ZONING BOARD OF ADJUSTMENT REPORT

The warrant for this year's Town Meeting includes two proposed amendments to the zoning ordinance. One deals with locating cell towers or Personal Wireless Service Facilities as they are now formally known. The other addresses a sudden surge in school population, felt noticeably at the elementary/middle school this year. This amendment would institute a one-year suspension on subdivisions that create three or more new lots and would also limit the number of building permits for new houses to 13, which is the same number that were issued last year. During that one year period, the planning board, selectmen, members of the zoning board and other concerned citizens will be able to take the time necessary to find suitable ways to provide for future, inevitable growth in Andover in a reasonable, logical fashion. The zoning board supports both of these amendments.

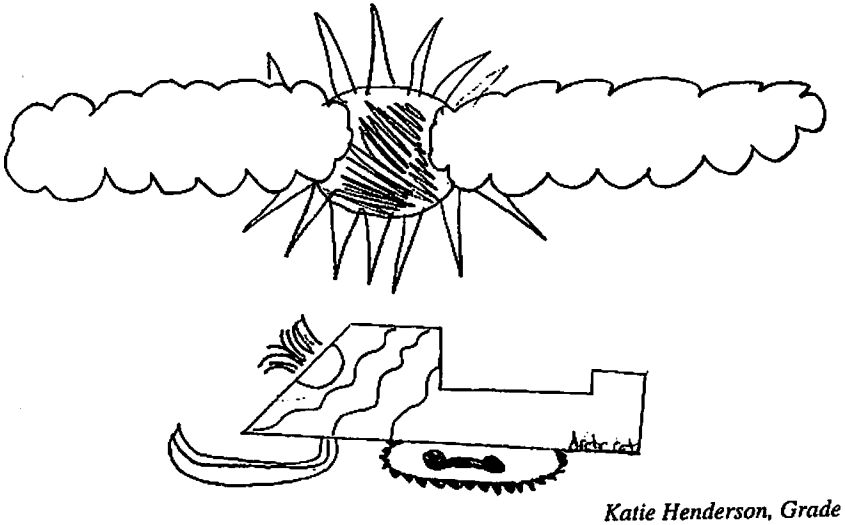
The board held twelve public meetings and considered eleven applications during 2000. The board voted in favor of nine of the applications, denying two.

In June the board was shocked with the untimely death of Chairman Roger Emerson. He was a sincere and dedicated volunteer for the Town and is greatly missed.

This year the board welcomed two new full-time members, Katherine Stearns and Brooks Bicknell and regretfully saw the resignation of recording secretary Sharon Mickle. The board thanks her whole heartily for a job well done. Her replacement, Lisa Meier, is doing an excellent job and the board is lucky to have her.

There are openings for alternate members – any takers?

Respectfully submitted,
Zoning Board of Adjustment



Katie Henderson, Grade 5

PERSONAL WIRELESS SERVICE FACILITIES (CELL TOWERS) AMENDMENT TO THE ZONING ORDINANCE (ARTICLE 2 IN THE 2001 TOWN MEETING WARRANT)

This ordinance amendment contains provisions that are administered by the Andover Zoning Board of Adjustment as conditions for Special Exception uses and by the Andover Planning Board under their Site Plan Review authority.

PERSONAL WIRELESS SERVICE FACILITIES (PWSF)

1 - PURPOSE AND INTENT

1.1 It is the express purpose of this article:

- to permit carriers to locate personal wireless service facilities within particular areas of the Town of Andover consistent with appropriate land use regulations that will ensure compatibility with the visual and environmental features of the town;
- to minimize adverse visual effects of communications facilities, towers, and antennas through design and siting standards, and by use of alternative structures or systems;
- to minimize environmental, economic, audible and visual impacts on adjacent properties, historical and cultural resources, and on the Town of Andover and neighboring communities;
- to preserve scenic views and vistas, including ridgelines;
- to encourage appropriate uses of historic and cultural properties;
- to reduce land use conflicts and to avoid potential damage to adjacent properties from tower failure through the use of setback requirements;
- to provide for the maintenance and on-going inspection of personal wireless service facilities, and for their removal upon abandonment or discontinuance of use;
- to maximize the use of existing approved PWSF, including buildings and structures;
- to consistently regulate PWSF needed to serve the community and region.

