



TOWN OF ANDOVER *Finance & Budget*

David A. Billard, MAA, Chief Assessor
Assessors Department

36 Bartlet Street
Andover, MA 01810
(978) 623-8930
www.andoverma.gov

Andrew P. Flanagan
Town Manager

Michael Lindstrom
Deputy Town Manager

December 9, 2022

Mr. Eliates Mercedat
Mrs. Denise Wilson-Mercedat
1320 South Street
Tewksbury, Massachusetts 01876

Dear Mr. and Mrs. Mercedat:

I have been made aware that in a current matter before the Andover Planning Board there is an intended change of use for your property at 1320 South Street in Andover to be used for a battery energy storage system. Given that this property was assessed for an agricultural or horticultural use under Chapter 61A, you must comply with Chapter 61A notification to the Town of the intended change in use. Chapter 61A Section 14 stipulates in part:

“The notice of intent to sell or convert shall be sent by the landowner by certified mail or hand delivered to the mayor and city council of a city, or board of selectmen of a town, and in the case of either a city or a town, to its board of assessors, to its planning board and conservation commission, if any, and to the state forester.”

“ In the case of intended or determined conversion not involving sale, the municipality shall have an option to purchase the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality.”

You purchased this property from Jean Tisbert by Deed dated June 22, 2015, and recorded with the North Essex Registry of Deeds in Book 14298, Page 37. Prior to your purchase, the Town was provided with Jean Tisbert’s Notice of “First Right of Refusal” to purchase the property dated April 29, 2015. Enclosed with the Notice was the attached letter from you dated April 28, 2015 acknowledging that the property was under a 61A agricultural and farm status and that your intentions were “to keep the property as is”. The Town waived its right of First Refusal on the condition that the property was sold to you.

Furthermore, after your purchase, on October 16, 2015, you filed a Fiscal Year 2017 Application for Agricultural or Horticultural Use under Chapter 61A, which was approved, and



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you have received the tax benefit due to such Agricultural or Horticultural reduction since that time.

Under Chapter 61A Section 14, once a parcel of land is so assessed, the land may not be sold for, or converted to, residential, industrial, or commercial use unless the municipality in which the land is located has been notified of the owner's intent to sell or convert. The municipality then has the option to acquire the land, by meeting a bona fide offer to purchase the land or, in the case of conversion not involving sale, by purchasing the land at full and fair market value.

Therefore, you are required to comply with the Chapter 61A notice requirements to the Town before the property is converted to a use other than agricultural or horticultural use.

Thank you,

David Billard,
Chief Assessor
Andover Assessor's Office

CC: Andover Planning Board

04/28/15

Re: 1320 South Street
Andover, MA 01801

To Whom It May Concerns,

My name is Eliates Mercedat and my Wife and I are in the process of purchasing the above property. We understand the proper is currently under a 61A Agricultural and farm status. We are buying the property as a primary residence to raise our Children. Our intentions are to keep the property as is.

Sincerely,


Eliates Mercedat

617-699-6315

 4-28-15
DENISE MERCEDAT