



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Planning Board Approved Minutes
August 5th, 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, Excused
- Jennean Mason, Present
- Ruth-Ellen Post, Present, via Zoom video conference
- Jacob Cross, Present, via Zoom video conference
- Matt Rounds (alternate), Present seated for Mr. Bradley, via Zoom video conference
- Gabe Toubia (alternate), Excused
- Tom Early (alternate), Present starting at 7:12pm, via Zoom video conference
- Roger Hohenberger, Board of Selectmen liaison (alternate), Present, via Zoom video conference
- Dick Gregory- Planning Board Director
- Renee Mallett- Minute Taker

The meeting opened at 7:01 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. As such many of the board members took part in the meeting via Zoom video conference.

Case 2020-14, Minor Site Plan Application (lot 17-I-300) 1-6, 9, 11, 13, 14, 16, 18, 20, 22 & 24 Chadwick Circle, Rural District & WWPDP & WPOD

Mr. Shayne Gendron representing in this continued application to remove a community garden, mailbox, and associated parking spaces from Chadwick Circle. Since the last time this application was discussed by the board Mr. Gendron has amended the application to include an updated color plan showing a replacement of the community mail boxes and garden with a landscaped grass area and benches. Mr. Gendron also got signatures from all the residents of Chadwick Circle agreeing to the removal of the community garden.

Vice Chair Carpenter said he had no issues with removing the mailboxes but said the development had received density bonuses for the community garden and he did not think that, given the proximity to Range Road, that many residents would sit on the benches being proposed to replace it. He called a community garden the bare minimum required to earn a density bonus. Vice Chair Carpenter said that during the original application process residents had the opportunity to comment on the proposed plan and

43 that every community garden he knew of had a waiting list. Vice Chair Carpenter maintained that the
44 applicant needed to propose more than benches to replace the garden as a recreational plan.

45 Mr. Rounds asked if the applicant was proposing to build less homes if the garden was removed.
46 Mr. Hohenberger concurred, saying that the garden should stay or be replaced with more than benches.
47 Mr. Gendron said the applicant would probably choose to keep the garden rather than replace it with
48 something else.

49
50 **Mr. Early and Mr. Norman joined the meeting via Zoom at 7:12pm.**

51
52 Vice Chair Carpenter asked about a firepit to go along with the benches, saying it had worked as a
53 community gathering spot in other developments. Mr. Gendron said the garden had been the suggestion of
54 former board member Kristi St. Laurent. He said that Chadwick Circle had been built with all barrier free
55 units and he did not think the recreation aspect was as important as that. Ms. Post agreed, saying that it
56 was unusual for more than just a few units to be barrier free. She said the recreation was supposed to be of
57 benefit to the residents but if the residents did not want it, she questioned who was benefiting.

58 Mr. Rounds said the development had received density bonuses for the garden, and he did not
59 want to set a precedent of granting bonuses for recreation that the developer would later return and
60 remove.

61
62 **Chair Monson opened the session to public comment.**

63
64 Ed Schoen, resident of Chadwick Circle and president of the neighborhood association, said that
65 every resident had gotten a copy of the proposed plan and agreed to it. He said residents were more
66 interested in landscaping their own properties than in taking part in a community garden.

67
68 Wendy Williams said there was a historic aspect to the parcel that was not being discussed. She
69 said it was formerly the site of a historic home and that stone walls on the property remain from this time.
70 Ms. Williams said one of these walls had been breached during construction and needed repair. Ms.
71 Williams stressed that just because the home once on the property was gone that did not mean that the
72 history did not remain.

73
74 **Chair Monson closed the session to public comment.**

75
76 Chair Monson read a list of questions from Mr. Bradley, who could not be present for the meeting.
77 Mr. Bradley questioned the deviations in what was built from what was shown on the original plan
78 presented to the planning board. Mr. Gendron said it looked like more major differences than there really
79 was, mostly due to decks being taken into consideration when doing the calculations now. It was noted that
80 some units feature 3 car garages that were never presented during the original approval.

