

PLANNING BOARD MEETING
TUESDAY, AUGUST 25, 2026
6PM TOWN HALL CONFERENCE ROOM

Board members in attendance: John Mishcon, Les Fenton, Karen Brule, Donna Duclos, John "J" Koron, Roland Carter,

Others in attendance: Land Use Coordinator Christine Vigneault, Joseph Wichert, Paula Higgins, Ann Marie Mahoney, Deb Brower, Peter Sanborn, Juli George

6:00 PM Mishcon called the meeting to order, roll call completed

- Mishcon, Duclos, Carter, Brule, Fenton, Koron

Review Agenda

- Mishcon reviewed the agenda and noted the non-binding consultation scheduled for 999 Bendixen Point would be rescheduled, at the request of the property owner. No new items were added to the agenda.

Public Comments

- Ann Marie Mahoney (15 Bradley Pt. Lane) stated she was informed the non-binding consultation was postponed only 30 minutes prior to the meeting and asked if there was any indication of when the consultation would occur. Mahoney noted she was concerned the non-binding would be scheduled during the winter, when many seasonal Bradley Lake residents would be away, and their concerns may not be heard. Mahoney asked if there was a way their concerns could be addressed as a letter to the board if this occurred. Duclos stated any concerns regarding the proposal can be forwarded to the Land Use office and will be considered by the Planning Board, but reassured Mahoney that this was only for a non-binding consultation. Mishcon noted the process for developing a new lot on a private road abutting a public water source was not easy and any concerns should be forwarded to the Land Use Office.
- Deb Brower (Bluewater Farm) requested to know more about the proposal and stated she has no bias against the subdivision but hoped the process could be done thoughtfully to minimize the number of subdivisions around the lake.
- Paula Higgins (26 Bradley Loop Rd.) inquired on how long Andover would continue to utilize Bradley Lake as their public water supply and who was responsible for the Dam. Fenton noted the Village District was responsible for managing Bradley Lake and the public water supply and they could address those questions.
- Mahoney noted she was aware the parcel was put into a trust approximately a year ago. Duclos stated the Conservation Commission had some discussion related to the parcel and their minutes could be reviewed for any information they may have. Brule also advised Mahoney could check the town website for any minutes where the parcel previously was discussed.

Non-Binding Consultation, 182 and 188 Flaghole Road (PID 3-74-499) Proposal to convert existing residences to condominium ownership

- Motion to enter a non-binding consultation made by Carter and seconded by Brule.

- Joe Wichert and Juli George presented on behalf of property owner John Henderson. The property at 182 and 188 Flaghole Rd. currently occupies 2 single-family dwellings. Henderson would like to change the ownership of the property and buildings from a fee-ownership to a condominium ownership. No changes would be made to the structures or the property and there would be no physical subdivision of the lot.
- Fenton asked if the lot conformed to the current Zoning Ordinances? Wichert stated the current lot meets the Zoning Ordinance. The lot would not be physically subdivided, 188 would be unit 1 and 182 would be unit 2. Each building has its own driveway and septic, which exists on common land. Each condo owner would have 50% interest in the common land.
- Mishcon stated under RSA 672:14, I, converting a primary residence and a stand alone ADU into a condominium constitutes a new subdivision, which would require a special exception. Per RSA 356-B:5 condominium conveyance of an accessory dwelling unit separate from the principal dwelling is prohibited unless permitted by the municipality. Mishcon also addressed Cohen v. Town of Henniker which states that the Planning Board cannot deny a conversion if changing the form of ownership has no physical impact on the land, however the case does not apply to ADUs.
- Wichert stated the structures on the property have been there for 30 to 40 years and was prior to Henderson owning the property. Wichert had not looked into the current Zoning Ordinance, however, the structures seemed to predate the current ordinance. Neither structure is an ADU, both are considered single family dwellings. Henderson had applied for a variance for a conventional subdivision, which would be more desirable, in 2019 or 2020. The variance was denied due to a lack of road frontage.
- Mishcon stated his understanding of the law was that converting the structures to condominiums requires a subdivision of the property. Wichert stated the town can develop ordinances that regulate condominiums or not. Some towns do not regulate condos while others specifically state that a special exception is required. Wichert requested the Board provide some feedback on how to approach the conversion of the ownership of the property to a condominium.
- Duclos asked if the Condos would be considered multi-family dwellings. George stated there would be no change in the footprint of the structures. The homes remain single-family dwellings. They would be going before the ZBA for a variance on housing density. The Board cannot deny the variance simply because of a change of ownership, since the property is not being physically changed.
- Mishcon asked if each unit would be permitted an ADU. Wichert stated most ADUs are only permitted for single family homes, not for condos. ADUs require additional onsite well and septic and would need to adhere to proper setbacks and radii. Wichert did not think that whether or not ADUs would be permitted mattered in this case as Henderson would simply like to sell the second home.
- George noted ADUs are only required permissible on a legally existing lot. Restrictions could also be documented in the condominium declarations that would require any property improvements to adhere to the current Zoning Ordinances.
- Carter asked about the square footage of the current structures and how they would be taxed as two separate structures. Wichert stated there was a 1400 square foot mobile

home and the other was 1145 square feet. George stated it appeared the property already had two separate assessments and tax bills for each structure.

