

**Select Board Meeting**  
Monday, September 16, 2024  
Select Board Room, Town Offices  
36 Bartlet Street Andover, MA 01810

7:00 PM

RECEIVED  
TOWN CLERK'S OFFICE  
2024 SEP 12 PM 3:48  
TOWN OF ANDOVER, MA

- I. **Call to Order – 7:00 P.M.**
- II. **Opening Ceremonies**
  - A. Moment of Silence/Pledge of Allegiance
- III. **Town Manager Report**
- IV. **Communications/Announcements/Liaison Reports**
- V. **Public Comment**
- VI. **Public Hearings**
  - A. Alcoholic Beverages License – Alteration of Premises

Board to review and consider voting to approve the application of BTTMV LLC, d/b/a Shoyu Restaurant and Bar, 38-40 Park Street, Andover, for an Alteration of Premises on its All Alcoholic Restaurant Alcoholic Beverage License.
- VII. **Regular Business**
  - A. Alcoholic Beverages License – Event on Town Owned Property

Board to consider voting to approve an application from Marble Ridge Farm, LLC, doing business as Marble Ridge Winery, located at 11 Marble Ridge Road, North Andover, for a Wine and Malt One-Day Liquor License for use on Town property for Andover Day September 21, 2024 (rain date to be the following Saturday) under Select Board Liquor Regulations Section XI.2.N “Special One-Day Alcohol License Policy & Application for Outdoor Events on Town-owned Property.”
  - B. Alcoholic Beverages License – Event on Town Owned Property

Board to consider voting to approve an application from Oak & Iron Brewing Co, at 18 Red Spring Road, Andover, for a Wine and Malt One-Day Liquor License for use on Town property for Andover Day September 21, 2024 (rain date to be the following Saturday) under Select Board Liquor Regulations Section XI.2.N “Special One-Day Alcohol License Policy & Application for Outdoor Events on Town-owned Property.”
  - C. Alcoholic Beverages License – Event on Town Owned Property

Board to consider voting to approve an application from Oak & Iron Brewing Co, at 18 Red Spring Road, Andover, for a Wine and Malt One-Day Liquor License for use on Town property for Run for the Troops November 10, 2024 under Select Board Liquor Regulations Section XI.2.N “Special One-Day Alcohol License Policy & Application for Outdoor Events on Town-owned Property.”
  - D. Town Manager Reappointment

Board to set a timeline and process for Town Manager reappointment.

E. Opioid Settlement Funds

Board to receive an update on the opioid settlement funds and overview of the initial framework plan.

**VIII. Consent Agenda**

Appointments by the Town Manager

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

Department	Name	Position	Rate/Term	Date of Hire
Administration & Finance – Assessor’s Office	Jennifer Overberg (Aislyn Zybert)	Office Assistant III	\$61,446.80/year	09/17/2024
Andover Police Department	Laurie Brown (Gina Paldino)	Office Assistant III	\$65,848.13/year	09/23/2024
Memorial Hall Library	Nicole Flanagan (Owen Strellis)	Library Aide	\$15.00/hour	09/17/2024
Andover Green Advisory Board	Jordan Stack	Member	Term Expires 06/30/2027	09/17/2024
Council on Aging	Timothy McCarron	Member	Term Expires 06/30/2027	09/17/2024

**IX. 2024 Select Board Meetings**

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

- November 4, 2024
- November 18, 2024
- December 2, 2024
- December 16, 2024

**X. Approval of Minutes**

A. Board to approve minutes from the following meetings:

1. August 19, 2024
2. August 21, 2024

**XI. Executive Session**

A. Board to vote to go into Executive Session pursuant Purpose 7, to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (the Open Meeting Law) to vote to approve and release or not release executive session minutes of August 19, 2024; and not to return to open session; and/or

B. Board to vote to go into Executive Session pursuant Purpose 5, to discuss strategy with respect to litigation Andover Community Trust v. Andover Zoning Board of Appeals; and not to return to open session.

**C. 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](mailto:amy.heidebrecht@andoverma.us)*

MEETINGS ARE TELEVISED ON  
COMCAST CHANNEL 22 AND VEARIZON CHANNEL 45



Austin Simko  
Town Clerk

# TOWN OF ANDOVER

Town Clerk's Office  
36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
townclerk@andoverma.gov

## TOWN OF ANDOVER



## PUBLIC HEARING

Notice is hereby given in accordance with Chapter 138 of the Massachusetts General Laws, as amended, that BTTMV, LLC, d/b/a Shoyu Restaurant & Bar, at 38-40 Park Street, Andover, MA, has applied for an Alteration of Premises to its All Alcoholic Beverages Pouring Liquor License at 38-40 Park Street, Andover, MA.

The public hearing will be held on Monday, September 16, 2024, at the Andover Town Offices, 3<sup>rd</sup> Floor Select Board Conference Room, 36 Bartlet Street Andover, MA at 7:00 p.m. in accordance with the General Laws relating thereto.

By Order of the  
Select Board

Austin Simko  
Town Clerk

JOHNSON &  
BORENSTEIN, LLC  
ATTORNEYS AT LAW

12 Chestnut Street  
Andover, MA 01810-3706  
Tel: 978-475-4488  
Fax: 978-475-6703  
www.jbllclaw.com  
bob@jbllclaw.com

Mark B. Johnson (MA, NH, DC)  
Donald F. Borenstein (MA, ME, NH)

Keri M. Armstrong (MA, NH)  
John M. Donnelly, Jr. (MA, NH)  
Gordon T. Glass (ME, MA)

Of Counsel

Robert W. Lavoie (MA, NH)

Paralegals

Karen L. Bussell  
Lianne Patenaude  
Ellen M. Melvin  
Kristin L. Sayer

August 16, 2024

Town Clerk of Andover  
Attn: Austin Simko/Vanessa French  
36 Bartlet Street  
Andover, MA 01810

Re: BTTMV LLC dba Sho Yu Restaurant 38-40 Park St.

--Outdoor Seating Alteration of Premises Application

Dear Town Clerk Simko:

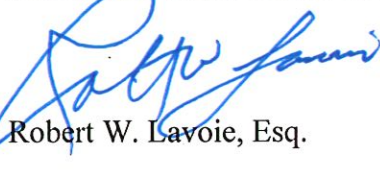
In connection with Sho Yu Restaurant's Liquor License for 38-40 Park St, enclosed please find my Client's \$125 check payable to the Town of Andover, along with the completed Outdoor Seating Alteration of Premises Application.

Thank you for your attention to this matter.

Should you have any questions, please feel free to contact me.

Very truly yours,

JOHNSON & BORENSTEIN, LLC



Robert W. Lavoie, Esq.



**TOWN OF ANDOVER  
TOWN CLERK'S OFFICE**

36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
www.andoverma.gov

**ALCOHOLIC BEVERAGES LICENSE APPLICATION**

<b>BUSINESS/ENTITY NAME:</b>	BTTMV, LLC dba
<b>DBA:</b>	SHO YU Restaurant + BAR
<b>PREMISE ADDRESS:</b>	40 PARK ST. Andover, MA 01810
<b>MANAGER/CONTACT NAME:</b>	Michael Mei
<b>EMAIL:</b>	shoyuandover@gmail.com
<b>PHONE:</b>	[REDACTED]
<b>BUSINESS MAILING ADDRESS: (if different from premise)</b>	5 CONAXIS CIRCLE PEABODY, MA 01960
<b>FID/SS#:</b>	[REDACTED]

Please select the license transaction for which you are applying below.

Each transaction has an application fee of \$125.00 made payable to TOWN OF ANDOVER.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> New License                                | <input type="checkbox"/> Change Corporate Name                               | <input type="checkbox"/> Change of Corporate Structure  |
| <input type="checkbox"/> Transfer of License                        | <input type="checkbox"/> Change of Ownership Interest                        | <input type="checkbox"/> Pledge of Collateral           |
| <input type="checkbox"/> Change of Manager                          | <input type="checkbox"/> Change of Class<br>(i.e. Annual/Seasonal)           | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officer/Directors/LLC Managers   | <input type="checkbox"/> Change of License Type<br>(i.e. club/restaurant)    | <input type="checkbox"/> Change of Hours                |
| <input type="checkbox"/> Change of Location                         | <input type="checkbox"/> Change of Category<br>(i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Change of DBA                  |
| <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder          | <input type="checkbox"/> Other _____                    |

I certify under the penalties of perjury, that the above information is true, and that named applicant has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature: [Signature] Date: 7-15-24

This license application requires Select Board approval upon prior approval from the Police Department, Fire Department, Health Department, Building Department and Town Treasurer.

