



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes

October 19, 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), Excused
- Dave Curto, (alternate), Excused
- Pam McCarthy (alternate), Present
- Dan Spalinger (alternate), Excused
- Bruce Breton, Board of Selectmen ex Officio, Present
- Roger Hohenberger, Board of Selectmen ex Officio (alternate), Excused
- Alexander Mello- Planning Director, Community Development, Present
- Chris Sullivan- Assistant Planning Director, Community Development, Present
- Renee Mallett- Minute Taker

The meeting opened at 7:42pm with the pledge of allegiance and the introduction of members.

NH Supreme Court order (No. 2021-0473) and NH Housing Appeals Board order (No. PBA-2021-04) re: Ten Harris Road LLC v. Town of Windham (a.k.a 64 Mammoth Road, PB Case 2019-19F)

Mr. Rounds recused himself from this discussion.

Chair Earley asked staff to reach out to the applicant to see if there was additional or former information they would like to resubmit regarding this matter. Vice Chair Mason suggested directing staff to research a pool of consultants the Planning Board might call upon, if needed, to offer their expertise on the information submitted by the applicant. Mr. Monson thought the applicant should know up front that a consultant would be utilized.

Reconsideration of Case 2022-19 (61 Roulston Road)

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Mr. Cross made a motion to reopen and reconsider Case 2022-19 and to schedule a public hearing for November 2, 2022. Vice Chair Mason seconded the motion. The motion passed, 6-0-1, with the following roll call vote and Mr. Monson abstaining as he was not part of the original vote on this case:

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

Case 2022-28 – 5 Enterprise (Parcels 11-C-425); Preliminary Major Site Plan; Zone – Commercial District A, WPOD, and WWPD

Mr. Joe Maynard representing this application to construct a 2,500 sq. foot commercial building with associated drive through and site improvements. Staff confirmed that the application was complete for a preliminary site plan.

Mr. Cross motioned to open Case 2022-28 as a preliminary site plan. Mr. Carpenter seconded the motion. The motion passed, 7-0, with the following roll- call vote:

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

Mr. Maynard said the parcel was originally approved for a commercial building, with a motel predating that. A portion of the parcel was taken during the work the state did on Rt. 111. Mr. Maynard said the current setbacks required by zoning would leave no options for developing this parcel. A 2500 sq. foot building with a drive through is being proposed for this site. It would have 60% greenspace. Variances have been received by the ZBA for the setbacks and the greenspace. The property abuts a detention pond, which is owned by the state.

Porous product parking spaces are being proposed. There is an emergency spillway for the underground drainage system. The project would need a series of Planning Board waivers such as the marking 12 inch trees, parking lot greenspace setbacks, and landscaping standards.

Mr. Carpenter asked if the number of parking spaces met ordinances. Mr. Maynard said they did. Mr. Carpenter said he was concerned about the number of parking spaces, considering the need for employee parking, and said if the plan returned to them he would like to see the calculations used.

Mr. Carpenter asked for more details on the queuing for the drive through. Mr. Maynard said the by-pass lane was requested by the Fire department and that current que was slated for 17 cars, while this type of establishment usually planned for ten. Vice Chair Mason said the plan was marked for eleven. Mr. Maynard confirmed the number on the plan was correct.

Mr. Monson asked about the total impervious. Mr. Maynard said it would be a total of 28.9% impervious, with the parking spaces being porous but the drive through would be paved. Mr. Monson said he would like to see a larger underground drainage system due to the sensitive nature of this area.

90 Chair Earley mentioned changes to the traffic light or the addition of a rotary. He also asked for a
91 rendering of what the view from the road would be. Chair Earley would also like to see a back up plan, in
92 case of a backup of traffic onto Enterprise Drive. Mr. Monson asked for a maintenance plan for the porous
93 pavement.

