

TOWN OF WOLFEBORO
PLANNING BOARD
August 15, 2023
APPROVED MINUTES

- I. Call to Order at 7:00 p.m.:** Chair Kathy Barnard called the meeting to order in the Great Hall, 84 South Main Street, at 7:00 p.m.

II. Introduction of Planning Board Members / Roll Call:

Members Present: Kathy Barnard (Chair), Doug Breskin (Vice-Chair), Peter Goodwin, Brad Harriman (BOS Representative), Roger Murray

Absent (Excused): Vaune Dugan, John Thurston, Steve Webster

Alternates Present (designated by the Chair to vote at this meeting): Jane Nielsen, Julie Jacobs

Staff Present: Tavis Austin

III. Public Hearings:

This Application shall Re-Noticed and Heard at a later date: WILLOW STREET, JEFFREY BREM, 8-Unit Condominium Project

- a) LAKES REGION COMMUNITY DEVELOPERS and EASTERN LAKES HOUSING COALITION LLC, Beck Drive, Tax Map & Lot 176-020-001, Case# 2023-14: Site Plan Review for 30 Affordable Rental Dwelling Units - Harriman Hill Phase III**

Chair Kathy Barnard: recused herself for this Application.

Vice-Chair D. Breskin: Jane Nielsen and Julie Jacobs would you like to vote this evening? [Both answered yes]. We have a full complement of Planning Board members this evening.

B. Harriman: I'd like to state that I did own property abutting the Subject Property. It was sold about three years now. So, as long as the Board is okay with that, I'm open-minded enough to be able to hear this Case. Unless someone requests that I recuse myself, I'd like to sit in on it.

D. Breskin: I have no objections. Anybody else on the Board have any objection?

R. Murray: None whatsoever.

D. Breskin: The submission date for this Application was July 11th 2023. Today is the Site Plan Review and there is a request for four Waivers.

Steve Dwyer for Applicant: I'm project manager for Harriman Hill Phase III. We were here in mid-July to give a preview of this project. Since then, we received Zoning Board approval. Tonight, we seek approval from the Planning Board.

- o Lakes Region Community Developers proposes to complete the Harriman Hill development, which has 48 existing units of affordable rental housing. For the last Phase, **there will be 30 new units of affordable rental housing**. This is a change from the previously approved site plan for Phase III,

which had 20 units of affordable ownership housing. The current site plan provides 10 additional units of affordable housing for a total of 30 new rental units (versus the previous plan for 20 ownership units).

- **The mix of new rental units consists of one, two and three bedrooms.** The 60 bedrooms as currently proposed are equal in number to the 60 bedrooms that were previously approved, **The unchanged number of bedrooms is important from the perspective of infrastructure capacity.**
- We're proposing a site plan that does not change the previously approved site parameters. In fact, we have a letter [you should have a copy] from **the Wolfeboro Conservation Commission: has written it has no concerns at all with this site.** The footprint of the development remains the same, and there will be no encroachment on the conservation easement boundary.
- Also, this site plan does not burden the sewer and water infrastructure in Wolfeboro to a greater degree than what had already been planned because the same number of bedrooms are proposed. Rob Dempsey, the **Superintendent of Wolfeboro Power, Water and Sewer has written, stating he has no concerns about the current capacity of Town services for Harriman Hill.**
- From the perspective of affordable housing, this plan does not change the **Lakes Region Community Developers' commitment to a required minimum of 50% of Harriman Hill's units to be devoted to low and very low income households.**
- The Planning Board's approval would meet two goals: **1) We want this project to keep moving forward, and 2) We are in the middle of trying to procure funds for this project.** A key funding application is due at the end of September; therefore, the timing would be very good for us to demonstrate how the **community supports our application for funds for affordable housing**
- **Phases I and II of Harriman Hill are very successful.** Lakes Region Community Developers was the developer and constructed the units and continue to manage the 48 units very successfully.
- Kevin Leonard is our lead on project engineering for the site. Sal Stevens-Hubbard, the real estate development director with Lakes Region Community Developers, is also here. Let's go through the details and answer your question.

Kevin Leonard PE Here is the parent tract of Harriman Hill for all phases. The green area is Land Unit C. Here is the area where Phase III is located: 3.6 acres, zoned VR - Village Residential.

- **Town Water and Sewer service was stubbed to Land Unit C as part of Phase I work.** So those stubs are already existing at the entrance of Land Unit C.
- We have **30 units with 60 bedrooms.** We show five new buildings in the rendering.
- There are **six Accessible units: four 1-Bedroom units, a 2-Bedroom unit, and a 3-Bedroom unit.** These are detached townhouses, which we submitted with architectural renderings of what the new building would look like. The Accessible Units are 1-story and are extensively accessible.
- Two of the buildings that have accessible units will have 1-Bedroom units on the first floor. The other 1-Bedroom units are coupled with a town house on the end.
- So, **five units per building with attached laundry rooms and utility rooms** that are common to each building.
- For parking, we propose **59 parking spaces** (40 spaces are required). Of the 59 parking spaces, **9 are Handicap spaces.** We have additional visitor parking because there will be a **600 SF Community Room that we want all residents to use**, with their guests.
- The proposed road will be a **permanently private access road, 22 feet wide.** The parking will be in front of the units with appropriate curbs and **sidewalks located around the perimeter of the whole project, for a pedestrian-friendly environment.** We accommodated the Fire Chief's request for a **separate emergency access: a 20-foot wide gravel road.**
- The access drive will have a keyed access at the entrance for Phase I. We're proposing **four street lights** up at the corners of development, which will be dark-sky compliant and we're proposing **carriage lights around the perimeter, at the face of the buildings**, to provide more lighting for the sidewalk and entries and parking.