- Carter noted that the board would need to research and understand how the property was being assessed and billed for taxes.
- Fenton asked if each condo owner would receive their own deed. George stated each owner would receive separate deeds as well as deed condominium declarations that states the restrictions and responsibilities each owner had for the shared land.
- Wichert reiterated the condo would only be single family dwellings, the Zoning board could waive the Zoning ordinance but not a state law, and by law ADUs cannot be developed into condos. Both units have existed for over 30 years and have been permitted by the town, in some form, as the town was aware of the structures and it was not requested they be removed. The Zoning Board cannot prohibit a change of ownership. Wichert is willing to draft a letter to town council and to cover escrow fees for consultation with the town attorney to advise on the matter.
- Mishcon asked if converting the property to condos would be considered a change of use for the property. Wichert stated the only thing changing was the ownership of the property, use of the property was not changing.
- Brule asked if there was any documentation of a variance for the property. George stated they had not found one. Brule reiterated more research would need to be done to understand how the property was developed.
- Vigneault corrected the board that there were not two separate tax bills on file, however there may still be two assessments. Duclos reiterated the board would need to understand how taxes would be assessed on the property.
- Fenton added the board would also need to understand if the change in ownership would require a change in the zoning of the property.
- Duclos made a motion to refer the proposal, permitting a condos at 182 and 188 Flaghole Road (PID 3-74-499), to the town attorney to advise on the legal requirements for converting a single lot with two separate structures into condominiums. Carter seconded, all in favor, motion passed.
- Wichert requested the board provide an escrow amount and he would provide the proposal.

Review and discuss Master Plan Updates

- Duclos provided the board with the most recent draft to the Transportation section of the Master Plan. Duclos highlighted section III, Maintenance and Management strategy, seemed well under way and the RSMS system was being formalized. Duclos noted section VIII regarding class VI roads would require some further work to determine which ones might be suitable for allowing more development of single family homes.
- Fenton noted the draft seemed to be well constructed and the RSMS system fit well within the management plan. Fenton asked the wording related to the class VI roads be softened up as the state has passed laws permitting development on class VI roads provided certain requirements are met.
- Duclos added the town would need to develop certain parameters in order to consider opening up class VI roads. Fenton noted the Master Plan should contain general statements and not be too detailed in the parameters.

- Mishcon requested the board have more time to review the updates and they be further discussed at the next meeting on September 22nd.
- Fenton noted the Transportation & Economic Development document required significantly more review. The board was provided with the draft, which included transportation plans should be included in the Master Plan. Fenton recommended incorporating the Economic Development summary into the Master Plan as well as recommending the town develop an Economic Development Committee, a stand alone committee appointed by the Select Board, that would assess and make recommendations to build up the town's economy.
- Brule asked if LRPC might be able to assist with the economic development portion. Land Use Coordinator Rand had provided the board with a list of services and fees, and the Board still had the town approved funds available to use.
- Koron noted an Economic Development Committee could be helpful to determine what areas LRPC could help with.
- Fenton noted LRPC should be brought in for other areas and not focused directly on economics.
- Carter did not recommend LRPC for the economic development piece, they would be more helpful in other areas and noted Citizens of the town know what would benefit the town the most.
- Duclos recommended the board work on some outlines then request LRPC to assist in developing the content.
- Mishcon recommended the board fill general holes in the master plan & discuss in September and to set aside someone to work with the Select Board to find some expertise on the Economic forum.
- Carter made a motion to have Fenton work with the Select Board on developing an Economic Development Committee. Fenton seconded, all in favor, motion passed.

Review and discuss Rules of Procedure, Draft #5

- Brule addressed section III.3 and noted the board did not consist of elected officials, board members are appointed by the Select Board, and the item should specify Board officers are elected by the Board.
- Fenton noted it was not indicated anywhere in the text that Board members are elected by a vote at town meeting, article II specifies Board members are appointed by the Select Board.
- The Board will review and vote on accepting Draft #5 of the Rules of Procedure at the next scheduled meeting.

Old Business

Review newly issued building permits

- Bradley Pt. Special exception permit issued, all permits obtained
- 7 Poplar St. lifting house
- Boston Hill Rd. adding a deck
- Depot St. replacing a furnace/change in type of furnace
- Fenton added that a notice of violation has been sent to 1 Boston Hill Rd. for violations of the Zoning Ordinance, Camping Ordinance (which is in effect), and building code violations.

Review & Approve Previous Minutes

- Duclos made a motion to accept the July 29, 2026 minutes as written. Brule seconded, all in favor, motion passed.
- Brule made a motion to have the abbreviated minutes for the August 11, 2026 work session publicly posted on the town website. Duclos seconded, all in favor, motion passed.

7:31 PM- Fenton made a motion to adjourn the meeting. Brule seconded, all in favor, meeting adjourned.