



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes

January 15th, 2020

7:00 pm at Community Development Meeting Room

3 North Lowell Road

Attendance:

- Chair, Paul Gosselin, Present
- Vice Chair, Derek Monson, Present
- Alan Carpenter, Present
- Margaret Crisler, Present
- Joe Bradley, Present
- Jennean Mason, Present
- Kathleen DiFruscia (alternate), Excused
- Matt Rounds (alternate), Present
- Gabe Toubia (alternate), Excused
- Oliver Liu (alternate), Present
- Heath Partington, Board of Selectmen liaison, Present
- Joel Desilets, Board of Selectmen liaison (alternative), Excused
- Dick Gregory- Planning Board Director
- Renee Mallett- Minute Taker

The meeting opened at 7:00 with the Pledge of Allegiance and the introduction of members.

Case 2019-35 Final Subdivision (Minor), (lot 22-R-1) 155 Range Rd., Rural.

Mr. Joseph Maynard representing this application to sub-divide one 8-acre lot into two single family lots. This case was continued from 11-6-10 and 1-8-20. The property is accessed by Spear Hill Road, which had the majority of its length discontinued in the early 1960s though the first 290 feet is still on record as being a town road. One of the lots will utilize this 290 feet for it's frontage while the other uses Range Road. Mr. Maynard is not asking for any waivers and has received Mr. Keach's confirmation that the lot does not fall under the W.P.O.D.

Ms. Crisler said that the proposed shared driveway had a tremendous potential for future conflict and wanted to know how this would be handled. Mr. Maynard said that a draft easement document would be submitted for review that would feature shared maintenance and would be recorded on the deeds for both lots.

Mr. Carpenter confirmed that all of the drainage from both lots flowed away from the lake. Mr. Maynard detailed the path drainage would take through Porcupine Brook and into Salem.

Chair Gosselin opened the session to public comment.

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45 Susan Wyland, 157 Range Road, is an immediate abutter and will be part of the shared driveway
46 configuration. She asked how her property could be impacted in the shared easement when it was
47 recorded to the two deeds but not her property. She is concerned about this being a detriment if she ever
48 decides to sell her home in the future.

49 Mr. Maynard explained that over time after Spear Hill Road was discontinued it seemed to have
50 fallen off the town's radar. The first 290 feet should have been continued to be maintained by the town but
51 had not for many years. Ms. Wyland confirmed that her husband had been plowing the road.

52 Mr. Maynard said the easement would make all of the repairs and plowing the responsibility of the
53 two subdivided lots so the Wyland's would get the enjoy the improvements to the road with none of the
54 costs or work. Mr. Carpenter suggested the Wyland property be mentioned in any motions for approval
55 made.

56 Ms. Crisler said that it was a town road with residents living on it and the town should be
57 maintaining it. She thought any motion made should include review by town counsel.

58
59 Bruce Wyland, 157 Range Road, asked what would happen if this application caused the town to
60 review the status of Spear Hill Road and if they decided to discontinue the initial 290 feet or reopen the
61 road entirely. He was told that in these cases the town usually split the road up the middle and assigned the
62 land to the parcels on either side. It was not thought that there was any chance of the road being made
63 active again as the land behind the parcels was conservation land owned by the town so there were no
64 connections to be made.

65
66 **Chair Gosselin closed the session to public comment.**

67
68 Mr. Carpenter said it would be unusual move for the board to approve a motion that would shortly
69 thereafter result in a non-conforming lot, as the consensus was that it was likely the town would
70 discontinue the remaining portion of Spear Hill Road which would mean no frontage for one of the lots.
71 Vice Chair Monson said that what was before them today met all of the regulations and they could not say
72 for sure what the Selectmen might do in the future.

73 Chair Gosselin said he wanted the Wylands to have the opportunity to review any driveway
74 easements.

75 Mr. Partington said there were a lot of unknowns associated with this application and he would like
76 review by Attorney Campbell.

77 Mr. Carpenter asked for and was told there were no issues raised by the Conservation Committee
78 upon their review of this application.

