



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes

April 5, 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, Present
- Matt Rounds, Present
- Alan Carpenter, Present
- Joe Bradley (alternate),
- 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, via Zoom
- Chris Sullivan- Assistant Planning Director, Community Development
- Renee Mallett- Minute Taker

The meeting opened at 7:00pm with the pledge of allegiance and the introduction of members.

Mr. Cross made a motion to have Mr. Earley continue as Chair of the Planning Board. Mr. Rounds seconded the motion. Mr. Carpenter said the rotation of the Chair position was tradition on this board and most of the boards in town. Mr. Carpenter stressed this was not a reflection on Mr. Earley or his performance but added that at the end of a term the Vice Chair was usually promoted to the Chair position and that if this motion failed he would be making a motion for Ms. Mason to take the position. Mr. Rounds described himself as a conservative who strives to protect nature and the environment, and his vote would be going towards the person was most able to do that. Mr. Cross agreed with the points made by Mr. Carpenter but thought two consecutive terms as Chair was not untoward. The motion passed with the following vote:

- Mr. Earley, aye**
- Ms. Mason, opposed**
- Mr. Monson, aye**
- Mr. Cross, aye**
- Mr. Rounds, aye**
- Mr. Carpenter, opposed**
- Mr. Breton, opposed**

44
45 **Mr. Rounds made a motion to nominate Mr. Monson as Vice Chair. Mr. Cross seconded the**
46 **motion. Mr. Breton said if the previous motion was predicated on a need to stay the course and maintain**
47 **a consistent leadership he thought Ms. Mason should also continue as Vice Chair. Mr. Rounds described**
48 **Mr. Monson as “an expert in a lot of that environmental stuff” and said he would like to see him as Vice**
49 **Chair. Ms. Mason thanked Mr. Breton but said the inconsistency in the leadership meetings over the**
50 **previous year meant she did not feel she could succeed as Vice Chair. She said Mr. Earley often left her**
51 **handling the leadership meetings on her own, without telling her he couldn’t attend until after the**
52 **meetings were supposed to start. She also cited private agreements and conversations between Mr.**
53 **Earley, Mr. Cross, and Mr. Rounds as making it difficult for her to feel she was being effective at the**
54 **position. The motion passed with the following vote:**

- 55 **Chair Earley, aye**
56 **Ms. Mason, aye**
57 **Mr. Monson, aye**
58 **Mr. Cross, aye**
59 **Mr. Rounds, aye**
60 **Mr. Carpenter, aye**
61 **Mr. Breton, aye**
62

63 Chair Earley agreed that he has a busy travel schedule due to his work but said he did not think
64 there were as many private conversations as many thought. Ms. Mason said she also had a busy schedule
65 due to her work but she made time for the agreed upon meetings. Ms. Mason said her time was just as
66 valuable and she did not feel her time had been valued over the past year. Chair Earley congratulated Vice
67 Chair Monson on his election and Ms. Mason congratulated Vice Chair Monson and Chair Earley.
68

69 **Case 2023-03 – 14 Cobbetts Pond Rd (Parcel 21-D-150); Final Subdivision;**
70 **Zone – Residential District A and WWPD**

71 Mr. Timothy Peloquin of Promised Land Survey representing this application to subdivide an
72 existing lot into a lot for a church and two single family home lots. This parcel includes an already existing
73 single-family home and has already received a variance.
74

75 **Ms. Mason and Ms. McCarthy both recused themselves from this application.**
76

77 Mr. Cross confirmed there would be no potential for further subdivisions in the future. It was
78 confirmed that the house was situated up to but not over the WWPD line. Chair Earley said the application
79 included a garage when it was presented to the ZBA. Mr. Peloquin said plans for a garage had been
80 eliminated from the plan.
81