81 Vice Chair Carpenter, who sat on the board during the original approval, said he was surprised by
82 the addition of the 3-car garages. Vice Chair Carpenter said that during the construction process sometimes
83 minor changes occurred but that there was an expectation that anything that did not fit in the footprint
84 originally approved would return to the planning board, particularly in an open space subdivision. He asked
85 that Mr. Norman address this issue going forward so the planning board would not be surprised in the
86 future. Mr. Norman said he was happy to get that direction from the board.

87 Chair Monson said the parcel was within the WPOD so impervious calculations were especially
88 important. Vice Chair Carpenter asked how close the plan was to the open space requirements. Mr.
89 Gendron said that 61% open space was required but that the development had 81%.

90 Several board members reiterated their concerns about the removal of the community garden and
91 not wanting to see developers come back in the future to remove recreational spaces that had earned
92 them additional bedrooms and units. Ms. Post felt the proposed replacement lacked specifics. She asked
93 what the benches would look like and what the landscaping plan was for the green space that would
94 replace the community mailboxes and parking spaces.

95 Mr. Hohenberger said the garden should be left, as it was negotiated during the initial approval.
96 Mr. Hohenberger said he understood that current residents were fine with its removal, but he said future
97 residents might feel differently about it.

98 Mr. Cross said the community garden was not easily accessible for residents and needed steps. Mr.
99 Rounds said that as an already approved feature there was not much the planning board could do but that,
100 in the future, they should stipulate that recreation must be made accessible.

101
102 **Ms. Mason made a motion to approve the plan as presented with benches and landscaping, with**
103 **the condition that the community garden remain in the development so as not to set a precedent for**
104 **removing recreation after granting density bonuses. Vice Chair Carpenter seconded the motion. Ms. Post**
105 **said she did not see what the board was achieving as the garden would cease to exist anyway without**
106 **residents maintaining it. Mr. Hohenberger said it maintained the integrity of the additional approval.**
107 **Some discussion followed on procedure as Mr. Cross said he thought his recusal from the earlier hearings**
108 **on this application still stood, as his mother is a resident of the development, and whether Mr. Early was**
109 **seated for him. The motion passed with the following roll-call vote:**

110 **Chair Monson: yes**

111 **Vice Chair Carpenter: yes**

112 **Ms. Mason: yes**

113 **Ms. Post: yes**

114 **Mr. Rounds: yes**

115 **Mr. Early: yes**

116 **Mr. Hohenberger: yes**

117
118 Chair Monson asked about the porous pavement, which has not yet been installed despite being
119 part of the original approval. Mr. Gendron said until all development was finished porous would not be
120 added as the weight of the construction vehicles would destroy the product.

122 **Agenda Items**

123
124 Mr. Gendron addressed questions from the board regarding a parking lot being built at Clyde Pond.
125 He said that the choice of 8 parking spaces was because that is what best fit the towns parking regulations.
126 He said there would be no drainage and no curbing. Because London Bridge Road is curbed and there is not
127 much of a grade Mr. Gendron expects that any salt or sand used for snow maintenance will end up in the
128 drainage associated with the road. He said the parking lot is being built with the intention of letting plants
129 grow up naturally along the roadside and called this the best defense for the health of the pond.

130
131 The board reviewed a freestanding sign proposed for 43 Mammoth Road. Vice Chair Carpenter had
132 no issues with the sign itself, which was described as adorable by several board members, but questioned
133 the legality of it hanging from the mailbox as these structures are given a special dispensation to be in state
134 owned land along the roadway. Mr. Hohenberger was concerned that the sign would be damaged during
135 snow removal in the winter. Vice Chair Carpenter said the board could approve the sign, but that DoT might
136 make the applicant remove it.

