

BOARD OF SELECTMEN AGENDA

THURSDAY, January 11, 2018

7:00 P.M.

SELECTMEN'S CONFERENCE ROOM TOWN OFFICES, 3rd FLOOR

- 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. Regular Business of the Board – (7:15 p.m.)
 - A. The Wall Project (Shaping Andover's Future Together) – (15 minutes)
Elyse Cote (AHS Junior) and Molly Foley (Andover's Artist Cultural Association) will give a presentation to the Board.
 - B. Update on Dascomb Road Project - (10 minutes)
Dascomb Road Task Force will give the Board an update on the Dascomb Rd Project.
- VI. 2018 Special Town Meeting Warrant Review – 7:40 P.M.
 - A. Board to discuss and consider voting on the following private warrant articles:
 - Article 8 – Amend Town of Andover's Zoning Map Industrial 1 District Dascomb Rd
 - Article 9 – Posting of Board Decisions on the Town Website
 - Article 11 – Allowed Planned Development in ID2 Zoning District
 - Article 12 – Dascomb Road Project – Planned Development Masterplan
 - Article 13 – Date of Town Elections – Home Rule Legislation
 - B. Board to discuss and consider voting on the following warrant articles:
 - Article 1 – Intermunicipal Agreement with the Town of North Reading for Potable Water Service
 - Article 7 – Wood Hill High Plain Accessibility Project
 - Article 14 - Amend Zoning Bylaw – Dimensional Special Permit Section 7.9

VII. 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
Facilities Dept.	Christopher Salvo (v. J. Favreau)	Materials Coordinator	\$67,822.67	1/29/18
Facilities Dept.	Larry Johnson (v. R. Rafferty)	Maintenance Craft person- Temp. Carpenter	\$58,109.00	1/29/18

VIII. Adjournment – 9:45 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 in the Town Manager's Office.

The Wall

Shaping Andover's Future Together

Elyse Cote, Andover High School '19
Molly Folly, Andover Arts & Culture All.

Other Core Team Members:

