



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Meeting Draft Minutes

January 5, 2022

7:00 pm at Community Development Meeting Room

3 North Lowell Road

Attendance:

- Chair, Derek Monson, Present
- Vice Chair Joe Bradley, Present
- Jennean Mason, Excused
- Jacob Cross, Present
- Matt Rounds, Present
- Alan Carpenter, Present, via Zoom
- Tom Earley (alternate), Present seated for Ms. Mason
- Dave Curto, (alternate), Present
- Heath Partington, Board of Selectmen ex officio, Present
- Bruce Breton, Board of Selectmen ex Officio (alternate), Present
- Alexander Mello- Planner, Director, Community Development
- Christopher Sullivan- Assistant Community Development Director
- Renee Mallett- Minute Taker

The meeting opened at 7:03pm with the pledge of allegiance and the introduction of members. Chair Monson introduced Mr. Ed LaPoint, who has expressed interested in being the resident liaison to the SNHRPC.

Mr. Rounds made a motion to recommend to the Board of Selectmen that they appoint Mr. LaPoint as liaison to the SNHRPC. Mr. Cross seconded the motion. 7-0, the motion passed.

Mr. Rounds motioned to allow Mr. Carpenter to attend the meeting remotely due to illness, the motion was seconded by Mr Cross. The motion passed by the following roll call vote:

- Chair, Monson, aye**
- Vice Chair Bradley, aye**
- Mr. Cross, aye**
- Mr. Rounds, aye**
- Mr. Carpenter, aye**
- Mr. Earley, aye**
- Mr. Partington, aye**

The board reviewed correspondence from Mr. Maynard asking for an extension of Case 2021-22.

44 Vice Chair Bradley made motion to grant a 90-day extension, to June 3, 2022, for Case 2021-22.
45 Mr. Cross seconded the motion. The motion passed with the following roll call vote:

46 Chair, Monson, aye

47 Vice Chair Bradley, aye

48 Mr. Cross, aye

49 Mr. Rounds, aye

50 Mr. Carpenter, aye

51 Mr. Earley, aye

52 Mr. Partington, aye

53

54 Chair Monson announced that Case 2021-60, 6-8 Maple street has requested to withdraw their
55 application so that case would not be heard this evening.

56

57 The board reviewed the proposed Planning Board amendments for the upcoming March ballot.

58

59 Planning Board Amendment #1: Gateway Commercial District.

60

61 Chair Monson opened the session up to public comment.

62

63 Scott Burt asked if the amendments would apply to specific projects or if they were blanket
64 changes. Vice Chair Bradley explained that they were changes to the regulations of entire zones, not
65 specific projects.

66

67 Jacques Lopez spoke in favor of Amendment #1. He said he appreciated the work the board has put
68 into this matter.

69

70 Bob Coole asked what the board considered a logistics center. Mr. Rounds and Mr. Cross said an
71 Amazon Distribution center. Mr. Coole asked what a Fedex store would be considered. He was told it would
72 be a retail store. Mr. Coole asked why a 40,000sq. foot building would be allowed. He was told that was not
73 as large he might think, and the size was compared to that of a typical CVS. Mr. Coole asked about the
74 increased setbacks along certain roads. Mr. Cross said it was because those roads had a lot of residential
75 neighborhoods, so the setback was increased out of consideration of the residential abutters. Mr. Coole
76 thought 35 feet was a more appropriate setback.

77

78 Patrick Nysten addressed Mr. Coole's comments saying that if he lived across the street from these
79 kinds of developments Mr. Coole might not think it was so large of a setback. Mr. Nysten thanked the board
80 for their work and said it would not only preserve the existing residential neighborhoods but would also
81 solidify the intent of the zoning.

82

83 Diana Walters owns two properties that she says will be directly impacted by this amendment. She
84 said the parcels are challenged and already expensive to develop and that these changes will negatively
85 impact her property values and, in practice, result in these properties never being developed.

86 Chair Monson said the intent was not to hurt anyone but rather to protect the abutting residential
87 neighborhoods. He did not think there were any residential neighborhoods close enough to either of Ms.
88 Walter's properties that the amendment would impact them.

89 Mr. Partington asked about the intent of some of the changes. He asked why some of the changes
90 were duplicated throughout the ordinance.

91

92 Tom Murray said he was concerned about the changes and thought they should be looked at by
93 Attorney Campbell. He agreed with the comments of Ms. Walters and called it spot zoning.

94
95 Mr. Nysten pointed out that even a home had to have a 50 foot set back so he did not think it was
96 an onerous guideline for commercial development.

97
98 **Chair Monson closed the session to public comment.**

99
100 Mr. Partington reiterated his earlier question about intent and also asked what the net result of
101 these changes would be. He was concerned about creating a series of existing non-confirming parcels.
102 Lastly Mr. Partington said the additional setbacks did not take into account earthen berms. Mr. Partington
103 called the amendment doubling up as it added a larger set back and now would require the earthen berm.

