



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes

June 1, 2022

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

Attendance:

- Chair Tom Earley, Present
- Vice Chair Jennean Mason, Present
- Derek Monson, Present
- Jacob Cross, Present
- Matt Rounds, Present
- Alan Carpenter, Present
- Joe Bradley (alternate), Present, seated for Chair Earley for Case 2021-17
- Dave Curto, (alternate), Excused
- Pam McCarthy (alternate), Present
- Dan Spalinger (alternate), Present
- Bruce Breton, Board of Selectmen ex Officio, Present
- Heath Partington, Board of Selectmen ex Officio (alternate), Present, seated for Mr. Breton for Case 2021-17
- Cynthia Finn, Chair, Windham School Board
- Alexander Mello- Planner, Director, Community Development, Present
- Christopher Sullivan, Assistant Planner, Present
- Renee Mallett- Minute Taker

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

Case 2022-13 - 2 Lowell Rd (Parcel 20-D-800); Zone – Rural District

This informational presentation from the Windham School Board, as led by Ms. Finn, showed improvements to Windham Center School that would help resolve some of the bus queuing problems. Brad Mezquita of Tighe & Bond, Portsmouth NH, showed how the changes to the traffic flow would allow up to ten buses to wait in the driveway of the school, keeping them out of the road with traffic backing up behind them. They have already presented the plan to DoT and will need to file permitting with the state. The bid for the work will go public over the summer.

Overall Board feedback was positive though Vice Chair Mason said she wished the money could be saved to be rolled into a larger renovation that would include the parking in the back. Mr. Carpenter asked how much the work was expected to cost. Ms. Finn said it would depend on the cost of asphalt, but she expected between \$300,000 to \$400,000. Mr. Bradley asked if additional drainage would be needed. He

43 was told that while pavement was being added to the back some was being removed from the front of the
44 building.
45

46 **Case 2022-11 – 47 Enterprise Drive (Parcel 11-C-100); Major Final Site Plan,**
47 **Wetland and Watershed Protection District (WWPD) Special Permit, and WPOD**
48 **Site Plan/Subdivision Application**

49 Mr. Karl Dubay representing this application to change the use of an existing office building to a
50 private school. The change of use will also result in an updating of the building and other minor site
51 improvements. As part of the updates, pavement will be reduced and some of the older pavement will be
52 replaced. No grading or WWPD impact will occur but maintenance using Certified Green SnowPro is being
53 implemented due to the WPOD. A fire protection engineer has been brought into the planning process to
54 work with the town fire department so the building can be fully sprinkled. A 10X10 addition is being
55 constructed in the back of the building to house the pump equipment needed for this improved fire
56 suppression system.

57 The applicant is asking for two waivers, one for a reduction in required parking by two spaces and
58 the other for HISS soils as this is an existing site with an existing water supply and system. In response to
59 previous board feedback hoods are being added to the existing drainage system.

60 Mr. Rounds asked if the plan had been reviewed by Mr. Keach. Mr. Monson asked what items
61 remained on the Keach-Nordstrom memo. Mr. Dubay said there were no outstanding items but that the
62 summary memo had been submitted to staff the same morning. Mr. Monson asked for extra environmental
63 protection when work was being done on the parking lot as it sat very near a tributary of the lake. Mr.
64 Dubay suggested it be made a condition of approval. Mr. Bradley confirmed that they would be using a
65 pervious playground surface. Mr. Carpenter confirmed that if the use of the building were to change again
66 in the future that the playground could be converted back to parking spaces. Mr. Dubay said the amount of
67 needed parking would depend on what kind of businesses moved in but that he did not foresee any
68 challenges in that regard.

69 Mr. Letizio Jr., the applicant, said the state has licensed the school for one hundred students and
70 twenty staff members but that exact classroom layout had not yet been decided. Mr. Monson confirmed
71 that without approval from the state fire marshal the school would not be allowed to open. Mr. Letizio said
72 he did not foresee traffic issues and said the plan was to make Enterprise Drive a walkable street.
73

74 **Chair Earley opened the session to public comment.**
75

76 Cynthia Finn said she was in favor of anything that was done to improve and update that street. She
77 thought improved lighting and sidewalks would encourage drivers coming and going from Castleton to slow
78 down. She confirmed that many people already walk on Enterprise Drive.
79

80 **Chair Earley closed the session to public comment.**
81

82 **Mr. Rounds made a motion to grant the special WWPD permit for Case 2022-11. Mr. Cross**
83 **seconded the motion. 7-0, the motion passed with the following vote:**