Marisa McCarthy AHS '19

Rian Walsh AHS '19

Andreea Zetea AHS '19

Stephen Chinosi, APS Project Lead

Melanie Cutler, AHS Environ. Sci. teacher

Wendy Donohue, Social media

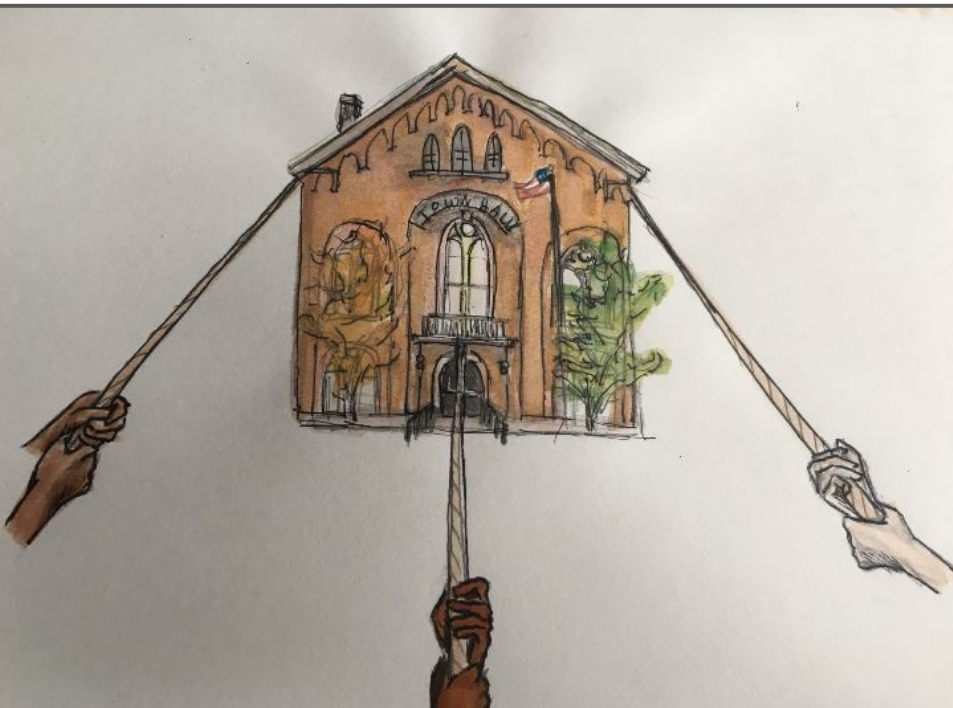
Steve Fink Andover Tomorrow

Megan Michaud, AHS Art Teacher

Ann Ormond, Town of And. Project Lead

Donn Robb, Chair, Council on Aging

Austin Simko, Chair, Planning Board



Main Street, The Wall, and the Historic Mill District

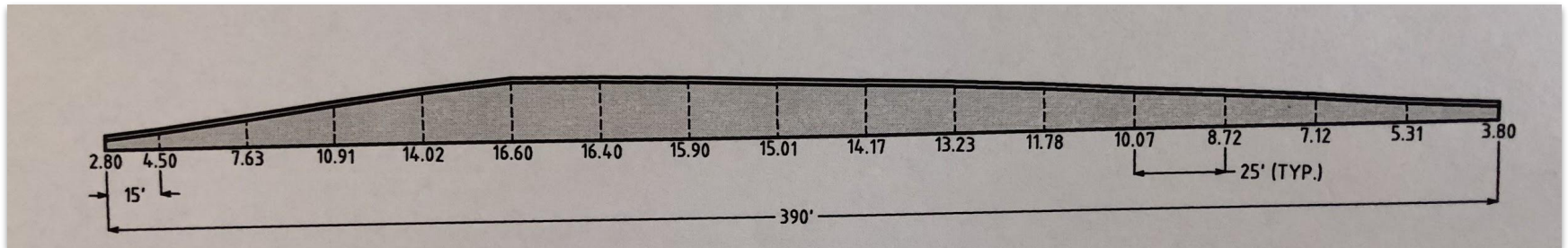


Mission Statement

Mount a mural on the wall opposite the Public Safety Center celebrating Andover's past, present and future. The mural will connect all parts of Andover, including people with all different experiences. This student-led project will convey a sense of community and growth, and will be refreshed regularly in the future

Measures of Success

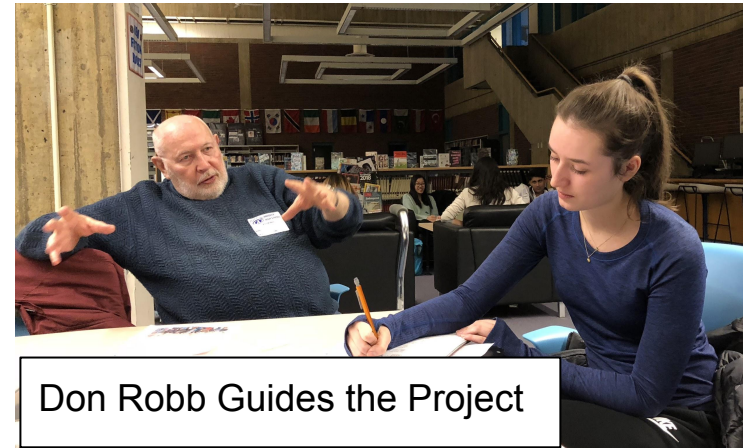
1. Broad community involvement: 100+ participants
2. Design crafted by students and community working together
3. Integrate art and culture into the community
4. Project builds a path that connects Main St. and The Historic Mill District
5. Project lives on with ongoing community support