79
80 **Mr. Carpenter made a motion to grant the special permit for disturbance of 20,000 square feet in**
81 **the WWPD to construct the driveway for the lots based on the Conservation Commission, DES, and the**
82 **Army Core of Engineers signing off on the permit. Vice Chair Monson seconded the motion. 6-1-0, the**
83 **motion passed with Mr. Partington opposed as he felt he did not have all of the information needed to**
84 **make a decision on this application.**

85
86 **Mr. Carpenter made a motion to approve Case 2019-35 as a final subdivision, minor, as presented**
87 **with the following conditions-that the driveway easement be codified and that the Wylands, as abutters,**
88 **be including in crafting the document and that Attorney Campbell review it when it was complete, DOT**
89 **permitting be obtained as required by the state, and that any and all items mentioned in the January 9,**
90 **2020 Keach-Nordstrom memo be met to staff's satisfaction. Approval, it was stressed, was contingent on**
91 **the information presented by the applicant and confirmed by Mr. Keach that the drainage of both parcels**

92 flowed away from Range Road and the lake. Ms. Crisler seconded the motion. Mr. Bradley felt that the
93 somewhat unusual history of the parcel and Spearhead Road be reviewed by Attorney Campbell. Mr.
94 Partington concurred, saying that he felt there could be an RSA related to unmaintained roads and their
95 legal ability to count as frontage. Ms. Crisler felt such an RSA may exist but Mr. Gregory said he could
96 neither confirm nor deny the existence of such a regulation. Mr. Carpenter amended his motion to
97 include that the applicant must delay any work on the project for 30 days while awaiting review by
98 Attorney Campbell regarding the current status of the road and the legitimacy of the premise of the
99 frontage. The case was approved, 6-1-0, with Mr. Partington opposed for the same reasons as listed
100 before.

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Old/New Business

103

104
105 Catholic Charities is interested in replacing two of the existing signs at Searles and adding a third.
106 Mr. Gregory said the two replacement signs were grandfathered in but asked if the board wanted to set a
107 hearing on the third or approve it administratively.

108 Mr. Liu asked if there was no ordinance specifically addressing signs in historic areas. He was told
109 there are currently no extraneous sign regulations attached to the overlay district. Mr. Carpenter disputed
110 the idea that the two signs were grandfathered in due to the differences between the existing signs and the
111 proposed new ones. He said between that and the fact that it was a historic district he felt the case should
112 be put on a future agenda. Ms. Crisler agreed with the point and felt that Design Review and the Historic
113 District/heritage Commission should have the opportunity to review the new signs.

114 The signs were added to the February 4th agenda and Mr. Gregory was asked to send them to the
115 relevant committees for review.

116

117 Chair Gosselin had discussed the issue of communications from staff to the board with Mr. Gregory
118 and Mr. Norman. Between them they had devised a system in which plans for applications would still be
119 printed on paper and given to the board but all non-plan items would be shared via digital means. Tablets
120 would be purchased for use by the Planning Board to access these digital packets via a not yet fully
121 confirmed platform. Ideally board members could also access the information from their personal devices
122 as well as the Planning Board tablets. It was also expected that the public could have some ability to access
123 non-confidential items related to applications. Chair Gosselin explained how this would work with all
124 relevant comments and information from all sub-committees being stored together in the same application
125 folder for ease of access.

126 Some discussion followed on the relative merits of which platform could be used to create this
127 system and how the information could best be organized. Several board members, including Vice Chair
128 Monson and Mr. Rounds, raised their concerns about information being available in a timely manner. Mr.
129 Carpenter suggested a checklist be added as the first item to every application folder. Ms. Crisler felt this
130 should include a timeline of when documents would be available and what deadlines existed.

131 Mr. Carpenter said the cost of the devices would probably be equal to what was saved in paper and
132 ink costs from no longer having to print out the weekly packets.

133 Chair Gosselin said he would ask Mr. Norman to continue to explore the mechanics of this idea.

134

135 **Mr. Carpenter made a motion to accept the minutes of 11-6-2019. Mr. Bradley said line 228**
136 **should use the word “and” not “at.” Vice Chair Monson found a mistake with the acronym used in line**
137 **114. Vice Chair Monson seconded the motion. 7-0, the motion passed with the edits as mentioned.**

138

139 **Mr. Carpenter made a motion to accept the minutes of 12-7-2019 with an edit to a typo in line**
140 **130, and that it be made clear in lines 166/167 that the master plan funding was unrelated to the CIP.**
141 **Vice Chair Monson seconded the motion. 6-0-1, the motion passed with Mr. Bradley abstaining as he was**
142 **not present at the meeting.**

143
144 **Mr. Carpenter made a motion to adjourn the meeting at 8:30. Ms. Mason seconded the motion.**
145 **7-0, the motion passed.**