



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes

April 20, 2022

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

Attendance:

- Chair Tom Earley, Excused
- Vice Chair Jennean Mason, Present
- Derek Monson, Present
- Jacob Cross, Excused
- Matt Rounds, Present
- Alan Carpenter, Present
- Dave Curto, (alternate), Present, seated for Mr. Cross
- Bruce Breton, Board of Selectmen ex Officio, Present
- Christopher Sullivan- Assistant Planner, Community Development
- Renee Mallett- Minute Taker, via video

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

Case 2022-08 – 20 First Street (Parcel 16-Q-179); WPOD Major Land Development Application; Zone – Residence A and Watershed Protection Overlay District (WPOD).

Mr. Maynard is representing the applicant in this case to construct a single family residence with 28.7% impervious coverage.

Vice Chair Mason said that a continuance to May 18, 2022 has been requested by the applicant of Case 2022-08 as they have not yet been able to secure a needed variance.

Mr. Carpenter made a motion that the board would not hear Case 2022-08. Mr. Monson seconded the motion. 5-0, the motion passed with the following roll call vote:

- Vice Chair Mason, aye**
- Mr. Monson, aye**
- Mr. Rounds, aye**
- Mr. Carpenter, aye**
- Mr. Breton, aye**

Case 2022-10 – 70-72 Range Road (Parcel 17-H-30 and 17-H-31); Major Final Site Plan, WWPD Special Permit, WPOD Site Plan / Subdivision Land Development

43 **Application, and Final Subdivision; Zone – Gateway Commercial District, WWPDP,**
44 **and WPOD**

45
46 Mr. Karl Dubay representing this application to build a 7,000+ sq. foot multi-tenant building with
47 associated parking and other improvements.
48

49 The applicant of Case 2022-10 has also asked to be continued. Mr. Rounds said he did not think the
50 continuance should be for a date certain in light of the number of residents who were attending the
51 meeting. He did not want the board to announce a date, residents to come out again, and the applicant to
52 not be ready to present the case. Discussion followed on the benefits to abutters in continuing versus
53 refusing to take jurisdiction.
54

55 **Mr. Curto was seated for Mr. Cross.**
56

57 **Mr. Rounds made a motion to not take jurisdiction for Case 2022-10 at this time. Mr. Monson**
58 **seconded the motion. 6-0, the motion passed.**

59 **Vice Chair Mason, aye**

60 **Mr. Monson, aye**

61 **Mr. Rounds, aye**

62 **Mr. Carpenter, aye**

63 **Mr. Curto, aye**

64 **Mr. Breton, aye**
65
66

67 Mr. Breton and Mr. Curto recused themselves from the next case as both had commented on it
68 previously in their roles on the ZBA and the Conservation Commission, respectively.
69

70 **Case 2021-49 – 154 Rockingham Road (Parcel 8-B- 6200); Major Final Site**
71 **Plan Application, WWPDP Special Permit, and Design Review Regulations**
72 **Application; Zone – Neighborhood Business, WWPDP, and Rt. 28 Access**
73 **Management Overlay District.**

74 Mr. Shayne Gendron representing this application which had been opened in November 2021 and
75 had been continued three times since. Mr. Gendron introduced Mr. Hurley of Gold Environmental who
76 spoke on concerns raised previously by board members regarding a wildlife study.

77 Mr. Hurley said the area that would be disturbed on this parcel was only a small fragment of the
78 larger parcel. He said the area in question was not a high functioning part of the wetland and he did not
79 foresee any impacts to wildlife. Mr. Carpenter asked if there was something that could be done to offset
80 the impact to wildlife, even if that impact was small. Mr. Hurley said the area was surrounded by so much
81 open land he did not see that there was anything more that could be added that would be more beneficial
82 than what was already naturally available.

83 Mr. Gendron said the applicant would be deeding some of the property as conservation land, which
84 was a benefit to wildlife. Mr. Rounds asked if there was potential harm to the wetlands, and wildlife, during
85 the construction process. Mr. Hurley said if appropriate erosion controls were not in place that soil could
86 enter the wetlands. He described the measures that would be utilized to keep this from happening.

87 Mr. Gendron reviewed the changes made to the plan since it was last seen by the board. Two-way
88 traffic has been eliminated from the front of the building and angled parking added. The building size has

89 been reduced. Snow storage has also been addressed with a rain garden and additional drainage treatment.
90 Mr. Gendron reviewed the state permits that have been issued, in response to previous board comments
91 regarding the parcel possibly being unbuildable.

92 The applicant is requesting four waivers. Mr. Gendron reviewed the need for a special permit and
93 went through the criteria for this permit. The value versus drawbacks of salt use for snow maintenance was
94 discussed. Mr. Gendron said there was a potential for the building to have multiple tenants, so he did not
95 currently have any plans already in place for signage.

96 Mr. Rounds said he thought the applicant had to return to the ZBA for a waiver of Section 601.1
97 before he would be comfortable granting a special permit. Mr. Gendron said the plan had already been
98 before the ZBA and that at that time it was obvious that they would be building parking and developing a
99 building. He said the relief already granted by that board shows the intent of that board to allow the type of
100 development this application is pursuing. Mr. Gendron thought it was very far along in the process to be
101 sent back to the start.