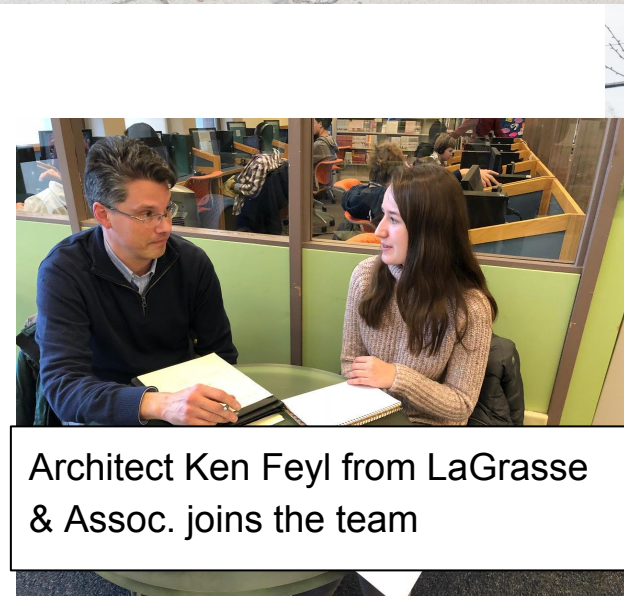
The Team



And. Arts & Cultural Alliance meets with Town leaders



Don Robb Guides the Project



Architect Ken Feyl from LaGrasse & Assoc. joins the team



Town Manager's Guided Site Walk



Enterprise Bank EVP Marlene Hoyt

Community Engagement

Shaping Andover's Future Together

- Students and teachers
- Town officials, boards, and committees
- Community businesses
- Community volunteers



Working Schedule

Winter

- **Project Guideline Charrette**, Wednesday January 31, 7pm Memorial Hall Library
- **Juried Art Exhibition**, end of February Old Town Hall & online
- **Lay out mural design**, March, panel of student and adult leaders

Spring

- **Submit design to Massachusetts Art Week Contest**, April
- **Hang draft mural banner around town**, April
- **Andover Town Meeting**, May

Summer

- **Students paint mural panels**, June - August
- **Unveil at Andover Days**, September

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

To Either of the Constables of the Town of Andover

Greeting:

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

MONDAY, THE TWENTY NINTH DAY OF JANUARY, 2018

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

ARTICLE 1	INTERMUNICIPAL AGREEMENT WITH THE TOWN OF NORTH READING FOR POTABLE WATER SERVICE
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To see if the Town will vote to authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the Town of North Reading for potable water for a term of up to 99 years on such terms and conditions that the Board determines are in the best interests of the Town; and further to see if the Town will authorize the Board of Selectmen to take any and all action necessary to effectuate such agreement including, but not limited to, petitioning the General Court for a special act authorizing said agreement, or take any other action relative thereto.

On request of the Town Manager

ARTICLE 2	APPLICATION OF BOND PREMIUM
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To see if the Town will supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44 Section 20 of the Massachusetts General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or take any action related thereto.

On request of the Finance Director

ARTICLE 3	COLLECTIVE BARGAINING AGREEMENTS WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTER LOCAL 1658 AFL-CIO
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To see if the Town will vote to transfer from Free Cash and appropriate \$800,000.00 to fund the cost items for the collective bargaining agreements negotiated between the Town and Andover Fire Fighters Local 1658 for Fiscal 2015, Fiscal Year 2016, and Fiscal Year 2017, or take any other action thereto.

On the request of the Board of Selectmen

ARTICLE 4	PROHIBITION OF MARIJUANA ESTABLISHMENTS
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To see if the Town will vote to amend Article XII of the Town’s General Bylaws, Miscellaneous Bylaws, by adding after Section 48 the following new section:

Section 49. Prohibition of Marijuana Establishments Not Medically Prescribed

(a) Prohibition

Consistent with G.L. c. 94G, sec. 3(a)(2), all types of marijuana establishments as defined in G.L. c. 94G, sec. 1, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption, special events, and any other type of licensed marijuana-related businesses, but not to include a medical marijuana treatment center or registered marijuana dispensary as defined and regulated in Article VIII, Section 8.9 of the Town’s Zoning Bylaws, are prohibited in the Town of Andover.

(b) Severability

If any provisions, paragraphs, sentences, or clauses of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

(c) Enforcement

The penalty for violation of this bylaw shall be \$200 for each such violation. Each day of the violation shall constitute a separate offense. In addition to any other applicable remedy, violation of this bylaw may be enforced by noncriminal disposition in accordance with G.L. c. 40, sec. 21D. The Town Manager, Police Officers and the Building Inspector shall be enforcing persons.