82 **Chair Earley opened and closed the session to public comment.**
83

84 **Mr. Carpenter made a motion to approve Case 2023-03 as a final subdivision as presented with**
85 **the conditions that all items on the March 28, 2023 Keach-Nordstrom memo be met to staff’s**
86 **satisfaction, that all required NHDES permits and DoT curb cut permitting be received before the building**
87 **permits would be issued, and that prior to the work beginning that the applicant confer with staff for a**
88 **pre-construction meeting. Mr. Rounds seconded the motion. Mr. Rounds said he did not want to create**
89 **lots that would need variances to be developed. Vice Chair Monson said they had to vote on the**
90 **application before them and not on what could be built. Mr. Carpenter said the only non-conforming**

91 parts of this application were by the existing buildings and that no further impacts were being proposed.
92 The motion passed with the following roll-call vote:
93 Chair Earley, aye
94 Vice Chair Monson, aye
95 Mr. Cross, aye
96 Mr. Rounds, aye
97 Mr. Carpenter, aye
98 Mr. Breton, aye
99
100

101 **Case 2023-04 – 47 North Lowell Rd (Parcel 11-A-885); Final Major Site Plan**
102 **and WWPD Special Permit; Zone – Residential District B and WWPD.**

103 Mr. Shayne Gendron and Ms. Melissa Runde representing this application to construct 25 duplexes
104 and a clubhouse on just over 17 acres, all utilizing a private road.
105

106 **Ms. Mason and Ms. McCarthy returned from their recusals. Mr. Carpenter then recused himself**
107 **from the current case. Ms. McCarthy was seated for Mr. Carpenter for the duration of the discussion on**
108 **the case.**
109

110 Mr. Gendron said the private roadway would be built to town standards. There is a connection to
111 Cardinal Road proposed at the suggestion of Fire and Police. Every unit has parking for two cars, some up to
112 four cars, and each unit has a two car garage. Twenty-nine parking spaces are slated for use with the
113 clubhouse. The clubhouse is a two thousand square foot building.

114 Mr. Gendron went over the drainage in detail. The application is asking for some waivers including
115 the marking of 12-inch trees and three-foot minimum pipe coverage. State permits, including a DoT
116 driveway permit, alteration of terrain, condo subdivision, and leach fields are still outstanding and need to
117 be individually improved. A WWPD special permit is required and as part of this permit a number of
118 invasive species on the lot will be removed. This application has been seen previously by the Conservation
119 Commission. Mr. Gendron said a traffic study had been completed and no major impacts to the area was
120 indicated.
121

122 **Mr. Cross made a motion to open Case 2023-04 as a major final site plan. Mr. Rounds seconded**
123 **the motion. The motion passed unanimously.**
124

125 Mr. Cross asked if the number of units was the same as when this case had been seen previously.
126 Mr. Gendron said it was and that no density bonuses were being asked for. Mr. Cross said he liked the cul
127 de sac style of this application as opposed to the grid pattern seen by the board previously. He asked if the
128 connectivity to Cardinal could be gated. Mr. Gendron said it was a decision the board had to make,
129 guidance from safety was to have open access with no gate but abutters had been vocal about not wanting
130 that connection.

131 Mr. Rounds asked if this was age restricted housing. Mr. Gendron said it was not. Mr. Gendron
132 showed where the road was at an 8% grade leading into a vertical curve. He said the road was at a 2%
133 grade where it met with Lowell Road. Vice Chair Monson noted four of the units were in the backyards of
134 other units. Mr. Gendron said it was the only way to reach fifty units still in keeping with the setbacks.

135 Vice Chair Monson asked if the state permits could be issued before approval. Mr. Gendron said
136 those permits were costly and the applicant preferred to have a conditional approval before investing
137 money into those permits.

138 Chair Earley agreed with the point made about the location of some of the units, noting two which
139 had lengthy driveways because of their placement. Chair Earley asked about the applicants willingness to
140 go before Design Review. Mr. Gendron said they would all be two-bedroom units of approximately 1650
141 square feet plus potential loft space.

