

ANNUAL TOWN MEETING – April 29 & 30, 2025

INDEX

<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 2026 Budget – \$243,785,295	Approved	
5. Fiscal Year 2026 Capital Projects Fund – \$2,603,528	Approved	
6. Capital Projects from General Fund Borrowing – \$4,830,000	Approved	
7. Capital Projects from Free Cash – \$3,865,000	Approved	
8. Capital Projects from Water and Sewer Enterprise Funds – \$10,000,000	Approved	
9. 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 2026 Revolving Accounts H. PEG Access and Cable Related Expenses I. Pension Obligation Bond Stabilization Fund Transfer	Approved	
10. Bylaw Amendment Conservation Revolving Fund	Approved	Approved 8-25-2025
11. Bylaw Amendment Town Events Revolving Fund	Approved	Approved 8-25-2025
12. School Department Special Education Appropriation	Approved	

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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. Support for Andover Day and Other Civic Events C. Spring Grove Cemetery Maintenance D. 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 of Bond Authorizations	Approved	
15. Chapter 90 Authorizations	Approved	
16. Granting Easements	Approved	
17. Stabilization Fund Bond Premium – \$250,000	Approved	
18. Water Treatment Plant Maintenance – \$500,000	Approved	
19. Sewer Collection System Maintenance – \$300,000	Approved	
20. Land Acquisition of 0 Essex Street	Approved	
21. Requirements for a Private Warrant Article to Call a Special Town Meeting (Home Rule Petition)	Approved	
22. Zoning Bylaw Amendment – Accessory Dwelling Unit Regulations	Approved	Approved in part 10-24-2025
23. Zoning Bylaw Amendment – Flood Hazard Overlay District	Approved	Approved 8-25-2025

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<u>WARRANT ARTICLE NO. & DESCRIPTION</u>	<u>ACTION TAKEN</u>	<u>ATTY. GENERAL APPROVED</u>
24. Jerry Silverman Fireworks – \$15,000	Approved	
25. Zoning Bylaw Amendment – ID Zoning District Medical Center or Clinic and Indoor Recreational Facilities	Approved	Approved 8-25-2025
26. Zoning Bylaw Amendment – Special Use Regulations	Approved	Approved 8-25-2025
27. Zoning Bylaw Amendment – Off-Street Parking and Loading	Approved	Approved 8-25-2025
28. Indemnification of Public Safety Medical Costs – \$200,000	Approved	
29. Establishing the Central Street Historic District and Bylaw	Approved	Approved 10-24-2025
30. Amend General Bylaws: Water Restrictions	Approved	Approved 8-25-2025
31. Repeal of Ballardvale Historic District Commission General Bylaw	Disapproved	
32. Street Acceptance and Taking of Portion of Fleming Avenue	Approved	
33. Opt-In Specialized Energy Code	Approved	
34. Zoning Bylaw Amendment – Landscaping, Buffering and Lighting	Disapproved	
35. Bylaw Amendment Town Manager Appointments Consistent with the Town Charter	Approved	Approved 10-24-2025

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ANNUAL TOWN MEETING WARRANT

Agreeably to a Warrant signed by the Select Board on March 31, 2025 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

TUESDAY, THE TWENTY NINTH DAY OF APRIL, 2025

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
April 2, 2025

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 Five Hundred Thirty Five (535) 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 Laura Gregory, chair of the Select Board. The colors were presented and posted by American Legion Post 8.

The invocation was given by Reverend Lyndon Myers of the Andover Baptist Church.

The Moderator began by marking the 250th anniversary of the Battle of Lexington and Concord and noted that Town Meeting preceded the American Revolution and was recognized then, as it is now, as a uniquely New England democratic institution. The Moderator then 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. Sixty Six (66) 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 within the J. Everett Collins Center for the Performing Arts auditorium.

The Moderator introduced the stage participants to meeting members.

The Moderator introduced Daniel Casper 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 be seated to be counted in a hand or standing count, and that voters must have their voter stickers visible. The Moderator also explained the use of Pro and Con microphones during the meeting.

The Moderator explained that the Town would use handheld electronic voting devices on certain votes. These devices were distributed during voter check-in. She briefly explained that these devices allowed for voters to vote in favor of or in opposition to, or abstain, for warrant article votes and procedural motions.

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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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

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	Melissa Morris Danisch 16 Bradely Road Alex J. Vispoli 7 Alison Way
School Committee	Two for Three Years	Christopher C. Shepley

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179 High Street

Jacob E. Tamarkin
12 Forbes Lane

Andover Housing Authority

One for Five Years

Jennifer K. Hoenig
180 Main Street

Trustees of the
Punchard Free School

One for Three Years

Steven R. Pekock
109 Chestnut Street

Trustees of the
Punchard Free School

One for One Year

Richard Padova
11 Cassimere Street

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 that Stephen Wallingford of 15 Jordyn Lane 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.

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

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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 2026 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, 2025 and ending June 30, 2026, or take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to raise and appropriate, including appropriations from available funds, the sum of \$248,997,721 less \$5,212,426 for a total of \$243,785,295 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, 2025 and ending June 30, 2026.

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

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 440 in favor, 20 opposed, and 6 abstaining.

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

The FY 2026 Budget was approved as follows:

<u>Department</u>	<u>Amount</u>
Public Safety	\$ 20,665,473
General Government	\$ 11,340,603
Public Works	\$ 6,453,078
Public Facilities	\$ 4,438,186
Library	\$ 3,139,941
Community Services	\$ 2,488,007

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Unclassified	\$ 1,335,000
Schools	\$ 106,597,135
Sewer	\$ 6,294,055
Water	\$ 13,627,252
Obligations	\$ 73,118,993
 GRAND TOTAL	 \$ 248,997,721
<i>less dedicated Revenues</i>	<i>(\$ 5,212,426)</i>
NET TOTAL	\$ 243,785,295

2025 ANNUAL TOWN MEETING SPECIAL ARTICLES

SPECIAL ARTICLES FROM FREE CASH

Article 7	Capital Projects from Free Cash	\$ 3,865,000.00
Article 6B	Supplemental Appropriations (Public Works/Public Safety)	\$ 1,600,000.00
Article 20	Land Acquisition of 0 Essex Street	\$ 83,783.53
	TOTAL	\$ 5,548,783.53

SPECIAL ARTICLES – TRANSFER OF FUNDS

Article 9H	From Cable Franchise Fees to support PEG access services and other related expenses	\$ 463,389.00
Article 9I	From the unfunded liability offset account to the Pension Stabilization Fund	\$ 269,731.00
Article 13A	From the Overlay Surplus to fund expenses related to the FY2026 valuation of real and personal property	\$ 10,000.00
Article 13C	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
Article 17	From the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments	\$ 250,000.00
	TOTAL	\$ 999,120.00

UNEXPENDED APPROPRIATIONS

Article 9E	Various Annual Town Meeting Balances – General	\$ 138,165.46
	Various Annual Town Meeting Balances – Water	\$ 269,060.00
	Various Annual Town Meeting Balances – Sewer	\$ 1,468.75
	TOTAL	\$ 408,694.21

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UNEXPENDED APPROPRIATIONS – CAPITAL PROJECTS FUND

Article 9F	Various Annual Town Meeting – Capital Projects Fund	\$ 114,236.21
Article 20	Unexpended Capital Funds to Land Acquisition of 0 Essex Street	\$ <u>291,216.47</u>
	TOTAL	\$ 405,452.68

SPECIAL ARTICLES – NON-EXEMPT GENERAL FUND BORROWING

Article 6	Capital Projects from General Fund Borrowing	\$ 4,830,000.00
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SPECIAL ARTICLES – WATER/SEWER FUND BORROWING

Article 8	Capital Projects from Water and Sewer Borrowing	\$ 10,000,000.00
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SPECIAL ARTICLES – FISCAL YEAR 2026 REVOLVING ACCOUNTS