94
95 **Vice Chair Mason made a motion to close the preliminary hearing for Case 2022-28 . Mr. Cross**
96 **seconded the motion. The motion passed, 7-0, with the following roll call vote:**

97 **Chair Earley, aye**

98 **Vice Chair Mason, aye**

99 **Mr. Monson, aye**

100 **Mr. Cross, aye**

101 **Mr. Rounds, aye**

102 **Mr. Carpenter, aye**

103 **Mr. Breton, aye**

104
105
106 **Case 2022-29 – 28 Fish Road (Parcel 21-V-230A); Major WPOD; Zone –**
107 **Residence A and WPOD.**

108 Mr. Maynard representing this application to build a single family residential home on an existing
109 non-confirming lot. Chair Earley confirmed that the Keach-Nordstrom memo regarding this application was
110 received past the board deadline.

111
112 **Mr. Cross made a motion to open Case 2022-29. Mr. Monson seconded the motion. The motion**
113 **passed, 7-0, with the following roll call vote. Vice Chair Mason specified her affirmation came with**
114 **hesitation due to the issue with items being received past deadline.**

115 **Chair Earley, aye**

116 **Vice Chair Mason, aye**

117 **Mr. Monson, aye**

118 **Mr. Cross, aye**

119 **Mr. Rounds, aye**

120 **Mr. Carpenter, aye**

121 **Mr. Breton, aye**

122
123
124 This parcel has received variances from the ZBA. Mr. Maynard reviewed the items on the Keach-
125 Nordstrom memo. Mr. Monson said the number quoted by Mr. Maynard for impervious differed from what
126 was on the plan. Mr. Maynard confirmed the numbers as what was reflected on the plan set. Mr. Cross
127 confirmed that a variance had been received to increase the building footprint.

128 Mr. Carpenter asked where the abutting homes where in conjunction with the proposed new
129 home. Mr. Maynard said on one side of the parcel was a neighborhood association owned beach. Mr.
130 Maynard said the residents who owned the home closest to the proposed house had appeared in support
131 of the application at the ZBA.

132
133 **Chair Earley opened and closed the session to public comment.**

134
135 **Mr. Monson made a motion to approve Case 2022-29 conditional on the applicant receiving all**
136 **needed DES septic approvals, and all items of the Keach-Nordstrom memo being met to staff's**

137 satisfaction, as well as having a pre-construction conference with the CDD staff prior to any work being
138 done. Mr. Rounds seconded the motion. The motion passed 7-0, with the following roll call vote:

- 139 Chair Earley, aye
- 140 Vice Chair Mason, aye
- 141 Mr. Monson, aye
- 142 Mr. Cross, aye
- 143 Mr. Rounds, aye
- 144 Mr. Carpenter, aye
- 145 Mr. Breton, aye

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147
148 **Case 2022-32 – 33 London Bridge Road (Parcel 14-B-2809); Conceptual**
149 **Subdivision; Zone – Rural and WWPD**

150 Mr. Shayne Gendron representing this application for a proposed 16 lot subdivision. Mr. Gendron
151 was accompanied by Ms. Melissa Runde ,from Edward Herbert, and Attorney Panciocco, representing the
152 applicant.

153
154 **Mr. Carpenter recused himself from this and the following case, as he is currently doing business**
155 **with Mr. Gendron. Ms. McCarthy was seated for Mr. Carpenter.**

156
157 **Vice Chair Mason made a motion to open Case 2022-33 as a conceptual plan. Mr. Monson**
158 **seconded the motion. The motion passed with the following roll-call vote:**

- 159 Chair Earley, aye
- 160 Vice Chair Mason, aye
- 161 Mr. Monson, aye
- 162 Mr. Cross, aye
- 163 Mr. Rounds, aye
- 164 Ms. McCarthy, aye
- 165 Mr. Breton, aye

166
167
168 Mr. Gendron said the applicant planned on this development seamlessly matching the surrounding
169 neighborhoods. As the road length has been an issue in previous discussions on this parcel, the applicant
170 has since met with fire and safety. Mr. Gendron said many developments in town had similarly long roads.
171 Mr. Gendron said a cistern was proposed for the development and that each home would be individually
172 sprinkled. On top of this an intermediary cul de sac has been added to the plan. He said Fire Chief Saulnier
173 has signed off on this addition. The road meets all other town standards. A future connection to Castle Hill
174 Road is possible.