104 Mr. Cross agreed there was duplication in the document and said that he crafted it that way on
105 purpose as he felt that would make the zoning changes more clear. Vice Chair Bradley said it might make
106 more sense to say to “refer back to the note” rather than restate the same things throughout the
107 amendment.

108 Mr. Rounds said he was comfortable with the legal opinion of Attorney Campbell. He said he had
109 reviewed the parcels mentioned by Ms. Walters and he did not think they would be impacted. In response
110 to Mr. Partington’s points Mr. Carpenter noted some areas of confusion in the way the amendment was
111 written.

112 Mr. Cross said these changes would not make any lots unbuildable. He agreed it would create non-
113 conforming developments, but he did not think the zone was developed enough at this point for it to
114 matter. Chair Monson asked Mr. Mello and Mr. Sullivan about their experience with existing non-
115 conforming structures. Mr. Mellow said there were only very few parcels in the zone that abutted
116 residential districts.

117 Mr. Carpenter asked about Item B, agreeing with Mr. Murray. He felt that the size limit already
118 restricted large distribution centers and that removing the language specific to logistic centers simplified
119 the amendment.

120 Discussion followed on the value of specifically naming logistic centers. Mr. Murray said
121 Manchester required that logistics centers be allowed in some zones. Mr. Carpenter said logistic centers
122 were allowed in other zones so that would not apply in Windham.

123 Mr. Carpenter asked about the language that seemed to restrict driveways on Range Road. The
124 board agreed that the language did seem to do that. Mr. Cross said that should be looked at throughout the
125 zoning ordinances as it was something he had copied and pasted from elsewhere.

126 Mr. Rounds agreed the size limitation would restrict development to the point that logistic centers
127 did not need to be expressly mentioned. Mr. Cross said he would prefer to leave it but that he felt it would
128 make it more in line with the rest of the zoning ordinances if it was removed. Mr. Earley said that logistic
129 centers tended to cluster together so he didn’t think the amendment would stop that kind of development
130 as a parcel could have multiples of smaller buildings.

131
132 **Chair Monson opened the session to public comment.**

133
134 Robert Wright said the original Gateway plans came in at 50 feet setbacks but that subsequent
135 setbacks came in at 25 feet. He asked if dumpsters or other items could be placed in the setbacks. Vice
136 Chair Bradley said that a vegetative buffer was specified for the setbacks.

137 Vice Chair Bradley asked Mr. Wright to address specific items that he felt did not conform to the
138 guidelines with the planning department.

139

140 Mr. Rounds made a motion to recommend the amendment with the adjustment to remove “on
141 driveway” to “or driveway” from Item C, of section 618.3.1 of the ordinance. Mr Carpenter seconded the
142 motion. Vice Chair Bradley said the change could result in driveways passing nearby residential areas
143 even if they began elsewhere on the property. Mr. Carpenter did not agree with this reading of the
144 ordinance, he said there was a difference between a setback to a driveway and limiting driveways
145 entirely. “Parking area or non-access driveway” was suggested by Mr. Carpenter. Mr. Rounds agreed to
146 amend his motion to reflect the language suggested by Mr. Carpenter. Mr. Partington said it was tragic
147 that the same statement was rewritten in three separate places, saying it added confusion. The motion
148 passed with the following 6-1 roll-call vote:

- 149 Chair, Monson, aye
- 150 Vice Chair Bradley, aye
- 151 Mr. Cross, aye
- 152 Mr. Rounds, aye
- 153 Mr. Carpenter, aye
- 154 Mr. Earley, aye
- 155 Mr. Partington, opposed

156
157 Mr. Rounds made a motion to move Amendment #1 to warrant. Vice Chair Bradley seconded the
158 motion. The motion passed with the following 6-1 roll-call vote:

- 159 Chair, Monson, aye
- 160 Vice Chair Bradley, aye
- 161 Mr. Cross, aye
- 162 Mr. Rounds, aye
- 163 Mr. Carpenter, aye
- 164 Mr. Earley, aye
- 165 Mr. Partington, opposed

166
167 **Planning Board Amendment #2: Impact Fees**

168
169 **Chair Monson opened the session to public comment.**

170
171 Bob Coole suggested that 716.6.1 be changed to streamline the process by requiring a single joint
172 meeting between the School Board, Planning Board, and the Board of Selectmen. Mr. Rounds said in this
173 instance the three boards had met to create this amendment. Vice Chair Bradley felt codifying it that way
174 could result in slowing the process if the three boards could not meet.

