

SPECIAL TOWN MEETING – March 11, 2024

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| <u>WARRANT ARTICLE NO. & DESCRIPTION</u> | <u>ACTION TAKEN</u> | <u>ATTY. GENERAL APPROVED</u> |
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| 1. Zoning Bylaw Amendment Watershed Protection Overlay District | Disapproved | |
| 2. General Bylaw Amendment Woodland Trail Preservation | Withdrawn | |
| 3. Zoning Bylaw Amendment Article XIV Wetlands Protection By-Law | Withdrawn | |

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SPECIAL TOWN MEETING WARRANT

Agreeably to a Warrant signed by the Select Board on February 12, 2024 to notify and warn the Inhabitants of said Town who are qualified to vote in Town Affairs to meet and assemble at the Andover High School, Shawsheen Road, in said Andover, on

MONDAY, THE ELEVENTH DAY OF MARCH, 2024

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

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

Ronald Bertheim, Constable
February 13, 2024

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The meeting was held at the Richard J. Collins Center for the Performing Arts at Andover High School at 100 Shawsheen Road, in said Andover. Voters were checked-in with the aid of PollPad computing devices, and One Thousand and Twenty Four (1024) voters were admitted to the meeting.

Sheila M. Doherty, Moderator, called the meeting to order at 7:00 P.M.

The Pledge of Allegiance to the Flag was led by Melissa Danisch, chair of the Select Board.

The invocation was given by Reverend Michael Hodges of Christ Church.

The Meeting voted to admit non-voters to the cafeteria overflow space due to the lack of available seats in the Collins Center for the Performing Arts. These non-voters, and other voters, were able to hear the Meeting located primarily in the Collins Center Auditorium. The voters in the cafeteria were able to speak to the Meeting.

The Moderator asked that all cell phones be silenced so as not to disturb the meeting.

Upon motion made and duly seconded, it was VOTED by majority consent to dispense with the reading of the Warrant and return of service of the Constable and to refer to the Warrant Articles by number and subject matter.

The Moderator introduced the stage participants to meeting members.

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The Moderator introduced that some votes would be held by electronic voting handset and outlined the rules and procedures governing use of the handsets, including the voting period, selection of options, and the availability of a “Help Desk.” The Meeting conducted two non-binding test votes using the electronic voting devices.

The Moderator introduced Atty. Peter Caruso as the Town Meeting “Ombudsman,” and reminded meeting members that he would help them with questions regarding Town Meeting procedures and amendments to articles.

The Moderator outlined the Rules and Procedures of Town meeting to the members, including that voters must have their voter stickers visible. The Moderator also explained the use of Pro and Con microphones during the meeting.

The Moderator took a vote to limit presenters of articles to five minutes of speaking time and speakers to three minutes, subject to her discretion. The Motion passed by a majority vote.

The Moderator then took up the Warrant.

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| ARTICLE 1 | ZONING BYLAW AMENDMENT WATERSHED PROTECTION OVERLAY DISTRICT |
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To amend the following section of Article VIII of the town of Andover’s Zoning By-Law;

Amend Section 8.1.6 Prohibited Uses, item 5 to read (bolding only to emphasize changes); Any new building, structure, land-disturbing activities, excavation or fill within 50 feet of all water bodies and watercourses as defined by this by-law; except for that which is necessary for the operation, maintenance, repair, replacement or expansion of the town’s public drinking water supply system, and **unpaved** foot, bicycle and/or horse paths and bridges and said systems **excluding any affiliated parking lots**, which will be consistent with the purposes set forth in Section 8.1.1.

Amend Section 8.1.6 Prohibited Uses, item 21 to read (bolding only to emphasize changes): For lots constructed after June 1, 2009 in addition to the above named prohibited uses the following shall apply: Any new building, structure, land-disturbing activities, excavation or fill within Priority Zone 1 as defined by this by-law; except for that which is necessary for the operation, maintenance, repair, replacement or expansion of the Town’s public drinking water supply system, and **unpaved** foot, bicycle and/or horse paths and bridges and said systems **excluding any affiliated parking lots**, which will be consistent with the purposes set forth in Section 8.1.1.

On petition of Donald Schroeder and others

The petitioner, Donald Schroeder, first moved to approve Article 1 as printed in the Warrant. Upon motion made and duly seconded it was VOTED to amend Article 1 to read as follows:

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To replace the section number 8.1.6 with 8.8.6 at the beginning of the section referenced and also to amend the final line by replacing the section number of 8.1.1 with 8.8.1.

Further, to amend Section 8.8.6 Prohibited Uses, item 21 to read (bolding only to emphasize changes):

For lots constructed after June 1, 2009, in addition to the above-named prohibited uses the following shall apply: Any new building, structure, land-disturbing activities, excavation or fill within Priority Zone 1 as defined in this **Section 8.8**, except for that which is necessary for the operation, **modification**, repair, replacement or expansion of the Town's public drinking water supply system, and **non-asphaltic** foot, bicycle or horse paths and bridges and said systems **excluding any affiliated parking lots**, that will be consistent with the purposes set forth in Section 8.8.1.

