



## BOARD OF SELECTMEN AGENDA

MONDAY, November 13, 2017

SELECTMEN MEETING 7:00 P.M.

SELECTMEN'S CONFERENCE ROOM TOWN OFFICES

(Amended agenda on 11/9/17 @ 3:25 p.m.)

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The agenda for each meeting closes at 4:30 P.M. on the Wednesday preceding the meeting. Times designated for agenda items are estimated.

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### REGULAR MEETING – BOARD OF SELECTMEN – Selectmen Conference Room

- I. Call to Order– 7:00 P.M.
- II. Opening Ceremonies – 7:00 P.M.
  - A. Moment of Silence/Pledge of Allegiance
- III. Communications/Announcements/Liaison Reports – 7:05 P.M.
- IV. Citizens Petitions and Presentations – 7:10 P.M.
- V. Public Hearing – 7:15 P.M.
  - A. Columbia Gas – (10 minutes)

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:

Columbia Gas to install approximately 1,130 feet of 6" Plastic – High Pressure main on **Beacon Street** in order to provide gas service to a new condo association known as Frenchman's Reserve (90 Beacon Street). In order to provide sufficient supply to this development, approximately 910 feet of 6" Plastic main will be installed from the existing 8" Plastic – High Pressure main at the intersection of Lowell and Beacon Street to the existing 6" Plastic - Low Pressure main at 46 Beacon Street. The low pressure main will be retested for high pressure and the

4" Cast Iron – Low Pressure main between High Plain Road and 36 Beacon Street will be abandoned. To reach the customer, a main extension of 220 feet of 6" Plastic will be installed at 68 Beacon Street to 90 Beacon Street. Columbia Gas is planning this project to start and complete in spring of 2018.

- B. FY2018 Tax Classification – (20 Minutes)  
Board to discuss classification and taxation of all property within the Town.
- C. FY2019 – 2023 Capital Improvement Program – (30 Minutes)  
Board to discuss the Town of Andover's FY2019 – 2023 CIP.

- VI. A. Retirement Board Appointment – 8:15 P.M.  
Board to interview candidates for the Fifth Member on the Retirement Board and consider voting to make an appointment to the Retirement Board.
- VII. Regular Business of the Board – 8:45 P.M.
- A. Eagle Scout Citation– (5 minutes)  
The Board of Selectmen to sign and recognize Brendan Major for being awarded the rank of Eagle Scout.
- B. Change in Borrowing – (5 minutes)  
Finance Director requests for the Board of Selectmen to consider to vote to increase the maximum use for life of the Fire Departmental Equipment for December borrowing.
- C. AED Unit – (5 minutes)  
Town of Andover to be presented a new G5 AED unit from the company Cardiac Science Corporation.
- D. Change of Manager – (5 minutes)  
Board of Selectmen to consider to vote and approve the application of Lixi Hospitality Andover FB MGT, LLC, d/b/a Residence Inn Boston Andover, 500 Minuteman Road, Andover, for a Change of Manager on its Wine and Malts Innholder Beverage License; the new Manager to be Dorothy Acres Gath of 66 Shaker Road, Unit 1, Belmont, New Hampshire, subject to the condition that all other requirements of the Town are met prior to issuance of the license.
- E. Lupine Road Combined Home Ownership Project – (15 minutes)  
Board of Selectmen to consider voting to approve the construction of 3 permanently affordable duplexes (6 units) on 8 Lupine Road by Andover Community Trust and Merrimack Valley Habitat for Humanity.
- F. Acceptance of Sidewalk Easement at 141 Elm Street – (10 minutes)  
Board of Selectmen to consider to vote and sign the acceptance of a sidewalk easement to be granted to the Town of Andover by CHS Andover, LLC.
- G. Age Restriction Covenant – (10 minutes)  
Board of Selectmen to consider to vote and authorize the Town Manager to sign the Age Restriction Covenant for the Andover Senior Housing, LLC. the declarant is the owner of that certain parcel located in Andover, MA known as 254 Lowell Street. Identified as on Andover's Assessor's Map 111, Lot 17 as more particularly described in a Deed recorded at Essex North District Registry of Deeds in Book 15079, Page 198 (the Property).

VIII. Consent Agenda – 9:40 P.M.

A. APPOINTMENTS – (Town Manager)

**That the following appointments by the Town Manager be approved:**

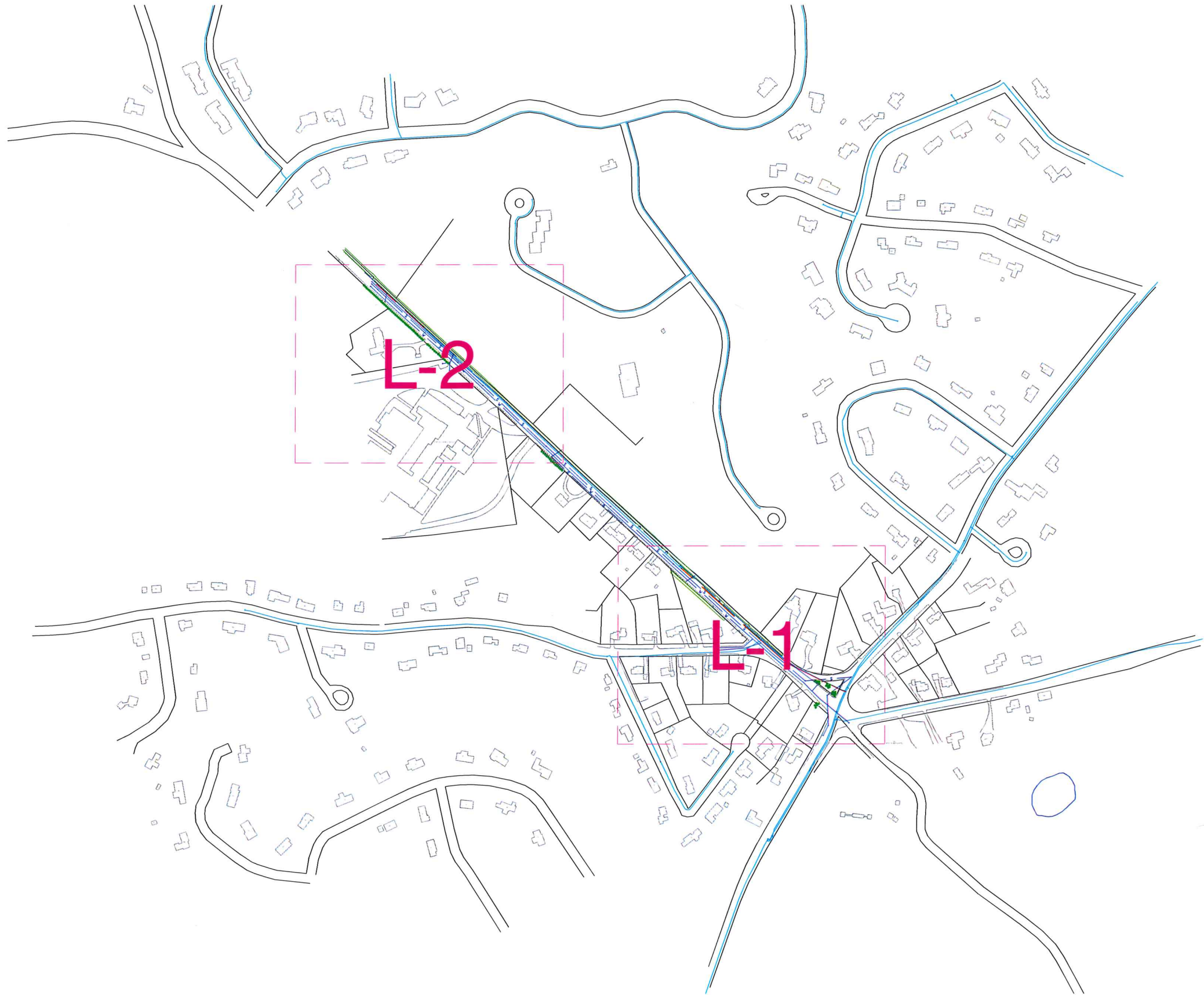
DEPARTMENT/ COMMITTEE	NAME	POSITION	RATE/ TERM	DOH
Library Services	Kenna Cheverie	Library Page	\$9.25/hr.	10/17/17
Recreation Services	Jill Dufresne	Kids Corner Assistant	\$12.00/hr.	10/2/17
Recreation Services	Brook Barber	Specialty Instructor	\$1,000 Stipend	10/12/17
Youth Services	Jolene Pern	AYS Counselor 2	\$11.00/hr.	9/25/17
Youth Services	Gabrielle Batista	AYS Counselor 2	\$11.00/hr.	10/23/17
Youth Services	Sarah Jennings	AYS Counselor 2	\$11.00/hr.	10/23/17
Treasurer/Collector	Anthony Collins (v. D. Zimmer)	Office Administrator IE-16-1	\$49,858	10/31/17
Green Advisory Board	Carla Carter	Member – 3 year term		
Commission on Disability	Patricia Leelman	Member – 3 year term		

IX. Approval of Minutes from Previous Board of Selectmen Meetings – 9:45 P.M.  
October 4, 2017 (Tri-board Meeting) and October 16, 2017 (Regular Meeting)

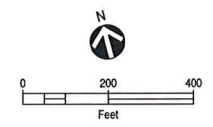
X. Adjournment – 9:50 P.M.

*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](mailto:wadams@andoverma.gov) in the Town Manager's Office.*

MEETINGS ARE TELEVISED ON  
COMCAST CHANNEL 22 AND VERIZON CHANNEL 45



Know what's below.  
Call before you dig.



**PROPOSED**

**REVISIONS**

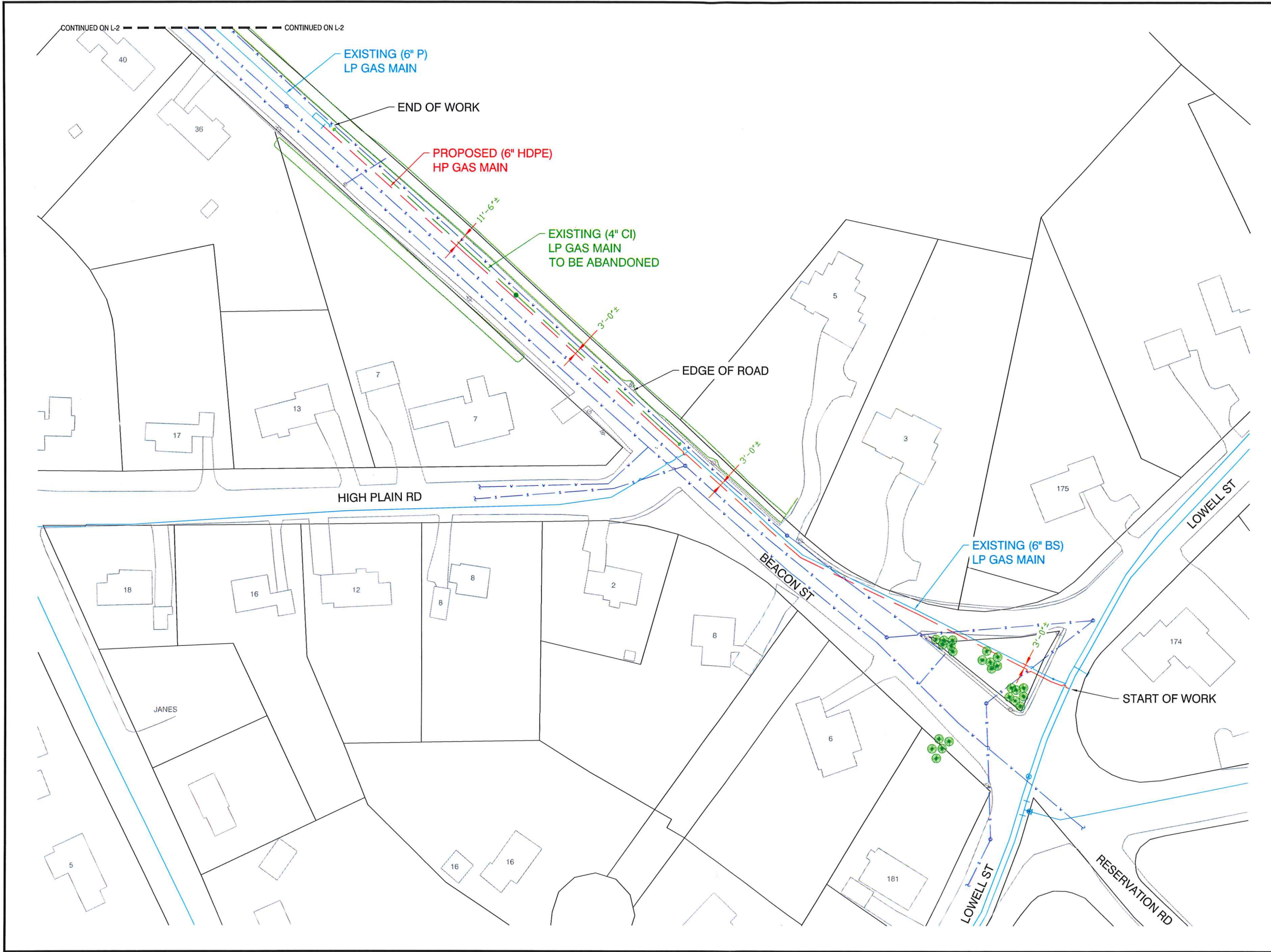
REV. #	DATE	DESCRIPTION
0	10/5/2017	ISSUED FOR CONSTRUCTION

DESIGNED BY	X	X	X
DRAWN BY	RFW	10/5/17	CHI
CHECKED BY	X	X	X
AS-BUILT BY	X	X	X
	NAME	DATE	PHONE #

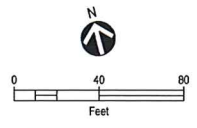
SITE NAME:  
**JO# 17-0849901-00**  
**JO# 17-0841572-00**  
**PROJECT ID# 17-44510**  
 BEACON ST/FRENCHMANS RESERVE  
 ANDOVER, ESSEX COUNTY

PROJECT TITLE:  
 OVERVIEW SHEET

DRAWING NO:  
**O-1**



Know what's below.  
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**PROPOSED**

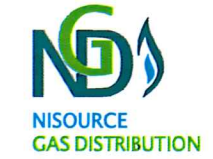
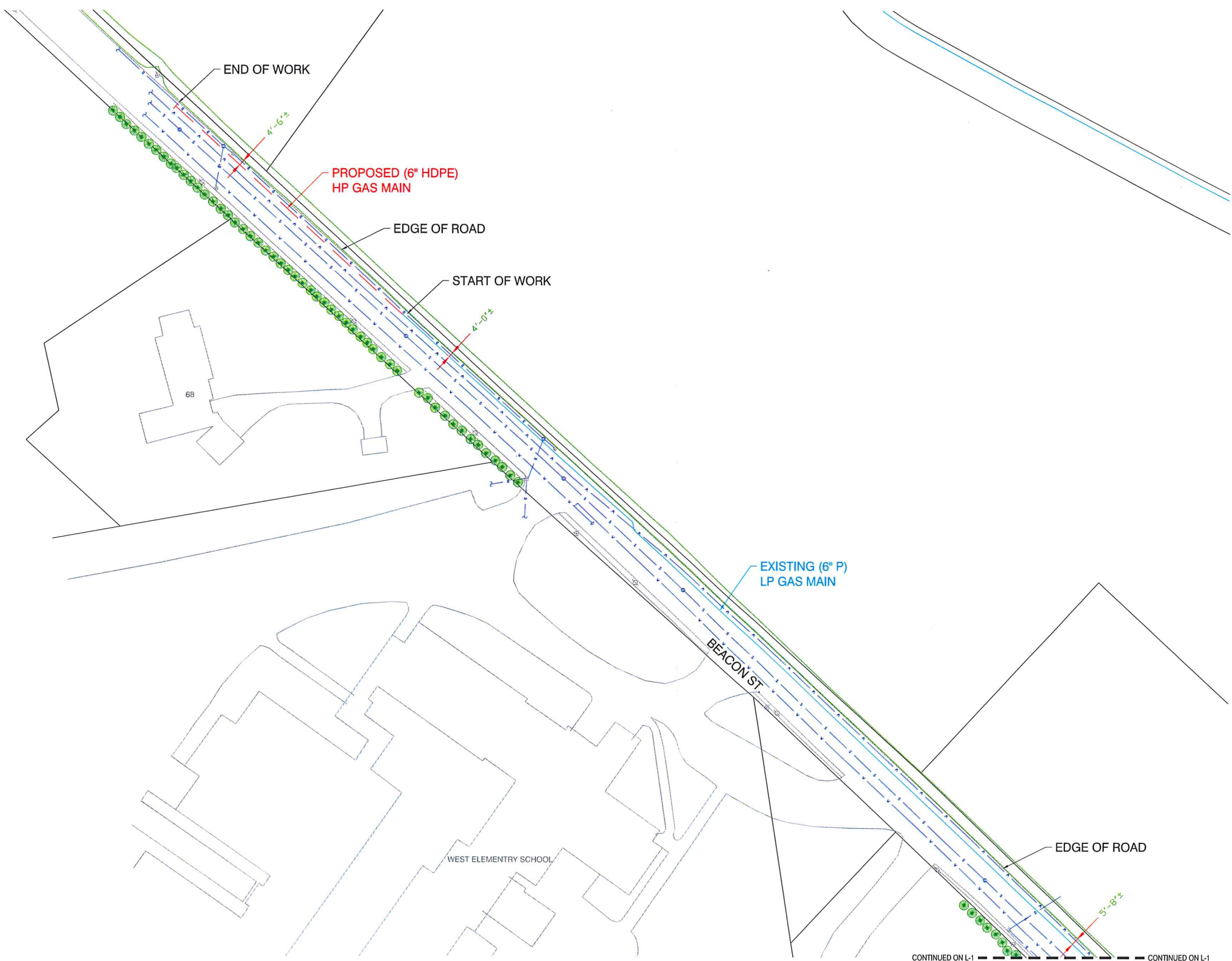
REVISIONS		
REV. #	DATE	DESCRIPTION
0	10/5/2017	ISSUED FOR CONSTRUCTION

DESIGNED BY	DATE	PHONE #
X	X	X
RFW	10/5/17	CHI
X	X	X
X	X	X

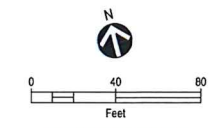
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 BEACON ST/FRENCHMANS RESERVE  
 ANDOVER, ESSEX COUNTY

PROJECT TITLE:  
 LAYOUT SHEET

DRAWING NO:  
**L-1**



Know what's below.  
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**PROPOSED**

**REVISIONS**

REV. #	DATE	DESCRIPTION

REV. #	DATE	DESCRIPTION
0	10/5/2017	ISSUED FOR CONSTRUCTION

DESIGNED BY	CHECKED BY	AS-BUILT BY	NAME	DATE	PHONE #
X	X	X			
RFW	10/5/17	CHI			
X	X	X			
X	X	X			

**SITE NAME:**  
**JO# 17-0849901-00**  
**JO# 17-0841572-00**  
**PROJECT ID# 17-44510**  
 BEACON ST/FRENCHMANS RESERVE  
 ANDOVER, ESSEX COUNTY

**PROJECT TITLE:**  
 LAYOUT SHEET

**DRAWING NO:**  
**L-2**

CONTINUED ON L-1 --- CONTINUED ON L-1



# TOWN OF ANDOVER

## Town Clerk's Office

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

### NOTICE

You are hereby notified that a Public Hearing will be held by the Andover Board of Selectmen at the Town Offices on Bartlet Street, in the third floor Selectmen's Conference Room on Monday, November 13 at 7:00 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:

Columbia Gas to install approximately 1,130 feet of 6" Plastic – High Pressure main on **Beacon Street** in order to provide gas service to a new condo association known as Frenchman's Reserve (90 Beacon Street). In order to provide sufficient supply to this development, approximately 910 feet of 6" Plastic main will be installed from the existing 8" Plastic – High Pressure main at the intersection of Lowell and Beacon Street to the existing 6" Plastic - Low Pressure main at 46 Beacon Street. The low pressure main will be retested for high pressure and the 4" Cast Iron – Low Pressure main between High Plain Road and 36 Beacon Street will be abandoned. To reach the customer, a main extension of 220 feet of 6" Plastic will be installed at 68 Beacon Street to 90 Beacon Street. Columbia Gas is planning this project to start and complete in spring of 2018.