Article 9G	Community Development & Planning Department	\$ 35,000.00
Article 9G	Memorial Hall Library – Lost/Damaged Materials	\$ 20,000.00
Article 9G	Health Clinic	\$ 60,000.00
Article 9G	Division of Recreation	\$ 2,125,000.00
Article 9G	Division of Youth Services	\$ 400,000.00
Article 9G	Field Maintenance	\$ 150,000.00
Article 9G	Division of Elder Services	\$ 225,000.00
Article 9G	Police Communications	\$ 50,000.00
Article 9G	School Photocopy Fees	\$ 10,000.00
Article 9G	Compost Program	\$ 60,000.00
Article 9G	Solid Waste	\$ 40,000.00
Article 9G	Stormwater Management	\$ 5,000.00
Article 9G	Fire Rescue	\$ 100,000.00
Article 9G	Health Services	\$ 100,000.00
Article 9G	Professional Development Institute	\$ 50,000.00
Article 9G	Student Technology Rental	\$ 200,000.00
Article 9G	Other Public Space Rentals	\$ 50,000.00
Article 10	Conservation Revolving Fund	\$ 50,000.00
Article 11	Town Events Revolving Fund	\$ <u>50,000.00</u>
	TOTAL	\$ 3,780,000.00

SPECIAL ARTICLES FROM TAXATION

Article 5	Capital Projects Fund Appropriation	\$ 2,603,528.00
Article 9I	Pension Obligation Bond Stabilization Fund Transfer	\$ 150,000.00
Article 12	School Special Education Transfer	\$ 450,000.00
Article 13B	Support for Andover Day	\$ 25,000.00

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Article 13D	Support for Elections and Town Meeting	\$ 75,000.00
Article 24	Jerry Silverman Fireworks	\$ 15,000.00
Article 28	Indemnification of Public Safety Medical Costs	<u>\$ 200,000.00</u>
	TOTAL	\$ 3,518,528.00

WATER ENTERPRISE FUND

Article 18	Water Treatment Plant Maintenance	\$ 500,000.00
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A true record
ATTEST

Austin P. Simko
Town Clerk

ARTICLE 5	FISCAL YEAR 2026 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 2026 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to raise by taxation and appropriate the sum of \$2,603,528 for the purpose of funding the Fiscal Year 2026 appropriation for the Capital Projects Fund.

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 442 in favor, 21 opposed, and 7 abstaining.

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

ARTICLE 6	CAPITAL PROJECTS FROM GENERAL FUND BORROWING
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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 \$4,830,000 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, or take any other action related thereto.

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CIP #	Project	Amount	Statutory Citation
DPW-7	Public Works Vehicles – Large	\$300,000	C 44 Sec 7(1)
DPW-8	Minor Storm Drainage Improvements	\$100,000	C 44 Sec 7(1)
DPW-23	Elm Square Safety Improvements	\$600,000	C 44 Sec 7(1)
FAC-5	Town Parks and Playground Improvements	\$495,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$2,090,000	C 44 Sec 7(1)
FIR-1	Fire Rescue Vehicles	\$565,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$680,000	C 44 Sec 7(1)

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

Upon motion made and duly seconded it was VOTED that the Town appropriate the sum of \$4,830,000 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
DPW-7	Public Works Vehicles – Large	\$300,000	C 44 Sec 7(1)
DPW-8	Minor Storm Drainage Improvements	\$100,000	C 44 Sec 7(1)
DPW-23	Elm Square Safety Improvements	\$600,000	C 44 Sec 7(1)
FAC-5	Town Parks and Playground Improvements	\$495,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$2,090,000	C 44 Sec 7(1)
FIR-1	Fire Rescue Vehicles	\$565,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$680,000	C 44 Sec 7(1)

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 424 in favor, 37 opposed, with 16 abstaining.

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

ARTICLE 7	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 \$3,865,000 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.

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CIP #	Project	Amount
TM-1	Purchase of Resident Trash and Recycling Carts	\$600,000
DPW-2	Minor Sidewalk Repairs	\$250,000
DPW-4	Town Sidewalk Program	\$550,000
DPW-15	Hazard Tree Removal	\$75,000
DPW-44	Shawsheen Culvert Study	\$150,000
FIR-3	Cordless Battery-Operated Rescue Tools	\$60,000
IT-1	Annual Staff Device Refresh	\$300,000
IT-2	Annual Student Device Refresh	\$150,000
IT-3	IT Infrastructure	\$550,000
POL-1	Police Vehicle Replacement	\$210,000
PS-1/FIR2	Public Safety Simulcast Radio	\$450,000
FIR-2	Multi Band Portable Radio	\$275,000
FAC-6	Major Town Projects (Public Safety Center Roof)	\$245,000

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

Upon motion made and duly seconded it was VOTED to appropriate \$3,865,000 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	Purchase of Resident Trash and Recycling Carts	\$600,000
DPW-2	Minor Sidewalk Repairs	\$250,000
DPW-4	Town Sidewalk Program	\$550,000
DPW-15	Hazard Tree Removal	\$75,000
DPW-44	Shawsheen Culvert Study	\$150,000
FIR-3	Cordless Battery-Operated Rescue Tools	\$60,000
IT-1	Annual Staff Device Refresh	\$300,000
IT-2	Annual Student Device Refresh	\$150,000
IT-3	IT Infrastructure	\$550,000
POL-1	Police Vehicle Replacement	\$210,000
PS-1/FIR2	Public Safety Simulcast Radio	\$450,000
FIR-2	Multi Band Portable Radio	\$275,000
FAC-6	Major Town Projects (Public Safety Center Roof)	\$245,000

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

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 422 in favor, 39 opposed, with 3 abstaining.

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

ARTICLE 8	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 \$10,000,000 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-27	Wood Hill Pumps and Motor Control Centers (Water Enterprise Borrowing)	\$650,000	Ch 44 Sec 8 (4)
DPW-29	Fish Brook Pumping Station (Water Enterprise Borrowing)	\$500,000	Ch 44 Sec 8 (4)
DPW-32	Shawsheen Pumping Station (Sewer Enterprise Borrowing)	\$1,000,000	Ch 44 Sec 8 (4)
DPW-36	Raw Water Pumping Station (Water Enterprise Borrowing)	\$1,850,000	Ch 44 Sec 8 (4)

On request of the Director of Public Works

Upon motion made and duly seconded it was VOTED that the Town appropriates \$10,000,000 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, the Treasurer, with the approval of the Select Board, is authorized to borrow \$10,000,000 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 / Distribution Improvements Project (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-27	Wood Hill Pumps and Motor Control Centers (Water Enterprise Borrowing)	\$650,000	Ch 44 Sec 8 (4)
DPW-29	Fish Brook Pumping Station (Water Enterprise Borrowing)	\$500,000	Ch 44 Sec 8 (4)
DPW-32	Shawsheen Pumping Station (Sewer Enterprise Borrowing)	\$1,000,000	Ch 44 Sec 8 (4)

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DPW-36	Raw Water Pumping Station (Water Enterprise Borrowing)	\$1,850,000	Ch 44 Sec 8 (4)
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VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 442 in favor, 17 opposed, and 6 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 9	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 April 2024 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 April 2024 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 2026 tax rate and to affect appropriations voted at the April 2024 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

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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 2026 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, 2025, or take any other action related thereto:

Revolving Fund	FY2026 Limit
Community Development & Planning Department	\$35,000
Memorial Hall Library-Lost/Damaged Materials	\$20,000
Health Clinic	\$60,000
Division of Recreation	\$2,125,000
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
Other Public Spaces Rentals	\$50,000

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

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agreements for fiscal year 2026, which begins on July 1, 2025, or take any other action related thereto.

