



ZONING BOARD OF ADJUSTMENT

*Town of
Wolfeboro*

**ABUTTER NOTICE
ZONING BOARD OF ADJUSTMENT
WOLFEBORO, NEW HAMPSHIRE**

Notice is hereby given that the Zoning Board of Adjustment will meet on **Monday, 13 June 2016** at **7:00 PM** in the Wolfeboro Public Library Meeting Room to conduct the following business:

TM# 133-28

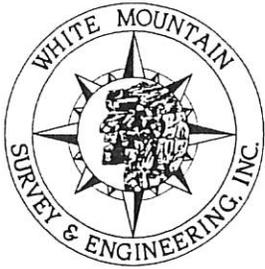
Case # 13-V-14

**Applicant: Woodbine Senior Living, LLC
Variance Extension Request**

Public Hearing for an extension request for a Variance granted 30 June 2014 for construction of an Alzheimer and Assisted Living Facility for property located on Governor Wentworth Highway.

Copies to:

- Town Manager
- Codes Officer
- Police Chief
- Conservation Commission
- Assessor
- Public Works Department
- Municipal Electric
- Department of Water & Sewer
- Planning Department
- File
- Stoll
- Single Rose Enterprises, LLC
- North Country Soil Services
- Woodbine Senior Living, LLC
- White Mountain Survey & Engineering, Inc.
- NE Telephone & Telegraph
- Wolfeboro Center Community Church
- Governor Wentworth Highway, LLC
- MP SS property Group, LLC
- Brown
- CCL Land Services, LLC
- Roberts/Fortuna
- Campbell
- Piper
- NH Dept. of Transportation (Trails Bureau)



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

May 11, 2016

Fred Tedeschi, Chairman
Zoning Board of Adjustment
Town of Wolfeboro
PO Box 629
Wolfeboro, NH 03894-0629

Re: WoodBine Senior Living, LLC
Variance Extension Request
Governor Wentworth Highway – Wolfeboro, New Hampshire
Tax Map 133, Lot 28

Dear Chairman Tedeschi and Members of the Board:

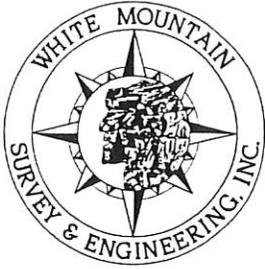
The purpose of this letter is to request an extension to the variance granted to Woodbine Senior Living, LLC for their project located on Governor Wentworth Highway and depicted on Tax Map 133, Lot 28.

To provide the Zoning Board with some background on what has occurred over the last 23 months since the variance was granted and to explain the need for the extension, I offer the following information.

On June 30, 2014, the Wolfeboro Zoning Board of Adjustment granted a variance to Woodbine Senior Living, LLC for the construction of an Alzheimer and Assisted Living facility. The granting of this variance paved the way for Woodbine to move forward with the permitting necessary to obtain the remaining permits that would allow them to commence construction.

The first order of business was to obtain funding for the permitting which was done over the summer of 2014. This office was then contracted to commence the permitting process. We first had to perform a hydrogeologic study to determine the precise location of the Aquifer Protection District, since on-site test pits had provided evidence that it was not as depicted on the accepted map. This work was commenced in late fall and continued into the mid winter of 2014/2015. Due to the amount of snowfall that winter, no survey work could commence until the spring of 2015.

Survey work and design work began in earnest the spring and summer of 2015 and we obtained our NHDOT driveway permit and our Alteration of Terrain permit as well as Site Plan Approval from the Planning Board. This meant that we now knew where all disturbed areas would be.



Fred Tedeschi, Chairman
WoodBine Senior Living, LLC
May 11, 2016
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This knowledge paved the way for us to commence the water supply approval, which is needed to obtain to obtain sewage disposal permits to finalize the conditions of our Planning Board approval.

The first step is to obtain Conceptual Approval for the location of the wells. Their locations must occur in an area that remains in a "natural state", is 150 to 200 feet from boundary lines and 50 feet from wetlands. Conceptual Approval was granted September 16, 2015.

We then moved ahead with Preliminary Approval so that we would be able to drill the wells. This was granted on November 18, 2015. Once we obtained this approval, we had to have a contractor construct suitable access to the well site locations.