142 Ms. Mason said she would like to see as many large trees as possible saved, as it would add to the
143 character of the neighborhood. She asked about the plans for fire suppression. Mr. Gendron showed where
144 a cistern would be located. He said the fire department would prefer hydrants and that they were open to
145 that depending on the water capacity. He said the cistern would be a back-up if hydrants were possible.

146 Mr. Rounds asked about the potential for a turning lane into the development. Mr. Gendron said
147 the traffic report showed a peak traffic flow in the morning and evening of less than twenty cars so he did
148 not see a queuing issue. He did not think those numbers would incite the DoT to add a turning lane.

149 Ms. McCarthy said she thought the proposed dog park was a great place to leave some trees, as
150 had been suggested by Ms. Mason.

151
152 **Chair Earley opened the session to public comment.**

153
154 Chair Earley read correspondence into the record from an abutting development that had concerns
155 about water and drainage. Chair Earley said there was also correspondence from the fire department
156 strongly urging the open connection to Cardinal Road.

157
158 Tom Leone said the board should try driving Cardinal Road before they approved this connection.
159 He said it currently has only two homes on it and even a small increase in traffic would be a big difference.
160 Mr. Leone said in the winter he often pulled people out of the snow banks who slide off the road. He said it
161 was his only major concern about this development.

162
163 Joe Rovell said a lot of pedestrians use Oriole. He said it was a safety issue to start with and that
164 this connection would make it much worse. He said several cars have ended up in his yard even though he
165 has added curbs at his own cost. He said he respected the fire department but named a number of
166 developments that are in town that only have one point of egress.

167 Mr. Breton said that the road had been an issue for many years. He said a number of years ago
168 speed bumps were added but they had to be taken out for the winter. A police study of the road showed
169 that the vast majority of the speeding was being done by residents on the road. Mr Breton did not think the
170 fire department was going to change their minds about the interconnectivity given their many years of
171 experience with the roads.

172 Mr. Rovell said he understood the departments desire for connectivity and said the addition of a
173 gate would go a long way to assuaging his concerns.

174
175 Candy Cosgrove is a resident of and on the board for Windridge Condos. She read into the record a
176 letter which her association had sent the board. She said her entire development of thirty-five homes
177 depended on two community wells, with a potential third as a backup, and they have concerns about the
178 protection of their wells and ground water. They are satisfied with the proposed plans and the location of
179 potential wells and leach fields but hope that if any changes are made they are mindful thought about the
180 continued protection of the water.

181 On a personal note Ms. Cospgrove said that she can hear the same sort of screeching tires and
182 traffic noise noted by the previous commentors regarding the safety of the road. She asked about the
183 vegetative buffer and what the visibility to the new development might be.

184

185 Mr. Carpenter, speaking as a resident and not as a board member, said the issues on Cardinal and
186 Oriole were well known to him both as a former selectmen and having once lived in that part of town. He
187 agreed they were dangerous roads but thought that fifty units should not have one point of egress. To
188 mitigate a butter concern Mr. Carpenter suggested a gate could have digital access, not a key. He noted it
189 was a private road and it could be signed for resident use only/private property. He thought speed bumps
190 or one way access could discourage use. Mr. Carpenter said cross walk style speed bumps could be used to
191 this end while still being plowable.

192 Mr. Carpenter suggested town counsel review the easements as the wells are located on an
193 abutting parcel. He also asked more detail on the retaining walls.

194
195 Ms. Runde spoke as a resident and not as part of her capacity as an employee of Edward Herbert.
196 Ms. Runde said it is a tough curve that people take too fast. She shared the process that goes into water
197 studies and traffic studies and her confidence in them. Ms. Runde said the applicant had strong historical
198 ties to the town and that they were very thoughtful about the design and it's impact. Ms. Runde said the
199 development was an allowed use and thought it would be a nice community, and she was sure that the
200 board was hearing a butter concern about the safety issues.

201
202 Bob Coole asked if there was comment from the highway safety committee. Mr. Sullivan said Mr.
203 Senibaldi had expressed no concerns. Mr. Coole said Mr. Sharpe would be the person to make the
204 comment. Mr. Sullivan said the packet had been sent out but no comment was received from Mr. Sharpe.