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 as follows:

1. I move to withdraw Articles 9A, 9C and 9D.
2. Per Article 9B, I move to appropriate \$1,600,000 from Free Cash, and transfer \$725,000 to Public Works, and transfer \$875,000 to Public Safety.
3. Per Article 9E, further move that the Town close out the sum of \$138,165.46 and transfer to the Capital Projects Fund for allowable general municipal purposes and accessibility improvements from the following appropriations:

\$2,150.90 from Article 48 of the 2002 Annual Town Meeting
\$15,000.00 from Article 39 of the 2007 Annual Town Meeting
\$848.86 from Article 36 of the 2008 Annual Town Meeting
\$15,634.44 from Article 15 of the 2010 Annual Town Meeting
\$1,683.00 from Article 18 of the 2011 Annual Town Meeting
\$17,824.11 from Article 60 of the 2015 Annual Town Meeting
\$10.00 from Article 55 of the 2016 Annual Town Meeting
\$1,000.00 from Article 32 of the 2016 Annual Town Meeting
\$20,435.37 from Article 33 of the 2017 Annual Town Meeting
\$21,937.91 from Article 49 of the 2017 Annual Town Meeting
\$41,640.87 from Article 45 of the 2018 Annual Town Meeting

Further move that the Town close out the sum of \$269,060.00 and transfer to Water Enterprise Retained Earnings from the following appropriations:

\$2,397.58 from Article 47 of the 2007 Annual Town Meeting
\$161,721.15 from Article 65 of the 2009 Annual Town Meeting
\$50,000.00 from Article 29 of the 2017 Annual Town Meeting

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\$21.27 from Article 31 of the 2017 Annual Town Meeting
\$54,920.00 from Article 26 of the 2018 Annual Town Meeting

Further move that the Town close out the sum of \$1,468.75 and transfer to Sewer Enterprise Retained Earnings from the following appropriations:

\$224.10 from Article 60 of the 2014 Annual Town Meeting
\$274.40 from Article 37 of the 2017 Annual Town Meeting
\$970.25 from Article 30 of the 2019 Annual Town Meeting

4. Per Article 9F, further move that the Town close out the sum of \$114,236.21 and repurpose unexpended funds in the Capital Projects Fund to instead be used for allowable general municipal purposes and accessibility improvements from the following appropriations:

\$1,049.40 from Article 5 of the 2012 Annual Town Meeting
\$2,147.25 from Article 5 of the 2017 Annual Town Meeting
\$390.76 from Article 5 of the 2018 Annual Town Meeting
\$14,100.00 from Article 5 of the 2018 Annual Town Meeting
\$10,122.07 from Article 5 of the 2018 Annual Town Meeting
\$15,000.00 from Article 5 of the 2019 Annual Town Meeting
\$40,000.00 from Article 5 of the 2019 Annual Town Meeting
\$764.00 from Article 5 of the 2020 Annual Town Meeting
\$2,300.00 from Article 5 of the 2021 Annual Town Meeting
\$15,000.00 from Article 5 of the 2022 Annual Town Meeting
\$7,620.40 from Article 5 of the 2022 Annual Town Meeting
\$5,742.74 from Article 5 of the 2023 Annual Town Meeting

5. Per Article 9G, I 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, 2025.
6. Per Article 9H, I move to appropriate \$463,389.00 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 2026.
7. Per Article 9I, I move to transfer \$419,731.00 to the Pension Obligation Bond Stabilization Fund from General Fund Revenue and the employee Unfunded Liability Offset account.

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

Select Board Report: Approval

ANNUAL TOWN MEETING – April 29 & 30, 2025

Finance Committee Report: Approval
 School Committee Report: Approval

ARTICLE 10	BYLAW AMENDMENT CONSERVATION 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 “Conservation” authorizing the Director of Conservation and Director of Planning and Land Use or any other appointee by the Town Manager to spend funds from this revolving fund; and further to authorize expenditures from the fund to pay the cost of support of, improvements to, and maintenance of Conservation land; and further to authorize the amount of \$50,000 to be expended in fiscal year 2026 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 that General Bylaws Article XII Section 48 (“Departmental revolving funds”) subsection (5)(G) be and hereby is amended to include a new “Conservation” Revolving Fund authorizing expenditures from the fund to pay the cost of support, improvement, and maintenance of Andover Conservation land 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
Conservation	Conservation Director, Director of Planning and Land Use, and the Town Manager or the Town Manager’s designee	Receipts from Town forestry and conservation programs.	Support, improvement, and maintenance of Andover conservation land.	Fiscal Year 2026 and subsequent years.

and further to authorize the amount of \$50,000 to be expended in fiscal year 2026 and subsequent years.

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
 Conservation Comm. Report: Approval

ANNUAL TOWN MEETING – April 29 & 30, 2025

ARTICLE 11	BYLAW AMENDMENT TOWN EVENTS 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 “Town Events” authorizing the Town Manager or any other appointee by the Town Manager to spend funds from Town event permit fees; and further to authorize expenditures from the fund to pay the cost of custodial services, public safety services, facility maintenance, programming and capital improvements; and further to authorize the amount of \$50,000 to be expended in fiscal year 2026 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 that General Bylaws Article XII Section 48 (“Departmental revolving funds”) subsection (5)(G) be and hereby is amended to include a new “Town Events” Revolving Fund authorizing expenditures from the fund to pay the cost of custodial services, facility maintenance, programming and capital improvements 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>Town Events</u>	<u>Town Manager or his or her designee</u>	<u>Receipts from Town event permit fees.</u>	<u>Custodial and public safety services; facility maintenance; programming; and capital improvements</u>	<u>Fiscal Year 2026 and subsequent years.</u>

and further to authorize the amount of \$50,000 to be expended in fiscal year 2026 and subsequent years.

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

ANNUAL TOWN MEETING – April 29 & 30, 2025

ARTICLE 12	SCHOOL DEPARTMENT SPECIAL EDUCATION APPROPRIATION
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To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$450,000 for the purpose of paying costs related to the School Department’s special education programs, or take any other action related thereto.

On the request of the Town Manager

Upon motion made and duly seconded it was VOTED to appropriate and raise by taxation a sum of \$450,000 for the purpose of paying costs related to the School Department’s special education programs

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 409 in favor, 39 opposed, and 4 abstaining.

Select Board Report:	Approval
Finance Committee Report:	Approval
School Committee Report:	Approval
School Department Budget	
Advisory Council Report:	Approval

ARTICLE 13	MINOR FINANCIAL ARTICLES (A THROUGH D)
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A. Overlay Surplus Transfer To see if the Town will vote to transfer \$10,000 from Overlay Surplus to fund expenses related to the FY2026 valuation of real and personal property and to fund the FY2026 property tax recertification, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

B. 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

C. 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

ANNUAL TOWN MEETING – April 29 & 30, 2025

D. 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 and 13C as printed in the Finance Committee Report..
2. Appropriate and raise by taxation the sum of \$25,000 for the purpose of paying a portion of the municipal costs associated with Andover Day and other civic events in the downtown.
3. Appropriate and raise by taxation the sum of \$75,000 for the purpose of paying costs related to elections, Annual Town Meetings, and Special Town Meetings.

VOTE: A simple majority vote required for passage, the Motions Passed in an electronic vote of 398 in favor, 24 opposed, with 12 abstaining.

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

ANNUAL TOWN MEETING – April 29 & 30, 2025

- 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 2026 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 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 Finance Committee Report, and, second, that the Town hereby votes to withdraw Article 14G.

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

ANNUAL TOWN MEETING – April 29 & 30, 2025

School Committee Report
(14E & 14F only):

Approval

ARTICLE 15	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 389 in favor, 30 against, with 8 abstaining.

Select Board Report: Approval

Finance Committee Report: Approval

ARTICLE 16	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 16 as printed in the Finance Committee Report.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 383 in favor, 23 against, with 9 abstaining.

Select Board Report: Approval

School Committee Report: Approval

ANNUAL TOWN MEETING – April 29 & 30, 2025

ARTICLE 17	STABILIZATION FUND BOND PREMIUM
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To see if the Town will vote to transfer the sum of \$250,000 from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

On request of the Chief Administrative & Financial Officer

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

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 385 in favor, 21 against, with 12 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 18	WATER TREATMENT PLANT MAINTENANCE
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To see if the Town will vote to appropriate the sum of \$500,000 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 18 as printed in the Finance Committee Report.

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 19	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

ANNUAL TOWN MEETING – April 29 & 30, 2025

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

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	LAND ACQUISITION OF 0 ESSEX STREET
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To see if the Town will vote to appropriate a sum of money for the acquisition, and for costs related to such acquisition, of the land at 0 Essex Street, as shown as Assessors Map 55, Lot 27 for municipal purposes and for any other costs incidental and related thereto, and to authorize the Select Board to acquire such land, by gift, option, purchase or eminent domain, upon terms and conditions deemed by the Select Board to be in the best interest of the Town and to determine whether the amount appropriated by the Town under this Article shall be raised by taxation, transfer from available funds including free cash, borrowing, or otherwise provided, or to take any other action related thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to appropriate \$375,000 for the acquisition and the costs related to such acquisition of the land at 0 Essex Street, as shown on Assessor’s Map 55, Lot 27 for municipal purposes and for any other costs incidental and related thereto, and that to meet this appropriation, the Town shall repurpose unexpended Capital Funds in the amount of \$291,216.47 from the following appropriations:

- \$56,946.18 from Article 28 of the 2001 Annual Town Meeting
- \$2,253.20 from Article 25 of the 2011 Annual Town Meeting
- \$89,975.12 from Article 35 of the 2021 Annual Town Meeting
- \$39,375.00 from Article 33 of the 2022 Annual Town Meeting
- \$7,666.97 from Article 34 of the 2022 Annual Town Meeting
- \$95,000.00 from Article 31 of the 2024 Annual Town Meeting

and further transfer \$83,783.53 from Free Cash.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 276 in favor, 133 opposed, with 22 abstaining.

