



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes

September 7, 2022

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

Attendance:

- Chair Tom Earley, Present
- Vice Chair Jennean Mason, Excused
- Derek Monson, Present
- Jacob Cross, Present
- Matt Rounds, Present
- Alan Carpenter, Present
- Joe Bradley (alternate), Excused
- Dave Curto, (alternate), Present
- Pam McCarthy (alternate), Present
- Dan Spalinger (alternate), Present, seated for Ms. Mason
- 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 7:02pm with the pledge of allegiance and the introduction of members.

Case 2022-21 – 1 Industrial Drive (Parcel 13-A-198); Major Preliminary Site Plan; Zone – Limited Industrial

Mr Rounds made a motion to open Case 2022-21 as a preliminary site plan. Mr. Cross seconded the motion. The motion passed, 7-0, with the following roll-call vote:

- Chair Earley, aye
- Mr. Monson, aye
- Mr. Cross, aye
- Mr. Rounds, aye
- Mr. Carpenter, aye
- Mr. Spalinger, aye
- Mr. Breton, aye

Mr. Karl Dubay representing this conceptual plan to construct a 12,000 sq. foot addition, and associated site and parking improvements, to Windham Academy.

43
44 Mr. Monson said this property was approved previously to improve the parking and traffic. He said
45 there still had been complaints about these issues. Mr. Monson asked if the traffic concerns were recent.
46 Mr. Dubay said there had been some problems during the drop off and pick up times for the school and
47 that some mitigation had already been taken.

48 Mr. Carpenter asked about the overall plan for this building and school. Mr. Dubay said that the
49 school's charter was limited to K through 8th grade and they had no plans to expand beyond that. Mr.
50 Carpenter said that this same afternoon he was leaving the Rail Trail and had experienced a long line of cars
51 at Windham Academy, though he did not think it was a safety issue. Mr. Dubay said three different schools
52 were on the same road and that the que may have been for one of them. Mr. Carpenter said an abutter had
53 complained about the traffic and said that parents parking in adjoining lots limited the reasonable use of his
54 own property. Mr. Carpenter said he would like to hear more from abutters.

55 Mr. Dubay said the owner of the building in question had been working with abutters and that
56 many of the nearby commercial properties now housed school service-oriented businesses so the parking
57 issue may have been clients of those buildings and not of the school. Mr. Dubay confirmed that the septic
58 could handle the planned increased use. Mr. Spalinger asked how many students or staff would be added if
59 this plan was approved. Mr. Dubay said the charter was for two classrooms per grade, with around 22
60 students per each classroom, and around 50 staff members. Mr. Spalinger said at those figures they could
61 expect an additional 45 children, which would be a significant increase in vehicular traffic. Mr. Dubay did
62 not think the impact would be so much, as he said many of the students were siblings or carpoled to and
63 from school.

64 Chair Earley asked about an invasive species on the property. Mr. Dubay confirmed that one side of
65 the parcel involved an invasive species which would need to be removed.

66 Al Safir, the applicant, said Industrial Drive had been impacted recently due to the start of school
67 but said, as in previous years, he expected the drop off and pick up to smooth out as time passed.

68
69 **Mr. Cross made a motion to close conceptual plan Case 2022-21. Mr. Rounds seconded the**
70 **motion. The motion passed, 7-0, with the following roll-call vote:**

71 **Chair Earley, aye**
72 **Mr. Monson, aye**
73 **Mr. Cross, aye**
74 **Mr. Rounds, aye**
75 **Mr. Carpenter, aye**
76 **Mr. Spalinger, aye**
77 **Mr. Breton, aye**

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81 **Case 2022-22 – 10 Libbey Rd (Parcel 8-B-3000); Conceptual Site Plan; Zone –**
82 **Commercial District A.**

83
84 Mr. Dubay representing this conceptual site plan for a self-storage facility. Mr. Sullivan confirmed
85 that the application was complete. Mr. Monson asked about legal opinion on zoning. Ms. Mallett asked
86 about the omission of its cultural resource listing and asked if this would invalidate the posting. Mr. Sullivan
87 said for a conceptual hearing it would not.