1.2 New ground mounted PWSF are permitted, but only when the use of existing structures and buildings is found to be infeasible. Co-location is encouraged for all PWSF applications and the review of a PWSF shall be on the basis of the site being built using all positions on the mount.

2. APPLICABILITY

2.1 The terms of this article and the site plan review regulations shall apply to personal wireless service facilities proposed to be located on all property in the Town of Andover regardless of ownership.

2.2 A building permit shall be required for the construction, alteration, expansion or relocation of related antennas, buildings and structures. The permit shall not be issued until all approvals are obtained by the applicant.

2.3 The Andover Zoning Board of Adjustment shall specify the form, content and timing of application materials to be submitted by the applicant for a special exception. The following requirements shall be included in the items to be submitted for a complete application:

A. The applicant shall provide a topographic map showing the location of all PWSF within a 10-mile radius of the proposed facility.
B. The applicant shall provide a summary of all other ground-mounted sites considered for this application, and justification for selecting the proposed site over these other sites.
C. A narrative describing why the proposed facility has been selected and its expected length of usefulness considering the expected growth of the service area and the transition to new technology as it becomes available.
D. A visual impact study of the proposed facility to include drawings and photo simulations taken from perspective locations of importance to the visual quality of the site impact area.

2.4 The latest fee structures for special exception and site plan review applications shall apply for PWSF submissions.

3. DEFINITIONS

For the purpose of this article, the following terms shall have the meaning given herein:

3.1 Antenna. The surface from which wireless radio signals are sent and/or received by a personal wireless service facility.

3.2 Antenna Array. A collection of antennas attached to a mount to send and receive radio signals.

3.3 Average Tree Canopy Height. An average height found by inventorying the height above ground level (AGL) of all trees having a 6" caliper or more at 4' above the ground for the area delineated in Section 7.1 (F).

3.4 Camouflaged. A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

3.5 Carrier. A company that provides personal wireless services also sometimes referred to as a provider and a company that builds PWSF provided two letters of intent from service providers are submitted showing legitimate space requests.

3.6 Co-location. The use of a single mount on the ground by more than one carrier (vertical co-location) or the same carrier with multiple licenses, and/or the use of several mounts on an existing building or structure by more than one carrier or the same carrier with multiple licenses.

3.7 Environmental Assessment (EA). An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

3.8 Equipment Shelter. An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for personal wireless service facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

3.9 Facility. See personal wireless service facility.

3.10 Fall Zone. The area on the ground from the base of a ground mounted personal wireless service facility that forms a circle with a radius equal to the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Why Recycle?

Recycling cuts pollution and conserves natural resources. The greatest environmental benefits of recycling are related not to landfills, but to the conservation of energy and natural resources and the prevention of pollution in manufacturing that result from the use of recycled rather than virgin raw materials. Recovered materials have already been refined and processed once, so manufacturing the second time around is usually much cleaner and less energy-intensive than the first.

Recycling conserves energy. Much less energy is needed to make recycled materials into new products compared to beginning the process again with new, "virgin" raw materials. By recycling a ton of materials in a typical curbside recycling program, at least $187 worth of electricity, petroleum, natural gas and coal are conserved, even after accounting for the energy used to collect and transport the materials.

Recycling avoids the costs of disposing of waste in landfills or solid waste incinerators. The costs of recycling are partially offset by avoided disposal fees and by revenues earned through the sales of materials. Disposal fees vary greatly between different regions, and markets for recyclable materials are now booming.

Recycling creates jobs and makes manufacturing industries more competitive. Recycling provides manufacturing industries with less expensive sources of raw materials, a long-term economic advantage that translates into value for consumers who spend less on products and packaging. The industrial development effects of recycling are significant. One recent study found that in ten northeastern states alone, recycling adds $7.2 billion in value to recovered materials through processing and manufacturing activities. Approximately 103,000 people were employed in recycling processing and manufacturing jobs in this region in 1991, 2.7% of the region's total employment.

Source: United States Environmental Protection Agency.