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

ANNUAL TOWN MEETING – April 29 & 30, 2025

ARTICLE 21	REQUIREMENTS FOR A PRIVATE WARRANT ARTICLE TO CALL A SPECIAL TOWN MEETING (HOME RULE PETITION)
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To see if the Town will vote to petition the General Court to enact legislation that would permit the Town to require the Andover Select Board to call a Special Town Meeting upon the written request of two hundred registered voters, or **five percent (5%) of the total number of registered voters** of the Town, whichever number is greater notwithstanding the quantum of signatures required under G.L. c. 39 sec.10. Such meeting shall be held no later than **ninety (90) days** after the receipt of such petition and shall include in the warrant for such meeting all of the subjects the inclusion of which is requested by said petition. Said legislation shall be precisely in the form approved by the Town Meeting; provided, however, that the General Court may make clerical or editorial changes in the form only of the legislation as approved by the Town Meeting unless the Select Board has approved any changes to the petitioned legislation that are within the scope of the general public purposes of this petition before enactment by the General Court; or take any other action relative thereto.

On petition of Christian C. Huntress and others

Upon motion made and duly seconded it was VOTED to authorize and request the Select Board to file a Home Rule Petition to enact legislation that would permit the Town of Andover to require the Andover Select Board to call a Special Town Meeting upon the written request of two hundred registered voters, or five percent of the total number of registered voters of the Town, whichever number is greater, notwithstanding the quantum of signatures required under G.L. c. 39 sec.10. And to further request that legislation be enacted to allow for such meeting to be held no later than 90 days after the receipt of such petition, and shall include in the warrant for such meeting all of the subjects the inclusion of which is requested by said petition. Further said legislation shall be precisely in the form approved by the Town Meeting; provided, however, that the General Court may make clerical or editorial changes in the form only of the legislation as approved by the Town Meeting unless the Select Board has approved any changes to the petitioned legislation that are within the scope of the general public purposes of this Home Rule petition before enactment by the General Court.

Several amendments were submitted to the Town Clerk and Town Moderator. Only one was voted upon by Town Meeting. It was moved by Oscar Gillette of 2 Stratford Road and duly seconded to amend the article by revising it to read, in relevant part, as follows: “. . . require the Andover Select Board to call a Special Town Meeting upon the written request of **four hundred** registered voters, or five percent (5%) of the total number of registered voters of the Town, whichever number is **lesser** . . .”A simple majority vote required for passage, the Motion to Amend Failed in an electronic vote of 201 in favor, 209 opposed, and 6 abstaining.

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 270 in favor, 146 opposed, with 3 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval

ANNUAL TOWN MEETING – April 29 & 30, 2025

ARTICLE 22	ZONING BYLAW AMENDMENT – ACCESSORY DWELLING UNIT REGULATIONS
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To see if the Town will vote to amend the Zoning Bylaw (“Article VIII”) to add a new provision regulating “Accessory Dwelling Units” now permissible by right under recent revisions to G.L. c. 40A sec. 3 to provide for local regulation in a manner consistent with state law, by adding a new provision, section 7.9 “Accessory Dwelling Units” as follows:

7.9 ACCESSORY DWELLING UNITS.

7.9.1. General.

The purpose of this bylaw is to regulate the construction and use of Accessory Dwelling Units as defined in G.L. c. 40A sec. 1A. Pursuant to c. 40A sec. 3, Accessory Dwelling Units (“ADUs”) are permitted by right in all Andover zoning districts where single- family residences are permitted, subject to reasonable requirements and restrictions set forth in this section.

7.9.2 Dimensional Regulations.

ADUS are permitted subject to the following dimensional and density regulations:

1. ADUs are permitted only on lots with an existing, lawful principal dwelling unit.
2. One ADU is permitted per each lot with a principal dwelling unit or units.
3. ADUs are limited in gross floor area to 900 square feet or one-half the total gross floor area of the principal dwelling unit or units, whichever is smaller.
4. ADUs must comply with all dimensional requirements of the underlying zoning district, special districts, and/or cluster developments for the principal dwelling unit as set forth in Section 4 of this bylaw and/or cluster development permits, including but not limited to building setbacks and building height.

7.9.3 Prior Non-Conforming Accessory Structure Conversions.

Accessory Structures with prior nonconforming status with respect to setbacks or building height may be converted to an ADU consistent with the limitations of this Bylaw and c. 40A sec. 1A and 3, provided that conversion will not extend the non-conformity so as to be substantially more detrimental than the existing nonconforming structure to the neighborhood as determined by the Building Inspector.

7.9.4 Use Prohibitions.

1. ADUs may not be used as short-term rentals as defined in G.L. c. 64G sec. 1.
2. ADUs may not be converted to condominiums as defined in G.L. c. 183A

ANNUAL TOWN MEETING – April 29 & 30, 2025

7.9.5 Parking.

ADUs located more than 0.5 miles from a commuter rail station or bus station must provide a minimum of one dedicated off-street additional parking space per ADU unless Site Plan Review determines sufficient parking exists at the time of Site Plan Review/a building permit is sought as determined by the Zoning Board of Appeals or their designee consistent with the parking requirements of Section 5 of this Bylaw.

7.9.6 Procedural Requirements.

An Application for an ADU shall be submitted to the Zoning Board of Appeals or their designee in accordance with Section 9.4 and the Planning Board Rules and Regulations for Site Plan Review under Section 9.3.

7.9.7 Severability.

In the event that one or more of the provisions of this section are determined to be inconsistent with c. 40A or otherwise invalid under state law by a court of competent jurisdiction or the Massachusetts Attorney General’s Office, such provision or provisions shall not affect the validity of any other provision of this section which provisions will remain in full force and effect.;

and further to amend the Zoning Bylaw Section 3.1.3 (“Table of Use Regulations”) and Appendix A-1, “F. Accessory Uses” to add an accessory use “7.,” “Accessory Dwelling Units (per G.L.c. 40A)” permitted by right in the SRA, SRB, SRC, APT, LS, GB, MU, and IG districts and renumber as necessary so as to read in relevant part as follows:

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
F. Accessory Uses (See Section 3.2)												
5. Accessory Dwelling Unit per G.L. c. 40A	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	N

; or take any action related thereto.

On request of the Planning Board

Upon motion made and duly seconded it was VOTED to approve Article 22 as printed in the Finance Committee Report

VOTE: A simple majority vote required for passage, the Motion Passed in an electronic vote of 298 in favor, 30 opposed, and 22 abstaining.

Select Board Report: Approval
 Planning Board 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 10:17 P.M.

ANNUAL TOWN MEETING – April 29 & 30, 2025

ANNUAL TOWN MEETING – SECOND SESSION – April 30, 2025

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 Four Hundred Twenty-two (422) 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 Laura Gregory, 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. Forty (40) 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 Daniel Casper 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 introduced the stage participants to meeting members.

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

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 Mark Johnson in recognition of his service to the community in many capacities, including as a member of the Permanent Town Building Advisory Committee and several school building committees. Mr. Johnson accepted the award.

The Moderator then took up the Warrant.

ARTICLE 23	ZONING BYLAW AMENDMENT – FLOOD HAZARD OVERLAY DISTRICT
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To see if the Town of will vote to amend the Andover Zoning Bylaw, Article VIII, Section 8.3 Flood Hazard Overlay District (FHOD) to update and/or add location, definitions, regulations,

ANNUAL TOWN MEETING – April 29 & 30, 2025

permit requirements, administrator, variances and other requirements to remain an active participant in the National Flood Insurance Program.

Proposed changes as set forth in the draft amendment (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 Planning website at <https://andoverma.gov/ATM2025Zoning>.

; or take any other action related thereto.

On request of the Planning Board

Upon motion made and duly seconded it was VOTED to amend Article VIII of the Andover Zoning Bylaw Section 8.3 Flood Hazard Overlay District per the changes set forth in the amendment posted on the Town website as noticed in the Finance Committee Report.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 298 in favor, 9 opposed, with 7 abstaining.