(Office Use Only) SELECT BOARD HEARING DATE: \_\_\_\_\_



**TOWN OF ANDOVER  
TOWN CLERK'S OFFICE**

36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
www.andoverma.gov

**SALE OF ALCOHOL ON PATIO & OUTDOOR AREAS  
ADDENDUM**

If you are applying to include a patio and/or outdoor area in your licensed premises, you must provide the following additional information. This application will also be forwarded to the Building Division and Planning Division to determine if any additional permits are necessary.

**SECTION 1: RESTRICTIONS/CONDITIONS**

1. Are the premises (existing and/or proposed) subject to any easements, covenants, or deed restrictions regarding use of the property and/or service of alcohol?

YES  NO

If yes, please provide copies of the easements, covenants, or deed restrictions.

2. Are the premises (existing and/or proposed) subject to any Zoning Board of Appeals, Site Plan, or Subdivision conditions or restrictions?

YES  NO

If yes, please provide copies of the conditions and/or restrictions.

**SECTION 2: WRITTEN DESCRIPTION OF PROPOSED PREMISES**

3. Describe the proposed outdoor area including the dimensions, number of tables and chairs, proposed occupancy figures, whether there are any proposed outdoor bars and how the area will be enclosed.

*Located in the privately owned parking lot at 40 Park St, directly in front of the restaurant. Designated space utilizing Jersey Barriers and Chrome Fencing to designate the space. Please see attached layout. 12 Tables - 38 Total Seats. Space is 47' x 14'.*

4. Describe in detail the proposed type of fence, rope or other means of proposed enclosure.

*Jersey Barriers and Chrome Fencing designate the 47' x 14' designated space. Staff is trained and signage will state no alcohol outside the designated space.*

5. Describe the proposed use of the outdoor area. (E.g., tented area for special events, area for outdoor food service, etc.)

The designated space will be used for outdoor food service for the restaurant's guests.

6. Are outdoor food preparation areas proposed?

YES

NO

If yes, please consult the Board of Health.

### SECTION 3: REQUIRED PLAN

Submit a detailed, scaled plan of the patio and /or outdoor area showing the proposed:

The existing:

- Egress/ingress between the inside premises and the proposed outdoor area
- Width of the path of egress/ingress from the inside premises through the outdoor area
- Location of proposed tables, chairs, bars, outdoor prep areas, etc.
- Location of required signage

All of the above should be clearly labeled.

### SECTION 4: ENFORCEMENT

7. Detail how the applicant will ensure alcohol purchased off-premise will not be brought onto or consumed on the outdoor premises.

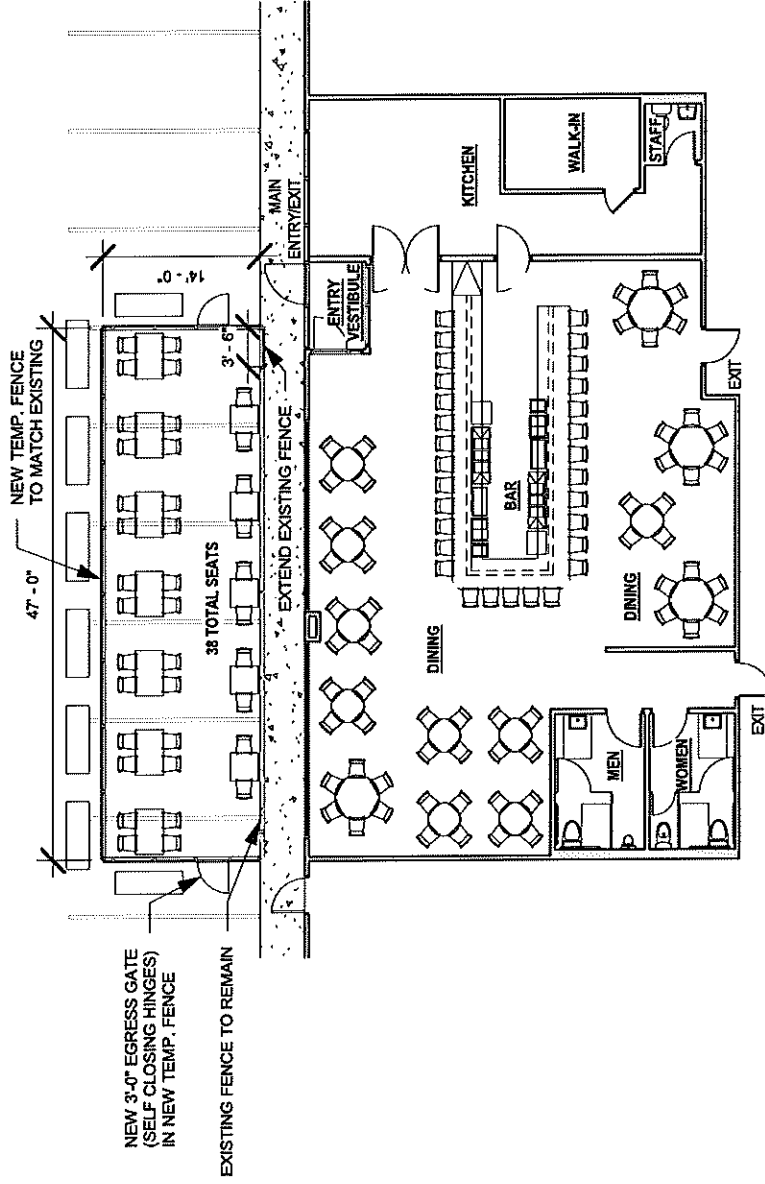
Hosts and managers will not seat any parties that have alcohol from off-premises. Access is limited via indoor hostess. Seated parties will be monitored by staff and management at all times to ensure alcohol is not brought onto the premises.

8. Detail how the applicant will ensure patrons do not leave the outdoor premises with alcohol in their possession.

We will have signage posted and staff/management are all trained to be aware and monitor guests leaving to ensure no person leaves with a drink in hand.

### **PLEASE NOTE:**

The patio and / or outdoor area are an extension of new or already approved premises. It is a part of the same license and will have the exact same type of license as the entire premises. That means that the type of alcohol sold and the hours of sale will be the same for the entire premises



Title:

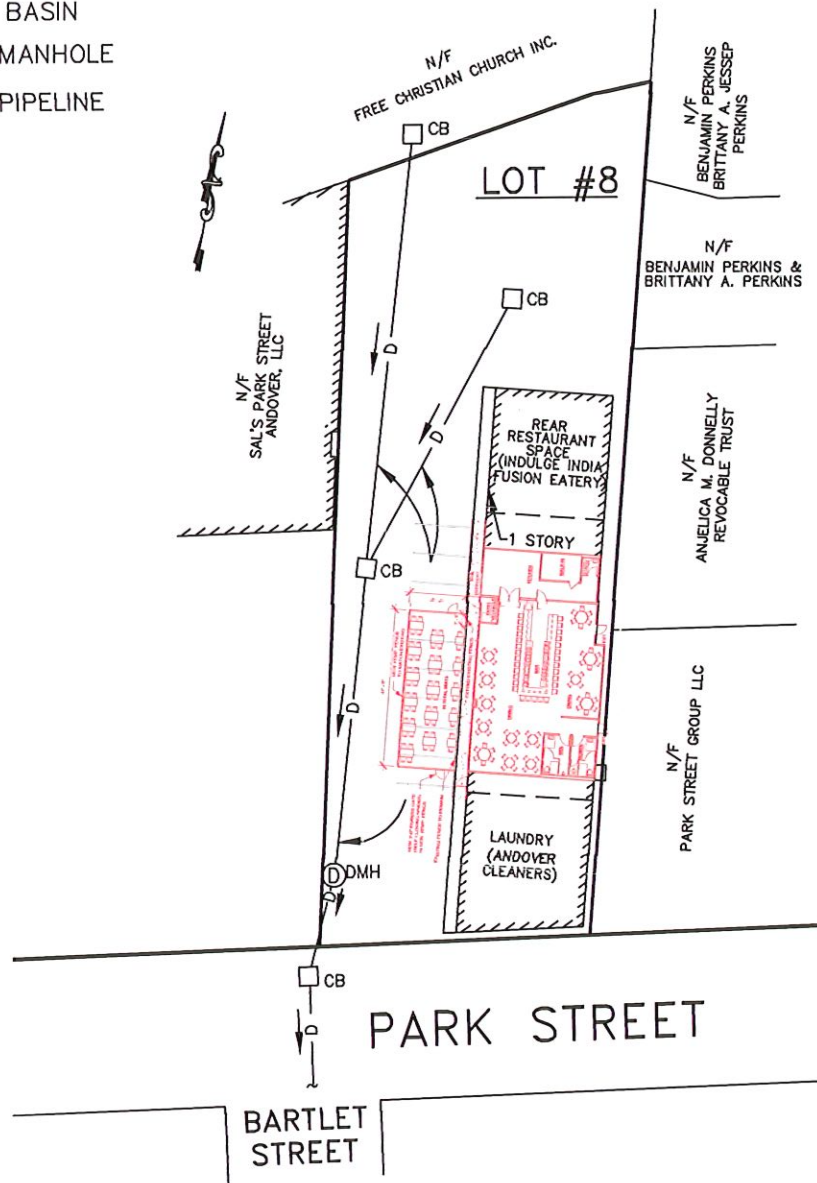
**LYfarchitects**  
 LAGRASSE YANOWITZ & FEYL  
 ARCHITECTURE • LAND PLANNING • CONSTRUCTION MANAGEMENT  
 One Elm Square | Andover | MA | 01810  
 (978)470.3675 | www.LYfarchitects.com

