



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

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**Planning Board Minutes**

August 3, 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, Excused
- Jacob Cross, Excused
- Matt Rounds, Present
- Alan Carpenter, Present
- Joe Bradley (alternate), Excused
- Dave Curto, (alternate), Excused
- Pam McCarthy (alternate), Present, seated for Mr. Cross
- Dan Spalinger (alternate), Excused
- Bruce Breton, Board of Selectmen ex Officio, Present
- Alexander Mello- Planning Director, Community Development, Present
- Chris Sullivan- Assistant Planning Director, Community Development, Present
- Renee Mallett- Minute Taker

The meeting opened at 7:03pm with the pledge of allegiance and the introduction of members.

**Case 2022-20 - 3 Church St (Parcel 11-C-1101); Final (minor) Subdivision;  
Zone – Village Center District, WWPDP, Flood Plain**

Mr. Karl Dubay representing this application to subdivide the existing parcel into two separate ones, creating one non-buildable lot in the flood plain, with a series of cross easements between the two lots.

**Mr. Carpenter made a motion to open Case 2022-20. Vice Chair Mason seconded the motion. The motion passed, 6-0, with the following roll-call vote:**

- Chair Earley, aye**
- Vice Chair Mason, aye**
- Mr. Carpenter, aye**
- Mr. Rounds, aye**
- Ms. McCarthy, aye**
- Mr. Breton, aye**

43 Mr. Dubay went over the need to separate the flood plain as its own parcel. The applicant is  
44 seeking a waiver of 601.2.1, HISS soils, and a conditional use permit. The draft deed and covenants have  
45 been written and are ready for review by town counsel.

46 Mr. Carpenter asked staff to verify that the existing structure on the parcel would still meet zoning  
47 and all setbacks with the other parcel removed. Mr. Carpenter asked staff about the ability of the board to  
48 create an unbuildable lot. Mr. Mello said it was allowed in some instances. Mr. Carpenter questioned if the  
49 board would be creating a hardship for the applicant by creating the second parcel, which could result in  
50 ZBA permission to build on it in the future. He mentioned making a condition of approval be a deed  
51 restriction to keep this from happening.

52  
53 **Mr. Carpenter made a motion to grant the conditional use permit for Case 2022-20, per Section**  
54 **612.5.4 (Road Frontage) of the Windham Zoning Ordinance, as the Board agrees that the required**  
55 **findings of Sections of 612.5.4.1 through 612.5.4.5 of the Windham Zoning Ordinance are met. Mr.**  
56 **Rounds seconded the motion. The motion passed, 6-0, with the following roll call vote:**

57 **Chair Earley, aye**  
58 **Vice Chair Mason, aye**  
59 **Mr. Carpenter, aye**  
60 **Mr. Rounds, aye**  
61 **Ms. McCarthy, aye**  
62 **Mr. Breton, aye**

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64 **Mr. Carpenter made a motion to grant the requested waiver from Section 601.2.1, HISS Soils, as**  
65 **the Board agrees that the required findings of Section 205 of the Windham Subdivision Regulations are**  
66 **met. Mr. Rounds seconded the motion. The motion passed, 6-0, with the following roll-call vote:**

67 **Chair Earley, aye**  
68 **Vice Chair Mason, aye**  
69 **Mr. Carpenter, aye**  
70 **Mr. Rounds, aye**  
71 **Ms. McCarthy, aye**  
72 **Mr. Breton, aye**

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75 **Mr. Carpenter made a motion to approve Case 2022-20, with the following conditions: that prior**  
76 **to recording the subdivision plan, the items identified in the Keach Nordstrom Associates memorandum**  
77 **dated, July 21, 2022 will be met to Staff's satisfaction, that prior to the plan being recorded, the Applicant**  
78 **shall coordinate with Town Counsel, through Community Development Staff, on creating a mechanism to**  
79 **ensure that permanent protections are in place to sufficiently prevent use or activity on proposed parcel**  
80 **11-C-1102, and that prior to the plan being recorded, the Applicant shall coordinate with Town Counsel,**  
81 **through Community Development Staff, on legal documents associated with shared septic/lot loading**  
82 **calculations and associated easements/covenants. Mr. Rounds seconded the motion. Discussion followed**  
83 **n ensuring that the newly created lot would remain unbuildable. Mr. Carpenter amended his motion to**  
84 **add the "To sufficiently prevent" language to the second item. Mr. Rounds said his second still stood. The**  
85 **motion passed, 6-0, with the following roll-call vote:**

86 **Chair Earley, aye**  
87 **Vice Chair Mason, aye**  
88 **Mr. Carpenter, aye**  
89 **Mr. Rounds, aye**  
90 **Ms. McCarthy, aye**

91 **Mr. Breton, aye**

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94 **New/Old**

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96 Mr. Mello reviewed the new application form that was being proposed by the CDD.

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98 **Vice Chair Mason made a motion to approve and adopt the planning board application as**  
99 **presented by Mr. Mello. Mr. Rounds seconded the motion. The motion passed, 6-0, with the following**  
100 **roll-call vote:**

101 **Chair Earley, aye**

102 **Vice Chair Mason, aye**

103 **Mr. Carpenter, aye**

104 **Mr. Rounds, aye**

105 **Ms. McCarthy, aye**

106 **Mr. Breton, aye**

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108 A Zoom capable public meeting for the chapters of the Master Plan being drafted by the Planning  
109 Board will be held in the media center of WHS. It is tentatively scheduled for the middle of August, with a  
110 firm date to be announced soon.

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112 Mr. Carpenter had met with USGS to look into the water tracking project he had mentioned  
113 previously. He is looking for a more residential in nature device than what the USGS uses. Mr. Mello said  
114 DES had recently made grants available for residents who have contaminated drinking water.

115

116 **Mr. Rounds made a motion to adjourn the meeting at 7:58pm. Mr. Breton seconded the motion.**  
117 **The motion passed, 6-0, with the following roll call vote:**

118 **Chair Earley, aye**

119 **Vice Chair Mason, aye**

120 **Mr. Carpenter, aye**

121 **Mr. Rounds, aye**

122 **Ms. McCarthy, aye**

123 **Mr. Breton, aye**

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