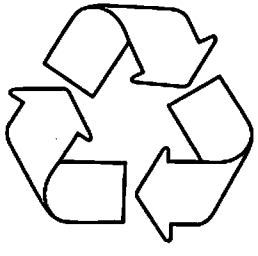
Since it is unlawful to burn demolition debris, the Transfer Station is providing a trailer for the disposal of: drywall, roofing materials, insulation, painted and pressure treated woods, plywood and particle board. We have set fees with the intention of covering the rental of the trailer and the cost of dumping the materials at a legal site

$ 55 per yard
$ 30.50 per half-yard
$19.50 per quarter-yard
Lesser amounts - fee determined by attendant

THANK YOU FOR RECYCLING

SEPARATION OF ITEMS MAY OCCUR ON SITE AT THE TRANSFER STATION. SAVE SPACE AT HOME BY USING ONE BIN FOR ALL YOUR RECYCLABLES.

RECYCLING BINS ARE AVAILABLE FOR PURCHASE AT THE TRANSFER STATION FOR $5.00. JUST ASK AN ATTENDANT



3.11 Guyed Tower. A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

3.12 Height. The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.

3.13 Lattice Tower. A type of mount with multiple legs and structural cross bracing between the legs that is self-supporting and free-standing.

3.14 Mast. A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

3.15 Monopole. A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material, that is designed for the placement of antennas and arrays along the shaft.

3.16 Mount. The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a building.
3. Ground-mounted. Mounted on the ground.
4. Structure-mounted. Mounted on a structure other than a building.

3.17 Personal Wireless Service Facility (PWSF). A facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, as amended. Personal wireless service facilities include a mount, antenna, equipment shelter, and other related equipment.

3.18 Personal Wireless Services. The three types of services regulated by this ordinance: Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.

3.19 Radio Frequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

3.20 Radio Frequency Radiation (RFR). The emissions from personal wireless service facilities.

3.21 Security Barrier. A wall, fence, or berm that restricts an area from unauthorized entry or trespass.

3.22 Separation. The distance between one carrier's array of antennas and another carrier's array.

4. DISTRICT REGULATIONS

4.1 Location: New ground mounted personal wireless service facilities shall be permitted in all zoning districts as a special exception provided conformance with these standards and the other provisions of the Andover Zoning Ordinance can be met and approved by the Andover Zoning Board of Adjustment. Applicants seeking approval for personal wireless service facilities shall first evaluate existing structures for the siting of PWSF. Only after finding that there are no suitable existing structures pursuant to Section 4 herein, shall a provider propose a new ground mounted facility. Personal wireless service facilities, to be mounted on existing or modified structures, shall be permitted providing site plan review approval is granted by the Andover Planning Board.

4.2 Existing Structures: Policy - Personal wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles or towers, and related

facilities, provided that such installation preserves the character and integrity of those structures.

4.3 Existing Structures: Burden of Proof - The applicant shall have the burden of proving that there are no existing structures which are suitable to locate its personal wireless service facility and/or transmit or receive radio signals. To meet that burden, the applicant shall provide the following information to the Andover Planning Board to the extent applicable. The planning board shall submit their findings to the Andover Zoning Board of Adjustment prior to consideration of new facility sites.

A. The applicant shall submit to the planning board a list of all contacts made with owners of potential sites regarding the availability of potential space for a personal wireless service facility. If the planning board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.

B. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures that was contacted.

C. If the applicant claims that a structure is not capable of physically supporting a PWSF, this claim must be certified by a licensed professional civil engineer. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the personal wireless service facility without unreasonable costs. The estimated cost shall be provided to the planning board.

4.4 Ground Mounted Facilities: Policy - If the applicant demonstrates that it is not feasible to locate on an existing structure, ground mounted personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: the use of compatible building materials and colors, screening, landscaping, and placement within trees.

5. USE REGULATIONS

5.1 Land Use Provisions

A. Siting for PWSF shall be treated as a use of land and shall be subject to the Andover Zoning Ordinance as well as other town ordinances and regulations. PWSF shall not be considered infrastructure, essential services, or public utilities as defined and used elsewhere in local and State ordinances and regulations.

B. Personal wireless service facilities may be considered either a principal or a secondary use. A different existing use or an existing structure on the same lot shall not preclude the installation of a PWSF on such lot.

C. For the purpose of determining whether the installation of a PWSF complies with this ordinance, the dimensions of the entire lot shall control, even though the facilities may be located on leased parcels within such lots.

D. PWSF that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure; nor shall such facilities be deemed to be an accessory use.