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

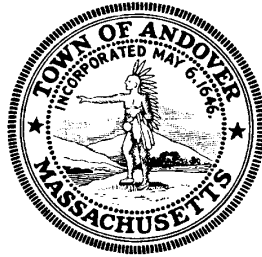
Should you have any major concerns about this proposal, please call Vinnie Luciano or Louie DeRoxas at Columbia Gas, 978-691-6422, prior to the above-mentioned Selectmen's meeting date. A representative of the company will be available at 6:45 P.M. on the above date to answer any other questions you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

By order of the  
Board of Selectmen

Lawrence J. Murphy  
Town Clerk

Date: November 3, 2017  
Plan# 17-44510  
Job# 17-0849901-00

TOWN OF ANDOVER

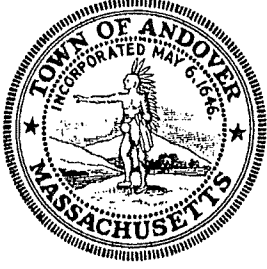


PUBLIC HEARING

The Town of Andover Board of Selectmen will hold a Public Hearing on MONDAY, NOVEMBER 13, 2017, at 7:00 P.M. in the Selectmen's Conference Room, third floor, Town Offices, 36 Bartlet Street, for the purpose of classification and taxation of all property within the Town. Any interested taxpayer is invited to present oral or written comments.

Paul J. Salafia , Chairman  
ANDOVER BOARD OF SELECTMEN

Date of Issue: November 2, 2017, and November 9, 2017



# TOWN OF ANDOVER MASSACHUSETTS

Board of Assessors

(978) 623-8930

Fax (978) 623-8993

*Town Offices*

36 Bartlet Street

Andover, Ma 01810

[assessor@andoverma.gov](mailto:assessor@andoverma.gov)

**DATE:** November 13, 2017

**TO:** Mr. Paul J. Salafia, Chair  
And Members of the Board of Selectmen

**FROM:** David A. Billard, MAA  
Board of Assessors

**SUBJECT: Classification of Property - Fiscal Year 2018**

The Board of Assessors for the Town of Andover has determined the total valuation for all property in Andover for Fiscal Year 2018. The Department of Revenue has granted approval of the FY2018 assessments in Andover. With this approval we can determine the minimum residential factor that may be adopted by the Town of Andover pursuant to Chapter 40, Section 56, and the percentages of the local tax levy that may be borne by each class of property for the Fiscal Year 2018 tax.

In accordance with Chapter 390 of the Acts of 1982, the Andover Board of Selectmen will hold a public hearing on the 13th of November 2017 at 7:00 p.m. in order to determine the following items as they pertain to the Fiscal Year 2018 tax rate:

- 1) The adoption of a residential factor for the purpose of determining the percentage tax load to be borne by each class of property.**

The major decision for the Selectmen is the annual determination of a residential factor in order to determine the tax burden to be borne by each class of property. The Commissioner of Revenue for the Commonwealth of Massachusetts has determined that the residential factor can be a minimum of 82.8524% and a maximum of 100% or a factor of 1. Selection of the minimum residential factor will establish a maximum commercial, industrial and personal property tax shift of 175%. A maximum residential factor of 1 will establish a uniform tax rate for all classes of property. The Selectmen may select either of these factors or any factor in between the two.

**2) The determination of a discount factor of up to twenty-five percent (25%) for all land properly identified as "Open Space".**

The Board of Selectmen is entitled to grant a discount factor of up to twenty-five percent for all property classified as open space. For Fiscal Year 2018, the Assessors have determined that the value of open space land is \$7,256,800. The Board of Selectmen may elect to discount that value down to a minimum of \$5,442,600. The difference of taxes paid at full value and after the discount is shifted in total to class one, residential property.

**3) The determination of a residential exemption factor of up to thirty five percent (35%).**

The Board of Selectmen may grant an exemption of not more than thirty five percent (35%) of the **average** value of all Class One, residential property. The exemption is borne by the residential class and may only be applied to residential parcels that are the **principal residence** of the taxpayer as used by the taxpayer for state income tax purposes as of January 1, 2017. The average of all Class One value for Fiscal Year 2018 is \$562,911. (Note that this average includes all Class One value, not just single-family homes. The average single family home for FY2018 is assessed at \$613,261. The maximum discount of 35% allowed for each eligible parcel would therefore be up to \$197,019. Based on these figures, every eligible parcel currently valued at less than \$562,911 would be subjected to a tax reduction. Conversely, each parcel valued greater than \$562,911 would be subjected to a tax increase. The less expensive residential properties would receive a tax reduction while more expensive properties would receive a tax increase.

**4) The determination of a small commercial exemption of up to ten percent (10%).**

Commercial properties with an assessed value of less than one million dollars and having each and every business in the building appearing on a specific list prepared by the Department of Employment and Training are eligible for a reduction in assessed value of up to ten percent (10%) of the existing assessed value. The resultant reduction in value and tax is to be borne by ineligible commercial and industrial property.

The information that follows in this packet is submitted to the Board of Selectmen to assist in understanding the impact of their votes. All tax rates and tax levy amounts are estimated in this document. The actual tax levy and the resultant tax rate/s cannot be calculated until the Board of Selectmen completes the Fiscal Year 2018 classification process. Should you have any questions or require other material, please do not hesitate to contact me at (978) 623-8930.

Respectfully submitted,  
David Billard,  
Chief Assessor

## **Fiscal Year 2018 Property Valuation Changes**

FY2018 assessments were derived by using calendar year 2016 sales. Assessment adjustments to single family homes overall were small, with overall adjustments being than 1.1% as a class. Condominium assessments increased overall +2.2%. Commercial property assessments increased as a class by .6% and industrial properties increased as a class by .4%.

Overall, assessment changes due to market activity were smaller for FY2017, with the exception of multi- family and apartment properties, which increased 7.4% and 3.6% respectively. Sales activity occurring in calendar year 2017 will be analyzed and used to adjust assessments for FY2019.

FY2017 assessments were derived by using calendar year 2015 sales. Assessment adjustments to single family homes overall were minimal, with overall adjustments being less than -.15% as a class. Condominium value increases were overall +1.59%. Commercial property assessments increased as a class by +.79% and industrial properties increased as a class by .2%. Overall, assessment changes due to market activity were minimal for FY2017, with the exception of multi- family and apartment properties, which increased 7.5% and 11.2% respectively. Sales activity occurring in calendar year 2016 will be analyzed and used to adjust assessments for FY2018.

## **Fiscal Year 2018 Classification Data**

### **1. Total Assessed Value by Class - Fiscal Years 2017 & 2018 Comparison**

The following chart compares the Fiscal Years 2017 and 2018 total assessed values of property by class. The total assessed value of all property in Andover increased by \$133,919,656. The class breakdown for the percentage changes are shown on the following table:

<b>Property Class</b>	<b>Fiscal 2017 Value</b>	<b>Fiscal 2018 Value</b>	<b>% Change</b>
<b>Residential</b>	\$6,184,310,780	\$6,340,627,455	+2.53%
<b>Open Space</b>	\$7,244,800	\$7,256,800	+0.17%
<b>Commercial</b>	\$577,433,480	\$588,216,151	+1.88%
<b>Industrial</b>	\$601,695,200	\$608,062,200	+1.06%
<b>Personal Property</b>	\$294,625,929	\$255,067,239	-13.43%
<b>TOTAL</b>	<b>\$7,665,310,189</b>	<b>\$7,799,229,845</b>	<b>+1.75%</b>

## 2. Total Assessed Value Residential v. Commercial Class - Fiscal Years 2017 and 2018 Comparison

The following chart compares the Fiscal Year 2017 property values of residential and commercial (CIP) property to Fiscal Year 2018 totals.

Property Class	Fiscal 2017 Value	Fiscal 2018 Value	% Change
Res. & Open Space	\$6,191,555,580	\$6,347,884,255	+2.52 %
CIP	\$1,473,754,609	\$1,451,345,590	-1.52 %
<b>TOTAL</b>	<b>\$7,665,310,189</b>	<b>\$7,799,229,845</b>	<b>+1.75 %</b>

## Estimated Tax Rates for Fiscal Year 2018

The levy limit for Fiscal Year 2018 is \$140,458,434. This amount includes \$4,040,852 for the school construction and Public Safety debt overrides. The estimated excess levy capacity for Fiscal Year 2018 is \$631,151. This will change when the tax rate is calculated due to rounding. The calculation of the excess levy capacity is done as follows.

Fiscal Year	Tax Levy Limit	Amount Levied	Excess Levy Amount
2018 (Estimated)	\$140,458,434	\$139,827,283	\$631,151
2017 (Actual)	\$134,306,796	\$132,983,361	\$1,323,435

The following table projects Fiscal Year 2018 estimated tax rates using various factors. **The FY2017 Shift Factor was 152.5%, which produced a residential rate of \$15.18 and a commercial rate of \$26.46 for FY2017.**

Residential Factor	Resulting CIP Shift Factor (%)	Residential Rate	Commercial Rate
1.00	100	\$17.93	\$17.93
95.4273	120	\$17.11	\$21.51
93.1410	130	\$16.70	\$23.31
90.8546	140	\$16.29	\$25.10
88.5683	150	\$15.88	\$26.89
88.3396	151	\$15.84	\$27.07
88.1110	152	\$15.80	\$27.25
87.8824	153	\$15.76	\$27.43
87.6537	154	\$15.71	\$27.61
87.4251	155	\$15.67	\$27.79
86.2819	160	\$15.47	\$28.69
85.1388	165	\$15.26	\$29.58
83.9956	170	\$15.06	\$30.48
82.8524	175	\$14.85	\$31.37

If you were to choose to keep the **same percentage shares** of the levy by class, so that residential and open space; and the commercial, industrial and personal property classes would pick up the same aggregate percentage of the levy as they did in Fiscal Year 2017, **you would need to vote a residential factor of 86.8538** equating to a 157.5 shift. By adopting this factor the average residential tax bill would increase by 4.1%, the average commercial tax bill would increase by 7.7% and the average industrial tax bill would increase by 8.6%.

If you were to choose to keep the **tax increases as uniform as possible** by class, **then a vote of a residential factor of 87.8824 would have to be adopted**, equating to a shift factor of 153. By adopting this factor the average residential tax bill would increase by

5.4%, the average commercial tax bill would increase by 4.6% and the average industrial tax bill would increase by 5.5%.

If you were to choose to keep **the same shift factor constant** at a 152.5 shift, **you would need to vote a residential factor of 87.9967**. Should the Fiscal Year 2018 shift factor remain at 152.5, the average single family tax bill would increase by about 5.5% while the average commercial tax bill would increase by 4.3% and the average industrial tax bill would increase by 5.2%.

The average single family value increased from \$604,053 to \$613,261 while the average commercial value increased from \$2,089,455 to \$2,108,567 and the average industrial value increased from \$4,262,878 to \$4,338,749.

**TOWN OF ANDOVER  
LEVY SHARE AT FULL VALUE**

<b>FISCAL YEAR</b>	<b>RES/OPN SPACE</b>	<b>RESID %</b>	<b>COMM/IND/PERSPROP</b>	<b>CIP %</b>
2017	6,191,555,580	80.77%	1,473,754,609	19.23%
2016	6,117,465,085	81.11%	1,425,011,097	18.89%
2015	5,801,226,330	80.24%	1,428,720,404	19.76%
2014	5,483,302,185	80.16%	1,357,223,951	19.84%
2013	5,450,304,845	80.12%	1,352,415,081	19.88%
2012	5,448,632,321	80.14%	1,349,872,925	19.86%
2011	5,269,717,961	79.64%	1,346,833,601	20.36%
2010	5,473,846,761	80.05%	1,363,810,483	19.95%
2009	5,765,913,581	80.52%	1,394,556,782	19.48%
2008	5,815,988,951	81.01%	1,363,764,124	18.99%
2007	5,868,699,641	81.61%	1,322,335,643	18.39%
2006	5,519,162,801	81.10%	1,286,381,471	18.90%
2005	5,029,579,646	79.20%	1,320,963,813	20.80%

**HISTORICAL TAX RATES**

<b>FISCAL</b>	<b>RES/OPN SPACE</b>	<b>COMM/IND PERS PROP</b>	<b>UNCLASSIFIED RATE</b>
2016	\$14.82	\$25.99	\$17.36
2015	\$14.97	\$24.77	\$16.91
2014	\$15.18	\$25.25	\$17.18
2013	\$14.51	\$24.26	\$16.45
2012	\$14.15	\$23.54	\$16.02
2011	\$14.12	\$22.46	\$15.82
2010	\$13.19	\$21.33	\$14.81
2009	\$12.16	\$19.98	\$13.68
2008	\$11.69	\$19.13	\$13.11
2007	\$11.25	\$18.33	\$12.56
2006	\$11.40	\$17.95	\$12.64
2005	\$11.51	\$18.00	\$12.86

**CLASSIFICATION FACTORS**

<b>FISCAL YEAR</b>	<b>SHIFT</b>
2016	153.5
2015	146.5
2014	147
2013	147.5
2012	147
2011	142
2010	144
2009	146
2008	146
2007	146
2006	142
2005	140

**SHIFT EFFECTS OF CLASSIFICATION FY2018**

SHIFT	AVERAGE SINGLE FAM ASSESSMENT	% DECREASE	AVERAGE COMM ASSESSMENT	AVERAGE INDUSTRIAL ASSESSMENT
FY2018	613,261		2,108,567	4,338,749
100	\$10,995.77		\$37,806.61	\$77,793.77
120	\$10,492.90	-4.6%	\$45,355.28	\$93,326.49
130	\$10,241.46	-6.9%	\$49,150.70	\$101,136.24
140	\$9,990.02	-9.1%	\$52,925.03	\$108,902.60
150	\$9,738.58	-11.4%	\$56,699.37	\$116,668.96
151	\$9,714.05	-11.7%	\$57,078.91	\$117,449.94
152	\$9,689.52	-11.9%	\$57,458.45	\$118,230.91
153	\$9,664.99	-12.1%	\$57,837.99	\$119,011.89
154	\$9,634.33	-12.4%	\$58,217.53	\$119,792.86
155	\$9,609.80	-12.6%	\$58,597.08	\$120,573.83
156	\$9,585.27	-12.8%	\$58,976.62	\$121,354.81
160	\$9,487.15	-13.7%	\$60,494.79	\$124,478.71
170	\$9,235.71	-16.0%	\$64,269.12	\$132,245.07
175	\$9,106.93	-17.2%	\$66,145.75	\$136,106.56

With the maximum shift of 175, the residential taxpayer saves a maximum of 17.2% from the \$10,995.77 tax with no split.

**ANDOVER AVERAGE SINGLE FAMILY TAX BILL**

FISCAL YEAR	AVG VALUE	TAX RATE	AVG TAX BILL	% CHANGE	TAX FACTOR
FY2017	\$604,053	\$15.18	\$9,169.52	2.51%	152.5%
FY2016	\$603,550	\$14.82	\$8,944.61	3.43%	153.5%
FY2015	\$577,689	\$14.97	\$8,648.00	3.65%	146.5%
FY2014	\$549,662	\$15.18	\$8,343.87	4.73%	147.0%
FY2013	\$549,057	\$14.51	\$7,966.82	2.33%	147.5%
FY2012	\$550,219	\$14.15	\$7,785.60	4.08%	147.0%
FY2011	\$529,775	\$14.12	\$7,480.42	3.33%	142.0%
FY2010	\$548,860	\$13.19	\$7,239.46	2.63%	144.0%
FY2009	\$580,100	\$12.16	\$7,054.02	3.76%	146.0%
FY2008	\$581,568	\$11.69	\$6,798.53	2.11%	146.0%
FY2007	\$591,800	\$11.25	\$6,657.75	4.04%	146.0%
FY2006	\$561,360	\$11.40	\$6,399.50	6.51%	142.0%
FY2005	\$522,000	\$11.51	\$6,008.22	5.24%	140.0%
FY2004	\$497,725	\$11.47	\$5,708.91	4.44%	140.0%
<b>AVERAGE</b>				<b>3.87%</b>	

**PERCENTAGE CHANGES IN PROPERTY TYPE VALUES**

<b>CLASS</b>	<b>VALUE FY2017</b>	<b>VALUE FY2018</b>	<b>VALUE CHANGE</b>	<b>PERCENT CHANGE</b>
Single Family	5,200,894,400	5,281,400,200	\$80,505,800	1.55%
Condominium	484,171,800	516,561,900	\$32,390,100	6.69%
2 & 3 Family	102,078,500	109,769,000	\$7,690,500	7.53%
Multi-Family	234,409,100	266,518,700	\$32,109,600	13.70%
Vacant Land	50,315,300	48,377,500	-\$1,937,800	-3.85%
Other Residential	112,441,680	118,000,155	\$5,558,475	4.94%
Open Space	7,244,800	7,256,800	\$12,000	0.17%
Commercial	577,433,480	588,216,151	\$10,782,671	1.87%
Industrial	601,695,200	608,062,200	\$6,367,000	1.06%
Personal Property	294,625,929	255,067,239	-\$39,558,690	-13.43%
<b>TOTAL</b>	<b>7,665,310,189</b>	<b>7,799,229,845</b>	<b>\$133,919,656</b>	<b>1.75%</b>

**COMMUNITY COMPARISON OF FY2017 TAX RATES**

<b>COMMUNITY</b>	<b>RSDNTL RATE</b>	<b>COM/IND RATE</b>
------------------	--------------------	---------------------

ACTON	\$19.06	\$19.06
ANDOVER	\$15.18	\$26.46
ARLINGTON	\$12.56	\$12.56
BEDFORD	\$14.81	\$32.04
BELMONT	\$12.69	\$12.69
CANTON	\$12.79	\$26.34
CONCORD	\$14.07	\$14.07
DUXBURY	\$15.51	\$15.51
HINGHAM	\$12.25	\$12.25
LEXINGTON	\$14.49	\$28.13
MARBLEHEAD	\$11.01	\$11.01
NATICK	\$13.49	\$13.49
NEEDHAM	\$11.89	\$23.63
NORWELL	\$16.45	\$16.45
SUDBURY	\$17.74	\$25.01
WAYLAND	\$18.14	\$18.14
WELLESLEY	\$11.79	\$11.79
WESTWOOD	\$14.57	\$28.20

**FY2018 DISTRIBUTION OF SINGLE FAMILY HOME PARCELS**

<b>VALUE RANGE</b>	<b>NUMBER OF PARCELS</b>	<b>PERCENT OF TOTAL</b>
0 to 300,000	98	1.1%
300,001 to 400,000	751	8.7%
400,001 to 500,000	2,100	24.4%
500,001 to 600,000	2,262	26.3%
600,001 to 700,000	1,306	15.2%
700,001 to 800,000	769	8.9%
800,001 AND UP	1,326	15.4%
	8,612	100.0%

