

Board of Selectmen

ANDOVER TOWN OFFICES
36 BARTLET STREET
ANDOVER, MA 01810
WWW.ANDOVERMA.GOV

MEETING AGENDA

Monday, April 10, 2017

Regular Session 7:00 P.M.

Executive Session 9:05 P.M.

SELECTMEN'S CONFERENCE ROOM, ANDOVER TOWN OFFICES

REGULAR SESSION

- I. Call to Order– 7:00 P.M.

- II. Opening Ceremonies/ Moment of Silence/Pledge of Allegiance – 7:00 P.M.

- III. Communications/Announcements/Liaison Reports – 7:05 P.M.

- IV. Citizens Petitions and Presentations – 7:10 P.M.

- V. Public Hearings – 7:15 P.M.
 - A. Bay State Gas Company d/b/a Columbia Gas of Massachusetts – (15 minutes)

The petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts, requesting permission to excavate for the purpose of replacing and/or extending its gas mains, according to blueprints hereto annexed and made a part of this petition, and to make the necessary house connections along said extensions, as follows:
To excavate approximately 2,045 feet on Porter Road from 5 Porter Road to 37 Porter Road for the purpose of replacing the cast iron-intermediate pressure gas mains with plastic-intermediate pressure due to a planned town paving project on this road. All existing gas services within the project scope will be tied into the new plastic – intermediate pressure main. In addition, it has been note that Alden Road is currently under moratorium, and as a result extra care will be taken when connecting main on that street. Plans #16-40928, JO#16-0848559-00

Prior to construction, the petitioner must obtain a street opening permit from the engineering department of Municipal Services.

 - B. National Grid – (10 minutes)

The petition of National Grid requesting permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – William Street, Andover, MA. The following are the streets and highways referred to:

Plan # 23202190, William Street – Install +/- 125 feet conduit starting at a hand hole on private property and proceeding in public way to new proposed hand hole location to provide service for new house, #52. Location approximately as shown on plan attached. Prior to construction, the petitioner must obtain a street opening permit from the engineering department of Municipal Services.

C. Laying Out of Streets – (10 minutes)

A. Notice is given that pursuant to M.G.L Chapter 82, Section 22, Public Hearing will be convened to hereby consider laying out the following streets as public ways for consideration at the 2017 Annual Town Meeting: Charles Circle, Gregory Circle, Christian Way and Campanelli Drive.

VI. Regular Business of the Board – 7:50 P.M.

A. Discontinuance of a Portion of Lewis Street as a Public Way and Taking by Eminent Domain and Approval of Town Meeting Article 36 - (5 minutes)

Board to consider recommendation of the Discontinuance of a Portion of Lewis Street as a Public Way and Taking by Eminent Domain and consider approval of Town Meeting Article 36.

B. Barron’s Country Store Inc. – (5 minutes)

Board to consider voting on the application of Barron’s Country Store, Inc. to change of beneficial interest relating to wine and malt retail package store license at 429 Lowell Street.

VII. 2017 Annual Town Meeting – 8:00 P.M.

A. Board to discuss and consider voting on the following Warrant Articles:

Article 4

- Ladder Aide Position
- School Budget

Article 34 Street Acceptance of Campanelli Drive

Article 60 Street Acceptance and Taking of Christian Way

Article 61 Street Acceptance and Taking of Charles Circle

Article 62 Street Acceptance of Gregory Circle

B. Board to discuss and consider voting on additional warrant articles, if time permits.

VIII. Approval of Minutes from Previous Board of Selectmen Meetings – 9:00 P.M

March 13, 2017 (Regular Meeting)

IX. Executive Session – 9:05 P.M.

A. Executive Session-

Board to go into executive session to discuss contract negotiations with non-union personnel and to discuss collective bargaining.

X. Adjournment – 9:35 P.M.

View documents associated with this agenda: www.andoverma.gov/selectmen

Meetings are televised on Comcast Channel 22 and Verizon Channel 45 or may be viewed online at www.andovertv.org

If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Wendy Adams at 978-623-8210 or wadams@andoverma.gov in the Town Manager's Office.



