



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

3 North Lowell Road, Windham, New Hampshire 03087  
(603) 432-3806 / Fax (603) 432-7362  
[www.WindhamNH.gov](http://www.WindhamNH.gov)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**Planning Board Minutes**

June 15, 2022

7:00 pm at Community Development Meeting Room  
3 North Lowell Road

**Attendance:**

- Chair Tom Earley, Present, beginning at 7:52pm
- Vice Chair Jennean Mason, Present
- Derek Monson, Present
- Jacob Cross, Present, beginning at 7:57pm
- Matt Rounds, Present
- Alan Carpenter, Present
- Joe Bradley (alternate), Present, beginning at 7:16pm
- Dave Curto, (alternate), Present, seated for Mr. Cross
- Pam McCarthy (alternate), Present, seated for Mr. Earley
- Dan Spalinger (alternate), Excused
- Bruce Breton, Board of Selectmen ex Officio, Present
- Alexander Mello- Planner, Director, Community Development, Present
- Renee Mallett- Minute Taker

The meeting opened at 7:01pm with the pledge of allegiance and the introduction of members.

**Case 2022-03 – 1 & 7 Indian Rock Road (Parcels 11-A-450 & 11-A-500); Major Final Site Plan; Final Subdivision, and WWPDP Special Permit; Zone – Village Center District**

Mr. Karl Dubay representing this application to build a mixed-use commercial building, a stand-alone restaurant, and an eight-unit residential subdivision in the Village Center District. Mr. Dubay reviewed the edits that have been made to the plans since the last time this application was seen by the board. The applicant is asking for several waivers, including the marking of 12 inch or greater trees.

**Mr. Bradley joined the meeting at 7:16pm**

Per Mr. Monson’s questioning Mr. Dubay explained how the septic was calculated, using the surplus in load from the neighborhood of age restricted housing to offset the restaurant use. Deeded shared easements, which would be reviewed by Attorney Campbell, would be used to codify this arrangement. Mr. Rounds asked if the plan would work if the housing was not age restricted. Mr. Dubay said seating at the restaurant would need to be reduced if not for the age restricted housing. Mr. McCarthy,

42 the applicant, said even without the water benefit the over 55 demographic was the natural buyer for the  
43 smaller footprint of the units in the residential neighborhood.

44 Mr. Monson asked if the light improvements were approved through the DoT. Mr. Dubay said it  
45 had to be coordinated with DoT and that permitting was required. He expected that approval for this plan  
46 would be conditioned on this permit approval. Mr. Breton asked about the number of handicap accessible  
47 spaces. Mr. Dubay said there were crosswalks to make spaces more accessible but that more could be  
48 added if required. He agreed with Mr. Breton that two additional spaces might be needed due to the  
49 restaurant use.

50 Mr. Carpenter asked if Keach-Nordstrom memo for the June 8<sup>th</sup> plan set had been received. Mr.  
51 Mello said the comments received were based on a previous plan. Mr. Carpenter asked if the current plan  
52 met all of the town's parking requirements. Mr. Dubay said it did, because the zoning allowed the board to  
53 waive some of the requirements. Mr. Dubay said 139 spaces were reflected on the current plan and that  
54 this would be sufficient because of the offset usage hours between the restaurant and the expected offices  
55 in the commercial building.

56 Further questions were asked about the subdivision aspect of the application. Mr. Dubay said the  
57 lots would be combined and then subdivided again. He said the residential units shared drainage and other  
58 access, creating a home-owners association in practice. Mr. Dubay said the commercial use would be one  
59 lot, the residential units would have their own lots, and then there would be a lot of open space behind  
60 them.

61 Mr. Dubay said per ADA the parking grade could be 2%, with an allowed 5% maximum grade for the  
62 traditional spaces. Mr. Carpenter said Hardwood Road was 7% or 8%, for perspective. He asked about the  
63 possibility of a right in/right out access to the development from Route 111. Mr. Dubay said the grade did  
64 not allow for this.