88

89 **Mr. Monson made a motion to open Case 2022-22 as a conceptual hearing. Mr. Rounds seconded**
90 **the motion. The motion passed, 7-0, with the following roll-call vote:**
91 **Chair Earley, aye**
92 **Mr. Monson, aye**
93 **Mr. Cross, aye**
94 **Mr. Rounds, aye**
95 **Mr. Carpenter, aye**
96 **Mr. Spalinger, aye**
97 **Mr. Breton, aye**
98
99

100 This parcel is a mixed zone site, mostly surrounded by conservation land. Mr. Dubay said the plan
101 was to build a 70k square foot self-storage facility with one road coming in. This facility would include a
102 small office building, of around 400 square feet, with associated septic. Mr. Dubay felt the development
103 would not add to traffic in the area. He said self-storage was not expressly listed for the zoning so there had
104 been discussion with the town attorney about the appropriateness of the proposal. Mr. Dubay said the
105 board had previously approved 100,000 sq. feet of mixed-use commercial for this parcel but that the
106 approval had lapsed. Mr. Dubay called the self-storage facility the lowest possible impact but also that a
107 WWPD special permit would be needed.

108 Mr. Cross didn't think self-storage was out of place for the area but he said he did not see giving a
109 zoning variance as the parcel was open for so many other different uses. He said it would be an impact to
110 the conservation land nearby, with the additional lighting needed for the storage facility and the proposed
111 size of the buildings. Mr. Dubay said the hiking trails were far away from the property. Mr. Cross said he
112 had checked the measurements and estimated it was around 230 feet between the proposed buildings and
113 the existing hiking trails.

114 Mr. Rounds said this lot was across the road from residential houses and he did not want to
115 discount the impact to those residents. Mr. Rounds agreed that the zoning options were very generous to
116 begin with and that he did not know if a variance was necessary to otherwise develop the land. Chair Earley
117 said abutters had reached out to him when this plan was posted and that he had directed them to discuss
118 their concerns at the meeting. Mr. Breton said the island created by Libbey Road created a visual buffer
119 between the residential neighborhoods across the road and the proposed development.

120 Mr. Monson said the WWPD special permit was usually predicated for access only. Mr. Dubay said
121 it was needed in order to create access around all of the buildings. Mr. Monson countered that if less
122 buildings were developed, or if those developed were smaller, than that special permit for access was not
123 needed. He thought landscaping and downlit lighting could be used to create less impact from the abutters.

124 Mr. Dubay said that for years the board had interpreted the WWPD special permit regulations in
125 such a way that this request was not unusual. Mr. Monson said the buildings were designed to go right to
126 the edge of the WWPD, with the driveway in the WWPD. He said again that if the buildings were slightly
127 smaller than it could be outside the WWPD. Mr. Safir, the applicant, and Mr. George, the developer, said
128 the reduction in units or size wouldn't mean the project would be financially unviable.

129 Mr. Carpenter said he didn't think the use was a major issue as every possible use couldn't be listed
130 in the zoning ordinance, but said the zoning clearly said no motor vehicles could be stored outside and he
131 thought the storage of RVs would be an issue. Mr. Dubay felt that stipulation was limited solely to garages
132 and mechanics and not to the entire zone. Mr. Carpenter had concerns about the access point off Libbey
133 Road, considering the size of RVs and inexperienced drivers handling box vans they were unfamiliar with.
134 Mr. Carpenter said it was his belief that this should be Neighborhood business, and not Commercial A, due
135 to the creation of the Rt. 28 overlay in the past.

136 Mr. Cross said after listening to board comment he had new concerns about traffic safety,
137 particularly the egress from Libbey Road. Mr. Cross said he had reread the zoning and now felt confident
138 that the proposed use was not allowed. He is very interested in hearing abutter input. Mr. Rounds said
139 what was or was not approved previously, in regard to the WWPDP special permit, did not impact the law
140 and what decisions were made now.

