

ANNUAL TOWN MEETING – April 29 & 30, 2024

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<u>WARRANT ARTICLE NO. & DESCRIPTION</u>	<u>ACTION TAKEN</u>	<u>ATTY. GENERAL APPROVED</u>
1. Annual Town Election Results	Reported	
2. Election – Not Required by Ballot	Election	
3. Salaries of Elected Officials	Approved	
4. Fiscal Year 2025 Budget – \$235,895,267	Approved	
5. Fiscal Year 2025 Capital Projects Fund – \$2,624,000	Approved	
6. Financial Housekeeping Articles A. Budget Transfers B. Supplemental Budget Appropriations C. Stabilization Fund D. Free Cash E. Unexpended Appropriations F. Unexpended Appropriations Capital Projects Fund G. Fiscal Year 2025 Revolving Accounts H. PEG Access and Cable Related Expenses I. Pension Obligation Bond Stabilization Fund Transfer	Approved	
7. Bylaw Amendment Revolving Fund Revenues and Expenditures	Approved	Approved 8-13-2024
8. Bylaw Amendment Other Public Spaces Revolving Fund	Approved	Approved 8-13-2024
9. Indemnification of Public Safety Medical Costs - \$125,000	Approved	
10. Adopting a New Town Seal	Approved	
11. Ballot Question for Town Government	Disapproved	
12. Ballot Question: Type of Local Government	Disapproved	

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<u>WARRANT ARTICLE NO. & DESCRIPTION</u>	<u>ACTION TAKEN</u>	<u>ATTY. GENERAL APPROVED</u>
13. Minor Financial Articles A. Overlay Surplus Transfer B. Elderly/Disabled Transportation Program C. Support for Andover Day and Other Civic Events D. Spring Grove Cemetery Maintenance E. Elections and Town Meeting Expenses	Approved	
14. General Housekeeping Articles A. Grant Program Authorization B. Road Contracts C. Town Report D. Property Tax Exemptions E. Contracts in Excess of Three Years F. Accepting Easements G. Rescinding Bond Authorizations	Approved	
15. Unpaid Bills	Approved	
16. Chapter 90 Authorizations	Approved	
17. Granting Easements	Approved	
18. Stabilization Fund Bond Premium – \$100,000	Approved	
19. Water Treatment Plant Maintenance – \$150,000	Approved	
20. Sewer Collection System Maintenance – \$300,000	Approved	
21. Jerry Silverman Fireworks – \$15,000	Approved	
22. Indemnification of Members of the Andover Contributory Retirement Board	Approved	
23. Home Rule Legislation Appointment of Town Employees and Officials	Approved	

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<u>WARRANT ARTICLE NO. & DESCRIPTION</u>	<u>ACTION TAKEN</u>	<u>ATTY. GENERAL APPROVED</u>
24. Capital Projects from General Fund Borrowing – \$4,630,000	Approved	
25. Capital Projects from Free Cash – \$2,035,000	Approved	
26. Capital Projects from Water and Sewer Enterprise Funds – \$7,294,000	Approved	
27. Zoning Bylaw Amendment Nonconforming Uses and Structures	Approved	Approved 8-13-2024
28. Zoning Bylaw Amendment Off-Street Parking Requirements	Approved	Approved 8-13-2024
29. Street Acceptance Monarch Lane	Approved	
30. Old Town Yard Confirmatory Actions	Approved	
31. Taking By Eminent Domain of Hacienda Way	Approved	
32. Town Charter Insertion of Residency Requirement for Town Manager	Disapproved	
33. Granting of a Non-Exclusive Access/Egress Easement	Approved	
34. General Bylaw Amendment	Withdrawn	

SPECIAL TOWN MEETING ARTICLES

1. Zoning Bylaw and Map Amendment / Establish Multifamily Housing Overlay	Approved	Approved 8-22-2024
2. Greater Lawrence Technical School Land Acquisition	Approved	

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ANNUAL TOWN MEETING WARRANT

Agreeably to a Warrant signed by the Select Board on March 18, 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 TWENTY NINTH DAY OF APRIL, 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
March 21, 2024

ANNUAL TOWN MEETING

The meeting was held at the J. Everett Collins Center for the Performing Arts, Andover High School, 100 Shawsheen Road, in said Andover.

Voters were checked-in with the aid of PollPad computing devices, and One Thousand Ten (1010) 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 Morris Danisch, chair of the Select Board.

The invocation was given by Reverend Judy Arnold of Ballardvale United Church.

The Moderator took a moment to remember the residents of the Town who have passed in the past year.

Upon motion made and duly seconded it was VOTED to admit non-voters to the meeting, some of whom may be speaking. One Hundred Twenty Nine (129) non-voters were admitted during the meeting.

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

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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 announced the various voting sections, which included the J. Everett Collins Center for the Performing Arts auditorium, the Andover High School cafeteria, and the Richard J. Collins Field House.

The Moderator introduced the stage participants to meeting members.

The Moderator introduced Randy Hanson as the Town Meeting “Ombudsman,” and reminded meeting members that she 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 be seated to be counted and must have their voter stickers visible. The Moderator also explained the use of Pro and Con microphones during the meeting.

The Moderator conducted two “tests” of the electronic voting devices to ensure that the system was operating correctly and that residents understood how to vote with their devices.

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.

ARTICLE 1	ANNUAL TOWN ELECTION
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Annual Town Election: Moderator for one year, two Select Board members for three years, two School Committee members for three years, two Punchard Free School Trustees for three years, one member of the Andover Housing Authority for five years, and one Greater Lawrence Regional Vocational Technical School District Commission member for three years, or take any other action related thereto.

On request of the Town Clerk

The Town Clerk reported the following were elected:

Moderator	One for One Year	Sheila M. Doherty 9 Juniper Road
Select Board	Two for Three Years	Kevin T. Coffey 1 Stafford Lane Ellen Marie Townson 23 Glenwood Road

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School Committee	Two for Three Years	Lauren Rossi Diffenbach 26 Woburn Street Shauna H. Murray 6 Gudrun Drive
Andover Housing Authority	One for Five Years	William L. Walsh 500 Lowell Street
Trustees of the Punchard Free School	Two for Three Years	Michele Ippolito Karlberg 134 Summer Street Eric Stubenhaus 8 Enfield Drive
Greater Lawrence Regional Vocational Technical School District Commission member	One for Three Years	Anne Marie Faris 2 Shadow Lane

ARTICLE 2	ELECTION NOT REQUIRED BY BALLOT
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To elect all other officers not required by law to be elected by ballot, or take any other action related thereto.

On request of the Town Clerk

Upon motion made and duly seconded it was VOTED by a majority vote that Kenneth Ozoonian of 98 Osgood Street be elected Trustee of the Cornell Fund for three years.

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

ARTICLE 3	SALARIES OF ELECTED OFFICIALS
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To establish the salaries of the elected officers for the ensuing year, or take any other action related thereto.

On request of the Town Clerk

Upon motions made and duly seconded it was VOTED that the salaries of the elected Town Officers be established as follows:

Town Moderator: \$250.00 for each Annual Town Meeting and \$60.00 for each Special Town Meeting except when it falls within the Annual Town Meeting.

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Select Board:	Chair -	\$1,800.00
	Members -	\$1,500.00
School Committee:	Chair -	\$1,800.00
	Members -	\$1,500.00

The Town Clerk presided over the vote for the Moderator’s compensation. The Moderator presided over the vote for the Select Board and School Committee compensation.

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

Finance Committee Report: Approval

ARTICLE 4	FISCAL YEAR 2025 BUDGET
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To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, or take any other action related thereto.

On request of the Town Manager

It was moved and duly seconded to raise and appropriate the following sums:

- I move to approve line items 1-2, the Public Safety budget in the amount of \$20,194,592
- I move to approve line items 3-4, the General Government budget in the amount of \$11,429,039
- I move to approve line items 5-6, the Public Works budget in the amount of \$6,399,049
- I move to approve line items 7-8, the Facilities budget in the amount of \$4,287,620
- I move to approve line items 9-10, the Library budget in the amount of \$3,097,341
- I move to approve line items 11-12, the Community Services budget in the amount of \$2,460,840
- I move to approve line items 13-14, the Unclassified budget in the amount of \$200,000
- I move to approve line item 15, the School budget in the amount of \$102,478,334
- I move to approve line items 16-18, the Sewer budget in the amount of \$5,750,547
- I move to approve line items 19-21, the Water budget in the amount of \$11,004,132
- I move to approve line items 22-29, the Obligations Budget, for a total of \$69,657,124

The Town Manager, Superintendent of Schools, School Committee chair, Finance Committee chair, and Select Board chair each made presentations regarding the proposed budget.