date:	06/04/2024
scale:	1/16" = 1'-0"
job no.:	3123
sheet:	A1.1

SHO YU, 38-40 PARK STREET, ANDOVER, MA  
 PROPOSED EXTERIOR SEATING

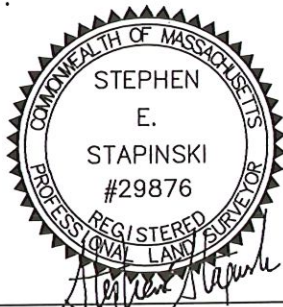
**LEGEND**

- CB CATCH BASIN
- ⊙ DMH DRAIN MANHOLE
- D — DRAIN PIPELINE



**NOTES**

1. SEE THE CITY OF ANDOVER PARCEL #39-8 AND DEED BOOK 87 PAGE 129 ENDRD FOR SITE.
2. STORM DRAINAGE SYSTEM FROM PLAN BY ANDOVER CONSULTANTS INC. DATED APRIL 2, 1997.



STEPHEN E. STAPINSKI, R.L.S.

1/11/24  
DATE

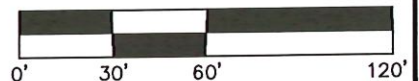
**PLAN OF LAND**

IN  
**ANDOVER, MASSACHUSETTS**  
TO ACCOMPANY EASEMENT AGREEMENT

PREPARED FOR  
**LYMZ, LLC**  
C/O MICHAEL MEI  
5 CONAXIS CIRCLE  
PEABODY, MASSACHUSETTS 01960

DATE: JANUARY 11, 2024

SCALE: 1"=60'



TM: 39 TL: 8 ADDRESS: 36-42 PARK STREET

**MERRIMACK ENGINEERING SERVICES**  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810  
PHONE: (978) 475-3555 FAX: (978) 475-1448  
EMAIL: MERRENG@AOL.COM



**TOWN OF ANDOVER  
TOWN CLERK'S OFFICE**

36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
www.andoverma.gov

**TAX FORM**

APPLICANT NAME: BTTMV, LLC dba SHOYU RESTAURANT + BAR

I certify under penalties of perjury that the above named applicant has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of Individual or Corporate Name:  
(Required for all applicants)

[Handwritten Signature]

Name of Corporate Officer:  
(Required if applicant is a corporation)

Michael Mei, Manager

Social Security #:  
(Required if applicant is an individual)

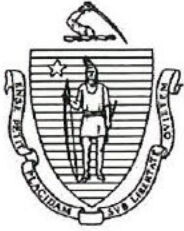
\_\_\_\_\_

Federal Identification Number (FID #):  
(Required if applicant is a corporation or non-profit):

\_\_\_\_\_

*This license will not be issued unless the certification clause is signed by the applicant.*

*Your social security or FID number will be furnished to the Massachusetts Department of Revenue to determine if you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass General Laws c. 62, s. 49A.*



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 1 Congress Street, Suite 100  
 Boston, MA 02114-2017  
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.  
 TO BE FILED WITH THE PERMITTING AUTHORITY.

**Applicant Information**

Please Print Legibly

Business/Organization Name: BTTML, LLC dba SHOYU

Address: 5 CONAXIS CIRCLE

City/State/Zip: Rehoboth, MA 01960 Phone #: [REDACTED]

Are you an employer? Check the appropriate box:

- 1.  I am an employer with 13 employees (full and/or part-time).\*
- 2.  I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3.  We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
- 4.  We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

- 5.  Retail
- 6.  Restaurant/Bar/Eating Establishment
- 7.  Office and/or Sales (incl. real estate, auto, etc.)
- 8.  Non-profit
- 9.  Entertainment
- 10.  Manufacturing
- 11.  Health Care
- 12.  Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: CHARTER OAK FIRE INS. CO.

Insurer's Address: One Tower Square PB-06A

City/State/Zip: Hartford CT 06183-0009

Policy # or Self-ins. Lic. # [REDACTED] Expiration Date: 4-13-2025

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 7-15-24

Phone #: [REDACTED]

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: Andover Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

- 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
- 6. Other \_\_\_\_\_

Contact Person: Austin Simko, Town Clerk Phone #: 978-623-8230

# Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."

Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

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## Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

---

## City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

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The Department's address, telephone and fax number:

The Commonwealth of Massachusetts  
Department of Industrial Accidents  
1 Congress Street  
Boston, MA 02114-2017  
Tel. # 617-727-4900 ext. 7406 or 1-877-MASSAFE  
Fax # 617-727-7749  
[www.mass.gov/dia](http://www.mass.gov/dia)





**The Commonwealth of Massachusetts  
Town of Andover**

**Certificate of Inspection**

In accordance with 780 CMR, Chapter 1, Table 110 (The Ninth Edition of the Massachusetts State Building Code) and Chapter 304 of the Acts of 2004 (an Act to further enhance fire and safety), this Certificate of Inspection is issued to the premise or structure or part thereof as herein identified.

<b>Issued to</b>	Identity Name of Establishment	Certificate No
	<b>Sho Yu Restaurant and Bar</b>	<b>IC-23-4</b>
<b>Located at</b>	Identity property address including street number, name, city or town and county	Certificate Expiration
	<b>36-42 PARK ST Andover MA 01810</b>	<b>December 31, 2024</b>
<b>Location</b>	<b>Use Group Classification(s)</b>	<b>Available Occupant Load</b>
<b>1st floor dining room</b>	<b>A-2: Banquet halls, restaurants, bars</b>	<b>46</b>
<b>1st floor bar area</b>	<b>A-2: Banquet halls, restaurants, bars</b>	<b>25</b>
<b>1st floor bar table</b>	<b>A-2: Banquet halls, restaurants, bars</b>	<b>8</b>
<b>standing/employees</b>	<b>A-2: Banquet halls, restaurants, bars</b>	<b>8</b>
<b>Outdoor seating area</b>	<b>A-2: Banquet halls, restaurants, bars</b>	<b>37</b>
	<b>Total Occupancy</b>	<b>124</b>

This Certificate of Inspection is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. Failure to post or tampering with the contents of the certificate is strictly prohibited.

Municipal Fire Rescue Chief	Michael B Mansfield	Building Inspector	Chris Clemente	Date of Inspection	<b>08/27/2024</b>
Signature	<i>Michael B. Mansfield</i>	Signature	<i>C.A. Clemente</i>	Date of Issuance	<b>August 27, 2024</b>



TOWN OF ANDOVER
TOWN CLERK'S OFFICE

36 Bartlet Street
Andover, MA 01810
978-623-8230
www.andoverma.gov

TOWN OF ANDOVER, MASS

SPECIAL ONE DAY LIQUOR LICENSE FOR AN OUTDOOR EVENT ON TOWN PROPERTY
APPLICATION

Form with sections: BUSINESS/ORGANIZATION INFORMATION, INDIVIDUAL APPLICANT INFORMATION, EVENT INFORMATION. Fields include Business/Organization Name, Address, Name, Address, Phone, Email, Driver's License, Date of Birth, Date of Event, Time, Purpose of Event, Location of Licensed Activity, Description of Outdoor Area, Entertainment, Catering, and Approximate Number of People Attending.

Food will be available for purchase at food vendors.





The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 Lafayette City Center  
 2 Avenue de Lafayette, Boston, MA 02111-1750  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): Marble Ridge Farm LLC (d/b/a Marble Ridge Winery)

Address: 11 Marbleridge Road

City/State/Zip: North Andover, MA 01845 Phone #: [REDACTED]

**Are you an employer? Check the appropriate box:**

- |  |   |
|--|---|
| <p>1. <input type="checkbox"/> I am a employer with _____ employees (full and/or part-time).*</p> <p>2. <input checked="" type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|--|---|

**Type of project (required):**

6.  New construction
7.  Remodeling
8.  Demolition
9.  Building addition
10.  Electrical repairs or additions
11.  Plumbing repairs or additions
12.  Roof repairs
13.  Other Farmer Winery

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.**

Insurance Company Name: \_\_\_\_\_

Policy # or Self-ins. Lic. #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Job Site Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: Elbridge C Leland II

Digitally signed by Elbridge C Leland II  
 Date: 2024.07.31 15:08:29 -04'00'

Date: July 31, 2024

Phone #: [REDACTED]

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

**Issuing Authority (check one):**

1.  Board of Health 2.  Building Department 3.  City/Town Clerk 4.  Electrical Inspector 5.  Plumbing Inspector 6.  Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

## **Security Plan**

### **Controlling Alcohol Perimeter**

- 4' high security barrier along all sides and one (1) entrance/exit, at the front, controlled by our Staff to ensure no alcohol is brought in or taken out of the controlled area.