TOWN OF ANDOVER

Town Clerk's Office

36 Bartlet Street
Andover, MA 01810
978-623-8255
townclerk@andoverma.gov

NOTICE

You are hereby notified that a Public Hearing will be held by the Andover Board of Selectmen on Monday, April 10, 2017 in the 3rd Floor Conference Room, 36 Bartlet Street, at 7 p.m.

This hearing is being held on a petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts, requesting permission to excavate for the purpose of replacing and/or extending its gas mains, according to blueprints hereto annexed and made a part of this petition, and to make the necessary house connections along said extensions, as follows:

To excavate approximately **2045 feet on Porter Road from 5 Porter Road to 37 Porter Road** for the purpose of replacing the cast iron-intermediate pressure gas mains with plastic-intermediate pressure due to a planned town paving project on this road. All existing gas services within the project scope will be tied into the new plastic – intermediate pressure main. In addition, it has been noted that Alden Road is currently under moratorium, and as a result extra care will be taken when connecting existing main on that street.

Plan #16-40928, JO# 16-0848559-00

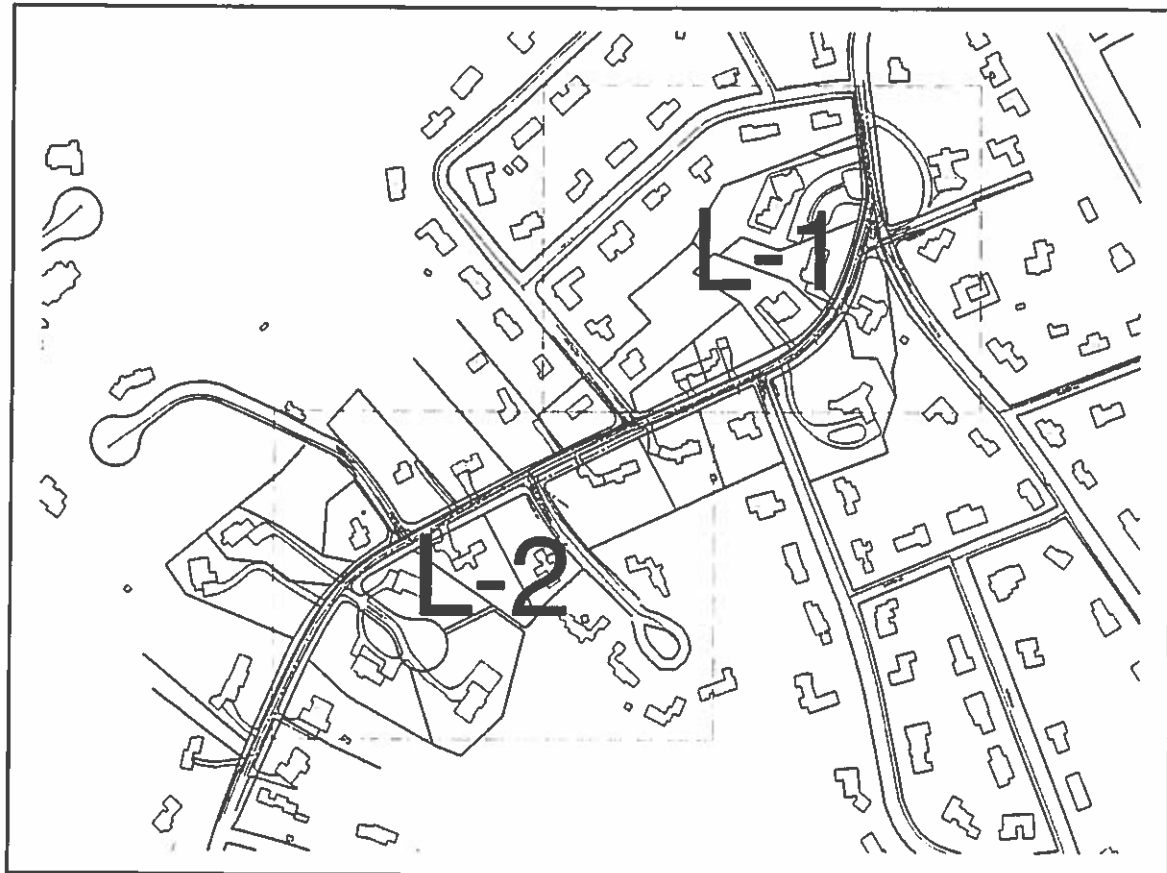
Plan(s) of the proposed work can be found on the Town of Andover web site at www.andoverma.gov in the main Meetings Calendar by searching under the public hearing date.

