



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
February 15, 2023
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, Excused
- Matt Rounds, Excused
- Alan Carpenter, Excused
- Joe Bradley (alternate), Present, seated for Mr. Cross
- Dave Curto, (alternate), Present, seated for Mr. Carpenter
- Pam McCarthy (alternate), Excused
- Dan Spalinger (alternate), Excused
- Bruce Breton, Board of Selectmen ex Officio, Excused
- Roger Hohenberger, Board of Selectmen ex Officio (alternate), Present
- Alexander Mello- Planning Director, Community Development
- Chris Sullivan- Assistant Planning Director, Community Development
- Renee Mallett- Minute Taker, via video

The meeting opened at 7:00pm with the pledge of allegiance and the introduction of members. Mr. Curto was seated for Mr. Carpenter. Mr. Bradley was seated for Mr. Cross.

Case 2019-19F – 64 Mammoth Road (Parcel 19-A-200); Application for Workforce Housing-Final; Zone - Rural District.

Joe Maynard of Benchmark Engineering representing this application for 16 single-family detached units and which includes the existing home in a condominium form of ownership. In this project, 23.5% of the proposed units (4 out of 17 units) are proposed to be designated as Workforce Housing.

This public hearing is in response to the State of New Hampshire Supreme Court Order (Case No. 2021-0473) which affirmed the Housing Appeals Board Order (Case No.: PBA-2021-04) that 1) VACATED the 2/3/21 PB denial of the waiver for the required percentage of workforce housing; 2) REVERSED the 2/17/21 PB denial of the two CUPs, and; 3) VACATED the 2/17/21 PB denial of the overall project. The Planning Board previously discussed this case on 11/4/20, 12/16/20, 2/3/21, 2/17/21, 11/16/22, 12/7/22, and 1/18/23.

The economist who was hired by the applicant has not yet provided an updated financial report. The applicant is requesting a continuance to 3-15-23. Mr. Mello said there were two responses to the

43 Planning Board’s RFP for their own financial consultant. He said an applicant has been selected but
44 contracts have not yet been signed. He believes this consultant should be in place to respond by the March
45 meeting date requested by the applicant.

46 Brief discussion followed on screening and tree cutting near the lot lines. Mr. Maynard said
47 screening had been added to the plan for the last meeting. He said the elevation of the parcel was not
48 significantly different than the abutting lots. Mr. Maynard expressed a willingness to work with abutters on
49 appropriate screening.

50
51 **Vice Chair Mason opened the meeting to public comment.**

52
53 Matt Russell said there were several mature white pines along his side of the property line and he
54 had concerns that clear cutting would undermine the trees on his property.

55
56 Elizabeth Cooper shared the same concerns about the trees on her property. She asked if the board
57 would be taking another site walk of the parcel.

58
59 **Vice Chair Mason closed the session to public comment.**

60
61 Mr. Mello had approached town counsel regarding some of the board questions about the legalities
62 around this application. Attorney Campbell was in attendance and shared his opinions with the board. He
63 said several of the issues raised by the board and abutters were applicable to state regulations, not town
64 ordinances, and would have to be appealed directly with the state.

65
66 **Mr. Monson made a motion to continue Case to March 15, 2023. Mr. Bradley seconded the**
67 **motion. The motion passed with the following roll-call vote:**

- 68 **Vice Chair Mason, aye**
- 69 **Mr. Monson, aye**
- 70 **Mr. Curto, aye**
- 71 **Mr. Bradley, aye**

72
73 **Mr. Hohenberger was seated for the duration of the meeting.**

74
75 **Case 2022-39 – 43 First St – Parcel 16-R-174D; Major WPOD Permit; Zone –**
76 **Residential District A and WPOD Overlay**

77 Mr. Maynard representing this application to raze an existing building and replace it with a single
78 family home and deck, along with associated site improvements. Some dripline trenching will be used at
79 the back of the house and porous pavement used for the driveway.

80 At Mr. Hohenberger’s questioning Mr. Maynard confirmed that variances from the ZBA allowed for
81 all setbacks as shown on the application. Mr. Bradley said he would like to see the porous product continue
82 to the road. Mr. Hohenberger said in previous years the Board of Health would be consulted regarding the
83 proximity of wells and septic. Mr. Sullivan said he would have them review the application.