84 **Chair Earley, aye**

85 **Vice Chair Mason, aye**

86 **Mr. Monson, aye**

87 **Mr. Cross, aye**

88 **Mr. Rounds, aye**

89 Mr. Carpenter, aye
90 Mr. Breton, aye

91
92 Mr. Breton made a motion to grant the requested waivers, 603.2.4.3 (HISS) and 703 (Parking) .
93 Mr. Rounds seconded the motion. 7-0, the motion passed with the following vote:

94 Chair Earley, aye
95 Vice Chair Mason, aye
96 Mr. Monson, aye
97 Mr. Cross, aye
98 Mr. Rounds, aye
99 Mr. Carpenter, aye
100 Mr. Breton, aye

101
102
103 Mr. Rounds made a motion to approve Case 2022-11 with the condition that all items of the
104 Keach-Nordstrom memo dated 4-27-22 met to staff's satisfaction and with extra protection to be added
105 in the southeast section of the parking lot during construction. Mr. Cross seconded the motion. 7-0, the
106 motion passed with the following vote:

107 Chair Earley, aye
108 Vice Chair Mason, aye
109 Mr. Monson, aye
110 Mr. Cross, aye
111 Mr. Rounds, aye
112 Mr. Carpenter, aye
113 Mr. Breton, aye

114
115
116
117 Chair Earley said an email had been received from Andrew Purington and that Mr. Purington was
118 currently present at the meeting. Mr. Purington told the Board about his interest in a possible land sale for
119 the purpose of adding it to his existing lot and said that he would still allow fire department access to
120 Seavey Pond. He said a lot of water comes down the hill and has created some safety concerns for his
121 family. Chair Earley further explained that this was being discussed for informational purposes and that no
122 motion was expected to be taken by the board. Mr. Purington wanted to address the board directly as
123 when the board first heard of the land sale he was unable to attend the meeting and wanted to share this
124 information.

125
126 Mr. Monson made a motion to approve the minutes of 5-4-22 as presented. Vice Chair Mason
127 seconded the motion. Mr. Cross abstained as he was not present for the meeting, 6-0-1, the motion
128 passed with the following vote:

129 Chair Earley, aye
130 Vice Chair Mason, aye
131 Mr. Monson, aye
132 Mr. Cross, abstain
133 Mr. Rounds, aye
134 Mr. Carpenter, aye
135 Mr. Breton, aye

136

137
138 **Mr. Monson made a motion to approve the minutes of 5-18-22. Mr. Rounds seconded the**
139 **motion. Chair Earley abstained as he was not present for the meeting, 6-0-1, the motion passed with the**
140 **following vote:**
141 **Chair Earley, abstain**
142 **Vice Chair Mason, aye**
143 **Mr. Monson, aye**
144 **Mr. Cross, aye**
145 **Mr. Rounds, aye**
146 **Mr. Carpenter, aye**
147 **Mr. Breton, aye**

148
149
150 Mr. Mello said Mr. Gustafson has expressed interest in serving another three years on the CIP.

151
152 **Mr. Carpenter made a motion to appoint Mr. Gustafson for a three-year term as the Chair of the**
153 **CIP. Mr. Rounds seconded the motion. Mr. Gustafson was thanked for all of his years of service to the**
154 **town on the CIP and the motion passed, 7-0, with the following vote:**
155 **Chair Earley, aye**
156 **Vice Chair Mason, aye**
157 **Mr. Monson, aye**
158 **Mr. Cross, aye**
159 **Mr. Rounds, aye**
160 **Mr. Carpenter, aye**
161 **Mr. Breton, aye**

162
163
164 Mr. Mello said Vice Chair Mason has said she is willing to continue as a board member liaison to the
165 CIP. Mr. Rounds did not think he could continue as he was focused on the Master Plan.

166
167 **Mr. Carpenter made a motion to appoint Ms. McCarthy as a Planning Board member of the CIP.**
168 **Vice Chair Mason seconded the motion. 7-0, the motion passed with the following vote:**
169 **Chair Earley, aye**
170 **Vice Chair Mason, aye**
171 **Mr. Monson, aye**
172 **Mr. Cross, aye**
173 **Mr. Rounds, aye**
174 **Mr. Carpenter, aye**
175 **Mr. Breton, aye**

176
177
178 Peter Griffin has volunteered to continue his work with the Design Review Committee.