### **Controlling Access to Alcohol**

- Anyone may come in, only 21 YO+ served.
- ID check and stamp by Server at time of service.
- Server responsibility: 1. Only serve 21+. 2. Ensure no 3<sup>rd</sup> party. 1 drink per person at a time. 3. Don't server intoxicated.

### **Controlling Unruly Customers**

- Highly unlikely (audience, time of day, nature of event).
- All servers TIPS certified.
- Ally and Brig "manage the space".
- Police on duty nearby if needed. 911 if needed.
- Chamber of Commerce volunteers to assist in communication with authorities.

### **Emergency Evacuation**

- Out the exit/entrance.
- Knock down the security barrier.
- Chamber of Commerce volunteers trained to contact fire/ambulance/police authorities.

# Andover Day 2024 Plot Plan for Marble Ridge Winery





**TOWN OF ANDOVER  
TOWN CLERK'S OFFICE**

36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
www.andoverma.gov

**TAX FORM**

**APPLICANT NAME:** Marble Ridge Farm LLC (d/b/a Marble Ridge Winery)

I certify under penalties of perjury that the above named applicant has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

**Signature of Individual or Corporate Name:**  
(Required for all applicants)

Elbridge C Leland II

**Name of Corporate Officer:**  
(Required if applicant is a corporation)

Elbridge C Leland II, Manager

**Social Security #:**  
(Required if applicant is an individual)

**Federal Identification Number (FID #):**  
(Required if applicant is a corporation or non-profit): ██████████

*This license will not be issued unless the certification clause is signed by the applicant.*

*Your social security or FID number will be furnished to the Massachusetts Department of Revenue to determine if you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass General Laws c. 62, s. 49A.*



# CERTIFICATE OF COMPLETION

This certifies that

**Elbridge Leland II**

is awarded this certificate for

**TIPS On-Premise Alcohol Server Training**

Hours  
3.00

Completion Date  
01/08/2023

Expiration Date  
01/07/2026

Certificate #  
ON-000027421242

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

5000 Plaza on the Lake, Suite 305 | Austin, TX 78746 | 877.881.2235 | www.360training.com

(CUT HERE)

(CUT HERE)

**TIPS** On-Premise

**CERTIFIED**

Issued: 01/08/2023 Expires: 01/07/2026

Certificate #: ON-000027421242

Elbridge Leland II  
11 Marbleridge Road  
North Andover MA 01845

**TIPS** | **360 TRAINING**  
A 360TRAINING COMPANY

Phone: 800-438-8477  
www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature \_\_\_\_\_



# CERTIFICATE OF COMPLETION

This certifies that

**Allison Procopio**

is awarded this certificate for

**TIPS On-Premise Alcohol Server Training**

Hours  
3.00

Completion Date  
06/19/2023

Expiration Date  
06/18/2026

Certificate #  
ON-000029065725

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

5000 Plaza on the Lake, Suite 305 | Austin, TX 78746 | 877.881.2235 | www.360training.com

(CUT HERE)

(CUT HERE)

<p><b>CERTIFIED</b></p> <p>Issued: 06/19/2023 Certificate #: ON-000029065725</p> <p>Expires: 06/18/2026</p> <p>Allison Procopio 43 Dayton Street Danvers MA 01923</p>	<p>Phone: 800-438-8477 www.gettips.com</p> <p><i>This card was issued for successful completion of the TIPS program.</i></p> <p>Signature _____</p>
---	---



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
08/10/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Jason M. Charette Agency, Inc 5 Central St.  Topsfield MA 01983		CONTACT NAME: Jason Charette PHONE (A/C. No. Ext): (978)887-8304 E-MAIL ADDRESS: Jason.Charette@American-National.com FAX (A/C. No.): (978)208-4716	
INSURED Marble Ridge Farm LLC 11 Marbleridge Rd  North Andover MA 01845		INSURER(S) AFFORDING COVERAGE INSURER A: Farm Family Casualty Insurance Co. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X		[REDACTED]	05/06/2024	05/06/2025	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> Select Business Package						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						MED EXP (Any one person) \$ 5,000
	OTHER:						PERSONAL & ADV INJURY \$ 1,000,000
	AUTOMOBILE LIABILITY ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/>						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/>						EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N Y N/A	[REDACTED]	05/06/2024	05/06/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
	Eldridge Leland is excluded from workers comp. coverage						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Wine Manufacturing - Retail &amp; Wholesale, Special Events, Liquor Liability

Event: 09/21/2024- Andover Day with The Merrimack Valley Chamber of Commerce  
Town of Andover and Andover Chamber of Commerce are named as additional insureds.

## CERTIFICATE HOLDER

## CANCELLATION

Town of Andover  
36 Bartlet Street  
Andover, MA 01810

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Fax:  
ACORD 25 (2014/01)

Email:

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**TOWN OF ANDOVER**

**TOWN CLERK'S OFFICE**

36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
www.andoverma.gov

**SPECIAL ONE DAY LIQUOR LICENSE FOR AN OUTDOOR EVENT ON TOWN PROPERTY  
APPLICATION**

BUSINESS/ORGANIZATION INFORMATION	
BUSINESS/ORGANIZATION NAME:	OAK & IRON BREWING Co.
BUSINESS/ORGANIZATION ADDRESS:	18 RED SPRING RD. ANDOVER MA 01810
IS THIS A BUSINESS OR NON PROFIT ORGANIZATION?	<input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> NON PROFIT ORGANIZATION
SOCIAL SECURITY/FID #:	[REDACTED]
INDIVIDUAL APPLICANT INFORMATION (THIS INFORMATION IS REQUIRED FOR ALL APPLICATIONS)	
NAME:	James Cass
ADDRESS:	15 GREAT LAKE Lane
PHONE:	[REDACTED]
EMAIL:	JIM@OAKANDIRONbrewing.com
DRIVER'S LICENSE #/STATE OF ISSUE:	[REDACTED]
DATE OF BIRTH:	[REDACTED]
EVENT INFORMATION	
DATE OF EVENT:	09.21.2024
TIME:	Start Time 11:00 :00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM End Time 5:00 :00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
PURPOSE OF EVENT:	ANDOVER DAY
LOCATION OF LICENSED ACTIVITY:	PARKING LOT BEHIND "OLD TOWN HALL"
DESCRIPTION OF OUTDOOR AREA:	A "FENCED-IN" BEER & WINE GARDEN BEHIND OLD TOWN HALL. ONE ENTRANCE/EXIT THE SPACE WILL INCLUDE MUSIC, FOOD BEER, WINE AND TABLES.

WILL THERE BE ENTERTAINMENT?	YES
IS THE EVENT BEING CATERED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If no, will food be served? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO)
APPROX NUMBER OF PEOPLE ATTENDING:	Adults <u>EST 100-300</u> Children <u>EST. 50-100</u> AT ANY GIVEN TIME

PURCHASE AND SERVICE	
IS THE ALCOHOL BEING DONATED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WHERE IS THE LIQUOR BEING PURCHASED FROM?	OAK & IRON BREWING Co.
ARE THEY A LICENSED WHOLESALER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
WHO WILL BE SERVING THE ALCOHOL?	OAK & IRON STAFF
IS AT LEAST ONE SERVER TIPS CERTIFIED OR HAVE COMPARABLE SAFETY TRAINING?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

SECURITY PLAN	
1. DESCRIBE A PLAN FOR CROWD CONTROL.	Per Chamber of Commerce There will be security barriers that surround the perimeter and a one "in/out" point. This ingress/egress will be managed throughout the day by personnel from the Chamber of Commerce. This staff will assess the fullness of the space at all times. IF the space (see below)
2. DESCRIBE A PLAN FOR DEALING WITH UNRULY PATRONS.	Per Chamber of Commerce: There will be a Police detail on duty throughout the day and Chamber of Commerce volunteers to assist in communication to/w/ authorities
3. DESCRIBE A PLAN FOR EMERGENCY EVACUATIONS.	Per Chamber of Commerce: The Andover Chamber will have a team of volunteers in the area train to contact Fire/ambulance and police details that will be on duty throughout the day.
4. DESCRIBE A PLAN FOR CONTROLLING ACCESS TO ALCOHOL BY UNDER AGED PATRONS.	1. Access: ID checks by TIPS certified staff 2. OVERSERVING: EVERY PATRON will be hand stamped. No patron will be served once 3 hand stamps are accumulated

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control Laws of the State of Massachusetts and policies and regulations of the Town of Andover.