Should you have any major concerns about this proposal, please call Vinnie Luciano or Kyle Benoit, 978-691-6422, prior to the above-mentioned Selectmen's meeting date. A representative of the company will be available at 6:45 P.M. on the above date to answer any other questions you may have relating to the proposed work.

By order of the
Board of Selectmen

Lawrence J. Murphy
Town Clerk

Date: March 31, 2017
Plan #16-40928, JO# 16-0848559-00



KEY PLAN

L-1
L-2



REVISIONS

NO.	DATE	DESCRIPTION

DATE: 11/15/18
 JOB # 18-084858-00
 JOB # 18-084858-00
 PROJECT ID# 18-40828
 PUMP TO
 ADDRESS 1234

PROJECT TITLE
 OVERVIEW SHEET

SHEET NO.
 0-1



TOWN OF ANDOVER

Town Clerk's Office

36 Bartlet Street
Andover, MA 01810
978-623-8255
townclerk@andoverma.gov

NOTICE

You are hereby notified that a Public Hearing will be held by the Andover Board of Selectmen, on Monday, April 10, 2017 in the 3rd Floor Conference Room, 36 Bartlet Street, at 7 p.m.


This hearing is being held on the petition of National Grid requesting permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – William Street, Andover, MA. The following are the streets and highways referred to:

Plan # 23202190, William Street – Install +/- 125 feet conduit starting at a hand hole on private property and proceeding in public way to new proposed hand hole location to provide service for new house, #52. Location approximately as shown on plan attached.

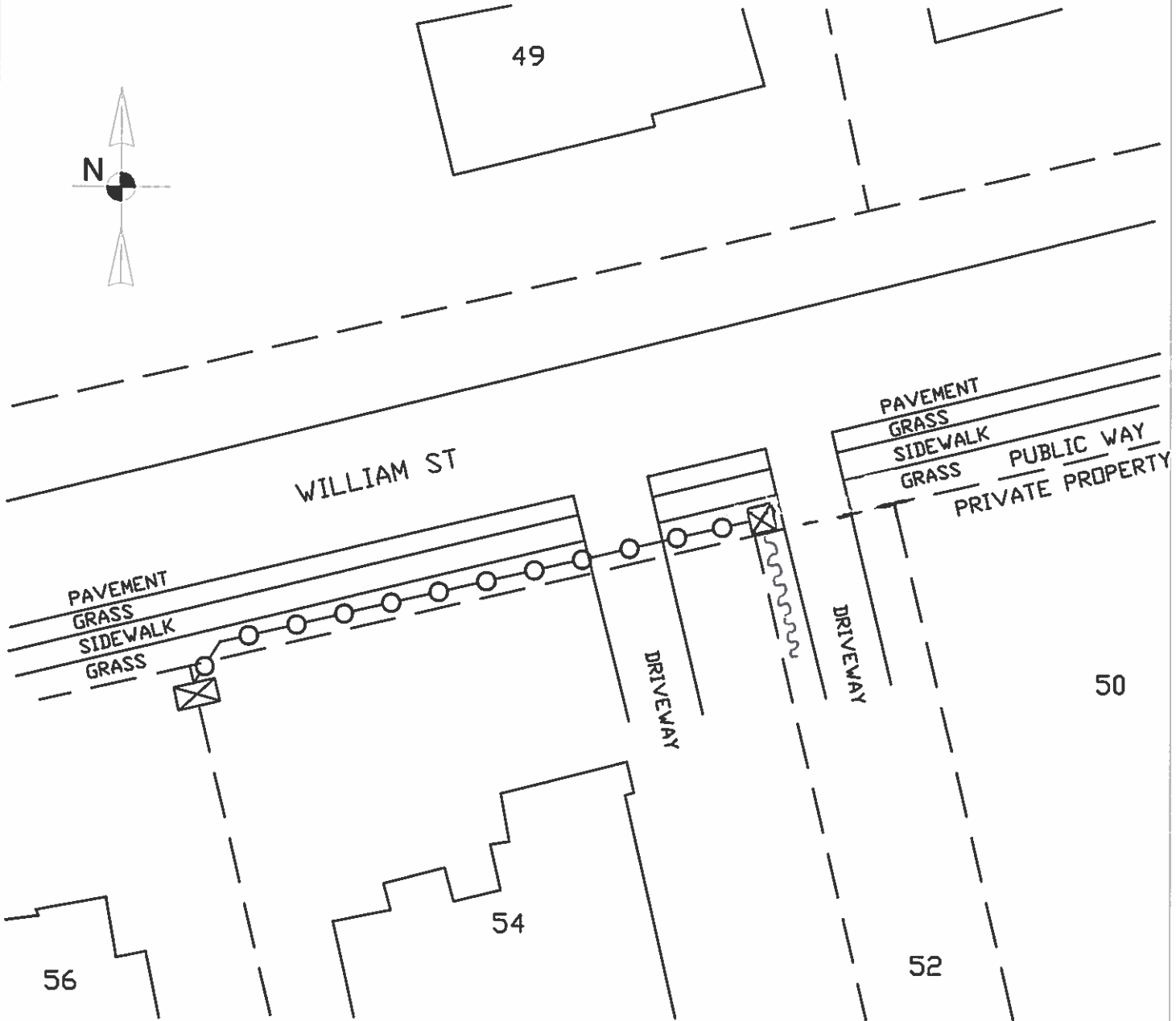
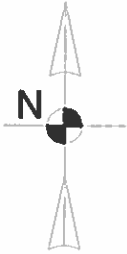
Plan(s) of the proposed work can be found on the Town of Andover web site at www.andoverma.gov in the main Meetings Calendar by searching under the public hearing date.