VOTE: A simple majority vote required for passage, the Motion to Amend Failed in an electronic vote of 365 in favor, 551 against, and 14 abstentions.

The Meeting then discussed the Article as printed in the Warrant. Upon motion made and duly seconded it was VOTED to approve Article 1 as printed in the Warrant.

VOTE: A two-thirds majority vote required for passage, the Motion Failed in an electronic vote of 299 in favor, 656 against, and 7 abstentions.

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| Select Board Report: | Disapproval |
| Conservation Commission Report: | Disapproval |
| Planning Board Report: | Disapproval |
| Commission of Disability Report: | Disapproval |
| Finance Committee Report: | Disapproval |
| School Committee Report: | Disapproval |
| Commission of DEI Report: | Disapproval |

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| ARTICLE 2 | GENERAL BYLAW AMENDMENT WOODLAND TRAIL PRESERVATION |
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To see if the Town will vote to amend the General Bylaws by adding a new section entitled “**Woodland Trail Preservation**” as follows:

Section 1. Purpose

The purpose of this bylaw is to preserve the natural beauty and ecological integrity of woodland trails in the Town of Andover.

Section 2. Definitions

For the purposes of this bylaw, the following terms shall have the meanings set forth below:

- (a) “Woodland Trail” means a trail that is located in a wooded area and is intended for pedestrian use.
- (b) “Paved” means covered with asphalt, concrete, or any other non-porous material.

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(c) “Body of water” means any natural or artificial water feature, including but not limited to rivers, streams, ponds, and lakes.

Section 3. Prohibition

No woodland trail in the Town of Andover shall be paved if it is located within 100 feet of a body of water, including the town’s water reservoir.

Section 4. Distance

The distance between the woodland trail and the body of water shall be measured from the edge of the trail to the edge of the body of water.

Section 5. Enforcement

This bylaw shall be enforced by the Conservation Commission.

Section 6. Penalties

Any person who violates this bylaw shall be subject to a fine of not more than \$300 for each offense. Each day that a violation continues shall constitute a separate offense.

Section 7. Severability

The provisions of this bylaw are severable. If any provision of this bylaw is held to be invalid, such invalidity shall affect the remaining provisions of the bylaw.

On petition of Paul MacKay and others

Upon motion made and duly seconded it was VOTED to withdraw Article 2.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion Passed by a majority vote.

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| Select Board Report: | Disapproval |
| Conservation Commission Report: | Disapproval |
| Planning Board Report: | Disapproval |
| Commission of Disability Report: | Disapproval |
| Finance Committee Report: | Disapproval |
| School Committee Report: | Disapproval |
| Commission of DEI Report: | Disapproval |

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| ARTICLE 3 | ZONING BYLAW AMENDMENT ARTICLE XIV WETLANDS PROTECTION BY-LAW |
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To amend the following sections of Article XIV of the town of Andover’s Watershed Protection Overlay District Zoning By-Law;

Amend Section 8.8.6 Prohibited Uses to add item #22 (bold only to emphasize changes):

Any road or pedestrian walkway, paved or unpaved, that require structure, land-disturbing activities, excavation, or fill within 50 feet of all water bodies and watercourses as defined in this Bylaw; except for that which is necessary for the operation, modification, repair, replacement, or expansion of the Town’s public drinking water supply system.

On petition of Jenicka Engler and others

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The petitioner, Jenicka Engler, first moved to approve Article 3 as printed in the Warrant. Upon motion made and duly seconded it was VOTED to amend Article 3 to read as follows:

Amend Section 8.8.6 Prohibited Uses to add item #22 (bold only to emphasize changes):

Any pedestrian walkway, paved or unpaved, that requires structure, land-disturbing activities, excavation, or **non-topsoil fill (aside from normal maintenance for existing trails)** within 50 feet of all water bodies and watercourses as defined in this Bylaw **in Priority Zone 1**; except for that which is necessary for the operation, modification, repair, replacement, or expansion of the following: the Town’s public drinking water supply system; **the Town’s conservation of natural resources (whether by public or private organizations); the Town’s school grounds and facilities; safety and critical infrastructure (e.g., sidewalks, bridges, roadways); golf courses; playgrounds; community gardens or landscaping; or projects on private property not prohibited by other sections in this Bylaw.**

VOTE: A simple majority vote required for passage, the Motion to Amend Failed in an electronic vote of 280 in favor, 509 against, and 12 abstentions.

Upon motion made and duly seconded it was VOTED to Withdraw Article 3.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion Passed by a majority vote.

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|----------------------------------|-------------|
| Select Board Report: | Disapproval |
| Conservation Commission Report: | Disapproval |
| Planning Board Report: | Disapproval |
| Commission of Disability Report: | Disapproval |
| Finance Committee Report: | Disapproval |
| School Committee Report: | Disapproval |
| Commission of DEI Report: | Disapproval |

On motion of Town Counsel Doug Heim made and duly seconded, it was voted by a majority vote to dissolve the Special Town Meeting at 9:14 P.M.

A true record
A T T E S T

Austin P. Simko
Town Clerk