Drilling commenced mid December 2015. Unfortunately, the well drilling was not as productive as needed. Both proposed wells were drilled twice the budgeted depth of 600 feet, with one well nearly 1,400 feet deep and the second nearly 1,300 feet deep. The yield was not sufficient so we decided to "frac" the wells in an attempt to produce more yield. This resulted in greater yield, but still insufficient for the project, so it was decided to go back to NHDES and amend the Preliminary Approval to add up to two more wells. That amended Preliminary Approval was granted mid-January 2016.

So, the access road needed to be extended to the two additional well sites. Between what little winter weather we had and contractor and well drilling vacations (this is the time of years they typically take off), the new access and drilling of well three commenced around the second week in February 2016.

Once the third well was drilled, based on air lift yield tests, it was believed we had enough water supply for the first phase of the project, the Alzheimer's component and the developer purchased the plumbing, wiring, pumps and control panels to fit up the three wells in preparation of the 48 hour pump tests. Due to the depth of the wells, the lead time for the control panels was three weeks.

Four abutter wells were within 1,000 feet of our wells. In accordance with NHDES regulations letters were sent out requesting access to their wells to monitor their wells during our test. Only one reply was promptly received, so NHDES required us to wait three weeks before they authorized us to commence the pump down tests. Those began the first week in April of 2016. Once complete, the results were sent to NHDES and Water Quality tests were sent to the laboratory.

After analysis of the pump down tests, NHDES felt that two wells were hydraulically connected and therefore, they would not allow us to add the results from those two wells, resulting in a loss of 4+ GPM of yield. NHDES also felt that the third well, when projected out 180 days could



Fred Tedeschi, Chairman
WoodBine Senior Living, LLC
May 11, 2016
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potentially go dry, so they would not allow us to use the 4 GPM result from that well. The water quality was good in all three wells.

With NHDES not allowing 8 GPM of yield to be accounted for from the well production, the land owner, would like to have additional time to make considered thought on how best to proceed, without the added pressure of an imminent time constraint.

Given how long we have observed this process to take, the land owner is requesting an 18 month extension to the expiration date, which would account for one more winter and take the variance to the end of 2017.

At this point, the land owner has invested \$151,097.03 in well drilling and testing, nearly \$10,000 in access construction for drilling and \$120,000 in surveying and engineering fees. They have also expended \$250,000 in land costs. It is our sincere hope that the Zoning Board will view the investment of nearly \$550,000 as a substantial investment in the project since the granting of the original variance and worthy of the requested extension.

If you have any question regarding this matter, please feel free to contact me directly at 539-4118 ext 315.

Sincerely,
White Mountain Survey & Engineering, Inc.

James F. Rines, P.E., L.L.S., C.P.E.S.C.
President

pc: Woodbine Senior Living LLC

**Woodbine Senior Living, LLC
Abutters List
May 11, 2016**

<u>Tax Map/Lot</u>	<u>Owner of Record</u>	T	A
133-28 (subject)	Woodbine Senior Living, LLC 3201 Rogers Ave, Suite 302 Ellicott City, MD 21043	✓	✓
Unlisted fly p/o 133-28	New England Telephone & Telegraph ? 185 Franklin Street, Room 1103 Boston, MA 02107		
133-27	Town of Wolfeboro Conservation Commission P.O. Box 629 Wolfeboro, NH 03894-0629	✓	✓
133-29	Wolfeboro Center Community Church c/o Claire Donahue 139 Governor Wentworth Highway Wolfeboro, NH 03894-4614	✓	✓
133-30	Governor Wentworth Highway, LLC PO Box 672 Wolfeboro, NH 03894-0672	✓	✓
116-02	MP SS Property Group, LLC PO Box 2075 Wolfeboro, NH 03894-2075	✓	✓
116-03	James D. Brown 678 Center Street Wolfeboro, NH 03894	✓	✓
116-4	CCL Land Services, LLC PO Box 237 Wolfeboro Falls, NH 03896-0237	✓	✓
116-6	Viola Roberts & Thomas Fortuna 9 College Road Wolfeboro, NH 03894	✓	✓

116-9 Richard G. & Laura D. Campbell
PO Box 145
Wolfeboro Falls, NH 03896-0145

T	A
✓	✓

133-9 William & Hilde Stoll
51 Governor Wentworth Highway
Wolfeboro, NH 03894

✓	✓
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133-8 Dana Piper
41 Governor Wentworth Highway
Wolfeboro, NH 03894

✓	✓
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133-7 Town of Wolfeboro
PO Box 629
Wolfeboro, NH 03894-0629