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action relative thereto.

On request of the Board of Selectmen

ARTICLE 5	AMEND ZONING BYLAW – SECTION 10.0 DEFINITIONS
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To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII, §10.0 DEFINITIONS to include Marijuana Establishments and to read as follows:

Marijuana Establishments – shall mean all types of marijuana establishments as defined in G.L. C. 94G, sec. 1, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption, special events, and any other type of licensed marijuana related businesses, but not to include a medical marijuana treatment center or registered marijuana dispensary as defined and regulated in Article VIII, Section 8.9 of the Town’s Zoning Bylaws.

On request of the Board of Selectmen

ARTICLE 6	AMEND ZONING BYLAW – APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations
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Amend APPENDIX A TABLE 1 Section 3.1.3 Table of Use Regulations to include 27. Marijuana Establishments and to read as follows:

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
27. Marijuana Establishments	N	N	N	N	N	N	N	N	N	N	N	N

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Board of Selectmen

ARTICLE 7	WOOD HILL HIGH PLAIN ACCESSIBILITY PROJECT
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To see if the Town will vote to transfer from Free Cash and appropriate \$200,000 for the purpose of purchasing services and materials related to completing accessibility improvements at Wood Hill High Plain, including any other costs incidental and related thereto, or to take any other action related thereto.

On request of the Town Manager

ARTICLE 8	AMEND TOWN OF ANDOVER’S ZONING MAP INDUSTRIAL 1 DISTRICT DASCOMB ROAD
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To see if the town will amend the Town of Andover’s zoning map to rezone District ID2 on Dascomb Road back to its original ID District.

On request of Connie Bassilakis and others

ARTICLE 9	POSTING OF BOARD DECISIONS ON THE TOWN WEB SITE
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To require the Town to make available for public access on the Town website (<http://www.andoverma.gov/>) all decisions from the Zoning Board of Appeals and Conservation Commission (in a manner similar to the practice of the current Planning Board) as well as all public documents required to be made available under the Public Records Law, including but not limited to EIDRs (Environmental Impact and Design reviews), construction plans, traffic reports, planning or feasibility studies, and all communications received in whatever form by the Zoning Board of Appeals, Planning Board and/or Conservation Commission from residents and/or petitioners related to new and/or current applications submitted to such boards and/or commissions.

On request of Jose Albuquerque and others

ARTICLE 10	POST CLOSURE USE OF LEDGE RD LANDFILL
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To prohibit the use of any Town funds, including but not limited to the stabilization funds that were appropriated by the 2016 Town Meeting or any other appropriated but unspent funds of the Town, for any post closure use of the Ledge Road landfill property that would constitute or require the construction of any Department of Municipal Services Public Works and/or Plant & Facilities Material Handling Operations and/or any storage facility with the purpose of storing or warehousing any Town vehicles, equipment, materials or refuse on the Ledge Road landfill property unless and until the Town expressly authorizes the same pursuant to a specific warrant article appropriating such funds at a future Town Meeting.

On request of Jose Albuquerque and others

ARTICLE 11	ALLOWED PLANNED DEVELOPMENTS IN ID2 ZONING DISTRICT
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To see if the Town will amend the Zoning By-Law by making the following changes necessary to permit mixed use planned developments of a combination of business uses and age restricted residential uses by Special Permit and Town Meeting Approval in the Industrial 2 Zoning District (ID2).

Amend Section 7.2 by replacing all instances of:

- “Mixed Use District” with the following:
- “Mixed Use District and Industrial 2 District”

Amend Section 7.2.3 by adding the following at the end:

6. *Waivers.* The Planning Board may waive the dimensional requirements set forth in Section 7.2.3 for planned developments proposed in the Industrial 2 District in the interests of design flexibility and overall project quality if it finds that the project is consistent with the overall purpose and objectives of Section 7.2, or if it finds that such waiver will allow the project to achieve a high quality design incorporating a desired mix of open space, affordability, a mix of uses, and/or physical character.

