

TOWN OF ANDOVER, NEW HAMPSHIRE
SELECT BOARD SPECIAL MEETING
April 26, 2026 – 3:00 PM
Andover Town Hall

Members Present:

Chairman Dana Swenson, Vice Chairman Les Fenton, Member Charlie Stewart,
Member Mark Cowdrey

Members Absent:

Member Jim Delaney

Others Present:

Nancy Teach and Miranda Dwalga (Conservation Commission); Donna Duclos (public)

Staff Present:

Don Sieburg, Town Administrator

Call to Order

Chairman Swenson called the meeting to order at 3:00 PM. He noted at the outset that this was a work session convened for discussion purposes only and that no formal decision would be made today.

Discussion: Town-Owned Parcel on Bradley Lake

The Board convened to discuss a Town-owned parcel situated on Bradley Lake between two parcels owned by the Sirards. The Sirard family was invited but declined to attend, having been advised not to participate.

The Town Administrator summarized three options previously identified for the Board's consideration:

1. **Do Nothing** – Maintain the status quo. The Town retains ownership and takes no formal action, while acknowledging the encroachment. Discussion noted that this approach could theoretically expose the Town to an adverse possession claim, though members cited research suggesting adverse possession does not apply to public lands. The Town acquired the parcel in 1997, which post-dates the encroachment beginning around 1989. The Board agreed this question warrants legal review.

2. **Lot Line Adjustment** – Adjust the lot line to formalize the area occupied by the Sirard structures (estimated at approximately 15 feet from existing buildings). Discussion noted this would likely require Sirard’s cooperation and may necessitate a Special Warrant Article at Town Meeting if a sale were involved. The Conservation Commission had previously expressed support for a lot line adjustment, though members noted the current proposal is viewed more favorably.

3. **Easement** – Grant the Sirard family a formal easement limited to the footprint of existing structures (the house and shed) and access to the well, while the Town retains full ownership of the parcel. This option was discussed at length and emerged as the Board’s preferred path forward for the following reasons:
 - Does not require Sirard’s agreement or cooperation
 - Does not require Town Meeting approval
 - Preserves Town ownership and the Conservation Commission’s ability to monitor and manage the land
 - Protects the parcel from future development pressure and deforestation
 - Allows the Town to continue accessing the land around the structures
 - Does not foreclose future action if the structures change or the easement conditions are violated

Members discussed the history of prior proposals, including a land swap, a sale with a reversion clause requiring a portion of the parcel to remain undeveloped, and a limited right-of-way to the lakefront — all of which were rejected by the Sirard family. The Board acknowledged that Mr. Sirard’s stated goal is outright purchase of the parcel, and that he intends to develop the adjacent lot regardless of the outcome of this matter.

A fourth option — **sale of the parcel** — was referenced but not discussed in depth. The Board noted that a sale would require a Special Warrant Article at Town Meeting.

The Conservation Commission representatives indicated they could not commit on behalf of the full committee but expressed personal support for the easement concept. They noted that the Conservation Commission monitors the land to protect water quality at Bradley Lake and has a conservation easement interest in access to the waterfront. Their next full committee meeting is May 13, 2026.

Next Steps

The Board reached consensus on the following:

- The Town Administrator will contact Town Counsel to obtain a legal opinion covering all options, with particular attention to: (1) the easement approach and whether it can be executed without Sirard’s consent; (2) the adverse possession question and whether granting an easement would strengthen or weaken the Town’s legal position; and (3) any other relevant considerations.

- The Conservation Commission will discuss the matter at their May 13, 2026 meeting and provide feedback to the Select Board.
- The Select Board anticipates taking up the matter at a regular meeting following receipt of both the Conservation Commission's input and Town Counsel's opinion.

Adjournment

A motion was made and seconded to adjourn. All in favor. Meeting adjourned.

Meeting duration: approximately 30 minutes.

Respectfully submitted,

Don Sieburg
Town Administrator