



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

3 North Lowell Road, Windham, New Hampshire 03087  
(603) 432-3806 / Fax (603) 432-7362  
[www.WindhamNH.gov](http://www.WindhamNH.gov)

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**Planning Board Approved Minutes**  
July 22nd, 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, via Zoom video conference
- Joe Bradley, Present, via Zoom video conference
- Jennean Mason, Present
- Ruth-Ellen Post, Present, via Zoom video conference
- Jacob Cross, Present, via Zoom video conference
- Matt Rounds (alternate), Present, via Zoom video conference
- Gabe Toubia (alternate), Present, via Zoom video conference
- Tom Early (alternate), Absent
- Heath Partington, Board of Selectmen liaison, Present, via Zoom video conference
- Dick Gregory- Planning Board Director
- Renee Mallett- Minute Taker

The meeting opened at 7:02 with the Pledge of Allegiance and the introduction of members. On March 23<sup>rd</sup>, 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 many of the board members took part in the meeting via Zoom video conference.

Chair Monson listed several options available to the board to pursue funding for an updated Master Plan. Mr. Rounds suggested that a question about funding be added to the survey the board is creating for resident input. Mr. Toubia agreed with the idea but said that it would have to be worded in such a way that it would explain the value of a master plan and explain why it was worth paying for.

Resident Wendy Williams asked how much had been spent in the past on the crafting of the master plan and how much of that cost was related to the printing of it. Mr. Cross said he didn’t know what that break down was, but recent master plans made for area towns had cost anywhere from \$90,000 to \$175,000. Vice Chair Carpenter said that Windham had paid \$85,000 in 2005 and that the majority of the costs were related to the research and development of the plan.

Mr. Cross thought that all sources of funding should be explored simultaneously while putting out the survey. Mr. Bradley said that asking for RFPs could help the board in deciding how much money needed to be requested or earmarked for the project.

Mr. Rounds said that the board had requested master plan funding in the past as both a CIP project and from the board of selectmen. All requests had been turned down. Ms. Post said that she was not

44 comfortable asking for Master Plan funding as a CIP project as the board had been told previously this was  
45 not appropriate. Mr. Toubia said that he agreed it was not an appropriate use of the CIP as the master plan  
46 would be considered an operating expense. An informal poll of the board showed that all members were in  
47 agreement to not pursue the CIP as an option for funding.

48 Mr. Partington said that the 2005 master plan funds had been decided by the residents via warrant  
49 article. He said that in previous years the board of selectmen had rejected much lower funding requests  
50 that had come in based on SNHPC estimates so they would expect a justification of why the higher amount  
51 was necessary at this point.

52 Mr. Bradley asked if there was a copy of what was previously produced by SNHPC that could be  
53 compared to the more expensive plans paid for by other towns. Ms. Post said that there were wonderful  
54 people at SNHPC but there had been some issues in the past with services rendered. Mr. Bradley asked if a  
55 plan by the SNHPC might have their own agenda as to what they suggested be developed.

56 Vice Chair Carpenter gave some background on the SNHPC. He said that they looked at planning  
57 and development holistically for the region but that he did not see an obvious political bias or slant to their  
58 work. Vice Chair Carpenter said issues had arose with the previous plan when the person who the town had  
59 originally been working with left the organization and was replaced with someone less experienced. This  
60 had created a different result than expected when the project had been approved. Vice Chair Carpenter  
61 thought the board should put out the survey including a question about funding. He said that people  
62 interested enough to take the survey were probably also invested in funding the master plan. Mr.  
63 Partington said that a master plan was created to serve the community and that if the community didn't  
64 want one that was up to residents.

65 Chair Monson confirmed, with an informal poll, that the plan of action would be to continue work  
66 on getting a survey out to residents while building a schedule and putting out RFPs to get a better idea of  
67 how much funding should be requested.

68  
69 Regarding the survey itself Mr. Cross said that the IT Department said the town already had a  
70 Planning Board specific SurveyMonkey account. He said they would be able to give it an easy to remember  
71 URL that would begin with [www.WindhamNH.gov](http://www.WindhamNH.gov). Mr. Cross said there were some options that would  
72 enable the board to limit responses to just one person per browser, or one response per IP address.

73 Mr. Bradley said the first six questions were related to demographics and asked how the board  
74 would utilize that information and if it was worth collecting. Vice Chair Carpenter said that the board would  
75 have Census Data with a lot of the same information available at the end of March.