179
180 **Mr. Rounds motioned to appoint Mr. Griffin to a three-year term on the DRC. Chair Earley**
181 **seconded the motion. 7-0, the motion passed with the following vote:**
182 **Chair Earley, aye**
183 **Vice Chair Mason, aye**
184 **Mr. Monson, aye**

185 **Mr. Cross, aye**
186 **Mr. Rounds, aye**
187 **Mr. Carpenter, aye**
188 **Mr. Breton, aye**

189
190 Chair Earley discussed the priority list of 2022 goals as set by the board. He said the list contains
191 twenty areas of focus. He suggested the list could be stack ranked to be tackled by the board or divided up
192 between small groups of board members. Mr. Rounds said because of a recent decision on HB 6061 he
193 thought workforce housing and age restricted housing should be reviewed. Chair Earley said the basis of
194 the bill was that it said density bonuses for workforce housing should be comparable to that for age
195 restricted housing. Mr. Cross said there were further requirements about the basis for denying applications.
196 Mr. Bradley said the bill did not go into effect until 2023 but that work should begin now so changes could
197 be put before the voters next March.

198 Mr. Monson said staff was looking at driveway permitting and interconnectivity. He said the work
199 to Table A1 had already been completed. Mr. Monson said he would review grading around wetlands. He
200 also volunteered to pursue questions about temporary structures that had been raised during the
201 pandemic by the fire department.

202
203 Mr. Rounds updated the board as to the progress of the Master Plan sub-committee. He said they
204 met every two weeks, and he expected the steering portion of the committee work to be concluded at their
205 next meeting.

206
207 **Case 2021-17 - Major Final Site Plan Application, WWPDP Special Permit**
208 **Application, 5 Bissell Camp Road (Parcel 3-B-1); Zone – Rural District and WWPDP.**

209 This case to build eighteen units on 27.5 acres, represented by Mr. Meisner, was denied by the
210 Planning Board on November 17, 2021. An appeal to the HAB has resulted in an Interim order (Case PBA-
211 2021-26) for the Board to resume deliberation.

212
213 **Chair Earley and Mr. Breton recused themselves from the remainder of the discussion as they**
214 **were not full board members at the time of the original hearing. Mr. Partington was seated for Mr.**
215 **Breton and Mr. Bradley seated for Chair Earley, as their addition made up the full board membership as**
216 **represented on the evening of 11-17-21.**

217
218 Attorney Campbell said the record did not sufficiently explain the thinking of the board in making
219 their decision. He said the board is open to allowing additional evidence and public comment on the case.
220 He said in this instance it would need to be put on a later agenda so proper abutter notification could be
221 resent. Otherwise, the board could have further deliberation on the motion made in November. The
222 Housing Appeals board had also specified that the Planning Board could decide how much weight to give
223 any expert opinion, but that they were not bound to reply on all expert opinion de facto. Questions were
224 also raised about the characterization of the neighborhood in the deliberations by the Housing Appeals
225 Board.

226 Attorney Campbell suggested the board first decide if they wanted to re-open the record. Mr. Cross
227 asked if a no vote in the previous motion had to vote to re-open the. Counsel confirmed in this instance
228 that was not the case. Mr. Rounds said he thought the board had plenty of information from all sides and
229 that re-opening the case to new evidence or comment would not be necessary.

230

231 **Mr. Monson made a motion to redeliberate Case 2021-17 without reopening it to new evidence**
232 **or public comment. Mr. Rounds seconded the motion. 7-0, the motion passed with the following roll-call**
233 **vote:**

234 **Vice Chair Mason, aye**

235 **Mr. Monson, aye**

236 **Mr. Cross, aye**

237 **Mr. Rounds, aye**

238 **Mr. Carpenter, aye**

239 **Mr. Bradley, aye**

240 **Mr. Partington, aye**

241

242 Mr. Monson said he thought any widening of the road would have to diminish the value of the
243 existing home on Bissel Camp Road as it could not be done without coming closer to the home. He pointed
244 out that in the original motion he was in favor of approving the application but that in further reflection he
245 realized the property value would be impacted. Mr. Bradley concurred saying the road was close to the
246 home to begin with and bringing it closer could only be detrimental to the resale value of the home.

247 Mr. Partington said he felt like some of the HAB comments seemed directed at his reasoning when
248 making his original vote. He clarified that he thought the written opinion of Mr. Underwood, a licensed
249 appraiser, seemed well reasoned and that had influenced his vote. He said in this particular case he thought
250 the change in character to the adjacent property would lead to a diminishment of the property values due
251 to noise, light, traffic, and the widening of the road into the front lawn of the existing home. He said the
252 change of a neighborhood and diminishment of property values did not always have to be linked but that in
253 this instance he believed it was. He said the increase in traffic and density in the neighborhood would limit
254 the possible pool of buyers of the historic home on the road. He said the characterization of the
255 neighborhood should be limited to just the homes already on Bissel Camp Road as the only way to access
256 any of the abutting properties meant leaving Bissel Camp and driving on a major road. Mr. Rounds had also
257 thought about the neighborhood. He brought up the instance of Blossom Road where residential houses
258 directly abut a construction yard and limited industrial property but are not directly connected to them as
259 those businesses face away from the homes and to be accessed you would have to leave the residential
260 neighborhood, travels down a busy state road, and then turn onto their road.