65 Mr. Carpenter asked about hours of operation for the restaurant. Mr. McCarthy said it was a local  
66 family-owned establishment that would not be looking for late hours. Mr. Dubay said abutters had  
67 requested that the agreement between Mr. McCarthy and the restaurant owners include language  
68 restricting hours. Mr. Dubay said the lighting plan had been updated to reduce light pollution to the  
69 residential abutters and that the associated outdoor dining had been moved away from the Hardwood  
70 Drive side of the lot and now faced Rt. 111.

71 Mr. Curto asked about future connectivity. Mr. Dubay showed where different points could tie into  
72 the other parcels of the Village Center District in the future. Mr. Carpenter said he would like to see this  
73 potential for interconnectivity marked on the plans.

74 Disagreement followed on the slope between Rt. 111 and the restaurant plaza. Mr. Bradley thought  
75 the patio was too close to the road. He thought the drainage system would be impacted if DoT expanded  
76 the road width in the future. Mr. McCarthy said DoT was familiar with the plans and that their plan was,  
77 currently, to expand to the south and not on their side of the road. Mr. Bradley said he thought the point of  
78 planning was to anticipate this future expansion.

79  
80 **Chair Earley arrived at 7:52pm.**

81  
82 Mr. Rounds made a *Lord of the Flies* reference. He asked for more clarification on grade in the  
83 proposed residential neighborhood. Because it's an age restricted neighborhood Mr. Rounds asked if there  
84 was a way to make public access so those residents could more easily reach the restaurant and commercial  
85 building. Mr. Dubay showed the path of travel that had been marked on the plan. Mr. Rounds said there  
86 was a more direct path from the other side of the neighborhood. Mr. Dubay said the slope was higher at  
87 that point and that the abutters on the Hardwood side were not in favor of having walkways so close to  
88 their properties.

89

90 **Mr. Cross arrived at 7:57pm.**

91  
92 Mr. Carpenter disputed the renderings provided of the intersection and slope. He cautioned the  
93 board that the plan met zoning. Mr. Rounds said the spirit of the district was to be a walkable downtown.  
94 Mr. Carpenter said the grade of the parcel had to be taken into consideration. Mr. Dubay said 8% was  
95 considered a walkable path of travel. Mr. Rounds said the definition of walkable differed depending on the  
96 ages of the walkers. Mr. Dubay said the parcel was totally walkable, per the requirements of the zoning.

97 Vice Chair Mason said without an updated Keach-Nordstrom memo she was not prepared to vote  
98 on this application this evening. Mr. Dubay said he was prepared to bring 3D modeling to the next meeting.  
99 Mr. Carpenter said it was a beautiful plan and felt it embraced the idea the board had of the VCD when the  
100 zone was first created. But he said he would not like to be surprised after the development was built. Mr.  
101 Carpenter asked to see an elevation of the parcel, from the perspective of Rt. 111, so he could better  
102 consider landscaping mitigation, even if zoning was met.

103 Mr. Cross said VCD was a terrible idea and there was no bigger critic of the zone than he, but that  
104 he thought this proposal was great, that the applicant had provided very detailed plans, and that he was  
105 ready to vote on the case this evening.

106  
107 **Vice Chair Mason opened and closed the session to public comment.**

108  
109 **Mr. Carpenter made a motion to continue Case 2022-06 to July 6, at 7pm. Mr. Breton seconded**  
110 **the motion. The motion passed, 7-0, with the following votes:**

111 **Vice Chair Mason, aye**

112 **Mr. Monson, aye**

113 **Mr. Rounds, aye**

114 **Mr. Carpenter, aye**

115 **Mr. Curto, aye**

116 **Ms. McCarthy, aye**

117 **Mr. Breton, aye**

118  
119 **Chair Earley and Mr. Cross were seated for the duration of the meeting.**

