

SEA PINES MANAGEMENT BOARD

December 3, 1988 Meeting

Dear Neighbor:

The good news---there is no increase in monthly maintenance costs this year. We have completed the budget for 1989.

On maintenance fees and delinquent charges---"Monthly maintenance fees are due and payable the first day of each month for that month, and are considered to be delinquent if not paid by the 15th day of the following month.

When a balance due becomes delinquent, a late fee of 1% of the amount owed will be assessed each month to the unit owner, retroactive to the due date, until the delinquency is settled. The late fee will be a lien against the unit until paid to the Association, together with all expenses, including attorney fees, incurred by the Board of Managers in any proceedings brought to collect such unpaid common charges". This was passed by the F.M.B. Anyone delinquent after December 20th, 1988 will have this late charge added to their account. At this time over \$5,000 is due from delinquent home owners.

The new address and telephone directories will show your present address as well as your new number. This is the first step in the new numbering system. Note also for security reasons, your time at Sea Pines will not be shown. The new numbering system will be in accordance with police, fire and rescue requirements. The postal department will also be notified, as well as Brewster Town Hall.

Paul Saint, who is a member of the F.M.B. has the following note for us: "I have checked with the building inspector of the town of Brewster, Mr. David Thyng, and he has notified me that the town of Brewster by-laws require taxpayers to file for a building permit not only for exterior changes to their condos - such as dormers, skylights, and other structural changes...but, also, must file for building permits for any changes that increase the living space of their units...E.G. if a unit owner finishes his (or her) unfinished attic, that change would increase the living space of the unit and would require obtaining a building permit from the town of Brewster.

Under our present by-laws and rules and regulations, no changes can be made to an owner's unit or permission granted for such changes by the Buildings Committee or the Facilities Management Board without all permits required by the town of Brewster having been obtained and shown to such Sea Pines Boards."

(2)

In conference with the Grounds Committee we have the following information: I have had many questions regarding the remodeling underway at Units D1 and D2. This letter will, hopefully, provide some answers for you.

The Grounds Committee received a Request for Variance from the two unit owners to install a dormer on the backside of both units. The Variance form was not accompanied by the proper documentation as is now required by the new Variance form. The old form used to allow the owner to obtain permits, etc. after the fact of the approval. The new form requires the documentation to accompany the variance before approval. The Grounds Committee was negative to the request and decided to communicate this to the petitioners, thus saving the expense of drawings and permits on a project they planned to turn down. The letter sent to the owners was supported by an opinion from our previous attorney regarding a request to add a "greenhouse room" to an upper deck. This opinion was based on the commonality of air space in a condominium development.

The owners of D1 and D2 hired their own attorney to contest the Ground Committee's decision. He felt that the "air space" issue was not applicable to the present situation and suggested that there would be litigation if the Grounds Committee stuck by their decision. I gave the Grounds Committee permission to consult Chris Miner, the Sea Pines Homeowners Association attorney.

Miner agreed that the "air space" rationale was tenuous and felt that there were enough reasons why, in all likelihood, our position would not prevail in court. These reasons are:

1. The dormer construction would not create any new square footage or living space. It would add cubic area.
2. The space was already being used as bedrooms and, in fact, each unit had bathrooms installed by the developer at time of purchase.
3. Many units in the immediate area had dormers. This fact weighed heavily in the argument. The proposal would not upset the architectural integrity of the area or Sea Pines.
4. Certain architectural changes (storage sheds, for example) have been approved in the past which the petitioners cited as precedent setting.

5. The abutters had indicated their approval.
6. The unresolved question, if petitioners were notified in 30 days.
7. The Sea Pines Homeowners Association would bear the financial burden of the litigation and the prospects of winning were not great.

Another meeting with Attorney Miner was held with two members of the Facilities Management Board in attendance along with the co-chairmen of the Grounds Committee and the Managing Agent. This meeting was held at the request of the F.M.B. who reacted to the petitioner's proposal. Attorney Miner was asked to present his opinions to the full F.M.B. at their November 19th meeting, which he did. Following his presentation, the F.M.B. voted to pass a new rule that effective November 19, 1988 "no exterior alterations will be made to any unit at Sea Pines with the exception of skylights". Skylights still require an approved Request For Variance.

I sincerely trust that the rationale for the Grounds Committee "approval" is thoroughly understood and that future problems can be discussed amicably without the necessity of legal interventions. Legal costs have a direct impact on our maintenance fees and we are diligently struggling to hold these fees down and keep them affordable.

Vera Fields wants to remind everyone, Sea Pines sweat shirts are available.

Lloyd MacDonald, our tennis chairman, has notified me of the following: Tennis shoes with colored soles are now allowed on the courts. Sport shoe manufacturers, due to fashion, are making colored tennis soles that are non-marking soles. Tennis shoes only are allowed on the courts, no running, walking, etc. shoes. The Tennis Committee will continue spot checking soles.

Sincerely,

Bernie

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