102 Mr. Monson reviewed the items raised by the Design Review Committee. Mr. Gendron confirmed
103 snow storage had been added and that they would be using granite curbing. Mr. Monson said he still
104 thought it was too much for the parcel and had concerns about public safety and the health of the
105 wetlands, but he appreciated the effort Mr. Gendron had put into mitigating those issues.

106 Mr. Rounds reviewed his reasoning for hesitating to approve the special permit. Mr. Gendron said
107 the drainage he was proposing satisfied the town's engineer. Mr. Gendron said he had addressed every
108 question the board has raised about mitigation and that variances have been granted to allow
109 development.

110 Mr. Carpenter said he was torn as he liked almost everything about the application except that it
111 was in the wetland. Mr. Carpenter felt that the ZBA decision made it hard for him to see a way of justifying
112 denying the application. Mr. Monson said Mr. Rounds was splitting hairs and that DES had issued a dredge
113 and fill permit.

114
115 **Mr. Carpenter made a motion to approve Case 2022-49, as presented, with the following**
116 **conditions: that all items from the 4-18-22 Keach-Nordstrom memo be met to staff's satisfaction, that all**
117 **state permits are added to the cover of the plans, that Green SnowPro be used and listed on the cover of**
118 **the plans, and that the applicant work with the Conservation Commission to convey the maximum**
119 **portion of land allowable to that group while still allowing them to meet their zoning requirements, and,**
120 **in addition, per Keach-Nordstrom comments that the applicant work with staff to set up a performance**
121 **guarantee, with the amount to be determined by staff, so that in an emergency situation the town could**
122 **reclaim the wetlands. Mr. Carpenter suggested the amount would be between 300k and 500k, directing**
123 **staff to come back before the board if the figure was drastically below this expectation. Mr. Monson**
124 **seconded the motion, asking if conveying the land to conservation could legally be a condition. Mr.**
125 **Carpenter said, as it had been broached originally by the applicant, that it could. 3-1, the motion passed,**
126 **with Mr. Rounds opposed.**

127 **Vice Chair Mason, aye**

128 **Mr. Monson, aye**

129 **Mr. Rounds, opposed**

130 **Mr. Carpenter, aye**

131
132
133 **Mr. Carpenter made a motion to approve the waivers of 703.1.2, 704.2.2, 603.2.4.3, and**
134 **603.2.4.11 as presented. Vice Chair Mason seconded the motion. 4-0, the motion passed with the**
135 **following vote:**

136 **Vice Chair Mason, aye**

137 Mr. Monson, aye
138 Mr. Rounds, aye
139 Mr. Carpenter, aye

140
141
142 Mr. Carpenter made a motion to approve the Special Permit, per 601.4.8, to allow work within
143 the WWPD, and to be noted on the plan set dated 4-6-22. Mr. Monson seconded the motion. Mr. Rounds
144 reminded the board that they had discretion to deny the request. Mr. Carpenter did not think that was
145 the case in light of the variances already granted by the ZBA. After some discussion Mr. Carpenter
146 amended his motion to specify that the special permit was to be granted for all for work in the WWPD as
147 presented to the board and seen on the plan set dated 4-6-22, and that the special permit would be void
148 if for any reason this plan does not proceed. Mr. Monson's second still stood. 3-1, the motion passed
149 with Mr. Rounds opposed.

150 Vice Chair Mason, aye
151 Mr. Monson, aye
152 Mr. Rounds, opposed
153 Mr. Carpenter, aye

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158 Old/New Business

159
160 The board reviewed a series of minutes that Mr. Breton did not vote on as he was not the Board of
161 Selectmen ex officio as the time of those meetings.

162
163 Mr. Carpenter made a motion to approve the minutes of 4-6-22 with edits to Line 78 specifying
164 Ms. Mason and not Mr. Monson. Vice Chair Mason seconded the motion. 5-0, the motion passed:

165 Vice Chair Mason, aye
166 Mr. Monson, aye
167 Mr. Rounds, aye
168 Mr. Carpenter, aye
169 Mr. Curto, aye

170
171 Mr. Carpenter made a motion to approve the minutes of 3-16-22. Mr. Rounds seconded the
172 motion. 5-0, the motion passed with the following vote:

173 Vice Chair Mason, aye
174 Mr. Monson, aye
175 Mr. Rounds, aye
176 Mr. Carpenter, aye
177 Mr. Curto, aye

178
179 Mr. Carpenter made a motion to approve the minutes of 3-9-22. Mr. Monson seconded the
180 motion. 5-0, the motion passed with the following vote:

181 Vice Chair Mason, aye
182 Mr. Monson, aye
183 Mr. Rounds, aye
184 Mr. Carpenter, aye

185 **Mr. Curto, aye**

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187

188 Mr. Sullivan said the alternate position had generated some interest. The board would interview
189 the applicants at a future meeting.

190

191 **Mr. Carpenter made a motion to adjourn the meeting. Mr. Rounds seconded the motion. 6-0, the**
192 **motion passed with the following vote:**

193 **Vice Chair Mason, aye**

194 **Mr. Monson, aye**

195 **Mr. Rounds, aye**

196 **Mr. Carpenter, aye**

197 **Mr. Curto, aye**

198 **Mr. Breton, aye**

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