Planning Board Report: Approval
Select Board Report: Approval
Conservation Commission Report: Approval

ARTICLE 24	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 Motion Passed in an electronic vote of 293 in favor, 31 opposed, with 5 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 25	ZONING BYLAW AMENDMENT – ID ZONING DISTRICT MEDICAL CENTER OR CLINIC AND INDOOR RECREATIONAL FACILITIES
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To see if the Town of will vote to amend the Andover Zoning Bylaw, Article VIII, Appendix A Table 1 Section 3.1.3 - Table of Use Regulations by amending the ID Industrial Zoning District

ANNUAL TOWN MEETING – April 29 & 30, 2025

of subsection C. Business and Commercial Uses to allow Medical Center or Clinic as a permitted use which shall be signified by the use of the designation “Y”, with Indoor Commercial Recreation Establishment being a permitted use and requiring a Special Permit from the Planning Board which shall be signified by the use of a designation of “PB” or to take any other action related thereto.

	Residential Districts				Business Districts				Industrial Districts			
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID	ID2
C. Business and Commercial Uses												
9. Medical center or clinic	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
14. Indoor commercial recreation establishment	N	N	N	N	ZBA	N	Y	N	Y	N	PB	PB

On request of the Planning Board

Upon motion made and duly seconded it was VOTED to approve Article 25 as printed in the Finance Committee Report.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 298 in favor and 31 opposed.

Planning Board Report: Approval
 Select Board Report: Approval

ARTICLE 26	ZONING BYLAW AMENDMENT – SPECIAL USE REGULATIONS
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To see if the Town of will vote to amend the Andover Zoning Bylaw, Article VIII, Section 4.1.5 (Special Use Regulations) by inserting the phrase "without a determination by the special permit granting authority that driveway access does not pose an unreasonable risk to pedestrian safety, including by any permit conditions deemed feasible and necessary by such authority" so as to read as follows (added text underscored and removed text note by strike-through):

4.1.5 Special Use Regulations.

- a. Motels and Hotels. The minimum lot area per rentable unit shall be 2,000 square feet
- b. Motor Vehicle Service Station and Car Wash. Any building used for a gasoline service station, car wash, or automobile repair garage or service station shall be located at least 15 feet from the property line and at least 50 feet from the property line of any lot in a residential district. In addition, no premises used for any of these purposes shall have any driveway access within 300 feet of the lot line of any public or private school, public library, church, playground, or institution for older adults, the sick, the dependent, or children under 16 years of age-, without a determination by the special permit granting authority that

ANNUAL TOWN MEETING – April 29 & 30, 2025

driveway access does not pose an unreasonable risk to pedestrian safety, including by any permit conditions deemed feasible and necessary by such authority.”

; or take any action relative thereto.

On the request of the Planning Board

Upon motion made and duly seconded it was VOTED to approve Article 26 as printed in the Finance Committee Report.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 300 in favor, 42 opposed, with 16 abstaining.

Planning Board Report: Approval
Select Board Report: Approval

ARTICLE 27	ZONING BYLAW AMENDMENT – OFF-STREET PARKING AND LOADING
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To see if the Town of will vote to amend the Andover Zoning Bylaw, Article VIII, Section 5.1 Off-Street Parking and Loading by striking out the language of Section 5.1.5.10.a (Design Standards Landscaping) and replacing it in its entirety to read as follows:

10. *Landscaping.*

- a. Each parking area shall have interior and perimeter landscaped areas that meet the provisions of the Zoning Bylaw and associated design guidelines.;

and by striking out the language of Section 5.1.5.11.a (Design Standards Landscaping) and replacing it in its entirety to read as follows:

11. *Lighting.*

- a. Lighting shall provide safety and security for users and shall be designed and installed so as to prevent glare or overspill from the light source onto adjacent property or into public ways. The direction of lighting, intensity of lighting, and selection of fixtures and bulbs shall be consistent with Dark Sky best practices except where standard industry practices related to security measures for individual uses require more intense temporary lighting measures;

and by striking out the language of Section 5.1.6.5 (Parking in Apartment Districts (APT) Landscaping) and replacing it in its entirety to read as follows:

- 5. *Landscaping.* Each paved parking area shall have interior landscaping areas, primarily planted with shade trees, equivalent in size to at least 5 percent of the parking area ’s total pavement area. The Planning Board may approve a smaller amount of interior

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landscaping where an alternative design better achieves the purposes of the Zoning Bylaw including, but not limited to, the use of landscaping as part of a stormwater management system.;

and by striking out the language of Section 5.1.8.7 (Parking in Industrial Districts) and replacing it in its entirety to read as follows:

7. Each parking area shall have interior landscaping areas, primarily planted with trees, equivalent in size to at least 5 percent of the parking area’s total pavement area. The Planning Board may approve a smaller amount of interior landscaping where an alternative design better achieves the purposes of the Zoning Bylaw including, but not limited to, the use of landscaping as part of a stormwater management system.

; or take any action related thereto.

On request of the Director of Planning and Land Use

Upon motion made and duly seconded it was VOTED to approve Article 27 as printed in the Finance Committee Report.

It was moved by Barbara M. Burke of 6 Dale Street and duly seconded to amend the article “to add the following language by inserting them [sic] after the word ‘district’ in 4.1.5.2: ‘or in residential use.’” A simple majority vote required for passage, the Motion to Amend Failed in an electronic vote of 99 in favor, 250 opposed, and 26 abstaining.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 321 in favor, 42 opposed, with 15 abstaining.

Planning Board Report:	Approval
Select Board Report:	Approval
Andover Green Advisory Board Report:	Approval

ARTICLE 28	INDEMNIFICATION OF PUBLIC SAFETY MEDICAL COSTS
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To see if the Town will appropriate \$200,000 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, determine how the money will be raised and expended; or take any action related thereto.

On request of the Chief Administrative and Financial Officer

Upon motion made and duly seconded it was VOTED to raise by taxation and appropriate \$200,000 in accordance with the provisions of Chapter 41, Sections 100 and 100B of the General

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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 Motion Passed in an electronic vote of 351 in favor, 28 opposed, with 5 abstaining.

Select Board Report: Approval
Finance Committee Report: Approval

ARTICLE 29	ESTABLISHING THE CENTRAL STREET HISTORIC DISTRICT AND BYLAW
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To see if the Town will vote, pursuant to Massachusetts General Law Ch. 40C section 3 to: (1) to receive the final report, with recommendations, of the Central Street Historic District Study Committee; (2) to establish a Central Street Historic District consistent with the report by amending the Town Bylaws to add a new section as follows; and (3) for said district to be bounded by the map referenced in the bylaw and included below:

§53: Central Street Historic District.

1. Title. This Bylaw shall be known as and may be cited as the Central Street Historic District Bylaw, pursuant to authority granted by Chapter 40C of the Massachusetts General Laws.

2. Purpose. The purpose of this Bylaw is to promote the educational, cultural, physical, economic, and general welfare of Andover by preserving and protecting the architectural and historical assets of Andover, including buildings and sites of historical and architectural significance. It encourages design and construction that harmonizes with these assets. This Bylaw intends for the Central Street Historic District Commission, through its design guidelines and other lawful actions, to fulfill its duties pragmatically in a manner that reasonably balances historic preservation with striving to collaboratively accommodate the particular desires, burdens, and circumstances of those who submit applications under this Bylaw.

3. Establishment of District.

A. Central Street Historic District

The boundaries of the Central Street Historic District are established and located as shown on the plan of land entitled “Boundaries of the Central Street Historic District,” dated November 1, 2024. Said plan of land is on file with the Office of the Town Clerk, and shall be recorded with the North Essex Registry of Deeds.

B. Plan of Land

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The plan of land referred to in paragraph A, above, is hereby declared to be part of this Bylaw.

4. Historic District Commission

A. Establishment and Membership

There is hereby established the Central Street Historic District Commission, hereinafter referred to as the Commission, which shall consist of seven (7) members and two (2) alternate members to be appointed by the Town Manager and approved by the Select Board.

The membership of the Commission shall, whenever possible, include the following:

One member selected from two (2) nominees submitted by the Andover Center for History and Culture.

One member selected from two (2) nominees submitted by the Chapter of the American Institute of Architects covering Andover.

