



Town of North Andover
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Carla Dawne Warren,
Town Clerk

June 10, 2024

TO WHOM IT MAY CONCERN:

This is to certify that at the first and only session of the Annual Town Meeting of the Inhabitants of the Town of North Andover held on May 14, 2024, the following Article and VOTE was taken thereon, to wit:

Article 25. Citizen Petition-Amend Zoning Bylaw – By adding Article 20 Historic Barn Overlay District. UNANIMOUS VOTE to amend the Town of North Andover Zoning Bylaw, by adding a new Article 20 Historic Barn Overlay District to read as follows:

ARTICLE 20
Historic Barn Overlay District

§ 195-20.1 Purpose.

The purpose of this Article 20 is to allow for low-impact, limited commercial use of existing Historic Barns in the North Andover Old Center Historic District. This will help sustain these former agricultural buildings by providing a modest income to owners for upkeep and, importantly, prolong the life of the structure by keeping the barn in use rather than disintegrating as an unused barn, preserving iconic examples of North Andover's historic rural character.

§ 195-20.2 Establishment and boundaries.

The Historic Barn Overlay District shall be bounded as shown on the map entitled "North Andover Old Center Historic District 1987" attached and made part of this Article. **The Town of North Andover Zoning Map will be amended in accordance with the passage of this Article 25 at Town Meeting.**

§ 195-20.3 Relationship to underlying zoning.



The Historic Barn Overlay District is an overlay district superimposed on all underlying zoning districts. Within the Historic Barn Overlay District, the standards for use, dimensions, and other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those sites undergoing proposed uses in accordance with Article 20. To the extent there are conflicts between the provisions of the underlying zoning and the provisions of the Historic Barn Overlay District, the provisions of Article 20 shall govern.

§ 195-20.4 **Definitions.**

For purposes of this Historic Barn Overlay District, the following definitions shall apply. To the extent that there is any conflict between the definitions set forth in this §195-20.4 and other sections of the Town of North Andover's Zoning Bylaw, the definitions of this bylaw shall govern. All other capitalized terms not specifically defined in this §195-20.4 shall have the meaning provided in other sections of the Town of North Andover Zoning Bylaw.

- 1) Historic Barn: (A) is at least 50 years old; (B) retains sufficient integrity of design, materials, and construction to clearly identify the barn as an agricultural building; and (C) meets criteria for a historic structure by National, State, or local historic entity.
- 2) Design, Prototyping, and limited Office: Comprises the actions to design, fabricate, test and analyze a prototype, a model or a mockup, or computer or software design, or private office (without client visits). Not including manufacturing or production, or on-site hosting of conferences.
- 3) Artist's Studio: A space used by an artist for the creation of any visual art or craft, including but not limited to, painting, drawing, photography, sculpture, and pottery; of written works of fiction or non-fiction. Retail sales or display of art produced on the premises by the artist are not allowable accessory uses.

§ 195-20.5 **Applicability.**

- 1) This Article 20 shall apply to any Historic Barn located within the Old Center Historic District in existence at the time of adoption of this Article 20.
- 2) The commercial use of any Historic Barn shall require the grant of a special permit from the Planning Board, as Special Permit Granting Authority (SPGA). A special permit shall be granted consistent with the procedures and standards set forth in this Article 20 as well as in § 195-10.7.

§195-20.6 **Special Permit Standards and criteria.**

In addition to the specific criteria regarding the grant of a special permit contained in § 195-10.7 of this bylaw, the Planning Board shall issue a special permit only after consideration of the following:



- 1) The proposed use will operate solely within the four walls of the Historic Barn as they exist at the time of adoption of this Article 20, without creating any nuisance to abutters of surrounding area and not to distract in any manner from the historic character of the barn or property.
- 2) Operation of the proposed use of the Historic Barn will not result in any evidence of activity outside those walls including, but not limited to trucks, trailers or other types of equipment or vehicles outside of the barn (other than the maximum of two off-street parking spaces allowed), and that this would not include any form of retail use, or sales, or distribution from the premises, or traffic coming to and from the structure throughout the day.

