



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes
June 3rd, 2020

7:00 pm at Community Development Meeting Room & Zoom Video Conference
3 North Lowell Road

Attendance:

- Chair, Derek Monson, Present
- Vice Chair, Alan Carpenter, Present, via Zoom video conference
- Joe Bradley, Present, via Zoom video conference
- Jennean Mason, Present, via Zoom video conference
- Ruth-Ellen Post, Present, via Zoom video conference
- Jacob Cross, Present, via Zoom video conference
- Matt Rounds (alternate), Present, via Zoom video conference until 10:02
- Gabe Toubia (alternate), Excused
- Heath Partington, Board of Selectmen liaison, Present, via Zoom video conference
- Dick Gregory- Planning Board Director
- Rex Norman- Community Development Director, via Zoom video conference
- Renee Mallett- Minute Taker, via Zoom video conference

The meeting opened at 7:11 with the Pledge of Allegiance and the introduction of members. On March 23rd, because of the Covid-19 pandemic, Governor Sununu created Emergency Order #12. This has relaxed the requirements of RSA 91-A, III(c) and allowed the meeting to be held while still following the CDC guidelines for social distancing and the Governor’s restrictions on gathering of more than 10 people. As such most of the board members took part via Zoom video conference. The public was given a phone conference number with which to comment or ask questions while the meeting was in session.

Case 2019-19DR, (lot 19-A-200) Workforce Housing-Design Review Application, 64 Mammoth Rd., Rural District.

Mr. Joseph Maynard, via Zoom video conferencing, represented this application to build ten duplexes on this parcel, which is already the site of an existing residential home. The home will be kept. The applicant is proposing that 30% of the units will be workforce housing. Three conditional use permits will be required for this plan to move forward.

Russ Thibault, of Applied Economic Research, supplied the board with a report showing that the project would not be profitable with the 50% workforce housing required by the ordinance. Mr. Thibault was also on the call to explain why the 30% workforce housing number was needed to make the project viable.

42 Mr. Cross said that the workforce housing ordinance called for five acres minimum for a single unit.
43 This plan had six acres but included an already existing house that was being called a condo, as well as 10
44 additional duplexes. Mr. Maynard agreed that carving a lot out for the home would take at least half an
45 acre and would impact setbacks and frontage. He said the deviation from zoning was the reason why a
46 conditional use permit was being requested. Mr. Cross felt it set a bad precedent to consider the home a
47 condo. He added that, considering the land dedicated to power lines in the back, this was really a lot of
48 density for a very small buildable parcel.

49 Mr. Maynard said that the plan called for 30 feet between units. Vice Chair Carpenter pointed out
50 several instance of distances under the 30 feet. Mr. Maynard said that there was 30 feet from unit to unit.
51 Decks and patios did encroach on the 30 feet distance, but he did not feel they counted towards the
52 ordinance regulations.

53 Mr. Maynard said that the fire department had no problem with the smaller cul de sac radius, as
54 was being requested by the applicant, so long as the center area was fully paved. Mr. Cross said he was
55 uncomfortable with cutting corners regarding safety just because this was lower income housing.

56 Vice Chair Carpenter said he also shared concerns with calling the house one of the condo units. He
57 had some issues with the finance numbers the board had been provided. He agreed that 50% might be too
58 high of a number for workforce housing in the development but said the 30% number presented by the
59 applicant was too low. Vice Chair Carpenter added that 30% was the absolute minimum allowed for the
60 conditional use permit. Vice Chair Carpenter asked for plans on drainage, topography. Mr. Maynard said
61 this was a design review and those were not required at this point.

62 Mr. Rounds gave statistics on the the median incomes in the town, state, and for several different
63 professions. He pointed out that a teacher or police officer made, on average, half the income that was
64 used for this workforce housing analysis. He said if variances were going to be given the plan should be
65 accessible to the true workforce in town.

66 Mr. Bradley also felt that some of the numbers presented did not make sense. He would like to see
67 more information on where the numbers came from and how they were calculated.

