

TOWN OF WOLFEBORO
PLANNING BOARD
October 20, 2015
MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Brad Harriman, Selectmen's Representative, Mike Hodder, John Thurston, Vaune Dugan, Paul O'Brien, Members, Chuck Storm, Dave Alessandroni, Alternates.

Staff Present: Rob Houseman, Director of Planning & Development, Lee Ann Keathley, Secretary.

Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Public Library.

I. Scheduled Appointments

Northern New England Telephone Operation d/b/a FairPoint Communications
Site Plan Review; Communications Closet
Agent: Jaye Millar, FairPoint Communications
TM #260-51
Case #201516

Rob Houseman reviewed the Planner Review for October 20, 2015. He stated in 2013 the applicant questioned the permitting process for a utility easement. Staff erred in his decision when he informed the applicant that Planning Board approval for a utility easement was not required; noting his decision had been based on exemptions provided for utility easements as provided for in RSA 672:14 and guidance from Town Counsel. He stated that following such, it was brought to his attention that despite the minimal size of the project, that Planning Board approval is required because the project constitutes a nonresidential use of land. He stated a Cease and Desist order was filed and the applicant was advised to apply for a waiver from the Planning Board. He stated he advised the applicant to apply for an after-the-fact application for Site Plan Review, based on the advice of Town Counsel. He stated the Board has the right to waive any requirement in the ordinance, code or regulation for any unoccupied structure which is less than 200 SF in area, which is necessary for the furnishing of utility service for the public health, safety, or general welfare, and for which the utility's siting options are limited by virtue of said structure being a physically integrated component of the utility's transmission or distribution apparatus. He stated he requested the applicant address the abutter's concerns with regard to screening in addition to a schedule for the removal of the wooden platform and rail system. He stated a financial security will be required if the Board considers screening as a condition of approval.

Paul O'Brien asked if the improvements are located on an easement.

Rob Houseman replied yes.

Paul O'Brien confirmed the owner of the property who granted the easement has no objections to the proposal.

Rob Houseman stated the property owner granted the easement for the purpose of site improvements.

Eddie Mendonca, Engineering Manager, FairPoint Communications, stated the site was chosen in 2012 to utilize for equipment; noting the easement is a 10'x16' area located on the easterly sideline of South Main Street adjacent to the upper parking lot of Lincoln Buildings, LLC and north of the granite stonewall. He stated the site takes a phone signal and amplifies it in order to allow DSL to service the area. He stated the property owner was then contacted regarding granting an easement to provide the service; noting that once the approval was granted the Town was then contacted. He stated that based on verbal approval received from the Town, FairPoint Communications

proceeded with the design and equipment installation. He noted that due to the steep slope, a platform was needed for safety purposes.

Kathy Barnard asked if the equipment is currently functioning.

Eddie Mendonca replied yes.

Kathy Barnard verified the intent is to remove the decking and decrease the size.

Eddie Mendonca stated the temporary platform is being removed and a permanent 2' wooden platform (half the size of the temporary platform) will be installed in addition to a white privacy fence along the northerly and westerly sides to address the abutter's concerns. He stated there would be minimal traffic; noting 1-2 times per month when a customer requires service.

John Thurston questioned the life span of the system and whether there is ample parking onsite.

Eddie Mendonca stated such depends on changes in technology. He noted there is 30' between the road and the cabinet.

Mike Hodder asked if there are plans to locate another cabinet in the Town.

Eddie Mendonca stated three locations were targeted however, noted that easements are difficult to secure.

Vaune Dugan verified the dimensions of the cabinets.

It was moved by Paul O'Brien and seconded by Mike Hodder to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Candy Sharp, 633 South Main Street, stated that when she and her husband returned from vacation in November 2013 they observed the structure. She asked why, as an abutter, they were never notified of the installation. She stated she was informed at that time that because it was a public utility the project did not require notification; noting they were later informed that Site Plan Review is required. She stated the structure is a detriment to their property and wants to prevent it from happening to someone else by ensuring notification to abutters. She stated FairPoint Communications has informed them that they are willing to screen the structure however, they have not seen any plan regarding such. She submitted photographs of the site.

Kathy Barnard asked if a setback is required for the structure.

Rob Houseman stated the standard side setback for the zoning district is 10'.

Kathy Barnard confirmed that FairPoint Communications has indicated they will work with the abutter regarding screening the structure.

Candy Sharp stated that she would like to review the buffer plan prior to Planning Board approval.

John Thurston asked Ms. Sharp what she feels would be an appropriate buffer.

Candy Sharp stated they have considered a fence or bushes; noting that the structure is very tall and can be seen from all the windows in their house.

Kathy Barnard asked if the height restriction can be waived.

Rob Houseman replied no; noting that the Zoning Ordinance cannot be waived however, Site Plan Review Regulations can be waived.

Mike Hodder confirmed with Ms. Sharp that they have been in contact with FairPoint Communications and FairPoint is agreeable to screening the structure.

Mark Sharp, 633 South Main Street, stated a fence placed on the property line would have to be 12-13' tall in order to block the view from their kitchen window or, if the fence is located 6' back from the property line the fence would have to be 8' tall. He stated planting arborvitaes has been discussed however, questioned who would be responsible for the maintenance of such.

John Thurston asked whether the concrete pad could be built/placed below grade.

Eddie Mendonca stated a privacy fence, rather than a standard railing, is proposed and would be located flush with the cement pad. He stated the cabinet is 5+ feet tall and noted that it would be physically possible to locate the structure below grade however, all of the customers would have to be disconnected and the project started over.

Brad Harriman asked if there are cabinets smaller than the one currently being used.

Eddie Mendonca replied no.

Mark Sharp stated their house is located 10' above the structure and noted when at the first floor window he looks down on the box. He stated an 8' fence would be more attractive than the box however, plantings may eventually block the structure.