205
206 **Chair Earley closed the session to public comment.**

207
208 Chair Earley shared information from the traffic study. He agreed there was an existing problem but
209 that the data did not seem to indicate that this development would greatly add to it. Mr. Rounds said this
210 was an issue with or without the proposed development and that it was not an issue that was under the
211 purview of the planning board. He thought the Highway Safety Department and the Selectmen should be
212 addressing this already existing problem.

213 Mr. Gendron said marking the road emergency access only would deter people from using the
214 connection. He noted it was something they were asked to do and were willing to do at a cost to them. He
215 said they were considering posting 15 mile per hour speed limit, as they did not want people speeding
216 through this neighborhood.

217 Mr. Gendron was asked if construction equipment could be restricted from using Cardinal Road.
218 Mr. Gendron said there would be no trucks going through Cardinal. Mr. Gendron showed the details for
219 each retaining wall. He added that Mr. Keach had already asked for structural design for each wall, per
220 manufacturer requirements.

221 Mr. Rounds suggested the board send a letter to the Board of Selectmen highlighting the existing
222 safety issues on Cardinal and Oriole Roads.

223 Mr. Breton noted that any citizen could ask to be put on the agenda for the highway safety board
224 and furthermore that there were three citizen positions, one of which had been open for three years. He
225 thought a letter to the selectmen should be sent by the board. He thought the resident use only and 15
226 mile per hour posting was enough to discourage use. Chair Earley said he hoped this plan could be a
227 catalyst to improving the already existing safety situation.

228 Mr. Cross agreed that the existing issue was not the fault of the applicant but he worried about
229 approving the plan with conditions and losing control. Chair Earley said he would like further discussion on
230 a few of the units and their placement. Mr. Rounds said units 41, 42, 29, and 30 seemed in excess.

231 Attorney Cronin speaking on behalf of the applicant said his client was under a time crunch as
232 financing and contractors would not be willing to discuss the plan without a conditional approval. He said

233 the economy and distribution issues plus the removal of units and an additional thirty days would have an
234 impact on the applicant.

235 Chair Earley said this was originally a 72 unit plan and that the applicant had been very responsive
236 to board feedback.

237
238 **Ms. Mason made a motion to approve the requested waiver of 603.2.4.12, marking of 12 inch**
239 **trees. Mr. Cross seconded the motion. The motion passed with the following roll-call vote:**

240 **Chair Earley, aye**
241 **Vice Chair Monson, aye**
242 **Ms. Mason, aye**
243 **Mr. Cross, aye**
244 **Mr. Rounds, aye**
245 **Ms. McCarthy, aye**
246 **Mr. Breton, aye**

247
248 **Ms. Mason made a motion to approve the requested waiver of 705.2.3, soil cover on cross**
249 **culverts. Mr. Rounds seconded the motion. At Mr. Cross's suggestion Ms. Mason amended her motion to**
250 **include the condition that the mitigating factors noted in the Keach-Nordstrom memo be followed. Mr.**
251 **Rounds said his second still stood. The motion passed with the following roll-call vote:**

252 **Chair Earley, aye**
253 **Vice Chair Monson, aye**
254 **Ms. Mason, aye**
255 **Mr. Cross, aye**
256 **Mr. Rounds, aye**
257 **Ms. McCarthy, aye**
258 **Mr. Breton, aye**

259
260 **Ms. Mason made a motion to approve the WWPDP special permit including the construction of a**
261 **private road contingent on approval of the major final site plan. Mr. Rounds seconded with the amended**
262 **condition that only a detention pond was being allowed within the WWPDP. The motion passed with the**
263 **following roll-call vote:**

264 **Chair Earley, aye**
265 **Vice Chair Monson, aye**
266 **Ms. Mason, aye**
267 **Mr. Cross, aye**
268 **Mr. Rounds, aye**
269 **Ms. McCarthy, aye**
270 **Mr. Breton, aye**