SIGNATURE:

James R. Carr

DATE:

08.12.2024

This application must be pre-approved by the Police Department, Fire Department, Health Department, Building Division, and Treasurer before final approval by the Select Board.

is determined to be full, the staff will halt entries until space opens up. In addition, Oak & Iron & Marble Ridge will be @ the entrance/exit and visually checking folks as they enter/exit to ensure no alcohol is brought in/out of the space.



**TOWN OF ANDOVER  
TOWN CLERK'S OFFICE**

36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
www.andoverma.gov

**TAX FORM**

APPLICANT NAME: James R. Cass

I certify under penalties of perjury that the above named applicant has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of Individual or Corporate Name: James R. Cass / Oak & Iron Brewery  
(Required for all applicants)

Name of Corporate Officer: James R. Cass  
(Required if applicant is a corporation)

Social Security #: [REDACTED]  
(Required if applicant is an individual)

Federal Identification Number (FID #): [REDACTED]  
(Required if applicant is a corporation or non-profit)

*This license will not be issued unless the certification clause is signed by the applicant.*

*Your social security or FID number will be furnished to the Massachusetts Department of Revenue to determine if you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass General Laws c. 62, s. 49A.*





OAKANDI-01

VCARRIER

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
8/9/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Whalen Insurance Agency 71 King Street Northampton, MA 01060	<b>CONTACT NAME:</b> Valerie Carrier <b>PHONE (A/C, No, Ext):</b> (413) 586-1000 104 <b>E-MAIL ADDRESS:</b> valerie@WhalenInsurance.com <b>FAX (A/C, No):</b> (413) 585-0401
	<b>INSURER(S) AFFORDING COVERAGE</b>
<b>INSURED</b>  Oak and Iron Brewing Company 18 Red Spring Road Andover, MA 01810	<b>INSURER A:</b> Massachusetts Bay Insurance Company
	<b>INSURER B:</b>
	<b>INSURER C:</b>
	<b>INSURER D:</b>
	<b>INSURER E:</b>
	<b>INSURER F:</b>

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>liquor liability</b>  GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			[REDACTED]	2/1/2024	2/1/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED      RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE      OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability			[REDACTED]	2/1/2024	2/1/2025	Per occurrence 1,000,000
A	Liquor Liability			[REDACTED]	2/1/2024	2/1/2025	Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Certificate issued as evidence of coverage for Andover Day on 9/21/2024.

<b>CERTIFICATE HOLDER</b>  Town of Andover 36 Bartlet St Andover, MA 01810	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



**TOWN OF ANDOVER**

**TOWN CLERK'S OFFICE**

36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
www.andoverma.gov

**SPECIAL ONE DAY LIQUOR LICENSE FOR AN OUTDOOR EVENT ON TOWN PROPERTY  
APPLICATION**

BUSINESS/ORGANIZATION INFORMATION	
BUSINESS/ORGANIZATION NAME:	OAK & IRON Brewing Co.
BUSINESS/ORGANIZATION ADDRESS:	18 Red Spring Rd ANDOVER MA 01810
IS THIS A BUSINESS OR NON PROFIT ORGANIZATION?	<input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> NON PROFIT ORGANIZATION
SOCIAL SECURITY/FID #:	[REDACTED]
INDIVIDUAL APPLICANT INFORMATION (THIS INFORMATION IS REQUIRED FOR ALL APPLICATIONS)	
NAME:	James Cass
ADDRESS:	[REDACTED]
PHONE:	[REDACTED]
EMAIL:	[REDACTED]
DRIVER'S LICENSE #/STATE OF ISSUE:	[REDACTED]
DATE OF BIRTH:	[REDACTED]
EVENT INFORMATION	
DATE OF EVENT:	[REDACTED] 11.10.2024
TIME:	Start Time 9:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM End Time 1:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
PURPOSE OF EVENT:	RUN FOR THE TROOPS 5K
LOCATION OF LICENSED ACTIVITY:	TOWN PARK Bartlet St. Andover Ma. 01810
DESCRIPTION OF OUTDOOR AREA:	FENCED IN AREA, APPROX 1200 SF ON THE TOWN PARK. TENT, TABLES HEATERS INCLUDED IN THE AREA.

WILL THERE BE ENTERTAINMENT?	No. *
IS THE EVENT BEING CATERED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If no, will food be served? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO)
APPROX NUMBER OF PEOPLE ATTENDING:	Adults <u>300</u> Children _____

\* Food will include bagels, granolabars, bananas etc.

PURCHASE AND SERVICE	
IS THE ALCOHOL BEING DONATED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WHERE IS THE LIQUOR BEING PURCHASED FROM?	OAK & IRON brewing Co.
ARE THEY A LICENSED WHOLESALER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
WHO WILL BE SERVING THE ALCOHOL?	OAK & IRON brewing Co.
IS AT LEAST ONE SERVER TIPS CERTIFIED OR HAVE COMPARABLE SAFETY TRAINING?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

SECURITY PLAN	
1. DESCRIBE A PLAN FOR CROWD CONTROL.	SEE Attached
2. DESCRIBE A PLAN FOR DEALING WITH UNRULY PATRONS.	SEE Attached
3. DESCRIBE A PLAN FOR EMERGENCY EVACUATIONS.	See Attached
4. DESCRIBE A PLAN FOR CONTROLLING ACCESS TO ALCOHOL BY UNDER AGED PATRONS.	See Attached

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control Laws of the State of Massachusetts and policies and regulations of the Town of Andover.

SIGNATURE:

James R. Curran

DATE:

7.29.2024

This application must be pre-approved by the Police Department, Fire Department, Health Department, Building Division, and Treasurer before final approval by the Select Board.

# Security Plan

## Controlling Alcohol Perimeter

- Barricade fencing surrounding the beer garden
  - excluding: entrance, exit & supply chain pathway controlled by O & I staff

## Controlling Access to Alcohol

- ID: (2) ID stations at the entrance. Proper ID = right hand stamp
- Serving: server checks for stamp before serving
- Server responsibility: 1. serve 21+. 2. no 3<sup>rd</sup> party. 3. Don't serve intoxicated

## Controlling Unruly Customers

- Highly unlikely (audience, time of day, nature of event)
- All servers TIPS certified
- Julie, Jim and Justin “manage the space”, police nearby if needed

## Provisions for Crowd Control

- ID Checker manage inflow of people into the pouring area
- History suggests adequate space for estimated max. capacity (200)

## Emergency Evacuation

- Out the Entrance / Exit
- Knock down / move the security fencing



**TOWN OF ANDOVER  
TOWN CLERK'S OFFICE**

36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
www.andoverma.gov

**TAX FORM**

APPLICANT NAME: James Cass / Oak & Iron Brewing Co.

I certify under penalties of perjury that the above named applicant has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of Individual or Corporate Name:  
(Required for all applicants)

James R. Cass

Name of Corporate Officer:  
(Required if applicant is a corporation)

James R. Cass

Social Security #:  
(Required if applicant is an individual)

[REDACTED]

Federal Identification Number (FID #):  
(Required if applicant is a corporation or non-profit):

*This license will not be issued unless the certification clause is signed by the applicant.*

*Your social security or FID number will be furnished to the Massachusetts Department of Revenue to determine if you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass General Laws c. 62, s. 49A.*





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/29/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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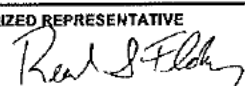
<b>PRODUCER</b> Association Members Insurance Agency 80 Willow Road Nahant, MA 19080	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Oak & Iron Brewing Co., Inc. 18 Red Spring Road, Suite 101 Andover, MA 01810	<b>INSURER A:</b> MA Retail Merchants WC Group Inc.	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**                      **CERTIFICATE NUMBER: 1**                      **REVISION NUMBER: 0**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
<b>A</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below				01/01/2024	01/01/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000.00 E.L. DISEASE - EA EMPLOYEE \$ 100,000.00 E.L. DISEASE - POLICY LIMIT \$ 500,000.00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 Location: Town Park Run for Troops 11.10.24

<b>CERTIFICATE HOLDER</b>  Town of Andover 36 Bartlet Street Andover, MA 18100	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 1 Congress Street, Suite 100  
 Boston, MA 02114-2017  
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.  
 TO BE FILED WITH THE PERMITTING AUTHORITY.

**Applicant Information**

Please Print Legibly

Business/Organization Name: OAK & IRON Brewing Co.

Address: 18 Red Spring Rd.