Eddie Mendonca stated FairPoint Communications could commit to maintaining the plantings for 1-2 years; noting arborvitaes grow to a maximum height of 15'.

Candy Sharp expressed concern regarding plantings because of the high salt use from snowplowing/maintenance therefore, such is not a viable solution. She stated she has asked for a plan for two years however, has not yet seen a plan.

Paul O'Brien asked Ms. Sharp what she would consider as a permanent plan.

Candy Sharp replied locating the structure elsewhere. She requested to view the plan prior to approval. She stated she feels that they are the abused abutters and the Town has culpability. She stated the cost for screening is between the Town and the applicant.

John Thurston noted that the issue regarding screening and compliance with the setback has not been resolved.

Rob Houseman stated he would prefer to seek Town Counsel opinion regarding such.

Kathy Barnard recommended the Board visit the site and the applicant work with the abutters to develop a screening plan.

Stacie Jo Pope asked if the owner that granted the easement has any responsibility with regard to maintaining the site.

Rob Houseman replied no, noting the easement is a utility easement.

Mike Hodder stated it is not the pervue of the Board to negotiate between the abutter and the applicant therefore, he does not see the need for a site walk. Rather, he stated the solution needs to be agreed upon between the applicant and the abutters. He stated he believes the Board has the ability to grant a waiver.

Kathy Barnard requested Town Counsel opinion regarding waiving the ordinance and the height issue.

Candy Sharp stated the issue was caused by the Town and not just by the applicant.

It was moved by Stacie Jo Pope and seconded by Paul O'Brien to continue the Northern New England Telephone Operation d/b/a FairPoint Communications Site Plan Review application and public hearing to November 3, 2015 pending the submittal of a screening plan and Town Counsel guidance regarding statutory exemption for utility cabinets including screening and height of the fence. Kathy Barnard, Stacie Jo Pope, Paul O'Brien, Brad Harriman, Vaune Dugan, John Thurston voted in favor. Mike Hodder opposed. The motion passed.

Woodbine Senior Living, LLC

Site Plan Review

Agent: Jim Rines, White Mountain Survey and Engineering, Inc.

TM # 133-28

Case #201520

Kathy Barnard stated the Board conducted a site walk at 5:30PM this evening and noted the following Planning Board members as present; Kathy Barnard, Stacie Jo Pope, Mike Hodder, Dave Alessandroni. She noted Rob Houseman was also present. She stated the applicant received a Variance in May 2014 and stated the legal use runs with the land. She stated the applicant attended the 8/4/15 Planning Board meeting for a pre-application discussion; noting the abutters were notified of such. She stated the property is located in the Wetlands Conservation Overlay District and the Groundwater Protection Overlay District; noting the proposal is in full compliance with both districts. She stated the applicant proposes a phased project; noting the applicant would return to the Board for approval of Phase II. She stated the applicant is requesting a waiver with regard to parking requirements.

Rob Houseman reviewed the Planner Review for October 20, 2015 stating the applicant proposes a two-phased site plan approval. He stated Phase I would include a 56-bed Alzheimer's or Memory Care Facility and associated parking, lighting, landscaping and sewage disposal for Phase I. He stated Phase I would also include the installation of the drive access for both phases of the project, the installation of stormwater mitigation for both phases, the installation of rough grading for the building and parking area of Phase II and the installation of water supply for both phases. He stated Phase II will include a 66-bed Assisted Living Facility (noting such would require the applicant to return to the Board prior to construction) and will address landscaping, building elevations to demonstrate compliance with the height restrictions, design review standards and lighting requirements in effect at the time of the application. He stated the applicant proposes to submit Phase II to the Board within six years. He stated Tighe & Bond completed two reviews of the project and has signed off on the revised plans. Referencing parking and circulation, he stated the driveway is proposed off Route 109E to the building site at a grade no greater than 7.4%. He stated a circular drive is designed around the building site for deliveries, emergency access and services and a gravel access road is proposed to access the pump house for the water system. He stated the applicant is seeking a waiver from the parking requirements to reduce the parking by 11 spaces at full build-out; noting the applicant is proposing 47 parking spaces for Phase I with a total of 74 parking spaces at the completion of Phase II. He stated that without the waiver, Town code requires a total of 85 parking spaces. He stated NH DES has issued an Alteration of Terrain permit; noting such serves as compliance with the Town's Stormwater Management Regulations. He stated the site is serviced by Wolfeboro Municipal Electric (3 phase power will be placed below grade) and a private community water system (approved by NH DES, issued on 9/16/15). He stated the applicant has received a Variance for the proposed use (Case #13-V-14). Regarding signage, he stated the applicant intends to seek relief from the ZBA to obtain a sign larger than what is permitted and noted the proposed sign will be a free standing sign less than 15' tall and include lighting from above by a full cut off shielded fixture.

Referencing septic approval, Jim Rines stated the applicant received conceptual approval for the wells; noting that now the wells can be drilled in order to retrieve calculations for the preliminary design and approval. He

reviewed the existing tree line and modified tree line relative to clearing for the septic for Phase II. He stated there would be minimal brush trimming at the rear of the building; noting the tree line will be preserved to the greatest degree possible. He stated he submitted a parking management plan; noting that he is not sure if a waiver is necessary, see letter dated 10/20/15. He stated the applicant has received NH DOT access, NH DES Alteration of Terrain and final review and sign off by the Town's consulting engineer, Tighe & Bond. He stated a traffic impact study was conducted and submitted to NH DOT; noting no mitigation was required. He stated that given the size of the structure, the proposed architecture, treatment and windows are consistent with the Design Review Guidelines. He addressed additional elements as noted in his letter, dated 9/16/15, see attached.

Vaune Dugan questioned the number of parking spaces proposed for Phase I.

Jim Rines replied 47.

Vaune Dugan confirmed that such exceeds the parking requirements for Phase I.

Mike Hodder questioned whether a parking waiver is needed for Phase II.