141 Ms. Mallett asked where the historic assets were noted on the plan. Mr. Dubay indicated on the
142 map where he said there were some stones on the property. Ms. Mallett asked if that was the foundation
143 of School House #7 or if it was the foundation of the J. Johnstone homestead from 1850. Mr. Dubay said he
144 didn't know and that he thought it was the only thing on the property. Ms. Mallett said there should be
145 foundations, cellar holes, and the remains of a historic well. She confirmed that this plan would result in the
146 demolition of all historic assets on the property.

147 Chair Earley said the use was not so much a concern for him as were the aesthetics and the safety
148 issues. He said there were many kinds of storage that had facades that might be more pleasing to abutters.
149 Mr Safir agreed with previous comments that the island was well wooded and would act as a visual buffer
150 to the neighborhoods across the street.

151 Paul George, a Hamstead resident and a potential developer of the property, said he had a similar
152 development further up Rt. 28 and it was well shielded from view. Mr. George said he had built many of
153 these kinds of self-storage facilities and that he always worked with abutters to minimize the impact. He
154 said on the street side of the buildings a peak could be added to soften the look. He said this was a
155 conceptual plan and agreed some changes needed to be made to the proposed RV storage. Mr. Carpenter said
156 moving the RVs to the other side of the property would be more visually appealing to the abutters.

157 Mr. Rounds said he could support this more if it would impact the WWPDP less. He said he would
158 have far less concern so long as abutters were happy. Mr. Curto said Conservation had some suggestions
159 for the drainage and had advised adding solar panels to the tops of the buildings. He said the suggested edit
160 to the road layout would take the impact out of the WWPDP and would put it directly through the wetlands.
161 Mr. Safir said the grading needed meant the road could not be moved to the other side of the property
162 without impacting the abutter who so far was not agreeable to shared access or an elimination of Libbey
163 Road. Mr. Curto said he would like to see more information about the drainage and would like to see less
164 WWPDP impact. Mr. George said porous pavement could be an option.

165 Mr. Cross said he had reconsidered some of his feedback as the building height was set at nine feet
166 and that the downward facing lighting were improved as far as abutter visuals.

167
168 **2022-23 – Land off Kendall Pond Road (Parcel 9-A-770); WWPDP Special**
169 **Permit; Zone – Rural and WWPDP**

170 **2022-24 – Land off Kendall Pond Road (Parcel 9-A-825); WWPDP Special**
171 **Permit; Zone – Rural and WWPDP.**

172
173 Chair Earley confirmed the application was complete and appropriate.

174
175 **Mr. Carpenter made a motion to open Case 2022-23 and Case 2022-24. Mr. Cross seconded the**
176 **motion. The motion passed, 7-0, with the following roll-call vote:**

177 **Chair Earley, aye**
178 **Mr. Monson, aye**
179 **Mr. Cross, aye**
180 **Mr. Rounds, aye**
181 **Mr. Carpenter, aye**
182 **Mr. Spalinger, aye**

183 **Mr. Breton, aye**

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186

187 Mr. Joseph Maynard representing this application for a WWPD special permit for a driveway and lot
188 improvements to a new single-family residential home. Chair Earley said his only concern was bottlenecks
189 or traffic impeding access to the trails. Mr. Maynard said Kendall Pond was a state road at that point, so he
190 had submitted an application for a curb cut. He explained what signage would be added to ease any
191 possible issues.

192 Mr. Curto confirmed that Mr. Maynard had received letters from Conservation with their feedback
193 that they did not have concerns about this project. Mr. Carpenter confirmed that this would in no way
194 impede access for residents to the Rail Trail and that it would not otherwise constrict possible drainage or
195 other improvements to this part of the trail. Mr. Carpenter was concerned about the 900 foot long
196 driveway and questioned if the Fire Department was aware of the plan. Mr. Sullivan said they had seen the
197 plan and they did not have concerns with the application as presented. Mr. Sullivan said they only
198 requested that the sides of the driveway be cleared of vegetation so the space was twenty feet wide.