271
272
273 **Ms. Mason made a motion to approve Case 2023-04 with the following conditions: that all items**
274 **on the March 31, 2023 Keach -Nordstrom memo be met to staff's satisfaction, that a pre-construction**
275 **conference with CDD staff be held before development begins, that signage for private drive or**
276 **emergency access only be added to the connection to Cardinal Road, that there be 15 mile per hour**
277 **speed limits within the development, that a final meeting with the fire department be held to confirm or**
278 **deny gated access, and that the applicant works with staff to create a landscape plan to block visibility**
279 **for the abutters to the north. Mr. Breton seconded the motion. Mr. Cross said he agreed with previous**

280 **comments that this plan had some layout issues but thought the applicant had already eliminated many**
281 **units from the original concept. The motion passed with the following roll-call vote:**

282 **Chair Earley, aye**

283 **Vice Chair Monson, opposed because of potentially making traffic issues on Cardinal worse.**

284 **Ms. Mason, aye**

285 **Mr. Cross, aye**

286 **Mr. Rounds, aye**

287 **Ms. McCarthy, aye**

288 **Mr. Breton, aye**

289

290 **Case 2023-05 – 13-15 Rockingham Road (Parcels 13-A-9 and 13-A-10); Final**
291 **Major Site Plan; Zone – Commercial District A and Rt. 28 Access Management**
292 **Overlay District**

293 Mr. Chris DeMoula representing this application to construct a new retail motor fuel outlet on Lot
294 10 which will include a 7,500-sf convenience store with a coffee shop drive-thru use, 57 striped parking
295 spaces, a fuel dispensing area with 10 dispensers (20 fueling positions) and an overhead canopy.
296 Improvements associated with the existing mixed-use commercial building on Lot 9 include a new parking
297 layout and shared access driveway between Lots 9 & 10. The development also includes a merger of Lots 9
298 & 10 into one single lot.

299 Mr. Sullivan confirmed the application was complete and appropriate.

300

301 **Mr. Carpenter was reseated for the duration of the meeting.**

302

303 **Mr. Breton made a motion to open Case 2023-05. Ms. Mason seconded the motion. The motion**
304 **passed with the following roll-call vote:**

305 **Chair Earley, aye**

306 **Vice Chair Monson, aye**

307 **Ms. Mason, aye**

308 **Mr. Cross, aye**

309 **Mr. Rounds, aye**

310 **Mr. Carpenter, aye**

311 **Mr. Breton, aye**

312

313

314 Mr. DeMoula highlighted some of the changes made to the plan since it was last seen by the board
315 in December. This included edits to a few parking spaces, a minor realignment of the driveway entrance
316 and canopy, and a change to the Rail Trail access. An updated Keach-Nordstrom memo has been received.
317 Based on comments from Mr. Keach two additional waivers are being requested.

318 Vice Chair Monson asked how a previous crediting of impervious surfaces from one lot to the other
319 would be impacted by the two lots now becoming one. Mr. DeMoula reviewed the requirements and said
320 there would be no waivers needed on this basis. Vice Chair Monson said the board had asked other
321 applicants on that road to add trees and didn't think the board should waive the requirement for the gas
322 station. Ms. McCarthy asked about hours of operation.

323 Chair Earley asked about lighting plans and what the impact would be to emergency services,
324 considering the 24 hour nature of the business. He asked about the town's ability to limit hours of
325 operation after approval if the business proved to create issues from a safety standpoint. Mr Carpenter said
326 a conversation could always be had with a landlord but that he did not think from a legal standpoint that it

327 was possible. Mr. Carpenter said the 24 hour operating hours were allowed in the zone. Vice Chair Monson
328 said the police had no comment on the application. Ms. Mason asked Mike Durante of Nouria about
329 security measures taken by other towns. Mr. Durante said Nouria preferred 24 hour access but would
330 comply with any town requirements. He said in most communities fire and safety wanted the lights on, as it
331 was a deterrent to crime and a benefit for drivers.