Jim Rines stated the ordinance does not define assisted living therefore; it would depend upon the Board's interpretation.

Vaune Dugan asked if there is a mechanism to defer approval of the parking for Phase II since Phase I exceeds the parking requirements.

Jim Rines stated he would not be in favor of such because if the Board denied the waiver then the parking would need to be modified and/or decreased.

Roger Murray requested the Board table action on the waiver until following the public hearing.

It was moved by Stacie Jo Pope and seconded by Mike Hodder to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Jim Brown stated that if the application is approved, an outside building inspector should be hired, that conditions be added to the approved plan, the berm on Route 28 remain (& such be placed as a condition of approval and noted on the plan). He questioned whether the plan complies with the height requirements and reviewed testimony from the applicant's agent at the ZBA hearing regarding traffic impact/daily trips. He submitted photographs of the berm on Route 28 and requested the Board consider requiring a turning lane and asking NH DOT to address such. He requested no curb cuts on Route 28 and, if approved, better markings from NH DOT on Route 28. He requested that there be no lit signs on Route 28 and lighting of the sign on Route 109 be dark sky compliant. He stated the applicant is seeking approval for on-site laundry however, requested that such is not allowed until it is determined that the aquifer can handle such and won't impact the aquifer. He requested the applicant not be allowed to have a watering system for landscaping and require annual testing to ensure that chemicals and medications are not getting into the aquifer. He stated that if the testing is positive that the applicant is required to report the results and the abutting properties be tested. He requested there be no PA systems outside and limit deliveries to normal business hours (8AM-5PM). He requested the parking be dealt with on a phase by phase basis to see if the applicant is a good neighbor before approving Phase II. He requested the bond be extended to ensure further protection.

Tom Fortuna, 9 College Road, requested restrictions placed on the applicant during the construction period in that construction is limited to normal hours. He stated he wants to preserve his property value and expressed concern regarding the height of the building and tree removal.

Suzanne Ryan questioned what the technical review sign off consisted of and if the parking waiver is the only waiver being requested by the applicant.

Kathy Barnard replied yes to the latter.

Suzanne Ryan stated that parking spaces are typically small and scarce at similar types of facilities therefore, decreasing parking would not be desirable. She stated the project warrants construction observation and an independent engineer hired by the Town to oversee the project. She expressed concern regarding the building inspector's experience and requested the financial security include sewage disposal, drainage, landscaping and site stabilization. She asked if there is a natural watercourse that goes through the property and if so, questioned if a stormwater easement would be provided. She asked if there is accommodation for upstream drainage areas large enough to address runoff.

Kathy Eaton, 3 Triggs Island and a member of the Economic Development Committee, stated she feels the application is impressive and the project is important to the Town because the facility is needed and will bring jobs to Wolfeboro.

Roger Murray III, representing the Lake Wentworth Foundation and Lake Wentworth Association (the latter being an abutter via Single Rose Enterprises) expressed concern for stormwater issues and encouraged the Board to grant the waiver for the parking spaces; noting the applicant presented a valid legal argument. He stated that if the waiver is granted now there will be less site disturbance which is more beneficial. Regarding medications and personal care products getting into the ground water, he stated there are monitoring wells on the property. He recommended additional monitoring wells for Phase II and questioned how such is being stabilized and if a security for such is being held by the Town.

Kathy Barnard stated the Board received an email from Anne Blodget, see attached. She provided a copy of the email to Jim Rines and requested that he address the issues noted in the email.

Rob Houseman stated that with regard to the height issue, the Town has a building height standard and reviewed such.

Kathy Barnard verified the building is one story and fully complies with the height requirements.

Member of the public questioned whether there would be lighting in the cupola.

Gloria Brock, owner of Woodbine Senior Living, LLC, replied yes, if permitted.

Jim Rines stated the plan depicts that the berm on Route 28 will remain and agreed to place a note on the plan that such is not removed. He stated there are no curb cuts proposed for Route 28, Phase I complies with the height requirements and reviewed the results of the traffic impact study with regard to trip ends during peak hours. He stated NH DOT specifically reviewed the turning lane issue; noting such triggered the request for the traffic impact study. He stated the traffic impact study did not warrant a turning lane. He stated there are no issues with the monitoring wells and noted that small community water systems require stringent water testing twice per year at minimum and a licensed operator is required to conduct the testing. He stated there will not be a PA system and regarding on-site laundry services, he stated the system is sized for such. He noted the applicant promised the Lake Wentworth Association that no phosphate would be used.

Mike Hodder stated the ZBA approval includes that no phosphate would be used.

Jim Rines stated deliveries occur between 8AM and 5PM. Regarding bonding for wetland protection, he stated wetlands are not being impacted therefore; there is no need for such. He stated that at the request of the Lake Wentworth Association, native plants will be used that don't require ongoing irrigation (noted on plans L100-300). He stated the building is located approximately 250' from Mr. Fortuna's property line and noted the Town

has a noise ordinance and the applicant would adhere to such. Regarding TRC signoff, he stated the Fire Department and the Electric Department signed off on the proposal.

Kathy Barnard noted the applicant presented the project to the TRC on two occasions.

Referencing parking, Jim Rines stated the spaces and maneuvering areas comply. He noted that construction observation agreements exist for all projects, there are no natural watercourses and the bond includes all site stabilization and erosion control measures. He noted that all stormwater has bio retention, detention and infiltration and there is no accommodation for upstream areas.

Kathy Barnard questioned the submittal of as-built plans.

Rob Houseman stated such are not required unless specific elements are transferred to Town ownership; noting that this project doesn't include such.

Jim Rines stated he met with Roger Murray III and reviewed and evaluated the use of porous pavement; noting they determined that it was not the best design for the site. With regard to the use of pharmaceuticals, he stated the only area that NH DES is addressing such is when dealing with sewage plants. He stated the article doesn't address saturation rates and feels that the article addresses sites with a high water table. With regard to additional monitoring wells, he questioned how the data would be used; noting he would be reluctant to install new wells however, is not opposed to monitoring the existing wells. He stated the circulation road for Phase II will be built and the area where the building will be located will be a flat grassed area and will not be irrigated.