76 When talking about who should be taking the survey Ms. Mason raised the situation of someone  
77 who owned property in town but was not a resident. Vice Chair Carpenter said that this would be a  
78 statistically small amount of people compared to residents. More discussion was focused how the board  
79 felt about surveying people who were business owners in town who were not residents. This included a  
80 decision to add "other" to the employment question as it would cover retirees and unemployed persons.

81 Ms. Post asked if questions about commuting should be included. Mr. Cross said that there were so  
82 many unknowns surrounding working from home due to Covid-19 that this might not be the best year to  
83 ask.

84  
85 **At 8:14 computer issues caused the meeting to go offline from livestreaming and it was not**  
86 **recorded for a period of several minutes.**

87  
88 It was decided to break out the questions from the first section into their own groups to keep them  
89 concise and to eliminate any accidental leading of answers. Vice Chair Carpenter said that for the same  
90 reason the answers should limit the use of adjectives such as "new."

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**At 8:18 Mr. Cross briefly excused himself from the meeting.**

Ms. Williams said she was disappointed that the survey questions had not been included in the meeting’s online case file as she would have liked to of read the questions before the meeting. Chair Monson agreed with Ms. Williams that it should have been included in the packet made available online. He described the survey as a work in progress and said resident input was important to the board.

**Mr. Cross was reseated at 8:24.**

Vice Chair Carpenter questioned the effectiveness of a question regarding the importance of town facilities, as this was something the planning board had no purview over. Mr. Cross said it had been included because it was used on the last survey done by the town. Mr. Bradley suggested the wording be changed to “indicate the need to improve these buildings,” rather than asking about their importance. Vice Chair Carpenter agreed that might be information the Board of Selectmen would find useful. Mr. Partington said he could bring it up at the next meeting.

Vice Chair Carpenter suggested that questions asking about water and sewer specifically use the term municipal services instead. Mr. Rounds said the average resident did not know the implications of these services. Ms. Post asked why sewer was being asked about at all as there was no money or infrastructure for it and they should not ask about things that weren’t at all feasible. Mr. Toubia said all of those questions were very loaded. He said they did not make a distinction between infrastructure and usage. Mr. Toubia thought the language needed to be clear that residents were not being asked to pay for a business’s water bill. Vice Chair Carpenter said that these kinds of municipal services were also under the purview of the Board of Selectmen but that the answers could help the board make other planning changes.

Mr. Toubia felt that asking the question might lead to an expectation that these types of items were a possibility. Chair Monson suggested an introduction to the survey advising against setting expectations. Mr. Cross thought that voters had already been very clear they did not want municipal services so it would be obvious that the survey was not promising them. Ms. Post thought the specificity of the items being talked about went too far and intimated that these things were a possibility. The board was in agreement to remove those questions from the survey.

Vice Chair Carpenter questioned a statistic in one of the questions that stated Windham had 80% single family homes and 20% apartments and multi-families. He asked that Mr. Norman confirm these numbers were accurate before the survey was finalized. He added that the answer “no new houses” should be struck from the survey because it was not a possible outcome. Mr. Rounds said he thought that asking residents what specific housing styles they wanted should be changed to asking what kind of zoning they would like to see encouraged. Mr. Cross said, to him, the housing styles question was the single most important one on the survey. He said that the previous survey acted as if all development was good and he wanted residents to be able to express that they wanted some development prioritized over others. Ms. Post said that putting an option for “no new residential development” in print raised several legal red flags. She said it could be used against the town in court cases and that it should be replaced with “slow residential development overall.”

Conflict also arose over the questions regarding Workforce Housing, as they described this type of development as “low-income housing.” Mr. Cross contended that the name workforce housing had been created to obscure the meaning of this type of development because low-income housing and subsidized housing were unpopular terms. This met with immediate push back from the rest of the board. Ms. Post said that workforce housing, low income housing, and subsidized housing were all three separate types of development that had nationally recognized definitions and legal standards of their own. Mr. Rounds said

139 that in Windham a \$350,000 single family home would be considered workforce housing and that it was not  
140 subsidized, nor did it meet the standard of low-income housing. Mr. Cross was reminded that the statutes  
141 surrounding workforce housing were created by the state and could not be altered or diminished by  
142 planning boards at the town level. Ms. Williams said that the laws about workforce housing included a  
143 section saying specifically that towns could not create zoning RSAs that hindered or discouraged the  
144 development of Workforce Housing.