5.2 A personal wireless service facility shall require a building permit in all cases and may be permitted as follows:

A. Facilities added to Existing Tower Structures: Site plan review approval by the planning board is required. The review shall be limited to issues relating to access, bonding, security for removal, structural integrity and appropriate camouflage of such siting. Carriers may locate a PWSF on any guyed tower, lattice tower, mast, or monopole in existence prior to the adoption of this article so long as the co-location complies with the approved site plan. All the performance standards from this article shall be met. This provision shall apply only so long as the height of the mount is not increased, a security barrier already exists, and the area of the security barrier is not increased. Otherwise, full site plan review is required.

B. Reconstruction of Existing Tower Structures: Site plan review approval by the planning board is required. An existing guyed tower, lattice tower, monopole, or mast in existence prior to the adoption of this article may be reconstructed with a maximum twenty (20) foot increase in height so as to maximize co-location so long as the standards of this article are met and so long as this twenty (20) foot increase in height does not cause a facility previously existing at less than one hundred (100) feet to exceed one hundred (100) feet in height. The mount shall be replaced with a similar mount that does not significantly increase the visual impact on the community.

C. Existing Structures: Site plan approval by the planning board is required. A carrier may locate a personal wireless service facility on an existing structure, building, utility tower or pole, or water tower subject to the provisions of this article. For the purpose of this section, new structures that are conforming to all other district zoning requirements shall be considered as existing structures.

D. Ground Mounted Facility: A personal wireless service facility involving construction of a ground mount shall require a special exception in conformance with the provisions of this article and if approved by the zoning board of adjustment a site plan review approval by the planning board.

E. Town Wireless Service Facility for Public Safety: An application for the installation of a PWSF shall include a statement summarizing the town's interest in collocating communication equipment for public safety on the proposed structure. If the town indicates that equipment will be beneficial, the applicant shall describe accommodation of the public communication equipment in keeping with the requirements of this ordinance.

6. DIMENSIONAL REQUIREMENTS

6.1 Personal wireless service facilities shall comply with the following requirements:

A. Height, Maximum: In no case shall a personal wireless service facility exceed one hundred (100) feet in height, unless the mount for the facility was greater than one hundred (100) feet in height prior to the adoption of this article.

B. Height, Existing Structures and Utility Poles: Carriers that locate new personal wireless service facilities on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures,

guyed towers, lattice towers, masts, and monopoles may be permitted to increase the height of those structures no more than twenty (20) feet if the additional height will not materially impair the visual impacts of the site. This increase in height shall only be permitted once for each structure.

C. Height, Other Existing Structures: The height of a PWSF shall not increase the height of a structure by more than fifteen (15) feet, unless the facility is completely camouflaged; for example a facility completely within a flagpole, steeple, or chimney. The increase in the height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a personal wireless service facility on a building that is legally nonconforming with respect to height, provided that the provisions of this article are met.

D. Height, Ground-Mounted Facilities: Ground-mounted personal wireless service facilities shall not project higher than (10) ten feet above the average tree canopy height within a one hundred and fifty (150) foot radius of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. An inventory of tree heights surrounding the proposed site shall be provided by the applicant.

E. Setbacks: All personal wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located or 105% the facility height whichever is greatest. Fences shall comply with the setback provisions of the zoning district in which the facility is located if the fence is six (6) feet or more in height, in accordance with the appropriate zoning ordinances.

F. Fall Zone for Ground Mounts: In order to ensure public safety, the minimum distance from the base of any ground-mount of a PWSF to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in this article. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner. The area of the easement shall be shown on all applicable plans submitted to the town, and the terms of the easement shall be provided as part of the site plan review.

G. Fall Zone for Non-Ground Mounts. In the event that an existing structure is proposed as a mount for a PWSF, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing nonconforming structures, personal wireless service facilities and their equipment shelters shall not increase any non-conformities.

7. PERFORMANCE AND DESIGN STANDARDS

7.1 Visibility: The proposed PWSF shall have no unreasonable adverse impact upon scenic resources within the Town of Andover.

A. Visual impacts are measured on the basis of:

1. Change in community scale, as exhibited in relative height, mass or proportion of the personal wireless service facility within their proposed surroundings.
2. New visible elements proposed on a contrasting background.
3. Different colors and textures proposed against a contrasting background.