- Here are **landscaping plans** prepared by the landscape architect as part of the Application. **Dumpsters will be in an enclosure.**
- And finally, I wanted to point out: in re-working this development, **we've been able to retain more of the existing trees** than we had previously, because the rental units are more compact than single-family homes. So, we're now able to leave more trees in Land Unit C, which increases the landscape buffer around the property. Any questions before I go into the plans?

R. Murray I had a question: you mentioned this is 3.6 acres. Drawing C-2 of the plans labels this area as 3.82 acres. Everything else refers to 3.6 acres. I just wondered why there was a difference.

Kevin Leonard PE It's 3.6 acres. This is the whole property again, at the corner. This is the principal layout that we saw a moment ago.

- There is a breakdown of the unit count, here on the plans, which have 60 bedrooms that we talked about before. Here's a more detailed site plan of the property, on two sheets. You see the specifics of **the units, the striping, the parking, the 22-foot aisle for parking spaces (19 feet by 9 feet)**. The enclosed dumpsters are here on the upper right. The **Community Room is located near the entry**. Here are the water, sewer and underground utilities.
- Overview of the **grading plan**. There's a **wetland to the east** over here, which we're staying away from, to comply with the wetland buffer as required by the ordinance. The site slopes from the back towards this direction. This is **the detention pond that was built as part of Phase I**. Back when the whole the belt was developed, it was planned for all phases. So, basically you had to oversize to allow for Phase III to happen.
- We propose to plumb the drainage to **collect stormwater in a series of basins**. There will be a new upper basin. This is a **two-stage stormwater detention system**.
- Because of the topography of the property, the **buildings will be stepped from one unit to the next**. The accessible units are close to the parking and roadways. We're gradually stepping the buildings up as we come around the corner and stepping down to come back around. **In the worst case, we have one step into a unit. We want to avoid a lot of steps into and out of the units**. There's a big difference in elevation from the access road down to the existing pavement of Phase I. Note that grades coming into the development, and off the back of the emergency access road, are steeper so a riprap slope is proposed.
- **Proposed roadway profile**: we have a series of 2% grades, to support accessibility. We're tracking everything so that from the parking you have gentle grades, **we don't want any more than 2% grade** at a crosswalk on a handicap parking spot. So if you haven't had some 2% flat and the sidewalk ramps into accessible units which will profile the emergency access road which will be gravel
- **Stormwater control**: a loop water system, eight inch line, a low-pressure sewer system already set up as part of Harriman Hill. We'll be extending that force main up and around. Each building will have a septic tank that will settle all solids and then pump the treated water into the low pressure sewer system.
- **Tree plantings around the perimeter** and in between the islands and the property and we have detailed foundation plantings for each building shown up here. That was prepared by a landscape architecture firm in Hopkinton.
- **A comprehensive lighting plan** for the higher street level lights, but downcast, dark-sky compliant, located at four corners to create a general level of neighborhood lighting, and then a series of carriage lights on the frontages of all buildings to have light at the entrances, but not as intense.

R. Murray: The fixtures are showing the taller lights or the other of these four?

Kevin Leonard PE The carriage lights are the other circles which are much smaller. Comprehensive approach control plan, construction entrance, silt fence, etc. Then a comprehensive set of details which covers all aspects of the proposed drainage, sewer, water, road control, etc.

Applicant requests four Waivers as part of this application.

D. Breskin: Any questions from anybody on the board? All right. So then **I put forth a motion to accept this application as complete.**

R. Murray Do you have it an **inspection and maintenance schedule for the stormwater structures?**

Kevin Leonard PE: Absolutely. We have filed for a new Alteration of Terrain permit. And submitting a maintenance manual was part of the requirement for the application package.

D. Breskin: So the waivers I see are as you said,

Kevin Leonard PE: the nitrogen reduction stormwater regulation, the groundwater recharge, and the stormwater channel protection requirements. And that's we're seeking a waiver to not map all the wetlands on the entire property which was originally mapped in 2008. And the logic behind that was they we're not doing any work in those wetlands.

Doug Breskin made a motion to grant the four waivers as requested, based on the submittals and the submitted evidence, and to accept this application as complete. Jane Nielsen seconded the motion, which passed by a unanimous vote (7-0-0).

D. Breskin: We're now open for public comment.

Bonnie Medico, ELRHC: Bonnie Medico, Chair of the Board of Directors for the Eastern Lakes Region Housing Coalition. Thank you for the opportunity to speak in support of this project.