Should you have any major concerns about this proposal, please call Dave Boucher, 978-725-1461, prior to the above-mentioned Selectmen's meeting date. Representatives from the utility company will be available at 6:45 P.M. on the above date to answer any other questions you may have relating to the proposed work.

By order of the
Board of Selectmen


Lawrence J. Murphy
Town Clerk

Plan No.: 23202190
Date: March 31, 2017



UNDERGROUND PETITION

nationalgrid



HAND HOLE



PROPOSED
CONDUIT 1-3'



CUSTOMER
OWNED
SERVICE

PROPOSAL IS TO INSTALL +/- 125' 1-3' CONDUIT WITH CONDUCTORS FROM EXISTING HAND HOLE ON PRIVATE PROPERTY TO PROPOSED NEW HANDHOLE IN THE PUBLIC WAY. THIS WILL ENABLE NEW ELECTRIC SERVICE FOR #52.

DISTANCES ARE APPROXIMATE

Date: 12-19-16

WORK REQUEST: 23202190

To The: TOWN Of ANDOVER, MA

For Proposed: UNDERGROUND CONDUIT & HAND HOLE LOCATIONS

Drawn By: DJB Location: WILLIAM ST



TOWN OF ANDOVER

BOARD OF SELECTMEN STREET LAYOUT MEETING

Notice is hereby given that pursuant to M.G.L. Chapter 82, Section 22, a Public Hearing will be convened on Monday, April 10, 2017 at 7:00 P.M. in the Selectmen's Conference Room, Town Offices, 36 Bartlet Street, Andover, to consider laying out the following streets as public ways for consideration at the 2017 Annual Town Meeting: Charles Circle, Gregory Circle, Christian Way and Campanelli Drive.

Paul J. Salafia, Chair
Andover Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

TOWN OF ANDOVER, MASSACHUSETTS

BOARD OF SELECTMEN

DISCONTINUANCE OF A PORTION OF LEWIS STREET AS A PUBLIC WAY

We, the undersigned, Selectmen of Andover, in said County of Essex, with regard to the warrant article proposing the discontinuance of a portion of Lewis Street as a public way, having met at Andover Town Hall in Andover on Monday, April 10, 2017, at 7:00 p.m.; and having heard all the parties at said meeting who desired to be heard, do hereby declare that public necessity and convenience require a portion of Lewis Street to be discontinued and do hereby recommend to Town Meeting that the following described portion of Lewis Street be discontinued as a public way and that the Board of Selectmen be authorized to acquire by eminent domain, gift, purchase or otherwise the fee interest therein, and to award no damages for said taking or payment for said acquisition:

The area shown as "Portion of Lewis Street to be Discontinued 6,722 S.F.+/- " with metes and bounds shown on Plan of Land entitled "Discontinuance Plan, Portion of Lewis Street, Andover, Mass. Prepared For: Town of Andover, Date: March 2, 2017, Scale 1"=40', Andover Consultants, Inc., 1 East River Place, Methuen, Mass., 01844" a copy of which Plan is on file in the Office of the Town Clerk.