Amend Section 7.2.7 Procedure by adding the following paragraph at the beginning:

In the Industrial 2 District, any proposal for a PD-MD or PD-MU must first be presented and to approved by Town Meeting. The proposal shall be in the form of a conceptual master plan containing the following:

- a. Project description, including proposed uses, size, location, zoning;
- b. Conceptual plans, including overall context plan and building elevations;
- c. Transportation improvements and mitigation measures;
- d. Utility improvements and mitigation measures;

- e. Traffic analysis;
- f. Fiscal Impact Analysis; and
- g. Impact thresholds which, if exceeded, would require the applicant to re-submit to Town Meeting for review and approval.

If the conceptual master plan is approved by Town Meeting, the applicant may proceed with an application for a special permit from the Planning Board. Minor changes to the design of the PD-MD or PD-MU as part of the Planning Board review process shall not require re-approval by Town Meeting. For purposes of this Section 7.2.7, minor changes shall mean any proposed change that does not exceed the impact thresholds set forth in the conceptual master plan.

Amend Section 7.2.8 Special Permit by adding the following at the end:

- 7. For planned developments in the Industrial 2 District, deed restriction, association bylaws or other suitable regulation shall be implemented to restrict occupancy of all dwelling units to have at least one resident 55 years of age or older, and no resident under the age of 18.

Amend Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations, Key to symbols used in Table 1, by adding the following:

TM – Town Meeting

Amend Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations, use category A.4.c., by replacing the “N” in the ID2 column with “TM/PB^(a)”, as follows:

Use	ID2
A.4.c. Planned development, multifamily or mixed use (See section 7.2)	TM/PB ^(a)

Amend the following use categories in Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations, by adding footnote “(b)” following the symbol in the ID2 column as follows:

Use	ID2
A.4.b. Multiple-dwelling (Apartment Building) (See Section 7.6.3)	N ^(b)
C.5. Banking establishment	BA ^(b)
C.16. Motel or hotel (See Section 4.1.5.1)	BA ^(b)
E.5. Public transportation station or terminal excluding airports	BA ^(b)
F.8. Temporary and seasonal placement of tables and chairs	N ^(b)

Amend Appendix A, Table 1 Section 3.1.3 – Table of Use Regulations by adding the following immediately following the Table of Regulations:

Exceptions and Special Requirements:

- (a) All dwellings for planned developments in the Industrial 2 District shall be age restricted to require at least one resident to have attained the age of 55 and no resident shall be under the age of 18.

- (b) Allowed by right in planned development, multifamily or mixed use, in ID2 zoning district.

On request of Wendy L. Donohue and others

ARTICLE 12	DASCOMB ROAD PROJECT – PLANNED DEVELOPMENT MASTERPLAN
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To see if the Town will approve the conceptual master plan for a Planned Development-Mixed Use in the Industrial 2 District at 146 Dascomb Road, in accordance with Section 7.2.7 of the Zoning By-Law. A copy of the Planned Unit Development Master Plan is on file at the Office of the Town Clerk.

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-Laws, or take any other action related thereto.

On request of Wendy L. Donohue and others

ARTICLE 13	DATE OF TOWN ELECTIONS – HOME RULE LEGISLATION
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To see if the Town will vote to have the Town expeditiously submit a Home Rule Petition to the Massachusetts Legislature to have the Legislature grant to the Town of Andover permission to change the date that the Town of Andover holds its local elections to be on the Tuesday next after the first Monday in November, which will enable Town of Andover local elections to be held on the same statutory date that state and federal elections are held, provided that the Legislature may reasonable vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

On request of Bob Pokress and others

ARTICLE 14	AMEND ZONING BYLAW – DIMENSIONAL SPECIAL PERMIT SECTION 7.9
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To see if the Town will vote to amend the Zoning Bylaw Dimensional Special Permit Section 7.9 as follows:

Add the following as §7.9.4.11:

If a New Lot is to be created from the Parent Parcel, then the design of the new structure to be built on the New Lot shall be submitted to the Andover Preservation Commission, which shall review the design of the new structure, including factors relating to building massing, materials, siting, dimensions and setbacks as these factors relate to compatibility with the existing neighborhood. Approval of the design by the Andover Preservation Commission shall be required prior to the issuance of a building permit for the new structure.