Mike Hodder questioned whether it would be possible to place monitoring wells in areas that could be tested for impact to the aquifer and testing results made available to abutters.

Jim Rines stated he could speak to the applicant regarding the monitoring wells; noting one existing well will be tested 2-12 times per year.

John Thurston stated the State has had issues with residents on Route 109 from salt.

Mike Hodder stated the residents are concerned that their wells will run dry. He stated the site cannot be shut down because there are no standards that exist rather, it would provide knowledge to the abutters for peace of mind.

Jim Rines stated he needs direction from the Board as to what they want tested.

Paul O'Brien stated he would be reticent to impose such on the applicant.

Stacie Jo Pope asked if it is a normal procedure to require the water be tested and agreed with Paul O'Brien.

Paul O'Brien asked what is done with unused medication.

Gloria Brock stated there is no on-site pharmacy; noting outside pharmacies deliver the medications to the facility. He stated unused medications are returned to the pharmacy.

Kathy Barnard questioned the Board's authority regarding requiring the monitoring of the wells.

Rob Houseman stated he is unsure as to whether the Board has the authority to do such with regard to traditional septic tanks.

Jim Rines stated that once conceptual approval is received all wells within 500' and all potential contaminants within 1,000' have to be identified. In addition, he stated a 48-hour pump down test would be conducted in which abutter notification is required. He noted there are two aquifers; bedrock and stratified drift.

Jim Brown questioned the draw down test and the recourse if the abutters are affected.

Jim Rines stated NH DES will require additional monitoring and mitigation.

Kathy Barnard noted the parking plan is consistent with the ordinance.

It was moved by John Thurston and seconded by Mike Hodder to grant a waiver from Section 175-38. All members voted in favor. The motion passed.

Rob reviewed the following recommended conditions of approval;

1. The following plans, as amended by the Planning Board approval, are incorporated into the approval;
Plan 1: C1.0, Title Sheet, **Site Plan Review Cover Sheet for Woodbine Senior Living, LLC**, prepared by White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 2: C1.1 **Site Plan for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 3: C1.2 **Proposed Sitework Construction Details for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared, Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 4: C1.3 **Proposed Layout & Utilities Plan for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by James Rines, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 5: C2.1 **Detailed Development Plan for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 6: C2.2 **Erosion and Sediment Control Details for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 7: C3.1 **Proposed Partial Site Grading Plan for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 8: C3.2 **Proposed Basin Plans and Details for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 9: C3.3 **Proposed Grading and Drainage Details for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 10: 1 of 2 **I.S.D.S. Plans and Notes for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by David Aiton, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 11: 2 of 2 **I.S.D.S. Profile and Details for Woodbine Senior Living, LLC**, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by David Aiton, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.
Plan 12: L-100 **Site Plan for Woodbine Senior Living, LLC**, prepared by T J Boyle Associates, LLC, 301 College Street, Burlington, VT 05401, Dated September 16, 2015.
Plan 13: L-101 **Planting Plan A for Woodbine Senior Living, LLC**, prepared by T J Boyle Associates, LLC, 301 College Street, Burlington, VT 05401, Dated September 16, 2015.
Plan 14: L-102 **Planting Plan B for Woodbine Senior Living, LLC**, prepared by T J Boyle Associates, LLC, 301 College Street, Burlington, VT 05401, Dated September 16, 2015.
Plan 15: L-103 **Planting Plan Details for Woodbine Senior Living, LLC** prepared by T J Boyle Associates, LLC, 301 College Street, Burlington, VT 05401, Dated September 16, 2015.

Plan 16: L-200 Planting and Tree Preservation Details for Woodbine Senior Living, LLC, prepared by T J Boyle Associates, LLC, 301 College Street, Burlington, VT 05401, Dated September 16, 2015.

Plan 17: 1 Photometric Plan for Woodbine Senior Living, LLC, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by O'Leary-Burke Civil Associates, PLC, Essex Junction, VT, Dated September 9, 2015.

Plan 18: S1 Existing Conditions Plan for Woodbine Senior Living, LLC, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.

Plan 19: S2 Proposed Partial Site Plan for Woodbine Senior Living, LLC, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared, Mark Lucy, PE, White Mountain Survey & Engineering, Inc., PO Box 440, Ossipee, NH 03864, Dated September 16, 2015.

Plan 20: Elevation Plan for Woodbine Senior Living, LLC, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Black River Design, ALZ Facility.

Plan 21: Plan for Woodbine Senior Living, LLC, Tax Map 133, Lot 28, Governor Wentworth Highway, Wolfeboro, prepared by Black River Design, ALZ Facility.

2. The applicant shall be responsible for the payment of all recording fees.
3. The applicant shall enter into a Construction Observation Agreement with the Town's consulting engineer. The cost shall be borne by the applicant.
4. The applicant shall provide a payment of financial security as specified in item #12 of the Planner Review.
5. The following permits and approvals and any conditions attached thereto, is adopted by reference to this approval:
 - NH DES Septic System
 - NH DES Community Water System
 - NH DES Alteration of Terrain Permit
 - NH DOT Driveway Permit
 - Wolfeboro ZBA Variance
6. The applicant's engineer shall submit a letter certifying compliance with the American's With Disabilities Act.
7. The applicant shall be required to monument the edge of Wetlands in compliance with § 175-10.2 *Wetlands Boundary Monumentation*.
8. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
9. Deliveries and trash removal shall be limited between the business hours of 9AM-5PM.

Kathy Barnard asked if anything could be done with regard to NH DOT marking the intersection of Routes 28 & 109.

Rob Houseman stated he would forward the request to the BOS.

Mike Hodder questioned whether a condition should be added regarding lighting of the sign.