One member selected from two (2) nominees submitted by the Board of Realtors covering Andover.

One member selected from two (2) nominees submitted by the Andover Planning Board.

One member, wherever possible, who is both a resident and owner of property in the Central Street Historic District during that person's term of office.

If, however, within thirty (30) days after the submission of a written request for nominees to any of the aforesaid groups, no such nominations have been made, then the Town Manager and Select Board may proceed to make the appointment or appointments to the Commission without nominations by such group or groups. Alternate members need not be selected from nominees submitted by any particular group or organization. All members of the Commission and all alternate members shall be residents of the Town of Andover during their term of office.

B. Terms

When the Commission is first established, two (2) members shall be appointed for one-year terms; two (2) members shall be appointed for two-year terms; and the remaining three (3) members shall be appointed for three-year terms; each of two (2) alternate members shall be appointed for three-year terms. At the expiration of the respective terms, the Town Manager shall appoint successors for three-year terms in the manner described in paragraph A., above. Vacancies shall be filled within 60 days by the Town Manager by appointment with approval by the Select Board for the unexpired term. Each

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member and alternate shall continue in office after the expiration of his term until their successor is duly appointed and qualified.

C. Officers

The Commission shall elect annually a Chair, Vice Chair, and Clerk from its own number.

D. Alternate Members

In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Commission, the member's place shall be taken by an alternate member designated by the Chair.

E. Quorum and Voting

Meetings of the Commission shall be held only if attended by a quorum of at least five members, including alternate members designated to act as members. If the Chair is absent from a meeting, the Vice Chair shall act as Chair. Decisions of the Commission at a meeting require a majority vote of the members, including designated alternates, who are present at the meeting.

F. Compensation

All members and all alternates shall serve without compensation.

5. Powers and Duties of the Historic Commission

The Commission shall have all the powers and duties conferred and imposed on Historic District Commissions by the General Laws of the Commonwealth of Massachusetts, including the following:

- A. The Commission shall have jurisdiction over the review of new construction, reconstruction, alterations, relocation and demolition of all exterior architectural features of buildings and structures visible from a public way within the Central Street Historic District, except as limited by this Bylaw.

No building or demolition permit for activities falling within the jurisdiction of the Commission shall be issued by the Town or any department thereof until the certificate required by this Section has been issued by the Commission.

- B. In passing upon matters before it, the Commission shall consider, among other things, the historical and architectural value and significance of the site, building or structure, the general design arrangement of the features involved and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall

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consider the appropriateness of the size and shape of the building or structure, both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by any applicable Town bylaw.

- C. The Commission, at all times, shall act with a clear understanding of the needs and hardships of the property owners, businesses and residents of the Central Street Historic District to enjoy the amenities of modern life in the use of their homes and properties.
- D. The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work and may accept money gifts and expend the same for such purposes when reviewed by Town Counsel and approved by the Select Board.
- E. The Commission may administer on behalf of the Town any properties or easements, restrictions or other interests in real property which the Town may have or may accept as gifts or otherwise and which the Town may designate the Commission as the administrator thereof.
- F. The Commission may advise the Select Board, the Planning Board, the Zoning Board of Appeals, the Massachusetts Historical Commission and any other public agency in matters pertaining to or affecting any historic structures or sites in any of the Central Street Historic District.

As used in this Section, the words "building", "structure", "constructed", "altered", and "exterior architectural features", shall have the meanings set forth in Section 5 (Definitions) of Chapter 40C of the Massachusetts General Laws.

6. Limitations and Exemptions

- A. The Commission shall not act to prevent or unnecessarily delay new construction, reconstruction or alterations except for the purpose of preventing developments incongruous to historical considerations and architectural features of value, viewed in relation to the surrounding area.
- B. The authority of the Commission shall not extend to the review of the following:
 - 1. Temporary structures or signs, to be in use for not more than ninety (90) days, if not in conflict with such regulations as may be adopted by the Commission. However, temporary signs shall further comply with the requirements of Article VIII, Section 5.0, Subsection 5.2, Paragraph 5.2.6, of the Town of Andover Zoning Bylaw, as amended from time to time. Temporary structures shall further comply with the Commonwealth of Massachusetts State Building Code 780 CMR.
 - 2. Terraces, walks, driveways, sidewalks and similar structures, or any one

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or more of them, provided that any such structure is substantially at grade level. However, parking lots or parking areas require Commission review and must be in compliance with the provisions of Article VIII, Section 5.0, Subsection 5.1, of the Town of Andover Zoning Bylaw.

3. Landscaping with plants, trees or shrubs.
 4. Storm doors, storm windows, screens, window air-conditioners, lighting fixtures, conventional antennae, roof-mounted solar panels, and similar appurtenances.
 5. The re-construction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such re-construction is begun within one (1) year thereafter and carried forward with due diligence. Reconstruction must also meet all applicable requirements of the Town of Andover Zoning Bylaw and the Commonwealth of Massachusetts State Building Code, 780 CMR.
 6. Color and type of paint.
 7. Color of roofing materials and siding.
 8. Fences.
 9. Signs used for residential occupation or professional purposes, of not more than two square feet in area, provided that a) no more than one sign is displayed on or near any one building or structure; b) the sign consists of lettering painted on wood without a symbol or trademark; and c) all signs must comply with all applicable requirements of Article VIII, Section 5.0, Subsection 5.2, of the Town of Andover Zoning Bylaw. In addition, signs for commercial and institutional purposes require Commission review.
 10. Ordinary maintenance, repair or replacement, as defined by the Commonwealth of Massachusetts State Building Code 780 CMR, of any exterior architectural feature if such repair, maintenance or replacement does not involve a substantial change in design or materials.
 11. Any other work specifically exempt from the requirements of a building permit as provided in the Commonwealth of Massachusetts State Building Code, 780 CMR, except that the Commission shall review masonry walls and one-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses visible from a public way.
- C. The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, structures or signs may be constructed or

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altered without review by the Commission without causing substantial derogation from the intent and purposes of the General Laws, Chapter 40C.

- D. The Commission may determine from time to time after public hearing that the authority of the Commission be limited to exterior architectural features within the Central Street Historic District which are subject to view from one or more designated public streets, public ways, public parks, although other portions of buildings or structures within the district may be otherwise subject to public view, without substantial derogation from the intent and purposes of the General Laws, Chapter 40C.

7. Procedures

- A. In accordance with Section V, and except as this Bylaw provides in Section VI, no building or structure within the Central Street Historic District shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship with respect to such construction or alteration.
- B. Applications for certificates shall be made with the Inspector of Buildings. Copies of applications shall be forwarded to the Commission. Applications shall be in a form specified by the Commission that adequately describes the proposed work. This may include plans and elevations, drawn to scale, detailed enough to show the architectural design of the structure and its relation to the existing building. Plot and site plans should be filed when an application is made for improvements involving applicable landscape features such as walls and fences. In the case of demolition or removal, the Inspector of Buildings shall forward one copy of the demolition permit application to the Commission.
- C. Within 14 days of the filing of an application for any certificate, the Commission shall be required to determine whether the application involves any exterior architectural features which are within the jurisdiction of this Bylaw.
- D. If the application requires the Commission's review or at the request of the applicant, the Commission shall hold a public hearing (though a hearing may be waived according to the provisions of Chapter 40C of the General Laws, as amended). The Commission shall fix a reasonable time for the hearing on any application. The Inspector of Buildings shall give public notice of the time, place and purposes thereof at least 14 days before said hearing in such manner as may be determined. A copy of said notice shall be mailed, postage prepaid, to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Town Planning Board and to such other persons as the Commission shall deem entitled to notice.
- E. The Commission shall decide upon the determination of any application within 60 days of its filing or within such further time as the applicant may choose to allow in writing.