**FY2018 DISTRIBUTION OF COMMERCIAL AND INDUSTRIAL PARCELS**

<b>VALUE RANGE</b>	<b>NUMBER OF PARCELS</b>	<b>PERCENT OF TOTAL</b>
0 to 1,000,000	261	64.3%
1,000,001 to 2,000,000	44	10.8%
2,000,001 to 4,000,000	32	7.9%
4,000,001 to 6,000,000	15	3.7%
6,000,001 to 8,000,000	18	4.4%
8,000,001 to 10,000,000	11	2.7%
10,000,001 AND UP	25	6.2%
	406	100.0%

Average tax bill increases at 5 year and 10 year averages

FISCAL YEAR	AVERAGE SINGLE FAMILY		AVERAGE SINGLE FAMILY TAX		TAX BILL INCREASE	AVERAGE COMMERCIAL TAX		TAX BILL INCREASE	AVERAGE INDUSTRIAL TAX		TAX BILL INCREASE	SHIFT
	VALUE	TAX	VALUE	TAX		VALUE	TAX		VALUE	TAX		
2017	604,053	9,170	2,089,455	55,287	2.51%	4,262,878	112,796	2.84%	4,262,878	112,796	2.23%	153.5
2016	603,550	8,945	2,068,524	53,761	3.43%	4,245,399	110,338	3.63%	4,245,399	110,338	4.52%	153.5
2015	577,689	8,648	2,094,392	51,878	3.65%	4,261,954	105,569	3.77%	4,261,954	105,569	5.85%	146.5
2014	549,622	8,343	1,979,913	49,993	4.73%	3,546,256	89,543	3.52%	3,546,256	89,543	5.89%	147.0
2013	549,057	7,967	1,990,558	48,291	2.55%	3,485,790	84,565	2.44%	3,485,790	84,565	2.22%	147.5
2012	549,043	7,769	2,002,639	47,142	3.86%	3,514,422	82,729	3.95%	3,514,422	82,729	2.11%	147.0
2011	529,775	7,480	2,019,107	45,349	3.33%	3,607,335	81,021	3.08%	3,607,335	81,021	-0.38%	142.0
2010	548,860	7,239	2,062,520	43,994	2.63%	3,812,815	81,327	2.68%	3,812,815	81,327	2.66%	144.0
2009	580,087	7,054	2,144,438	42,846	3.76%	3,964,814	79,217	2.91%	3,964,814	79,217	5.06%	146.0
2008	581,568	6,799	2,176,482	41,636	2.11%	3,941,520	75,401	2.64%	3,941,520	75,401	5.00%	146.0
<b>5 yr avg</b>	<b>2017-2013</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>3.37%</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>3.24%</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>4.14%</b>	
<b>10 yr avg</b>	<b>2017-2008</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>3.34%</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>3.18%</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>3.66%</b>	

# **FY2018 CLASSIFICATION HEARING**

11/13/2017

The four votes needed to be taken by the

Selectmen are:

1. Vote of a residential factor
2. Vote of an open space discount
3. Vote of a residential exemption
4. Vote of a commercial exemption

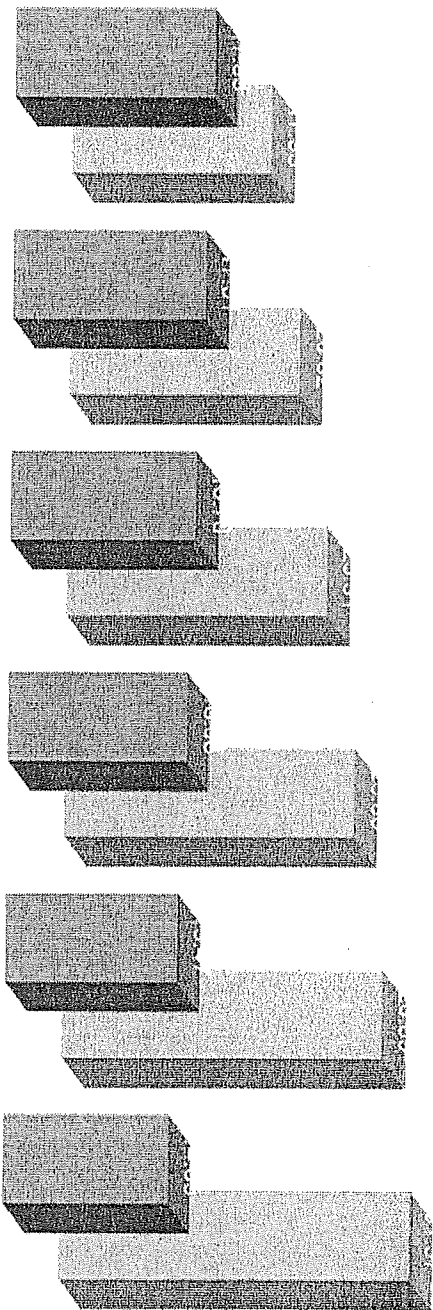
# VALUE COMPARISONS FY2017 TO FY2018

CLASS	FY2017	FY2018	%
	VALUE	VALUE	CHANGE
Residential	6,184,310,780	6,340,627,455	+2.53%
Open space	7,244,800	7,256,800	+0.17%
Commercial	577,433,480	588,216,151	+1.88%
Industrial	601,695,200	608,062,200	+1.06%
Personal Prpnty	294,625,929	255,067,239	-13.43%
TOTAL	7,665,310,189	7,799,229,845	+1.75%

# 1. The Residential Factor

- Total value of the town \$7,799,229,845.
- Total levy amount \$139,827,283.
- Levy / Value X 1,000 = \$17.93 tax rate.
- Dividing the town value into classes yields:

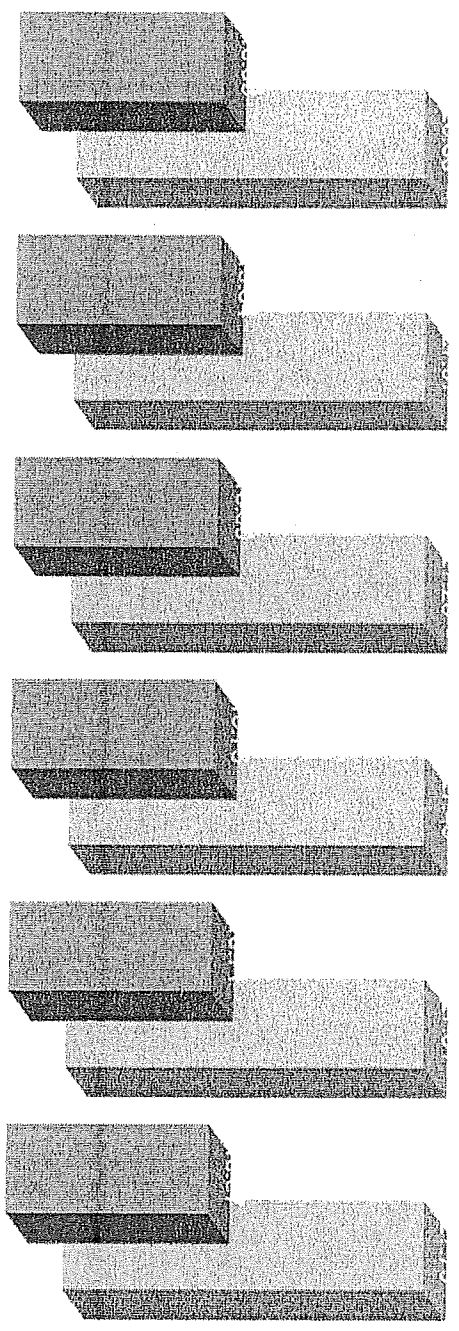
Residential	6,340,627,455	or	81.3%
Open space	7,256,800	or	.1%
Commercial	588,216,151	or	7.5%
Industrial	608,062,200	or	7.8%
Personal Prprty	255,067,239	or	3.3%
- Residential = 81.4% CIP = 18.6%



**FY2018    100    115    130    145    160    175**

**RES RATE 17.93 17.31 16.70 16.08 15.47 14.85**

**CIP RATE 17.93 20.62 23.31 26.00 28.69 31.37**



FY2018    150    151    152    153    154    155

RES RATE 15.88    15.84    15.80    15.76    15.71    15.67

CIP RATE 26.89    27.07    27.25    27.43    27.61    27.79

# FY2018 TAX COMPARISON

	FY2017	FY2017	FY2017
AVG SINGL FAM		AVG COMM	AVG IND
TAX \$9,170		TAX \$55,287	TAX \$112,796

FY18 VAL    613,261                    2,108,567                    4,338,749

152	\$9,690	5.7%	\$57,458	3.9%	\$118,231	4.8%
10 yr. average		3.6%		3.3%		3.5%
152.5	\$9,677	5.5%	\$57,648	4.3%	\$118,621	5.2%
10 yr. average		3.6%		3.3%		3.5%
153	\$9,665	5.4%	\$57,838	4.6%	\$119,012	5.5%
10 yr. average		3.6%		3.3%		3.6%
154	\$9,634	5.1%	\$58,218	5.3%	\$119,793	6.2%
10 yr. average		3.6%		3.4%		3.6%

# FY2018 TAX COMPARISON

2018      FY2017      FY2017      FY2017

SHIFT    AVG SINGLE    AVG COMM    AVG IND

\$9,170-\$15.18    \$55,287-\$26.46    \$112,796-\$26.46

157.5    \$9,548    4.1%    \$59,546    7.7%    \$122,526    8.6%

RETAINS THE LEVY SHARES ADOPTED

IN FY2017

RES RATE \$15.57 - CIP RATE \$28.24

For the vote- Residential Factor of 86.8535%

153.0    \$9,665    5.4%    \$57,838    4.6%    \$119,012    5.5%

MOST UNIFORM TAX INCREASES FOR FY18

RES RATE \$15.76 - CIP RATE \$27.43

For the vote- Residential Factor of 87.8824%

# FY2018 TAX COMPARISON

2018      FY2017                      FY2017                      FY2017

SHIFT    AVG SINGLE                      AVG COMM                      AVG IND

\$9,170-\$15.18    \$55,287-\$26.46    \$112,796-\$26.46

152.5    \$9,677    5.5%    \$57,648    4.3%    \$118,621    5.2%

RETAINS THE SHIFT ADOPTED IN FY2017

RES RATE \$15.78 - CIP RATE \$27.34

For the vote- Residential Factor of 87.9967

## 2. The Open Space Discount

- This adoption exempts up to 25% of the value of land that is classified as open space.
- Open space is land not otherwise classified and land which is maintained in an open and natural condition which contributes significantly to the benefit and enjoyment of the public.
- These parcels classified as open space are in excess of zoning, basically rear land or land from cluster developments that were never built on.
- The average assessment of these 141 pieces of land is \$51,467 which reflects the fact that they are in many instances unbuildable.
- In FY2017 one community, Bedford, adopted this exemption.

### 3. The Residential Exemption

- This is an exemption of up to 35% of the average assessed value of all residential property which is applied to the assessment of the principal residence of the property owner.
- In FY2017, there were 15 communities that adopted this exemption. Out of these communities, either there were a much higher percentage of seasonal renters or a more urban setting with a much higher rental community.
- Adoption of this exemption with a high percentage of owner occupancy shifts tax burdens from lower valued properties to higher valued properties.

## 4. The Commercial Exemption

- The Selectmen may vote up to a 10% exemption for commercial property owners that had an average annual employment of 10 or fewer employees and an assessed value less than 1,000,000.
- Increase the tax of industrial property owners and those owning commercial properties valued over 1,000,000, as both are ineligible for this exemption.
- 12 communities adopted this exemption for FY2017, Auburn, Avon, Bellingham, Berlin, Braintree, Dartmouth, Erving, New Ashford, Seekonk, Somerset, Westford and Wrentham.

TOWN OF ANDOVER  
PUBLIC HEARING NOTICE

Notice is hereby given that the Board of Selectmen will conduct a public hearing on Monday, November 13, 2017, at 7:00 P.M. in the Selectmen's Conference Room, Town Offices, 36 Bartlet Street, for the purpose of discussing the Town of Andover's FY-2019 – FY-2023 CAPITAL IMPROVEMENT PROGRAM.

Copies of the Capital Improvement Program will be available after November 3, 2017, in the Town Manager's Office, the Town Clerk's Office, at the Memorial Hall Library Reference Desk and on the Town's website at [www.andoverma.gov](http://www.andoverma.gov).

Paul J. Salafia, Chair  
ANDOVER BOARD OF SELECTMEN

Date of Publication: November 2, 2017

## Wendy Adams

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**From:** noreply@civicplus.com  
**Sent:** Friday, October 13, 2017 5:51 PM  
**To:** manager  
**Subject:** Online Form Submittal: Andover Talent Bank Form

### Andover Talent Bank Form

#### Andover Talent Bank

*The Andover Talent Bank is a means of identifying residents who are interested in serving the community on a Town committee, board, commission or task force.*

*There are numerous committees, boards or commissions appointed with terms ranging from 1 to 5 years. Please check the committee, board or commission you are interested in. If you are interested in more than one, rank your interests accordingly. Please note if there are not any vacancies on the committee, board, or commissions you selected, your information will be retained and considered when a future vacancy occurs*

(Section Break)

First Name	Gary
Last Name	Coon
Address	24 Summer Street, Andover, MA 01810
Phone Number	978-569-6076
Email Address	gary.coon@finer.com

(Section Break)

Committees Appointed by the Town Manager	<i>Field not completed.</i>
Committees Appointed by the Town Moderator	<i>Field not completed.</i>
Committees Appointed by the Board of Selectmen	Retirement Board: 1 Member Appointed by Board of Selectmen, 3-Year Term
If you selected multiple boards or commissions, please rank your interests from most interested to least interested.	<i>Field not completed.</i>

**Gary M. Coon**

24 Summer Street, Andover, MA. 01810  
Tel: 978-569-6076 Email: gcoon24@yahoo.com  
LinkedIn Profile: www.linkedin.com/in/garycoon

- community** Founding member: Service Club of Andover (mentorships for High School students & community-based programs for developmentally disabled). Sponsored a group of inner-city youth from Lawrence, MA to attend entrepreneurship summer camp program at Babson College (National Foundation for Teaching Entrepreneurship). Guest speaker at numerous community organizations: Kiwanis, Rotary, Chambers of Commerce, local schools, Eagle Scout ceremonies and Veterans events. Prior Board member: Creative Living, Inc. (provider of independent living for developmentally disabled). Prior Board of Deacons member: South Church in Andover, MA and Chairman of Membership Committee. Prior Ex-Officio Director: Merrimack Valley Regional Employment Board. Prior Associate Director of the Smaller Business Association of New England. Currently serving as a Trustee and member of the Executive Committee of Essex Heritage Commission.
- awards** Recipient of the 1996 Distinguished Citizen Award from the Town of Andover, Massachusetts Board of Selectmen.
- education** **BABSON COLLEGE, OLIN GRADUATE SCHOOL OF MANAGEMENT** **WELLESLEY, MA**  
**Master in Business Administration (cum laude)**; Founder, Talk Show Host of Private Company News Radio program. Co-Founder, Babson Graduate Christian Fellowship. Guest speaker (2001&2002) Harvard Business School Graduate Christian Fellowship.
- BABSON COLLEGE** **WELLESLEY, MA**  
**Bachelor of Science in Business Management: (Double-Major in Investments and Entrepreneurial Studies)**  
Research Staff member of Venture Economics, publisher of Venture Capital Journal. President, Society for the Advancement of Management, Babson Chapter (Host of CEO Lecture Series). Co-founder, Babson Entrepreneurial Exchange. Co-owner, Campus Computers (largest business in student Chamber). Charm Prize Finalist, annual student business plan competition.
- relevant experience** **FINER WEALTH MANAGEMENT, INC.** **SALEM, MA**  
**Managing Director & Chief Operating Officer**  
Investment professional for firm established in 1996 to provide integrated wealth management services.
- Screen and analyze securities for potential investment
  - Assist in selecting securities for investment as a member of firm's investment committee.
  - Help determine core investment strategy and asset allocation as member of investment committee.
  - Collaborate with clients to develop and implement financial/retirement plans.
  - Monitor client portfolios and rebalance investment allocations as required.
  - Implement compliance programs and procedures.
- ZERO STAGE CAPITAL COMPANY, INC.** **CAMBRIDGE, MA**  
**Investment Analyst**  
Served as the staff support to partners of Massachusetts headquartered venture capital firm.
- Analyzed and screened new business ventures for possible investment.
  - Monitored portfolio companies and prepared briefings for partners' board meetings.
  - Prepared quarterly reports on business activity of portfolio companies (key personnel changes, new product introductions, financial performance and new rounds of investment).

## **MASSACHUSETTS HOUSE OF REPRESENTATIVES**

**BOSTON, MA**

### **Assistant Minority Whip; Member of House Legislative Leadership**

Knocked on over 10,000 doors to successfully defeat a four-term incumbent / committee Vice Chairman to represent Andover and Lawrence constituency of over 36,000 citizens in state legislature. Selected in second term for seat on the influential Ways and Means Committee, which oversaw all legislation impacting state finances (including the \$17 billion state budget). Elected in third term by colleagues for legislative leadership position.

- Led floor debate on priority, Republican sponsored initiatives and Governor's legislative programs.
- Served instrumental role in sweeping reform of workers' compensation and unemployment insurance systems.
- Collaborated with Governor's office (Administration and Finance), on successful legislation to phase out capital gains taxes based on investment holding period.
- Fought successfully to triple the Investment Tax Credit and create Regional Economic Development Centers.
- Negotiated with Speaker of the House and majority party leadership team on behalf of Republican members of House of Representatives.
- Developed legislative strategy with Governor and Lt. Governor at weekly meeting of GOP leadership.
- Established and Co-Chaired the bipartisan Merrimack Valley Legislators' Caucus, which led the successful campaign for major Welfare Reform and enactment of a Single Sales Factor (pro-business tax change) for Massachusetts-based manufacturers.
- Selected by Governor Weld and Lt. Governor Cellucci to represent House of Representatives on historic trade mission to Vietnam and Taiwan with Lt. Governor Cellucci (later U.S. Ambassador to Canada). Trade Mission resulted in final closing of \$1 million + deal for firm in legislative district (Lawrence, MA) to partner with Taiwanese company selling its product to Mainland China.

## **REGISTRY OF MOTOR VEHICLES**

**BOSTON, MA**

### **Chief of Staff**

Second-in-Command of appx. 1000 person, \$55 million government agency collecting nearly \$1 billion in annual revenue and overseeing 5 million licensed drivers. Direct line management of largest business division (field services) with appx. 400 employees in 35 field offices statewide with \$25 million annual budget. Responsible for running agency in absence of Registrar. Introduced sweeping changes to notoriously "consumer challenged" and inefficient agency.