Stacie Jo Pope stated that if the applicant proposes a sign that is dark sky compliant then she would be opposed to such a condition.

There being no further questions or comments, Chairman Barnard closed the public hearing.

It was moved by Mike Hodder and seconded by Paul O'Brien to approve the Woodbine Senior Living Site Plan Review application, Tax Map #133-28, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

II. Public Comment

None.

III. Informational Items

Rob Houseman reviewed the following informational items; LRPC 2014-2015 Annual Report and Notices of Decision.

IV. Planning Board Subcommittee Reports

None.

V. Approval of Minutes

October 6, 2015

It was moved by Mike Hodder and seconded by Paul O'Brien to approve the October 6, 2015 Wolfeboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

VI. New/Other Business

P&D Zimmerman Family Limited Partnership
Release of Financial Security
Case #201515
Tax Map #218-17

Rob Houseman stated the applicant has requested a partial release of the financial security in the amount of \$72,404. He stated Greg Halsey, Tighe & Bond, submitted an Erosion Control and Sitework Observation and letter, dated 10/19/15, recommending the partial release of financial security.

It was moved by Paul O'Brien and seconded by Mike Hodder to approve a partial release of the financial security in the amount of \$72,404 associated with the P&D Zimmerman Family Limited Partnership Site Plan Review application, Case #201515, Tax Map #218-17. All members voted in favor. The motion passed.

It was moved by Paul O'Brien and seconded by Mike Hodder to adjourn the October 20, 2015 Wolfeboro Planning Board meeting. All members voted in favor. The motion passed.

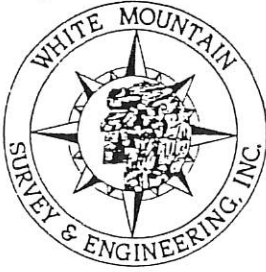
There being no further business, the meeting adjourned at 10:05 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

****Please note these minutes are subject to amendments and approval at a later date.****



WHITE MOUNTAIN SURVEY & ENGINEERING, INC.

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RECEIVED

SEP 16 2015

September 16, 2015

**WOLFEBORO
PLANNING DEPT.**

Via Hand Delivery

Mr. Robert T. Houseman
Director of Planning and Development
Town of Wolfboro
P.O. Box 629
Wolfboro, NH 03894

Re: Woodbine Senior Living, LLC - Site Plan Application
NH Route 109 East (Governor Wentworth Highway)
Tax Map 133-28

Dear Rob:

Enclosed please find what we believe to be a completed Site Plan application package for the Woodbine Senior Living, LLC property. Due to the size of this project and the interest that has been shown by the community and the abutters, I will outline this intent letter in a manner similar to your typical Planner Review.

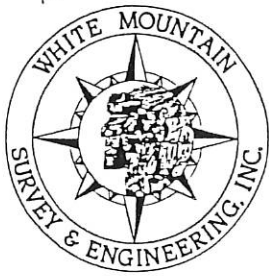
Project Summary

The intent of this application is to request a two-phased site plan approval. The first phase will be to allow the property owner to construct a 56 bed Alzheimer's or Memory Care facility (ALZ) and associated parking, lighting, landscaping and sewage disposal for the ALZ phase. This first phase will also include the installation of the phase one and phase two project access, stormwater mitigation for both phases, rough grading for the building and parking area of phase two and the water supply sufficient to handle both phase one and phase two.

Phase two will be for a 66 bed Assisted Living facility which will be required to return to the Planning Board at the time of construction for phase two so that the Planning Board may review the associated lighting and landscaping along with the building elevations to demonstrate compliance with the height restrictions and lighting requirements in effect at the time of the application. It is anticipated that the second phase will return to the Planning Board within a five to six year time frame.

Phase one will have 20 employees during shift one (7am to 3 pm); 10 employees during shift two (3pm to 11 pm); and 10 employees during shift three (11pm to 7 am). Phase two will have 15 employees during shift one; 8 employees during shift two; and 6 employees during shift three.

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The parcel is depicted on tax map 133 as lot 28. The parcel of land is 34.75 acres in size and has 843.29 feet of road frontage on Route 109 East (aka Governor Wentworth Highway), and 796.65 feet of road frontage on Route 28 (aka Center Street). The property lies in the C2-WC; RR and RA districts as well as the Wetlands Conservation Overlay District.

A small portion of the property also falls within the Groundwater Protection Overlay District, but based upon test pits that were dug on the site, we questioned the boundary of this District as shown on the current USGS Stratified Drift Aquifer Map. Consequently, as permitted under Article IV, Section 175-21, the property owner commissioned a study by Professional Geologist David B. Hill, of Stantec Consulting Services, Inc. The results of this study are found in a report entitled, *"Report, Determination of Aquifer Protection Boundaries, Proposed Woodbine Senior Living Facility - Wolfeboro NH"*, prepared by David B. Hill, P.G., Stantec Consulting Services, Inc., dated March 2015. This study confirmed our suspicion that district was significantly smaller than depicted on the current USGS Stratified Drift Aquifer Map. We submit that study as part of this submittal and depict the actual Groundwater Protection Overlay District boundary based upon the results of this study.

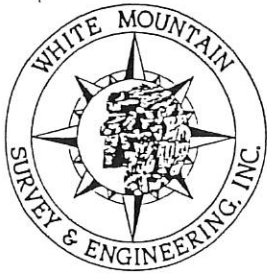
This property obtained a variance to permit this use in this Zoning District in June of 2014.

Access

This existing and proposed access to this site will be through Route 109 East. This project requires approval from NHDOT for access and for both phases. Consequently, on July 14, 2015 we submitted a request for the entrance permit. NHDOT then requested that we analyze the intersection of Route 28 and Route 109, with their concern being the turning movements on Saturdays in the summer. Consequently, we commissioned a traffic impact study to address NHDOT's concern. This study was completed by Gorrill Palmer from Gray, Maine and submitted to NHDOT on September 9, 2015. At the time of this submittal, NHDOT had not yet completed their review, but the results of the study are that there is no need for any protected turn lanes as a result of this project, at full build-out of both phases, through the year 2026. In fact, the level of service on each highway is projected to remain at a level of service A, the highest level of service possible through 2026.