As a matter of process, the Town Meeting determined to vote on the FY2025 budget in a single vote rather than through separate votes on distinct budget line items (i.e., Public Safety, General

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Government/IT/CD&P, Department of Public Works, Facilities, Library, Community Services, Unclassified, Andover School Department, Sewer, Water, and Obligations). A simple majority vote required for passage, the Motion Passed in an electronic vote of 564 in favor, 362 against, and 25 abstaining.

It was then moved by Donal Coleman of 91 High Street and duly seconded to amend the article by reducing the General Government line item by \$3,000,000, from \$11,429,039 to \$8,429,039. A simple majority vote required for passage, the Motion Failed in an electronic vote of 195 in favor, 685 against, and 60 abstaining.

It was then moved by Lisa Pizzi of 4 Ruggiero Way and duly seconded to amend the article by transferring \$2,709,039 from Free Cash to the School Department budget. This amendment was ruled out of order by the Moderator because it improperly transferred Free Cash where Article 4 did not contemplate a transfer from Free Cash. The Amendment was moved by the amendment proponent to be withdrawn, and this motion was approved by Town Meeting.

It was then moved by Lisa Pizzi of 4 Ruggiero Way and duly seconded to amend the article by increasing the School Department budget by \$2,709,039 “by a method of [sic] not triggering a [Proposition 2 ½] override.” A simple majority vote required for passage, the Motion Failed in an electronic vote of 451 in favor, 488 against, and 15 abstaining.

It was then moved by Elyse Salberg of 9 Chandler Road and duly seconded to amend the article by increasing the School Department budget by \$1,875,000 “by a method not to trigger a [Proposition 2 ½] override.” A simple majority vote required for passage, the Motion Passed in an electronic vote of 476 in favor, 451 against, and 7 abstaining.

It was then moved by Brian Major of 11 Odyssey Way and duly seconded to amend the article to “raise and appropriate or transfer from available funds, a supplemental sum of \$1.875 million dollars [sic] for Andover Public Schools operations for Fiscal Year 2025 to the School Budget recommended in the Finance Committee Report provided, however that such supplemental amount appropriated hereunder be expressly contingent upon approval of the voters of a Proposition 2 ½ override question in accordance with G.L. c.59, §21C(g).” A simple majority vote required for passage, the Motion Failed in an electronic vote of 410 in favor, 487 against, and 11 abstaining.

The final amended Motion was as follows: I move to raise and appropriate, including appropriations from available funds, the sum of \$238,833,618 less \$2,938,351 for a total of \$235,895,267 to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025.

VOTE: A simple majority vote required for passage, the amended Motion Passed in an electronic vote of 560 in favor, 320 against, and 5 abstaining.

Select Board Report: Approval (of initial motion)
Finance Committee Report: Approval (of initial motion)
School Committee Report: Approval (of initial motion)

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The FY 2025 Budget was approved as follows:

<u>Department</u>	<u>Amount</u>
Public Safety	\$ 20,194,592
General Government	\$ 11,429,039
Public Works	\$ 6,399,049
Public Facilities	\$ 4,287,620
Library	\$ 3,097,341
Community Services	\$ 2,460,840
Unclassified	\$ 200,000
Schools	\$ 104,353,334
Sewer	\$ 5,750,547
Water	\$ 11,004,132
Obligations	\$ 69,657,124
GRAND TOTAL	\$ 238,833,618
<i>less dedicated Revenues</i>	<i>(\$ 2,938,351)</i>
NET TOTAL	\$ 235,895,267

2024 ANNUAL TOWN MEETING SPECIAL ARTICLES

SPECIAL ARTICLES FROM FREE CASH

Article 6B	Supplemental Appropriations (Snow & Ice, Forestry, Fire)	\$ 750,000.00
Article 15	Unpaid Bills	\$ 21,792.25
Article 25	Capital Projects from Free Cash	\$ 2,035,000.00
Article 31	Eminent Domain – Hacienda Way	\$ 120,000.00
	TOTAL	\$ 2,926,792.25

SPECIAL ARTICLES – TRANSFER OF FUNDS

Article 6H	From Cable Franchise Fees to support PEG access services and other related expenses	\$ 453,429.00
Article 6I	From the unfunded liability offset account to the Pension Stabilization Fund	\$ 256,875.00
Article 13A	From the Overlay Surplus to fund expenses related to the FY2025 valuation of real and personal property to fund the FY2025 property tax revaluation	\$ 75,000.00
Article 13D	From the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto	\$ 6,000.00

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Article 18	From the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments	\$ 100,000.00
	TOTAL	\$ 891,304.00

UNEXPENDED APPROPRIATIONS

Article 6E	Article 38, 2007 Annual Town Meeting	\$ 1,653.84
	Article 29, 2020 Annual Town Meeting	\$ 7,519.85
	TOTAL	\$ 9,173.69

UNEXPENDED APPROPRIATIONS – CAPITAL PROJECTS FUND

Article 6F	Article 5, 2018 Annual Town Meeting	\$ 21,333.18
	Article 5, 2021 Annual Town Meeting	\$ 29.85.00
	TOTAL	\$ 21,362.18

SPECIAL ARTICLES – GENERAL FUND NON-EXEMPT BORROWING

Article 24	Capital Projects from General Fund Borrowing	\$ 4,630,000.00
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SPECIAL ARTICLES – WATER/SEWER FUND BORROWING

Article 26	Capital Projects from Water and Sewer Borrowing	\$ 6,794,000.00
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SPECIAL ARTICLES – FISCAL YEAR 2025 REVOLVING ACCOUNTS

Article 6G	Community Development & Planning Department	\$ 35,000.00
Article 6G	Memorial Hall Library – Lost/Damaged Materials	\$ 20,000.00
Article 6G	Health Clinic	\$ 60,000.00
Article 6G	Division of Recreation	\$ 1,750,000.00
Article 6G	Division of Youth Services	\$ 400,000.00
Article 6G	Field Maintenance	\$ 150,000.00
Article 6G	Division of Elder Services	\$ 225,000.00
Article 6G	Police Communications	\$ 50,000.00
Article 6G	School Photocopy Fees	\$ 10,000.00
Article 6G	Compost Program	\$ 60,000.00
Article 6G	Solid Waste	\$ 40,000.00

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Article 6G	Stormwater Management	\$ 5,000.00
Article 6G	Fire Rescue	\$ 100,000.00
Article 6G	Health Services	\$ 100,000.00
Article 6G	Professional Development Institute	\$ 50,000.00
Article 6G	Student Technology Rental	\$ 200,000.00
Article 8	Other Public Space Rentals	\$ 50,000.00
	TOTAL	\$ 3,305,000.00

SPECIAL ARTICLES FROM TAXATION

Article 5	Capital Projects Fund Appropriation	\$ 2,624,000.00
Article 6I	Pension Obligation Bond Stabilization Fund Transfer	\$ 800,033.00
Article 9	Indemnification of Public Safety Medical Costs	\$ 125,000.00
Article 13B	Elderly/Disabled Transportation Program	\$ 12,000.00
Article 13C	Support for Andover Day	\$ 25,000.00
Article 13E	Rental of Electronic Voting Equipment/Town Meeting & Elections Expenses	\$ 75,000.00
Article 21	Jerry Silverman Fireworks	\$ 15,000.00
	TOTAL	\$ 3,676,033.00

WATER ENTERPRISE FUND

Article 19	Water Treatment Plant Maintenance	\$ 150,000.00
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SPECIAL ARTICLES FROM WATER & SEWER RESERVES

Article 20	Sewer Collection System Maintenance	\$ 300,000.00
Article 26	Capital Projects from Sewer Enterprise Funds	\$ 500,000.00
	TOTAL	\$ 800,000.00

A true record
ATTEST

Austin P. Simko
Town Clerk

ARTICLE 5	FISCAL YEAR 2025 CAPITAL PROJECTS FUND
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To see if the Town will vote to raise by taxation and appropriate the sum of money for the purpose of funding the Fiscal Year 2025 appropriation for the Capital Projects Fund, or take any other action related thereto.

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On request of the Town Manager

Upon motion made and duly seconded it was VOTED to raise by taxation and appropriate the sum of \$2,624,000 for the purpose of funding the Fiscal Year 2025 appropriation for the Capital Projects Fund.

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 389 in favor, 67 against, and 10 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval
School Committee Report: Approval

On motion of Town Counsel, Douglas Heim, made and duly seconded, it was voted by a majority vote to adjourn the Annual Town Meeting at 10:15 P.M.

SPECIAL TOWN MEETING – FIRST AND ONLY SESSION – April 30, 2024

The meeting was held at the J. Everett Collins Center for the Performing Arts, Andover High School, 100 Shawsheen Road, in said Andover.