City/State/Zip: Andover Ma 01810 Phone #: [REDACTED]

Are you an employer? Check the appropriate box:

- 1.  I am a employer with 15 employees (full and/ or part-time).\*
- 2.  I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3.  We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
- 4.  We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

- 5.  Retail
- 6.  Restaurant/Bar/Eating Establishment
- 7.  Office and/or Sales (incl. real estate, auto, etc.)
- 8.  Non-profit
- 9.  Entertainment
- 10.  Manufacturing
- 11.  Health Care
- 12.  Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: MA Retail Merchants WC Group INC / COVE RISK

Insurer's Address: 35 Braintree Hill Office Park Suite 206

City/State/Zip: Braintree Ma 02195

Policy # or Self-ins. Lic. # 014005034997124 Expiration Date: 01.01.25

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Jarvis R. Casar Date: 04.07.24

Phone #: [REDACTED]

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: Andover Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

- 1. Board of Health
- 2. Building Department
- 3. City/Town Clerk
- 4. Licensing Board
- 5. Selectmen's Office
- 6. Other \_\_\_\_\_

Contact Person: Austin Simko, Town Clerk Phone #: 978-623-8230



A 360TRAINING COMPANY

# CERTIFICATE OF COMPLETION

This certifies that

**James Cass**

is awarded this certificate for

**TIPS On-Premise Alcohol Server Training**

Hours  
3.00

Completion Date  
09/08/2023

Expiration Date  
09/07/2026

Certificate #  
ON-000029668173

Official Signature

THIS CERTIFICATE IS NON TRANSFERABLE



## Select Board Meeting

Monday, August 19, 2024 7:00 PM

Select Board Room, Town Offices

36 Bartlet Street Andover, MA 01810

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### I. Call to Order – 7:00 P.M.

The Chair, Laura Gregory called the meeting to order at 7:00 PM.

Members in attendance: Vice Chair- Alex Vispoli, Clerk Ellen Towson, Melissa Danisch, and Kevin Coffey.

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

B. Recognition of Andover Olympian Ruby Remati read by Ellen Townson.

Ruby Remati who participated in the 2024 Paris Olympic games as a member of the USA Artistic Swim Team earning a Silver Medal for the first time in fourteen years inspiring a new generation of athletes and solidifying Ruby's place in the annals of American sports history. The Andover Select Board on behalf of the Town of Andover extend their heartfelt congratulations to Ruby Ramati on this extraordinary achievement and recognizing her as an ambassador to the Andover Community.

### III. Town Manager Report

- The Town Manager thanked the Permanent Town Building Advisory Committee for the work they always do but specifically the new Select Board Meeting Room. They did a great job providing oversight and direction and a putting a public face to the project working with the Municipal Services Division.
- The Town Manager provided an update on The Lincoln Street Shared Use Path trial that went into effect today. Information and survey can be found on the Town website: [Andoverma.gov/Lincoln Street.information](http://Andoverma.gov/LincolnStreet.information).
- The New West Elementary School "dry run" will be held on August 26<sup>th</sup> where families and students can view the new school with a Ribbon Cutting Ceremony scheduled for September 20<sup>th</sup> followed by tours of the new school building.
- The major phase of the Argilla Road Water Line installation increasing pipes to 20" has been completed and they will soon begin tying it in to surrounding streets.
- Select Board Goal: Pilot Program with the Andover Independent Employees Association kicked off their first meeting on Wellness which generated a lot of great ideas.
- Eastern Equine Encephalitis: Neighboring towns found evidence of EEE (the West Nile Virus) but Andover has not yet received any reports. To be proactive, Andover has conducted a spraying of the Athletic Fields in Town.
- The last concert in The Park for summer 2024 will be held on Wednesday, August 21<sup>st</sup> with the Beatle Tribute Band providing entertainment and the Beer Garden will be on site a well (pending approval of the Select Board).

Professional Development Update:

Chief Assessor Tristan Hoar, along with Town Treasurer Mike Morris, and Asst. Town Treasurer Genna Jacobs, participated in the Massachusetts Association of Assessing Officers Annual Education Program on the in-income approach to valuation and a number of aspects of the Treasury and Collection Operations.

Human Resources is launching a new Launch and Learn Ceremony with sessions on Generating AI for Beginners covering solutions that can be leveraged in the workplace. Human Resource Director Brittany Lavoie completed a program through Stanford University on Design Thinking which will help her with being a facilitator within the organization.

The Town Manager recognized two long time Town employees who are retiring. Library Director Barbara McNamara (30 years) and Dept. of Public Works Director Chris Cronin who will be retiring in January 2025 after 35 years of service to the Town.

Austin Simko reported on the voting dates and times for the September 3<sup>rd</sup> Primary. In-person early voting starts this Saturday and Sunday from 10:00 AM to 2:00 PM. During the week, voting will be available in the Town Clerk's Office from 8:30 AM-4:30 PM. Vote by mail is still available; they sent out 7,000 ballots so far.

**IV. Communications/Announcements/Liaison Reports**

**None**

**V. Public Comment**

**None**

**VI. Regular Business**

**A. Alcoholic Beverages License – Event on Town Owned Property**

Board to consider voting to approve an application from Marble Ridge Farm, LLC, doing business as Marble Ridge Winery, located at 11 Marble Ridge Road, North Andover, for a Wine and Malt One-Day Liquor License for use on Town property for a Recreation Summer Concert in The Park on August 21, 2024 (rain date to be the following day) under Select Board Liquor Regulations Section XI.2.N "Special One-Day Alcohol License Policy & Application for Outdoor Events on Town-owned Property."

Ally Procopio, Director of Marble Ridge Winery in North Andover spoke to their request for a Wine and Malt One-Day Liquor License for use on Town property for a Recreation Summer Concert in The Park on August 21, 2024 and included suggestions from Joe Connelly and Jeff Newman from the Andover Recreation Department. Ali and two staff members will oversee the entrances and managing the event. Austin Simko reported that all requirements have been met.

Melissa Danisch moved that the Board approve the application from Marble Ridge Farm, LLC, doing business as Marble Ridge Winery, 11 Marble Ridge Road, North Andover, MA, for a Wine and Malt One-Day Liquor License for use on Town property under Section XI.2.N "Special One-Day Alcohol License Policy & Application for Outdoor Events on Town-owned Property," where the event will be "Concerts in the Park" located at Town Park, 34 Bartlet Street, and where the manager of the liquor license will be Elbridge Leland II; provided that all conditions of the Town are met prior to issuance. Motion seconded by Ellen Townson and voted 5-0 to approve.

B. Alcoholic Beverages License – Alteration of Premise

Board to review and consider voting to approve the application of Oak & Iron Brewing Co, at 18 Red Spring Road, Andover, for a seasonal alteration of premise on its On Premise All Alcoholic Beverages License. Jim Cass from Oak & Iron Brewing Co, at 18 Red Spring Road, Andover, spoke about the OAKTOBERFEST event they are requesting approval of at 18 Red Spring Road on Saturday, September 14<sup>th</sup> and for alteration to its Farmer Series pouring Permit. Mr. Cass provided detailed information on the logistics of the event including a security plan. All parking will be done by Dundee Park with attendants in the parkin lots.

Motion 1:

Alex Vispoli moved to approve the application of Oak & Iron Brewing Co., at 18 Red Springs Road, Andover, for an Alteration of Premises to its Farmer Series Pouring Permit, subject to the condition that all other requirements of the Town are met prior to issuance; provided that the licensee may only serve alcohol within the parking lot outdoor portion of its licensed premise (not including the already licensed outdoor patio area) in connection with the licensee’s annual “Oaktobefest” event, or its similar replacement event, occurring each autumn; provided further that the licensee shall annually provide notice to the Town Clerk’s Office by mail 30 days before each such autumn event; and provided that the licensee’s service of alcohol in the outdoor portion of the premises shall comply with the Town’s conditions as they may be imposed from time to time. Motion seconded by Kevin Coffey and voted 5-0 to approve.

Motion 2: Alex Vispoli moved that the Board find that the application of Oak & Iron Brewing Co., at 18 Red Springs Road, Andover, for an Alteration of Premises to its Farmer Series Pouring Permit is not detrimental to the educational and spiritual activities of Free Christian Church at 31 Elm Street, Andover; Christ Church at 10 Park Street, Andover; and Andover Baptist Church at 6 Essex Street, Andover. Motion seconded by Kevin Coffey and voted 5-0 to approve.

C. Petition to Place Questions on Annual Town Election Ballot

Board to review and consider voting to take action on the petition of Kathleen Grant, Morton Street, who is asking that the Select Board place questions on the March 25, 2025 Annual Town Election ballot.

Kathleen Grant, Morton Street, spoke to her petition to place questions on the Annual Town Election Ballot. This is an advisory, non-binding petition to help determine where the town stands on particular questions and gather data at that point in time.