Parking and Circulation

The parking and circulation for this project is identified on the site plan, sheet S2. The driveway is approximately 585 feet in length and will climb up from Route 109 East to the building site at a grade no greater than 7.4%. Once the driveway reaches the building site there is a circular drive surrounding the building site for deliveries and emergency access and services. The



parking for phase one is centered between the ALZ building and the building site for phase two. There is also a gravel access road to the pump house for the water system.

We have worked very closely with the Lake Wentworth Association, through its representative Roger Murray. One of their requests was to minimize parking due to the potential impact parking can have on water quality. As a result of this exchange, we took a close look at the needs of the project from the Wolfeboro Parking requirements and from Woodbine Senior Living's experience on other projects they have in New Hampshire and Vermont. As a result of this analysis, we are seeking to make use of Article XXII, Section 175-138 to request a waiver of 11 spaces at full build out.

Phase one is the 56 beds ALZ phase. By town code, the closest listing is Nursing Home or Congregate Care which requires one space per three beds. This would result in 19 spaces being required for phase one. ITE Parking Generation list "Assisted Living: 254" as including Alzheimer care and ALS care under this category. ITE lists the average peak period parking demand as 0.33 vehicles per dwelling unit. Since this facility typically has only one bed per dwelling unit, ITE's rate would also suggest a need of only 19 spaces for the 56 beds in phase one. However, to minimize construction near the entrance of phase one, during the construction of the phase two project, and to provide a slight buffer of parking needs based on Woodbine's experience with similar facilities, they wish to construct the parking that would exist between the two phases in the initial phase. Therefore, in phase one, we are proposing 47 spaces, which includes six handicap spaces, two of which are van spaces.

Phase two is the 66 bed Assisted Living (AL) phase. By town code requires one space per bed for nursing homes which results in 66 spaces for phase two. Rehabilitation Housing is listed at one space per three beds similar to a Nursing Home, which would result in the need for 22 spaces. As outlined above, ITE Parking Generation for Assisted Living requires 0.33 spaces per dwelling unit. The Assisted Living phase, like the ALZ phase has primarily one bed per dwelling unit or space and therefore, by ITE Parking generation standards phase two will require 22 spaces.

Therefore, by the conservative town code the build out of phases one and two would require 19 spaces plus 66 spaces, for a total of 85 spaces. ITE Parking generation requirements for phases one and two would result in the need for 19 spaces plus 22 spaces, for a total of 41 spaces. We are proposing a total of 74 spaces, 47 in phase one and 27 in phase two. This results in a waiver of 11 spaces from the code requirements of the town of Wolfeboro, but exceeds the number of spaces required by ITE Parking Generation. The number total number of spaces at 74 is consistent with the parking needs for the two phases based on Woodbine Senior Living's experience with similar facilities.



Landscaping

The project landscaping is depicted on sheet L-100 submitted with this application. This landscaping plan exceeds the requirements of the site plan review regulations of one tree for every eight spaces and one tree within 30 feet of each parking space.

The landscape architect has taken great care to make use of species that do not require supplemental irrigation beyond the first season or fertilization beyond that associated with installation. This was something we agreed to do in our conversation with Roger Murray in his capacity as spokesman for the Lake Wentworth Association.

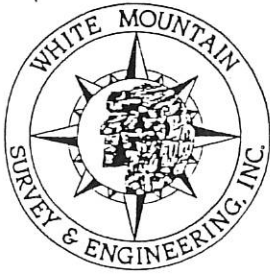
With regard to the Landscape Screening and Buffering section of the ordinance, we are preserving the existing vegetation at the perimeter of the project to the greatest extent possible in deference to the abutters and in keeping with the spirit of the ordinance.

We have assumed that the proposed use is a Land Use Intensity Classification of 3 which includes elderly housing. The abutting uses range from Classification 1 for single family residences to 3 for the church. Assuming the conservative approach of proposed use 3 to abutting use 1, we need a buffer yard B classification. This requires a vegetated 20 foot buffer yard. In all instances, we exceed this requirement, excepting the entrance drive of course. Additionally, along Route 28, we have preserved a significant earth embankment that further screens the project from abutters along that portion of the boundary.

Storm Drainage

This project, at build out of both phases, requires an Alteration of Terrain Permit (AoT) in accordance with NH RSA 485-A:17. A permit issued by the NHDES in accordance with this section of the law and rules promulgated thereunder, is deemed to satisfy the requirement of Wolfeboro's Stormwater Management Plan. The town received a copy of the AoT submittal in August as a requirement of the AoT application process. We ask that that submittal be incorporated into this application package by reference. In addition to that package, we submit a copy of the stormwater computations demonstrating compliance with the Storm Water Management regulations.

This is another area where we had discussions with Lake Wentworth Association representative Roger Murray. He shared the concern on the part of the LWA relating to stormwater runoff, asking if the property owner could incorporate porous pavement as part of the design. I explained that porous pavement requires a significant cross section beyond the pavement cross section. When the soil beneath the cross section can not handle the storm flow, an outlet is incorporated into the design that short circuits the percolating runoff into an adjacent bio-retention area. Additionally, porous pavement is not as serviceable as conventional pavement. It



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is also important to note that the stormwater design is for the full build out of the site, so for at least the first five years, the stormwater runoff will be substantially reduced from the existing condition. Since we are complying with the AoT regulations and the stormwater management regulations, the property owners have declined the use of porous pavement in the design.

The proposed impervious surface of the lot in phase one will be 12.9% and after phase two it will be 15.2%.