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- F. A certificate of appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the Central Street Historic District. In the case of a disapproval of an application for a certificate of appropriateness, the Commission shall place upon its records the reason for such a determination and shall forthwith cause a notice of its determinations, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to the appropriateness of the design. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action, accompanied by recommendations of changes in the applicant's proposal, which, if made, would make the application acceptable to the Commission. If within 14 days of the receipt of such notice, the applicant files a written modification of the application in conformity with the recommended changes of the Commission, as confirmed by the Chair of the Commission in his or her judgment, the Commission shall issue a certificate of appropriateness to the applicant.
- G. Only upon request will the Commission issue a certificate of non-applicability to any applicant whose application does not require Commission approval.
- H. If an application is deemed inappropriate or if an application is made for a certificate of hardship, the Commission may issue a certificate of hardship if conditions particularly affecting the building or structure involved, but not affecting the Central Street Historic District generally, would make failure to approve an application involve a substantial hardship, financial or otherwise, to the applicant; and if approval would not involve substantial detriment to the public welfare. A certificate of hardship shall also be issued in the event that the Commission does not make a determination of an application within the time specified in Subsection VII.E of this Bylaw.
- I. Each certificate shall be dated and signed, and the Commission shall keep a permanent record of its determination and of the vote of each member participating therein and shall file a copy of notice of certificates and determinations of disapproval with the Town Clerk and the Inspector of Buildings.
- J. Any person aggrieved by a determination of the Commission may, within 20 days after filing of the notice of determination with the Town Clerk, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the Merrimack Valley Planning Commission.

The finding of the person or persons making such review shall be filed in triplicate with the Town Clerk, the Inspector of Buildings and the Commission within 45 days after the request and shall be binding on the applicant and the Commission, unless a further appeal is sought as provided in Subsection VII.K of this Bylaw.

- K. Any person aggrieved by a determination of the Commission or by a finding by the person or persons making a review may, within 20 days after filing of the notice of such

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determination or such finding with the Town Clerk, appeal to the Superior Court sitting in equity for Essex County. The Court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against the Commission unless it shall appear to the Court that the Commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such a determination of the Commission unless it shall appear to the Court that such party acted in bad faith or with malice in making the appeal to the Court.

- L. The Superior Court sitting in equity for Essex County shall have jurisdiction to enforce the provisions of this Bylaw and the determinations, rulings and regulations pursuant thereto and may, upon the petition of the Commission or the Select Board, restrain by injunction violations thereof; and, without limitation, such Court may order the removal of any building, structure or exterior architectural feature constructed, altered or demolished in violation thereof and may issue such other orders for relief as may be equitable.
- M. Whoever violates any of the provisions of this Bylaw shall be punished by a fine of not more than \$100 for each offense. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

8. Other Provisions

- A. The Town of Andover shall be subject to the provisions of this Bylaw, notwithstanding any Town bylaw to the contrary.
- B. Except to the extent specifically provided in this Bylaw, the definition of terms and the powers and rules of conduct of the Commission shall be as set forth in Chapter 40C of the General Laws.
- C. This Bylaw may be amended from time to time by a two-thirds vote of the Town Meeting, subject to the procedures as set forth in Chapter 40C, Section 3, of the General Laws.
- D. The Select Board may set reasonable fees for the administration of this Bylaw based on the recommendations of the Commission.
- E. Following Town Meeting approval, this Bylaw takes effect immediately when the following conditions have been met: approval by the Attorney General of the Commonwealth of Massachusetts; filing of a map of the boundaries of the Historic

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District with the Andover Town Clerk, the Andover Inspector of Buildings and the Essex North Registry of Deeds.

- F. In case any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

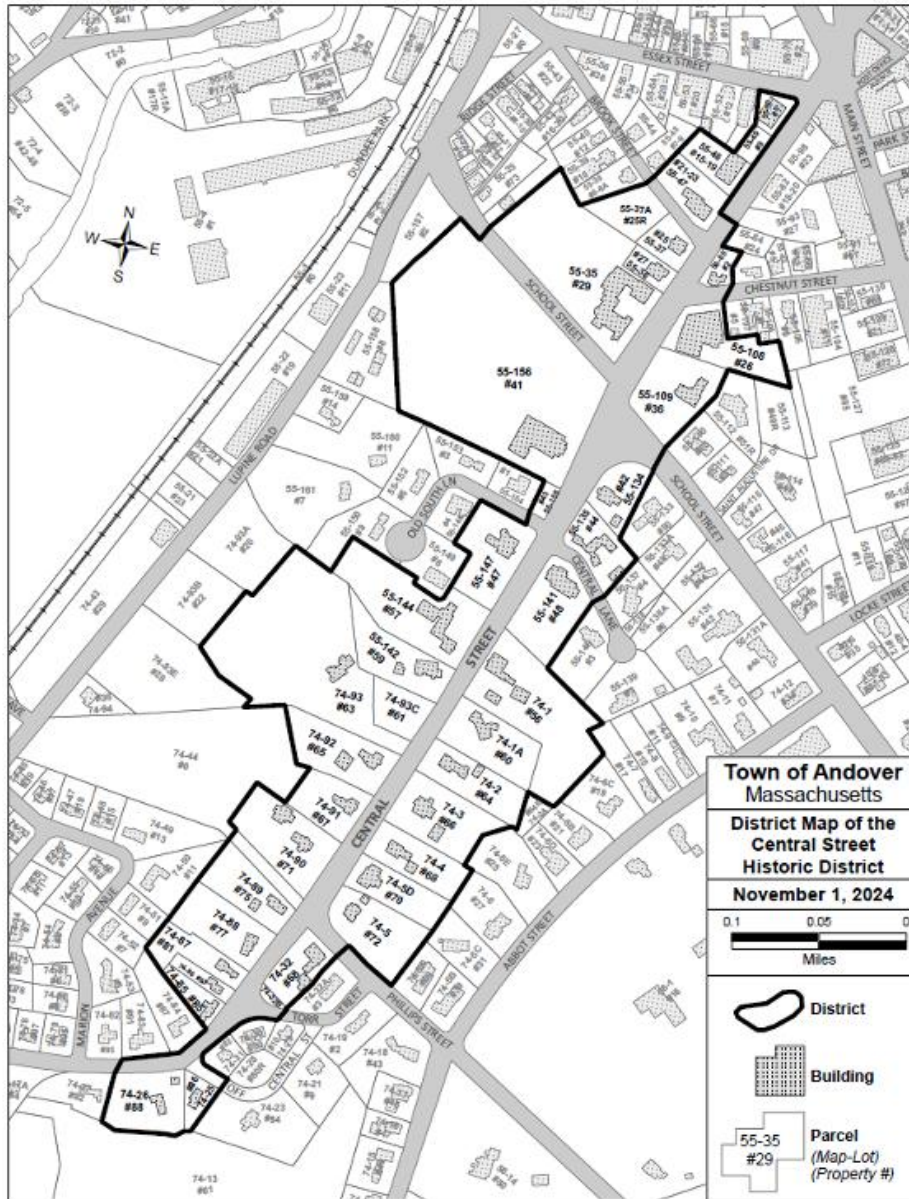
; or take any other action related thereto.

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CENTRAL STREET HISTORIC DISTRICT BOUNDARIES

District Map



On request of the Central Street Historic District Study Committee

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Upon motion made and duly seconded it was VOTED to approve Article 29 as printed in the Finance Committee Report.

VOTE: A two-thirds vote required for passage, the Motion Passed in an electronic vote of 326 in favor, 66 opposed, with 3 abstaining.

Central Street Historic District

- Study Committee Report: Approval
 - Select Board Report: Approval
 - Planning Board Report: Approval
 - Preservation Commission Report: Approval
- Ballardvale Historic District
- Commission Report: Approval

ARTICLE 30	AMEND GENERAL BYLAWS: WATER RESTRICTIONS
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To see if the Town will vote to amend Article XV §§3 (“Definitions”) 4 (“Declaration of State of Water Supply Conservation”), and 5 (“Restricted Water Use”) to comply with G.L. c. 21G, the Massachusetts Water Management Act and 310 CMR 36.07(2)(c) when drought conditions mandate local water restrictions by adding definitions and updating water restrictions as follows:

§3 Definitions

NONESSENTIAL WATER USE

A use that is not required:

- (a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- (b) by permit, license, statute or regulation;
- (c) for the production of food, including vegetable gardens, and fiber;
- (d) for the maintenance of livestock;
- (e) to meet the core functions (those functions essential to the commercial operations) of a business, including but not limited to:
 - 1. plant nurseries as necessary to maintain stock;
 - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering consistent 310 CMR 36.07(2)(c)2.a. through c.;
 - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
 - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint,

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- preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
 - (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
 - (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way;
or
 - (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

SECRETARY

The Massachusetts Secretary of the Executive Office of Energy and Environmental Affairs.

§4. Declaration of state of water supply conservation.