Voters were checked-in with the aid of PollPad computing devices, and Six Hundred Seventy Six (676) 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 Morris Danisch, chair of the Select Board.

Upon motion made and duly seconded it was VOTED to admit non-voters to the meeting, some of whom may be speaking. Fifty Two (52) non-voters were admitted during 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 Randy Hanson as the Town Meeting “Ombudsman,” and reminded meeting members that she would help them with questions regarding Town Meeting procedures and amendments to articles.

The Moderator introduced the stage participants to meeting members.

The Moderator explained the use of the Pro and Con microphones during the meeting.

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The Moderator explained the procedures for taking votes by electronic voting devices.

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 Virginia Cole Community Service Award was awarded to Marilyn Fitzgerald in recognition of her service to the community in many capacities, including as a Representative to the Greater Lawrence Regional Vocational Technical School District Committee, and as a long-time athletic coach. Ms. Fitzgerald accepted the award and expressed her appreciation to the community.

The Moderator then took up the Warrant.

ARTICLE 1	ZONING BYLAW AND MAP AMENDMENT / ESTABLISH MULTIFAMILY OVERLAY DISTRICT
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To see if the Town will vote to amend the Zoning Bylaw by adding a following new Section 8.9, Multifamily Overlay District, or take any other action related thereto.

8.9. MULTIFAMILY OVERLAY DISTRICT

8.9.1 Purpose.

The purpose of the Multifamily Overlay District (MOD) is to foster a range of housing opportunities near retail sales and services, transportation options, employment centers, and civic and personal services. In addition, Section 8.9 is intended to:

1. Provide family housing in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC);
2. Provide opportunities for housing near public transportation such as the Town’s commuter rail stations and regional bus routes;
3. Encourage a mix of housing sizes and types in walkable areas to promote public health, reduce greenhouse gasses, improve air quality, and concentrate development where adequate facilities and services exist to support it;
4. Provide predictable permitting of new housing development;
5. Encourage residential and commercial uses to provide a customer base for local businesses;
6. Encourage economic investment in the redevelopment of properties;
7. Respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;

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8. Advance a number of land use, housing and mobility goals of the Andover Comprehensive Plan; Andover Housing Production Plan, Community Health Improvement Plan and the Climate Action and Substantiality Plan; and
9. Be consistent with the Town of Andover Complete Streets Policy.

8.9.2 Applicability.

1. The MOD includes all the lands designated on the map titled Multifamily Overlay District and Subdistricts, dated February 29, 2024 and prepared by the Town of Andover, on file with the Town Clerk and hereby made part of the Zoning Map. The MOD shall include the following subdistricts:
 - a. Downtown
 - i. Transit (MODT)
 - ii. Downtown Residential (MODR)
 - b. Ballardvale (MODB)
 - c. River Road (MODRR)
2. *Underlying Zoning.* Except as otherwise provided in this Section 8.9, all regulations of the underlying district(s) shall apply to land in the MOD; provided, however, that in the case of conflict between the provisions of the underlying district and the MOD, the provisions of the MOD shall control. When a building permit is issued for any Project approved under this Section 8.9, the provisions of the underlying district(s) shall no longer apply to the land shown on the site plan.
3. The Planning Board is the Site Plan Review and Special Permit granting authority for the MOD.

8.9.3 Permitted Uses.

1. The following uses are permitted as of right in the MOD, subject to Site Plan Review under Section 9.5.
 - a. Multifamily housing
 - b. Residential accessory uses permitted in the underlying zoning district(s).
2. *Special Permit Uses.* In the MODT, MODRR and MODB, the Planning Board may grant a Special Permit for a Mixed-Use Structure in which multi-family housing is the principal use and any of the following nonresidential uses may be located on the ground floor, subject to any conditions that the Planning Board deems appropriate:
 - a. Private club not conducted for profit

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- b. Personal service establishment
- c. Establishment for the retail sale of merchandise
- d. Convenience store
- e. Non-exempt educational use
- f. Medical center or clinic
- g. Self-service laundry or dry-cleaning operation
- h. Restaurant
- i. Restaurant, sit-down
- j. Restaurant, limited service
- k. Shop for custom work involving the manufacture of articles to be sold on the premises
- l. Indoor commercial recreation establishment
- m. Business, professional or administrative office
- n. Grocery store

8.9.4. Dimensional Regulations.

- 1. Development in the MOD shall comply with the following dimensional and density regulations:

Table of MOD Dimensional and Density Regulations

Requirement	Downtown		Ballardvale	River Road
	MODR	MODT	MODB	MODRR
Minimum lot area	N/A	N/A	N/A	N/A
Maximum lot coverage	50%	50%	30%	30%
Minimum open space	5%	5%	5%	10%
Maximum height				
Stories (maximum)	2.5	3	3	4
Feet (maximum)	35	45	45	55
Minimum frontage	0	0	0	50
Minimum required setbacks:				
Front	10	5	5	20

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Requirement	Downtown		Ballardvale	River Road
Side	10	5	5	5
Rear	10	5	5	5
Maximum units per acre	15	25	20	35
Maximum buildings on a lot	N/A	N/A	N/A	N/A

2. *Additional Requirements.*

- a. When adjacent to or up to 10 feet from the property line of a lot on Essex Street, Pearson Street, North Main Street, Dale Street, and Andover Street, the maximum building height shall not be more than 35 feet above the adjacent public street.
- b. When a building facade extends more than 100 feet across a grade equal to or greater than 10 feet in elevation differential, the maximum height of the building shall be determined from the average grade across each 100-foot increment.

3. *Open Space.* For purposes of complying this Section 8.9, the minimum open space requirement refers to land not used for buildings, structures, roadways, or other impervious surfaces. It may be preserved in its natural state or landscaped. With approval from the Planning Board, open space may be used for walkways that satisfy the requirements of Section 8.9.5.3.

4. *Exceptions to Maximum Building Height.* The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings that are not used for living purposes and do not constitute more than 25 percent of the ground floor area of the building. More than one residential or accessory building or structure shall be allowed on a lot in the MOD. All structures must conform to the Massachusetts Building Code with respect to building separation and firewalls.

5. In the MODRR subdistrict, the Planning Board may grant a Special Permit to authorize an increase in the maximum building height, up to 5 stories and 65 feet, for a Mixed-Use Structure and increase the allowable density to 45 units per acre.

8.9.5 Development Standards.

1. Developments in the MOD shall conform to the standards in this Section 8.9 and the following:

- a. Section 5.1, Off-Street Parking and Loading, subject to Subsection 4 below.
- b. Section 5.3, Landscaping, Buffering, and Lighting, subject to Subsection 8 below.
- c. Section 8.3, Flood Hazard Overlay District.

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2. *Setbacks and Buffers.*

- a. No use other than landscaping, sidewalks, multi-use paths, street furniture, seating, and permitted signs shall be permitted in the front yard of any lot.
- b. Where applicable, the front setback may be increased for purposes of amenities such as a courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, or façade offsets, but not for automobile use.
- c. River Road Subdistrict.
 - i. In the MODRR Subdistrict, no multifamily structure shall be erected within 80 feet of the property line of any industrial use.
 - ii. There shall be a landscape buffer of at least 30 feet between any residential or mixed-use development in the MODRR and any manufacturing and industrial uses. Landscaped screening shall meet the requirements in Section 5.3.

3. *Sidewalks, Internal Walkways, and Landscaping.*

- a. All developments shall provide accessible walkways that connect buildings to other buildings, buildings to streets, and buildings to sidewalks and adjacent public features, such as parks and playgrounds, with minimal interruption by driveways.
- b. Parking lot aisles and access and interior driveways shall not count as walkways. The Planning Board may require benches, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
- c. To the maximum extent possible, walkways should have some degree of shelter achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delimit the pedestrian space.
- d. Pedestrian and bicycle pathways shall be included within 100 feet of the Shawsheen River for public use and enjoyment if the Project includes frontage along the Shawsheen River. Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance to the Town of Andover. The easement width for these pathways shall be not less than 20 feet, unless otherwise approved by the Planning Board.
- e. Site landscaping shall not block a driver’s view of oncoming traffic.
- f. Compliance with these standards shall be demonstrated in site circulation and landscaping plans submitted with the MOD Development Plan Application.