Add the following sentence after the existing text of §7.9.6.1:

Such conditions shall provide that existing historic structures be secured and maintained in a good state of repair until such time as restoration work is commenced or it is moved to the Host Lot.

Delete §7.9.6.3 and replace §7.9.6.3 in its entirety with the following:

3. If the historic structure is to be moved to a Host Lot from another location, the following conditions shall be imposed:
 - (a) The Board of Selectmen of the Town of Andover shall approve the route and the timing of the movement of the building or structure.
 - (b) The existing historic structure shall be secured from the elements and maintained in a good state of repair until such time as it is moved to the new Host Lot.
 - (c) Prior to the meeting of the Board of Selectmen to approve the movement of the historic building or structure:
 - (i) The Applicant shall submit to the Inspector of Buildings and the Office of the Zoning Board of Appeals a statement, prepared and signed by a Structural Engineer licensed to practice in the Commonwealth of Massachusetts, affirming that the historic structure is in suitable condition to be moved. Such statement shall be signed and dated within fourteen days of the posting of the agenda for meeting of the Board of Selectmen at which the movement is to be approved.
 - (ii) The Preservation Commission shall approve, in writing, any changes to the historic structure that involve the removal of historic material if such changes have not been specifically authorized in the Zoning Board of Appeals' conditions of approval.
 - (d) If the historic structure is to be moved, the rights granted by the Special Permit, including, but not limited to, the right to subdivide the Parent Parcel and create any New Lots, shall be effective only upon the successful relocation of the historic structure and its placement on its new permanent foundation, with all temporary supporting structures removed, so that the building is supported only by its new permanent foundation.

- (e) Following the movement of the historic structure to its new location, the Applicant shall submit to the Inspector of Buildings and the Office of the Zoning Board of Appeals a statement, prepared and signed by a Structural Engineer licensed to practice in the Commonwealth of Massachusetts, affirming that the historic structure has been successfully moved and placed on its new foundation, with all temporary supporting structures, including cribbing and beams used in transit, removed, so that the building is supported only by its new permanent foundation. No building permits for any additional work shall be issued until such statement has been received and the relocated structure has been inspected by the Inspector of Buildings.
- (f) If the historic structure is not successfully relocated to its new location as provided above, the Special Permit shall be null and void and the Host Lot shall not be considered a buildable lot under the Zoning By-law. In the event that the historic structure is destroyed or damaged beyond repair prior to being moved successfully to its new location, the Special Permit shall be null and void.

Delete §7.9.6.2 and replace §7.9.6.2 in its entirety with the following:

2. If, in the event a fire, explosion or other catastrophic event, there is damage to the historic structure such that the historic structure cannot be repaired, then following the approval and recording of the Historic Preservation Restriction as provided for in §7.9.6.8 below, the owner may rebuild on the host lot, provided that the new structure does not contain more than the same interior floor area as the historic structure and meets one of the following requirements:
- a. The new structure is placed in the same footprint as that occupied by the historic structure; or
 - b. The new structure is built in conformity with the applicable front, side and rear setback requirements in effect at the time of rebuilding as set forth in Section 4.1.2 of the Zoning By-law (the "Table of Dimensional Requirements").

Add the following as §7.9.6.2.c:

If a new structure is to be built pursuant to either (a) or (b) above, the design of the new structure to be built shall be submitted to the Andover Preservation Commission, which shall review the design of the new structure, including factors relating to building massing, materials, siting, dimensions and setbacks as these factors relate to compatibility with the existing neighborhood. Approval of the design by the Andover Preservation Commission shall be required prior to the issuance of a building permit for the new structure.

Add the following at the end of §7.9.6.8:

No Certificate of Occupancy shall be issued until the Historic Preservation Restriction has been recorded pursuant to this section.

Add the following as §7.9.7.3(c):

A statement, prepared and signed by a Structural Engineer licensed to practice in the Commonwealth of Massachusetts, affirming that the historic structure is in suitable condition to be moved.