199 Mr. Monson confirmed that the lawn surrounding the home was in the WWPD. Mr. Maynard said
200 there was no way to access the house without the impact. A variance has been received for the house and
201 the area around the house.

202

203 **Mr. Carpenter made a motion to approve the special permit for parcel 9-A-770. Mr. Monson**
204 **seconded the motion. Mr. Rounds said he would like to see the variance and the memo from Keach-**
205 **Nordstrom before voting. Mr. Maynard said there was no variance for this particular parcel. The motion**
206 **passed, 5-0-2:**

207 **Chair Earley, aye**

208 **Mr. Monson, aye**

209 **Mr. Cross, aye**

210 **Mr. Rounds, abstain**

211 **Mr. Carpenter, aye**

212 **Mr. Spalinger, aye**

213 **Mr. Breton, abstain**

214

215

216 **Mr. Carpenter made a motion to approve the WWPD special permit for parcel 9-A-825, as**
217 **presented, with the condition that it be confirmed that the Fire Department approves of the driveway**
218 **and turn around. Mr. Monson seconded the motion. Mr. Rounds said the special permit was under the**
219 **purview of the Planning Board and he did not think it was appropriate to grant it for building a house.**
220 **Mr. Monson said this lot was unbuildable without the permit. He compared it to the previous case where**
221 **the applicant had the ability to develop their land without WWPD impact, just by moving or shrinking a**
222 **building. Mr. Carpenter amended his motion to include two additional conditions: first, that prior to any**
223 **work being conducted, a pre-construction conference shall be set up with the Community Development**
224 **Staff and also that the Applicant/Owner, shall secure easement rights across lots 9-A-770 and 9-A-850A**
225 **with the documentation for such easements to be reviewed and approved by Town Counsel prior to the**
226 **issuance of a building permits. Mr. Monson said his second still stood. Mr. Cross said the special permit**
227 **was under the purview of the board and wanted to be clear that it was not the responsibility of the board**
228 **to make every lot buildable. Chair Earley said his position was that the board should represent the will of**
229 **the voters, and that since the voters approved the easement for the driveway, he felt that had to be**

230 respected. Mr. Rounds read the warrant article and said it did not specify that the driveway was being
231 approved in order to build a home in the wetlands. Chair Earley called the vote. The motion passed 4-2-1,
232 Chair Earley, aye
233 Mr. Monson, aye
234 Mr. Cross, aye
235 Mr. Rounds, opposed
236 Mr. Carpenter, aye
237 Mr. Spalinger, opposed
238 Mr. Breton, abstain
239
240

241 **2022-19 – 61 Roulston Road (Parcel 13-D-75); Major Final Site Plan, WWPD**
242 **Special Permit; Zone – Commercial A and WWPD**

243
244 Chair Earley confirmed with staff that this application was complete.

245
246 Mr. Monson made a motion to open Case 2022-61. Mr. Spalinger seconded the motion. The
247 motion passed with the following roll-call vote:

248 Chair Earley, aye
249 Mr. Monson, aye
250 Mr. Cross, aye
251 Mr. Rounds, aye
252 Mr. Carpenter, aye
253 Mr. Spalinger, aye
254 Mr. Breton, aye
255

256 Mr. Maynard representing this application to build a 4,212 sq. foot commercial with associated site
257 improvements. A variance was already received to build a structure on this lot. The structure will used for
258 storage of materials and Mr. Maynard expects it to see little traffic. It may connect to the nearby waterline.
259 Roof run-off will be collected in gutters and then directed to drainage elsewhere. Mr. Maynard described
260 this as a long term solution that would mitigate the current non-existent drainage. He said test pits had
261 been dug. He said the parcel is classified as urban land.

262 Waivers are being asked for nine items, including the marking of 12-inch trees, HISS soils, parking
263 requirements among others. Mr. Maynard said that the Keach-Nordstrom memo related to this application
264 had been received and there were no issues with responding to those comments.