175
176 **Chair Monson closed the session to public comment.**

177
178 Mr. Rounds made a motion to send Amendment #2 as written to warrant. Mr. Cross seconded
179 the motion. The motion passed 7-0 with the following roll-call vote:

- 180 Chair, Monson, aye
- 181 Vice Chair Bradley, aye
- 182 Mr. Cross, aye
- 183 Mr. Rounds, aye
- 184 Mr. Carpenter, aye
- 185 Mr. Earley, aye
- 186 Mr. Partington, aye

187

188
189 **Mr. Rounds made a motion to recommend Amendment #2 to the voters. Mr. Cross seconded the**
190 **motion. The motion passed, 7-0, with the following roll-call vote:**
191 **Chair, Monson, aye**
192 **Vice Chair Bradley, aye**
193 **Mr. Cross, aye**
194 **Mr. Rounds, aye**
195 **Mr. Carpenter, aye**
196 **Mr. Earley, aye**
197 **Mr. Partington, aye**

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199
200 **Mr. Rounds made a motion to recommend Amendment #1 to the voters. Mr. Cross seconded the**
201 **motion. The motion passed with the following 6-1 roll-call vote:**
202 **Chair, Monson, aye**
203 **Vice Chair Bradley, aye**
204 **Mr. Cross, aye**
205 **Mr. Rounds, aye**
206 **Mr. Carpenter, aye**
207 **Mr. Earley, aye**
208 **Mr. Partington, opposed**

209
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211
212 **Planning Board Amendment #3: Rural District Uses**

213
214 **Chair Monson opened the session to public comment.**

215
216 Kristi St. Laurent works at a rehabilitation center in Salem that is located in a residential
217 neighborhood. She said it's a nice facility that has low impact on the residential neighborhood. She said
218 requiring those types of facilities to be in commercial zones would require they spend more money to
219 purchase land. Mr. Rounds said they would have to agree to disagree. Mr. Earley said he thought it was a
220 matter of the traffic they might bring to residential neighborhoods.

221
222 Bob Coole said that eliminating medical uses just because they had not been built to this point
223 limited the future development in town. He pointed out that this language would restrict medical places
224 from having laboratories in rural areas. He thought this was a bad idea for the town and that residents
225 might need these facilities in the future. He said he would vote against this if it was on the ballot.

226 Mr. Cross said that he bought his home because the empty lot next to his was zoned rural. He said
227 if a research laboratory went in, with a parking lot, he would feel it was a "gotcha." He said residents expect
228 residential homes to be built next to them. Mr. Rounds said a small mom and pop store would not be
229 allowed in rural but that currently a large hospital could be.

230
231 **Chair Monson closed the session to public comment.**

232
233 **Mr. Rounds made a motion to send Planning Board Amendment #3 to town warrant as written.**
234 **Vice Chair Bradley seconded the motion. The motion passed with the following 7-0 roll-call vote:**
235 **Chair, Monson, aye**

236 Vice Chair Bradley, aye
237 Mr. Cross, aye
238 Mr. Rounds, aye
239 Mr. Carpenter, aye
240 Mr. Earley, aye
241 Mr. Partington, aye
242
243

244 Mr. Rounds made a motion to recommend Planning Board Amendment #3 to the voters. Mr.
245 Cross seconded the motion. The motion passed with the following 7-0 roll-call vote:

246 Chair, Monson, aye
247 Vice Chair Bradley, aye
248 Mr. Cross, aye
249 Mr. Rounds, aye
250 Mr. Carpenter, aye
251 Mr. Earley, aye
252 Mr. Partington, aye
253
254

255 Planning Board Amendment #4: Village Center District (VCD)

256
257 Chair Monson opened and closed the session to public comment.
258

259 Mr. Carpenter said he agreed with the concept of open space parks, but he thought 20% was too
260 significant of a take from the landowners and he did not think it supported the intent of the Village Center
261 District.

262 Vice Chair Bradley said he had looked at it since Mr. Carpenter first raised the issue. He thought
263 10% was too low and agreed that 15% could be more equitable.
264

265 Mr. Carpenter made a motion to change 612.4.6, Item G to 15% from 20%. Mr. Rounds seconded
266 the motion. The motion passed with the following 6-1 roll-call vote:

267 Chair, Monson, aye
268 Vice Chair Bradley, aye
269 Mr. Cross, opposed
270 Mr. Rounds, aye
271 Mr. Carpenter, aye
272 Mr. Earley, aye
273 Mr. Partington, aye
274

275 While Mr. Rounds voted affirmatively he noted that he preferred the 20% while supporting the
276 uniformity of 15%.
277

278 Mr. Partington asked about Footnote #16, asking that both the existing and suggested note be
279 read.
280

281 Mr. Rounds made a motion to send Planning Board Amendment #4, as amended, to town warrant.
282 Vice Chair Bradley seconded the motion. Mr. Cross said he would like to see every reference to conditional
283 use permits removed. Vice Chair Bradley said they were useful tools and that in this instance the