Delete §7.9.7.1.c and replace §7.9.7.1.c in its entirety with the following:

- c. The location and size of all existing and proposed structures or buildings on and adjacent to the proposed lot(s), and the distances between all existing and proposed structures or buildings;

Delete §7.9.7.1.f and replace §7.9.7.1.f in its entirety with the following:

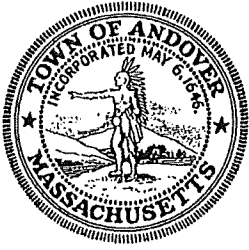
- f. Existing and proposed topography (grading), including provisions for management and control of stormwater and surface runoff.

Add the following as §7.9.7.7:

Floor plans and exterior elevation drawings of the existing historic structure and any proposed additions or alterations thereto, including specification of materials to be used, sufficient to determine the impact of any proposed changes on the historic significance and architectural features of the historic structure.

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On request of the Andover Preservation Commission



Town of Andover

Town Clerk's Office

36 Bartlet Street

Andover, MA 01810

978-623-8230

townclerk@andoverma.gov

Lawrence J. Murphy,
Town Clerk

December 29, 2017

Andrew Flanagan, Town Manager

Via: E-mail

Re: Special Town Meeting Warrant Article 13

Dear Andrew,

Bob Pokress has submitted a warrant article to move the date of the annual town election to November. I have certain reservations I would like to address.

Per state statute the biennial state election is held on the first Tuesday following the first Monday in November of even numbered years. By contrast cities hold their elections in November of odd numbered years and towns must hold their elections annually in February, March, April, May or June. The article proposes home rule legislation to move our town election to November to coincide with the biennial state election.

I reached out to my fellow clerks to see if any other municipality has done this. It appears that no other town has done so. I did learn that the Tewksbury Special Charter Commission considered this in 2011. It was not recommended in their final report. The recommendation was to keep the spring election date. I have been unable to find why it was not recommended to move the date of the election, but it may have been found to be unconstitutional. Article 89 of the Amendments to the Massachusetts Constitution is the Home Rule Amendment. Section 7 entitled "Limitations on Local Powers" reads in pertinent part "Nothing in this article shall be deemed to grant any city or town the power to (1) regulate elections other than those prescribed by sections 3 and 4..." Sections 3 and 4 have to do with calling elections for adoption of a town charter. Tewksbury was considering a town charter. The article in question by contrast calls for a petition to the state legislature for home rule legislation to move the election. I don't know if the Section 7 limitations would be construed to apply to home rule legislation.

Assuming that the proposal is found to be constitutionally permissible there are practical problems to be considered. As a practical matter we would have to hold two

simultaneous elections in even numbered years when there is a state election. This will require the use of two separate voting lists. Not every voter eligible to vote in the state election is eligible to vote in the town election. The so called "six month rule" permits voters who have moved from Andover to another Massachusetts community within six months of a state election to vote in Andover provided that they have not registered to vote anywhere else. The "six month rule" does not apply to town elections. This will also require the use of separate ballots.¹

There is a statute permitting towns to hold their annual town elections on the same day as the Presidential Primary in a Presidential election year.² The statute requires the use of separate ballots. This has proven very problematic for communities which have opted for this. Confusion is common and reconciling the ballots distributed with the ballots actually cast near impossible; voters not interested in the local race will remove ballots from the polling place uncast or simply leave them in the voting booth where they can potentially be appropriated by another voter. In short security is difficult at best.

There would be some cost savings associated with moving the town election to November, at least for those even numbered years when there is a state election. But this would not result in dollar for dollar savings. We would need additional poll workers and administrative help to deal with the increased administrative burden of running simultaneous elections. And we would still have to bear costs associated with the town election, such as ballot printing and ballot tabulator programming.

For the foregoing reasons, my recommendation is that the article not be approved.

Very truly yours,


Lawrence J. Murphy
Town Clerk

cc: Paul Salafia, Chair, Board of Selectmen
John Mangiaratti, Deputy Town Manager
Sheila Doherty, Moderator
Thomas J. Urbelis, Esq.
Bob Pokress

U:File17-2:Art13Ltr

¹ Even if we could find a way to use one voter list it is highly unlikely we could get agreement to put our local races on the state ballot.