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4. *Off-Street Parking and Loading.* Development in the MOD shall be provided as required by Section 5.1.4 Appendix A, Table 3 Off-street parking requirements and shall comply with Section 5.1 of this Bylaw. Any conflict between 5.1 and 8.9 shall be resolved in favor of 8.9.
 - a. The minimum number of parking spaces shall be 1.5 spaces per unit in the MODRR subdistrict, and 1 space per unit in the MODR, MODB, and MODT district.
 - b. No surface parking shall be located between the front building line of a residential building and the front lot line nor within any minimum setback under Section 8.9.4. Surface parking shall be located to the rear or side of the principal building.
 - c. Structured parking in a separate parking garage shall be located behind the front building line of the multifamily dwellings on the lot.
 - d. For structured parking that is located partially or entirely under a residential building, the vehicular entry to the parking area shall be subordinate in design and placement to the principal pedestrian entry into the building. For example, vehicle parking that is not underneath the multifamily building but is covered by it shall be effectively shielded from view from the street and sidewalks by any combination of the following methods: fence, trees, or building wall sufficiently articulated to avoid the appearance of a blank wall at the street level.
 - e. *Shared Parking Facilities.* The Planning Board may allow for shared parking facilities within the MOD for different buildings or uses subject to the following provisions:
 - i. Up to 50 percent of the parking spaces serving a building may be used jointly for other uses not normally open, used, or operated during similar hours. The applicant must demonstrate to the Planning Board that the peak demand and principal operating hours for each use are suitable for a common parking facility.
 - ii. A written agreement defining the joint use of the common parking facility acceptable to the Planning Board shall be executed by all parties concerned and approved by the Planning Board as part of the Site Plan Review process. This agreement shall be recorded with the Registry of Deeds.
5. *Bicycle Parking.* The following requirements shall apply to bicycle parking:
 - a. In any development of ten or more multifamily units, the minimum number of covered bicycle parking spaces shall be one space per two units.
 - b. For purposes of this bylaw, a bicycle parking space is an area within which one intact bicycle may be conveniently and securely stored and removed in an upright position with both wheels resting on a stable surface without requiring the use of a kickstand, and without requiring the movement of other parked bicycles, vehicles, or other objects to access the space.

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- c. Long-term bicycle parking is intended primarily to serve residents, employees, or other people who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days. Short-term bicycle parking is intended primarily to serve visitors, such as retail patrons making trips of up to a few hours to a particular use.
- d. The Planning Board may adopt rules and regulations and guidelines for the design and placement of bicycle racks for long-term and short-term bicycle parking.

6. *Buildings*

- a. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building materials on the primary, public-facing façade(s) (front, side, and rear) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- b. Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
- c. To encourage clustering of buildings and provide for common open space and amenities on the lot, no building may be more than 90 feet from the nearest adjacent building unless approved by the Planning Board.

7. *Shared outdoor space.* Multi-family housing shall have common outdoor space that all residents can access. The outdoor space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

8. *Exterior Lighting.* Throughout the MOD district, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. To this end, exterior lighting in the MOD shall conform to the following standards and shall be in accordance with a lighting plan approved by the Planning Board.

a. *Pedestrian Lighting.*

- i. Pedestrian lighting shall complement the character, aesthetic appeal, and safety of a development and promote greater pedestrian activity.
- ii. Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, developments shall be equipped with downcast or full-cutoff fixtures.
- iii. When pedestrian lighting is used in conjunction with street lighting, the illumination provided by the former shall be distinguishable from the illumination provided by the latter to clearly define the pedestrian path of travel.

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- b. Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the continuity of the streetscape. Where possible, the Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern rather than fewer, taller fixtures.
 - c. *Parking Areas.*
 - i. Within parking areas, there shall be a unified system that provides attractive lighting throughout the lot.
 - ii. Fixtures shall minimize spill light and glare onto adjacent properties. Fixtures adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.
 - iii. Lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to walkways, parking area lighting shall not overpower the quality of pedestrian area lighting.
9. *Waivers.* Upon the request of the Applicant, the Planning Board may waive by majority vote the requirements of this Section 8.9.5. 1 through 8.9.5.8 above in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MOD.
10. *Affordability.* Development in the MOD shall comply with 7.8.4 except as follows:
- a. All residential developments consisting of 10 or more units shall have at least 15% of the dwelling units (and no fewer than one unit) available as affordable units limited to 80% Area Median Income (AMI) and eligible for listing in the Town’s Subsidized Housing Inventory (SHI). For purposes of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of 0.5 or above.
 - b. If EOHLC determines in writing that the Town has not shown this 15% requirement to be economically feasible, at least 10% of the dwelling units in any development in the MOD shall be affordable units with household income limited to 80% of AMI and eligible for inclusion on the Subsidized Housing Inventory. For purposes of calculating the number of affordable units required, the unit requirement shall round down to a whole number in the instances of a fraction.
 - c. The applicant may, with the permission of the Planning Board, in lieu of one or more affordable unit(s) contribute to the Town of Andover Municipal Affordable Housing Trust Fund, a cash contribution determined by the Planning Board in consultation with the Housing Trust Fund Board of Trustees.

ANNUAL TOWN MEETING – April 29 & 30, 2024

8.9.6 Procedure.

1. Development within the MOD shall be subject to Site Plan Review under Section 9.5 of this Bylaw.
2. The Planning Board may adopt advisory design guidelines to assist applicants in building design and site planning for a Project.
3. The Design Review Board shall review developments proposed in the MOD and provide advisory recommendations to the Planning Board.
4. The Planning Board may adopt advisory regulations to facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and EOHLA's current Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act, as amended.

8.9.7 Severability.

The invalidity of any section or provision of this Section 8.9 shall not invalidate any other section or provision herein.

And further; To amend Article VIII, Section 2.2 Overlay Districts of the Zoning Bylaw by adding at the end of Section 2.2, Multifamily Overlay District and amend the Town of Andover Zoning Map, to establish a Multifamily Overlay District as shown on a plan titled “Proposed Zoning Multifamily Overlay District”, dated February 29, 2024, as prepared by the Town of Andover, which is on file in the Town Clerk’s Office, and which are hereby made part of the Town Zoning Map.

On request of the Planning Board

Upon motion made and duly seconded it was VOTED to approve Special Town Meeting Article 1 as printed in the Warrant, including amending the Town Zoning Map referenced in the Warrant, on file with Town Clerk’s Office, and presented in the Finance Committee Report, which shall hereby be made part of the Town Zoning Map.

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 434 in favor, 196 against, and 7 abstaining.

Planning Board Report:	Approval
Select Board Report:	Approval
Finance Committee Report:	Approval
School Committee Report:	Approval
Council on Aging Report:	Approval
Preservation Comm. Report:	Approval

ANNUAL TOWN MEETING – April 29 & 30, 2024

ARTICLE 2	GREATER LAWRENCE TECHNICAL SCHOOL LAND ACQUISITION
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To see if the Town will approve an amendment to the District Agreement of the Greater Lawrence Regional Vocational Technical High School District, so as to permit the District to enter into leases of land incidental and related to the District’s purchase of the West Side Hangar, so-called, at the Lawrence Airport in furtherance of the District’s programs, as permitted by c. 330, §4 of the Acts of 1960, as amended, or to take any other action relative thereto.

On request of the Greater Lawrence Regional Vocational Technical School District Committee

Upon motion made and duly seconded it was VOTED that the Town of Andover hereby approves an amendment to the District Agreement for the Greater Lawrence Technical School to add a new “Section XII – Sublease of Airport Property from the City of Lawrence” as follows:

SECTION XII – SUBLEASE OF AIRPORT PROPERTY FROM THE CITY OF LAWRENCE

The Committee is authorized to enter into a sublease of land held for school purposes from the City of Lawrence, which is located at the Lawrence Municipal Airport. The sublease shall be for a maximum term of twenty (20) years, with an option to extend such term by an additional four (4) years, at the discretion of the Committee. The monthly base rent payable by the District to the City under the sublease shall be \$495.23, or \$5,924.80 annually. Annual base rent shall be adjusted to reflect changes in the consumer price index every third April following the commencement date of the sublease. The District shall also be responsible for a common area maintenance charge to address its allocable share of electricity, plowing, Secretary of State Annual Reporting fees and insurance. The sublease shall contain such other terms and conditions as the Committee shall determine to be in the best interests of the District.

VOTE: A two-thirds vote required for passage, the Moderator declared the Motion Passed by more than a two-thirds vote.

Select Board Report: Approval

On motion of Town Counsel, Douglas Heim, made and duly seconded, it was voted by a majority vote to dissolve the Special Town Meeting at 8:03 P.M.

ANNUAL TOWN MEETING - SECOND SESSION – April 30, 2024

The meeting was held at the J. Everett Collins Center for the Performing Arts, Andover High School, 100 Shawsheen Road, in said Andover.

Sheila M. Doherty, Moderator, called the meeting to order at 8:04 P.M.

Upon motion made and duly seconded it was VOTED to admit non-voters to the meeting, some of whom may be speaking. Fifty Two (52) non-voters were admitted during the meeting.