84
85 **Vice Chair Mason opened and closed the session to public comment.**

86
87 Mr. Maynard reviewed the requirements for the Shoreline permit. He said one has been applied for
88 and that all the requirements are met with this plan.

89

90 Mr. Monson made a motion to approve Case 2022-39 conditional on the granting of a waiver
91 from the Board of Health, that all items in the January 18th Keach-Nordstrom memo be met to staff's
92 satisfaction, DES approval of Shoreline and septic permitting, and that the porous pavement continue to
93 the road. Mr. Bradley seconded the motion. The motion passed with the following roll-call vote:

94 Vice Chair Mason, aye

95 Mr. Monson, aye

96 Mr. Curto, aye

97 Mr. Bradley, aye

98 Mr. Hohenberger, aye

99
100 Chair Earley was seated for the remainder of the meeting.

101
102 **Case 2022-40 – 10 Cross St – Parcel 17-C-105A; Major WPOD Permit; Zone –**
103 **Residential District A and WPOD Overlay**

104 Mr. Maynard representing this application to construct a detached garage with drainage
105 improvements to the site. A former owner was previously granted a variance to construct an attached
106 garage. The current owners returned to the ZBA to build a detached structure instead. Dripline infiltration is
107 proposed for two sides of this proposed one story garage.

108 Impervious surfaces are being reduce by .6%. Mr. Monson noted that Mr. Keach had expressed
109 concern regarding debris blowing into the water. Chair Earley asked if the structure would limit the water
110 view of an abutting lot. Mr. Maynard said a site walk had looked at that issue. He said the previously
111 approved detached garage would have blocked the view more.

112 Mr. Hohenberger asked about restricting the garage so it could not be used as living space. Mr.
113 Maynard said that was already a condition of the ZBA approval.

114
115 Chair Earley opened and closed the session to public comment.

116
117 Mr. Monson made a motion to approve Case 2022-40 conditioned upon all items in the Keach-
118 Nordstrom memo being met to staff's satisfaction, that prior to the building permit being issued that all
119 DES permitting was acquired, and in addition that the garage could not be used as living space. Vice Chair
120 Mason seconded the motion. The motion passed with the following roll-call vote:

121 Chair Earley, aye

122 Vice Chair Mason, aye

123 Mr. Monson, aye

124 Mr. Curto, aye

125 Mr. Bradley, aye

126 Mr. Hohenberger, aye

127
128 **Case 2022-41 – 4 Horne Rd – Parcel 21-Z-266; Major WPOD Permit; Zone –**
129 **Residential District A and WPOD Overlay**

130 Mr. Maynard representing this application to raze an existing structure and replace it with a single
131 family home. There is a proposed 950+ square foot reduction in impervious surfaces, created mostly by
132 removing currently paved areas.

133 Mr. Bradley noted changing the boat ramp to a porous product would be preferred, despite Mr.
134 Maynard's redirection of the run off to a grassy area. Mr. Maynard did not think it was necessary but Mr.
135 Bradley asked for swales or other features around the proposed water bars. Mr. Maynard said all of the
136 suggested mitigation would be considered an increase in impervious surfaces at the state level.

137 The ZBA notice of decision was read into the record. The landscaping and existing conditions of the
138 trees were reviewed. Mr. Monson asked about rain gardens around the water bars. Mr. Maynard said
139 approximately five years previous UNH had released information about the inefficiency of rain gardens and
140 that current state guidelines required only layered sand for filtration rather than full plantings. Chair Earley
141 said NH Des requested maintenance for water bars and asked if a maintenance plan was included in the
142 application. Mr. Maynard said one could be added.