- Eastern Lakes is a nonprofit 501 C-3. We've been registered since May of 2005; the Harriman Hills project started in 2008. We built Harriman Phase I and Phase II in partnership with Lakes Region Community Developers, they're also a nonprofit organization.
- Some of the information for the current Harriman Hill residents and the data that I'm sharing about to share on Harriman Hill are effective as of 6/1/2023.
- There are six 1-bedroom units, rent ranges from \$670 to \$775. Four 2-bedroom units with rent range of \$750 to \$1,150. 3-bedroom units with the rent range of \$915 to \$2,125.
- The 1-bedroom units (as of 6/1/2023) had 20 people on a waiting list. The 2-bedrooms had 16 people waiting for vacancies. The 3-bedroom units had 7 people on the waiting list.
- We did a market study of the Lakes Region that indicated there was a need for more 1-bedroom units.
- There were a total of 47 households at Harriman Hill Phases 1 and 2, as of 6/1/2023. There was one vacant apartment that was in transition.
- There are 27 family homes, 20 single-parent family homes, 30 children under the age of 18.
- 47 adults from 18-61, and 20 seniors 62 and over. We also have two veterans living at Harriman Hill.
- 70% of the residents of Harriman Hill who receive income from employment work in Wolfeboro at various institutions: such as Huggins Hospital, Brewster Academy, the Governor Wentworth School District. Also in restaurant, retail, and hospitality businesses.
- Some data about the local real estate market: we asked a local realtor, Margo Skelly, for some information. She's had 15 years as a local real estate agent here. Over the last seven years, she's worked with Dow Real Estate at Keller Williams (ranked the #1 real estate agency in the state of New Hampshire).
- Her research was done as of 6/26/2023. At that time, she was searching for actively listed single family and condominiums for sale in Wolfeboro. "Actively listed" is an MLS term for properties not under contract. Of the homes and condos, she found there were only 20 properties that were actively listed.
- The I'm sorry. According she gets to the we have a median price according to the New Hampshire Association of Realtors. The median price for single family homes in Carroll County is \$436,250.05 years ago, it was \$250,000. As of June 26, there were only three homes of the 20 that were listed in Wolfeboro that were under \$500,000 for sale. At the same time that she was doing research on the home she was also doing research on rentals in the Wolfeboro area that were listed online. At that time, she could only find three rentals advertised online vacant, and like cheapest rental that was that you

could find was a two bedroom one and a half bath apartment with a rent of \$1,600 a month plus utilities. And I'm sure you're aware that the Lakes Region Planning Commission has also put out the Lakes Region 2023 Lakes Region housing assessment, housing needs assessment.

- There's one table within that report and it's pretty extensive report that really drove home at least in my reading drove home the challenge of housing affordable housing for the workforce in lakes region area, they listed in a covered 31 towns and study they listed 15 occupations of the 15 occupations.
- As far as what the only the top five earning occupations in a single income household could afford to pay the median rent of a rental in the area without being cost burden and cost burden is having a housing expense whether it's mortgage or rent, utilities, and tax insurance for that home.
- More than 30% of the income coming into the house have that those five occupations that could afford to rent are: engineers, registered nurses, police, electricians and tractor trailer truck drivers.
- No single income household within 15 occupations that they listed could afford to purchase a median priced home.
- So those were rentals without being cost burdened if there were two earners within the household.
- The top two earning occupations engineers and registered nurses could afford to purchase a median priced home within the area without being cost burdened even with two earners within the household.
- The other 13 occupations cannot afford to purchase a medium-priced home within our area without being cost burdened.
- Some of those 13 occupations that are priced out of the median market are office workers, construction workers, home healthcare, employers, employees retail, salespersons, cashiers, childcare workers, waiters and waitresses a number of the service jobs that we all rely upon.
- A vacancy rate within a balanced market should be 5%. New Hampshire housing put up there at 2023 housing needs assessment and New Hampshire housing determined that the state of New Hampshire has a 0.5% rental vacancy within the state, which makes it almost impossible for people that are in need of a rental to find one that they can afford.
- Rent, housing, affordable housing is a critical component for the stability and economic viability of any community and being able to live within the community that you work. It has become almost a privilege now as opposed to a given right. The scarcity of the affordable housing and long-term rentals in the area contributes to the challenges local businesses experience with hiring and retaining employees. It forces residents to leave the area in search of affordable housing for their families. It makes it extremely difficult for local school graduates and senior citizens on fixed incomes to remain within the area in which they live.
- The addition of affordable rental units at Harriman Hill III would fill a significant need in our area that is faced by many employees, families and seniors in our area.
- I've been asked to share with the board some points of support that Wolfeboro Chamber of Commerce would like to have added into the record. This is from Mary DeVries:
- "As far as Harriman Hill III is concerned, the Chamber feels they recommend to all involved for developing this new strategy of rentals versus the single homeownership, to continue to create more housing opportunities.
- The need for year- round housing rentals in many ways has not changed since 2005, when the newly formed Eastern Lakes Region Housing Coalition formally addressed the need in Wolfeboro and surrounding communities.
- Wolfeboro continues to hear just how few rentals are available and the challenge local employers have in keeping the staff that is needed to provide quality services in a timely manner. Keeping customers satisfied encourages them to return, which then benefits the entire localeconomy.
- One of the biggest changes since 2005, is that today 48 rental units exist within Herrmann Hill. However, it's our understanding that there is a waiting list, which I referenced and on behalf of the Chamber of Commerce, Ms. DeVries asked you to please respond favorably to the Harriman Hill III project. So in closing, I'd like to share with the Board letters of support that we received from Huggins Hospital, Taylor Community, and also a resident Edie Demaris who was one of the original directors of the

Housing Coalition in support of Harriman Hill III.” Thank you for your time. I appreciate your support and your time with Harriman Hill III. If I could just share these.

D. Breskin We have the letters, all the letters that you mentioned except the one from Mary Devries, I believe.

Carrie Duran and Family, Harriman Hill Residents: My name is Carrie Duran and I am a mom of three amazing young ladies. I have 17 year old twin girls who are going to be seniors this year. I have a busy year ahead. And I have a 12 year old daughter who was born with a developmental disability of Down Syndrome. And she's 12 and she's going into middle school. She's very excited. And this November will be nine years that we have been residents of Harriman Hill. I'm a single mom raising my girls in a community that I grew up in, I graduated from Kingswood myself and I wanted to raise my girls here and have the opportunity for them to have the wonderful childhood that I experienced. So being at Harriman Hill has been wonderful for our family. We, my girls can play outside safely ride their bikes spread when they were little, spread their Barbies out and play in the front yard. It's a safe, safe place to raise our kids and it's also a wonderful place to become close with your neighbors. I have several neighbors now that I consider members of my family and I just wanted to put a face to some of the residents as one of the family members at Harriman hill so that you can know how much we love it there and appreciate it. Appreciate the opportunity to live in a town that we love and raise our children. And I'm also a board member of lakes region community developers. I'm currently the vice chair of the board and on both of those counts as a resident, I fully support and ask you to fully support the Harriman Hill III project because we need to have more safe, healthy, beautiful homes for our families to live in Wolfeboro so that they can stay in Wolfeboro, go to school, and work and thrive. So I thank you so much for your time tonight. Thank you for all of the hard work that's gone into bringing this project forward. And I look forward to seeing those construction vehicles very soon in my neighborhood. Thank you so much.