IN WITNESS WHEREOF, we, the said Selectmen have hereunto set our hands and seal this 10th day of April, 2017.

Chairman

**JOHNSON &
BORENSTEIN, LLC**
ATTORNEYS AT LAW

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Thomas D. Orr (MA)

Of Counsel
Robert W. Lavoie (MA, NH)

Paralegals
Karen L. Bussell
Danielle R. Corey
Lianne Patenaude
Ellen M. Melvin
Tina M. Wilson

March 10, 2017

Andover Town Clerk's Office
Attn: ABCC Licensing Clerk
36 Bartlet Street
Andover MA 01810

Re: Barron's Country Store, Inc.
Change of Beneficial Interest: Brenda Himmer
--Updating ABCC records to reflect her role as an officer

Dear Mr. Murphy:

As your records may reflect, our office represents the above named Barron's Country Store, Inc. in connection with its ABCC license. Last year, we submitted an Application for Multiple Amendments, in order to request a Change of Manager (new manager to be Brenda L Himmer) and a Change of Corporate Structure (in order to change the designation from a DBA to a Corporation).

In response proposed filings with the ABCC,, Sabrina Luc of the ABCC by email dated 1/5/17, reported to you that the Commission required additional material as follows:

"According to votes and articles, Brenda is an officer and director - they need to do a change of beneficial interest in order to update their record."

Sabrina also indicated that Barron's would need to fill out the Change of Beneficial Interest application with all the required documents, update their officers/directors at the Secretary of State, and send Change of Beneficial Interest application to the ABCC (along with the previous Change of Manager Application for reconsideration).

This will confirm that in order to respond to the ABCC's requirements. Barron's and I have taken various corrective steps, and have prepared the enclosed materials.

March 10, 2017

Page 2

In particular, we updated the Secretary of State's records by filing the attached "Statement of Change of Supplemental Information" dated as of February 28, 2017, and filled out an additional ABCC Application for Multiple Amendments, for Change of Beneficial Interest.

Consequently, enclosed please find the following materials:

1. Application for Multiple Amendments;
2. \$200 check payable to ABCC;
3. Vote of the Corporate Board (dated 2/28/17), confirming Brenda L Himmer to be not only a Shareholder, but also the Treasurer and Clerk of the Corporation as well as being 1 of its 2 member Board Of Directors;
4. Beneficial Interest-Individual Form;
5. CORI Authorization Form;
6. Articles of Incorporation of Barron's Country Store, Inc. (Certified Copy);
7. Statement of Change of Supplemental Information (Certified Copy);
8. Secretary of State Certificate of Legal Existence and Identity of Corporate Directors and Officers

We believe this submission to be complete, but we certainly are happy to submit additional requested information if needed.

Kindly process these materials in the ordinary course. Please contact me if you have any questions.

Very truly yours,



Robert W. Lavoie

Enclosures ~ as indicated

Barron's Country Store, Inc. MOTION

I move that the Board approve the application of Barron's Country Store, Inc., for a change in beneficial interest relating to the Wine and Malt Retail Package Store License at 429 Lowell Street, Andover; subject to the condition that all other requirements of the Town are met prior to issuance.