284 requirements needed to earn a conditional use permit was very clear due to the strong framework around
285 it. Mr. Carpenter asked that Item I be reviewed as he thought it created a contradiction in light of the edit
286 just made. Mr. Rounds withdrew his motion.
287

288 **Mr. Rounds made a motion to update Item I to match item G, changing 20% to 15%. Vice Chair**
289 **Bradley seconded the motion. The motion passed with the following 7-0 roll-call vote:**

290 **Chair, Monson, aye**

291 **Vice Chair Bradley, aye**

292 **Mr. Cross, aye**

293 **Mr. Rounds, aye**

294 **Mr. Carpenter, aye**

295 **Mr. Earley, aye**

296 **Mr. Partington, aye**
297
298

299 **Vice Chair Bradley made a motion to move Amendment #4 to warrant, as amended. Mr. Rounds**
300 **seconded the motion. 7-0, the motion passed with the following roll-call vote:**

301 **Chair, Monson, aye**

302 **Vice Chair Bradley, aye**

303 **Mr. Cross, aye**

304 **Mr. Rounds, aye**

305 **Mr. Carpenter, aye**

306 **Mr. Earley, aye**

307 **Mr. Partington, aye**
308

309 **Planning Board Amendment #5: Wetland Watershed Protection District**

310

311 **Chair Monson opened and closed the session to public comment.**
312

313 **Mr. Earley made a motion to move amendment #5 to warrant. Mr. Cross seconded the motion.**

314 **The motion passed, 7-0, with the following roll-call vote:**

315 **Chair, Monson, aye**

316 **Vice Chair Bradley, aye**

317 **Mr. Cross, aye**

318 **Mr. Rounds, aye**

319 **Mr. Carpenter, aye**

320 **Mr. Earley, aye**

321 **Mr. Partington, aye**
322
323

324 **Mr. Rounds made a motion to recommend amendment #5 to the voters, Mr. Cross seconded the**
325 **motion. 7-0, the motion passed with the following roll-call vote:**

326 **Chair, Monson, aye**

327 **Vice Chair Bradley, aye**

328 **Mr. Cross, aye**

329 **Mr. Rounds, aye**

330 **Mr. Carpenter, aye**

331 Mr. Earley, aye
332 Mr. Partington, aye

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334

335 Planning Board Amendment #6: Vernal Pools

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337

Chair Monson opened and closed the session to public comment.

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339

Mr. Carpenter was concerned that this amendment was an extended reach and cautioned against the law of unintended consequences. He thought this would create more issues than it would do anything to protect the environment. He thought moving from 25 to 30 or even 35 would be more appropriate.

341
342

Mr. Rounds asked Mr. Curto, as the author of the amendment, what the science was behind the change. Mr. Curto said it was originally proposed at 50 feet and had been voted down.

343
344

Mr. Sullivan said most towns were increasing their set-backs but most were no higher than 40 feet. Mr. Earley said looking at it statewide about a third of towns were at 40 feet.

345
346

Vice Chair Bradley made a motion to change 50 feet to 40 feet in Amendment #6. Mr. Rounds seconded the motion. The motion passed, 7-0, with the following roll-call vote:

347
348

Chair, Monson, aye

349
350

Vice Chair Bradley, aye

351
352

Mr. Cross, aye

353
354

Mr. Rounds, aye

355
356

Mr. Carpenter, aye

357
358

Mr. Earley, aye

359
360

Mr. Partington, aye

Mr. Rounds made a motion to move Amendment #6 to warrant as amended. Mr. Cross seconded the motion. The motion passed, 7-0, with the following roll-call vote:

361
362

Chair, Monson, aye

363
364

Vice Chair Bradley, aye

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366

Mr. Cross, aye

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Mr. Rounds, aye

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Mr. Carpenter, aye

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Mr. Earley, aye

Mr. Partington, aye

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Mr. Rounds made a motion to recommend Amendment #6 to the voters. Mr. Cross seconded the motion. The motion passed, 7-0, with the following roll-call vote:

375
376

Chair, Monson, aye

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Vice Chair Bradley, aye

Mr. Cross, aye

Mr. Rounds, aye

Mr. Carpenter, aye

Mr. Earley, aye

Mr. Partington, aye

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Planning Board Amendment #7: Minimum Lot Size and Density

Mr. Mello gave an overview of the reasoning behind this proposed amendment. This amendment came at the suggestion of the town engineer, Mr. Keach.

Mr. Carpenter recused himself from the discussion. Mr. Curto was seated in his place.

Chair Monson opened the session to public comment.