265 Mr. Rounds said the zoning variance was a 3-2 vote. He asked for review of that board's minutes.
266 Mr. Carpenter said the building was placed very close to a year-round running waterway. Chair Earley said
267 the proposed plans would be an improvement over what currently existed. Mr. Rounds said this was an
268 environmentally sensitive area and that the board should do what they could to protect the environment.

269 Mr. Carpenter suggested a site walk be scheduled. Mr. Monson said the stream was six feet from
270 the proposed building and he could not see a site walk changing his mind. Mr. Monson said this plan flies in
271 the face of the wetlands ordinance completely. Mr. Maynard said the lot had been used for storing cars
272 waiting for maintenance for years and that this would mitigate that allowed legacy use.

273
274 Mr. Carpenter made a motion to schedule a site walk on September 14, 2022 at 6:00pm. Mr.
275 Rounds seconded the motion. Mr. Rounds said he didn't think he needed to take a site walk to make up
276 his mind but that if other board members felt they did he would support it. The motion passed with the

277 following 5-1-1 roll-call vote, with Mr. Spalinger abstaining as he was already firm in his vote and with
278 Chair Earley opposed out of consideration of the applicant's time:

- 279 Chair Earley, opposed
- 280 Mr. Monson, aye
- 281 Mr. Cross, aye
- 282 Mr. Rounds, aye
- 283 Mr. Carpenter, aye
- 284 Mr. Spalinger, abstain
- 285 Mr. Breton, aye

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287

288 Mr. Breton asked that the position of the proposed detention pond be marked and looked at during
289 the site walk.

290

291 Mr. Carpenter made a motion to continue Case 2022-19 to October 5, 2022 at 7pm. Mr. Rounds
292 seconded the motion. The motion passed, 7-0, with the following roll-call vote:

- 293 Chair Earley, aye
- 294 Mr. Monson, aye
- 295 Mr. Cross, aye
- 296 Mr. Rounds, aye
- 297 Mr. Carpenter, aye
- 298 Mr. Spalinger, aye
- 299 Mr. Breton, aye

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301

302 **Old/New**

303

304 The board discussed the bond release for Dunraven Extension and Winslow Lane. Mr. Monson said the
305 vernal pools had not been properly marked for Winslow Lane.

306

307 Mr. Rounds made a motion to not recommend releasing the bond for Winslow Lane as they had
308 not yet met their obligation. Mr. Cross seconded the motion. The motion passed with the following 6-0-1
309 roll-call vote: with Mr. Breton abstaining as he has to consider the matter when it comes before the
310 Board of Selectmen:

- 311 Chair Earley, aye
- 312 Mr. Monson, aye
- 313 Mr. Cross, aye
- 314 Mr. Rounds, aye
- 315 Mr. Carpenter, aye
- 316 Mr. Spalinger, aye
- 317 Mr. Breton, abstain

318

319

320 Mr. Carpenter made a motion to recommend to the board of selectmen to approve the bond
321 release for Dunraven Extension. The motion passed with the following 6-0-1 roll-call vote and Mr. Breton
322 again abstaining as he must consider the matter when it comes before the board of selectmen:

- 323 Chair Earley, aye
- 324 Mr. Monson, aye

325 **Mr. Cross, aye**
326 **Mr. Rounds, aye**
327 **Mr. Carpenter, aye**
328 **Mr. Spalinger, aye**
329 **Mr. Breton, abstain**

330
331 **Mr. Carpenter made a motion to adjourn the meeting at 9:45pm. Mr. Cross seconded the motion.**

332 **The motion passed, 7-0, with the following roll call vote:**

333 **Chair Earley, aye**
334 **Mr. Monson, aye**
335 **Mr. Cross, aye**
336 **Mr. Rounds, aye**
337 **Mr. Carpenter, aye**
338 **Mr. Spalinger, aye**
339 **Mr. Breton, aye**

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