175 Mr. Rounds said he would like to see the town retain a wetlands scientist review the plan. Mr.
176 Rounds would also like town counsel to weigh in on if the proposed potential right of way would satisfy the
177 requirement needed for the board to waive the road length. Mr. Cross expressed concern for public safety
178 regarding road length, particularly in consideration of the abutter indicating that he would not be agreeable
179 to giving up part of his residential home parcel for the creation of the right of way.

180 Mr. Gendron described the issue as a misrepresentation of the ordinances. He said the fire
181 department had submitted a letter in support the safety of this road. Vice Chair Mason said the fact that
182 safety officials agreed with it, and in light of 602.5.4, that the plan was possible. Mr. Cross said without
183 purchasing the home of the abutter there was no true potential for a right of way. Mr. Cross said the letter

184 supplied by the fire department addressed only the cistern and did not address the road length or safety at
185 all.

186 Mr. Monson raised issues with the two proposed lots at the end of the cul de sac. He said after
187 attending the site walk he thought they would impede the wetlands. Mr. Gendron said a bridge crossing
188 was proposed so there would be no wetlands impact. Mr. Monson noted that the wetlands in that area had
189 last been delineated in 2010 and he thought updated information was needed.

190 Chair Earley specified abutting parcels that would be most impacted by the development. He said
191 he would like to see mitigation to their sight lines. Mr. Rounds asked about the potential to connect to
192 Ashbury Park. Mr. Gendron said the town would need to give permission to cross the open space.

193 Mr. Cross said the waiver language about the connection specified it needed an eminent
194 connection or undeveloped land, neither of which applied to this application.

195 Attorney Panciocco, on behalf of the applicant, said Mr. Cross had failed to read all of the language
196 of the ordinance. She read the missing language and said it was what made the road length allowable. She
197 said it would be a substantial hardship for the applicant if the proposed road was required to be shortened,
198 and that it was unnecessary as the regulations had been put in place for public safety and that the applicant
199 had already built in mitigating factors that would make up for the road length in terms of safety. She asked
200 for the board to keep an open mind when considering this application.

201
202 **Chair Earley opened the session to public comment.**

203
204 Yvonne Serapina, an abutter, agreed that the wetlands in that area were quite substantial and she
205 would like to see an expert review the parcel. She asked the board to consider discouraging clear cutting
206 when the land was developed as it would improve screening for the abutters. She was concerned about
207 blasting near her home and the impact on her family.

208
209 Staff was asked to coordinate with Conservation regarding a parking area being laid for the walking
210 trails that might be impacted by this development.

211
212 Scott Stapleton, 65 Castle Hill Road, said the proposed connection point was in previously
213 delineated WWPD. Mr. Stapleton said even if in the future he, or a future owner, was willing to allow the
214 connection to Castle Hill Road, he has already been told it is unbuildable and that it cannot be subdivided.
215 Mr. Stapleton raised issues with WWPD being marked on one plan but not on the current one before the
216 board. Mr. Gendron was asked about the differences between the plans. Mr. Gendron said a buffer was
217 shown on a previous plan but that he does not believe it is needed so that is why he had supplied this
218 edited plan this evening. Mr. Monson asked where he has gotten the information from the previous plan.
219 Mr. Gendron said it was a mistake on the part of his office. Mr. Stapleton said on his side of the property
220 line it was designated as wetlands and protected stream but right at the property line they were now being
221 told it was not wetlands.

222
223 Katie Stapleton said this plan was unchanged from previous plans, so she felt like abutter input was
224 not being considered. She said the wetlands area under discussion is a wildlife corridor and that a lot of
225 unique animals had been spotted in the area. She would like to see the road shortened to protect the
226 wetlands and wildlife.