4. Use of materials that are foreign to the existing built environment.

B. Visibility focuses on:

1. Eliminating or mitigating visual impact.
2. Protecting, continuing, and enhancing the existing environment.

C. Enhancements are measured on the basis of:

1. Conservation of opportunities to maintain community scale, e.g. buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.
2. Amount and type of landscaping and/or natural vegetation.
3. Preservation of view corridors, vistas, and view sheds.
4. Continuation of existing colors, textures, and materials.

D. Camouflage for Facilities on Existing Buildings or Structures – Roof Mounts: When a PWSF extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

E. Camouflage for Facilities on Existing, Buildings or Structures - Side Mounts: Personal wireless service facilities which are side mounted shall blend with the existing building's architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with material consistent with the design features and materials of the building.

F. Camouflage for Ground Mounted Facilities: All ground-mounted PWSF shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred and fifty (150') feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. The facility shall be screened from view in all directions by the dense buffer of trees. These trees must be existing on the subject property, planted on site, or be within a landscape easement on an adjoining site. The planning board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one hundred and fifty (150') foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.

7.2 Color - To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings.

7.3 Equipment Shelters - Equipment shelters for PWSF shall be designed consistent with one of the following design standards:

A. Equipment shelters shall be located in underground vaults, or

B. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the personal wireless service facility; or

C. Equipment shelters shall be camouflaged behind an effective year round landscape buffer, equal to the height of the proposed building, and/or

wooden fence. The planning board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood, or

D. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.

7.4 Lighting, Signage, and Security

A. Lighting: The mounts of PWSF shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles.

B. Signage: Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the Town of Andover sign ordinance administered by the board of selectmen.

C. Security Barrier: The planning board shall have final authority regarding the need for the installation of a security barrier surrounding a ground mounted PWSF.

7.5 Historic Buildings

A. Any PWSF located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.

B. Any alteration made to an historic structure to accommodate a PWSF shall be fully reversible.

C. Personal wireless service facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.

7.6 Scenic Landscapes and Vistas - Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, or abutting properties. All ground-mounted PWSF shall be surrounded by a buffer of dense tree growth as per Section 7.1 (F).

7.7 Driveways - If available, existing entrances and driveways to serve a PWSF shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact. New driveways to serve a PWSF shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is encouraged.

7.8 Antenna Types - Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted after a finding by the planning board that the visual impacts of a larger antenna array are negligible.

7.9 Ground and Roof Mounts - All ground mounts shall be of a mast type mount. Lattice towers, guyed towers, and roof-mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section 5.2 (B).

7.10 Hazardous Waste - No hazardous waste shall be discharged on the site of any PWSF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.

7.11 Noise - Personal wireless service facilities shall not generate noise in excess of that permitted under the Andover commercial overlay district regulations.

7.12 Radio Frequency Radiation (RFR) Standards - All equipment proposed for a PWSF shall be fully compliant with the FCC guidelines for evaluating the environmental effects of radio frequency radiation (FCC Guidelines), under Report and Order, FCC 96-326, published on August 1, 1996, and all subsequent amendments.

PAYMENT OF COSTS

8.1 In the event that the town deems it necessary, the applicant shall reimburse the town for expenses incurred to:

A. Hire experts to provide technical understanding of the proposed new or modified PWSF and alternatives; and

B. Hire experts to interpret test results for radio frequency emissions, at the time of completion of the PWSF and annually thereafter.

9. MONITORING AND MAINTENANCE

9.1 Maintenance - The owner of the facility shall maintain the PWSF in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

9.2 Monitoring - As part of the issuance of the site plan approval or building permit, the property owner shall agree that the Town of Andover may enter the subject property to obtain RFR measurements and noise measurements at the expense of the carrier. The town shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the town representatives when the measurements are conducted.

9.3 Security for Removal - Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the planning board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 9.2. The amount of the security shall be based upon the removal cost plus fifteen percent (15%), provided by the applicant and certified by a professional structural engineer licensed in New Hampshire. The owner of the facility shall provide the planning board with a revised removal cost estimate and structural evaluation prepared by a professional structural engineer licensed in New Hampshire every five (5) years from the date of the planning board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase.

10. ABANDONMENT OR DISCONTINUATION OF USE

10.1 Notification - At such time that a carrier plans to abandon or discontinue operation of a PWSF, such carrier will notify the town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontin-

uation of operations. In the event that a carrier fails to give such notice, the PWSF shall be considered abandoned upon such discontinuation of operations.