	✓
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133-6 Single Rose Enterprises, LLC
The Lake Wentworth Foundation
c/o Robert F. Murray, III, Agent
P.O. Box 235
Wolfeboro, NH 03894-0235

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*Corrected
and
corrected*

133-31 State of NH Dept of Transportation
45 Chennel Drive Bureau of Trail
Concord, NH 03301 PO Box 1852
Concord NH 03302

Agent White Mountain Survey & Engineering, Inc.
P.O. Box 440
Ossipee, NH 03864-0440

Soil/Wetland Scientist North Country Soil Services
P.O. Box 442
West Ossipee, NH 03890-0442

**Woodbine Senior Living, LLC
Abutters List
May 11, 2016**

<u>Tax Map/Lot</u>	<u>Owner of Record</u>
133-28 (subject)	Woodbine Senior Living, LLC 3201 Rogers Ave, Suite 302 Ellicott City, MD 21043
Unlisted fly p/o 133-28	New England Telephone & Telegraph 185 Franklin Street, Room 1103 Boston, MA 02107
133-27	Town of Wolfeboro Conservation Commission P.O. Box 629 Wolfeboro, NH 03894-0629
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116-03	James D. Brown 678 Center Street Wolfeboro, NH 03894
116-4	CCL Land Services, LLC PO Box 237 Wolfeboro Falls, NH 03896-0237
116-6	Viola Roberts & Thomas Fortuna 9 College Road Wolfeboro, NH 03894

116-9	Richard G. & Laura D. Campbell PO Box 145 Wolfeboro Falls, NH 03896-0145
133-9	William & Hilde Stoll 51 Governor Wentworth Highway Wolfeboro, NH 03894
133-8	Dana Piper 41 Governor Wentworth Highway Wolfeboro, NH 03894
133-7	Town of Wolfeboro PO Box 629 Wolfeboro, NH 03894-0629
133-6	Single Rose Enterprises, LLC The Lake Wentworth Foundation c/o Robert F. Murray, III, Agent P.O. Box 235 Wolfeboro, NH 03894-0235
133-31	State of NH 45 Chennel Drive Concord, NH 03301
Agent	White Mountain Survey & Engineering, Inc. P.O. Box 440 Ossipee, NH 03864-0440
Soil/Wetland Scientist	North Country Soil Services P.O. Box 442 West Ossipee, NH 03890-0442



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Via Hand Delivery

To: Fred Tedeschi, Chairman
Zoning Board of Adjustment
Town of Wolfeboro

Date: May 11, 2016

Re: Woodbine Senior Living, LLC
Variance Extension Request

Enclosed, please find the following:

No. of Copies	Date	Description of Item
1	05/11/2016	Cover Letter Requesting Variance Extension
1	05/11/2016	Abutters List
1 set		Envelopes addressed to each abutter, certified slips prepared and attached, postage affixed.

The enclosed copies have been prepared for your use.

Sincerely,
White Mountain Survey & Engineering, Inc.

Xann Horn
Administrative Assistant



Planning and Development

*Town of
Wolfeboro*

MEMORANDUM

DATE: 9 June, 2016

TO: Zoning Board of Adjustment
FROM: Robert Houseman, Director of Planning and Development

SUBJECT: Variance

INITIATED BY: Woodbine Senior Living Center

TM #: 133-28

Case #: 13-V-14

Agent: James Rines, PE, White Mountain Survey and Engineering

DESCRIPTION: The applicant is seeking an 18 month extension of the approved Variance for a senior living center, proposed 58 bed Alzheimer's facility and a 78 bed assisted living facility.

The statute provides for the following:

***Zoning Board of Adjustment and Building Code Board of Appeals
Section 674:33***

674:33 Powers of Zoning Board of Adjustment.

I-a. Variances authorized under paragraph I **shall be valid if exercised within 2 years from the date of final approval**, or as further extended by local ordinance or by the zoning board of adjustment for good cause, **provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.**

See attached guidance from Town Counsel.



This will be the Board's first hearing on the request for an extension. In accordance with the guidance provided by Counsel, I would recommend that the ZBA narrowly constrain the hearing to whether the applicant has demonstrated good cause for the requested extension.

If the Board, after its deliberations on the case, considers approving this application Staff would recommend that the ZBA grant an 18 month extension of the original approval.

I hope this information provides you with some assistance. Please call me if you have any questions or need additional information.