332 Mr. Rounds said the hours should just mirror whatever existing gas stations in town already do. Mr.
333 Breton thought staffing would be an issue. Mr. Carpenter asked about the potential for EV charging
334 stations. Mr. DeMoula said they were currently pursuing government funding for the stations. Mr. Breton
335 suggested talking to the local energy committee about grant potential. Mr. Carpenter thought a condition
336 of approval should be potential future connectivity to the abutting lot. Mr. Safir showed how connectivity
337 would be limited by an existing streetlight and topographical differences.

338
339 **Chair Earley opened and closed the session to public comment.**

340
341 **Mr. Carpenter motioned to approve Case 2023-05 as presented with the following conditions:**
342 **that hours of operation would be determined by the applicant but they will look to limit them if there's**
343 **public safety issues in the future, that the applicant will return to the board with a signage plan, that the**
344 **applicant will work with Mr. Sullivan to develop an appropriate landscape plan along the Rt. 28 frontage,**
345 **and that all items from the Keach-Nordstrom memo will be met to staff's satisfaction, as well as a pre-**
346 **construction meeting between the applicant and staff being held before development began. Mr. Rounds**
347 **seconded the motion. The motion passed with the following roll-call vote:**

- 348 **Chair Earley, aye**
- 349 **Vice Chair Monson, aye**
- 350 **Ms. Mason, aye**
- 351 **Mr. Cross, aye**
- 352 **Mr. Rounds, aye**
- 353 **Mr. Carpenter, aye**
- 354 **Mr. Breton, aye**

355
356
357 **Vice Chair Monson made a motion to approve the requested waiver of 703.2, parking density.**
358 **Ms. Mason seconded the motion. The motion passed with the following roll-call vote:**

- 359 **Chair Earley, aye**
- 360 **Vice Chair Monson, aye**
- 361 **Ms. Mason, aye**
- 362 **Mr. Cross, aye**
- 363 **Mr. Rounds, aye**
- 364 **Mr. Carpenter, aye**
- 365 **Mr. Breton, aye**

366
367
368 **Vice Chair Monson made a motion to approve the requested waiver of 705.2.3, soil cover over**
369 **pipes. The motion was seconded by Ms. Mason. The motion passed with the following roll-call vote:**

- 370 **Chair Earley, aye**
- 371 **Vice Chair Monson, aye**
- 372 **Ms. Mason, aye**
- 373 **Mr. Cross, aye**
- 374 **Mr. Rounds, aye**

375 **Mr. Carpenter, aye**

376 **Mr. Breton, aye**

377

378 Vice Chair Monson made a motion to deny the requested waiver of 704.2.1, trees along the
379 frontage. Mr. Rounds seconded the motion. The motion failed.

380

381 **Mr. Cross motioned to approve the requested waiver of 704.2.1. Ms. Mason seconded the**
382 **motion. The motion passed with the following roll-call vote:**

383 **Chair Earley, aye**

384 **Vice Chair Monson, opposed**

385 **Ms. Mason, aye**

386 **Mr. Cross, aye**

387 **Mr. Rounds, opposed**

388 **Mr. Carpenter, aye**

389 **Mr. Breton, aye**

390

391

392 **New/Old**

393

394 Chair Earley said the Master Plan draft had been received by the board and wanted to schedule
395 time for discussion of it. Mr. Rounds said all of the Master Plan subcommittee members wanted to be
396 present for that discussion and that May 2nd, a Tuesday, was the preferred day. May 10th was preferred by
397 many board members.

398

399 **Mr. Cross made a motion to adjourn the meeting. Ms. Mason seconded the motion. The motion**
400 **passed with the following roll-call vote:**

401 **Chair Earley, aye**

402 **Vice Chair Monson, aye**

403 **Ms. Mason, aye**

404 **Mr. Cross, aye**

405 **Mr. Rounds, aye**

406 **Mr. Carpenter, aye**

407 **Mr. Breton, aye**

408