227
228 Chair Earley read emails from Nick Scangus, Yvonne and Mike Sarapina, the Stapletons, and the
229 Townsend family that were in opposition to the proposed development into the record.

230
231 **Chair Earley closed the session to public comment.**

232
233 Mr. Gendron said there would be some blasting but the road cuts were not severe so it would not
234 require extensive alteration. He said manual excavation was possible. Mr. Rounds asked if the applicant
235 would be agreeable to hammering being a condition of approval. Mr. Gendron thought it was possible. Mr.
236 Gendron said the abutter opposition to the road length did not explain why they were opposed, so he did
237 not think it was something he could address. Mr. Gendron was asked about the possibility of shortening the
238 road. Mr. Gendron said the proposed development fit the neighborhood and was not overly dense. Mr.
239 Monson said if two of the proposed lots had to share a bridge to access their homes that indicated that the
240 parcel had more than just poorly drained soil. He thought shortening the road and losing those two lots
241 would mitigate a lot of the challenges with this application.

242 Mr. Cross said he would like to see the plan with the road at the required length. He questioned if
243 the wildlife corridor could be purchased by the town. Chair Earley said the abutters and the board seemed
244 most interested in the development following the existing regulations. He thought if the applicant could
245 work with the abutters it would create a better product for the town.

246
247 **Vice Chair Mason made a motion to close the conceptual for Case 2022-32. Ms. McCarthy**
248 **seconded the motion. The motion passed with the following roll-call vote:**

249 **Chair Earley, aye**
250 **Vice Chair Mason, aye**
251 **Mr. Monson, aye**
252 **Mr. Cross, aye**
253 **Mr. Rounds, aye**
254 **Ms. McCarthy, aye**
255 **Mr. Breton, aye**

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260 **Case 2022-27 – 2 & 4 Cheryl Rd (Parcel 21-H-16A & 16C); Major Final**
261 **Subdivision and WPOD Site Plan/ Subdivision; Zone – Residential A and WPOD**

262 Mr. Gendron representing this application to revise lot lines between two parcels, to raze an
263 existing home on one of the lots and to replace it with a new residence. The home on the other lot will
264 remain as is.

265
266 **Vice Chair Mason made a motion to open Case 2022-27. Mr. Breton seconded the motion. The**
267 **motion passed with the following 7-0 vote:**

268 **Chair Earley, aye**
269 **Vice Chair Mason, aye**
270 **Mr. Monson, aye**
271 **Mr. Cross, aye**
272 **Mr. Rounds, aye**
273 **Ms. McCarthy, aye**
274 **Mr. Breton, aye**

275
276
277 Mr. Gendron reviewed the history of these two lots. The revised lot lines will create more
278 traditional lots. A variance has already been received. A stormwater report has been included in the

279 application at the request of Mr. Keach. All comments from the Keach-Nordstrom memo have been
280 addressed.

281
282 **Mr. Monson made a motion to approve waiver of 601.2.1 and 601.2.6 (HISS Soils and allowing**
283 **22000+ where 30000 is required). Mr. Rounds seconded the motion. The motion passed with the**
284 **following roll-call vote:**

285 **Chair Earley, aye**
286 **Vice Chair Mason, aye**
287 **Mr. Monson, aye**
288 **Mr. Cross, aye**
289 **Mr. Rounds, aye**
290 **Ms. McCarthy, aye**
291 **Mr. Breton, aye**

292
293 **Mr. Monson made a motion to approve the minor subdivision/lot line adjustment. Vice Chair**
294 **Mason seconded the motion. The motion passed, 7-0, with the following roll-call vote:**

295 **Chair Earley, aye**
296 **Vice Chair Mason, aye**
297 **Mr. Monson, aye**
298 **Mr. Cross, aye**
299 **Mr. Rounds, aye**
300 **Ms. McCarthy, aye**
301 **Mr. Breton, aye**