68 Ms. Post was concerned that the workforce housing units would be equally interspersed
69 throughout the development. She wanted to know which units would be marked as workforce housing. Mr.
70 Maynard said that they had not yet designated which units would be market rate and which would be
71 workforce. He said the plan was to make the exterior of all the units the same. Attorney Cronin said that
72 the state had mechanisms in place to ensure that workforce housing units were interspersed throughout
73 the development. Ms. Post said that even so she would like to judge for herself that the units were laid out
74 equitably.

75 Vice Chair Carpenter had some similar concerns, wanting to know more details on what the
76 differences would be between the market rate units and the workforce housing units. He asked if there
77 would be a difference in the square footage or number of bedrooms, or in finishes.

78 Mr. Partington returned to the earlier comments about the 30-foot space between units. His
79 reading of the ordinance was that decks and patios were to be taken into consideration. Mr. Maynard said
80 he would be able to make the plan work with the full distance. Mr. Partington said that the plan, as
81 presented, did not even meet the 30% workforce housing proposed because it did not take into
82 consideration the market rate house. Mr. Maynard said the house would be sold for less than \$335,000 and
83 would count as workforce housing. Mr. Bradley pointed out that the plan they were provided showed the
84 house for \$350,000, which would put it at market rate.

85 Mr. Partington asked if the house had the required setbacks and frontage. He was told that it did
86 not but that the house pre-dated these rules, so it was a legacy non-conforming lot. Mr. Partington
87 countered that the house would conform until the proposed road for the rest of the development was
88 created. Mr. Partington said he would like more information on the numbers supplied by the applicant and
89 for the town to hire their own expert to offer a second opinion.

90 Mr. Bradley asked what percent of workforce housing other developments in town had been built
91 with. He was told they typically fell between 30% and 50%. The Cricket Hill development next to this
92 proposed neighborhood is at 50% workforce housing. Mr. Bradley asked what was significant about this
93 parcel that it was not viable to build it at 50% workforce housing when the one directly next to it was. Mr.
94 Maynard said there was no real difference but that the cost of blasting and building roads had been
95 increasing.

96 Mr. Bradley asked on how condo fees would work with the single-family home. Mr. Cross reiterated
97 that if the house were given its own lot that the remaining parcel would not be big enough for even one
98 duplex let alone ten.

99 Vice Chair Carpenter reminded the board that the workforce housing ordinance did allow single
100 family homes and that there was nothing prohibiting mixing and matching them with condos. He still felt
101 the plan was too dense and did not like the shared driveway concept with a narrow road and cul de sac.
102 Vice Chair Carpenter said if the plan came back before the board, he would recommend a site walk and a
103 review of the soil test pits.

104
105 **Chair Monson opened the session to public comment.**

106
107 Elizabeth Cooper, 6 Wentworth Circle, said this development would be the view from her back
108 deck. She asked how far it be from her deck to the nearest structure, a detention pond. She was told it
109 would be at least 42 feet if her deck fell at the expected setbacks. She asked about the potential for the
110 detention pond to flood. Mr. Maynard said it would not hold water for more than 24 hours. Ms. Cooper
111 asked about landscaping buffers but was told these would not be included until there was a more formal
112 plan. She was also told that the bulk of the blasting would be done at the part of the lot that was furthest
113 away from her home.

114
115 Jim Barbarelli said he often walked the lot and that it was too small for so many houses. He also
116 cited the traffic issues already existing in this area of town. He also had concerns that a development of this
117 size would require more blasting than was being described.

118
119 **Chair Monson closed the session to public comment.**

120
121 Vice Chair Carpenter reminded the public that this was a design review and that they would have
122 chances to comment again if the plan moved forward in the future.

123 Mr. Rounds said that if the board did not consider the single-family home as part of the condo
124 complex the rest of the discussion was moot. Mr. Bradley said a note on the plan specified that no land or
125 common area would be shared with the house so he did not see how it could be considered as part of the
126 condos. Vice Chair Carpenter would like to have Attorney Campbell weigh in on this point. Ms. Post said she
127 was trying to keep an open mind but that she too was struggling to find a way that the home counted as a
128 condominium. She agreed it was too dense of a plan and wanted to see the units maintain a strict 30 feet
129 setback from each other.