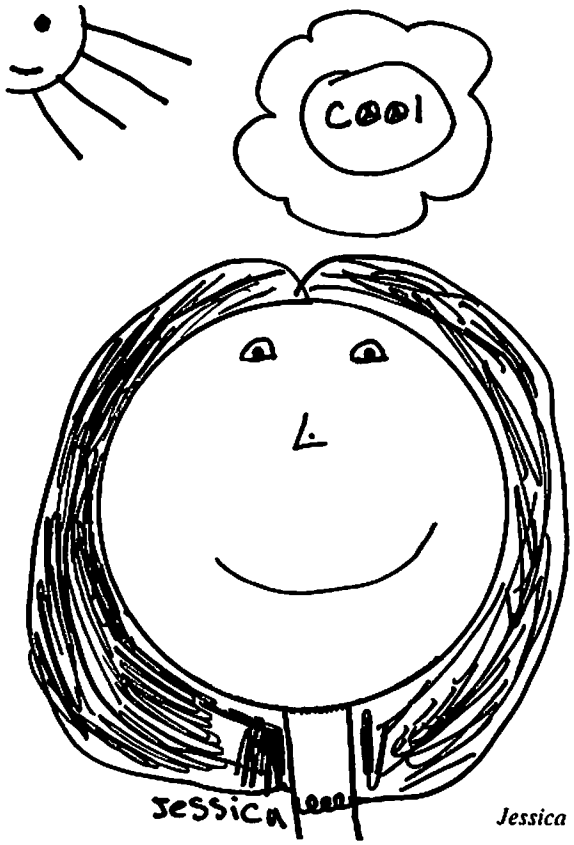
10.2 Removal - Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the PWSF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

A. Removal of antennas, mount, equipment shelters and security barriers from the subject property.

B. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

C. Restoring the location of the PWSF to its natural condition, except that any landscaping and grading shall remain in the after-condition.

10.3 Failure to Remove - If the owner of the facility does not remove the facility upon the zoning administrator's order, then the board of selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the board of selectmen. If the abandoned facility is not removed within ninety (90) days, the town may execute the security to pay for this action.



Jessica West, Grade 2

RESIDENTIAL GROWTH LIMITATION AMENDMENT TO THE ZONING ORDINANCE (ARTICLE 3 IN THE 2001 TOWN MEETING WARRANT)

I. History

This Town of Andover interim growth management ordinance has been adopted after (1) consultation with independent town counsel; (2) discussions at Planning Board, School Board, and Board of Selectmen meetings; (3) holding of required public hearings on January 23, 2001 and on February 6, 2001; (4) review of the master plan of the Town of Andover; (5) review of ordinances, land use control measures, and approaches from other New Hampshire towns considered similar to the Town of Andover; (6) consultation with the Lakes Region Planning Commission ("LRPC") as to regional development need issues; (7) review of the 2001 Capital Improvements Program ("CIP") and related information necessary for the preparation of the CIP; (8) review of the current and expected uncertainties regarding present and future sources of funding for Town of Andover public schools and Andover high school students; (9) review of the extensive, applicable similar town statistics in the 2000 edition of New Hampshire Profiles published by the State Occupational Information Coordinating Committee ("SOICC"); (10) review of information regarding the number of Andover building permits issued in 1998, 1999, and 2000; (11) review of past Andover town and school budgets; and (12) review of Andover school population data (actual and projected).

II. Authority and Purpose

A. This ordinance is adopted pursuant to the provisions of RSA 674:23.

B. This ordinance is adopted to provide the town with time to study the effect of growth on the municipality's infrastructure, character, and municipal services, so as to be able to amend and enact local laws and regulations in order better to relate the timing of residential development to the town's ability to provide adequate public safety, schools, roads and municipal infrastructure, and human services at the level of quality which the citizens expect, and within the town's ability to pay, while preserving and enhancing the existing community character and value of property, all in accordance with the goals and purposes stated in the town's master plan, and to insure that growth occurs in an orderly and planned manner.

III. Definitions

For the purpose of this ordinance, the following terms shall have the following meanings:

A. **"Growth Rate Limit"** shall mean the maximum number of residential building permits that may be issued per year.

"Development" shall mean a single parcel or set of contiguous parcels of land held in a private ownership, single corporation, separate corporations, common ownerships, and or trust, at any time on or after the date of adoption of this ordinance, for which one or more building permits will be sought.

