



Planning Board Approved Minutes

July 19, 2023

7:00 pm at Community Development Meeting Room

3 North Lowell Road

Attendance:

Chair Tom Earley, Present

Vice Chair Derek Monson, Present

Jennean Mason, Excused

Jacob Cross, Present

Matt Rounds, Present

Alan Carpenter, Present (arrived at 7:25 PM)

Pam McCarthy (alternate), Present and seated for Jennean Mason

Timothy Zurowski (alternate), Present and seated for Alan Carpenter until 7:25 PM

Roger Hohenberger, Board of Selectmen ex Officio, Present

Bruce Breton, Board of Selectmen ex Officio (alternate), Excused

Also present was: Alexander Mello, AICP - Community Development Director

Draft minutes provided by Derek Monson

The meeting opened at 7:05pm with the pledge of allegiance and the introduction of members.

Financial Guarantee Reduction Request - Wood Meadow Estates, Phase II (Glendenin Road Sta. 11+00 to the end)

Chair Earley read the request into record.

Mr. Mello provided an overview of the request and three conditions that the General Services Director would like to see (1: clear overgrown brush that is growing into the roadway; 2: a private owner has planted trees in the right-of-way, they need to be pushed back out of the right-of-way; and 3: a plastic outlet to the retention area on Glendenin Road needs to have a path cleared to it and the outlet itself needs to be cleaned out).

Mr. Monson stated that a Conservation Commission member had concerns about an encroachment onto their land by a landowner at the end of the Glendenin Road cul-de-sac and would not recommend release. Chair Earley and Mr. Rounds agreed.

Motion to deny – motion passed

Mr. Cross made a motion to deny the request to reduce the financial guarantee. Seconded by Mr. Zurowski. The motion passed with the following roll-call vote:

Chair Earley, aye

Vice Chair Monson, aye

Ms. McCarthy, aye

Mr. Rounds, aye

Mr. Cross, aye

Mr. Hohenberger, abstain

Mr. Zurowski, aye



45 **Case 2023-12 – 20 First Street – Parcel 16-Q-179; Major WPOD Permit; Zone - Residential District A and**
46 **WPOD Overlay**

47 Mr. Hohenberger recused himself.

48 Chair Earley read the hearing notice into the record.

49 Applicant, Joe Maynard, requested a continuance due to a new letter from Chris Danforth, Certified
50 Wetland Scientist (CWS) for the Town. Mr. Maynard would like his own CWS to review the letter and
51 have time to respond.

52 Mr. Rounds asked why we need another wetland scientist opinion and inquired on what happens if we
53 get a different opinion.

54 Mr. Maynard said he wants his wetland scientist to write a response.

55 Mr. Rounds asked to have them come to the next meeting and requested that Mr. Danforth be present
56 as well.

57 **Mr. Rounds made a motion to continue the hearing to August 16, 2023. Seconded by Mr. Cross. The**
58 **motion passed with the following roll-call vote:**

59 **Chair Earley, aye**

60 **Vice Chair Monson, aye**

61 **Ms. McCarthy, aye**

62 **Mr. Rounds, aye**

63 **Mr. Cross, aye**

64 **Mr. Zurowski, aye**

65

66 Mr. Hohenberger was reseated.

67

68 **Case 2023-16 – 6 Horne Road – Parcel 21-Z-264; Major WPOD; Residential District A and WPOD**
69 **Overlay**

70 Chair Earley read the hearing notice into the record and the Board voted to open the public hearing.

71 Mr. Mello provided an overview of the application's completeness.

72 Mr. Maynard discussed the case, explained building coverage, and reviewed the proposed plans.

73 Mr. Rounds stated that the Conservation Commission asked to replace pavers with porous pavers. Mr.
74 Maynard replied that no work is occurring in that area.

75 Ms. McCarthy noted that the proposed deck is going over an existing deck and clarified that the
76 proposed would result in a 0.4% increase in impervious area.

77

78 Chair Earley opened the hearing to public comment. There were no comments.

79

80 Mr. Hohenberger would like to condition that the Applicant guarantee all erosion control during
81 construction.

82 Mr. Earley recommended that the condition require verification be sent to Community Development
83 staff via pictures of erosion control prior to and after rain events of 0.5 inches within a 24-hour period.

84 **Vice Chair Monson made a motion to approve Case 2023-16 with the condition that the Owner shall**
85 **make all reasonable efforts to ensure stability of silt fencing/erosion control. Evidence of stabilized silt**
86 **fence/erosion control shall be submitted to Community Development staff after rain events greater**



87 than 0.5 inches during a 24-hour period. Seconded by Mr. Hohenberger. There was a discussion about
88 WPOD monitoring and fines. The motion passed with the following roll-call vote:

89 Chair Earley, aye
90 Vice Chair Monson, aye
91 Ms. McCarthy, aye
92 Mr. Rounds, aye
93 Mr. Cross, aye
94 Mr. Hohenberger, aye
95 Mr. Zurowski, aye

96
97 Mr. Carpenter arrived and was seated at 7:25 PM.