261 Mr. Bradley agreed that proximity per how the crow flies did not make a neighborhood. He said the
262 ease of access as brought up by other board members made a difference to him. He felt the neighborhood
263 was limited to the existing homes on Bissel Camp Road.

264 Mr. Carpenter said he would like to have had further discussion between the applicant, board, and
265 abutters to see if compromise could have been made. He referenced the final line, "may be permitted," of
266 the zoning and spoke of the significance of that language and why it had purposefully been added. Mr.
267 Carpenter said a lot of abutter comment on many applications circled around this idea of changing the
268 nature of the neighborhood but that in general it was not the case. He said this application was an
269 exception to the rule and he could not think of any other instance where a home, existing for one hundred
270 and fifty years, would be so greatly impacted by the development of an abutting parcel. He said that section
271 of Bissel Camp was isolated by wetlands and that made it a self-contained neighborhood independent of
272 the possible developments found on other roads that could not be walked to but would need to be driven to.

273 Mr. Cross agreed with the comments made by the previous Board members. He said it would have
274 been nice if the applicant had supplied expert opinion on the diminishment of property values but that the
275 case had been heard several times without that information being supplied. He said board members made
276 up their own minds and often refuted the information shared by experts, so it was not a matter of taking
277 the one opinion they were given at face value. He said the information supplied by the abutter's expert
278 seemed reasonable and proper to him and that was why he took that as evidence.

279 Vice Chair Mason said there was a specific kind of buyer for a historic home and that they would
280 look at the surrounding development as well as the fact that the road would be so close to the home. She
281 said the proposed development would limit the pool of buyers and diminish the sellable value of the home.
282 She said the proposed development would change the feel of the neighborhood and would drive potential
283 buyers to a different area in town as the characterization of the neighborhood would be permanently
284 altered. Attorney Campbell opined that when the discussion came to a close the members should vote on
285 the motion as it had originally been made by Mr. Cross.

286 Mr. Monson said he thought his interpretation of neighborhood in this case was limited to the
287 immediate neighborhood. Mr. Carpenter said the property in question was surrounded on two sides by
288 wetlands and that while a small portion of Hadley Woods did abut the property that in order to reach those
289 homes one would have to leave Bissel Camp Road, drive a mile up Route 28, and then drive through Hadley
290 Woods to reach them. He did not view this as being a reasonable continuation of the neighborhood. Mr.
291 Rounds also thought the neighborhood was limited to the homes on Bissel Camp Road. Mr. Carpenter
292 reread the part of the ordinance which discussed the diminishment of values in the "Surrounding
293 neighborhood." Mr. Monson said in reflecting on that language he did not think board members were
294 required to consider every abutter as a neighborhood. Mr. Monson said in discussion with fire and safety
295 widening the road had to be done in order for a development of this size and density to occur, which would
296 impact the existing homes. Mr. Carpenter agreed that road widening was tied to the application in front of
297 the board, based on the feedback from the Technical Review Committee, and that one or two single family
298 homes on the same property would not likely result in the necessity of bringing the road further into the
299 yard of the existing historic home.

300 Mr. Cross said he voted to approve the application the last time the application was heard but that
301 he would be changing his vote tonight. He said he could not get around the diminishment of home values
302 on the road. He thought the amount of the diminishment could possibly be argued but that it was
303 impossible that there would not be some kind of lowering in the home's values.

304
305 **Mr. Rounds reread the motion as it had been made on November 17, 2021, as follows:**

306 ***Mr. Rounds made a motion to deny Case 2021-17 based on 513 of the site plan regulations,***
307 ***referring to zoning regs 610.9.3 and 610.9.4. Vice Chair Bradley seconded the motion.***

308 **The Board voted again on the motion as it stood on 11-17-21. 7-0, the motion passed as follows:**

309 **Vice Chair Mason, aye**

310 **Mr. Monson, aye**

311 **Mr. Cross, aye**

312 **Mr. Rounds, aye**

313 **Mr. Carpenter, aye**

314 **Mr. Bradley, aye**

315 **Mr. Partington, aye**

316
317 **Mr. Cross motioned to adjourn the meeting at 8:48pm. Mr. Rounds seconded the motion. The**
318 **motion passed, 7-0, by vote of the currently seated board members as follows:**

319 **Vice Chair Mason, aye**

320 **Mr. Monson, aye**

321 **Mr. Cross, aye**

322 **Mr. Rounds, aye**

323 **Mr. Carpenter, aye**

324 **Mr. Bradley, aye**

325 **Mr. Partington, aye**

326