Vice-Chair D. Breskin:

Would anybody else like to speak? So nobody else will close the public comment section. Any comments from the planning board?

J. Jacobs I have one comment. I am very happy to see this picture in front of me that looks like a neighborhood with all the little townhouses all staggered nicely and it doesn't look like one big warehouse. Thank you.

D. Breskin Do you have any recommendations for conditions of approval?

Tavis Austin I do have some recommendations.

- 1) The first is that the one following plans as amended today to this approval are incorporated into the approval. Those are the materials that you've received that's inclusive through this evening through July as received July 12, 2023 through this evening.
- 2) Applicant will be responsible for payment of all recording fees for the Notice of Decision.
- 3) Applicant shall coordinate with staff relative to Section 175-30 to establish a surety is required prior to commencement of site work: that's dealing with 110% surety for stormwater and landscaping that would be kept in a separate fund.
- 4) Number four Applicant should provide a materials list for the exterior finishes of the structure. They provided elevations but no finishes. And it's just a matter of making sure the list lines up with the regulations. If there's any question they will be brought back to the Planning Board prior to issuance of the building permit.
- 5) Number five all documentation submitted in the application package by the applicant 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 in this notice herein shall generally be determining.

D. Breskin Would it also be appropriate to require the Alteration of Terrain Permit to be received prior to issuing a building permit?

Tavis Austin I believe that's already in process or being issued, but that would happen anyway, yes.

R. Murray That should be a Condition of Approval. I don't think we can hold this up based on another entity's permit, but it should be a Condition of the Approval.

I have a couple of other comments. The plans I believe are received on July 11th 2023, not July 12th. The reference in the planner review to Section 175-30 should be section 173-30. And I think we should spell out what the security is that talks about stormwater and landscaping. I think we also should include the roads in that.

D. Breskin Okay. Tavis, are you checking on that section?

Tavis Austin I don't like 173-30. No, that's inspection. 173-30 deals with inspections during installation.

R. Murray Okay, wait, in your review, you mentioned 173-30 under Security, and then 175 is a Zoning Ordinance and I think we're talking about the security provisions in your site review regularly.

Tavis Austin for talking about the security regulations with respect to stormwater and landscaping. Staff is not recommending anything with respect to the road. It's a private road and it's not going to be a Town road. If the Board wants to add review of the road that is perfectly within your purview.

D. Breskin But I expect we should have the correct ordinance referenced for the surety if it's not 175-30.

R. Murray It's not 175-30 but I think we should have security for the roads when somebody comes in with a subdivision where the road is not going to be a public road immediately, whether it is or not requires a performance security for the construction.

Tavis Austin We could do a surety for the road but not a bond for its construction. It's not going to be public infrastructure.

R. Murray But there should be security for its construction. The Town's been burned on a subdivision roads that were not quite what they were supposed to be. I'm not questioning what's going to be done here. I mean, it looks like a very good, complete application.

Tavis Austin

So I would suggest that the appropriate references 173 16 surety required semicolon amount semicolon term, the applicant shall post unacceptable financial surety prior to final sign up for the planet fruit by the planning board. The financial surety shall be in the amount sufficient to ensure completion of all roads public or private. But it says roads public or private drainage comma and landscaping period. So 173 16 or landscaping drainage and roads?

D. Breskin I think that's correct. So then I expect we should reword the third condition to applicant shall coordinate with staff relative to 173 16 and establish a surety as required prior to commencement of site work. Same as what you said before me with the correct reference.

Tavis Austin Correct.

R. Murray I would like to specify roads landscaping and

Tavis Austin Ro establish surety for roads, landscaping and drainage is required prior to commencement. So, condition three would read applicant shall coordinate with staff relative to Section 173 16 and establish surety for roads drainage and landscaping as required prior to commencement of work.

D. Breskin I believe that's correct.

R. Murray And the other comments, and they're also going to include the receipt of the Alteration of Terrain permit.

D. Breskin That would be the sixth condition.

Tavis Austin or shall be copy approved, it shall be submitted to town prior to issuance of the building permit.

Doug Breskin made a motion to approve this Application, Case# 2023-14 along with Conditions as described. Seconded by Roger Murray. Approved by a unanimous vote (6-0-0).

b) BREWSTER ACADEMY, 80 ACADEMIC DRIVE, Tax Map & Lot 218-150, Case# 2023-13, Site Plan Review for a Permanent Ice Rink on the campus of Brewster Academy.

Chair Kathy Barnard returned to the Board. The next item on the agenda, Brewster Academy at 80 Academic Drive, Tax Map and Lot 218-150. Case# is 2023-13. This is Site Plan Review for a permanent ice rink on the campus of Brewster Academy.

