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January 2, 2018

By Electronic Mail

Board of Selectmen
Andover Town Offices
36 Bartlet Street
Andover, MA 01810

RE: Lupoli Companies, 146 Dascomb Road
January 29, 2018 Special Town Meeting

Dear Members:

In response to my December 15, 2017 letter to Attorney John Arnold in which I asked some questions, he replied with a letter dated December 27, 2017.


As to my first question, Attorney Arnold stated that the second Lupoli Companies article (relating to Town Meeting approval of the conceptual master plan) would require a majority vote, and that they had no objection to making a motion for an amendment to the first warrant article on the floor of Town Meeting to make that quantum explicit. The goal of my question was for clarity as to the quantum of vote required for the second article. If approved, the proponents' motion to amend the first article, which is the zoning article, would satisfy that goal. Such an amendment to the first article would require a majority vote. Of course, it is always possible that a Town Meeting voter could make a similar motion (which motion would require a majority vote) to amend the first article to state that the quantum of vote to approve a conceptual master plan, such as contained in the second article, would be two thirds or some other articulated quantum greater than a majority.

With regard to my second question relating to the process of approving the conceptual master plan in the second article pursuant to a zoning amendment adopted in the first article at the same Town Meeting, Attorney Arnold stated that Assistant Attorney General Margaret Hurley "gave an informed verbal opinion that it would be permissible to present both warrant articles at the January 29, 2018 Special Town Meeting."

I also spoke with Assistant Attorney General Hurley who is the Chief of the Municipal Law Unit at the Attorney General's Office, and she provided me with the same informal verbal opinion. Therefore, I consider my second question to be answered to my satisfaction.

As always, please call if you have any questions.

Very truly yours,


Thomas J. Urbelis

TJU/kmp

cc: Andrew Flanagan (by email)
Sheila Doherty (by email)
John Mangiaratti (by email)
Planning Board (by email)
Lawrence Murphy (by email)
Dascomb Road Task Force (by email to Patrick Lawlor)