98

99 **Case 2023-15 – 27-29 W. Shore Road - Parcel 21-L-81 and 21-L-83; Major WPOD; Residential District A**
100 **and WPOD Overlay District**

101 Chair Earley read the hearing notice into the record. Mr. Mello provided an overview of the application's
102 completeness. The Board voted to open the public hearing.

103 Mr. Maynard reviewed the site history and proposed plans. The site used to include two houses, now
104 one lot, wants to add on to remaining house and add pool. He noted Conservation Commission has
105 comments on moving the pool backwash area out of 50 ft shoreland set back and provide a maintenance
106 plan. Mr. Maynard noted that he added all requested info to the plan.

107 Mr. Rounds asked Mr. Mello if there is any agreement between the Towns of Windham and Salem due to
108 Canobie Lake being a reservoir. Mr. Mello was not aware of any.

109 Mr. Hohenberger asked how the pool flush is being dealt with. Mr. Maynard replied that backwash will
110 be going into a little septic system, infiltration system.

111 Mr. Carpenter asked if the pool backwash could be moved further from the lake. Mr. Maynard pointed it
112 out on the plan and since it is being pumped up hill, it can only travel a limited distance.

113 Mr. Maynard explained that Salem owns the top 7 ft of the lake.

114

115 Chair Earley opened the hearing to public comment. There were no comments.

116 **Vice Chair Monson made a motion to approve Case 2023-15 with the following conditions:**

117 **1. The items identified in the Keach-Nordstrom Associations memorandum, dated July 11,**
118 **2023, shall be met to the Staff's satisfaction.**

119 **2. The items identified in the Conservation Commission memorandum, dated March 9, 2023,**
120 **shall be met to the Staff's satisfaction.**

121 **Seconded by Mr. Hohenberger. The motion passed with the following roll-call vote:**

122 Chair Earley, aye
123 Vice Chair Monson, aye
124 Ms. McCarthy, aye
125 Mr. Rounds, aye
126 Mr. Cross, aye
127 Mr. Hohenberger, aye
128 Mr. Carpenter, aye



129
130 **Case 2023-14 – 23 Enterprise Drive – Parcel 11-C-170; Major Final Site Plan & WPOD Site Plan /**
131 **Subdivision Permit; Zone - Commercial District A and WPOD Overlay**
132 Chair Earley read the hearing notice into the record. Mr. Mello provided an overview of the application's
133 completeness. The Board voted to open the public hearing.
134 Mr. Carpenter inquired if the site in question was an old office building. Mr. Mello confirmed.
135 Mr. Hohenberger asked if the State DOT rights transfer to the future owner. Mr. Mello confirmed they do
136 not.
137 The Applicant, Karl Dubay of The Dubay Group, discussed the case and noted the written permission
138 from NH DOT to move forward.
139 Karen Carberry, who has a purchase and sale agreement with NH DOT, discussed her business and pick-
140 up / drop-off management.
141 Mr. Dubay discussed waivers, pavement, impervious area at 60%, and WPOD requirements.
142 Chair Earley noted that the proposal seems minor in nature for a Major Site Plan application.
143 Mr. Cross noted there were no changes to building size, pavement setbacks, and removing the overall
144 amount of impervious pavement. Mr. Cross inquired if the items in the Keach Nordstrom memo have
145 been addressed. Mr. Mello confirmed that they were.
146 Mr. Dubay noted that the site plan shows 6-inch contours.
147 Mr. Rounds asked if TRC had any comments. Mr. Mello responded that the TRC noted the improvements
148 and had no comments.
149 Mr. Carpenter noted that drainage flows comes towards enterprise drive and inquired on the parking
150 requirement. Mr. Dubay said the proposal is to channel the runoff, better than existing, and direct it to
151 the State owned drainage basin. He noted that there is no clear parking requirement for the proposed
152 membership club/dance studio and that staff is deferring to the Planning Board.
153 Ms. Carberry noted that no recitals/events would be held on-site. She partners with local theaters that
154 can better accommodate large crowds.
155 Mr. Mello noted that the site has additional space, but would need to come back to the Planning Board
156 at the time those improvements are proposed.
157 Mr. Monson inquired if a rain garden could be installed in the circular landscape area in the front. Mr.
158 Dubay said that it is something they could investigate.
159
160 Chair Earley opened the hearing to public comment.
161 Young Windham residents: Lila, Elena, and Leona voiced their support for the proposal and their desire
162 to make this building their studio.
163 Public comment was closed.
164
165 Mr. Carpenter inquired about signage. Karl noted it is shown on the plan, any change will be presented
166 to the Planning Board.
167
168 **Mr. Cross made a motion to approve Case 2023-14, the WPOD Site Plan / Subdivision permit.**
169 **Seconded by Mr. Hohenberger. The motion passed with the following roll-call vote:**
170 **Chair Earley, aye**