143
144 **Chair Earley opened and closed the session to public comment.**

145
146 **Mr Monson made a motion to approve Case 2022-41 conditioned on all item of the Keach-**
147 **Nordstrom memo dated Jan 23, 2023 being met to staff’s satisfaction, that prior to the building permit**
148 **being issued all DES permits would be obtained, and that 2X2 erosion stone aprons be added to each**
149 **water bar along with a maintenance schedule. Vice Chair Mason seconded the motion. The motion**
150 **passed with the following roll-call vote:**

- 151 **Chair Earley, aye**
- 152 **Vice Chair Mason, aye**
- 153 **Mr. Monson, aye**
- 154 **Mr. Curto, aye**
- 155 **Mr. Bradley, aye**
- 156 **Mr. Hohenberger, aye**

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158
159 **Case 2022-42 – 20 Fish Rd – Parcel 21-V-250B; Major WPOD Permit; Zone –**
160 **Residential District A and WPOD Overlay**

161 Mr. Maynard representing this application to raze a total of four existing structures and replace
162 them with a single family home with a detached garage. Just over 900 square feet in pervious coverage is
163 being reduced. Mr. Hohenberger would like to see the driveway made impervious, noting that even with
164 the reduction the 43% of impervious surfaces on the parcel was still high. Mr. Maynard said he could super
165 elevate the driveway and create a small depression where run off could collect. He said the high sand
166 content of the lot would mean water infiltrated quickly.

167
168 **Chair Earley opened the session to public comment.**

169
170 Darren Sykes was favorable to the plan but wanted to be sure that the garage would be kept as just
171 a garage and would not be used for living space. He was not aware that the driveway was going to be paved
172 and hoped to see a reduction in that. Mr. Sykes did not receive notice from the ZBA.

173
174 Scott Roy was also in favor of the plan, saying this plan was more beneficial to the lake than he had
175 seen anyone else do. He would like the driveway put in normally and did not see a benefit to elevating it.
176 He described the work being proposed as above and beyond.

177
178 **Chair Earley closed the session to public comment.**

179
180 After abutter comment Mr. Maynard explained how the driveway could be crowned for drainage
181 purposes and clarified that it would not add a significant amount of cost to the project. He confirmed that
182 no plumbing was proposed for the garage.

183

184 **Mr. Curto made a motion to approve Case 2022-42 with the conditions that all items in the**
185 **Keach-Nordstrom memo be met to staff’s satisfaction, with the addition of the crowning of the driveway,**
186 **that there be no living space in the garage, and that prior to building permits being issued all DES permits**
187 **were approved. The motion passed with the following roll-call vote:**

- 188 **Chair Earley, aye**
- 189 **Vice Chair Mason, aye**
- 190 **Mr. Monson, aye**
- 191 **Mr. Curto, aye**
- 192 **Mr. Bradley, aye**
- 193 **Mr. Hohenberger, aye**

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197 **Case 2022-43 – 15 Gardner Rd – Parcel 17-J-137; Major WPOD Permit; Zone**
198 **– Residential District A and WPOD Overlay**

199 Mr. Maynard representing this application to raze the roof of an existing year round home and add
200 a second story. An open screen porch will be on the southwest side of the house, which increases the
201 footprint slightly. Part of this application is to create a drywell, which was previously approved but allowed
202 the lapse. Mr. Keach has requested that during the development stage no overnight storage of materials
203 happen within fifty feet of the lake. Mr. Bradley confirmed there would be no renovations to the garage.

204

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

206

207 **Mr. Monson made a motion to approve Case 2022-43 with the condition that all required DES**
208 **permits were approved and that all items in the Jan 18, 2023 Keach-Nordstrom memo be met to staff’s**
209 **satisfaction. Vice Chair Mason seconded the motion. The motion passed with the following roll-call vote:**

- 210 **Chair Earley, aye**
- 211 **Vice Chair Mason, aye**
- 212 **Mr. Monson, aye**
- 213 **Mr. Curto, aye**
- 214 **Mr. Bradley, aye**
- 215 **Mr. Hohenberger, aye**

216

217 **Mr. Bradley made a motion to adjourn the meeting. Vice Chair Mason seconded the motion. The**
218 **motion passed with the following roll-call vote:**

- 219 **Chair Earley, aye**
- 220 **Vice Chair Mason, aye**
- 221 **Mr. Monson, aye**
- 222 **Mr. Curto, aye**
- 223 **Mr. Bradley, aye**
- 224 **Mr. Hohenberger, aye**

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