,759	10,483	711,823	146,831	36,678	86,692	1,809	1,158	5,977	7,193	0	0	44,135	0	9,230
Expenditures thru 12/31/2023	10,299	1,797	1,654	963,950	117,428	91,792	61,379	0	0	29,724	4,497	0	0	615	0	20,390
Balance thru 12/31/2023	36,486	18,850	61,905	1,178,077	464,479	169,096	204,861	60,701	51,756	10,449	86,313	0	681	219,997	3,184	40,694

Spending Authorization	\$20,000	\$20,000	\$60,000	\$1,000,000	\$400,000	\$150,000	\$225,000	\$50,000	\$10,000	\$60,000	\$40,000	\$5,000	\$100,000	\$100,000	\$50,000	\$200,000
Y-T-D % Spent	51.50%	8.98%	2.76%	96.39%	29.36%	61.19%	27.28%	0.00%	0.00%	49.54%	11.24%	0.00%	0.00%	0.62%	0.00%	10.20%

**Town of Andover
Capital Projects
12/31/2023**

	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>	<u>FY22</u>	<u>FY23</u>	<u>FY24</u>	<u>Total Available</u>
Budget	1,495,643	1,040,000	1,011,600	1,150,000	1,185,000	1,271,500	1,338,000	
Expended	1,495,643	1,040,000	1,003,634	1,090,886	1,103,877	855,946	215,062	
Encumbered	-	-	7,966	5,416	31,852	86,276	165,092	
Total School CIP	Available	-	-	53,699	49,270	329,278	957,846	1,390,093
Budget	579,018	487,000	1,044,098	902,108	137,000	150,000	95,000	
Expended	555,672	437,747	851,794	802,108	131,254	86,677	-	
Encumbered	9,300	3,517	20,919	-	130	4,200	-	
Total General Government CIP	Available	14,046	45,736	171,384	100,000	5,616	59,123	490,905
Budget	32,214	-	-	-	-	-	-	-
Expended	32,214	-	-	-	-	-	-	-
Encumbered	-	-	-	-	-	-	-	-
Total Youth Services CIP	Available	-	-	-	-	-	-	-
Budget	-	-	10,000	50,000	-	-	-	-
Expended	-	-	10,000	15,000	-	-	-	-
Encumbered	-	-	-	3,840	-	-	-	-
Total Library CIP	Available	-	-	31,160	-	-	-	31,160
Budget	800,000	946,000	1,303,000	468,000	1,180,000	1,165,000	1,130,000	
Expended	781,652	942,538	1,302,540	417,703	884,735	532,380	85,571	
Encumbered	18,348	-	460	15,325	213,808	337,025	223,340	
Total Facilities CIP	Available	-	3,462	34,972	81,457	295,595	821,090	1,236,575
Budget	293,500	250,077	195,000.00	195,000.00	255,000	-	40,000	
Expended	293,500	250,077	195,000.00	195,000.00	214,073	-	-	
Encumbered	-	-	-	-	40,927	-	38,500	
Total Police CIP	Available	-	-	-	-	-	1,500	1,500
Budget	63,500	214,000	-	96,000	88,000	-	185,000	
Expended	61,353	205,282	-	96,000	77,383	-	-	
Encumbered	-	-	-	-	-	-	-	
Total Fire CIP	Available	2,147	8,718	-	10,617	-	185,000	206,482
Budget	415,000	328,000	400,000	-	165,000	170,000	102,000	
Expended	366,924	328,000	399,119	-	145,000	44,413	-	
Encumbered	1,944	-	881	-	-	18,912	-	
Total DPW CIP	Available	46,132	-	-	20,000	106,676	102,000	274,808
Budget	2,183,232	2,225,077	2,952,098	1,711,108	1,825,000	1,485,000	1,552,000	
Expended	2,091,314	2,163,645	2,758,453	1,525,811	1,452,446	663,470	85,571	
Encumbered	29,592	3,517	22,261	19,165	254,864	360,137	261,840	
Total Town CIP	Available	62,326	57,916	171,384	166,132	117,690	1,204,590	2,241,430
Budget	3,678,875	3,265,077	3,963,698	2,861,108	3,010,000	2,756,500	2,890,000	
Expended	3,586,957	3,203,645	3,762,087	2,616,696	2,556,323	1,519,416	300,633	
Encumbered	29,592	3,517	30,227	24,581	286,716	446,413	426,932	
Grand Total	Available	62,326	57,916	171,384	219,831	166,960	2,162,435	3,631,523