- Led development of comprehensive 3-year strategic business plan, working with consultant team (EDS). Initiative included detailed stakeholder surveys (employees and over 1,400 branch customers, state police, and insurance agents), statewide rollout campaign in branches, and comprehensive organization redesign.
- Created "Regional SuperCenters" providing full-range registry services in an expanded hour format (including evening hours and all-day Saturday service).
- Launched first-ever ongoing customer satisfaction and employee satisfaction measurement systems.
- Introduced cost-center budgeting which resulted in more than 50% reduction in overtime budget from prior year.
- Sold corporate ads in various agency publications, such as driving manuals, to offset printing costs.
- Instituted operational measures to improve efficiency and customer experience including first-ever full-time quality control position, expansion of credit card acceptance in branches, personal computers and training support for branch managers, statewide performance monitoring system, installation of electronic queue-management systems statewide, innovative office designs that enabled customers to complete paperwork while in line, and "silent radio" systems enabling customers to view news updates while waiting for service.
- Initiated statewide children's literacy "Kids Read" project, providing books for children to read while their parents/guardians are transacting business at branch offices.

## **MASSACHUSETTS REPUBLICAN PARTY**

**BOSTON, MA**

### **Executive Director**

Managed statewide political party organization and \$1 million annual budget.

- Oversaw 300+ city and town committees and other grassroots party organizations.
- Developed plan for recruitment of candidates at state legislative and county levels.
- Conducted public relations and media interviews to promote party issues and candidates.
- Managed state party staff

## **LETIP INTERNATIONAL, INC.**

**ANDOVER, MA**

### **Regional Director, New England**

Led all aspects of launching, training & supporting professional business networking/referral chapters on behalf of Mesa Arizona based, family-owned company which pioneered concept since 1978.

**personal**

Have traveled extensively: much of the United States, Canada, France, Germany, Norway, Sweden, Denmark, Finland, Taiwan, Vietnam and Costa Rica. Active and loyal fan of the Massachusetts/New England sports teams, especially the Red Sox, Celtics and Patriots.

(Section Break)

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Meeting Availability	Three Meetings Per Month
Time Limitations	No time limitations currently
Interest/Education	Education: Business Management, Entrepreneurship, and Investments Interests: Business, Investments/Wealth Management, Retirement Planning, Financial Planning, Economics, Geopolitics
Employer/Position	Finer Wealth Management, Inc. ; Managing Director and Chief Operating Officer.
Skills/Expertise	Investment Management Background Retirement Planning Experience Leadership with Demonstrated Collaborative Approach Asset Allocation Expertise Experience Working with & in Government Perspective and Knowledge as Former State Legislator
File Upload	<i>Field not completed.</i>

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Email not displaying correctly? [View it in your browser.](#)

# Volunteer

---

**From:** noreply@civicplus.com  
**Sent:** Saturday, October 07, 2017 12:34 AM  
**To:** manager  
**Subject:** Online Form Submittal: Andover Talent Bank Form

## Andover Talent Bank Form

### Andover Talent Bank

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*There are numerous committees, boards or commissions appointed with terms ranging from 1 to 5 years. Please check the committee, board or commission you are interested in. If you are interested in more than one, rank your interests accordingly. Please note if there are not any vacancies on the committee, board, or commissions you selected, your information will be retained and considered when a future vacancy occurs*

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(Section Break)

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First Name	Wilhelm
Last Name	Kremer
Address	3 Sugarbush Ln
Phone Number	978-475-2144
Email Address	wkremer30@gmail.com

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(Section Break)

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Committees Appointed by the Town Manager	<i>Field not completed.</i>
Committees Appointed by the Town Moderator	<i>Field not completed.</i>
Committees Appointed by the Board of Selectmen	Retirement Board: 1 Member Appointed by Board of Selectmen, 3-Year Term
If you selected multiple boards or commissions, please rank your interests from most interested to least interested.	<i>Field not completed.</i>

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(Section Break)

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Meeting Availability	Three Meetings Per Month
Time Limitations	None, other than while on vacation. Skype or planning can help work around vacations.
Interest/Education	Ph.D. Mathematics, University of Lund, Sweden B.S. Economics, MIT
Employer/Position	Retired Formerly Consulting Member of Technical Staff, Alcatel-Lucent; Bell Labs Fellow
Skills/Expertise	Objective application of logic, technical skills, and data to solve complex problems working in a team environment Adept at asking tough, penetrating questions Skilled at synthesizing disparate elements
File Upload	<a href="#">WKremer_resume_10-3-17.doc</a>

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Email not displaying correctly? [View it in your browser.](#)

## **Wilhelm Kremer**

3 Sugarbush Lane  
Andover, MA 01810  
Home: (978) 475-2144  
Cell: (978) 590-0292  
email: [wkremer30@gmail.com](mailto:wkremer30@gmail.com)

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### **Summary**

**A career based on technical excellence (Bell Labs Fellow, numerous patents and publications) applied at the systems level to optical, access and wireless products, network architectures, and customer solutions on successful, profitable projects.**

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### **Education**

#### **Ph.D., Mathematics**

1980  
*University of Lund, Lund, Sweden*

#### **B.S., Economics**

1970  
*Massachusetts Institute of Technology, Cambridge, MA*

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### **Experience**

#### **Senior Principal Engineer**

3/12 to 12/13  
*Alcatel-Lucent, Westford, MA*

Network Design across all customers and regions around the globe. Special skills across technologies including LTE, optical, and PON. Also responsible for the Network Design process within Global Network Engineering.

#### **Consulting Member of Technical Staff, LTE Transport**

6/09 to 2/12  
*Alcatel-Lucent, Westford, MA*

Responsible for architecture and requirements for end-to-end transport solutions for LTE across the radio access network and through the evolved packet core including ancillary functions such as synchronization and IPsec. Focus on variety of IP/MPLS and hybrid packet/optical backhaul and

ePC architectures on a global basis, with a view to solutions selling and understanding transport requirements. Study issues and make recommendations with respect to rollouts of new technologies such as 1588v2 synchronization over packet networks. Gather data for customer implementations, production loading/capacity scenarios under different call models, and impact of small cells to understand requirements for future customer needs/directions, but also in the shorter term to model the networks in test environments for production level emulation providing solution assurance.

**Director, Network and Solutions Architecture**

*1/07 to 5/09*

*Alcatel-Lucent, Westford, MA*

Led CTO, technical marketing, solutions, and product house interface functions for the North American Optical Regional Support Center. Gathered market views and sales projections for variety of product and architectural decisions/exercises. Represented the NA market in internal gate reviews for go/no go decisions on product releases and new products. Led weekly internal reviews to bring product management and market development together to give the market side the latest views of the product deliveries and to give the development side the latest views of product issues/needs from the field. Developed base technical marketing material for market developers/sales.

**Consulting Member of Technical Staff, Metro Access Systems**

*12/03 to 12/06*

*Lucent Technologies, Westford, MA*

Strategist for DMX product line. Worked with customers, sales teams, and internal organizations to communicate and further develop the product roadmap. Examples include Ethernet interfaces and functionality, RPR, and architectural conversion to a packet multiplexer. Led DMX strategy group, worked with partners, and evaluated competitive position. Member of small team responsible for the entire global optical and data portfolio management and strategy in Lucent for year prior to the merger with Alcatel.

**Consultant**

*08/02 to 12/03*

*Self-Employed, Andover, MA*

Telecommunications and intellectual property consulting. Patent consultant for Lucent Technologies. Business planning and fund raising for a new company working on first round of financing to develop next generation highly integrated SONET/packet chips featuring integrated network processors. Reached term sheet stage, but were unable to syndicate in difficult economy.

**VP, Product Planning**

*01/00 to 07/02*

*Quantum Bridge Communications, Andover, MA*

In charge of Product Management, Technical Marketing, Business Development and Systems Engineering teams. Member of senior management team. Overall responsibility for product planning and realization, customer presentation of value proposition and applications solutions, partner programs and market analysis, and high-level requirements for development. Also responsible for standards representation into key bodies such as FSAN, ITU, IEEE EFM, and OIF. Quantum Bridge Management Team

**Chief Technical Officer, Global Emerging Carriers**

11/98 to 01/00

*Lucent Technologies, N. Andover, MA*

Worked with customers to develop and implement technical networking solutions and options across the Lucent optical product family, to emphasize and clearly communicate Lucent's technical advantages and value propositions, as well as to represent customer needs into the portfolio planning processes. Lead technical representative from a customer facing perspective, interfacing directly with customers' CTOs and senior executives. Worked with development and standards colleagues to maintain a close link with underlying product issues, new product/feature concepts and overall industry directions.

**Systems Engineer**

04/86 to 11/98

*Lucent Technologies, N. Andover, MA*

Senior systems engineer working on WaveStar Bandwidth Management Product Family. Champion of OC-192 product, engaged in architecture trade-offs, feature needs, feature prioritization, and standards for open BLSR interface. Key contributor to success of FT-2000 OC-48 SONET Bidirectional Line Switched Ring (BLSR) product. Championed BLSR technology internally, and main contributor on standards team which won T1X1.5 and ITU standardization in Lucent's favor. Several ring patents reflected directly in SONET Protection Switching Standard ANSI T1.105.01, as well as ITU recommendations G.841 and G.842.

**Quality Engineer**

12/80 to 04/86

*Lucent Technologies, N. Andover, MA*

Expansive role in overall quality and reliability program for digital channel banks. Analyzed field tracking data in novel ways. Solved the problem of how to treat infant mortality of ICs in collected data. Published unifying paper in software reliability. Introduced inspections, first to software, then also to hardware and systems engineering. Crafted overall quality program for an important new lightwave product.

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**Awards****Bell Labs Fellow**

1996

*Lucent's most prestigious technical award. See the URL:*

1996 Bell Labs Fellows

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## Patents

### URLs for my 10 United States patents:

[5,442,620: Apparatus and method for preventing communications circuit misconnections in a bidirectional line-switched ring transmission system](#)

[5,440,540: Ring interworking between a bidirectional line-switched ring transmission system and another ring transmission system](#)

[5,406,549: Ring interworking between path-switched ring transmission systems](#)

[5,406,401: Apparatus and method for selective tributary switching in a bidirectional ring transmission system](#)

[5,394,389: Ring interworking between bidirectional line-switched ring transmission systems and path-switched ring transmission systems](#)

[5,390,164: Ring interworking between bidirectional line-switched ring transmission systems](#)

[5,278,824: Dual hubbing in a bidirectional line-switched ring transmission system](#)

[6,366,556: Self-healing networks using virtual rings](#)

[6,246,667: Backwards-compatible failure restoration in bidirectional multiplex section-switched ring transmission systems](#)

[5,742,774: Multi-ring SONET architecture having shared gateways daisy chained to complete the main and subsidiary ring controlled by a common master controller](#)

### URL for my European patent:

[EP0708542: Generalized deterministic squelching in a ring transmission system](#)

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## Publications

*W. Kremer, "Optical Access Networking: The Last Mile of the All-Optical Network," WDMcon, April 2001.*

*W. Kremer, "Optical Access Networking: The Last Mile of the All-Optical Network," Annual Multiplexed Telephony Conference (AMTC), July 2000.*

*W. Kremer, M. R. Wilson, "Application Domains for Ring Architectures in LEC and IEC Networks," National Fiber Optic Engineers Conference (NFOEC), September 1996.*

*F. Principe, S. L. Bates, W. Kremer "SONET OC-48 - FIBERCORE Deployment," National Fiber Optic Engineers Conference (NFOEC), June 1995.*

*W. Kremer, "SONET Rings and Video: A Perfect Fit," Telephony, January 23, 1995.  
T. J. Aprille, P. F. DeDuck, W. Kremer, "Worldwide Today and Tomorrow: The Role of SONET Rings in ATM Networks," America's Network, December 1994.*

*W. Kremer, R. Rexroat, A. Paff, "Bidirectional Line-Switched Rings for Video Distribution," National Fiber Optic Engineers Conference (NFOEC), June 1994.  
T. J. Aprille, P. F. DeDuck, W. Kremer, "Role of SONET Rings in ATM Networks," National Fiber Optic Engineers Conference (NFOEC), June 1994.*

*I. Haque, W. Kremer, K. Raychaudhuri, "Self-Healing Rings in a Synchronous Environment," IEEE LTS, November, 1991.*

*W. Kremer, "SONET Bidirectional Line-Switched Rings," National Communications Forum (NCF), September 1991.*

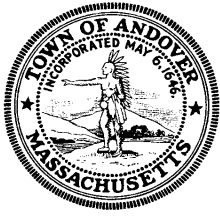
*W. Kremer and S. J. Waldman, "SONET Applications Issues," Eastern Communications Forum (ECF), May 1990.*

*D. L. Howells, W. Kremer, and S. J. Waldman, "SONET Planning Issues: Interface Variety and Mixing," National Fiber Optic Engineers Conference (NFOEC), April 1990.*

*W. Kremer, C. I. Saraidaridis, A. B. Sripad, "Field Tracking Studies: Theory and Practice," IEEE Journal on Selected Areas in Communications, October 1988.*

*W. Kremer, C. I. Saraidaridis, A. B. Sripad, "The D5 Digital Terminal System: A Case Study of a Comprehensive Quality and Reliability Program," IEEE Journal on Selected Areas in Communications, October 1986.*

*W. Kremer, "Birth-Death and Bug Counting," IEEE Transactions on Reliability, April 1983.*



**Town of Andover  
BOARD OF SELECTMEN**

**License and Permit Application Public Hearing Questionnaire**

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Please be willing and able to address these questions before the Board of Selectmen during your hearing.

## Liquor License Application, Renewal, Change of Designated Manager

Name	Dorothy Acres Gath
Address	500 Minuteman Road Andover, MA 02810
Title	General Manager
Company	Residence Inn by Marriott Boston Andover
Are all employees who will be serving alcohol TIPS certified?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does the establishment or any employees have any prior violations in terms of liquor license compliance?  If yes, please describe the nature of any violations	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  Click or tap here to enter text.
Please describe your business and the plans that have brought you before the Board this evening.	120 extended stay hotel offering beer and wine to hotel guest
Please provide an overview of qualifications, certifications, and experience of the designated manager of the establishment.	I have been in the hospitality industry for 30 years and have been a waitress, bartender, supervisor and manager in restaurants and hotels. I have been TIPS certified as well as ServeSafe

Lixi Hospitality Andover FB MGT LLC, D/B/A Residence Inn Andover Boston  
Change of Manager

I move to approve the application of Lixi Hospitality Andover FB MGT, LLC, d/b/a Residence Inn Boston Andover, 500 Minuteman Road, Andover, for a Change of Manager on its Wine and Malts Innholder Beverage License; the new Manager to be Dorothy Acres Gath of 66 Shaker Road, Unit 1, Belmont, New Hampshire, subject to the condition that all other requirements of the Town are met prior to issuance of the license.

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

Voted \_\_\_\_\_ to \_\_\_\_\_

**MASSACHUSETTS**  
 Department of Housing and Community Development  
**Local Initiative Program**  
**Application for Comprehensive Permit Projects**

**INSTRUCTIONS**

Please submit three copies of the application and attachments. Note: only one set of site plan and sample elevations (attachments 11 and 12 noted on page 22) are required. An application fee, payable to the Department of Housing and Community Development, shall be submitted with the application. The schedule of fees is as follows:

	Project Fee	plus	Per Unit Fee
Municipality	\$1,000		\$30
Non-Profit	\$1,750		\$40
All Others	\$4,000		\$50

Mail to:

**Local Initiative Program**  
**Department of Housing & Community Development**  
**100 Cambridge Street, Suite 300**  
**Boston, MA 02114**  
**Attn: Alana Murphy, Deputy Associate Director**

To complete the application electronically, simply position your cursor on a line and type. Use the tab key to move between questions.

If you have any questions, please refer to the DHCD 40B Guidelines, specifically Section VI. For further assistance, contact Alana Murphy at 617-573-1301 or [alana.murphy@state.ma.us](mailto:alana.murphy@state.ma.us).

NOTE: For Rental Projects, to complete information on Project Feasibility (Section X), go to the One Stop Application at <http://www.mhic.com> and complete Section 3 Sources and Uses and Section 4 Operating Pro Forma. Submit the sections with the Application

Application Contents:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>I. General Information</li> <li>II. Community Support</li> <li>III. Municipal Contact Information</li> <li>IV. Development Team</li> <li>V. Project Information</li> <li>VI. Site Information</li> <li>VII. Design and Construction</li> </ul> | <ul style="list-style-type: none"> <li>VIII. Surrounding Area</li> <li>IX. Financing</li> <li>X. Project Feasibility</li> <li>XI. Development Schedule</li> <li>XII. Marketing Outreach and Lottery</li> <li>XIII. Checklist of Attachments</li> </ul> |
|---|--|

January 2016

**MASSACHUSETTS**  
 Department of Housing & Community Development  
**Local Initiative Program**  
**Application for Comprehensive Permit Projects**

**I. GENERAL INFORMATION**

Community: Andover  
 Name of Development: 8 Lupine Road  
 Site Address: 8 Lupine Road, Andover, MA 01810  
 Developer: Andover Community Trust

1. Type of Housing:  
 Single Family house       Rental  
 Condominium                       Age Restricted

2. Project Characteristics:  
 New Construction    Conversion  
 Rehabilitation                       Other

3. Total Acres 1.14      Density of Project (units/acre) 6/1

4. Unit Count: 6

Total Number of Units 6  
 Market Rate \$ n/a  
 Affordable \$145,000 - \$200,000

5. Unit Prices/Rents: n/a  
 Market Rate \$ \_\_\_\_\_  
 Affordable \$ \_\_\_\_\_

Required Signatures for the  
 Comprehensive Permit Project Application  
 Chief Executive Official  
 of Municipality:

Chair, Local Housing Partnership  
 (if applicable):

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: Andrew P. Flanagan

Print Name: Ann Cobleigh \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## II. COMMUNITY SUPPORT

1. Letter of Support from Municipality - Attach a letter containing a short narrative on the basics of the project, the history of the project, the ways in which the community is providing support, and how the development team has addressed any concerns the community has. The letter must be signed by the chief elected official of the community.

2. Letter of Support from Local Housing Partnership - If the community has a housing partnership, please attach a letter from them indicating their support for the project. The letter should summarize how the partnership has been working with the developer.

3. Local Contributions - Check off all that apply and provide a brief description at the end.

- Land donation (dollar value \$83,000) Reduced sales price
- Building donation (dollar value \_\_\_\_\_)
- Marketing assistance
- Other work by local staff
- Density increase
- Waiver of permit fees. Town of Andover
- Other regulatory or administrative relief (specify) 40B application
- Local funds (cash)  
Amount \$28,000 Source: to be requested from Andover Housing Trust Fund  
for land purchase assistance
- HOME funds
- Agreement by a lender to provide favorable end-loan financing (ownership projects only)
- Other (specify) gifts and grants from local banks, foundation, and individuals

Briefly explain the contributions: Land price is discounted by \$83K from its most current appraised value by its owner South Church of Andover. Town of Andover has historically waived building and permit fees. HOME funds will be applied for from the local Andover funds and the NSHC competitive funds..

4. Municipal Actions and Local Plans - Briefly describe how the project fits with any planning the community has done (e.g. master plan, community development plan, affordable housing plan) and other local land use and regulatory actions that provide the opportunity for affordable housing (including multi-family and overlay districts, inclusionary zoning by-laws and ordinances).

The Town of Andover 2012 Master Plan supports the development of scattered site permanently affordable homes. The Housing section of this plan specifically identifies community land trusts as one tool to create permanently affordable housing in town. The Town of Andover is in the process of developing a housing production plan as a part of the Merrimack Valley Planning Commission's Regional Housing Plan production. This project will add 6 units of permanently affordable homes to Andover's supply while keeping the land as a community resource. Andover is currently above the required 10% affordable housing, but needs to add more units because the 2020 census will put Andover below 10%.