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304 **Mr. Monson made a motion to approve the WWPDP permit conditional on all items in the Keach-**
305 **Nordstrom memo related to this application are met to staff's satisfaction, that a pre-construction**
306 **conference is held with staff, and upon approval of all required DES applications. Vice Chair Mason**
307 **seconded the motion. The motion passed, 7-0, with the following roll call vote:**

308 **Chair Earley, aye**
309 **Vice Chair Mason, aye**
310 **Mr. Monson, aye**
311 **Mr. Cross, aye**
312 **Mr. Rounds, aye**
313 **Ms. McCarthy, aye**
314 **Mr. Breton, aye**

315
316 **Old/New**

317
318 **Mr. Carpenter was reseated for the duration of the meeting.**

319
320 **Mr. Carpenter made a motion to approve the minutes of 8-3-22, with edits to Line 47. Vice Chair**
321 **Mason seconded the motion. The motion passed, 6-0-1, with the following roll call vote and Mr. Monson**
322 **abstaining as he was not present for the meeting:**

323 **Chair Earley, aye**
324 **Vice Chair Mason, aye**
325 **Mr. Monson, abstain**
326 **Mr. Cross, aye**

327 Mr. Rounds, aye
328 Mr. Carpenter, aye
329 Mr. Breton, aye

330
331
332 Mr. Carpenter made a motion to approve the minutes of 8-10-22, amended to show the
333 attendance of Mr. Monson. Mr. Rounds seconded the motion. The motion passed, 6-0-1, with the
334 following roll-call vote and Mr. Breton abstaining as he was not present for the meeting:

335 Chair Earley, aye
336 Vice Chair Mason, aye
337 Mr. Monson, aye
338 Mr. Cross, aye
339 Mr. Rounds, aye
340 Mr. Carpenter, aye
341 Mr. Breton, abstain

342
343
344 Mr. Carpenter made a motion to approve the minutes of 9-7-22 as presented. Mr. Monson
345 seconded the motion. The motion passed with the following 6-0-1 vote, and Vice Chair Mason abstaining
346 as she was not present for the meeting:

347 Chair Earley, aye
348 Vice Chair Mason, abstain
349 Mr. Monson, aye
350 Mr. Cross, aye
351 Mr. Rounds, aye
352 Mr. Carpenter, aye
353 Mr. Breton, aye

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356 Mr. Rounds expressed concern that the Planning Board have say in what experts were retained by
357 the town. He would also like to get more input from Attorney Campbell.

358
359 Chair Earley discussed state grants for affordable housing and municipal needs analysis, zoning
360 audits, and suggested amendments to create more affordable single and multi-family housing in town. Mr.
361 Rounds asked if the grant money was for the town to hire their own expert or if it was money that would be
362 used for the state to pay experts directly. They were told it was so towns could hire the certified expert of
363 their choice. Mr Cross wanted to know who certified the experts. Ms. McCarthy asked why the board would
364 not pursue all three grants. Mr. Rounds said the information generated would be used against the town in
365 court. Vice Chair Mason suggested that in that case not pursuing this information could also be used against
366 the town. Mr. Mello said the workforce housing ordinance was created in 2013 and that only 8 workforce
367 housing units had been created since that time. He was concerned about the lack of land left in town for
368 multi-family development. Mr. Mello said zoning would need to be looked at in order to create more
369 workforce housing. Ms. McCarthy thought an outside perspective would be valuable. Mr. Carpenter
370 thought the needs analysis study was needed to keep the town from losing ground in their pursuit of
371 meeting their affordable housing obligations.

372
373 Mr. Carpenter made a motion to adjourn the meeting at 9:53pm. Vice Chair Mason seconded the
374 motion. The motion passed, 7-0, with the following roll call vote:

375 **Chair Earley, aye**
376 **Vice Chair Mason, aye**
377 **Mr. Monson, aye**
378 **Mr. Cross, aye**
379 **Mr. Rounds, aye**
380 **Mr. Carpenter, aye**
381 **Mr. Breton, aye**
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