ANNUAL TOWN MEETING – April 29 & 30, 2024

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 Randy Hanson as the Town Meeting “Ombudsman,” and reminded meeting members that she would help them with questions regarding Town Meeting procedures and amendments to articles.

The Moderator then took up the Warrant.

ARTICLE 6	FINANCIAL HOUSEKEEPING ARTICLES (A THROUGH I)
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- A. Budget Transfers** To see if the Town will vote to transfer from amounts previously appropriated at the May 2023 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

- B. Supplemental Budget Appropriations** To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the May 2023 Annual Town Meeting, or take any other action related thereto.

On request of the Town Manager

- C. Stabilization Fund** To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with Massachusetts General Laws Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003 and Chapter 218 of the Acts of 2016, or take any other action related thereto.

On request of the Town Manager

- D. Free Cash** To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2025 tax rate and to affect appropriations voted at the May 2023 Annual Town Meeting, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

- E. Unexpended Appropriations** To see what disposition shall be made of unexpended appropriations and Free Cash in the treasury, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

ANNUAL TOWN MEETING – April 29 & 30, 2024

F. Unexpended Appropriations Capital Projects Fund To see what disposition shall be made of unexpended appropriations in the Capital Projects Fund, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

G. Fiscal Year 2025 Revolving Accounts To see if the Town will vote to authorize the following expenditure limits for revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2024, or take any other action related thereto:

Revolving Fund	FY2025 Limit
Community Development & Planning Department	\$35,000
Memorial Hall Library-Lost/Damaged Materials	\$20,000
Health Clinic	\$60,000
Division of Recreation	\$1,750,000
Division of Youth Services	\$400,000
Field Maintenance	\$150,000
Division of Elder Services	\$225,000
Police Communications	\$50,000
School Photocopy Fees	\$10,000
Compost Program	\$60,000
Solid Waste	\$40,000
Stormwater Management	\$5,000
Fire Rescue	\$100,000
Health Services	\$100,000
Professional Development Institute	\$50,000
Student Technology Rental	\$200,000

On request of the Chief Administrative & Financial Officer

H. PEG Access and Cable Related Expenses To see if the Town will vote to appropriate cable franchise fees and other cable-related revenues to support PEG access services, cable related expenses, and oversight of the cable franchise agreements for fiscal year 2025, which begins on July 1, 2024, or take any other action related thereto.

ANNUAL TOWN MEETING – April 29 & 30, 2024

On request of the Chief Administrative & Financial Officer

- I. Pension Obligation Bond Stabilization Fund Transfer** To see if the Town will vote to appropriate and raise from taxation or transfer from available funds a sum of money to the Pension Stabilization Fund in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any action related thereto.

On request of the Chief Administrative & Financial Officer

Upon motion made and duly seconded it was VOTED to withdraw Articles 6A, 6C, and 6D.

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

Upon motion made and duly seconded it was VOTED that:

1. Per Article 6B, it was further moved to appropriate \$750,000 from Free Cash and transfer \$300,000 to Department of Public Works – Forestry, \$100,000 to Department of Public Works – Snow & Ice, and \$350,000 to Public Safety – Fire.
2. Per Article 6E, I further move that the Town close out the sum of \$9,173.69 and transfer to Free Cash from the following appropriations:

\$1,653.84 from Article 38 of the 2007 Annual Town Meeting
\$7,519.85 from Article 29 of the 2020 Annual Town Meeting
3. Per Article 6F, I further move that the Town close out the sum of \$21,362.18 and transfer to Free Cash from the following appropriations for Capital Projects:

\$21,333.18 from Article 5 of the 2018 Annual Town Meeting
\$29.00 from Article 5 of the 2021 Annual Town Meeting
4. Per Article 6G, I further move to authorize the expenditure limits for revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2024.
5. Per Article 6H, I further move to appropriate \$453,429.00 from cable franchise fees and other cable-related revenues to support PEG access services, cable related expenses, and oversight of the cable franchise agreements for fiscal year 2025.
6. Per 6I, I further move to approve Article 6I as printed in the Warrant and that the Town appropriate the sum of \$1,056,908 to the Pension Obligation Bond Stabilization Fund in accordance with MGL, Chapter 40, Section 5B, and further that \$800,033 be raised from taxation and \$256,875 be transferred from the unfunded liability offset account.

ANNUAL TOWN MEETING – April 29 & 30, 2024

VOTE: A simple majority vote required for passage, the Moderator declared the Motions for Articles B, E, F, G and H Passed by a majority vote.

It was then moved by Elyse Salberg of 9 Chandler Road and duly seconded to amend Article 6I “to see if the Town will vote to transfer from available funds a sum of money to the Pension Stabilization Fund in accordance with M.G.L. Chapter 40, Section 5B as amended by Chapter 46 Section 14 & 50 of the acts of 2003 or take any action related thereto.” A simple majority vote required for passage, the Moderator declared the Motion Failed.

It was then moved by Elyse Salberg of 9 Chandler Road and duly seconded to amend Article 6I “to see if the town will vote to appropriate the sum of \$1,056,908 to the Pension Obligation Bond Stabilization Fund in accordance with M.G.L. 40 Section 5B and further that \$800,032 be transferred from available funds and \$256,875 be transferred from the unfunded liability offset account.” A simple majority vote required for passage, the Motion Failed in an electronic vote of 128 in favor, 336 against, and 34 abstaining.

VOTE: A simple majority vote required for passage, the Moderator declared the Motion for Article 6I Passed by a majority vote.

Select Board Report: Approval
 Finance Committee Report: Approval
 School Committee Report: Approval

ARTICLE 7	BYLAW AMENDMENT REVOLVING FUND REVENUES AND EXPENDITURES
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To see if the Town will vote to amend General Bylaw Article XII Section 48 (“Departmental revolving funds”), subsection 5(G) by amending the table to expand the permitted revenue sources and expenses from the Division of Recreation, Division of Youth Services, Division of Elder Services, and Compost Program revolving funds as follows (deleted language in “~~strikethrough~~” additional language underscored):

Revolving Fund	Revenues (Column C)	Expenses (Column D)
Division of Recreation	Participant fees, <u>rentals and concessions</u>	Trips, ticket sales and special programs and activities <u>Programs, activities, events, supplies, staffing and related expenses, facility maintenance and capital improvements</u>
Division of Youth Services	Participant fees, <u>rentals and concessions</u>	All pPrograms and activities expenses, part-time help events, <u>supplies, staffing and related expenses, facility</u>

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		<u>maintenance and capital improvements</u>
Division of Elder Services	<u>Participant fees, rentals and concessions</u>	Senior pPrograms, classes and activities, <u>events, supplies, staffing and related expenses, facility maintenance and capital improvements</u>
Compost Program		Current: Offset <u>cCompost monitoring and cleanup expenses, and staffing</u>

On request of the Chief Administrative & Financial Officer

Upon motion made and duly seconded it was VOTED to amend General Bylaw Article XII Section 48 (“Departmental revolving funds”), subsection 5(G) by amending the table to expand the permitted revenue sources and expenses from the Division of Recreation, Division of Youth Services, Division of Elder Services, and Compost Program revolving funds as presented in Article 7 of the Warrant.

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

Select Board Report: Approval
 Finance Committee Report: Approval

ARTICLE 8	BYLAW AMENDMENT OTHER PUBLIC SPACES REVOLVING FUND
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To see if the Town will vote to amend General Bylaws Article XII Section 48 (“Departmental revolving funds”) subsection (5)(G) to authorize and establish a new Revolving Fund entitled “Other Public Space Rentals” authorizing the Director of Facilities and Director of Planning to spend funds from rental and space use fees in public buildings; and further to authorize expenditures from the fund to pay the cost of custodial services, facility maintenance, programming and capital improvements; and further to authorize the amount of \$50,000 to be expended in fiscal year 2025 and subsequent years; or take any action related thereto.

On request of the Chief Administrative & Financial Officer

Upon motion made and duly seconded it was VOTED to amend General Bylaws Article XII Section 48 (“Departmental revolving funds”) subsection (5)(G) to authorize and establish a new Revolving Fund entitled “Other Public Space Rentals” authorizing the Director of Facilities and Director of Planning to spend funds from rental and space use fees in public buildings; and further to authorize expenditures from the fund to pay the cost of custodial services, facility maintenance, programming and capital improvements; and further to authorize the amount of

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\$50,000 to be expended in fiscal year 2025 and subsequent years, so as to read substantially as follows:

A. Revolving Fund	B. Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C. Fees, Charges or Other Receipts Credited to Fund	D. Program or Activity Expenses Payable from Fund	G. Fiscal Years
<u>Other Public Space Rentals</u>	<u>Director of Facilities and Director of Planning & Land Use</u>	<u>Rental and Space Use Fees</u>	<u>Custodial Services, Facility Maintenance, Programming and Capital Improvement</u>	<u>Fiscal Year 2025 and subsequent years</u>

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

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 9	INDEMNIFICATION OF PUBLIC SAFETY MEDICAL COSTS
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To see if the Town will appropriate a sum of money in accordance with the provisions of Chapter 41, Sections 100 and 100B of the General Laws, to indemnify certain active and retired Police Officers and Firefighters for all reasonable medical and surgical expenses for those conditions or injuries which they incurred in the course of their service, determine how the money will be raised and expended; or take any action related thereto.