Tom Murray said the existing ordinance went back to 1989. He explained that it was not a loophole because DES was in charge of the septic systems, and this governed building more than the favorability of the soil types. He said the HISS soil chart was more nuanced than the terms mentioned in the wording. He did not see the need to make this change. He said in the twenty-two years this system had been used there had never been an issue because of this.

Attorney Cronin suggested this amendment be tabled for the time being. He represents clients who have been working with the department for several years on a Res B parcel. He said there is so little Res B left it creates the impression that this amendment is being created to target his client's project.

Attorney Cronin said the real-world result of this change would mean that single family homes could have greater density than multi-family housing. He said this would limit the town's ability to have multi-family housing. Attorney Cronin raised issues with the notice as it was posted.

Attorney Cronin said he thought this amendment needed more thought before adoption, he questioned if Mr. Keach was aware of the table as presented. Mr. Rounds said Mr. Keach had been the author of this amendment.

Shayne Gendron said everyone was focusing on Res B but that his parents owned a parcel of Res C. They currently live on that parcel but in the future they could develop that lot to finance their senior years. He said the proposed change was too drastic. Mr. Gendron said that when this issue was first raised the previous month that none of the board members understood what it meant. He said they discussed it only once since then, and that was after 10pm at night. Mr. Gendron read the ordinance encouraging housing stock diversity and said this change would severely limit the ability to do so in Res B and Res C.

Mr. Gendron said he would like the board to take more time to think about the change and to meet with land use professionals, landowners, and others. He said there was no way to develop Res B or Res C and make it financially viable under this change. Mr. Gendron agreed there was a problem, but he said this was not the solution.

Mr. Cross said lots were also limited by frontage and other items that this amendment could ease the restrictions on. Mr. Gendron said there would still be frontage issues. Mr. Rounds asked what method other towns used. Mr. Gendron said this was the most restrictive zoning amendment he was aware of.

Peter Zohdi said he had been struggling with this amendment. He said he has been working in this town for 45 years and that this is the most unrealistic zoning he has ever seen. Mr. Zohdi asked the board to explain how the calculations would be done. Chair Monson said he could not, but said Mr. Mello had a spreadsheet that could do it.

Mr. Rounds asked Mr. Mello if the amendment was for all zones or just Res B and/or Res C. Mr. Mello said it was a town wide requirement that applied to duplexes and multi-family homes, which were only allowed in Res B and Res C.

427
428 Mr. Murray said the system had worked fine for over 22 years and that departing from this would
429 strip the developability of the Res B and Res C zones. He felt strongly that this change was not needed. He
430 thought this change would result in a lot of lawsuits. He supported Mr. Gendron's suggestion to have Mr.
431 Keach, land use professionals, and landowners meet with the board and workshop this before it went on
432 the ballot.

433
434 Bob Coole said the amendment did not make it clear what language would be replacing this. Mr.
435 Mello said the full text was available online. Chair Monson said what went on the ballot would be up to
436 staff and the town attorney.

437
438 A series of resident letters, opposing this amendment, was added to the record.

439
440 **Chair Monson closed the session to public comment.**

441
442 Mr. Rounds said many residents have commented on drought conditions and that they have had to
443 dig multiple wells. He believes water recharge rates will be assisted by adopting this amendment.

444 Mr. Cross said he understood the frustration with the way items appeared on the ballot. He said
445 the information is available and he is an advocate of educating voters. Mr. Cross said what has been used is
446 a broken system and needs to be fixed. Mr. Cross thought that going forward developers would get more
447 creative when creating lots. He thought the amendment should be adopted and that the board could make
448 minor changes going forward if needed.

449 Mr. Earley said he was in favor of the amendment because the board regularly relied on the
450 expertise of Mr. Keach. He thought this amendment would simplify the process and agreed with Mr. Cross
451 that it could be refined over time going forward if needed after it was changed.

452 Mr. Partington said he supported the idea of simplifying the calculations but the fact that it
453 drastically changed density seemed like an unintended secondary result. He did not know the full
454 ramifications of the amendment.

455 Bruce Breton said he was alarmed at the short period of time that it appeared this amendment was
456 considered. He asked if there had been any workshops with the invested parties before contemplating this
457 change. He said it sounded like the engineers who worked most often in the town did not fully understand
458 the change. Mr. Breton returned to Mr. Partington's point that the change in density seemed like a
459 unintended result. He said it sounded like the board members had not had an opportunity to discuss the
460 amendment with the town's engineer.

461 Vice Chair Bradley said this amendment came from the town engineer. Mr. Breton asked when it
462 was workshopped. Chair Monson said it was presented to the board December 15, 2021. Mr. Mello said if
463 this had worked fine for twenty plus years, he did not think there was urgency to push it through now. He
464 said he would rather wait a year to make sure that the ordinance was written right.