### III. MUNICIPAL CONTACT INFORMATION

#### Chief Elected Official

Name Paul Salafia, Chair, Board of Selectmen  
Address 36 Bartlet Street, Andover, MA 01810  
Phone 978.623.8270  
Email psalafia@andoverma.gov

#### Town Administrator/Manager

Name Andrew P. Flanagan, Town Manager  
Address 36 Bartlet Street, Andover, MA 01810  
Phone 978.623.8210  
Email manager@andoverma.gov

#### City/Town Planner (if any)

Name Paul Materazzo, Director of Planning  
Address 36 Bartlet Street, Andover, MA 01810  
Phone 978.623.8650  
Email pmaterazzo@andoverma.gov

#### City/Town Counsel

Name Thomas Urbelis  
Address 155 Federal Street, Boston, MA 02110  
Phone 617.338.2200  
Email tju@uf-law.com

#### Chairman, Local Housing Partnership (if any)

Name Ann Cobleigh  
Address 36 Bartlet Street, Andover, MA 01810  
Phone 978.623.8650  
Email anncobleigh@gmail.com

#### Community Contact Person for this project

Name Lisa Schwarz  
Address 36 Bartlet Street, Andover, MA 01810  
Phone 978.623.8650  
Email lschwarz@andoverma.gov

**IV. DEVELOPMENT TEAM INFORMATION (include all development members)**

Developer

Name Andover Community Trust  
Address 2 Dundee Park, suite B02A, Andover, MA 01810  
Phone 978.276.9228  
Email info@AndoverCLT.org  
Tax ID 04-3159877

Contractor

Name Merrimack Valley Habitat for Humanity  
Address 60 Island Street, Lawrence, MA 01840  
Phone 978.681.8858  
Email info@merrimackvalleyhabitat.org  
Tax ID 22-2672831

Contractor

Name Greater Lawrence Technical School  
Address 57 River Road, Andover, MA 01810  
Phone 978.686.0194  
Email jlavoie@glts.net  
Tax ID \_\_\_\_\_

Architect

Name Colin Smith Architecture, Inc.  
Address 1666 Massachusetts Avenue, suite 4, Lexington, MA 02420  
Phone 781.274.0955  
Email info@colinsmitharch.com  
Tax ID \_\_\_\_\_

Engineer

Name Andover Consultants, Inc.  
Address 1 E River Place, Methuen, MA 01844  
Phone 978.687.3828  
Email dgriecci@andoverconsultants.com  
Tax ID \_\_\_\_\_

Attorney

Name Andy Caffrey, Caffrey & Caffrey  
Address One Elm Square, Andover, MA 01810  
Phone 978.475.2412  
Email acaffrey.caffrey@comcast.net  
Tax ID \_\_\_\_\_

Housing Consultant

Name N/A  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_  
Tax ID \_\_\_\_\_

Marketing/Lottery Agent Owner Selection Committees

Name Andover Community Trust  
Address 2 Dundee Park, suite B02A, Andover, MA 01810  
Phone 978.276.9228  
Email info@AndoverCLT.org  
Tax ID 04-3159877

Name Merrimack Valley Habitat for Humanity  
Address 60 Island Street, Lawrence, MA 01840  
Phone 978.681.8858  
Email info@merrimackvalleyhabitat.org  
Tax ID 22-2672831

**TEAM EXPERIENCE – DEVELOPER/CONTRACTOR QUALIFICATIONS**

Complete the charts on the following pages for all housing projects undertaken by the developer and the contractor during the past five years. Include projects currently in construction. Provide owner references for each project, including a current phone number. Alternatively, a resume outlining the experience that covers the items listed on the chart below may be submitted.

1. Developer: Andover Community Trust, 2 Dundee Park, suite B02A, Andover, MA 01810

Project Summary	Project #1	Project #2	Project #3	Project #4
Project Name:	168 Haverhill St.	Andover St.	North St.	Cheever Circle
Community Address:	Andover, MA 01810	Andover, MA 01810	Andover, MA 01810	Andover, MA 01810
Housing Type:	Single family	Single family	Single family	Single family
Number of Units:	1	1	1	1
Total Development Costs:	\$370,000	\$240,000	\$215,000	\$300,000
Subsidy Program (if applicable):	HOME		HOME	HOME
Date Completed:	August 2017	June 2013	July 2012	August 2008
Reference: Name and Telephone #:	K. Maiato, 978.276.9228	O. Morales, 978.276.9228	A. Abouhamad, 978.276.9228	K. Mahoney, 978.276.9228

2. Contractor: Greater Lawrence Technical School

Project Summary	Project #1	Project #2	Project #3	Project #4
Project Name:	168 Haverhill St.	Andover St.	Cheever Circle	
Community Address:	Andover, MA 01810	Andover, MA 01810	Andover, MA	
Housing Type:	Single family	Single family	Single family	
Number of Units:	1	1	1	
Total Development Costs:	\$370,000	\$240,000	\$300,000	
Subsidy Program (if applicable):	HOME		HOME	
Date Completed:	August 2017	June 2013	August 2008	
Reference: Name and Telephone #:	K. Maiato, 978.276.9228	O. Morales, 978.276.9228	K. Mahoney, 978.276.9228	

Contractor: Merrimack Valley Habitat for Humanity

Project Summary	Project #1	Project #2	Project #3	Project #4
Project Name:	124-126 Phillips Street	40-50 Margin St.	100 Parker St.	17-19 Acton St.
Community Address:	Lawrence, MA	Lawrence, MA	Lawrence, MA	Lawrence, MA
Housing Type:	Duplex townhouse	Duplex townhouse	Condominiums	Duplex townhouse
Number of Units:	2	2	10	2
Total Development Costs:	\$172,691 (to date)	\$301,316	\$2,200,000	\$280,225
Subsidy Program (if applicable):	HOME	HOME	HOME, FHLB	
Date Completed:	expected Nov. 2017	April 2017	April 2016	October 2014
Reference: Name and Telephone #:	Randy Larson, 978.681.8858	Randy Larson, 978.681.8858	Randy Larson, 978.681.8858	Randy Larson, 978.681.8858

3. Other Chapter 40B Experience

Have you or any members of your team had previous Chapter 40B experience with DHCD and/or other subsidizing agencies?  Yes  No

If yes, please explain. Andover Community Trust has completed 7 home projects to date as either LIP or LAU projects in partnership with the Town of Andover and through

DHCD. ACT construction projects include Haverhill St., Heather Dr., Cheever Circle, Andover St., Haverhill St.; renovation at River Rd. and purchased home at North St. Merrimack Valley Habitat for Humanity has built affordable homes in Lawrence, Methuen, Haverhill and is currently working on a project with Salisbury.

4. Bankruptcy / Foreclosure

Have you or any entities you control ever filed for bankruptcy or have had a property foreclosed?  Yes  No

If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

DEVELOPER CERTIFICATION

The undersigned hereby certifies that he/she is Executive Director (Title) of Andover Community Trust, Inc. (Legal Name of Applicant) and that the information requested below for the project known as 8 Lupine Road (Project Name) is complete and that all information contained in this application is true and correct to the best of his/her knowledge. The undersigned Developer agrees to execute DHCD model documents, as required. If the Developer is other than a non profit corporation or public entity, the Developer hereby certifies that it shall comply with all reporting requirements described in 760 CMR 56.00 and as set forth in the LIP Guidelines.

Signature of Developer \_\_\_\_\_

Print Name: \_\_\_\_\_

Date \_\_\_\_\_

**V. PROJECT INFORMATION**

1. Type of Housing: Total Number of Units  
Single-Family House  
Condo 6  
Rental  
Other

2. Total Number of Units Affordable 6 Market 0

3. Project Style: Total Number of Units  
Detached single-family house  
Rowhouse/townhouse  
Duplex 6 units in 3 duplexes  
Multifamily house (3+ family)  
Multifamily rental building  
Other (specify)

4. Is this an age-restricted (55+) Development? Yes  No   
If yes, please submit a marketing study that demonstrates an understanding of the region's demographics, market demand and the particular strategies necessary to attract buyers to both market and affordable units.

5. Estimate the percentage of the site used for:  
Buildings 14.41% Parking & Paved Areas 16.87%  
Usable Open Space 68.72% Unusable Open Space 0%

6. Is any portion of the project designed for non-residential use? no  
If yes, explain the non-residential uses.

7. Sustainable Development Design and Green Building Practices

In accordance with the Sustainable Development Principles adopted by Governor Patrick's Administration in 2007, DHCD encourages housing development that is consistent with sustainable development design and green building practices. For more information, see Appendix VI.A-1 and VI.B-1 of the 40B Guidelines for a list of links to resources and opportunities related to sustainable development.

A. How will this development follow Sustainable Development Principles? These homes will be evaluated by HERS rater. ACT's latest home was evaluated and met the stretch code energy requirements with a HERS rating of 48 (Energy Code compliant rating is 100, typical home is 130). The home successfully qualified for the Massachusetts Residential New Construction Program Incentives, and is thus recognized as a home that is more efficient than the baseline of homes in Massachusetts. MVHabitat is an energy star certified builder. It has been building its new homes to Energy Star standards since 2006.

B. How will the project maximize energy efficiency and meet Energy Star Standards? Each of the homes will be built under the advisement of a Mass. HERS rater. All heating and cooling equipment will generate positive electric and natural gas energy savings. All appliances will be Energy Star qualified. Each home will have

approved mechanical ventilation devices for a balanced supply and exhaust system. All homes will achieve savings above the Mass User Defined Reference Home that is in effect at the time. Lamps will be highly efficient..

C. What elements of “green design” are included in the project (e.g. reduction of energy and water consumption, increasing durability and improving health)?  
The homes will have Hardie siding that resists moisture, freezing, humidity, pests and fire, is long lasting, cost efficient; high efficiency combination boiler and water heater; water saving plumbing fixtures; solar ready roof structures; location of buildings to best suit the site; flooring will be engineered hardwood.

8. Project Eligibility

A. Have you ever applied for a project eligibility letter involving any portion of the site, or are you aware of any prior application for a project eligibility letter involving any portion of the site?

Yes  No If yes, explain.

B. Has the municipality denied a permit on another proposal for this site within the last 12 months?  Yes  No

9. Outstanding Litigation

Is there any outstanding litigation relating to the site?  Yes  No  
If yes, explain.

10. Unit Composition

Complete the chart below. Include a separate entry for each unit type according to its square foot/age and/or sales price/rent.

Type of Unit	# of Units	# of Bdrms	# of Baths	Gross Sq. Ft.	# of Parking Spaces	Sales Price/Rent	Condo Fee	Handicap Accessible
Affordable	<u>4</u>	<u>3</u>	<u>1.5</u>	<u>1340</u>	<u>1</u>	<u>\$145,000</u>	<u>100</u> <u>(includes lease fee)</u>	<input type="checkbox"/> # _____
	<u>2</u>	<u>3</u>	<u>2.5</u>	<u>1850</u>	<u>1</u>	<u>\$200,000</u>	<u>105</u> <u>(includes lease fee)</u>	<input type="checkbox"/> # _____
	_____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/> # _____
	_____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/> # _____
Market	<u>0</u>	_____	_____	_____	_____	_____	_____	<input type="checkbox"/> # _____
	_____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/> # _____
	_____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/> # _____
	_____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/> # _____
Other	_____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/> # _____
	_____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/> # _____

**VI. SITE INFORMATION**

1. Total Acreage 1.14 Total Buildable Acreage 1.14

2. Describe the current and prior uses of the subject site: undeveloped land.

Existing buildings on site? Yes  No

If yes, describe plans for these buildings:

---

3. Current Zoning Classification:

Residential SRA (minimum lot size) 15,000

Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Other \_\_\_\_\_

4. Does any portion of the site contain significant topographical features such as wetlands?

Yes  No  If yes, how many acres are wetlands? \_\_\_\_\_

If yes, attach map of site noting wetland areas.

Is map attached?  Yes  No

5. Is the site located within a designated flood hazard area?

Yes  No  Located in area of minimal flood hazard Zone X. Area of .2% annual chance flood. Map 25009C9219F

If yes, please attach a map of the site with flood plain designations.

Is map attached?  Yes  No

6. Is the site or any building located on the site listed, nominated or eligible for listing on the National Register of Historic Places? Yes  No

7. Is the site within a Historic District? Yes  No

If yes, describe the architectural, structural and landscape features of the area:

---

8. In the past three years, have there been any defaults on any mortgage on the property or any other forms of financial distress?

Yes  No  If yes, please explain: \_\_\_\_\_

9.  Indicate which utilities are available to the site:

Public Sewer	<input type="checkbox"/>	Private Septic	<input type="checkbox"/>	Public Streets	<input checked="" type="checkbox"/>
Public Water	<input checked="" type="checkbox"/>	Private Wells	<input type="checkbox"/>	Private Ways	<input type="checkbox"/>
Natural Gas	<input checked="" type="checkbox"/>	Electricity	<input checked="" type="checkbox"/>		
On-site Sewer Treatment Facility	<input type="checkbox"/>				
Other	<input type="checkbox"/>	Explain:	_____		

10. Describe any known or suspected hazardous waste sites on or within a 1/2 mile radius of the project site. None known.

11. Has a 21E hazardous waste assessment ever been done on this site? If so, attach a summary of the filing.  Yes  No

12. What waivers will be requested under the comprehensive permit? Use variance, dimensional requirements

13. Describe the current status of site control and attach copies of relevant deeds or executed agreements.

A.  Owned by Developer \_\_\_\_\_

B.  Under Purchase and Sale Agreement

C.  Under Option \_\_\_\_\_

Seller: South Church of Andover Buyer: Andover Community Trust, Inc.

Is there an identity of interest between the Buyer and Seller? If yes, please explain: none.

Date of Agreement 9/13/2017 Expiration Date \_\_\_\_\_

Extensions granted? Yes  No  Date of Extension \_\_\_\_\_

Purchase Price \$150,000-200,000 depending on number of units permitted

## VII. DESIGN AND CONSTRUCTION

### 1. Drawings

Please submit one set of drawings.

#### Cover sheet showing written tabulation of:

- Proposed buildings by design, ownership type, and size. Identity and describe affordable units and handicapped accessible units.
- Dwelling unit distribution by floor, size, and bedroom/bath number
- Square footage breakdown of commercial, residential, community, and other usage in the buildings
- Number of parking spaces

#### Site plan showing:

- Lot lines, streets, and existing buildings
- Proposed building footprint(s), parking (auto and bicycle), and general dimensions
- Zoning restrictions (i.e. setback requirements, easements, height restrictions, etc).
- Wetlands, contours, ledge, and other environmental constraints
- Identification of affordable units
- Identification of handicapped accessible units.
- Sidewalks and recreational paths
- Site improvements, including landscaping
- Flood plain (if applicable)

#### Utilities plan showing:

- Existing and proposed locations and types of sewage, water, drainage facilities, etc.

Graphic depiction of the design showing:

- Typical building plan
- Typical unit plan for each unit type with square footage tabulation
- Typical unit plan for each accessible unit type with square footage tabulation
- Elevation, section, perspective, or photograph
- Typical wall section

2. **Construction Information**

<b><u>Foundations</u></b>	# Mkt. Units	# Aff. Units	Attic	# Mkt. Units	# Aff. Units
Slab on Grade			Unfinished		<u>6</u>
Crawl Space			Finished		
Full Basement		<u>6</u>	Other		
<b><u>Exterior Finish</u></b>	# Mkt. Units	# Aff. Units	Parking	# Mkt. Units	# Aff. Units
Wood			Outdoor		
Vinyl			Covered		
Brick			Garage		<u>6</u>
Fiber Cement		<u>6</u>	Bicycle		<u>6</u>
Other					

**Heating System**

Fuel:  Oil  Gas  Electric  Other

Distribution method (air, water, steam, etc.): heat pump with air distribution

**Energy Efficient Materials**

Describe any energy efficient or sustainable materials used in construction:  
These homes will meet Energy Star requirements for insulation, doors, windows, and equipment, lighting, and appliances.

**Modular Construction**

If modular construction will be used, explain here:  
none

**Amenities**

Will all features and amenities be available to market buyers also be available to affordable buyers? If not, explain the differences.  
Not applicable, no market units.

## VIII. SURROUNDING AREA

1. Describe the land uses in the surrounding neighborhood: Residential areas both single family homes, high density residential block, condominiums, church, cemetery. Industrial, mixed use across Lupine Road.
2. What is the prevailing zoning in the surrounding neighborhood?  
There is a mix of Residential A, Industrial G, commercial.
3. How does the project's proposed site plan and design relate to the existing development pattern(s) of the immediately surrounding area?  
The six unit density relates to the higher density established residential neighborhood nearby. The cul de sac plan provides a sense of community, buffered by a tree line from the industrial uses across Lupine Road.
4. Describe and note distances to nearby amenities and services such as shopping, schools, parks and recreation, or municipal offices.  
Nearby amenities include restaurants, grocery store, convenience store, approx. 1/4 mile from center of town, commuter train station and public safety center.
5. Explain how developing the site contributes to smart growth development in the area (e.g. mixed use, reuse, concentrated development).  
The proposed project is based on smart growth principals of higher density and immediate adjacency to commuter rail service and close proximity to the public safety center, community services and amenities.
6. Is the site located near public transit (bus, subway, commuter rail, etc.)? If so, indicate the type, distance to the nearest stop, and frequency of service.  
The site is within walking distance (1/4 mile) of the Andover commuter train station (Haverhill line); the station is accessible and approx. 645 riders use it daily. The ride to Boston is approximately 43 minutes. The Merrimack Valley Regional Transit Authority bus (route 32) runs hourly from the train station to Andover main street and on to the Lawrence transportation center.

**IX. FINANCING**

1. Attach a letter of interest from a construction lender.

Are there any public funds to be used for this project? If yes, indicate the source, amount, use and status of funds: We will apply for HOME funds both from the local funds and from the district consortium.

Describe the form of financial surety to be used to secure the completion of cost certification for this project The project will be funded with federal HOME funds; private individual and foundation grants and gifts; inkind donations of materials; and existing organization reserve funds.

## X. PROJECT FEASIBILITY

The section is for developers of home ownership projects.

Developers of multi-family rental projects must use the One Stop Application at <http://www.mhlc.com> and complete Section 3 Sources and Uses and Section 4 Pro Forma.