On request of the Chief Administrative & Financial Officer

Upon motion made and duly seconded it was VOTED to raise by taxation and appropriate \$125,000 in accordance with the provisions of Chapter 41, Sections 100 and 100B of the General Laws, to indemnify certain active and retired Police Officers and Firefighters for all reasonable medical and surgical expenses for those conditions or injuries which they incurred in the course of their service.

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

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Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 10	ADOPTING A NEW TOWN SEAL
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To see if the Town will vote to establish and adopt a new Town Seal in accordance with G.L. c. 40 § 47, as recommended by the Andover Town Seal Review Committee; or take any other action relating thereto.

On request of the Town Seal Review Committee

Upon motion made and duly seconded it was VOTED to approve Article 10 as printed in the Warrant.

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 419 in favor, 65 against, and 5 abstaining.

Town Seal Review Comm. Report: Approval
Select Board Report: Approval
Finance Committee Report: Approval
Preservation Commission Report: Approval
Library Trustees Report: Approval

ARTICLE 11	BALLOT QUESTION FOR TOWN GOVERNMENT
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To see if the Town will vote to direct that the Select Board place a non-binding advisory question on the 2025 Annual Town Election ballot in conformance with G.L. c. 53 sec. 18A as follows:

Should the Town of Andover continue to use Open Town Meeting as its form of local government?

Yes

No

; or take any action related thereto.

On request of the Select Board

Upon motion made and duly seconded it was VOTED to direct that the Select Board place a non-binding advisory question on the 2025 Annual Town Election ballot in conformance with G.L. c. 53 sec. 18, substantially as follows:

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Should the Town of Andover continue to use Open Town Meeting as its form of local government?

Yes
No

VOTE: A simple majority vote required for passage, the Motion Failed in an electronic vote of 190 in favor, 266 against, and 9 abstaining.

Select Board Report: Approval

ARTICLE 12	BALLOT QUESTION: TYPE OF LOCAL GOVERNMENT
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To see if the Town will vote to add one or more of the following non-binding questions to the ballot of the 2025 Town Election:

- A. Should the Town of Andover continue to use Open Town Meeting with a Select Board and an appointed town manager as its form of local government? ___ Yes ___ No*
- B. Should the Town of Andover consider changing to a Representative Town Meeting with a Select Board and an appointed town manager as its form of local government? ___ Yes ___ No*
- C. Should the Town of Andover consider changing to a city council with an appointed city manager as its form of local government? ___ Yes ___ No*
- D. Should the Town of Andover consider changing to a city council with an elected mayor as its form of local government? ___ Yes ___ No*

or take any action related thereto.

On petition of Kathleen Grant and others

Upon motion made and duly seconded it was VOTED to approve Article 12 as printed in the Warrant.

VOTE: A simple majority vote required for passage, the Motion Failed in an electronic vote of 161 in favor, 268 against, and 1 abstaining.

Select Board Report: Disapproval

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ARTICLE 13	MINOR FINANCIAL ARTICLES (A THROUGH E)
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- A. **Overlay Surplus Transfer** To see if the Town will vote to transfer \$75,000 from Overlay Surplus to fund expenses related to the FY2025 valuation of real and personal property and to fund the FY2025 property tax recertification, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

- B. **Elderly/Disabled Transportation Program** To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program, or take any other action related thereto.

On request of the Council on Aging

- C. **Support for Andover Day and Other Civic Events** To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$25,000 for the purpose of paying costs associated with Andover Day and other civic events, or take any other action related thereto.

On request of the Town Manager

- D. **Spring Grove Cemetery Maintenance** To see if the Town will vote to transfer the sum of \$6,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

- E. **Elections and Town Meeting Expenses** To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$75,000 for the purpose of paying costs related to elections, Annual Town Meetings, and Special Town Meetings, or take any other action related thereto.

On request of the Town Clerk

Upon three motions made and duly seconded it was VOTED to:

1. Approve Articles 13A, 13B and 13D as printed in the Warrant.
2. Appropriate and raise by taxation the sum of \$25,000 for the purpose of paying costs associated with Andover Day and other civic events.
3. Appropriate and raise by taxation the sum of \$75,000 for the purpose of paying costs

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related to elections, Annual Town Meetings, and Special Town Meetings.

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

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 14	GENERAL HOUSEKEEPING ARTICLES (A THROUGH G)
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To see if the Town will vote the following consent articles, or take any other action related thereto:

- A. Grant Program Authorization** To see if the Town will vote to authorize the Select Board and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program, or take any other action related thereto.

On request of the Town Manager

- B. Road Contracts** To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the construction and maintenance of public highways in the Town of Andover for the ensuing year, or take any other action related thereto.

On request of the Town Manager

- C. Town Report** To act upon the report of the Town officers, or take any other action related thereto.

On request of the Town Manager

- D. Property Tax Exemptions** To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for fiscal year 2025 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

On request of the Board of Assessors

- E. Contracts in Excess of Three Years** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years but no greater than five years, including any renewal, extension or

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option, provided in each instance the longer term is determined to be in the best interests of the Town by a vote of the Select Board or the School Committee, as appropriate, or take any other action related thereto.

On request of the Town Manager

- F. Accepting Easements** To see if the Town will vote to authorize the Select Board and the School Committee to accept grants of easements for streets, water, drainage, sewer, public access and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

- G. Rescinding of Bond Authorizations** To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

Upon two motions made and duly seconded it was VOTED, first, to approve the consent agenda, Articles 14A through 14F, as printed in the Warrant, and, second, that the Town hereby votes to withdraw Article 9G.

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

Select Board Report:	Approval
Finance Committee Report:	Approval
School Committee Report:	Approval

ARTICLE 15	UNPAID BILLS
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To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action related thereto.

On request of the Town Accountant

Upon motion made and duly seconded it was VOTED that the Town transfer from free cash and appropriate the sum of \$21,792.25 to be paid to National Grid.

VOTE: A four-fifths vote required for passage, the Motion Passed in an electronic vote of 316 in favor, 15 against, and 2 abstaining.

Select Board Report:	Approval
Finance Committee Report:	Approval

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ARTICLE 16	CHAPTER 90 AUTHORIZATIONS
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To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements, or take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 315 in favor, 16 against, and 2 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 17	GRANTING EASEMENTS
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To see if the Town will vote to authorize the Select Board and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to approve Article 17 as printed in the Warrant.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 311 in favor, 8 against, and 3 abstaining.

Select Board Report: Approval
School Committee Report: Approval

ARTICLE 18	STABILIZATION FUND BOND PREMIUM
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To see if the Town will vote to transfer the sum of \$100,000 from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

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On request of the Chief Administrative & Financial Officer

Upon motion made and duly seconded it was VOTED to approve Article 18 as printed in the Warrant.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 321 in favor, 9 against, and 3 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 19	WATER TREATMENT PLANT MAINTENANCE
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To see if the Town will vote to appropriate the sum of \$150,000 in the Water Enterprise Fund for the purpose of paying various maintenance costs related to the water distribution system and the Water Treatment Plant, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

Upon motion made and duly seconded it was VOTED to approve Article 19 as printed in the Warrant.

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

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 20	SEWER COLLECTION SYSTEM MAINTENANCE
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To see if the Town will vote to appropriate the sum of \$300,000 in the Sewer Enterprise Fund for the purpose of paying various maintenance costs related to the 12 sewer stations located in Andover that collect and pump wastewater to Greater Lawrence Sanitary District, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

Upon motion made and duly seconded it was VOTED to approve Article 20 as printed in the Warrant.

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: Approval
Finance Committee Report: Approval

ARTICLE 21	JERRY SILVERMAN FIREWORKS
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To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$15,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities, or take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED that the Town appropriate and raise by taxation the amount of \$15,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities.

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

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 22	INDEMNIFICATION OF MEMBERS OF THE ANDOVER CONTRIBUTORY RETIREMENT BOARD
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To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32, Section 20A, which will indemnify the Board members of the Andover Contributory Retirement System against civil actions brought against the Board or members of the Board or take any other action related thereto.