465 Mr. Rounds said he didn't feel like the amendment was rushed. He thought on some parcels it
466 might limit density but thought that it might also create opportunities for more development on other
467 parcels.

468
469 **Chair Monson opened the session to public comment.**

470
471 Melissa Runde asked why the amendment needed to be rushed to the ballot. She said the Planning
472 Board had expressed flexibility in changing the numbers after adopting if needed so she didn't understand
473 why it couldn't be workshopped before being presented to the voters.

474 She said the amendment would impact residents and deserved more time and consideration.

475
476 Tim Butterfield owns a parcel that will be impacted by this amendment. He said the example given
477 by Mr. Mello was that a lot that previously could support 27 units would now only be able to develop 11
478 units, which is a very significant reduction. He said he would like to see a variety of stakeholders have a
479 chance to work together for the best result for the town. He asked how many parcels were going to be
480 impacted if this amendment was adopted.

481
482 **Chair Monson closed the session to public comment.**

483
484 Mr. Earley said what was being discussed was a change in process as to how development
485 happened. He said the spirit of this warrant article was to streamline how calculations were done, and he
486 did not think residents should be using the model of 27 units to 11 units as the only possible result. He was
487 in favor of moving this forward, and that everyone could discuss compromises afterwards. He described it
488 as snapping the band aid off.

489 Mr. Cross said the change from 27 to 11 units was a feature, not a bug. He said the eleven units
490 should be the proper number and the fact that 27 would be allowed currently was the mistake. He said
491 there was an agenda in town to create more Res B so this zoning needed to be tightened up as soon as
492 possible. Mr. Cross said he was firm at using 4 bedrooms as the standard.

493 Mr. Rounds said there didn't need to be a lot of discussion because the people who the town pays
494 for their expert advice presented this as the solution to a problem. Vice Chair Bradley agreed that it would
495 fix existing problems and that if the change created fundamental problems going forward it could be
496 amended as needed.

497 Mr. Partington said he was unclear if this was or was not a drastic change based on what was being
498 said here. He said he did not feel like he could explain to a voter exactly what result this amendment was
499 meant to create.

500 Bruce Breton said the members kept saying they would put this forward and would fix the issues
501 later. As a voter he said that gave the impression that the board just wanted to put anything on the ballot
502 and would reconsider it going forward. He said this was brought to the public less than a month ago and
503 that people needed more time to consider things, particularly in light of Covid.

504
505 **Vice Chair Bradley made a motion to send Planning Board Amendment #7 to warrant as written.**
506 **Mr. Cross seconded the motion. The motion passed by the following 7-0 roll-call vote:**

507 **Chair, Monson, aye**
508 **Vice Chair Bradley, aye**
509 **Mr. Cross, aye**
510 **Mr. Rounds, aye**
511 **Mr. Curto, aye**
512 **Mr. Earley, aye**
513 **Mr. Partington, aye**

514
515
516 **Vice Chair Bradley made a motion to recommend Planning Board Amendment #7. Mr. Cross**
517 **seconded the motion. The motion passed, 4-1-2 with the following roll-call vote.**

518 **Chair, Monson, aye**
519 **Vice Chair Bradley, aye**
520 **Mr. Cross, aye**
521 **Mr. Rounds, abstain**
522 **Mr. Curto, abstain**

523 Mr. Earley, aye
524 Mr. Partington, opposed

525
526

527 **Planning Board Amendment #8: Rezoning to Historic District**

528
529

Chair Monson opened the session to public comment.

530
531

Peter Griffin, HDC member, explained that the committee has been on a mission to reclaim Windham's historic features. He said for many years the rock was owned by the state, despite being dedicated with a plaque in 1939. He said approval of the historic district would be the first step towards clearing the lot and turning it into a pocket part.

532
533

Chair Monson closed the session to public comment.

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537

Mr. Carpenter was reseated, and Mr. Curto returned to being an alternate.

538
539

Mr. Rounds made a motion to move Planning Board amendment #8 as written to warrant. Mr. Cross seconded the motion. The motion passed, 7-0, with the following roll call vote:

540
541

Chair, Monson, aye

542
543

Vice Chair Bradley, aye

544
545

Mr. Cross, aye

546
547

Mr. Rounds, aye

548
549

Mr. Carpenter, aye

550
551

Mr. Earley, aye
Mr. Partington, aye

Mr. Rounds made a motion to recommend Amendment #8 to the voters. Mr. Partington seconded the motion. The motion passed with the following 7-0 roll-call vote:

552
553

Chair, Monson, aye

554
555

Vice Chair Bradley, aye

556
557

Mr. Cross, aye

558
559

Mr. Rounds, aye

560
561

Mr. Carpenter, aye

562
563

Mr. Earley, aye
Mr. Partington, aye

Mr. Rounds made a motion to take new business after 10:00pm. Vice Chair Bradley seconded the motion. The motion passed with the following 7-0 roll-call vote:

564
565

Chair, Monson, aye

566
567

Vice Chair Bradley, aye

568
569

Mr. Cross, aye

570

Mr. Rounds, aye
Mr. Carpenter, aye
Mr. Earley, aye
Mr. Partington, aye

571
572
573 Citizen Petition #1: Rezoning Map 9-A-500 (150 Haverhill Road) from Rural District to
574 Residence B.