Town Clerk Austin Simko read the three questions presented by Kathleen Grant.

- A. 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 government..
- B. Should the Town of Andover consider changing to a City Council with an appointed City Manager as it’s form of local government?
- C. Should the Town of Andover consider changing to a City Council with an elected mayor as its form of local government?

The Charter Commission would have this information to use to get real time evidence of what residents would like to see as their Town Government. However, the Charter Commission currently does not exist.

Austin Simko reported that the petition was submitted in May with the required number of signatures with fourteen being signatures submitted and certified. The Board can approve or

disapprove this petition but the Board cannot approve to the extent there is a difference between disapproving and not approving. Alex Vispoli asked if the Board could modify this adding another form. Austin Simko said they would be accepting this petition and then availing themselves of a different channel for putting a question on a ballot which would be the Select Board affirmatively writing its own question.

The Select Board had a lengthy discussion on their options to place questions on an Annual Town Ballot with input from Town Clerk Austin Simko. Doug Heim said they need to get appropriated number of signatures for each of the three questions; multi-part questions are not allowed.

Steve Walther, Morton Street noted that the legitimacy of the government comes from the consent to govern and he sees this type of petition having the broadest possible participation and should be done on a regular basis.

Kevin Coffey moved that the Select Board place questions on the March 25, 2025 Annual Town Election Ballot consistent with the petition of Kathleen Grant and with the addition that the Board would add a fourth question if someone is in favor of Open Town Meeting.

The motion was not seconded Motion fails.

Melissa Danisch moved that the Board not place questions on the March 25, 2025 Annual Town Election Ballot consistent with the petition of Kathleen Grant. Motion seconded by Ellen Townson and voted 4-1 to not place questions on the March 2025 Election Ballot. Kevin Coffey voted in the negative.

#### D. Accessory Dwelling Unit (ADU) Law

Town Counsel Doug Heim provided an update on the recently enacted Accessory Dwelling Unit Law in single family zoning areas, choices they have and what is and is not allowed for parking. The dwelling can be no more than 950 sq. ft and allowing for one additional parking space, and additional parking space away from the commuter rail and are allowed to have reasonable regulations (dimensional setbacks bulk and height, etc.). The ADU should be allowed by right but for example, the lot coverage might be exceeding the maximum. This law takes effect on February 2, 2025.

The Board needs more clarity and what they need to supplement our own zoning requirements. and enact a set of ADU Regulations. They are allowed to prohibit short term renters to less than 30-days and registered with the State.

Next steps: The Town Manager will have a process for the Select Board to vote on and a proposal by the Planning Board.

The Chair said there are many situations that are appropriate and we need to keep that in mind; she would not be in favor of short-term rentals. Alex Vispoli does not have problem with the concept but it should be up to the local communities to make those choices.

#### E. Merrimack River Access Project

Board to review and sign the Grant of Permanent and Temporary Construction Easements to Andover and Amendment to Andover-Greater Lawrence Technical School Agreement for Merrimack River Access Project.

Mike Lindstrom reported that they have gone out to bid for the Heffron Right-of-Way that helps connect the Town to the Merrimack River. We need construction agreements, and to update the old agreement from 2019 with the Greater Lawrence Technical School. The Conservation group

was very helpful with many people involved in this effort over the past nine-years. Doug Heim said the old agreement is being released so that we can put the new easement into effect.

Ellen Townson moved that the Board approve and sign the Grant of Permanent and Temporary Construction Easements to Andover and Amendment to Andover-Greater Lawrence Technical School Agreement for Merrimack River Access Project. Motion seconded by Alex Vispoli and voted 5-0 to approve.

**F. Select Board Policy Review Framework**

Board to review and consider options for reviewing their “Select Board Policy Guidelines.” Doug Heim talked about how to proceed because it is a challenging and lengthy process. He recommends reorganizing the policies into a library of documents with the primary being a ‘handbook’ that addresses the core functions and processes of the Board into a lean document (i.e. 30 pages).Town Counsel will put together some permutations for the Board.

Alex Vispoli recognized “the nice girls” who left the painted rocks for the Select Board in appreciation for the work they do.

**VII. Consent Agenda**

**Appointments by the Town Manager**

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

Melissa Danisch moved to approve the appointments by the Town Manager as listed in the consent agenda. Motion seconded by Alex Vispoli and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Andover Police Department	Thiare Feliz <i>(John Teichert)</i>	Dispatcher	\$61,225.15/year	08/25/2024
Department of Public Works	John Ingeme <i>(Matthew Byrne)</i>	Public Grounds Laborer	\$27.83/hour	08/26/2024
Board of Assessors	Joel Janovsky	Member	Term Expires 06/30/2027	08/20/2024
Open Space Task Force	Jane Gifun	Member	Term Expires 06/30/2026	07/01/2024
Open Space Task Force	Doug Cummings	AVIS Member	Term Expires 06/30/2027	08/20/2024

**VIII. Approval of Minutes**

A. Board to approve minutes from the following meetings:

1. July 22, 2024
2. August 6, 2024

On a motion by Alex Vispoli and seconded by Kevin Coffey the Board voted 5-0 to approve the Minutes of July 22, 2024 and August 6, 2024 as printed.

**IX. Executive Session**

At 8:55 PM on a motion by Melissa Danisch and seconded by Alex Vispoli, the Select Board voted to 5-0 to go into Executive Session pursuant Purpose 7, to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (the Open Meeting Law) to vote to approve and release or not release Executive Session minutes of July 17, 2024 and July 22, 2024; and also to discuss To discuss strategy with respect to litigation Andover Community Trust v. Andover Zoning Board of Appeals and not to return to open session. Roll call: Alex Vispoli-Y, Kevin Coffey-Y, Melissa Danisch-Y, and Laura Gregory-Y. Motion passes 5-0.

**X. Adjourn**

The Select Board voted to adjourn from regular session and move to Executive Session not to return to Open session.

Respectfully submitted,

*Dee DeLorenzo*

Recording Secretary

*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](mailto:amy.heidebrecht@andoverma.us)*

MEETINGS ARE TELEVISED ON  
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45



## Select Board Meeting

Wednesday, August 21, 2024

Select Board Room, Town Offices

36 Bartlet Street Andover, MA 01810

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### I. Call to Order – 9:00 A.M.

The Chair, Laura Gregory called the Select Board Meeting of August 21, 2024 to order at 9:00 AM.

Members in attendance: Vice Chair Alex Vispoli, Clerk Ellen Townson, Members Kevin Coffey and Melissa Danisch.

Others in attendance: Town Manager, Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Chief Administrator and Financial Officer Patrick Lawlor, 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. Resident Petitions & Presentations

#### A. Max Saccoccio – 246 Andover Street

The Chair provided introductory remarks regarding the Select Board Resident Complaint Resolution Policy. Pursuant to the Policy, Mr. Saccoccio will be afforded ten minutes to express his complaint(s) and a maximum of 15 minutes for others to speak. Town employees will be afforded ten) minutes to respond to the complaint and any remarks made here.

The Select Board will have the opportunity to ask questions of Mr. Saccoccio or Town Staff. Interested residents or Town staff and should wait until they are recognized to speak by the Chair or by any Board member. The Board will then decide if there is any action to be taken. The purpose of the policy is to ensure equal proceedings and will focus on Town Service.

The Select Board is not a review board for zoning decisions or personnel performance nor do they decide private matters between residents. The Board is free to provide comments and suggestions.

Max Saccoccio provided the members of the Board with a chronology of events relevant to the complaint with his neighbor (Ron Abrams) regarding a picket fence that Mr. Saccoccio tried to install on his property along the length of their shared driveway.

Mr. Abrams provides towing services for the Andover Police Dept. and is also a member of the Ballardvale Historic Commission (BVHC) who the Town advised

Mr. Saccoccio to reach out to. They failed on their first application to the Ballardvale Historic Commission which they appealed as is their right under the Town bylaws. The BVHC Chair forwarded their complaint to Mr. Abrams. Mr. Saccoccio has concerns about ethics and the fact that this Board member was participating via a Town staff member in the appeal and it felt like they were up against the Town. The dispute escalated in the last year and a half.

The Town spent \$10,000 to do a survey of the property which was conducted on March 13<sup>th</sup> the stakes from the survey were the removed by Mr. Abrams. Mr. Abrams installed a camera on a fence located on Town property that filmed Mr. Saccoccio in his home and yard.

Mr. Saccoccio is concerned for his family's safety and disappointed in the response from the Town, Andover Police, and with the length of time this has been going on. During the past year, Town staff members inserted themselves into the fencing application they submitted and he has been frequently harassed by his neighbor. They had a trespassing incident which the police refused to enforce.

The Merrimack Valley Historic Commission failed to meet two deadlines.