Andy Smith, DSK My name is Andy Smith. I'm Senior Project Manager at DSK, Dwayne Schmidt Kerns, pleased to present the Brewster Academy ice rink improvements project. These plans I'm hoping you have in front of you or I have extra copies if you need them. This ice rink was previously approved under a temporary basis about a year ago. So it's actually been installed. What we're here today seeking approval for is really for it to be a up any more permanent fashion. So previous approval was for temporary basis for to be removed and put that up again, we're here for it to stay up in more permanent way all the way throughout the year. Some of the other items that we're requesting are that lights can be on for events within non quiet hours.

- We're seeking approval for public events and games only a handful throughout the year so not too disruptive. And that yes that we have the rink apparently the plans that we've submitted primarily focused on stormwater improvements. So we're trying to make the areas around the ice rink, more suitable and a lot cleaner so dealing with stormwater issues and also the adding in sidewalks and bituminous concrete or asphalt around the rink so that spectators can do the games and more comfortable and they're not standing in mud or on temporary mats.
- So I don't if you want to go through the site plan? We have a plan showing the proposed improvements we have. We're showing the ice rink as it's currently installed. And what we're proposing to improve is adding in swales, drainage, swales on either side of the ice rink that will carry stormwater away and downhill and also you can see in the dark gray is the asphalt going around the rink to provide a more clean and habitable area for spectators to stand so that again they're not standing in grass or mud.
- And you can see on the right side of the plan is existing parking lots that we're proposing will be used for events in addition to other parking on campus, both the Goodwin lot and other areas that are already included. Within Brewster's overall parking counts.
- You'll see also that we were showing asphalt going to the Zamboni shed which was previously approved under a separate building permanent so we'd like to improve that to pathways so that the Zamboni has not again going through gravel it's going on a nice paved path to the ice rink.
- We have all the grades and catch basins included on here as well as areas for ice to be dumped from the Zamboni. All of the lighting was previously approved under the previous temporary approval. So all the light fixtures, dark sky compliant, they're installed right now. And so that the photometrics and the cut sheets were submitted as part of that I believe we also submitted as part of the approval as well. So no new lighting is being proposed.

Chair K. Barnard Just what is there right now? The hours of operation: could you go over that again, please?

Andy Smith, DSK Sure. So I think the overall goal is to keep it within the non-quiet hours. So that's our set forth in the in the zoning bylaws so we wouldn't be after 10pm Most mostly event will be during the daytime. And on weekends, I believe, right.

Chair K. Barnard Okay, so they're going to be they're going to be in use until 10pm is the games or not?

Andy Smith, DSK I don't think they're intended to be past the afternoon hours, so daytime hours primarily.

Chair K. Barnard Okay, so it's mainly the games are during the daytime. Is that what you're saying?

Peter Gilligan for Applicant Peter Gilligan, Operations Officer at Brewster Academy. We're only talking about a couple of winter classics a year. We're still maintaining our relationship with Pop Whalen Arena and have most of our games will be there. Yes the idea was to sort of just keep with the normal standard, of quiet hours that we already have established with Wolfeboro. So we wouldn't be keeping the lights on

or using the rink outside of that window and I want to say at 7am to 10pm. But generally all of our stuff is done. Our students we have to be checked into their dorms at that time. So most of our things finished up in the afternoon.

Chair K. Barnard So you'll have recreational skating or whatever,

Peter Gilligan for Applicant like an open skate. You know, we were talking just the other day about using it again for our first night you know, things like that. We just want to make sure that we keep it within the bounds of you guys already having in the zoning ordinance.

Chair K. Barnard Can somebody speak to the noise issue?

Peter Gilligan for Applicant Yes. Unfortunately we weren't able to put that into the Application package because it came to us after we were able to be submit it to you. We have been investigating sound dampening panels that go around the condenser. We had to contact the company where we purchase the equipment and he worked on a plan and gave us this right here, so we currently have that in progress. But we didn't have the information before we submitted our Application. So we wanted to bring that to you today just to show you what that is. I can hand it to you now.

Chair K. Barnard Okay, so how much are they saying that this will decrease the noise?

Peter Gilligan for Applicant: I think what the manufacturer has told us is that is what they use in these instances where you want to have the sound dampened. And I can't give you an exactly, you know, quantify it, but it would be less noise than it currently is.

Chair K. Barnard Okay. What about seats for spectators:

Peter Gilligan for Applicant: No, we're just playing the same sort of way. We had it last year where people watch the practices just standing around the rink. This is not a spectator-type location. We're only planning on doing a few games of winter classics.

Tavis Austin I've received a number of phone calls when the question of games or no games came up. When you hear games you hear a couple of winter classics and things like that. This is not for regular interscholastic play by any means.

Peter Gilligan for Applicant: Or even scholastically. We played away games in the public arena.

Susan Harrington for Applicant. Yes, as Pete mentioned, majority of our games will be played at the Pop Whalen Area. However, the winter classic games are, technically our interscholastic games. We're looking to host one or two for each boys and girls varsity hockey teams. Those will be on a Saturday during the afternoon, not the evening.

Chair K. Barnard: Can you tell us how many Saturdays you might think during the year?

Peter Gilligan for Applicant: we're thinking two games for the boys team and two games for the girls team. But we haven't set that schedule yet. So somewhere in that neighborhood,

Tavis Austin So you've just mentioned about four games. How many days would that occur over?

Peter Gilligan for Applicant: A total of either two or four. This schedule hasn't been set yet but two or four. Parking we are intending for away teams to park at Anderson Hall with overflow in existing parking lots at the Academy. Not on Green Street, Goodwin parking lot in our Estabrook parking lot. So we have a plan in place for any overflow parking that might result that doesn't fit in the Anderson parking lot.

