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December 28, 2022

Mark K. Branse, Esq.
Halloran Sage
One Goodwin Square
225 Asylum Street
Hartford, CT 06103

Re: Town Administrator's Petition for Amendment to Andover Zoning Regulations

Dear Mark:

As we discussed, my firm represents the Andover Board of Education (the "Board"). The Board asked me to review the amendments to Section 5a.0.1 and other sections of the Andover Zoning Regulations that have been proposed by Andover Town Administrator Eric Anderson.

I understand the intent of the amendment in broadening the special permit use allowed in the Andover Rural Design District (ARD) and making it consistent with other sections of the regulations. However, in my opinion, it would be more appropriate to maintain reference to "school" use in the proposed definition of "Municipal Land Uses" in Section 24. Schools are a unique use that in my experience are specifically listed when they are permitted in a particular zoning district.

The proposed definition of "Municipal Land Uses" also lists buildings and uses of the town and a regional public agency, but omits reference to the Andover Board of Education. By removing reference to both schools and the Board, the proposed amendment could be construed as intending to make schools a nonconforming use in the ARD, which I am sure is not the intent. Under the language as proposed, the Andover Elementary School would be rendered nonconforming, as it is not operated by the town or a regional public agency.

To remedy the problem described above, on behalf of the Board, I propose the following minor tweak to the pending proposal to amend Section 24.3, Definitions:

Municipal Land Uses – Buildings, Structures, and Uses of the Town of Andover,
Andover Board of Education or any regional public agency of which it is a member,

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including schools, but not including public uses by other agencies or entities. Compare to "Public."

In addition, I wanted to make you aware of the correspondence between the Board's lead attorney, my partner Jessica Richman Smith, and the Town's general counsel, Dennis O'Brien, regarding the Board's concerns about the Town's plans to construct a Community Center building at 17 School Road. I have enclosed a copy of Jessica's letter for your reference.

I would be happy to discuss the above ideas with you, town planning staff and the Planning and Zoning Commission, if you would like. Please let me know your thoughts and if I can be of further assistance.

Very truly yours,



Joseph P. Williams

JPW/mld

Cc: Valerie E. Bruneau, Superintendent
Attorney Jessica Richman Smith, BOE counsel
Dennis O'Brien, Esq., Town Attorney