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December 15, 2017

By electronic and regular mail

John L. Arnold, Esq.
Hinckley Allen
650 Elm Street
Manchester, NH 03101-2596

Re: January 29, 2018 Andover Special Town Meeting

Dear Attorney Arnold:

Your client Lupoli Companies submitted two warrant articles for the above referenced Special Town Meeting.

It would be appreciated if you could respond to the following two issues.

1. The proposed Zoning Amendment provides for an approval by Town Meeting of a conceptual master plan proposal for a PD-MD or PD-MU. The Zoning Amendment requires a 2/3 vote of Town Meeting.
 - (a) What is your client's position as to whether that approval by Town Meeting of the conceptual master plan proposal would be by a majority vote or 2/3 vote?
 - (b) Would your client consider amending the zoning warrant article to make it clear in the text of that proposed bylaw as to what the quantum of vote would be for the Town Meeting approval of the master plan approval?
2. The second warrant article is seeking approval of a conceptual master plan under the provision of a proposed zoning bylaw which is the subject of a warrant article to be voted upon at the same Town Meeting. Warrant articles for Zoning amendments are not final until approved by the Massachusetts Attorney General's Office. Under the situation here, Town Meeting would be asked to vote on a master plan under the provisions of a Zoning bylaw voted upon at the same Town

Meeting but which had not yet been approved by the Attorney General. At the Planning Board meeting on November 28, 2017 at which Lupoli Companies representatives made a presentation, I requested that the Town be provided with any ruling or opinion of the Attorney General's Office or a court of competent jurisdiction which approves such a procedure.

I look forward to hearing from you by December 22, 2017.

Very truly yours,



Thomas J. Urbelis
Andover Town Counsel

cc: Board of Selectmen
Andrew Flanagan
John Mangiaratti