Tavis Austin So games at most would be four Saturdays during the day.

P. Goodwin What is the season which this is going to be in operation? The other thing is that the sound-proofing might be an eyesore when seen from Main Street: is that going to an issue which is problematic?

Susan Harrington for Applicant I'll answer the first question and I'll let Pete answer the second question. The season runs from Halloween until the end of February. Students depart for March break at the beginning of March, at which point our season is over.

Peter Gilligan for Applicant. Peter the location for the current chillers is below grade so you can't see them from the road the parking lot or anywhere else. It's below grade. So you can see from internally on our campus, but that'd be the only location someone could see.

J. Jacobs Question on that surround that you handed up the picture too. Is that three sided or four sided?

Peter Gilligan for Applicant: it's four sided that's just the best view that people have the pictures that he sent out so we thought that would capture exactly what they have

J. Jacobs one more question back up a little bit more the lights are the lights going to be on 24/7 Or will they be on only when people are on the ice just like last year or are they are on timers and they shut down?
Peter Gilligan for Applicant: We can shut them down when we're done using it which was usually around six or 7pm or they'll have an automatic timer to put them put them off at 10 and they're all dark sky compliant.

J. Jacobs What kind of foundation is it and is it tied to the ground?

Peter Gilligan for Applicant: This sort of the ice rink is still a portable system so it's not tied to the ground in any way. We may look to put a couple of pieces of concrete to shore up some areas but right now it is just right on the ground.

J. Jacobs Not sure I'm in for this around the sound deadening surrounding.

Peter Gilligan for Applicant: I'm sorry, it's on the concrete. Pillars.

Chair K. Barnard You mentioned something about it being open to the public.

Peter Gilligan for Applicant: Yeah, a couple times. What we did is we working with the town we opened up a free skate where people if they had a waiver and they had a helmet, they were able to come and skate on on the rink and was a couple of nights and it was nice. It was a nice moment for everybody but like so we did that first night and I thought that was very well received

Chair K. Barnard and changes in the stormwater and drainage.

Peter Gilligan for Applicant: Yeah, that's that's what we came. You know, last time we were here. We really wanted to make sure that we came back with a stormwater stormwater management plan. We have Janet here from RFS engineering to speak to any questions you might have. So a lot of the timeframe and getting this ready was making sure that we had that stormwater management plan correct. And we know how much that means to many members of the board and to the town so we want to make sure we did that.

Chair K. Barnard Could we hear from her?

R. Murray: question on the stormwater under our regulations, the requirements for the removal of total suspended solids, phosphorus, and nitrogen. And when I read the report, I didn't find anything addressing them.

Janet Carpenter, PE with RFS Engineering: I did the stormwater design for the project. If it's not explicitly stated I can provide a statement of the fact that it does address nitrogen and phosphorus remediation. If you need me to prepare a statement regarding nitrogen and phosphorus control remediation, I can do that if it's not explicitly stated anywhere in the stormwater runoff drainage report.

- Would you like me to just give you an overview? Is everyone familiar with the site?
- So there's a parking lot for Anderson Hall immediately adjacent to the rink and this parking lot is sloped right toward the rink. We were able to create a shallow swept pale swale to collect the runoff from the parking lot which tends to be more on the dirty side and route it around the site.
- So because that's off site but it's headed toward our site, that is getting rerouted around the rink, and then the rink itself will shed water to the sides and is elevated. If you've been out there it's kind of on a mound because they had to make it level and bring in some fill. So beneath that fill is where the water sheds off the rink.
- There are a number of catch basins and it will direct the water coming off the rink and the paved surfaces that we're proposing around the rink. Below ground in that mounded area adjacent to the rink is where it will go into a perforated 24 inch pipe with a lot of stone all around it. This will allow it to seep back into the ground and then the overflow from that will go into grass, swales on either side and be directed away, towards the gymnasium there Smith Center. So into an existing grass swale there

Tavis Austin I also point out to the board that when this came before it was generally determined that the stormwater regulations didn't apply to the ice rink as it was only in place when the ground is frozen. But there were some questions raised about what was coming with the runoff from the parking lot. What was the long-term solution because there was some site grading and there were some other things so I think I believe Laura can come up with the explanation of the additional runoff from the proposed paved areas that are coming with this and the runoff capacities. Basically what they did was redesign to go around the rink and still incorporate everything that was already on-site to address stormwater effectively even though

the stormwater compliance wasn't a requirement of this review. That's how I looked at the review or the presentation this time, that was what the applicant took this time to come up with. This is how they're addressing the parking lot.

J. Nielsen Can ask how many gallons of water do you need to make an ice rink?

Peter Gilligan for Applicant: It's 20,000 gallons.

J. Nielsen So eventually all of that is going to go into this drain as well. How do you how do you get rid of the water that's in the ice rink, when summer arrives?

Janet Carpenter PE: it will melt slowly and go into the system that I've designed.

J. Nielsen Are you prepared for the 20,000 gallons?

Tavis Austin I mean, is the system prepared for the 20,000 gallons another way to address the question like we have just 20,000 gallons of ice rink compared to an equal amount of area covered with annual snowfall.

J. Nielsen: Could you rephrase? Could you repeat that?

T. Austin: If you were to take the area of an ice rink and fill it with Wolfeboro's annual snowfall, how does that compare to the 20,000 gallons of water?

Janet Carpenter PE: I can't answer that right off the top of my head but I could certainly look into it for you.

T. Austin: Janet could also speak what we did it last year without having this very detailed and extensive stormwater management. 20,000 gallons water isn't that much water, considering the its size, 200' by 85'. And its water that would have already been there with a heavy snowpack. That's now not there. I guess we could say that it's similar to what it would be if there was just snow on an open field.