Moved by _____

Seconded by _____

Voted _____ to _____

COMMONWEALTH OF MASSACHUSETTS

TOWN OF ANDOVER, MASSACHUSETTS

BOARD OF SELECTMEN

LAYING OUT OF CAMPANELLI DRIVE AS A PUBLIC WAY

We, the undersigned, Selectmen of Andover, in said County of Essex, upon petition for the laying out of "Campanelli Drive" as a public way, having first given notices, as required by law, to the owners of the several lands over which said way is to be laid out, and having met at Andover Town Hall in Andover on Monday, April 10, 2017, at 7:00 p.m.; having previously examined the premises and having heard all the parties at said meeting who desired to be heard, do hereby declare that public necessity and convenience require the aforesaid way to be laid out and do hereby order and direct that said way be laid out with metes and bounds as shown on a plan of land entitled, "Definitive Subdivision Plan, River Road Business Center, Andover, Mass." Owner & Applicant: Campanelli Realty Trust, Date: February 5, 1986; Scale: 1"=40', prepared by Bradford Saivetz & Associates, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 10256 ("Plan"), and which Plan is on file with the Office of the Town Clerk, and, upon approval by Town meeting, to acquire by eminent domain, gift, purchase or otherwise the fee or any other interest in the street, and to accept the sewer lines and drainage facilities located within said roadway, and the following related easements and to award no damages for said taking or payment for said acquisition:

Two easements shown as "Drain Easement" on Lot 1 on said Plan

Four easements shown as "Drain Easement" on Lot 3 on said Plan

And the Selectmen respectfully report such layout out of said Way to the Town for its acceptance and allowance.

IN WITNESS WHEREOF, we, the said Selectmen have hereunto set our hands and seal this 10th day of April, 2017.

Chairman

COMMONWEALTH OF MASSACHUSETTS

TOWN OF ANDOVER, MASSACHUSETTS

BOARD OF SELECTMEN

LAYING OUT OF CHRISTIAN WAY AS A PUBLIC WAY

We, the undersigned, Selectmen of Andover, in said County of Essex, upon petition for the laying out of "Christian Way" as a public way, having first given notices, as required by law, to the owners of the several lands over which said way is to be laid out, and having met at Andover Town Hall in Andover on Monday, April 10, 2017, at 7:00 p.m.; having previously examined the premises and having heard all the parties at said meeting who desired to be heard, do hereby declare that public necessity and convenience require the aforesaid way to be laid out and do hereby order and direct that said following described way be laid out:

The street known as Christian Way as constructed and as shown on plan entitled "Map 229, Lot 5, Merrimack Estates, River Road, Andover – Tewksbury, MA, Scale 1"=200' by Cuoco & Cormier, dated September 4, 2007, rev. June 11, 2008," and on file in the Office of the Town Clerk, and with metes and bounds shown on plan entitled "Street Acceptance Plan Christian Way, Andover, Mass.; drawn for Town of Andover: scale 1"=40' date February 18, 2015, rev. June 12, 2015; by Merrimack Engineering Services," a copy of which is on file with the Office of the Town Clerk

and, upon approval by Town meeting, to acquire by eminent domain, gift, purchase or otherwise the fee or other interest in the street and the following related easements and to award no damages for said taking or payment for said acquisition:

The following Drainage and Access Easements:

A non-exclusive Drainage Easement over Lot 25 shown on Land Court Plan No. 14506E, Lot 28 on Land Court Plan No. 14506F (17,399+/-sq. ft. – Not a Building Lot) and Lot 30 (area=12,676 +/- S.F.) on Land Court Plan No. 14506G, and the area shown as Proposed Utility Easement 3,531 S.F. on Lot 21 shown on Land Court Plan No. 14506E;

A non-exclusive perpetual Access Easement over the area shown as "Proposed 20' Utility Easement 3,874 S.F. 0.09 AC on Lot 22 on Land Court Plan No. 14506E to pass and repass over said area on foot or by vehicle for the purposes of accessing the drainage facilities located in the Drainage Easement described above;

A Water Utility Easement over a portion of Land Court Lot 27 shown as "Proposed Water Easement "W1" on that certain Plan of Land on file with the Planning Division of the Town and also recorded with the Essex County North District Registry of Deeds as Plan R-76, entitled "Water Main Relocation Easement Plan," Christian Way, Andover,

Mass., prepared for Wiled Realty Trust by Whitman & Bingham Associates, LLC, dated September 29, 2010;

The right and easement to repair, replace, maintain and operate a drainage easement over a portion of said Land Court Lot 27 as shown on the above-referenced Water Main Relocation Easement Plan as “Drainage Easement L.C. Plan 14506I”;

Proposed Water Easement W 2 over Lot 28 as shown on said Plan R-76; and

Water line traversing Parcel 25, and Lots 21 and 22, to and through “Proposed Christian Way” as shown on said Plan R-76,

Copies of which Plans are on file with the Office of the Town Clerk.