### Ownership Pro Forma

	Total Costs	Per Unit	Per Sq. Ft.	% of Total
(a) Site Acquisition	<u>\$200000</u>	<u>\$33333</u>	<u>\$18.6</u>	<u>11.16</u>
<b>Hard Costs:</b>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Earth Work	<u>\$188000</u>	<u>\$31333</u>	<u>\$</u>	<u>\$</u>
Site Utilities	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Roads & Walks	<u>\$200000</u>	<u>\$33333</u>	<u>\$</u>	<u>\$</u>
Site Improvement	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Lawns & Planting	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Demolition	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Unusual Site Conditions	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
(b) Total Site Work	<u>388000</u>	<u>\$64667</u>	<u>\$36.08</u>	<u>21.64</u>
Concrete	<u>\$105500</u>	<u>\$17583</u>	<u>\$</u>	<u>\$</u>
Masonry	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Metals	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Carpentry	<u>\$850000</u>	<u>\$141667</u>	<u>\$</u>	<u>\$</u>
Roofing & Insulation	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Doors & Windows	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Interior Finishes	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Cabinets & Appliances	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Plumbing & HVAC	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Electrical	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
(c) Total Construction	<u>\$955500</u>	<u>\$159250</u>	<u>\$88.84</u>	<u>53.29</u>
(d) General Conditions	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<b>(e) Subtotal Hard Costs</b>				
<b>(a+b+c+d)</b>	<u>\$1543500</u>	<u>\$257250</u>	<u>\$143.51</u>	<u>86.09</u>
(f) Contingency	<u>\$ 134350</u>	<u>\$25725</u>	<u>\$</u>	<u>\$</u>
<b>(g) Total Hard Costs (e+f)</b>	<u>\$1677850</u>	<u>\$282975</u>	<u>\$156.01</u>	<u>93.58</u>

<b>Soft Costs:</b>	\$	\$	\$	\$
Permits/Surveys	\$ 2715	\$1469	\$	\$
Architectural	\$	\$	\$	\$
Engineering	\$22775	\$3796	\$	\$
Legal	\$3000	\$500	\$	\$
Bond Premium	\$	\$	\$	\$
Real Estate Taxes	\$3100	\$538	\$	\$
Insurance	\$5000	\$833	\$	\$
Security	\$	\$	\$	\$
Developer's Overhead	\$24000	\$4000	\$	\$
General Contractor's Overhead	\$24000	\$4000	\$	\$
Construction Manager	\$10000	\$1667	\$	\$
Property Manager	\$	\$	\$	\$
Construction Interest	\$	\$	\$	\$
Financing/Application Fees	\$	\$	\$	\$
Utilities	\$	\$	\$	\$
Maintenance (unsold units)	\$	\$	\$	\$
Accounting	\$	\$	\$	\$
Marketing	\$10000	\$1667	\$	\$
<b>(h) Subtotal Soft Costs</b>	<b>\$104590</b>	<b>\$18470</b>	<b>\$9.72</b>	<b>5.83</b>
(i) Contingency	\$10460	\$1847	\$	\$
<b>(j) Total Soft Costs (h+i)</b>	<b>\$115050</b>	<b>\$20317</b>	<b>\$10.70</b>	<b>6.42</b>
<b>(k) Total Development Costs (g+j)</b>	<b>\$1792900</b>	<b>\$303292</b>	<b>\$166.70</b>	<b>100</b>

Profit Analysis (should conform to the pro forma)

Sources:

Affordable projected sales    \$980000  
Market sales    \$0  
Public grants    \$812,900  
**(A) Total Sources    \$1,792,900**

Uses:

Construction Contract Amount    \$1,143,500  
**(B) Total Development Costs    \$1,792,900**

Profit:

**(C) Total Profit (A-B) \$0**  
**(D) Percentage Profit (C/B) 0**

Cost Analysis (should conform to the pro forma)

Total Gross Building Square Footage    10,755

Residential Construction Cost per Sq. Ft.    \$106.32

Total Hard Costs per Sq. Ft.    \$156.00

Total Development Costs per Sq. Ft. \$166.70

Sales per Sq. Ft.    \$91.12  
(do not include proceeds from public grants)

**XI. DEVELOPMENT SCHEDULE**

Complete the chart below by providing the appropriate month and year. Fill in only as many columns as there are phases. If there will be more than three phases, add columns as needed.

	Phase 1	Phase 2	Phase 3	Total
Number of affordable units	<u>4</u>	<u>2</u>	_____	<u>6</u>
Number of market units	<u>0</u>	<u>0</u>	_____	<u>0</u>
Total by phase	<u>4</u>	<u>2</u>	_____	<u>6</u>

Please complete the following chart with the appropriate projected dates:

	Phase 1	Phase 2	Phase 3	Total
All permits granted	<u>5/2018</u>	<u>5/2019</u>	_____	_____
Construction start	<u>6/2018</u>	<u>6/2019</u>	_____	_____
Marketing start – affordable units	<u>6/2018,</u> <u>3/2019</u>	<u>6/2019</u>	_____	_____
Marketing start – market units	<u>None</u>	<u>none</u>	_____	_____
Construction completed	<u>6/2019</u>	<u>6/2020</u>	_____	_____
Initial occupancy	<u>8/2019</u>	<u>8/2020</u>	_____	_____

## **XII.    MARKETING OUTREACH AND LOTTERY**

Affirmative Fair Housing Marketing Plan:

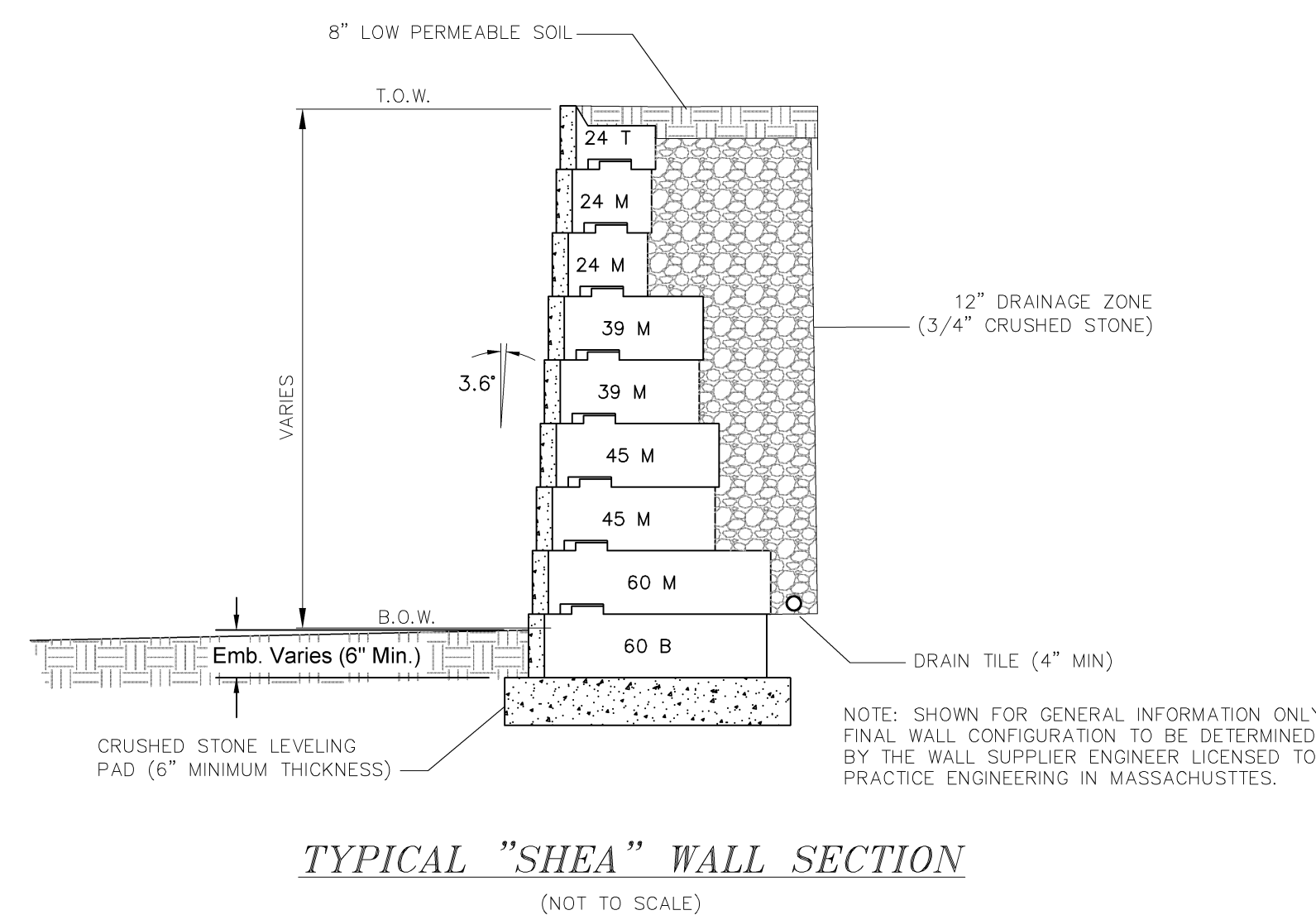
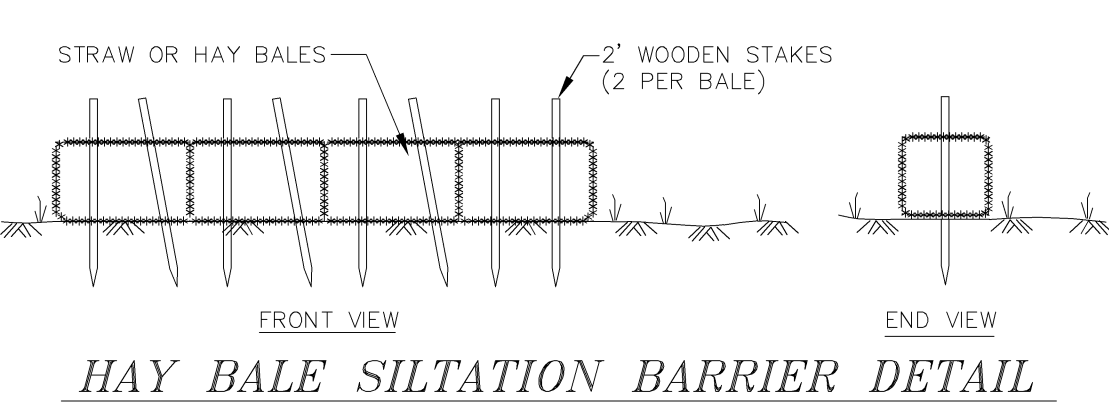
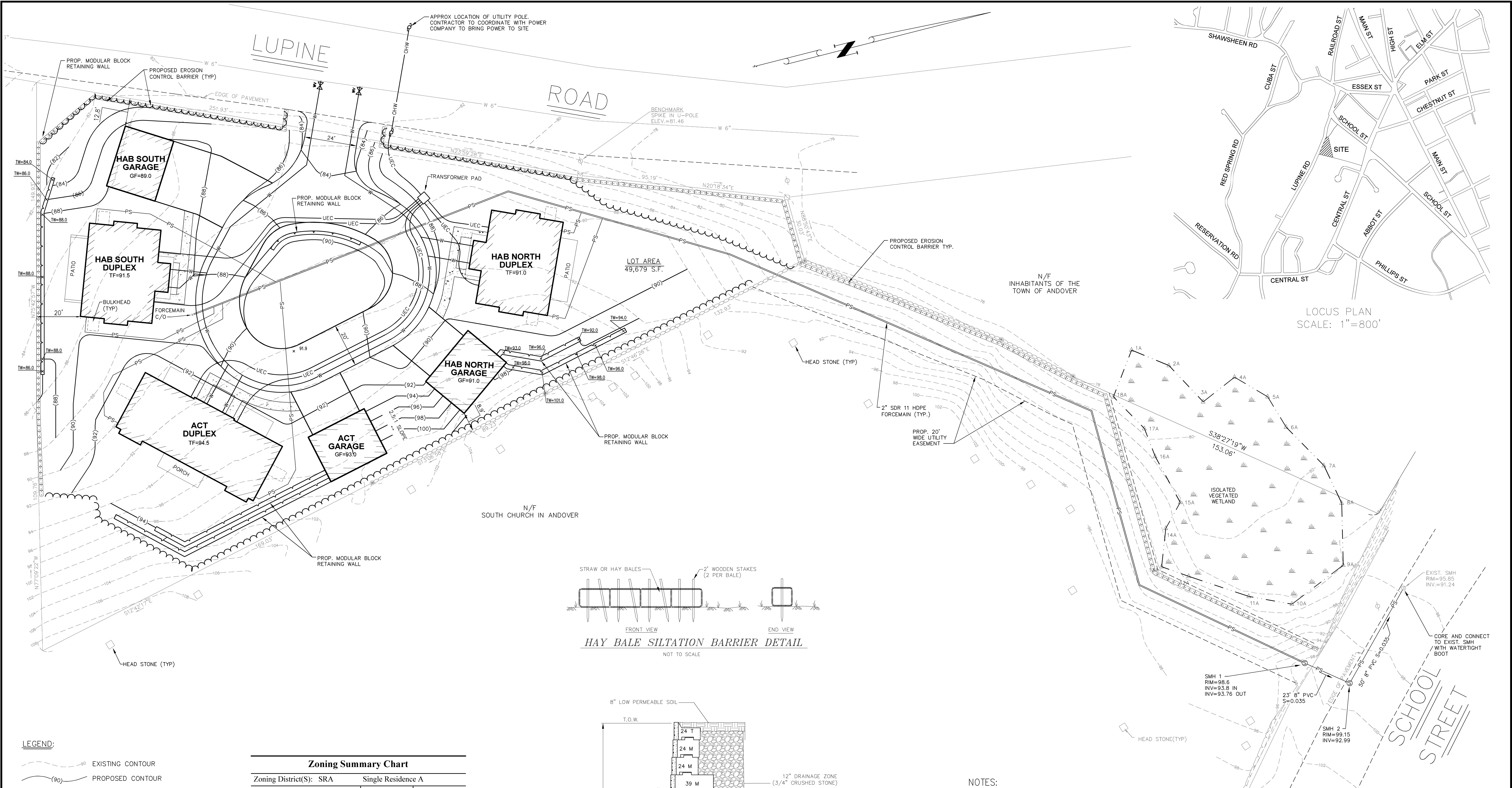
Please submit your Affirmative Fair Housing Marketing Plan (AFHMP), prepared in accordance with Section III of the 40B Guidelines, and a description of the lottery process that will be used for this project. This shall describe:

- Information materials for applicants that will be used that provides key project information;
- Eligibility requirements;
- Lottery and resident selection procedure;
- Any preference system being used (Note: if local preference is proposed for this project, demonstration of the need for local preference must be demonstrated and accepted by DHCD);
- Measures to ensure affirmative fair marketing including outreach methods;
- Application materials that will be used; and
- Lottery Agent.

### **XIII. CHECKLIST OF ATTACHMENTS**

The following documentation must accompany each application:

1.  Letter of support signed by Chief Elected Officer of municipality
2.  Letter of support from local housing partnership (if applicable)
3.  Signed letter of interest from a construction lender
4.  Map of community showing location of site
5.  Check payable to DHCD
6.  Rationale for calculation of affordable purchase prices or rents (see Instructions)
7.  Copy of site control documentation (deed or Purchase & Sale or option agreement)
8.  Last arms length transaction or current appraisal under by-right zoning
9.  21E summary (if applicable)
10.  Photographs of existing building(s) and/or site
11.  Site Plan showing location of affordable units
12.  Sample floor plans and/or sample elevations
13.  Proposed marketing and lottery materials



- LEGEND:**
- EXISTING CONTOUR
  - PROPOSED CONTOUR
  - EDGE OF PAVEMENT
  - EXISTING SEWER
  - EXISTING HYDRANT
  - EXISTING WATER
  - PROPOSED SPOT GRADE
  - PROPOSED SEWER
  - PROPOSED SEWER FORCELINE
  - PROPOSED WATER
  - PROPOSED OVERHEAD WIRES
  - PROPOSED UNDERGROUND UTILITIES
  - PROPOSED LIMIT OF CLEARING
  - PROPOSED EROSION CONTROL

**Zoning Summary Chart**

Zoning District(S):	SRA	Single Residence A
Zoning Regulation Requirements	Required	Provided
MINIMUM LOT AREA	15,000 S.F.	46,679 S.F.
FRONTAGE	115 FEET	347 FEET
FRONT YARD SETBACK	35 FEET	12.8 FEET
SIDE YARD SETBACK	20 FEET	20 FEET
REAR YARD SETBACK	30 FEET	8.9 FEET
MINIMUM LOT WIDTH	92 FEET	124'±
MAXIMUM FLOOR AREA RATIO	--	1.6
MAXIMUM BUILDING HEIGHT	35 FEET	35 FEET
MAXIMUM BUILDING COVERAGE	--	16.0 %
MAXIMUM IMPERVIOUS	--	37.0 %
MINIMUM OPEN SPACE	--	63.0 %

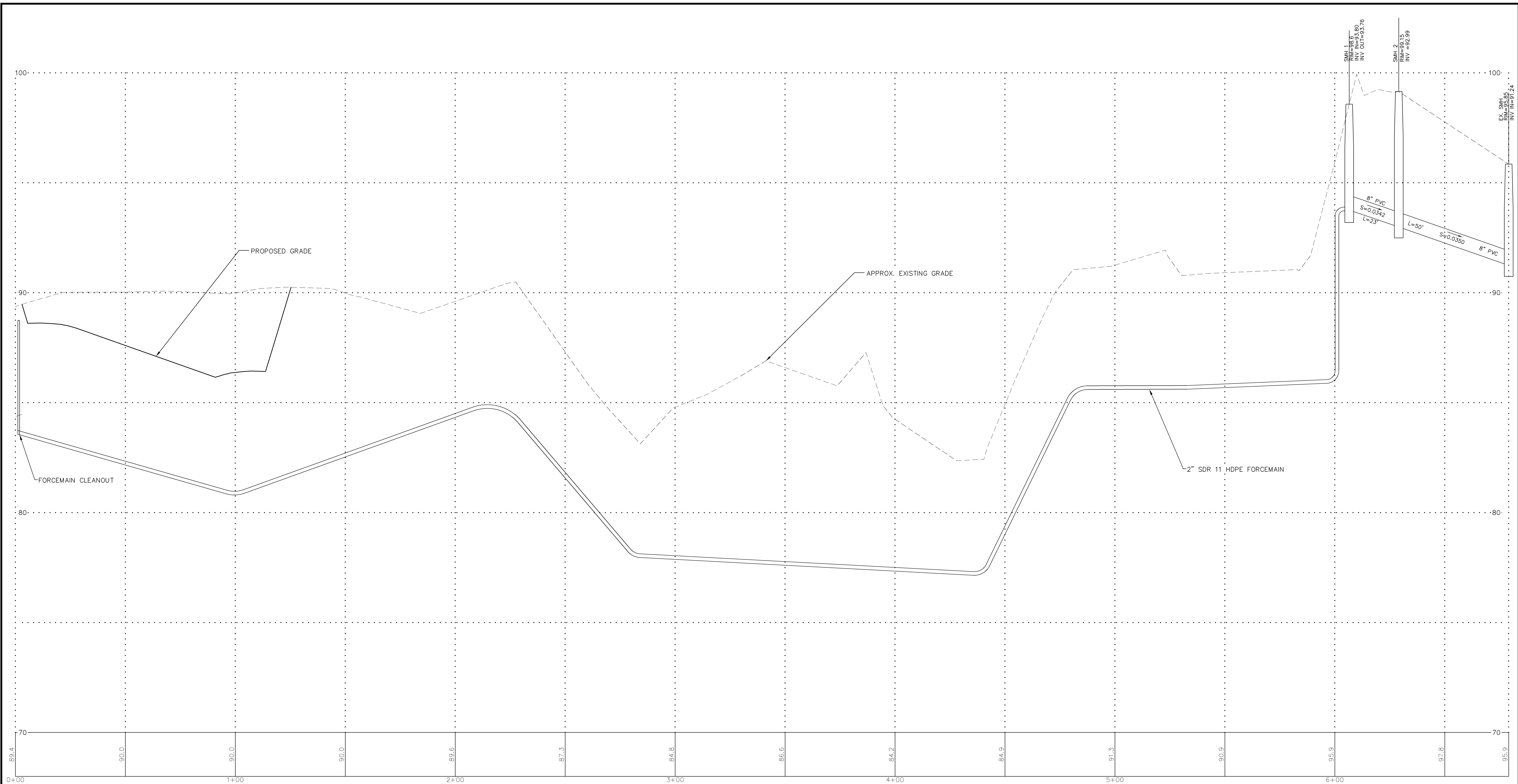
- NOTES:**
- EACH DWELLING UNIT TO BE SERVICED BY AN EONE SEWAGE EJECTOR PUMP WITH BACKUP GENERATOR AND CHECKVALVE CONNECTION TO A COMMON SEWER FORCE LINE.
  - WETLAND AREA FLAGGED BY NORSE ENVIRONMENTAL SERVICES, INC AND DETERMINED TO BE AN ISOLATED VEGETATED WETLAND THAT IS NOT JURISDICTIONAL UNDER THE MASSACHUSETTS WETLAND PROTECTION ACT.
- OWNER:**  
SOUTH CHURCH IN ANDOVER  
41 CENTRAL STREET  
ANDOVER, MA
- DEED REFERENCE:**  
BOOK 616 PAGE 376
- ASSESSORS INFORMATION:**  
8 LUPINE ROAD - MAP 55, LOT 158

**SITE LAYOUT PLAN  
LUPINE ROAD  
ANDOVER, MASS.**

PREPARED FOR: ANDOVER COMMUNITY TRUST  
DATE: NOVEMBER 7, 2017  
SCALE: 1"=20'

**andover consultants inc.**  
1 East River Place  
Methuen, Mass. 01844  
Dennis A. Griecci  
Reg. Prof. Engineer

0 20 40 60 80 Ft.  
0 5 10 20 Meter

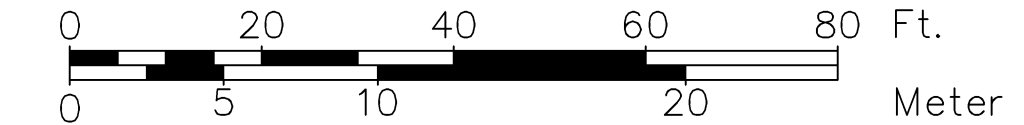


**FORCE LINE PROFILE  
LUPINE ROAD  
ANDOVER, MASS.**

PREPARED FOR: ANDOVER COMMUNITY TRUST  
DATE: NOVEMBER 7, 2017  
SCALE: 1"=20'



1 East River Place  
Methuen, Mass. 01844  
Dennis A. Griecchi  
Reg. Prof. Engineer







November 7, 2017

Paul Salafia, Chair  
Andover Board of Selectmen  
36 Bartlet St.  
Andover, MA 01810

Dear Mr. Salafia and members of the Andover Board of Selectmen (ABoS),

Enclosed is an application for a Comprehensive Permit under the Local Initiative Program for Andover Community Trust's (ACT) next permanently affordable home ownership project in Andover. ACT seeks to submit this application as a "friendly 40b" where ACT is working cooperatively with town boards to build the most suitable affordable home project for the community. The Andover Housing Partnership Committee has voted to support this project. This proposal is on a 1.14 acre lot at 8 Lupine Road. We are proposing:

6 units - Single Family Housing, 3BR 1-1/2 baths, 1200-1900 sq. ft.  
6 units – Affordable / 0 units Market  
6 units – 3 Duplex Style Homes  
Non-age restricted. 100% Residential. Sustainable development design,  
green building principles.

