



*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)

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**Planning Board Workshop Draft Minutes**

March 9, 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, Present
- Jacob Cross, Present
- Matt Rounds, Present
- Alan Carpenter, Present
- Tom Earley (alternate), Present
- Dave Curto, (alternate), Excused
- Heath Partington, Board of Selectmen ex Officio, Present
- Bruce Breton, Board of Selectmen ex Officio (alternate), Excused
- Alexander Mello- Planner, Director, Community Development
- Renee Mallett- Minute Taker
- State Representative Bob Lynn
- State Representative Julius Soti
- Senator Regina Birdsell

The meeting opened at 7:00pm with the pledge of allegiance and the introduction of members.

The board met with two of the State Representatives for the town of Windham and Senator Birdsell to discuss several pending house bills.

Mr. Carpenter asked for more information on the status of housing in New Hampshire and brought up some of the issues the town has had with workforce housing developments. He raised concerns with the housing appeal board, in terms of the members of the board profiting from real estate development, and said that 90% of the cases heard by the HAB had resulted in rulings favorable to the developers.

Representative Lynn said he was still a member of the court when the HAB was created and had heard similar concerns at that time, but he had not followed the board's actions personally. The board expressed frustration with how the record keeping of the HAB has made it difficult to get information about the working of the board. Representative Lynn said it functioned in the same way s a court did, which was why the deliberations happened behind closed doors. Mr. Cross countered that in all other ways the board did not function as a court did, he said people did not take oaths to tell the truth and were not answerable to a judge.

44 Senator Birdsell said she had a long-standing opposition to the HAB. She said she was concerned  
45 about Mr. Cross's contention that minutes were not kept, that votes were taken in secret, and that the  
46 meetings were not recorded. Representative Lynn said that there was recourse to appeal an HAB decision  
47 in court so he thought there would have to be a recording. Mr. Mello said that the HAB website stated that  
48 the recordings of the meeting was the official record and that requests to access the recordings should be  
49 made to the clerk. Mr. Cross said previously when he had requested the recordings he was given a Word  
50 .doc with the list of decisions and no other information.

51 Senator Birdsell suggested an expansion of the HAB membership to change the makeup of the  
52 board and to bring in more diverse viewpoints. Mr. Carpenter, to the agreement of Mr. Cross and Mr.  
53 Earley, expressed more interest in dissolving the HAB rather than trying to fix it. He said residents were  
54 opposed to having people in Concord making land use decisions about what would be built in their own  
55 backyards. Mr. Partington said at the Zoning Board level cases were often appealed and sent back to the  
56 ZBA. He said he would like to see the same process for Planning Board decisions. Senator Birdsell said she  
57 would support dissolving the HAB but that she thought the reality was that a Plan B would be needed in  
58 case dissolution was not possible. Representative Lynn said he thought leadership in the house made  
59 dissolution unlikely.

60 Mr. Cross said that long term the HAB was going to get only more unpopular but he was concerned  
61 how much damage they would cause before they were dissolved. Mr. Cross felt that a one-sided view was  
62 being shared in Concord. Chair Monson asked what the board could do to help fix or abolish the HAB.  
63 Senator Birdsell said the board should share their feedback about the HAB with the municipal association.  
64 She said they needed to see that the municipalities were unhappy with the working of the HAB. Senator  
65 Birdsell said more Planning Boards should meet with their representatives as they were meeting now. Rep.  
66 Lynn agreed that the legislature needed to hear the other side of the story. He cited a colleague who was  
67 initially against the HAB and did not vote in favor of its creation, who had come to say she had seen the  
68 value of it. He said without counterpoints he was not surprised that they were in favor of it. Senator Birdsell  
69 said the board might not think there was a workforce housing crisis but that the push was coming from the  
70 Governor to create more affordable housing to attract a younger population to the state.

71 Mr. Carpenter shared some of the efforts the board had made over the years trying to encourage  
72 more housing diversity and how they had failed. He said shrinking lot sizes in hopes of getting more  
73 affordable homes had resulted in giant houses on tiny lots. Creating an elderly housing ordinance so seniors  
74 could downsize and age in place resulted in townhouses priced in the high six figures. Chair Monson said  
75 the issue was not just workforce housing, as the town currently had an age restricted housing case in front  
76 of the HAB.

77 Senator Birdsell said it was too late to do anything now but that she was prepared to create two  
78 bills, one to abolish the HAB and one to change the makeup of the board, if she was re-elected. Rep. Lynn  
79 said he was not ready to commit to abolishing the HAB at this point as he felt he needed to do more  
80 independent research on the subject but that he thought expanding the HAB board members was doable.  
81 He suggested other process changes that might help solve some of the issues municipalities were having  
82 with the HAB.

83 Senator Birdsell said it was important to have other Planning Board members come in and testify  
84 against the HAB if the bills she was suggesting were created. The board thanked the representatives for  
85 meeting with them.

86  
87 Mr. Cross motioned to make Mr. Earley Chair of the Planning Board. Mr. Rounds seconded the  
88 motion. Mr. Carpenter asked if Mr. Earley had been sworn in. Mr. Earley said he had been sworn in as a  
89 trust fund trustee but not the Planning Board. Mr. Carpenter said he could be seated for Vice Chair Bradley  
90 but that could not be made the Chair at this point. Mr. Cross withdrew his motion.

91

92           **Mr. Cross made a motion to adjourn, at 8:03pm. Chair Monson seconded the motion. 7-0, the**  
93 **motion passed.**  
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