138 Ms. Mason made a motion to approve the freestanding sign at 43 Mammoth Road. Ms. Post
139 seconded the motion. The motion passed with the following roll-call vote:

- 140 Chair Monson: yes
- 141 Vice Chair Carpenter: yes
- 142 Ms. Mason: yes
- 143 Ms. Post: yes
- 144 Mr. Rounds: yes
- 145 Mr. Cross: yes
- 146 Mr. Hohenberger: yes

147
148 Two previously approved developments are requesting an extension, as both approvals were made
149 with conditions relating to the waterline on Rt. 28.

150
151 Vice Chair Carpenter made a motion to grant a six-month waiver to MidTrail Crossing/Flat Rock
152 Road. Ms. Mason seconded the motion. The motion passed with the following roll-call vote:

- 153 Chair Monson: yes
- 154 Vice Chair Carpenter: yes
- 155 Ms. Mason: yes
- 156 Ms. Post: yes
- 157 Mr. Rounds: yes
- 158 Mr. Cross: yes
- 159 Mr. Hohenberger: yes

160
161 Ms. Mason made a motion to grant a six-month extension to Winchester Estates/Rockingham
162 Road. Mr. Hohenberger seconded the motion. The motion passed with the following roll-call vote:

- 163 Chair Monson: yes
- 164 Vice Chair Carpenter: yes
- 165 Ms. Mason: yes
- 166 Ms. Post: yes
- 167 Mr. Rounds: yes
- 168 Mr. Cross: yes
- 169 Mr. Hohenberger: yes

170
171 Vice Chair Carpenter made a motion to approve the minutes of 4-8-2020. Mr. Rounds seconded
172 the motion. Mr. Hohenberger said he would be abstaining as he was not present for the meeting, but
173 said Mr. Partington had sent him an email saying he had no requested edits to the minutes. The motion
174 passed with the following roll-call vote:

- 175 Chair Monson: yes
- 176 Vice Chair Carpenter: yes
- 177 Ms. Mason: yes
- 178 Ms. Post: yes
- 179 Mr. Rounds: yes
- 180 Mr. Cross: yes
- 181 Mr. Hohenberger: abstain

182
183 Chair Monson made a motion to approve the minutes of 6-3-2020, with Vice Chair Carpenter's
184 suggested amendment to line 103, replacing water with soils. Ms. Mason seconded the motion. The

185 motion passed with the following roll-call vote and Mr. Hohenberger abstaining for the same reasons as
186 stated previously:

187 Chair Monson: yes
188 Vice Chair Carpenter: yes
189 Ms. Mason: yes
190 Ms. Post: yes
191 Mr. Rounds: yes
192 Mr. Cross: yes
193 Mr. Hohenberger: abstain
194

195 Vice Chair Carpenter made a motion to approve the minutes of 6-17-2020, with the amendment
196 to edit line 66 (operations and maintenance). Mr. Cross seconded the motion. The motion passed with
197 the following roll-call vote and Mr. Hohenberger abstaining for the same reasons as stated previously:

198 Chair Monson: yes
199 Vice Chair Carpenter: yes
200 Ms. Mason: yes
201 Ms. Post: yes
202 Mr. Rounds: yes
203 Mr. Cross: yes
204 Mr. Hohenberger: abstain
205

206 Mr. Rounds made a motion to approve the minutes of 7-1-2020. Ms. Mason seconded the
207 motion. The motion passed with the following roll-call vote and Mr. Hohenberger abstaining for the same
208 reasons as stated previously:

209 Chair Monson: yes
210 Vice Chair Carpenter: yes
211 Ms. Mason: yes
212 Ms. Post: yes
213 Mr. Rounds: yes
214 Mr. Cross: yes
215 Mr. Hohenberger: abstain
216

217 Vice Chair Carpenter made a motion to approve the minutes of 7-15-2020. Mr. Rounds seconded
218 the motion. The motion passed with the following roll-call vote and Mr. Hohenberger abstaining for the
219 same reasons as stated previously:

220 Chair Monson: yes
221 Vice Chair Carpenter: yes
222 Ms. Mason: yes
223 Ms. Post: yes
224 Mr. Rounds: yes
225 Mr. Cross: yes
226 Mr. Hohenberger: abstain
227