On request of the Andover Contributory Retirement Board

Upon motion made and duly seconded it was VOTED to accept the provisions of Massachusetts General Laws, Chapter 32, Section 20A, which will indemnify the Board members of the Andover Contributory Retirement System against civil actions brought against the Board or members of the Board.

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

Select Board Report: Approval
Finance Committee Report: Approval

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CIP #	Project	Amount	Statutory Citation
IT-3	IT Infrastructure	\$350,000	C 44 Sec 7(1)
FR-2	Radio Box Repeater System	\$130,000	C 44 Sec 7(1)
FR-4	Thermal Imaging Camera Replacement	\$45,000	C 44 Sec 7(1)
DPW-7b	Public Works Vehicles – Large	\$560,000	C 44 Sec 7(1)
DPW-8	Minor Storm Drainage Improvements	\$650,000	C 44 Sec 7(1)
DPW-9	Town Bridge Evaluation and Maintenance	\$200,000	C 44 Sec 7(1)
FAC-3	Town and School Security Projects	\$130,000	C 44 Sec 7(1)
FAC-5	Town Parks and Playground Improvements	\$600,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$900,000	C 44 Sec 7(1)
FAC-7	Town / School Energy Initiatives	\$115,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$1,300,000	C 44 Sec 7(1)

On request of the Chief Information Officer, Fire Chief, Director of Public Works, and Director of Facilities

Upon motion made and duly seconded it was VOTED that the Town appropriate the sum of \$4,630,000 to pay costs of purchasing capital equipment, making infrastructure improvements, or for purchasing services and materials related to capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board is authorized to borrow said amount in accordance with the statutory citations listed below, or any other enabling authority, and to issue bonds or notes of the Town therefor.

CIP #	Project	Amount	Statutory Citation
IT-3	IT Infrastructure	\$300,000	C 44 Sec 7(1)
FR-2	Radio Box Repeater System	\$130,000	C 44 Sec 7(1)
FR-4	Thermal Imaging Camera Replacement	\$45,000	C 44 Sec 7(1)
DPW-7b	Public Works Vehicles – Large	\$560,000	C 44 Sec 7(1)
DPW-8	Minor Storm Drainage Improvements	\$650,000	C 44 Sec 7(1)
DPW-9	Town Bridge Evaluation & Maintenance	\$200,000	C 44 Sec 7(1)
FAC-3	Town and School Security Projects	\$130,000	C 44 Sec 7(1)
FAC-5	Town Parks & Playground Improvements	\$250,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$900,000	C 44 Sec 7(1)
FAC-7	Town / School Energy Initiatives	\$115,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$1,300,000	C 44 Sec 7(1)

Note that the motion differed from the article in that it appropriated a lower sum given a \$350,000 decrease in FAC-5.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 285 in favor and 11 opposed.

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Select Board Report: Approval
 Finance Committee Report: Approval
 School Committee Report: Approval

ARTICLE 25	CAPITAL PROJECTS FROM FREE CASH
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To see if the Town will vote to transfer from available funds and appropriate the sum of \$2,035,000 to pay costs of purchasing capital equipment, infrastructure, or for purchasing services and materials related to capital improvements, as more particularly described below, including any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount
TM-1	Facility Master Plan Update	\$50,000
TM-2	Traffic and Intersection Safety Studies	\$25,000
TM-3	Hazard Tree Removal	\$150,000
IT-1	Annual Staff Device Refresh	\$340,000
IT-2	Annual Student Device Refresh	\$250,000
POL-1	Police Vehicle Replacement	\$205,000
DPW-2	Minor Sidewalk Repairs	\$200,000
DPW-4	Town Sidewalk Program	\$775,000
DPW-6	Stormwater Management	\$40,000

On request of the Town Manager, Chief Information Officer, Chief of Police and Director of Public Works

Upon motion made and duly seconded it was VOTED that the Town to appropriate \$2,035,000 to pay costs of purchasing or leasing, capital equipment or infrastructure, or for purchasing services and materials related to capital improvements, as more particularly described below, including any other costs incidental and related thereto, and that to meet this appropriation, said amount shall be transferred from Free Cash.

CIP #	Project	Amount
TM-1	Facility Master Plan Update	\$50,000
TM-2	Traffic and Intersection Safety Studies	\$25,000
TM-3	Hazard Tree Removal	\$150,000
IT-1	Annual Staff Device Refresh	\$340,000
IT-2	Annual Student Device Refresh	\$250,000
POL-1	Police Vehicle Replacement	\$205,000
DPW-2	Minor Sidewalk Repairs	\$200,000
DPW-4	Town Sidewalk Program	\$775,000
DPW-6	Stormwater Management	\$40,000

and that to meet this appropriation, said amount shall be transferred from Free Cash.

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

Select Board Report: Approval
 Finance Committee Report: Approval
 School Committee Report: Approval

ARTICLE 26	CAPITAL PROJECTS FROM WATER AND SEWER ENTERPRISE FUNDS
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To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$7,294,000 to pay costs of purchasing capital equipment, making infrastructure improvements, and purchasing services and materials related to making capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount	Statutory Citation
DPW-14	Water Main Replacement / Distribution Improvements Project (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-18	Water Treatment GAC Replacement (Water Enterprise Borrowing)	\$294,000	Ch 44 Sec 8 (7A)
DPW-24	Sanitary Sewer Collection System Improvements (Sewer Enterprise Reserves)	\$250,000	N/A
DPW-25	Shawsheen River Sewer Interceptor Improvements (Sewer Enterprise Borrowing)	\$500,000	Ch 44 Sec 8 (14)
DPW-30	Inflow/Infiltration (I/I) Removal Program (Sewer Enterprise Reserves)	\$250,000	N/A

On request of the Director of Public Works

Upon motion made and duly seconded it was VOTED that the Town appropriate \$7,294,000 to pay costs of purchasing capital equipment, making infrastructure improvements, and purchasing services and materials related to making capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, and that to meet this appropriation, \$500,000 shall be transferred from Sewer Enterprise Reserves to pay costs of the Inflow/Infiltration (I/I) Removal Program set forth below, and the Treasurer, with the approval of the Select Board, is authorized to borrow \$6,794,000 to pay costs of the various items to be financed by the borrowing of money as set forth below, under and pursuant to the various statutory citations described below, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

CIP #	Project	Amount	Statutory Citation
DPW-14	Water Main Replacement Projects (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-18	Water Treatment GAC Replacement (Water	\$294,000	Ch 44 Sec 8

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	Enterprise Borrowing)		(7A)
DPW-24	Sanitary Sewer Collection System Improvements (Sewer Enterprise Reserves)	\$250,000	N/A
DPW-25	Shawsheen River Sewer Interceptor Improvements (Sewer Enterprise Borrowing)	\$500,000	Ch 44 Sec 8 (14)
DPW-30	Inflow/Infiltration (I/I) Removal Program (Sewer Enterprise Reserves)	\$250,000	N/A

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 270 in favor, 13 opposed, and 2 abstaining.

Select Board Report: Approval
 Finance Committee Report: Approval

ARTICLE 27	ZONING BYLAW AMENDMENT NONCONFORMING USES AND STRUCTURES
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To see if the Town will vote to amend Section 3.3 “Nonconforming Uses and Structures” of the Zoning Bylaw Article VIII to clarify when a variance or special permit is required for a catastrophe, demolition, derelict condition, reconstruction, extension, alteration, or change to a structure, as well as to provide illustrative examples of increases or intensifications of nonconformities or take any action related thereto.

Proposed changes as set forth in draft amended section 3.3 of the Article VIII (or as later amended by the Planning Board), as well as illustrative examples are on file in the Office of the Town Clerk, and the Department of Planning and Community Development, located at 36 Barlet Street, Andover, MA ; and on the Town’s website at <https://andoverma.gov/149/Community-Development-Planning>.

On request of the Inspector of Buildings

Upon motion made and duly seconded it was VOTED to approve Article 27 as printed in the Warrant, and recommended by the Planning Board on February 27, 2024.

It was then moved by David Brown of 31 Glenwood Road and duly seconded to amend the article by amending the text under Example No. 2, “1. Residential Structure.” to read “a. Increases nonconformity, special permit required.” A simple majority vote required for passage, the Moderator declared the Motion to Amend Passed.

VOTE: A two-thirds vote required for passage, the amended Motion Passed in an electronic vote of 276 in favor, 9 opposed, and 10 abstaining.

Planning Board Report: Approval
 Select Board Report: Approval

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ARTICLE 28	ZONING BYLAW AMENDMENT OFF-STREET PARKING REQUIREMENTS
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To see if the Town will vote to amend Section 5.1; Section 4.1.4; Section 5.3; Section 7.3.3; Section 7.8.5; Section 8.1; Section 8.2; Section 8.5; Section 8.7; and Appendix A Table 3 of the Andover Zoning Bylaw Article VIII to update the design standards, parking district information, and parking special permits to incorporate to the best extent possible off street parking information and requirements into Section 5.1 and Appendix A Table 3 Off-Street Parking; or take any other action related thereto.