145 The board also discussed how to balance explaining what various terms meant with keeping the  
146 survey short and to the point. "Big box store" seemed self-evident but members were less sure of "Mixed  
147 Use" and "Neighborhood Business." By the same token Mr. Cross said that he would edit a question  
148 alluding to the gateway of Windham because that could be confused with the Gateway District. Mr. Bradley  
149 thought there could be value to describing where the development would occur, i.e. "the town center" as  
150 opposed to the Village Center District. Mr. Rounds thought that in this instance knowing what area a  
151 resident of town lived in might help the board put their answers into context.

152 The board was in favor of the use of a one to five scoring system for answering questions but Mr.  
153 Cross said there were some consistency issues as the 1 to 5 scale could be negative or positive depending  
154 on how the question was asked. Ms. Williams thought this could be solved by the order of the questions, if  
155 they began very broadly, and then narrowed into more specific details. Vice Chair Carpenter said a shorter  
156 survey would get more respondents than a long one.

157 A question regarding resident interest in increasing minimum lot sizing to 2.5 acres was also a  
158 subject of discussion. Chair Monson said that lot sizing was based on soils more than on lot size. Mr.  
159 Bradley thought the question would be more effective if it did not specify 2.5 acres and just asked about  
160 the interest in larger lot sizing in general. Vice Chair Carpenter said that asking residents about creating a  
161 moratorium on development was not a good idea. Mr. Cross said this question would help the board gauge  
162 how residents felt about development. Vice Chair Carpenter said the town was involved with four current  
163 lawsuits that would result in this wording being used as evidence against them. He said it would create the  
164 same legal issues as mentioned regarding limiting workforce housing and was not a possible outcome of  
165 the master plan. Ms. Post agreed that it was potent legal wording and not something that should be used  
166 lightly as an indicator. She would not recommend putting a survey with this sort of language in front of  
167 residents. Ms. Post said that she sensed Mr. Cross's sensitivity to workforce housing but that the board  
168 needed to move forward very carefully legally as this was a mandate that had been given to the town by  
169 Concord and that it would be harmful to misidentify what it was. Mr. Toubia agreed that it could create a  
170 legal issue and that it also would create the perception that the planning board had control over things that  
171 it did not.

172 Mr. Partington suggested that the survey was being used in the wrong way. He said it should  
173 identify what residents saw as the issues in town and that it was up to the Planning Board to use their  
174 expertise and experience to craft the correct solution to those problems. He did not think it was  
175 appropriate to survey the residents on how they thought the problems should be solved when they did not  
176 know all the legalese surrounding many of the issues brought up in the survey. Ms. Williams agreed that  
177 the state did not allow prohibitive ordinances that would restrict moderately priced workforce housing and  
178 that the questions needed careful wording.

179 Mr. Cross said that the board had heard from three members who were against the language used  
180 in some of the questions but that left four other members who might be in favor of them. Mr. Bradley  
181 agreed with Mr. Partington's assessment that the questions and answers were too specific a tool for what  
182 the board needed to do. He thought the questions should be general and broad to help the board discern  
183 what priorities residents had regarding planning and development. He said that they should have town  
184 counsel review the survey before it was sent out to make sure that they did not inadvertently run afoul of  
185 any state mandates.

186 Mr. Cross said that changing zoning was a huge issue to residents in town. Chair Monson said the  
187 planning board did not change zoning, that residents voted on zoning changes. Ms. Post worried that asking  
188 about enforcing zoning laws gave the impression that the town was not already doing that.  
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191 Chair Monson said that the board would not be meeting the next week. The public hearing on  
192 August 5<sup>th</sup> could include a workshop period to go over the edited survey questions as there was currently  
193 only one case slated to be heard that night. Chair Monson said he would like to see the survey finalized by  
194 the end of August. Vice Chair Carpenter said that once the survey was more finalized it should be presented to  
195 the public in a dedicated meeting. He did not think that the board necessarily needed to try to tie the  
196 survey completion to the election because there was some question about how and if it would be held and  
197 low in-person turnout is expected. Mr. Cross did not want to get into the situation of wordsmithing each  
198 question with members of the public. Mr. Rounds said the public should get to offer their input and that  
199 the board would consider all feedback received.

200 Ms. Williams said that the Historic District/Heritage Commission and the Conservation Commission  
201 might have questions they would like to see on the survey. Chair Monson said he would send an updated  
202 draft to those committees so they could submit feedback by the next meeting.  
203

204 Chair Monson said that the matter of PPI vs. The Town of Windham (14 Ledge Road) had  
205 progressed to the NH Supreme Court. The workshop closed at 9:53pm.