The property at 8 Lupine Road is currently owned by South Church of Andover. At a congregational meeting on May 7, it was voted to sell ACT the land for this affordable home project. ACT will build 1 duplex and Merrimack Valley Habitat for Humanity (MVHH) will build 2 duplexes. The Greater Lawrence Technical School has agreed to build the ACT duplex; while the MVHH units will be built by supervised volunteers. ACT units will to 60%-80% AMI eligible owners while MVHH units will sell to 30%-60% AMI. The units will remain permanently affordable. The land will be owned by ACT, and the units will lease the land under ACT's 99-year Ground Lease. This project is the first of what we hope will be many partnership opportunities with MVHH.

The enclosed application packet includes the following:

1. The DHCD Local Initiative Program application form.

**Board of Directors**

John Pearson, President  
Priscilla Loring, Treasurer  
Vonne Morales, Clerk  
Raymonda Abouhamad  
Sandra Davila  
Mercedes Duran  
Tana Goldberg  
Sara Hidalgo  
Joan Johnson  
Ellen Keller  
Blake Martin  
Dara Obbard  
Norm Rice  
Austin Simko  
Susan Stott  
Denise Johnson, Exec. Director

2. Certified plot plan for the lot at 8 Lupine Road.  
Site plan, Elevations for homes, Floor plans for homes.  
Photos of some ACT and recent MVHH homes.
3. Copy of letters to neighbors inviting them to see plans for the proposed homes at 8 Lupine Road and map showing neighbors who received this invitation.
4. Copy of the Purchase and Sale with South Church of Andover.
5. Map showing location of 8 Lupine Road relative to major highways.
6. Key facts about ACT and MVHH
7. Marketing Plans and owner selection guidelines and application forms of ACT and MVHH.

This project will add 6 affordable units to Andover's SHI. We look forward to meeting with the Board on November 13, 2017 to present the Lupine Road project.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Johnson". The signature is written in a cursive style with a large, stylized initial "D".

Denise Johnson  
Executive Director, Andover Community Trust

October 26, 2017

**BY HAND**

Wendy A. Adams  
Executive Assistant  
Town Manager's Office  
Town of Andover  
36 Bartlet Street  
Andover, Massachusetts 01810

Re: *Property: 141 Elm Street*  
*Owner: CSH Andover, LLC*  
*Decision: Elderly Housing Special Permit, dated July 23, 2015 (the "Decision")*  
*Request for Board of Selectmen Acceptance of Sidewalk Easement*

Dear Ms. Adams:

This firm represents CSH Andover, LLC ("CSH"), the owner of the property known and numbered as 141 Elm Street (the "Property"). On behalf of CSH, we are requesting that a matter be added to the Board of Selectmen's October 30 Agenda involving the acceptance of a sidewalk easement to be granted to the Town of Andover by CSH Andover, LLC.

By way of background, CSH Andover, LLC was granted an Elderly Housing Special Permit (the "Special Permit") to allow for the construction of an assisted living facility to be located on the Property. Construction of the project was commenced last week.

The plans approved as a part of the Special Permit called for the conveyance of a sidewalk easement to the Town of Andover. The easement was requested by the Planning Board because the Town's existing sidewalk currently encroaches onto the Property owned by CSH. As a result, CSH agreed to convey an easement essentially for a sidewalk use that currently exists today. To this end, enclosed please find an original sidewalk easement and accompanying plan depicting the easement area.

Please let me know if you need additional information, or if I can be of further assistance.

Sincerely,



John T. Smolak

JTS/

cc: Jacki Byerly, Planner, Planning Division

## SIDEWALK EASEMENT AGREEMENT

This Sidewalk Easement Agreement (hereinafter referred to as the "Agreement") is made as of this 19<sup>th</sup> day of OCTOBER, 2017, by CSH Andover, LLC, a Delaware limited liability company with an address of 1275 Pennsylvania Ave., NW, Second Floor, Washington, DC 20004 ("Grantor"), in favor of the Inhabitants of the Town of Andover, Massachusetts, by and through its Selectmen, having an address of 36 Bartlet Street, Andover, Massachusetts 01810 (the "Grantee").

WHEREAS, Grantor is the owner of certain parcel of land (the "Property"), consisting of Lot 1 and Lot 2 (each, a "Lot", and collectively, the "Lots"), as well as a private subdivision roadway depicted as Lot 3 ("ROW" or "Lot 3"), on a Definitive Subdivision Plan (the "Subdivision Plan") entitled "Plan of Land, Special Permit & Definitive Subdivision Plans, CSH of Andover, Andover, MA, dated June 5, 2015 (Rev. July 6, 2015) (Sheet 1 of 1), (Scale 1" = 40') prepared for CSH Andover, LLC by Marchionda & Associates, L.P., and a copy of which Subdivision Plan is recorded with the Essex North District Registry of Deeds as Plan No. 17601. For title reference, see deed recorded herewith and immediately prior hereto;

WHEREAS, the Grantor was issued a notice of Approval of Definitive Subdivision Plan by Decision, dated July 23, 2015, issued by the Andover Planning Board, and the Grantor was also issued a restriction which memorialized the terms and conditions of the Approval of Definitive Subdivision Plan (the "Subdivision Decision"), which Subdivision Decision is recorded with said Deeds in Book 15084, Page 72;

WHEREAS, in consideration of the Town of Andover Planning Board's acceptance of the Subdivision Decision, the Grantor, agreed to provide the Grantee with a pedestrian easement (the "Pedestrian Easement") over a certain portion of Lot 1 shown on the Subdivision Plan as "Proposed 5' Sidewalk Easement" (the "Easement Area") providing pedestrian access along the border of Elm Street, a public way as shown on said Subdivision Plan, said Pedestrian Easement running over and across a five foot (5') strip of Lot 1 immediately adjacent to said Elm Street, as more particularly shown on said Plans;

WHEREAS, Grantor has agreed to grant such Pedestrian Easement as shown on the Subdivision Plan;

NOW THEREFORE, in consideration of the mutual covenants herein expressed, the receipt and sufficiency of which are hereby acknowledged, Grantor and the Grantee agree as follows:

1. In order to encourage pedestrian access along Elm Street in a safe manner, Grantor hereby irrevocably grants and conveys to the Grantee, upon and subject to the terms and conditions herein contained, for the benefit of the Grantee, in connection with others entitled thereto, an irrevocable and perpetual right and easement, in, over, upon, under, and across a portion of Grantor's real property, being a portion of Lot 1 shown as "Proposed 5' Sidewalk Easement" on the Subdivision Plan for all purposes for which pedestrian access easements are now or hereinafter may be used in the Town of Andover. Said Pedestrian Easement shall be restricted to pedestrian and non-motorized vehicle use. Upon completion of initial construction of the Pedestrian Easement by the Grantor, the Grantor shall have no repair, maintenance, or other responsibilities or liabilities related thereto.
2. Grantee shall be solely responsible for determining, installing, and maintaining all appropriate or necessary measures for the protection of persons and general public safety in the Easement Area.
3. This grant of said Pedestrian Easement is made subject to all laws, easements, covenants and restrictions of record to the extent in force and applicable. The Grantor and Grantee acknowledge that an additional purpose of this grant of a pedestrian easement is to permit the public to use such easement area for recreational, conservation, educational, environmental, or ecological purposes, and Grantor shall not impose a charge or fee therefor, all as contemplated by, and within the meaning of, M.G.L. c. 21, Section 17C, and Grantor shall be entitled to all of the benefits thereof.

Executed as an instrument under seal and effective as of the date first above written.

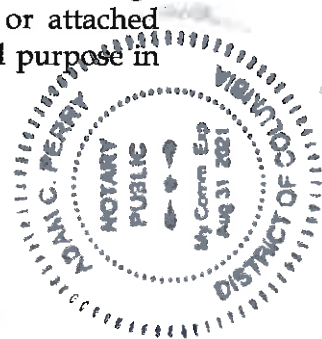
CSH Andover, LLC

By: [Signature]  
Name: Fred Moon  
Title: Vice President

DISTRICT OF COLUMBIA

On this 19 day of OCTOBER, 2017, before me, the undersigned notary public, personally appeared Fred Moon, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he signed it voluntarily for its stated purpose in her/his capacity as Vice President of CSH Andover, LLC.

[Signature]  
Notary Public



SEAL

My Commission Expires: 8/31/2021

District of Columbia: SS

Sworn to and subscribed before me on the 19 day of OCT, 2017

[Signature]  
Notary Public's Signature / My Commission Expires 8/31/2021

ACCEPTANCE BY BOARD OF SELECTMEN

We, the undersigned members of the Board of Selectmen for the Town of Andover hereby accept the foregoing grant of easement to the Town of Andover.

Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. \_\_\_\_\_, 2017

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_ proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ to be the person(s) whose name is signed on the preceding or attached document and acknowledged to me that he/she/they signed it voluntarily for its stated purpose as Selectmen of the Town of Andover.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



SUBORDINATION AND CONSENT

The undersigned, Wells Fargo Bank, National Association, having a mailing address at 1750 H Street, NW, 5<sup>th</sup> Floor, Washington, DC 20006, being the holder of a Construction Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated October 11, 2017 and recorded with the Essex County North District Registry of Deeds at Book 15262, Page 115 (the "Mortgage"), does hereby consent to the execution and grant of that certain Sidewalk Easement Agreement (the "Easement Agreement"), recorded herewith and prior hereto, by CSH Andover, LLC in favor of the Town of Andover, Massachusetts, and does hereby further subordinate said Mortgage and its interests thereunder, to the said Easement Agreement, if and as though said Easement Agreement had been executed and recorded prior to the Mortgage.

Executed under seal as of this 19 day of October, 2017.

Wells Fargo Bank, National Association

By: [Signature]  
Name:  
Title:



**DISTRICT OF COLUMBIA**

On this 19 day of October, 2017, before me, the undersigned notary public, personally appeared Melissa Hilton, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he signed it voluntarily for its stated purpose in her/his capacity as Vice President of Wells Fargo Bank, National Association.

[Signature]  
Notary Public

SEAL

My Commission Expires: June 14, 2022

District of Columbia: §§  
Subscribed and Sworn to before me  
this 19 day of October, 2017  
[Signature]  
Senquisha Childs, Notary Public, D.C.  
My commission expires June 14, 2022

## CERTIFICATE

October 25, 2017  
(Date)

With regard to the dedication, transfer and conveyance of certain easement rights (the "Easement Rights") as to be granted pursuant to that certain Sidewalk Easement Agreement (hereinafter referred to as the "Easement") dated as of the 19<sup>th</sup> day of October, 2017, by CSH Andover, LLC ("Grantor"), in favor of the Inhabitants of the Town of Andover, Massachusetts, by and through its Selectmen (the "Grantee"), as granted or to be granted on the property as more particularly described in Exhibit A attached to this Certificate (the "Easement Area"), we, the undersigned Attorneys at Law, hereby certify to the Town of Andover that all necessary Grantor parties have signed the Easement, and with the conveyance and acceptance of the grant of the Easement to the Town of Andover, and upon execution by the Grantee and recording thereof with the Essex County North District Registry of Deeds, the Town of Andover shall have, subject only to the specific exceptions or qualifications described below, good, clear, record and marketable title to the Easement Rights and over the Easement Area, free of all liens and encumbrances except as described herein below. Fee title to the Easement Area is vested in CSH Andover, LLC by virtue of a Deed from Robert J. Maye and Lisa Holihan Maye, dated October 10, 2017 and recorded on October 16, 2017 with the Essex County North District Registry of Deeds at Book 15262, Page 113. A copy of the Easement, as executed by the Grantor, and of a Subordination and Consent (the "Lender Subordination"), as executed by the Grantor's lender and to be recorded with the Easement are attached hereto as Exhibit B. The Easement Rights and the Town of Andover's title to the Easement Area is or will be subject to the following exceptions and qualifications:

1. Any facts, rights, interest, or claims which are not shown by the public records, but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

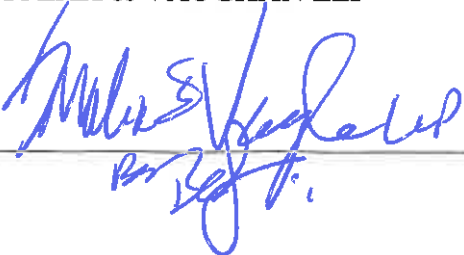
3. Any taxes or municipal charges which are not yet due and payable or which may come due and payable after the date of this Certificate.
4. Any inchoate liens, including such matters as mechanic or materialmen liens, and for which no notices of contract, lien or attachment have yet to be filed or recorded with the Essex North District Registry of Deeds.
5. The Town of Andover's title to the Easement Area is and will not be fee simple and is limited to easement rights for access and use, subject to the terms and conditions of the Easement, including without limitation, matters concerning scope of easement and any rights of fee owners as described or otherwise at law.
6. The Easement is also subject to the following outstanding encumbrances and matters of record:
  - a. Restriction which memorializes the terms and conditions of the Approval of Definitive Subdivision Plan issued by the Andover Planning Board recorded with Essex North District Registry of Deeds at Book 15084, Page 72.
  - b. Decision of Andover Planning Board as a Special Permit Granting Authority (Decision No. SP15-03) on Application of CSH Andover, LLC For a Special Permit for Earth Movement, dated July 23, 2015, recorded with Essex North District Registry of Deeds at Book 15084, Page 81.
  - c. Decision of Andover Planning Board as a Special Permit Granting Authority (Decision No. SP14-09) on Application of CSH Andover, LLC for a Special Permit for Elderly Housing, dated July 23, 2015, recorded with Essex North District Registry of Deeds at Book 15084, Page 88.
  - d. Order of Resource Area Delineation issued by the Town of Andover Conservation Commission and recorded with Essex North District Registry of Deeds at Book 15113, Page 174.
  - e. Declaration of Restrictions and Easements made by Robert J. Maye and Lisa Holihan Maye, dated September 13, 2017 and recorded with Essex North District Registry of Deeds at Book 15226, Page 73.
  - f. Construction Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, from CSH Andover, LLC, in favor of Wells Fargo Bank, National Association, dated October 11, 2017 and recorded with Essex North District Registry of Deeds at Book 15262, Page 115, and as the same shall be affected by the Lender Subordination, upon recording of the Lender Subordination with the Easement at the Essex North District Registry of Deeds.

- g. Mortgage from Robert J. Maye and Lisa Holihan Maye, in favor of Mortgage Master, Inc., in the original principal amount of \$262,500.00, dated April 14, 1997, filed with said Registry District as Document Number 64986, as affected by Assignment of Mortgage from Mortgage Master, Inc. to Sovereign Bank, filed with said Registry District as Document Number 64987, as affected by Assignment of Mortgage from Sovereign Bank to First Union National Bank, filed with said Registry District as Document Number 66672, as affected by Assignment of Mortgage from Wells Fargo Bank, N.A., S/B/M Wachovia Bank, N.A., F/K/A First Union National Bank, filed with said Registry District as Document Number 113586, as affected by Notice of Voluntary Withdrawal of Land from the Registration System recorded with Essex North District Registry of Deeds at Book 14994, Page 301. Note: Said Mortgage has been paid in full and satisfied in connection with the recent acquisition of the premises by the Grantor and it remains outstanding of record pending the issuance and recording of a mortgage discharge by the lender pursuant to MGL c. 183 § 55; Said Mortgage is referenced for informational purposes only as the mortgage discharge remains pending but it shall not otherwise be deemed to be an exception to title for purposes hereof.
- h. Mortgage from Lisa Holihan Maye and Robert J. Maye, in favor of Fleet National Bank, in the original principal amount of \$100,000.00, dated July 3, 2003 filed with said Registry District as Document Number 83563, as affected by Notice of Voluntary Withdrawal of Land from the Registration System recorded with Essex North District Registry of Deeds at Book 14994, Page 301. Note: Said Mortgage has been paid in full and satisfied in connection with the recent acquisition of the premises by the Grantor and it remains outstanding of record pending the issuance and recording of a mortgage discharge by the lender pursuant to MGL c. 183 § 55; Said Mortgage is referenced for informational purposes only as the mortgage discharge remains pending but it shall not otherwise be deemed to be an exception to title for purposes hereof.

This Certificate of Title is made effective as of the date and time executed, on this 25<sup>th</sup> day of October, 2017, and is based solely upon a review of the record title and properly indexed instruments at the Essex North District Registry of Deeds as of such time and with the assumption that no further instruments affecting title to the premises will be recorded prior to acceptance and recording of the Easement and Lender Subordination.

Executed as of the first day above written.

SMOLAK & VAUGHAN LLP



A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "Michael E. Vaughan". Below the signature, the initials "M.E.V." are written in a smaller, less cursive hand.