575
576 **Mr. Partington recused himself from discussion and voting of the Citizen's Petitions. Mr. Breton**
577 **was seated in his place for the duration of the next two discussions.**

578
579 **Chair Monson opened the session to public comment.**

580
581 Lou Zahkis gave the history of the efforts to rezone this parcel. Mr. Zahkis said single family homes
582 would fit the neighborhood and town. He said it was not the duty of the Planning Board or the town to help
583 the developer make more money.

584
585 Andrea and Paul Azevedo authored a letter which was read into the record by Megan Bouvier,
586 another abutter. They are also opposed to the attempts at rezoning.

587
588 Megan Bouvier said she comes here every year to fight the same rezoning for this same parcel. She
589 said it has been voted against for 17 years and she does not see abutters changing their feelings.

590
591 **Chair Monson closed the session to public comment.**

592
593 Mr. Rounds said there was no hardship in developing this lot and he was firmly against rezoning it.
594 Mr. Cross said this would result in spot zoning that would only benefit the developer and not the town. Vice
595 Chair Bradley agreed it had been voted on many times and that he did not see a compelling reason to
596 change zoning now. Chair Monson said the town has made their voice clear on this. He asked what would
597 happen if both citizen's petitions on this parcel passed. The town attorney has voiced the opinion that in
598 that case the second of the two petitions would go into effect.

599 Mr. Carpenter disagreed with Mr. Cross's opinion that a vote in favor of rezoning many years ago as
600 a stain on the board. He said there is only one parcel of Res B left and that the board is currently being sued
601 over lack of housing diversity in at least four cases. He said putting it into context with the proposed
602 amendment that would limit density in Res B that thar rezoning this parcel might be beneficial. He said the
603 alternative of single-family homes would result in more traffic on Galway Road.

604 Mr. Rounds said the town's mill rate was around .19, he compared it to the mill rate in Keene to
605 illustrate that it benefited the town to have less housing diversity.

606
607 **Mr. Rounds made a motion to not recommend Citizen's Petition #1. Mr. Earley seconded the**
608 **motion. The motion passed with the following 6-1 roll-call vote:**

609 **Chair, Monson, aye**

610 **Vice Chair Bradley, aye**

611 **Mr. Cross, aye**

612 **Mr. Rounds, aye**

613 **Mr. Carpenter, opposed**

614 **Mr. Earley, aye**

615 **Mr. Breton, aye**

616

617

618 Citizen Petition #2: Rezoning Map 9-A-500 (150 Haverhill Road) from Rural
619 District to VCD.

620
621 **Chair Monson opened the session to public comment.**

622
623 Lou Zahkis said putting businesses onto this parcel made less sense than rezoning it to Res B. He
624 said there was a lot of vacant commercial spaces in town right now and that it did not make sense to
625 rezone to create more business. Mr. Zahkis said that workforce housing would be allowed on the lot as it
626 was currently zoned.

627
628 **Chair Monson closed the session to public comment.**

629
630 Mr. Breton called this an opportunity to have a Village Center District in the west part of Windham.
631 He said this section of town historically was home to mills. He thought putting businesses along Route 111
632 and houses in the back could make sense.

633 Vice Chair Bradley agreed to a degree but said it would have to be master planned. He would like to
634 see what the abutters would be getting before he would vote in favor of it.

635
636 **Mr. Earley made a motion to not recommend Citizen's petition #2. Mr. Cross seconded the**
637 **motion. The motion passed, 7-0, with the following roll-call vote:**

638 **Chair, Monson, aye**
639 **Vice Chair Bradley, aye**
640 **Mr. Cross, aye**
641 **Mr. Rounds, aye**
642 **Mr. Carpenter, aye**
643 **Mr. Earley, aye**
644 **Mr. Breton, aye**

645
646
647
648 **Case 2021-61, 1 Sharma Way (Parcel 18-L-300); Major Final Site Plan, Major WPOD,**
649 **and Design Review Regulations Application; Zone – Professional, Business, and**
650 **Technology District (PBT) and Watershed Protection Overlay District (WPOD)**

651
652 **Mr. Partington was reseated for the duration of the meeting.**

653
654
655 **Mr. Cross made a motion to do business after 10:00pm. Vice Chair Bradley seconded the motion.**
656 **The motion passed, 7-0, with the following roll-call vote:**