² MGL Ch. 53, Sec. 28



Whitehall-Manning House, 1915
33 Porter Road

**Whitehall-Manning House:
An unsuccessful relocation**



Dimensional Special Permit-Historic Preservation Section 7.9

- **Preserves historically significant homes threatened with demolition.**
- **Allows subdivision of a lot with an historically significant home or subdivision of another parcel where the historic home will be relocated as an incentive to the developer to preserve the building.**
- **The Town currently holds 13 historic preservation restrictions in perpetuity, a requirement of the Special Permit bylaw.**
- **The Zoning Board of Appeals reviews and approves these special permits.**

Article 14:
Amend Zoning Bylaw Dimensional Special Permit Section 7.9

- 1. Require review and approval by the Preservation Commission of design of the new structure on the new lot for compatibility with the existing neighborhood.**

- 2. Require the historic building to be in sound condition prior to moving to insure the building's successful relocation as defined. Provide evaluation by structural engineer.**
 - 1. Provide documents sufficient to evaluate any proposed changes to the historic structure. Preservation Commission approval is required for changes involving removal of historic material not included in the ZBA Conditions of Approval.**

 - 1. Provide plans for control of storm water and surface runoff on the new site.**

 - 1. The Special Permit will be rendered null and void and the new lot unbuildable if the historic structure is not successfully relocated or is destroyed prior to being moved.**

 - 1. The Occupancy Permit will be issued only when the required historic preservation restriction has been filed with the Massachusetts Registry of Deeds.**



TOWN OF ANDOVER
Andover Preservation Commission
36 Bartlet Street
Andover, MA 01810

December 28, 2017

Members of the Andover Board of Selectmen,

RE: Dimensional Special Permit – Historic Preservation Section 7.9
Overview of Proposed Bylaw Amendments

The Dimensional Special Permit – Historic Preservation Section 7.9 has been used successfully since approval at the 2004 Town Meeting to preserve historically significant homes threatened with demolition. The Special Permit allows the subdivision of the parcel with the historic home or another parcel where the historic building will be moved as an incentive for the developer. The Town currently holds historic preservation restrictions in perpetuity on thirteen properties, a requirement of the Special Permit bylaw.

Due to an unprecedented event this summer that resulted in the destruction of a moved historic home, the Preservation Commission has determined that the Special Permit bylaw requires immediate refinement. The Commission voted unanimously to propose amendments to strengthen its effectiveness and process for presentation at the January 29, 2018 Special Town Meeting. The following points provide a brief overview of these amendments:

1. Require Preservation Commission review and approval of the design of a new structure on a new lot created from the Parent Parcel, including factors relating to building massing, materials, siting, dimensions and setbacks to insure compatibility with the existing neighborhood.
2. Require the historic building to be in sound condition prior to relocation, including an outline of all tasks to insure a successful relocation of the building.
3. Require floor plans and exterior elevation drawings of the existing historic structure with any proposed additions or alterations, including materials to be used, to evaluate any proposed changes to the structure's historic

significance and architectural features. Preservation Commission approval is required for any changes to the historic structure involving removal of historic material not specifically authorized in the Zoning Board of Appeals Conditions of Approval.

4. Provide plans for control of storm water and surface runoff on the new site.
5. The special permit will be rendered null and void and the new lot unbuildable if the historic structure is not successfully relocated or is destroyed prior to being moved.
6. The Inspector of Buildings will issue the Certificate of Occupancy only when the required Historic Preservation Restriction has been recorded with the Massachusetts Registry of Deeds.

We respectfully ask the Board of Selectmen to support the Preservation Commission and the proposed amendments to the Dimensional Special Permit – Historic Preservation Bylaw 7.9 at the upcoming Special Town Meeting. These amendments provide important protections for the Town and the surrounding neighborhood.

Sincerely,



Karen Herman, Chair
Andover Preservation Commission

Andrew Flanagan, Town Manager
John Mangiaratti, Deputy Town Manager
Chris Clemente, Inspector of Buildings
Lisa Schwarz, Senior Planner
Preservation Commission