And the Selectmen respectfully report such layout out of said Way to the Town for its acceptance and allowance.

IN WITNESS WHEREOF, we, the said Selectmen have hereunto set our hands and seal this 10th day of April, 2017.

Chairman

COMMONWEALTH OF MASSACHUSETTS

TOWN OF ANDOVER, MASSACHUSETTS

BOARD OF SELECTMEN

LAYING OUT OF CHARLES CIRCLE AS A PUBLIC WAY

We, the undersigned, Selectmen of Andover, in said County of Essex, upon petition for the laying out of "Charles Circle" as a public way, having first given notices, as required by law, to the owners of the several lands over which said way is to be laid out, and having met at Andover Town Hall in Andover on Monday, April 10, 2017, at 7:00 p.m.; having previously examined the premises and having heard all the parties at said meeting who desired to be heard, do hereby declare that public necessity and convenience require the aforesaid way to be laid out and do hereby order and direct that said way be laid out as shown on Plan of Land entitled "Subdivision Plan of Land in Andover, Mass. entitled Charles Circle, Scale 1"=40' dated August 1, 2013, revised July 19, 2004, and recorded at the Essex North District Registry of Deeds as Plan No. 15030, and on file in the Office of the Town Clerk, and with metes and bounds shown on plan entitled "Street Acceptance Plan Charles Circle, Andover, Mass., Prepared for Town of Andover, Date: December 9, 2015, Scale 1"=40', Andover Consultants, Inc., Methuen, Mass.," a copy of which is on file with the Office of the Town Clerk and, upon approval by Town meeting, to acquire by eminent domain, gift, purchase or otherwise the fee or other interest in the street and related easements including the easement shown on Lot 2 on said Subdivision Plan and on said Street Acceptance Plan as "Proposed 25' Wide Watermain Easement," and to award no damages for said taking or payment for said acquisition.

And the Selectmen respectfully report such layout out of said Way to the Town for its acceptance and allowance.

IN WITNESS WHEREOF, we, the said Selectmen have hereunto set our hands and seal this 10th day of April, 2017.

Chairman

COMMONWEALTH OF MASSACHUSETTS

TOWN OF ANDOVER, MASSACHUSETTS

BOARD OF SELECTMEN

LAYING OUT OF GREGORY CIRCLE AS A PUBLIC WAY

We, the undersigned, Selectmen of Andover, in said County of Essex, upon petition for the laying out of "Gregory Circle" as a public way, having first given notices, as required by law, to the owners of the several lands over which said way is to be laid out, and having met at Andover Town Hall in Andover on Monday, April 10, 2017, at 7:00 p.m.; having previously examined the premises and having heard all the parties at said meeting who desired to be heard, do hereby declare that public necessity and convenience require the aforesaid way to be laid out and do hereby order and direct that said way be laid out as shown on Plan of Land entitled "Property Line Plan 'Gregory Circle' Andover, Mass." Date: October 13, 2003, revised through 12-15-03, Scale: 1"=40', Owner & Applicant: Fieldstone Meadows Development Corp., Prepared By: Andover Consultants, Inc.," which plan is recorded with the Essex North District Registry of Deeds as Plan Number 15228, and "Plan of Land in Andover, Mass." Prepared for: Fieldstone Meadows Development Corp. Date: September 7, 2011, Scale 1"=40' Prepared By: Andover Consultants, Inc., which plan is recorded with the Essex North District Registry of Deeds as Plan Number 16545 and with metes and bounds shown on Street Acceptance Plan entitled "Street Acceptance Plan, Gregory Circle, Andover, Mass., Prepared for Fieldstone Meadows Development Corp., Date: October 31, 2013, Scale 1"=40'" Prepared by Andover Consultants, Inc. which plan is on file with the Office of the Town Clerk, and, upon approval by Town meeting, to acquire by eminent domain, gift, purchase or otherwise the fee in the street and related easements and open space as shown on said plans and to award no damages for said taking or payment for said acquisition. A copy of which Street Acceptance Plan is filed herewith in the Office of the Town Clerk, Andover, Massachusetts.

And the Selectmen respectfully report such layout out of said Way to the Town for its acceptance and allowance.

IN WITNESS WHEREOF, we, the said Selectmen have hereunto set our hands and seal this 10th day of April, 2017.

Chairman