657 **Chair, Monson, aye**
658 **Vice Chair Bradley, aye**
659 **Mr. Cross, aye**
660 **Mr. Rounds, aye**
661 **Mr. Carpenter, aye**
662 **Mr. Earley, aye**
663 **Mr. Partington, aye**

664

665
666 Vice Chair Bradley made a motion to open Case 2021-61, One Sharma Way, as a major final site
667 plan. Mr. Rounds seconded the motion. The motion passed with the following roll-call vote:
668 Chair, Monson, aye
669 Vice Chair Bradley, aye
670 Mr. Cross, aye
671 Mr. Rounds, aye
672 Mr. Carpenter, aye
673 Mr. Earley, aye
674 Mr. Partington, aye
675
676

677 Mr. Rounds asked about traffic in the area. Randy Knowles said an access road was going to be
678 utilized for traffic and they were currently working with DOT. Mr. Carpenter was concerned about the
679 Gateway Park ending up a hodge-podge of different building styles. The hopes of the Design Review
680 Committee was that this centerpiece building would elevate and pull in the other future buildings.
681

682 Mr. Cross made a motion to continue Case 2021-61 to January 19th at 7:00pm. Mr. Rounds
683 seconded the motion. The motion passed, 7-0, with the following roll-call vote:
684 Chair, Monson, aye
685 Vice Chair Bradley, aye
686 Mr. Cross, aye
687 Mr. Rounds, aye
688 Mr. Carpenter, aye
689 Mr. Earley, aye
690 Mr. Partington, aye
691
692

693 **Case 2021-62 – 47 N. Lowell Road (Parcel 11-A-885); Preliminary Site Plan; Zone –**
694 **Residence B District and Watershed Protection Overlay District (WWPD)**
695

696 Mr. Partington made a motion to open Case 2021-62. Mr. Rounds seconded the motion. The
697 motion passed, 7-0, with the following roll-call vote:
698 Chair, Monson, aye
699 Vice Chair Bradley, aye
700 Mr. Cross, aye
701 Mr. Rounds, aye
702 Mr. Carpenter, aye
703 Mr. Earley, aye
704 Mr. Partington, aye
705
706

707 Shayne Gendron representing this application to develop 56 duplex-style units, 1 single-family unit,
708 and a clubhouse. The development would be connected to a water system on the property with a closed
709 drainage design and curbed streets. Mr. Curto said Conservation had a lot of questions about the project.
710 He asked about the flow of the drainage. Mr. Zohdi apologized for missing Conservation meetings.

711 Mr. Curto said there were already flooding issues across the street and he did not want to see that
712 situation worsened. Mr. Zohdi said per the requirements of his AoT permit he could not increase drainage.
713 Mr. Partington was concerned about how close some of the units were to the road.
714

715 Mr. Carpenter said he appreciated the traffic calming roundabout and asked if an additional one
716 should be added. Vice Chair Bradley was not in favor of the grid like design. Mr. Cross said thought the
717 development was too dense and should lose at least two of the duplexes.

718 Mr. Earley was not bothered by the grid and thought that eliminating some of the units would leave
719 room for more amenities. Vice Chair Bradley asked if any of the units would be workforce housing. Mr.
720 Zohdi said he could talk to his client about that.
721

722 **Chair Monson opened the session to public comment**
723

724 Mark Bruckner, 2 Camelot Road, thanked Mr. Butterfield for taking a butter feedback on this
725 project. He said the road did some unusual jogs near that parcel and the placement of the entrance to the
726 development would be vital.
727

728 **Chair Monson closed the session to public comment.**
729

730 Mr. Carpenter suggested a site walk and said the board should look at the spots where the road
731 would connect with surrounding neighborhoods.
732

733 **Mr. Rounds made a motion to continue Case 2021-62 to February 2, 2022 at 7:00pm. Mr. Cross**
734 **seconded the motion. The motion passed, 7-0, with the following roll-call vote:**

735 **Chair, Monson, aye**

736 **Vice Chair Bradley, aye**

737 **Mr. Cross, aye**

738 **Mr. Rounds, aye**

739 **Mr. Carpenter, aye**

740 **Mr. Earley, aye**

741 **Mr. Partington, aye**
742
743
744

745 **New/Old Business**

746
747
748 **Vice Chair Bradley made a motion to adjourn the meeting a 11:41pm. Mr. Rounds seconded the**
749 **motion. The motion passed, 7-0, with the following roll call vote:**

750 **Chair, Monson, aye**

751 **Vice Chair Bradley, aye**

752 **Mr. Cross, aye**

753 **Mr. Rounds, aye**

754 **Mr. Carpenter, aye**

755 **Mr. Earley, aye**

756 **Mr. Partington, aye**
757
758