"Development schedule" shall mean a schedule of "build outs" authorized by the planning board in accordance with this ordinance.

"Replacement dwelling" shall mean a dwelling that replaces one destroyed or substantially damaged by fire or natural disasters or for the purpose of building such a replacement dwelling.

IV. Applicability and Effect

Beginning on the effective date of this ordinance and for a period of one year beginning on that date, only subdivisions of one lot into two lots shall be permitted. During this period of one year the planning board shall not receive for filing and processing any subdivision application that would result in the creation of more than one new lot.

Beginning on the effective date of this ordinance (March 14, 2001), the growth rate limit for new units shall be a total of 13 building permits for a period of one year and no building permit shall be issued except in accordance with this ordinance. Permits shall be issued in the order for which they were applied, provided that not more than one permit will be issued to any single owner of abutting lots until after November 1, 2001, when any unapplied-for permits may be issued in the order in which application was made.

The provisions of this ordinance shall expire at midnight on March 13, 2002, or at such earlier date as an appropriate ordinance addressing the circumstances discussed above shall become effective.

The provisions of this interim ordinance shall not apply to any residential subdivision or site plan application, which has been formally accepted by the planning board prior to the first legal notice of the first public hearing on this proposed interim ordinance.

V. Development Scheduling

This section shall apply to the following types of a development, which would result in the creation of dwelling units: (a) application for final subdivision plans, and (b) application for use variances changing non-residential buildings to residential use.

Dwelling units shall be considered as part of a development, for purposes of the growth rate limit, if located on either a single parcel or on a set of contiguous parcels of land held in actual or constructive common ownership at any time on or after the adoption date of this ordinance.

VI. Exemptions

The following developments are specifically exempt from the provisions of this moratorium ordinance:

(1) The enlargement, restoration, or reconstruction of an existing dwelling unit.
(2) Senior housing projects which have recorded deed restrictions on the age of residents.
(3) "Replacement Dwellings"

VII. Separability

The provisions of this ordinance are hereby declared separable and if any provision shall be held invalid or unconstitutional, it shall not be construed to affect the validity or constitutionality of any of the remaining provisions of this ordinance.

VIII. Effective Date

This ordinance shall take effect upon its passage.

PROPOSED AMENDMENTS TO THE BUILDING ORDINANCE (ARTICLE 4 IN THE 2001 TOWN MEETING WARRANT)

1. Article VI.B.& of the Building Ordinance is hereby amended to delete its present final sentence ("Minimum requirements for single family seasonal residences, mobile homes or trailers shall be masonry piers.") and to add the following:
All dwellings and proposed living space additions thereto shall be set on footings extending to not less than four feet (4' 0") below finished grade and on a permanent enclosed foundation of brick, stone, concrete, or concrete block.

2. Article VI.B of the Building Ordinance is hereby amended to add the following new Section 13:
13. All construction details are subject to compliance with BOCA (Building Officials and Code Administrators, International, Inc.) Code, 2000, as amended.

3. Article VI.B of the Building Ordinance is hereby amended to add the following new Section 14:
14. All manufactured housing and presite built housing proposed to be located for residential purposes on any land within the Town hereafter shall conform to United States Department of Housing and Urban Development standards as set forth in The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5402 et seq.; 24 CFR Part 3280 and Par 3282, as both statutes and regulations shall in the future be amended from time to time.

4. Article VI.B of the Building Ordinance is hereby amended to add the following new Section 15:
15. All prebuilt site housing shall meet all standards of the Building Ordinance.

5. Article VI.B of the Building Ordinance is hereby amended to add the following new Section 16:
16. New construction shall comply, as applicable, with the requirements of the New Hampshire Energy Code, 1979, as amended from time to time.

6. A new Article VII is added to the Building Ordinance as follows:
Article VII. DEFINITIONS

   A. "Manufactured Housing" shall mean, in accordance with RSA 674:31, "Any structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width and forty body feet or more in length, or when erected on site is 320 square feet or more in area and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to required utilities which include plumbing, heating, and electrical systems contained there." All references in the Building Ordinance to "mobile home" and/or "trailer" shall henceforth refer to 'manufactured housing' as herein defined.
   B. "Presite Built Housing" shall mean, in accordance with RSA 674:31-a, "any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-