130 Informal polling of the board showed a willingness to consider ideas like keeping the single-family
131 home as a condo and lowering the 50% workforce housing requirement, but the board wanted more
132 information. Mr. Maynard offered to bring in the builder of another 50% workforce housing development
133 so they could share their experiences with the challenges this brought.

134 Mr. Thibault said he would like to create an amended report with expanded information to give to
135 the board.

136

137 **Vice Chair Carpenter made a motion to close the design review. Mr. Cross seconded the motion.**
138 **7-0, the motion passed.**
139

140 Discussion followed on the in-progress Kowalski sub-division on Range Road. Vice Chair Carpenter
141 had some concerns with silt control on the 5 acres of disturbed land. Mr. Gregory said that he, Mr. Norman,
142 and Mr. Keach had all looked at the sub-division as it was progressing, and they had no concerns. He said
143 that silt-fencing was not the only tool for erosion control. There had been a neighbor complaint about run
144 off, but it was found to not be the fault of the construction.

145 Chair Monson asked how often the planning department or Mr. Keach visit sub-divisions. Mr.
146 Gregory said he goes every few weeks and that Mr. Keach only goes when asked specifically. Vice Chair
147 Carpenter disagreed and said that Mr. Keach should be overseeing all sub-divisions.

148 Ms. Post was in concurrence both with Mr. Keach needing to be on hand at all sub-divisions and
149 with concerns about how this particular one was progressing.

150 Mr. Norman said that he had discussed Mr. Keach's involvement in the past with Mr. Gregory and
151 had deferred to Mr. Gregory's expertise on the matter. He said that Mr. Keach had not been following this
152 development or the one at Simpson's Crossing until asked.

153 Vice Chair Carpenter said that there were issues with the Simpson's Crossing development building
154 houses without completing the necessary site work. He said that the process of the town engineer
155 overseeing sub-divisions to be sure they were held accountable to the approved plans had been in place for
156 decades. He wanted to be sure this was corrected and codified in the future.

157 Mr. Cross asked if a site walk would help the board assess what was happening at the Kowalski sub-
158 division. Vice Chair Carpenter asked staff to put the plans into a folder for board review and to ask Mr.
159 Maynard for permission for a site walk. Mr. Norman said he would follow up with the town engineer to see
160 what he felt was his responsibility regarding sub-division construction.
161
162

163 **Old/New Business**

164

165 Chair Monson said he would like to put the revised checklist created by Mr. Partington to work in
166 the digital folders. Ms. Post asked that any previous minutes associated with an application be added. Mr.
167 Bradley asked that this also include any previously approved site plans. Ms. Suech will be consistently
168 naming files in the OneDrive folders for ease of use.
169

170 The Conservation Commission had been consulted and they would like to continue to see the same
171 sort of applications they have been. They also have some suggested wording for ordinances and will be
172 invited to a future workshop.
173

174 Mr. Partington said that the recent Board of Selectmen meeting had included lengthy discussion on
175 the recently approved American Legion sign. Vice Chair Carpenter said that the sign had been reviewed by
176 Attorney Campbell and it met all of the ordinances. However, the building associated with it is under
177 Board of Selectmen purview, so they could change the sign if they aren't happy with the one approved by
178 the board.

179 Mr. Norman clarified some of the dimensions of the sign which may have led to the mistaken belief
180 by the Board of Selectmen that the sign was larger than allowed.
181

182 Mr. Partington also questioned if a new tenant at the Village Green plaza needed to come before
183 the board for a change of use permit. Mr. Gregory said the use was permitted by zoning, so it did not. Mr.
184 Partington was concerned that this did not give the public a chance to comment. Vice Chair Carpenter

185 asked to what purpose, as the use was permitted by zoning. Mr. Partington persisted, asking who decided
186 what was a permitted use. Mr. Gregory said it had been discussed by himself and Mr. Norman when an
187 issue with their sign came up.

188
189 **Mr. Rounds excused himself at 10:02**

190
191 **Mr. Cross made a motion to adjourn the meeting. Ms. Mason seconded the motion. The motion**
192 **passed 7-0.**
193