171 Vice Chair Monson, aye
172 Ms. McCarthy, aye
173 Mr. Rounds, aye
174 Mr. Cross, aye
175 Mr. Hohenberger, aye
176 Mr. Carpenter, aye
177

178 **Mr. Cross made a motion to approve the requested waivers from Section 705.12 (full**
179 **hydrological study), Section 603.2.4.3 (HISS soil map), and Section 703.1.2 (pavement setback) of the**
180 **Windham Subdivision Regulations. Seconded by Mr. Hohenberger. The motion passed with the**
181 **following roll-call vote:**

182 Chair Earley, aye
183 Vice Chair Monson, aye
184 Ms. McCarthy, aye
185 Mr. Rounds, aye
186 Mr. Cross, aye
187 Mr. Hohenberger, aye
188 Mr. Carpenter, aye
189

190 **Mr. Rounds made a motion to approve Case 2023-14, the Major Final Site Plan, with the following**
191 **conditions:**

- 192 1. Before the plan is signed, all items identified in the Keach Nordstrom Associates
- 193 memorandum dated June 26, 2023 shall be met to the Staff's satisfaction.
- 194 2. The Applicant will implement erosion control best practices during construction, including
- 195 stone check dams along the western property line.
- 196 3. Applicant will work with Community Development staff to utilize the grass circle as a
- 197 depressed area for a rain garden to capture stormwater runoff, if possible.

198 **Seconded by Mr. Cross. The motion passed with the following roll-call vote:**

199 Chair Earley, aye
200 Vice Chair Monson, aye
201 Ms. McCarthy, aye
202 Mr. Rounds, aye
203 Mr. Cross, aye
204 Mr. Hohenberger, aye
205 Mr. Carpenter, aye
206

207 **New/old business**

208 The Board discussed talking about their goals for the rest of year at their next workshop.
209

210 **Review and Approval of the minutes for:**

211 **December 21, 2022**



212 Mr. Cross made a motion to approve the minutes as presented. Seconded by Mr. Rounds. The motion
213 passed with the following roll-call vote:

214 Chair Earley, aye
215 Vice Chair Monson, aye
216 Ms. McCarthy, aye
217 Mr. Rounds, aye
218 Mr. Cross, abstain
219 Mr. Hohenberger, abstain
220 Mr. Carpenter, abstain

221
222 **May 24, 2023**

223 Mr. Carpenter made a motion to approve the minutes with the amendment that the yellow highlighted
224 text be filled in with the text Mr. Earley read from the Cemeteries paragraph in the Master Plan.
225 Seconded by Mr. Cross. The motion passed with the following roll-call vote:

226 Chair Earley, aye
227 Vice Chair Monson, aye
228 Ms. McCarthy, aye
229 Mr. Rounds, aye
230 Mr. Cross, aye
231 Mr. Hohenberger, aye
232 Mr. Carpenter, aye

233
234 **June 7, 2023**

235 The Board decided to discuss these minutes at a future meeting.

236
237 **June 14, 2023**

238 Mr. Carpenter made a motion to approve the minutes as presented. Seconded by Mr. Rounds. The
239 motion passed with the following roll-call vote:

240 Chair Earley, aye
241 Vice Chair Monson, aye
242 Ms. McCarthy, aye
243 Mr. Rounds, aye
244 Mr. Cross, aye
245 Mr. Hohenberger, aye
246 Mr. Carpenter, abstain

247
248 **July 5, 2023**

249 Mr. Hohenberger made a motion to approve the minutes with the amendment that himself being
250 reseated after the 20 First Street case is noted. Seconded by Mr. Cross. The motion passed with the
251 following roll-call vote:

252 Chair Earley, abstain
253 Vice Chair Monson, aye



254 Ms. McCarthy, aye
255 Mr. Rounds, aye
256 Mr. Cross, aye
257 Mr. Hohenberger, aye
258 Mr. Carpenter, abstain

259

260 **At 8:40 PM, Mr. Zurowski made a motion to adjourn the meeting. Seconded by Mr. Monson. The**
261 **motion passed with the following roll-call vote:**

262 **Chair Earley, aye**
263 **Vice Chair Monson, aye**
264 **Ms. McCarthy, aye**
265 **Mr. Rounds, aye**
266 **Mr. Cross, aye**
267 **Mr. Hohenberger, aye**
268 **Mr. Carpenter, aye**