120  
121 **Case 2022-12 – 32 Walkey Rd (Parcels 12-I-112B); Watershed Protection**  
122 **District (WPOD) Land Development Application, Major; Zone – Residence District A**  
123 **and WPOD**

124  
125 **Mr. Rounds made a motion to open Case 2022-12. Mr. Breton seconded the motion. The motion**  
126 **passed, 7-0, with the following vote:**

127 **Chair Earley, aye**

128 **Vice Chair Mason, aye**

129 **Mr. Monson, aye**

130 **Mr. Cross, aye**

131 **Mr. Rounds, aye**

132 **Mr. Carpenter, aye**

133 **Mr. Breton, aye**

137 Melissa Runde represented this application to rebuild an existing non-confirming structure with an  
138 804 sq. foot addition on an existing non-confirming lot. The Keach-Nordstrom memo has been received  
139 and all items mentioned addressed. The plan has gone before TRC and Conservation.

140 Mr. Carpenter asked about the overflow system attached to the drip edge drainage system. Mr.  
141 Shayne Gendron explained the drainage system, including the addition of an inspection cover on the  
142 backup system.

143  
144 **Chair Earley opened and closed the session to public comment.**

145  
146 Mr. Carpenter asked about parking. Ms. Runde said no changes were being made to the existing  
147 driveway, which leads to a two-car garage on the lower level of the home. Mr. Rounds confirmed the  
148 application needed no variances. Mr. Gendron said all variances had already been approved by the ZBA and  
149 were noted on the plan. Mr. Gendron further explained that the original plan called for silt fencing during  
150 construction, but that Mr. Keach had requested a silt sock be used instead. He said the applicant did not  
151 want to cut any of the existing trees on the lot.

152  
153 **Mr. Rounds made a motion to approve Case 2022-12 with the condition that all items of the June**  
154 **9, 2022 Keach-Nordstrom memo being met to staff's satisfaction. Mr. Breton seconded the motion. 7-0,**  
155 **the motion passed with the following vote:**

156 **Chair Earley, aye**  
157 **Vice Chair Mason, aye**  
158 **Mr. Monson, aye**  
159 **Mr. Cross, aye**  
160 **Mr. Rounds, aye**  
161 **Mr. Carpenter, aye**  
162 **Mr. Breton, aye**

163  
164  
165  
166 **New/Old**

167  
168 Mr. Breton shared the plans for the updates to the CDD community development meeting room.  
169 The renovations are being paid for with the cable fund. Work is expected to be complete by the end of the  
170 summer.

171  
172 Mr. Rounds presented the process plan as proposed by the Master Plan Steering Committee. Under  
173 this proposal various subject groups would be tasked with creating draft chapters, gathering whatever  
174 input from residents they thought appropriate and necessary. Draft chapters will be due September 30<sup>th</sup> for  
175 review and feedback from the steering committee with a November deadline.

176 The chapters should be short, readable, and use the Auburn NH 2018 Master Plan as a style and  
177 structure template. Lengthy and detailed information, if needed, will be added into appendixes. Under Mr.  
178 Round's proposal the Regional Concerns chapter will be eliminated, as that information would be better  
179 added to individual chapters.

180 Mr. Curto expressed a need for sustainable energy to be added to the utilities chapter. Chair Earley  
181 asked what role the steering committee would have in assisting groups with community outreach. He asked  
182 if any of the slated boards had been approached yet about their interest in working on chapters. Vice Chair  
183 Mason's biggest concern was in the public input aspect of this plan. Mr. Breton had the same concerns but

184 pointed out that every chapter had an associated board so their meetings could be used for public  
185 comment.

186 Mr. Carpenter and Vice Chair Mason expressed concern with the number of chapters. Mr. Cross  
187 liked the plan and was glad to see regional concerns removed as a standalone own chapter. He said the  
188 Auburn plan, which was being used as a guideline, had ten chapters and Mr. Rounds was proposing  
189 fourteen. He pointed out several sections that he thought could be combined. Mr. Cross said the Master  
190 Plan would have to be complete by the March election. He said the potential of new board members could  
191 disrupt the work already accomplished.