Proposed changes as set forth in draft amended sections of the above listed bylaws (or as later amended by the Planning Board), as well as illustrative examples are on file in the Office of the Town Clerk, and the Department of Planning and Community Development, located at 36 Barlet Street, Andover, MA ; and on the Town’s website at <https://andoverma.gov/149/Community-Development-Planning>.

On request of the Planning Board

Upon motion made and duly seconded it was VOTED to approve Article 28 as printed in the Warrant, and recommended by the Planning Board on February 27, 2024.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 255 in favor, 14 opposed, and 10 abstaining.

Planning Board Report: Approval
Select Board Report: Approval

ARTICLE 29	STREET ACCEPTANCE MONARCH LANE
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To see if the Town will vote to accept and name as a public way any or all of the following street: Monarch Lane as further described below, and to accept deeds to the streets and all related easements:

Monarch Lane, as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION (FORM C) SPECIAL PERMIT FOR CLUSTER DEVELOPMENT & EARTH MOVEMENT PLAN FOR MONARCH WOODS ANDOVER, MASS’ dated August 30, 2016 last revised August 8, 2017, sheet 4 of 15 (Recordable sheet 1 of 1) being recorded in the Essex North District Registry of Deeds as Plan Number 17784 and further shown as Lot 130 on Land Court Plans filed as Plan Number 10362N; or take any other action related thereto.

On request of the Select Board

Upon motion made and duly seconded it was VOTED to accept and name as a public way any or all of Monarch Lane as shown on a plan approved by the Andover Planning Board entitled “DEFINITIVE SUBDIVISION (FORM C) SPECIAL PERMIT FOR CLUSTER

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DEVELOPMENT & EARTH MOVEMENT PLAN FOR MONARCH WOODS ANDOVER, MASS’ dated August 30, 2016 last revised August 8, 2017, sheet 4 of 15 (Recordable sheet 1 of 1) being recorded in the Essex North District Registry of Deeds as Plan Number 17784 and further shown as Lot 130 on Land Court Plans filed as Plan Number 10362N and to accept deeds to the streets and all related easements.

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

Select Board Report: Approval

Planning Board Report: Approval

ARTICLE 30	OLD TOWN YARD CONFIRMATORY ACTIONS
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To see if the Town will vote to:

- (a) discontinue as a public way those portions of Lewis Street and Buxton Court which are shown as “Parcel C” and “Parcel D” on that certain plan entitled “Plan of Land Located in Andover, Mass. Prepared for the Inhabitants of the Town of Andover,” dated June 22, 2023, last revised December 12, 2023, prepared by The Morin-Cameron Group, Inc. (the “Plan”), a copy of which Plan is on file with the Office of the Town Clerk;
- (b) authorize the Select Board to acquire title in fee simple absolute, by gift, option, purchase, or eminent domain, upon such terms and conditions deemed by the Select Board to be in the best interest of the Town, the land and improvements thereon shown as “Parcel A”, “Parcel B”, “Parcel C”, and “Parcel D” on the Plan for the purpose of resolving any matters regarding the title and boundaries of the property to be taken, and to appropriate a sum of money for the payment of damages for said takings. Such acquisition of “Parcel C” shall be subject to an easement for the use by the unit owners of the condominium located on the real property at 11-13 Buxton Court known as the 11 Buxton Court Condominium, and their tenants, licensees, and invitees, and each of their respective successors and assigns, of the portion of said “Parcel C” that is shown on Detail B of the Plan as “Public Use Area” for the purposes of vehicular and pedestrian access to and from Buxton Court and the driveway located at such Condominium;
- (c) accept as a public way the relocation of the layout of Buxton Court, from the layout described in that certain Town Meeting vote dated February 23, 1901 (the “1901 Layout”), to the layout of the street identified as Buxton Court, as shown on that certain plan entitled “Right of Way Layout Plan Located In Andover, Mass. Prepared for the Inhabitants of The Town of Andover,” dated June 1, 2023, prepared by the Morin-Cameron Group, Inc. (the “2023 Layout Plan”), copies of which 1901 Layout and 2023 Layout Plan are on file with the Office of the Town Clerk; and
- (d) authorize the Select Board to acquire on behalf of the Town by gift, option, purchase, or

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eminent domain, an easement in the land within the layout of ways known as Lewis Street and Buxton Court as heretofore laid out by the Select Board in the 1901 Layout, as may be modified by the 2023 Layout Plan, copies of which 1901 Layout and 2023 Layout Plan are on file with the Office of the Town Clerk, for all purposes for which public ways are used in the Town of Andover, including any drainage, utility, access, and other easements necessary for or related thereto, and to appropriate a sum of money for the payment of damages for said takings; or take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to approve Article 30 as printed in the Warrant.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 254 in favor, 12 opposed, and 7 abstaining.

Select Board Report: Approval

ARTICLE 31	TAKING BY EMINENT DOMAIN OF HACIENDA WAY
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To see if the Town will vote to authorize the Select Board of Andover to acquire by eminent domain, gift, purchase, or otherwise, any fee, easement or other interest in the land shown as Hacienda Way and all related easements, including but not limited to easements shown on Lots 18, 18A, 19 and 19A, all as shown on a plan entitled “ Subdivision & Acceptance Plan Pleasant Street Estates, Andover, Mass.” dated April, 1973, prepared by Charles E. Cyr, and recorded with Essex North District Registry of Deeds as Plan No. 7035, and also shown on a plan entitled “Plan of Land Prepared for Belmont Realty Trust Located in Andover, Mass.”, dated July, 1977, and recorded with Essex North District Registry of Deeds as Plan No. 7640 and on file in the Office of the Town Clerk, and as constructed, and to appropriate and borrow or transfer from available funds or any combination thereof a sum of \$120,000 for damages or compensation for said takings or payment for said acquisitions of interests in land and for the required engineering services, legal services, repairs and improvements to Hacienda Way and expenses thereto, or take any other action related thereto.

On petition of Courtney Famiglietti and others

Upon motion made and duly seconded it was VOTED to approve Article 31 as printed in the Warrant.

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 262 in favor, 8 opposed, and 5 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval
Planning Board Report: Approval

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ARTICLE 32	TOWN CHARTER INSERTION OF RESIDENCY REQUIREMENT FOR TOWN MANAGER
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To see if the Town will vote to reinsert the following sentence in section 6 of the Andover Town Charter:

“He/she need not be a resident of the town when appointed, but shall be a resident of the town during his/her term of office.”

On petition of Bob Pokress and others

Upon motion made and duly seconded it was VOTED to approve Article 32 as printed in the Warrant.

VOTE: A simple majority vote required for passage, the Motion Failed in an electronic vote of 87 in favor, 177 opposed, and 3 abstaining.

Select Board Report: Disapproval

ARTICLE 33	GRANTING OF A NON-EXCLUSIVE ACCESS/EGRESS EASEMENT
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To see if the Town will vote to authorize to grant a non-exclusive access/egress easement over under and through portions of property owned by the town of Andover under the care, control and use of the Andover conservation commission located in the town of Andover shown on Assessor’s Map 117 as Lot 15 and having an address of 268 Andover Street. Said parcel is also shown on a plan entitled “Plan of Land in Andover, prepared for Kathleen & Remi Machet, 264 Andover Street, Andover, MA and Inhabitants of the Town of Andover, 268 Andover Street, Andover, MA” dated April 19, 2023 and prepared by John Abagis & Associates, Professional Land Surveyors, which Plan is on file in the Town Clerk’s office, for the purpose of motor vehicle and pedestrian access and egress over said land but shall not allow parking on said land. The easement is shown on said Plan as “Proposed Access/Egress Easement Containing 3,242 sf” and is for the benefit of the abutting parcel shown on said Plan as “Lot #24 Land of Remi & Kathleen Machet” and for consideration in a sum set by the Select Board; and further voted to request the Select Board petition the Legislature to pass a Special Act in accordance with Article 97 of the Amendments to the Massachusetts Constitution and any other applicable law to authorize the above transfer including approval from the Executive Office of Energy and Environmental Affairs, if required, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any action related thereto. The land benefited by this non-exclusive easement is described on a deed recorded at the Essex North District Registry of Deeds at Book 12926, Page 231.

On petition of Remi Machet & Kathleen Machet and others

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

On motion of Town Counsel, Douglas Heim, made and duly seconded, it was voted by a majority vote to dissolve the Annual Town Meeting at 11:03 P.M.

A true record
A T T E S T

Austin P. Simko
Town Clerk