The summary of the pre and post development run-off analysis at the comparison nodes can be found on pages four and five of the Project Narrative included with this submittal package.

Snow Storage

Snow storage locations have been depicted on sheet S2, identified with a star hatching pattern.

Utilities

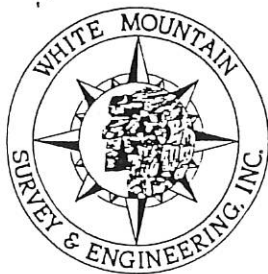
The project is serviced by Wolfeboro Municipal Electric and will require 3 Phase power that will be placed below grade. Its location is depicted on sheets S2 and S3.

The project will be served by a community water system, approved by NHDES. As I write this letter, we just received the Concept Approval DR 150119 dated September 16, 2015. We will now need to drill the wells to determine their yield and quality before the design can be completed. The mechanical engineer for the project has worked with Tom Zotti, Deputy Fire Chief on the sprinkler system which will include 22,000 gallon cistern as part of the fire suppression.

The project will be serviced by an on-site individual sewage disposal system (ISDS). I have check with NHDES, Subsurface Systems Bureau and they confirm that there are no special design considerations for this type of facility do to the age, health or demographics of the population being served. I include an email from Robert A. Tardiff, P.E., Administrator of the Subsurface Systems Bureau confirming this fact. This project, like the Sugar Hill project off Route 109A will be served by the ISDS. The design is submitted herewith.

Lighting

The project will have lighting that is fully compliant with Wolfeboro's dark sky initiative and the regulations relating thereto. As demonstration of this compliance, we submit a photometric plan and lighting details found on Photometric Plan sheet 1.



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Protection of Natural Resources

The entire property was evaluated for the presence of jurisdictional wetlands and the boundaries were delineated and identified hereon. This project will not impact any jurisdictional wetlands and we exceed the buffer requirement contained in the Wolfeboro Zoning.

Zoning Compliance

This project received a variance for the proposed use on May 5, 2014, under case # 13-V-14.

Litter Storage

We have depicted the location of a dumpster pad and enclosure shown off the northeast corner of the phase one building on sheet S2 and S3.

Flood Plain

This property is not located with a federally designated flood hazard boundary of the Flood Insurance Rate Map for Town of Wolfeboro, NH, Community No. 33003C0735D dated March 19, 2003.

Security for Improvements

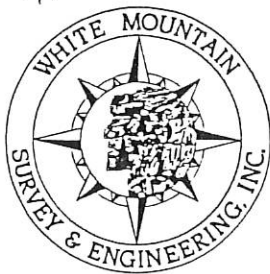
We attach a probable cost estimate that covers the work relating to the work needed to ensure the completion of all roads, drainage and landscaping.

Signage

This project is proposing a freestanding sign that has been depicted on sheet S2. Because of the limitations of the sign sizing in this zone, the property owners will be applying to the Zoning Board for relief to obtain a sign more in keeping with the project needs.

Design Review

We attach an elevation view, floor plan and rendering of the proposed structure for phase one. This structure is as compliant with the voluntary design review guidelines as is physically possible given the size of the structure. We believe that the design embodies the intent of the voluntary review guidelines.

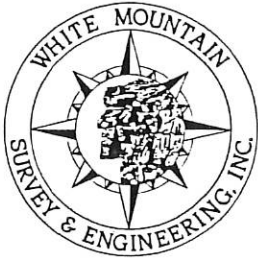


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As you review this application if you find that you have any questions, please feel free to contact me directly at 539-4118, extension 315. In thanking you for your attention to this matter, I remain

Sincerely,
White Mountain Survey & Engineering, Inc.

James F. Rines, PE, LLS, CPESC
President



WHITE MOUNTAIN SURVEY & ENGINEERING, INC.

1270 ROUTE 16, POST OFFICE BOX 440

OSSIPEE, NH 03864-0440

TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912

WEB ADDRESS: www.whitemountainsurvey.com

October 20, 2015

Via Hand Delivery (Advance copy via email: planningdirector@wolfeboronh.us)

Mr. Robert T. Houseman
Director of Planning and Development
Town of Wolfeboro
P.O. Box 629
Wolfeboro, NH 03894

Re: Woodbine Senior Living, LLC - Parking Management Plan
NH Route 109 East (Governor Wentworth Highway)
Tax Map 133-28

Dear Rob:

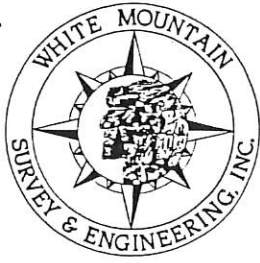
In response to your request for a Parking Management Plan, please accept this letter as our "Parking Management Plan" in accordance with Article XXII, Section 175-138 of the Wolfeboro Zoning Ordinance.

We requested this waiver due to the lack of definition of the terms "Assisted Living", "Nursing Home", "Congregate Care" and "Independent Living" in the Wolfeboro Zoning Ordinance. Whether the waiver is needed at all, it is only needed at build out of both phases, since phase one clearly exceeds the parking requirements of the Wolfeboro Zoning Ordinance.

The Land Use Description of "Assisted Living" contained in the ITE Parking Generation Manual - "Assisted Living: 254", is as follows:

Assisted living complexes are residential settings that provide either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited people. These complexes commonly have separate living quarters for residents and services include dining, housekeeping, social and physical activities, medication administration and transportation. Alzheimer's and ALS care are commonly offered by these facilities, though the living quarters for these patients may be located separately from the other residents."

If the Planning Board accepts the ITE's Land Use definition of Assisted Living, then no waiver is needed because the Land Use Description most closely relates to Wolfeboro Zoning Ordinance for Congregate Care, Nursing Homes and Rehabilitation Housing. Using that standard of one space per three beds, would result in the need for 41 parking spaces for all 122 proposed beds at



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build out, and we are proposing a total of 74 spaces at build out, 47 in phase one and 27 in phase two, based on Woodbines own experience at their other facilities.