§ 195-20.7 Permitted Uses.

- 1) Storage of transportation vehicles, including but not limited to, boats, trailers, other equipment and with the ability to accessorize said vehicles while being stored. Automobile repair and auto body shops are expressly prohibited.
- 2) Design and prototyping a model or a mockup, or computer or software design, or a private office (without client visits). Not including manufacturing or production, or on-site hosting of conferences.
- 3) Artist's studio

§ 195-20.8 Other uses.

All other uses are hereby expressly prohibited; except uses which are substantially similar in character to the permitted uses enumerated above, as determined by the Planning Board.

§ 195-20.9 Information Required.

- 1) An applicant shall file three copies of the special permit application form, fee, and an electronic copy, and any additional information as may be required with the Planning Department. Once the application is deemed complete, the Planning Department will forward the application to the Town Clerk. An application will not be deemed complete until all required information and fees are submitted. The time periods set forth in the Zoning Bylaw and MGL c. 40A will not start until the application has been deemed complete and submitted to the Town Clerk.
- 2) Letter of Authorization from property owner.
- 3) Evidence supplied by the applicant of the Historical Commission's written opinion that the proposed location complies with the Historic Barn definition (§195-20.4.(1)).



- 4) A narrative describing the proposed use, proposed hours of operation, and any other pertinent information.
- 5) A sketch plan showing two off-street parking spaces, if parking spaces are proposed.

§ 195-20.10 Compliance with laws, bylaws, and regulations.

The Historic Barn use shall be consistent with all applicable local, state and federal requirements, including but not limited to the requirements of the Town of North Andover Zoning Bylaw and the Town of North Andover, MA, Bylaw, Part II: General Legislation, Chapter 110 Historic Districts (North Andover Old Center Historic District Bylaw).

§ 195-20.11 Standards.

- 1) The SPGA shall impose conditions reasonably appropriate to preserve the character of the Historic Barn and of the surrounding area and otherwise serve the purpose of this Article 20.
- 2) For purposes of this Article 20, any Historic Barn partially within the Old Center Historic District shall be considered wholly within the district.
- 3) The Historic Barn use does not adversely affect the natural environment to the detriment of community character and public health safety.
- 4) No permanent dumpster(s) shall be installed for the proposed use of the Historic Barn.
- 5) No new access driveway and/or curb cut(s) shall be created.
- 6) The maximum number of parking spaces to support the use of the Historic Barn shall not exceed two spaces and these spaces shall be off-street and designated on an existing paved surface. No new parking areas shall be constructed to support the use. On-street parking spaces shall not be used to serve the use of the Historic Barn. If feasible, parking spaces for use of the barn shall be situated where they are not visible from the street.
- 7) There shall be no outdoor storage, display, and/or materials, products and goods in connection with the Historic Barn use.
- 8) The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating within the Historic Barn.



- 9) The hours of operation shall be set by the SPGA, but in no event shall a Historic Barn be open to the public, nor shall any retail sale of product/services or other distribution of any product upon the premises or via delivery from the premises.

§ 195-20.12 Nuisances prohibited.

No use shall be allowed in the Historic Barn Overlay District for Old Center Historic District which creates a nuisance to abutters or to the surrounding areas, or which creates any hazard, including, but not limited to any external signage, fires, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, lights emanating from the structure, flashes, glare, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the area.

§ 195-20.13 Severability.

In case any section, paragraph or part of this chapter is 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.

Upon motion made and duly seconded it was VOTED to approve Article 25 as displayed on the screen.

VOTE: A two-thirds (2/3) vote required for passage, the Moderator declared the Motion Passed by a UNANIMOUS vote.

A true record
A T T E S T

Carla Dawne Warren

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