192 Mr. Bradley wanted the chapters based on fact and not on the opinions of the various boards. Mr.  
193 Rounds said the committee had a lot of discussion about public input and that they finally decided it was  
194 the responsibility of the various boards to decide if they needed public input and to decide how they would  
195 gather that input. Mr. Monson said the Board of Selectmen wasn't included in any of the chapters. Mr.  
196 Rounds said the Board of Selectmen representative on the steering committee didn't think they should be  
197 tasked with chapters.

198 Mr. Rounds said the steering committee had expressed a desire to remain a three-person  
199 committee, as they felt they worked efficiently together. Chair Earley suggested a three-person sub-  
200 committee created of Planning Board members to write the draft chapters already identified as under their  
201 purview. Mr. Carpenter confirmed this meant that a member of the public would not be added to the  
202 steering committee. Mr. Mello said Mr. Sullivan was an existing fourth member of the steering committee,  
203 and that the original motion intended for it to be a five-person committee.

204  
205 **Mr. Carpenter motioned to accept the Master Plan Steering Committee proposal and to maintain**  
206 **it as a four-person committee and not five. Mr. Breton seconded the motion. Vice Chair Mason said she**  
207 **wanted to be sure that the public had a chance to attend the meetings related to the Master Plan. She**  
208 **suggested an ad in the paper to alert the public that this work was ongoing and that they were invited to**  
209 **attend. Mr. Mello offered the CDD resources to the associated groups to publicize the meetings. Mr.**  
210 **Cross said residents should be brought in at the end to have a final say on the draft. The motion passed 7-**  
211 **0, with the following vote:**

212 **Chair Earley, aye**  
213 **Vice Chair Mason, aye**  
214 **Mr. Monson, aye**  
215 **Mr. Cross, aye**  
216 **Mr. Rounds, aye**  
217 **Mr. Carpenter, aye**  
218 **Mr. Breton, aye**

219  
220  
221 The board decided to coalesce community design with the land use chapter. Adding transportation  
222 to infrastructure was discussed. Chair Earley thought water could be added to natural resources. The need  
223 to separate water development like the waterline from the need to preserve natural water sources was  
224 discussed. Mr. Rounds said the steering committee would look again at the proposed chapters, taking into  
225 consideration board feedback. Introductory packets are expected to go out by the end of June to the  
226 various committees.

227  
228 **Mr. Carpenter made a motion to approve the minutes of June 1, 2022. Vice Chair Mason**  
229 **seconded the motion. Edits requested by email from Mr. Partington included: Line 249- to clarify that Mr.**  
230 **Underwood is a licensed appraiser, to fix a typo in Line 236. Superfluous discussion in Lines 307-313 was**

231 **deleted. Mr. Carpenter amended his motion to reflect these edits. Vice Chair Mason said her second still**  
232 **stood. 7-0, the motion passed:**

- 233 **Chair Earley, aye**
- 234 **Vice Chair Mason, aye**
- 235 **Mr. Monson, aye**
- 236 **Mr. Cross, aye**
- 237 **Mr. Rounds, aye**
- 238 **Mr. Carpenter, aye**
- 239 **Mr. Breton, aye**

240  
241  
242 **Mr. Carpenter made a motion to adjourn the meeting. Mr. Cross seconded the motion. The**  
243 **motion passed, 7-0, with the following vote:**

- 244 **Chair Earley, aye**
- 245 **Vice Chair Mason, aye**
- 246 **Mr. Monson, aye**
- 247 **Mr. Cross, aye**
- 248 **Mr. Rounds, aye**
- 249 **Mr. Carpenter, aye**
- 250 **Mr. Breton, aye**

251  
252