If we use the ITE Parking Generation Manual for Assisted Living the following would be the parking demands at build out of both phase one and phase two:

- Average Peak Period Parking Demand Weekday using 85th percentile 44 Spaces.
- Average Peak Period Parking Demand Weekday using formula 38 spaces.
- Average Peak Period Parking Demand Weekday using maximum range 52 spaces.
- Average Peak Period Parking Demand Saturday using 85th percentile 37 spaces.
- Average Peak Period Parking Demand Saturday using formula 32.
- Average Peak Period Parking Demand Saturday using maximum range 41 spaces.
- Average Peak Period Parking Demand Sunday using 85th percentile 42 spaces.
- Average Peak Period Parking Demand Sunday using formula 38 spaces.
- Average Peak Period Parking Demand Sunday using maximum range 42 spaces.

This exercise demonstrates that the maximum parking need would be 52 spaces, based on an Average Peak Period Weekday.

If the Planning Board determines that the assisted living phase of this project is more closely associated with independent living, then the resulting parking calculation would be 19 spaces for phase one and 66 spaces for phase two, resulting in the need for 85 total parking spaces. Since we are proposing 74 spaces at build out, a waiver is needed.

In accordance with Section 175-38.B, this waiver does not exceed 50% of the most conservative application of the parking requirements contained in Section 175-39.

In accordance with Section 175-38.C.(1) we have provided the calculations per two interpretations of 175-39 above.

Section 175-38.C.(2) requires a narrative of the parking management explaining the specific needs of the proposed development, and more effectively satisfies the intent of this article and the goals of the Master Plan.

It is our position that providing adequate parking as outlined through one interpretation of the Wolfeboro Zoning Ordinance and a nationally recognized reference like the ITE Parking Generation Manual addresses both the needs of the proposed development, the intent of the article and the goals of the Master Plan. Additionally, providing the least amount of parking



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possible based on the owner's experience and those references satisfies the goals of the Groundwater Management Ordinance by reducing stormwater run-off through reduction in impervious coverage.

As required by Section 179-38.C.(3)(a)-(d) the number of employees at build out will be as follows:

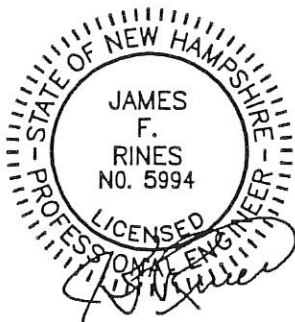
- 35 employees in shift one from 7 am to 3 pm.
- 18 employees in shift two from 3 pm to 11 pm.
- 16 employees in shift three from 11 pm to 7 am.

In general, deliveries will occur several week days per week maximum but not on weekends. There are no "customers" and visitors will be random but with the parking proposed of 74 spaces available, in the worst case, shift one, 39 spaces will be available for visitors. Stated another way, roughly 32% of the residents could have visitors at the same time, between 7 am and 3 pm. During the second shift, this would increase to nearly 46% of residents having visitors at the same time. There is no shared parking associated with this use.

The strategies identified in Section 179-38.C.(4)(a)-(d) such as telecommuting are not possible nor warranted. Car pooling could be a possibility, but again, we don't believe the data supports the need. The same holds true for shuttles. These two options could be employed should it be necessary, but the data does not support the likelihood of that need.

As a result of the foregoing analysis, we do not believe that there is a need for any mechanism such as an easement or other legal concept to "guarantee and enforce" this management plan because, we have demonstrated that the waiver is not be necessary based on one interpretation of the Zoning requirements and nationally recognized reference supports the parking provided exceeds their computed needs.

As you review this waiver if you find that you have any questions, please feel free to contact me directly at 539-4118, extension 315. In thanking you for your attention to this matter, I remain



Sincerely,
White Mountain Survey & Engineering, Inc.

James F. Rines, PE, LLS, CPESC
President

leeann@metrocast.net

From: "Robert Houseman" <planningdirector@wolfeboronh.us>
Date: Tuesday, October 20, 2015 3:57 PM
To: <leeann@metrocast.net>; "Brad Harriman" <bharriman@ossipee.org>; "Dave Alessandroni" <cclinc@metrocast.net>; "John Thurston" <1greenandgranite@gmail.com>; "Kathy Barnard" <katbarnard@metrocast.net>; "Mike Hodder" <mikeh@cotse.net>; "Paul O'Brien" <obrienpa3@gmail.com>; "Stacie Pope" <tazmo@metrocast.net>; "Terry" <wolfbldgoff@metrocast.net>; "Vaune Dugan" <vaune@myfairpoint.net>
Subject: FW: 10/20/15 tonight's PB: Personal Care Products, Pharmaceuticals, and Hormones Move from Septic Systems to Local Groundwater

FYI

From: AnneBlodget <anneblodget@gmail.com>
Date: October 20, 2015 at 3:19:49 PM EDT
To: Barnard Kathy <katbarnard@metrocast.net>
Subject: Re: 10/20/15 tonight's PB: Personal Care Products, Pharmaceuticals, and Hormones Move from Septic Systems to Local Groundwater

Hi Kathy,

I have attached a report that underscores my concern about the location of the Woodbine facility. This issue has been minimized by the Woodbine representatives but the attached white paper reinforces the concerns.

Please note the paragraph that references the impact of these contaminants coming from a healthcare facility.

In the Woodbine situation, the neighboring wells and the watershed are at risk from this exposure.

In my research, I have found no means of mitigating this risk from a septic system, but it seems to require a closer look. Surely everyone knows that mitigation is far more problematic than prevention.

http://toxics.usgs.gov/highlights/2015-06-02_ecs_from_septics.html

Thank you for your attention to this public safety aspect of the proposed facility.

I may not be able to attend tonight's meeting, but wanted to send this in advance.

Anne
Sent from my iPhone
617-281-4488