**EXHIBIT A**  
(Description of Easement Area)

The Easement Area consists of a portion of Lot 1, being the area shown as “Proposed 5’ Sidewalk Easement” on a plan entitled “Plan of Land, Special Permit & Definitive Subdivision Plans, CSH of Andover, Andover, MA, dated June 5, 2015 (Rev. July 6, 2015) (Sheet 1 of 1), (Scale 1” = 40’) prepared for CSH Andover, LLC by Marchionda & Associates, L.P., and a copy of which Plan is recorded with the Essex North District Registry of Deeds as Plan No. 17601. For title reference, see deed to CSH Andover, LLC recorded with Essex North District Registry of Deeds at Book 15262, Page 113.

**EXHIBIT B**  
Signed Easement Agreement and  
Signed Lender Subordination and Consent

See copies attached hereto and incorporated herein.

## SIDEWALK EASEMENT AGREEMENT

This Sidewalk Easement Agreement (hereinafter referred to as the "Agreement") is made as of this 19<sup>th</sup> day of OCTOBER, 2017, by CSH Andover, LLC, a Delaware limited liability company with an address of 1275 Pennsylvania Ave., NW, Second Floor, Washington, DC 20004 ("Grantor"), in favor of the Inhabitants of the Town of Andover, Massachusetts, by and through its Selectmen, having an address of 36 Bartlet Street, Andover, Massachusetts 01810 (the "Grantee").

WHEREAS, Grantor is the owner of certain parcel of land (the "Property"), consisting of Lot 1 and Lot 2 (each, a "Lot", and collectively, the "Lots"), as well as a private subdivision roadway depicted as Lot 3 ("ROW" or "Lot 3"), on a Definitive Subdivision Plan (the "Subdivision Plan") entitled "Plan of Land, Special Permit & Definitive Subdivision Plans, CSH of Andover, Andover, MA, dated June 5, 2015 (Rev. July 6, 2015) (Sheet 1 of 1), (Scale 1" = 40') prepared for CSH Andover, LLC by Marchionda & Associates, L.P., and a copy of which Subdivision Plan is recorded with the Essex North District Registry of Deeds as Plan No. 17601. For title reference, see deed recorded herewith and immediately prior hereto;

WHEREAS, the Grantor was issued a notice of Approval of Definitive Subdivision Plan by Decision, dated July 23, 2015, issued by the Andover Planning Board, and the Grantor was also issued a restriction which memorialized the terms and conditions of the Approval of Definitive Subdivision Plan (the "Subdivision Decision"), which Subdivision Decision is recorded with said Deeds in Book 15084, Page 72;

WHEREAS, in consideration of the Town of Andover Planning Board's acceptance of the Subdivision Decision, the Grantor, agreed to provide the Grantee with a pedestrian easement (the "Pedestrian Easement") over a certain portion of Lot 1 shown on the Subdivision Plan as "Proposed 5' Sidewalk Easement" (the "Easement Area") providing pedestrian access along the border of Elm Street, a public way as shown on said Subdivision Plan, said Pedestrian Easement running over and across a five foot (5') strip of Lot 1 immediately adjacent to said Elm Street, as more particularly shown on said Plans;

WHEREAS, Grantor has agreed to grant such Pedestrian Easement as shown on the Subdivision Plan;

NOW THEREFORE, in consideration of the mutual covenants herein expressed, the receipt and sufficiency of which are hereby acknowledged, Grantor and the Grantee agree as follows:

1. In order to encourage pedestrian access along Elm Street in a safe manner, Grantor hereby irrevocably grants and conveys to the Grantee, upon and subject to the terms and conditions herein contained, for the benefit of the Grantee, in connection with others entitled thereto, an irrevocable and perpetual right and easement, in, over, upon, under, and across a portion of Grantor's real property, being a portion of Lot 1 shown as "Proposed 5' Sidewalk Easement" on the Subdivision Plan for all purposes for which pedestrian access easements are now or hereinafter may be used in the Town of Andover. Said Pedestrian Easement shall be restricted to pedestrian and non-motorized vehicle use. Upon completion of initial construction of the Pedestrian Easement by the Grantor, the Grantor shall have no repair, maintenance, or other responsibilities or liabilities related thereto.
2. Grantee shall be solely responsible for determining, installing, and maintaining all appropriate or necessary measures for the protection of persons and general public safety in the Easement Area.
3. This grant of said Pedestrian Easement is made subject to all laws, easements, covenants and restrictions of record to the extent in force and applicable. The Grantor and Grantee acknowledge that an additional purpose of this grant of a pedestrian easement is to permit the public to use such easement area for recreational, conservation, educational, environmental, or ecological purposes, and Grantor shall not impose a charge or fee therefor, all as contemplated by, and within the meaning of, M.G.L. c. 21, Section 17C, and Grantor shall be entitled to all of the benefits thereof.

Executed as an instrument under seal and effective as of the date first above written.

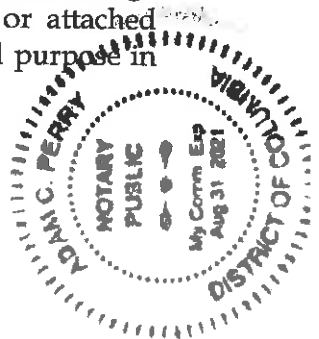
CSH Andover, LLC

By: [Signature]  
Name: Fred Moon  
Title: Vice President

DISTRICT OF COLUMBIA

On this 19 day of OCTOBER, 2017, before me, the undersigned notary public, personally appeared Fred Moon, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he signed it voluntarily for its stated purpose in her/his capacity as Vice President of CSH Andover, LLC.

[Signature]  
Notary Public



SEAL

My Commission Expires: 8/31/2021

District of Columbia: SS

Sworn to and subscribed before me on the 19 day of OCT, 2017

[Signature]  
Notary Public's Signature / My Commission Expires 8/31/2021

ACCEPTANCE BY BOARD OF SELECTMEN

We, the undersigned members of the Board of Selectmen for the Town of Andover hereby accept the foregoing grant of easement to the Town of Andover.

Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. \_\_\_\_\_, 2017

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_ proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ to be the person(s) whose name is signed on the preceding or attached document and acknowledged to me that he/she/they signed it voluntarily for its stated purpose as Selectmen of the Town of Andover.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

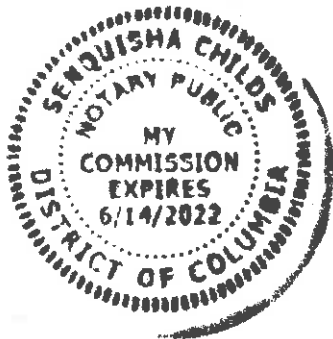
SUBORDINATION AND CONSENT

The undersigned, Wells Fargo Bank, National Association, having a mailing address at 1750 H Street, NW, 5<sup>th</sup> Floor, Washington, DC 20006, being the holder of a Construction Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated October 11, 2017 and recorded with the Essex County North District Registry of Deeds at Book 15262, Page 115 (the "Mortgage"), does hereby consent to the execution and grant of that certain Sidewalk Easement Agreement (the "Easement Agreement"), recorded herewith and prior hereto, by CSH Andover, LLC in favor of the Town of Andover, Massachusetts, and does hereby further subordinate said Mortgage and its interests thereunder, to the said Easement Agreement, if and as though said Easement Agreement had been executed and recorded prior to the Mortgage.

Executed under seal as of this 19 day of October, 2017.

Wells Fargo Bank, National Association

By: [Signature]  
Name:  
Title:



**DISTRICT OF COLUMBIA**

On this 19 day of October, 2017, before me, the undersigned notary public, personally appeared Melissa Hilton, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she/he signed it voluntarily for its stated purpose in her/his capacity as Vice President of Wells Fargo Bank, National Association.

[Signature]  
Notary Public

SEAL

My Commission Expires: June 14, 2022

District of Columbia: SS  
Subscribed and Sworn to before me  
this 19 day of October, 2017  
[Signature]  
Senquisha Childs, Notary Public, D.C.  
My commission expires June 14, 2022

**DECLARATION OF  
AGE RESTRICTION COVENANT**

This Age Restriction Covenant (the “**Covenant**”) is made as of the \_\_\_\_ day of \_\_\_\_\_, 2017 by Andover Senior Housing LLC, a Delaware limited liability company having an address at 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 (the “**Declarant**”), for the benefit of the Town of Andover, a Massachusetts municipal corporation acting by and through its Planning Board (the “**Planning Board**”) with a usual place of business at Andover Town Office building at 36 Bartlet Street, Andover MA 01810 (“**Andover**” or “**Town**”), with respect to the following:

**RECITALS**

WHEREAS, the Declarant is the owner of that certain parcel of land located in Andover, Massachusetts, known as 254 Lowell Street, which property is more particularly identified as Andover Assessor's Map 111, Lot 17 as more particularly described in a Deed recorded at Essex North District Registry of Deeds in Book 15079, Page 198 (the “**Property**”);

WHEREAS, Declarant intends to develop on the Property a senior housing residential development, consisting of a memory care assisted living facility with sixty-three residential units (the “**Units**”) to be known as “Bridges at Andover” (the “**Project**”);

WHEREAS, the Andover Planning Board, following notice and public hearing, approved a Special Permit pursuant to Section 7.4 of the Andover Zoning Bylaw, namely Decision: SP14-06, which was issued on August 13, 2015 and filed on August 14, 2015 with the Andover Town Clerk’s Office and is recorded with Essex North District Registry of Deeds in Book 14880, Page 337, which permit has been amended by Certificate of Action on a Minor Modification which was issued by the Planning Board on February 15, 2017 and filed on that date with the Andover Town Clerk’s Office and is recorded with Essex North District Registry of Deeds in Book 15002, Page 61 (as so amended, the “**Special Permit**”);

WHEREAS, Condition #37 of the Special Permit requires that all units within the Project shall be required to have at least one (1) resident who is fifty-five (55) years of age or

older, and that no resident of any dwelling unit within the Project shall be less than eighteen (18) years of age;

WHEREAS, the Town and the Declarant desire for the Declarant to make and record a Restrictive Covenant on the Property to comply with the age restrictions on the Project required by the Special Permit; and

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt of which is hereby acknowledged, and in order to comply with the provisions of Special Permit Condition #37, Declarant does, for itself and its successors and assigns hereby forever covenant and agree as follows, for the benefit of the Town, acting through its Planning Board, and for the benefit of all future owners of the Property:

1. In accordance with Condition #37 of the Special Permit, Declarant hereby forever declares, covenants and agrees for the benefit of the Town, acting through its Planning Board, and for the benefit of all future owners of the Property, that all Units within the Project, regardless of form of ownership or whether or not the Units are rental units, condominium units or held in any other form of ownership, shall require at least one resident to have attained the age of 55 and that no resident shall be under the age of 18.

2. Declarant does hereby declare, represent, covenant and warrant as follows:

(a) Declarant (i) is a limited liability company duly organized under the laws of the State of Delaware and is qualified to transact business under the laws of the Commonwealth of Massachusetts, (ii) has the power and authority to own its properties and assets and to carry on its business as now being conducted, and (iii) has the full legal right, power and authority to execute and deliver this Covenant.

(b) The execution and performance of this Covenant by Declarant (i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body, and (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) Declarant has good and marketable title to the Property free and clear of any lien or encumbrance which would prevent use of the Property for the Project or which would prevent the execution and recording of this Covenant.

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of Declarant, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Covenant).

3. This Covenant shall be governed by the laws of the Commonwealth of Massachusetts. Any amendments to this Covenant must be in writing and consented to in writing by Declarant and the Town acting by its Planning Board. The invalidity of any clause, part, or provision of this Covenant shall not affect the validity of the remaining portions hereof.

4. The Declarant agrees to file this Covenant with the Essex North Registry of Deeds, and to forward recorded copies of this Covenant to the Planning Board within thirty (30) days of recording.

5. This Covenant shall be binding upon and inure to the benefit of the owner(s) of all or any portion of the Property and the Units, and any successors in interest to the Property, it being the express intention, understanding and agreement that this Covenant shall constitute a covenant running with the land. Each and all of the covenants and provisions of the Covenant shall be incorporated by reference into and shall be referenced in all future deeds for all or any portion of the Property.

6. This Covenant shall also be and is for the benefit of the Town, its successors and assigns.

7. This Covenant shall run with the Property in perpetuity from the date of recordation in the Essex North District Registry of Deeds and shall be binding upon Declarant, Declarant's successors and assigns, and any other party having an ownership interest in said Property or claiming to have an interest with respect to said Property as tenants, invitees, licensees or otherwise, and all of the respective heirs, successors, grantees, mortgagees, assigns, agents, contractors, subcontractors and employees of the foregoing. This Covenant is hereby intended and declared to be a covenant in perpetuity held by a governmental body as defined in and with the benefit of M.G.L. c. 184, § 32 and no re-recordation of this Declaration of Covenant under G.L. c. 184, §§23-30 or any other law shall ever be necessary in order to maintain the full legal effect and authority thereof and Declarant and its successors and assigns, hereby waive all their legal right to and shall forego any action in law or equity of any kind whatsoever attempting to contest the validity of any provision of this Covenant and shall not, in any enforcement action, raise the invalidity of any provision of this Covenant.

8. This Covenant shall not be modified, amended, changed, or terminated or waived without the consent of the Declarant (or Declarant's successor) and the consent of the Town. The Declarant as well as the Town, may enforce and, if necessary, extend this Covenant in accordance with applicable law. Declarant agrees for itself, and its heirs, successors and assigns to execute and record such notices of restriction as are required to extend this Covenant in perpetuity in accordance with applicable law. The Town is hereby declared to be a benefited party to and a holder of this Covenant and the Declarant hereby appoints the Town as its attorney-in-fact to execute, acknowledge, deliver and record any such notice or instrument on its and/or their behalf, including, but not limited to any notice or instrument which may at any time be necessary to maintain this Covenant in effect in perpetuity. Without limiting the foregoing, the Declarant and its

successors and assigns agree to execute any such notices and instruments upon request of the Town.

9. The Town shall have the authority and right to enforce this Covenant as a benefited party. The Town shall have the right to enter the Property in a reasonable manner and at reasonable times, for the purposes of (i) inspecting the Property to determine compliance with this Covenant; and (ii) enforcing this Covenant. The Town shall have the right to bring proceedings at law or equity against any party or parties violating or attempting to violate the terms of this Covenant to enjoin them from so doing and to cause any such violation to be remedied, after providing written notice to such party or parties and the Town shall recover its attorney's fees and costs in any action of enforcement.

10. If any court or other tribunal of competent jurisdiction determines that any provision of this Covenant is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

11. Any election by the Town as to the manner and timing of its right to enforce this Covenant or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

12. Declarant and Declarant's successors and assigns, including all subsequent owners of the Property or portions thereof, shall inform a potential purchaser in writing of this Declaration of Covenant and shall incorporate this Declaration of Covenant, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest in and/or a right to use the Property or any portion thereof is conveyed. Any such deed purporting to convey any portion of the Property or interest therein without including this Covenant in full or by reference shall be deemed and taken to include said Covenant in full even though said Covenant is not expressly described or referenced therein.

13. No amendment or release of this Covenant shall be effective unless it has been approved in writing by the Town acting by its Planning Board (hereinafter the "**Town Approval**") and said amendment or release and the requisite Town Approval has been recorded with the Essex North District Registry of Deeds.

14. Declarant intends, declares and covenants on behalf of itself and its successors and assigns (i) that this Covenant and the covenants, agreements and restrictions contained herein shall be and are covenants running with the land, encumbering the Project for the duration of this Covenant, and are binding upon Declarant's successors in title, (ii) are not merely personal covenants of Declarant, and (iii) shall bind Declarant, its

successors and assigns and inure to the benefit of Andover and its successors and assigns for the for the duration of this Covenant. Declarant hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts required to be satisfied in order for the provisions of this Covenant to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full and that any requirements of privity of estate are also deemed to be satisfied in full.

[Signature page follows]

Executed as a sealed instrument as of the date first above written.

ANDOVER SENIOR HOUSING LLC

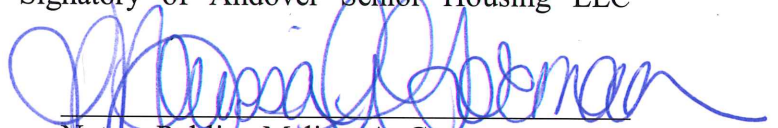


By: Theodore R. Tye  
Title: Authorized Real Estate Signatory

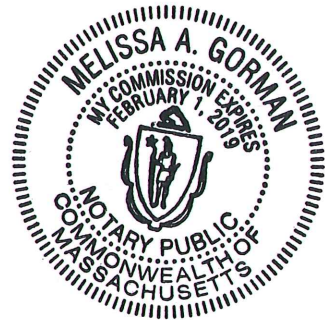
COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss.

On this 3rd day of November, 2017, before me, the undersigned notary public, personally appeared Theodore R. Tye, proved to me through satisfactory evidence of identification, which consisted of personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he has signed it as Authorized Real Estate Signatory of Andover Senior Housing LLC voluntarily for its stated purpose.



Notary Public: Melissa A. Gorman  
My commission expires: 2/1/2019



APPROVAL OF BOARD OF SELECTMEN

We, the undersigned Board of Selectmen of the Town of Andover, Massachusetts, accept the foregoing Declaration of Age Restriction Covenant for the benefit of the Town of Andover.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017 before me, the undersigned notary public, personally appeared \_\_\_\_\_, member of the Andover Board of Selectmen, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, in the capacity indicated, and that he has the authority to sign in that capacity.

\_\_\_\_\_

Notary Public


My Commission Expires:

**SUBORDINATION OF MORTGAGE**

The undersigned WEBSTER BANK, NATIONAL ASSOCIATION, a national banking association, having an address at 185 Asylum Street, Hartford, Connecticut 06103 ("Lender"), being the present holder of that certain (a) Mortgage and Security Agreement on property located at 254 Lowell Street, Andover, Essex County, Massachusetts ("Premises") from Andover Senior Housing LLC ("Borrower") to Lender, dated May 19, 2017 and recorded with the Essex County Northern District Registry of Deeds ("Registry of Deeds") in Book 15087, Page 288 (the "Mortgage"), (b) Collateral Assignment of Leases and Rents from Borrower to Lender, dated May 19, 2017 and recorded with the Registry of Deeds in Book 15087, Page 306 (the "Assignment", and together with the Mortgage, hereinafter collectively the "Record Loan Documents"), hereby approve of, and subordinate the Record Loan Documents and the obligations secured thereby to the foregoing Declaration of Age Restriction Covenant covering a portion of the Premises to be recorded in the Registry of Deeds, to the same extent as if the Declaration of Age Restriction Covenant had been executed and recorded before the execution and recording of the Record Loan Documents.

IN WITNESS WHEREOF, the undersigned has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf on this 30<sup>th</sup> day of October, 2017.

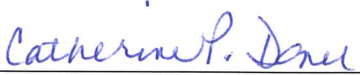
WEBSTER BANK, NATIONAL ASSOCIATION

By:   
Name: Elizabeth B. Shelley  
Title: Senior Vice President

STATE OF CONNECTICUT

Hartford, ss.

On this 30<sup>th</sup> day of October, 2017, before me, the undersigned notary public, personally appeared Elizabeth B. Shelley, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, as Senior Vice President of Webster Bank, National Association.

  
Notary Public  
My commission expires: 11/30/19



CATHERINE P. DONER  
NOTARY PUBLIC  
STATE OF CONNECTICUT  
MY COMM. EXP. 11-30-2019