Notwithstanding the above, a state of water supply conservation shall be automatically triggered by the Secretary's drought declaration for the drought region, county, or watershed in which the Town's water supplies are located.

§5 Restricted water uses.

A declaration of a state of water supply conservation may include one or more of the following restrictions, conditions or requirements limiting the use of water either Town-wide or as limited by the Select Board as necessary to protect the public water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 6.

- ~~1. Outdoor water use hours: Outdoor water use by water users is permitted only during daily periods of low demand, at night or early morning.~~
 - ~~2. Odd/even day outdoor water use: Outdoor water use by water users with odd numbered addresses is restricted to odd numbered days. Outdoor water use by water users with even numbered addresses is restricted to even numbered days.~~
 - ~~3. Outdoor water use ban: Outdoor water use by water users is prohibited.~~
 - ~~4. Filling swimming pools: Filling of swimming pools is prohibited.~~
 - ~~5. Automatic sprinkler use: The use of automatic sprinkler systems is prohibited.~~
- 1. Level I (Mild Drought). All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens, with drip irrigation, hand-held hose or watering cans may be permitted.
 - 2. Level 2 (Significant Drought). All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.

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3. Level 3 (Critical Drought) or Level 4 (Drought Emergency). All nonessential outdoor water uses are banned.

; 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 30 as printed in the Finance Committee Report.

VOTE: A majority vote required for passage, the Motion Passed in an electronic vote of 235 in favor, 139 opposed, with 6 abstaining.

Select Board Report: Approval

ARTICLE 31	REPEAL OF BALLARDVALE HISTORIC DISTRICT COMMISSION GENERAL BYLAW
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To see if the Town will vote to amend the General Bylaws to repeal Article XII, Section 36, commonly referred to as the Ballardvale Historic District Commission Bylaw.

On petition of Max Saccoccio and others

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

VOTE: A two-thirds vote required for passage, the Motion Failed in an electronic vote of 96 in favor, 280 opposed, and 6 abstaining.

Select Board Report:	Disapproval
Planning Board Report:	Disapproval
Preservation Commission Report:	Disapproval
Ballardvale Historic District Commission Report:	Disapproval

ARTICLE 32	STREET ACCEPTANCE AND TAKING OF PORTION OF FLEMING AVENUE
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To see if the Town will vote to accept and name as a public way a portion of Fleming Avenue and authorize the Select Board to acquire by eminent domain, gift, purchase or otherwise any fee, easement or other interest in the following described roadway and easements related thereto as necessary, and to award no damages for said taking or payment for said acquisition:

- a. A portion of the street known as Fleming Avenue, as constructed and as shown on a plan entitled “Definitive Subdivision Plan Fleming Avenue Andover, Massachusetts” prepared

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by Andover Consultants, Inc., dated September 26, 2016, rev. through March 22, 2017 and on file in the Office of the Town Clerk;

- b. Utility and Access Easements under, over, across and through the area shown as Access & Utility Easement on Lots 4, 5, & 6 and Access and Utility Easement on Lots 6 & 7;
- c. A non-exclusive Drainage Easement over Lots 1, 2, & 3;

; 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 accept and name as a public way any or all of Fleming Avenue as constructed and shown on a plan approved by the Andover Planning Board entitled “Definitive Subdivision Plan Fleming Avenue Andover, Massachusetts” prepared by Andover Consultants, Inc., dated September 26, 2016, rev. through March 22, 2017 and on file in the Office of the Town Clerk.

VOTE: A majority vote required for passage, the Motion Passed in an electronic vote of 235 in favor, 139 opposed, and 6 abstaining.

Select Board Report: Approval

ARTICLE 33	OPT-IN SPECIALIZED ENERGY CODE
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To see if the Town will vote to amend and replace Article XII, Section 47 of the Bylaws of the Town of Andover entitled “Stretch Energy Code” by adopting and inserting the Municipal- Opt-In “Specialized Energy Code” for the purposes of enhancing energy efficiency and reducing greenhouse gas emissions pursuant to the entirety of 225 CMR 22 and 23, including Appendices RC and CC, a copy of which is on file with the Town Clerk, and future editions, amendments or modifications thereto, with an effective date of July 1, 2026, or take any other action relative thereto.

On request of the Town Manager

Upon motion made and duly seconded it was VOTED to adopt the municipal opt-in specialized stretch energy code as provided in G.L. c. 25A sec. 6 with an effective date of July 1, 2025; and further to replace Article XII, Section 47 of the General Bylaws of Andover “Stretch Energy Code” in its entirety with a new Section 47 entitled “Specialized Stretch Code” as set forth fully on the Town’s website, codifying the State’s Stretch Code in the Andover Bylaws.

VOTE: A majority vote required for passage, the Motion Passed in an electronic vote of 199 in favor, 80 opposed, with 6 abstaining.

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Select Board Report:	Approval
Finance Committee Report:	Approval
School Committee Report:	Approval
Planning Board Report:	Approval
Green Advisory Board Report:	Approval
Permanent Town Building Advisory Comm. Report:	Approval

ARTICLE 34	ZONING BYLAW AMENDMENT – LANDSCAPING, BUFFERING AND LIGHTING
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To see if the Town of will vote to amend the Andover Zoning Bylaw, Article VIII, Section 5.3 Landscaping, Buffering, and Lighting to add Purposes (5.3.1) and General Requirements (5.3.2), to update provisions of the Office Park, Industrial Districts, Limited Service District, General Business and Mixed Use Districts and renumber as necessary.

Proposed changes as set forth in the draft amendment (or as later amended by the Planning Board), 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 Planning website at <https://andoverma.gov/ATM2025Zoning>; or take any action related thereto.

On request of the Director of Planning and Land Use

Upon motion made and duly seconded it was VOTED to amend the Andover Zoning Bylaw, Article VIII, Section 5.3 Landscaping, Buffering, and Lighting per the proposed changes as set forth in the amendment posted on the Town website as noticed in the Finance Committee Report.

VOTE: A two-thirds vote required for passage, the Motion Failed in an electronic vote of 72 in favor, 154 opposed, with 13 abstaining.

Planning Board Report:	Approval
Select Board Report:	Approval
Green Advisory Board Report:	Approval

ARTICLE 35	BYLAW AMENDMENT TOWN MANAGER APPOINTMENTS CONSISTENT WITH THE TOWN CHARTER
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To see if the Town will vote to amend Article III (“Town Officers, Boards, and Committees) §2(b)(2) of the Town Bylaws to render appointments of the Town Manager in the bylaws consistent with the §3 (d) (“Appointed Officials”) of the Town Charter and the Home Rule Legislation approved by Article 23 of the 2024 Annual Town Meeting (added language denoted by underline and removed language by strikethrough) so as to read in relevant part as follows:

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§2 Officers, Boards and Committees enumerated.

(b) To be appointed:

(2) By the Town Manager, subject to the approval of the Select Board upon merit and fitness alone:

- a. Town Clerk.
- b. ~~Town Treasurer.~~ Deputy Town Manager.
- c. ~~Tax Collector.~~ Police Chief.
- d. ~~Board of Public Health.~~ Fire Chief.
- e. ~~Planning Board.~~ Finance Director/Chief Financial Officer.
- f. ~~Board of Assessors.~~ Town Counsel.
- g. ~~Board of Library Trustees.~~ Board of Public Health.
- h. ~~Town Counsel.~~ Planning Board.
- i. ~~All other officers, boards, committees and employees of the Town except those reserved by these by-laws or by other law to another appointing or electing authority.~~ Board of Assessors.
- j. Board of Library Trustees.
- k. All other officers, boards, and committees of the Town except those reserved by these by-laws or by other law to another appointing or electing authority.
- l. The Town Manager shall appoint all other town employees.

; or take any other action related thereto.

On request of the Select Board

Upon motion made and duly seconded it was VOTED to approve Article 35 as printed in the Finance Committee Report.

It was moved by Jennifer K. Hoenig of 180 Main Street and duly seconded to amend the article by making §2(b)(2)(1) its own section as §2(b)(3) and to read as follows, and for the numbering to be adjusted as needed:

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(3) By the Town Manager:

- a. All other employees of the Town not enumerated in §2(b)(2).

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

VOTE: A majority vote required for passage, the Moderator declared the Motion Passed by a majority 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 Annual Town Meeting at 9:41 P.M.

A true record
A T T E S T

Austin P. Simko
Town Clerk