228 Mr. Rounds made a motion to approve the minutes of 7-22-2020. Vice Chair Carpenter seconded
229 the motion. The motion passed with the following roll-call vote and Mr. Hohenberger abstaining for the
230 same reasons as stated previously:

231 Chair Monson: yes
232 Vice Chair Carpenter: yes

233 **Ms. Mason: yes**
234 **Ms. Post: yes**
235 **Mr. Rounds: yes**
236 **Mr. Cross: yes**
237 **Mr. Hohenberger: abstain**
238

239 Discussion turned to the ongoing effort by the Planning Board to update the Master Plan. Mr.
240 Rounds asked Mr. Hohenberger if there was anything the board could present that would make him change
241 his historic opposition to funding an outside agency to complete the document. Mr. Hohenberger said that
242 he believed the creation of the Master Plan was the primary job of the planning board. He said that during
243 his tenure on the board the Master Plan was something the group worked on themselves and he did not
244 see why it should be different now. However, Mr. Hohenberger said that he saw the value in the charrettes
245 that had been completed by a consultant during a previous edition of the plan and said he could possibly
246 foresee some researchers or staff being hired to help on specific projects so long as the plan itself was
247 written by the board.

248 Regarding the survey the board is creating to present to residents Mr. Hohenberger said the only
249 question the Board of Selectmen were interested in adding was related to municipal water. He said the
250 Board of Selectmen would like to know what caused some residents to vote against the previous warrant
251 article about the creation of a waterline. Chair Monson said there had been a lot of previous discussions
252 about whether it was appropriate to add waterline questions to the survey. Mr. Cross said that the EDC had
253 also requested the waterline questions be added, though he described their suggested wording as a fishing
254 expedition to find out how to get a line passed in the future.

255 A question about the most pressing transportation issues facing the town also caused some debate.
256 Mr. Hohenberger said that Route 111 was part of the state's 10-year plan and the town had little or no
257 influence over it. Mr. Rounds said the suggested answer about regional public transit was beyond the
258 purview of the board. He thought the survey should focus on what the board could control, such as
259 connectivity. Vice Chair Carpenter thought connectivity would be difficult to define within a survey
260 question. To the same point he suggested that questions about the schools also be eliminated.

261 Ms. Wendy Williams said the HD/HC would like a question regarding the mapping of stone walls
262 and cellar holes.

263 Questions about making the community welcoming to all age groups also caused conversation
264 within the board. Mr. Early felt the questions were biased because of the wording used. Mr. Rounds
265 agreed, saying the questions were worded in such a way that they could pit younger and older
266 demographic against each other.

267 Mr. Cross said he would be meeting with Alexandra Barker to get her feedback on the survey
268 questions before the next planning board meeting. Chair Monson said he would like to see the survey
269 finalized by August 31st. Vice Chair Carpenter said that the finished survey should be presented in a public
270 hearing. He said it would not need 2 weeks' notice but that the board needed to listen to input from the
271 town.

272 Chair Monson said that they had not yet heard back from the MS4 consultant about questions the
273 board had regarding stormwater.

274 Mr. Cross said he had watched a webinar about workforce housing in the state of New Hampshire.
275 He said most of the session was dedicated to Windham, Hollis, and Bedford. Mr. Cross said that his reading
276 of the statutes showed that most towns were much more restrictive of workforce housing than Windham's
277 ordinance was. He thought this should be addressed more in the survey. Chair Monson said the survey did
278 not directly address the workforce housing ordinance or any ordinance.
279

280 **At 9:10 Vice Chair Carpenter made a motion to adjourn the meeting. Ms. Mason seconded the**
281 **motion. The motion passed with the following roll-call vote:**
282 **Chair Monson: yes**
283 **Vice Chair Carpenter: yes**
284 **Ms. Mason: yes**
285 **Ms. Post: yes**
286 **Mr. Rounds: yes**
287 **Mr. Cross: yes**
288 **Mr. Hohenberger: yes**
289
290