P. Goodwin Did you notice any issues associated with it melting last year?

Peter Gilligan for Applicant: We didn't, there wasn't any extra in any of our swales. Even though we weren't able to put grass down we didn't have a lot of degradation of the sides but that's why we want to make sure we add that ground like full grass when everything's we keep everything tight for the years to come.

Tavis Austin One of the things that Jason the code officer and I paid attention to because you may recall the last approval was October to March and everything was to be up at that time. So about the time we started sending Peter the nasty letters say hey the rink is still up what's going on. We started the process of compliance, which resulted in this Application. Without alerting Brewster to do anything ahead of time, I could not find rivulets, canyons, or incisions: no evidence of any runoff that was atypical for anywhere else on the property. What do you do with the accumulated snow during the winter season? When you I assume you have to remove it somehow from the ice rink? Where is that place and how is it disposed?

Peter Gilligan for Applicant: If you look on the plans, we have a location is a business circle that the red circle under plans, so the red circle that's on the north side of the plans, that's the location where we have well, you may read well, on the north side of the plains, it's one location where we put all the snow that comes off of the rink. And it goes right into where are where as the winds that are normal channel of stormwater management. So the same area that would take all of the water that normally came off that field. Now we have it just go right there and it goes off and on the opposite side is where we put the shavings from the Zamboni machine. So all downhill on our property it continues into our swales.

J. Jacobs I have a related question. Looks like Zamboni is gonna have a new shed. Wasn't the shed approved last year with a different design?

T. Austin: I believe the changes are to pave the path between the shed and the ice rink.

J. Jacobs Right, I was just saying, other plans didn't have a shed on them and I remember last year asking about it.

T Austin: But it's different from the concern last year, which was that the Zamboni shed may or may not be too close to the property line. So they resolved it by moving it to the opposite side of the property.

Chair K. Barnard And Tavis, in your comments, you didn't have any concerns about landscaping. What landscaping are you doing?

Peter Gilligan for Applicant: Grass on all of the slopes that go around the rink.

Tavis Austin I wasn't concerned with landscaping as our regulations typically require landscaping if you're screening something or adding parking, the board didn't seem to have any concerns with the ice rink being up last time. So I don't feel the need for that.

Chair K. Barnard Then would you consider putting some sort of landscaping in front of the rink as it faces South Main Street? I think it would look a better. I think it's a part of

Peter Gilligan for Applicant: That is where we that's where we have designed the asphalt swale that takes the runoff from the parking lot. I mean, certainly I think we'd consider adding landscape around it. I don't know if there would be anything that would be the size that you were thinking about?

Chair K. Barnard I don't have any particular size in mind. It just seems me, looking at it, you're looking at the rink if you could do something to improve the area. I know that's not within our zoning regs.

Peter Gilligan for Applicant: Now that we want to make us something that is a more permanent fixture on campus, as we do with any of our projects will add landscaping to enhance the look and the usability of it of the location. So certainly I can see that coming in the future.

Tavis Austin Okay, might even fit out by the street and so do something for view from the street.

Chair K. Barnard No Waivers are requested.

Kathy Barnard made a motion to accept this application is complete. Seconded by Doug Breskin. Approved by a unanimous vote (7-0-0).

We can now open the public hearing on the ice rink at Brewster. Anyone want to comment?

Public Comments:

Dennis Schauer, South Main Street. So this is not directly across from us, but it's diagonally across from us, over to the side. When we were approached a year ago, it was going to be a temporary kind of thing. It's a pretty disturbing temporary facility. It looks horrible. It is noisy. It's lighted. And it is lighted at 10 o'clock. There's a lot of pucks banging on the glass. I would say that from a neighbor standpoint. It's not a very friendly project. For the Town, it may be good and it's certainly good for Brewster, and we're not trying to be a bad neighbor. I think we have tried to be a good neighbor. We've worked hard on our landscaping to privatize our area from the Brewster side of things. When we bought this property, it was a church (no longer, obviously).

- There are several issues: one is snow. When you talk about snow, Brewster's got a very closed situation there. Where are they going to push the snow? They used to push it into that empty lot. It's no longer an empty lot. Students park their cars diagonally. So where does the snow go? I was appalled last winter at how much snow they pushed onto all the neighbors' lots. It was really appalling.
- As the snow go, I was appalled last winter and how much snow they pushed on to all the neighbors lots was really appalling. My arborvitaes have suffered damage. I've asked them a number of times if they could not do that.
- In fact, when Brewster asked for permission for the addition to Andersen Hall, they assured me that they would no longer push snow to the side, they said they'd take the snow it off-site [?to the links?]. That never happened. And I've had to talk to the actual snowplow operator a couple of times he said, "Oh, I didn't know." Nothing changed really. But I would say you need to take a serious look at some of these issues that have been brought up.
- Landscaping is a serious one. It's an eyesore the way it is now. It's a detriment to their property and everybody else's. So, can it be made better? Sure, it can, but they need to think about the landscaping and how it affects all the neighbors, not just Main Street.
- There are real people that live next door to Brewster, and I don't think that should be forgotten.

J. Nielsen: Can I just ask you, have you spoken with other neighbors? Are they present? Okay, I just wondered. I'm sort of assuming this is a general feeling, maybe on Green Street. I'm just wondering if you're speaking for a lot of the neighbors.

Neighbor on South Main Street: That's all I'm talking about, the people down Green Street.

J. Nielsen to Board: What does asking for landscaping mean? I think they [the Applicant] needs to show a landscape plan if they would like to make the ice rink a more permanent situation.

