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**Sandown Planning Board
Minutes
July 15, 2014**

Date: July 15, 2014

Place: Sandown Town Hall

Members Present: Ernie Brown - Chairman, Matt Russell -Vice Chairman, Steven Meisner, Doug Martin, Lisa Butler – Alternate

Also Present: Recording Secretary - Andrea Cairns

Absent: Mark Traeger, Ed Mencis – Secretary, Steve Brown – Ex Officio, Town Engineer - Steve Keach

Opening: Mr. E. Brown opened the meeting at 7:10 p.m.

Ms. Butler was appointed in Mr. Traeger's position as a voting member.

Review of the 6/17/14 Minutes

MOTION: Mr. Russell made a motion to accept the 6/17/14 minutes as written. Ms. Butler seconded the motion. All members voted in favor. The motion passed.

Correspondence

The Board received a letter from Dr. Sheila and Mr. Blaine Wotring from Little Mill Woods asking for a waiver for the 55+ restriction to allow her daughter, who has been ill and was receiving care locally, to stay with them until she is able to find a new employment and a new home.

Dr. Wotring provided a copy of the condominium association documents for Little Mill which state the Sandown Planning Board needed to authorize the waiver. If the Planning Board declined to comment then the Board of Directors of the Association would be the deciding party.

Mr. Russell had no issue with granting the temporary waiver so that her daughter could complete her care locally.

Mr. Brown noted that the board received a recommendation from the town's engineer. He noted that recognizing the ordinance, as well as state and federal law, the planning board should decline to comment. The planning board does not have the statutory purview to grant the waiver. If they decline to comment then the Board of Directors would be the deciding party.

Mr. Russell felt it was clearly noted in the documentation that the Planning Board does have the purview to grant the waiver. The document would have been reviewed by the towns' attorney and the attorney of the developer.

45 Mr. Brown felt if the board declined to comment, that gives the board of directors of the
46 condo association the authority to make the decision.

47

48 Mr. Russell noted as far as he is concerned, it would be heartless of them as a board to
49 not grant this individual's request. He feels it is a very reasonable request.

50

51 Mr. Meisner noted he tends to err on the side of caution, so he would be against granting
52 the waiver. Taking into consideration the federal law and Mr. Keach's comments, he
53 would be inclined to decline comment so that it would go back to their board to make the
54 decision. It would put the liability on the association and not on the town.

55

56 Ms. Butler noted if the condo board is primarily residents, the Planning Board would
57 have more of an unbiased opinion. If it goes back to the condo board, they are asking
58 residents of the association to make the decision. She did not have an issue with granting
59 the waiver.

60

61 Mr. E. Brown noted if the Planning Board declines to comment, the decision goes back to
62 the association. He feels the association should run their own development.

63

64 Mr. Russell agreed with Mr. Brown but noted the language of the association document
65 would have been reviewed and approved by the town's attorney and approved by this
66 board. Mr. Martin added that the attorney general for the state of NH would also have
67 reviewed it.

68

69 Mr. Meisner noted the laws for condos have changed over the years, federally, state and
70 locally.

71

72 Mr. Martin questioned if the board had an opinion either way from the condo association.
73 Ms. Cairns noted they didn't.

74

75 Mr. Russell felt that even with a decision from the Planning Board it would still go back
76 to their board for final decision.

77

78 Mr. Brown read through Sandown's Zoning Regulations. The regulations give the
79 homeowner's association the authority to make the decision.

80

81 **MOTION:** Mr. Russell made a motion to decline to comment for the simple reason that
82 the Board members are not attorneys and don't know federal and state law. They would
83 prefer for the condo association board to make the decision. Mr. Meisner seconded the
84 motion.

85

86 *Discussion:* Mr. Brown noted he would love to give them what they want, but does not
87 feel it is in the Planning Board's purview to grant the waiver.

88

89 Mr. Meisner noted he feels the board shouldn't get involved without the town attorney's
90 opinion. He hopes that the association allows the daughter to stay.

91

92 All members voted in favor. The motion passed.

93

94 Mr. Russell suggested they review condo documentation and federal and state law at their
95 next work session. Mr. Martin suggested they notify local condo associations that they
96 need to bring their bylaws up to date.

97

98 Mr. Russell noted it would be helpful for the board to understand state and federal law
99 and understand the differences so they can make an informed decision.

100

101 Mr. Martin suggested they look at the zoning regulations surrounding 55+ developments
102 to see what impacts are coming their way and also look at the possibility that some 55+
103 developments might want to change their status.

104

105 **Other Business**106 Mr. Martin wanted to follow-up on the Nordic Lincoln mylars that were supposed to be
107 signed. Mr. Russell explained they were signed and all requirements had been met. Ms.
108 Cairns noted there was an error on the plans—the lot numbers that had been assigned to
109 the two new lots were already used. The plans will need to be corrected and signed again.
110 The corrected plans will need to be recorded at the registry of deeds.

111

112

113 Mr. Meisner noted that at the last Zoning Board meeting, they reviewed an accessory
114 apartment application and there was some language regarding the septic requirements
115 that the board found confusing. He wanted the Planning Board to review the language:
116 *Article V, Section 5 – Accessory Apartments, E, 7a – The septic system shall meet the NH*
117 *Water Supply and Pollution Control Division requirements for the combined use.*

118

119 Mr. Meisner noted they've only ever required a septic plan showing the lot will accept
120 the updated septic system that includes the home and the apartment. They've never
121 required the system to be installed prior to approval.

122

123 Mr. Brown read the regulation. He felt it read that the existing system needs to meet the
124 regulations.

125

126 Mr. Meisner noted that to make them have the updated system in place before it was
127 approved is a large expense, especially if for some reason the application was not
128 approved.

129

130 Mr. Martin noted he always understood it to mean if the system failed, we had another
131 approved system in place to install as an expanded system.

132

133 Mr. Brown felt the wording read that it should be in place, but understands the logic of
134 not requiring it be installed beforehand.

135

136 Mr. Brown questioned if Mr. Meisner wanted the wording clarified. Mr. Meisner noted
137 he would like to get the opinion of the town engineer, but feels the wording should be
138 clarified since it is vague.

139

140 He also noted there was other criteria under the accessory apartment ordinance dealing
141 with electricity that he needed to get clarification from the electrical inspector on.

142

143 The Board agreed to add the accessory apartment language to the zoning ordinance
144 discussion.

145

146 **MOTION:** Mr. Russell made a motion to adjourn. Mr. Meisner seconded the motion. All
147 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at
148 7:56 p.m.

149

150 Respectfully Submitted,



151

152 Andrea Cairns