Atty. Peter Caruso spoke on behalf of Mr. Ronald Abraham stating that Mr. Saccoccio failed to disclose his civil violations to the Board. When he bought the home, he had a plot plan and a title that shows he does not have access to his property and has to go over the right-of-way which was deeded to Mr. Abraham by the Zoning Board of Appeals years ago.

Atty Caruso further stated that Mr. Saccoccio did not pay for the filing fee (which Mr. Saccoccio disputes) or provide a plot plan and built the fence without the authority on a right-of-way and posted on the internet defamatory unsubstantiated statements about the neighbor. All these issues have been addressed by the appropriate authorities in the town; the Select Board has no authority in this situation.

Mr. Saccoccio disputes the accusation that he did not pay the filing fee as he had previously paid it or that he did not provide a plot plan. Mr. Saccoccio is concerned for his family's safety and disappointed in the response from the Town and Andover Police and with the length of time this has been going on.

Mr. Saccoccio's mother, Selina Goldberg, 95 of Maple Avenue provided the following remarks.

It is not true that there was no plot plan when they purchased the property. When the neighbor filed the no trespass against her son, she found it very suspect that exclusive rights over Town land were given to a resident at the disservice of adjacent properties that depended on that access. She researched the deed and the Zoning Board Decision of 1955 granted that property a zoning variance for a 12' right of way but because it is not a legitimate lot without that right of way; the deeded right of way and makes the lot legitimate. They failed to formally deed

that right-of-way to the other two adjacent properties and clearly they were not given rights because it is Conservation land, it is Town land. It is not exclusive and if it is inclusive, the property owners should be paying taxes on that property.

**Town Response:**

Town Counsel Doug Heim responded to the dispute. of 246 & 250R Andover Street. The Town agrees that there are encroachments on conservation land. There is an agreement from the Town's perspective that this right-of-way is not exclusive which has been his position. The no trespass order issued by Mr. Abraham was not enforced by the Police Department. Town Counsel advised Mr. Caruso that although they have some disagreements about this matter that the Town wasn't going to be enforcing a trespass notice based solely on the right- of-way. There are some areas of agreement and some substantial areas of disagreement.

Town Counsel reviewed the timeline of events from May of 2023 when the Ballardvale Historic Commission first learned about the application for a fence and requested a detailed plot plan to make sure the fence was not on town property and the application from Mr. Saccoccio through February of 2024 some of which also included:

The planting of trees by Mr. Saccoccio on Town property and the request of the Ballardvale Historic Commission for a detailed plot plan. In January 2024 Mr. Saccoccio met with Deputy Town Manager Mike Lindstrom regarding conservation encroachments and alleged violations.

In February 2024, Atty Heim met with Mr. Abraham's counsel and Mr. Saccoccio to try to work out a framework to address the situation.

The Town committed to follow up with a survey and investigation into the zoning violations. The North Andover Building Inspector found no violations and upheld the decision of the Ballardvale Historic Commission. The Conservation Commission as well as Mr. Murray, Mr. Douglas, Mr. Lindstrom and Town Counsel, walked the site to get an understanding of what the encroachments were and how they should be dealt with.

At the same time, Mr. Saccoccio filed for a hardship to erect the fence and construct the driveway. He didn't believe there should be a hearing and did not want to pay the \$85 hearing fee again and decided to construct the fence. The Ballardvale Historic District Commission issued a notice of violation. Because of the right of way dispute and the tenor of the relationship between neighbors and the Town, the Ballardvale Historic Commission decided to grant a hardship for construction of a driveway in June of 2024 to provide the Saccoccio's some relief despite their concern.

The Town is not going to enforce the No Trespassing Order and will allow Mr. Saccoccio access to his driveway as well as another neighbor. Because of the right- of-way dispute, the Ballardvale Historic Commission instead deemed it a

hardship. Mr. Saccoccio filed complaints against Mr. Abraham for unacceptable behavior.

There have been serious allegations against Town staff and the idea that the Town is not enforcing encroachments by the property owner of 250 R Andover Street, even though the Town committed \$10,000 in February for an extensive professional land survey. Several members of the Conservation Division, the Deputy Town Manager and Town Counsel have conducted site visits and delivered a letter dated August 2, 2204 disclosing the encroachments viewed and the expectation of compliance of the violations by the property owner at 250R Andover Street. There are no zoning violations.

The trimming of trees by the DPW at the request of the homeowner due to site-line restrictions are consistent with prior practice.

The Andover Police Dept have been out to the property due to concerns of Mr. Mr. Saccoccio. No trespass orders were placed in Mr. Abraham's mailbox by Mr. Saccoccio and emailed to Attorney Caruso. The Andover Police Dept. advised Mr. Saccoccio of the legal process and further declined to enforce a no trespass order filed by Mr. Abraham against Mr. Saccoccio.

The Chair of the Ballardvale Historic Commission required a more detailed plot plan due to the proximity of the proposal to Town-owned land which Mr. Saccoccio did not provide; The denial of the Ballardvale Historic District Commission was held up on appeal. Mr. Abraham recused himself from participation as a member of the Commission and spoke in favor of the application as an abutter.

Police calls for service were provided in the presentation as was the GIS Plot Plan provided by the Town. The Board of Selectmen received a copy of the Enforcement Letter from Town Counsel.

#### **IV. Input and Communications from the Select Board and Town Staff**

##### Questions / Comments by the Board

Mr. Coffey asked about the right-of-way and as conservation land wouldn't the public be permitted to access it.

Atty. Heim said that the Town acquired the Conservation land after this right-of-way and home was established. In his opinion, the public does have the right-of way to access the land. He does agree that the right-of-way and the title is not clear and it may behoove all parties to clarify the right -of-way access.

Mr. Coffey asked Mr. Saccoccio if the experts were able to make clear the use and restrictions to the right-of-way and if that would significantly improve the use and passage. Mr. Saccoccio said part of the issue is the Zoning Board document of 1955 when the lot was subdivided that created the right-of-way, that says that no conveyance be made of the vacant land the right-of-way is on now shall in any

way interfere with the existing right-of-way over the property. They knew that this situation would arise and this grant would be revoked.

Town Counsel Doug Heim said it is not a roadway in the traditional sense of the word; it is a right-of-way. Laura Gregory said the Select Board has no ability to address the right-of-way; it is in the Conservation Board's purview.

Ellen Townson said conservation land is open to everyone. The 1955 document says it is a 12' right-of-way. Her concern is that when you come to a public meeting and tell people it is an exclusive right of way, when it is not.

Melissa Danisch said the challenge is that there are legalities to this that matter and she does not discount this land has been established as a right-of-way, but it is not the Board's role to make a decision on this issue.

Alex Vispoli asked if they have the ability to put their own driveway in. Mr. Saccoccio they are waiting on the permit from the DPW which could solve one issue. Attorney Heim said Mr. Abraham also has complaints against Mr. Saccoccio. They do not yet have permission from the Ballardvale Historic Commission.

Alex Vispoli asked about the letter from the Land Management Team regarding a series of encroachments on Town Conservation Land. Bob Douglas, Director of Conservation, spoke about the survey which is a dynamic process to clean up encroachments in this particular area. They will have to keep the roadway in place and the Town Land Manager is putting together a timeline available this month.

Three of the stakes put in by the surveyors were damaged during the clean up by Mr. Abrahams. A letter was sent to Mr. Abrams that they be restored at a cost of \$850.00. Andover Consulting will re-establish the markers.

Atty. Caruso's interpretation is that this right-of-way stands. No one else has access to the private land. In his opinion, some of the allegations made by the neighbor have no basis.

Doug Heim responded to remarks by Selina Goldberg accusing Town Staff of misconduct.

A letter was sent to the Abrahams for encroachment and a letter was sent to Mr. Saccoccio regarding the stone wall.

Under this policy Doug Heim presumes that the Town is providing adequate response to these issues that are in their jurisdiction. It is up to the Ballardvale Historic Commission to enforce their regulations and the right-of-way to access Conservation Land, and compliance by Mr. Abraham.

Lot lines have been resolved with the survey conducted by the Town and includes lot lines of Mr. Saccoccio's property and where the fence can be placed. There is no dispute with the placement of the fence.

Last year, letters were sent out to residents whose property was encroaching on Conservation parcels. There are a multitude of issues and departments involved and the issues have been handled appropriately by Town Departments and Town Council has provided accurate information.

Chair Gregory said it does not appear that the Board needs to take any action at this time.

The Board requests Town Management undertake proceedings of other encroachments on conservation land. The Town Manager will provide a report at the Board's next Regular Meeting.

**V. Adjourn**

At 10:13 AM on a motion by Alex Vispoli and seconded by Melissa Danisch the Select Board voted 5-0 to adjourn the meeting of August 21, 2024.

Respectfully submitted,  
*Dee DeLorenzo*  
Recording Secretary