Neighbor on South Main Street We have several parents that are enthusiastic about hockey. I get it. But I don't want this to be at our expense. We're just small potatoes compared to them. We're just asking for some consideration about the snow thing. I'm gonna get serious about that. If this doesn't change, I'm going to visit your offices more frequently. Thank you.

Peter Batchelder, 10 Greene St So the first thing we got a taste of what the ice rink is going to be like and it's loud. it's like a firecracker. Every time a puck hits the back of the rink walls, so have 20 players out there practicing playing having fun. You can hear him too. It's in winter so there's no trees the sound carries so I'm across the street, I have a view of about 20% from 10 Green Street and the lighting shines. There's many lights there, and The light definitely shines right into our kitchen. So it's pretty bright.

Peter Batchelder, 10 Greene St So we have the sound issue. We have the light issue. it's a horrible spot to put an ice rink and I say that because it's so close to the houses that are my neighbors. It's right there. It's like the Boston Garden in your backyard. Now it's kind of cool for the first couple of times they were practicing. It's kind of cool, because the lights are on and they're playing hockey and they're all excited and you're watching it and then it sets in this is a poor location for the residents of Green Street. It can't get any worse, both noise lighting and just the proximity for our neighbors.

Peter Batchelder, 10 Greene St I went over to their house at night and said well check it out, you know from your backyard. And it's like you're like five rows up from the Boston Garden. It's a great location. And so but I can't even imagine seeing a game with all the activity even if there's a minimal people coming from other locations parking there and the yelling and screaming, hollering for their team and hollering for the other person's team. It would be a fiasco it's so close to Green Street. So why did they put it there? When we heard it was temporary, we were, "Well, it's temporary." They didn't talk to me I'm on the cross the street so I'm not in abutter so they're not gonna talk to me. I didn't get any notifications or anything and they didn't come visit me.

Peter Batchelder, 10 Greene St That's fine, but it still greatly affects the whole green street rule village rule character and it basically is horrible place to put it now, are they going to move it? Probably not. So I would make a suggestion that they move it away from Green Street away like go like 50 feet into your campus into their campus. Don't leave it where it's at. We're what we thought it was a 10 Right. It's just a temporary structure that we're going to take up we're going to take up every year you won't even see it you'll see a mound of dirt. That was our impression Anyways, that was my impression and from the neighbors talking to them. That was not what they left. They left that thing that Danny had said from top side and it looks horrible. Just sticking it right out in the open like that.

Peter Batchelder, 10 Greene St So, if they're going to keep it there, and you're going to say yep, you can keep it where it is. Then I would suggest that some major changes have to happen related to a fence some kind of fence or sound system to stop that noise from echoing all the pucks hitting at practices, the yelling, the screaming, and then lighting is going to be key because you have to close every curtain. You you can't sleep at night it's so bright. And I would imagine that it's only going to get brighter because I would say that it has to be lit up more when you're talking about traffic and people parking and just the safety and walkways and all that.

Peter Batchelder, 10 Greene St So there's the sound issue, right? And this may not be the first year the second year but in five years, what's their five-year plan for that space? Because that's inadequate. If they're gonna have a good quality prep school hockey team, and they get good, and they really put some money to it. That thing's gonna get hot, and then everyone's going to be coming to this place that it will be Brewster Hockey and they're going to be like their basketball team, really, really good. They might do that. And then what happens to that backyard for all the green street people that are abutting that property? So there is a compressor noise that I heard that they're going to put up a concrete structure around it because now that compressors are just going off that keep the I don't know exactly what they do, but I'm sure they're related to the ice keeping it cold. We've got walking traffic, any uses for offseason. Are there any could there be?

Maybe I don't know. Maybe? And then you guys mentioned CT. I would imagine that over time we're going to have to have some CD. I've walked around that there. You don't get a good view. You know, one day, you're going to want to see the game and there's no way you're going to want people next to that glass. You're just not it's not safe to be that close. You know, you're not in the penalty box. You know, it's not that safe. So they're going to have to have some seating, keeping the people away, even rival probably hockey teams. So they're going to have to have some kind of strategy, fencing coming out of South coming out of Brewster into South Main Street, a different kind of Parking Scheme maybe, but there's a lot there's a lot to think about related to this structure, this ice rink because right now it is horrible. It is the worst location that you could possibly put on on a school grounds and just right in your face with the residents of Green Street.

Ed Heinz, 22 Green St My wife and I are right across the street from the generator that keeps the cooling system cold. Even with our windows closed at night, that's all we can hear amongst the pucks line and you know, you get that it has increased the traffic on our street and the Brewster employees and their guests and are respectful of the speed limit. It's been ongoing since I moved in there 14 years ago. So that is a big issue with adding traffic to the street. The other thing is, as Peter and both Dennis said this was supposed to be temporary, that shouldn't even be still up, which is long gone. So we shouldn't even be here addressing this. It shouldn't even be up so other than the noise and I mean it looks terrible. You know, that's really all I have to say about it is there's got to be a better location for it are and again, it's it was supposed to be temporary. It's still there. Why should we believe they're going to do what they say they're going to do this time. So that's all I got. Thank you.

Nancy Hirschberg, 40 Clark Rd Hello, my name is Nancy Hirschberg and I live on 40 Clark road. So I'm the next road over. My daughter went to Brewster and got an amazing education there And I really feel for the Green Street people because I live on Clark road right across from Toad Hall.

Last winter I heard this high pitched noise I went outside What is that noise? I followed it and I came to the compressors. I videotaped it and I have a recording and I really appreciate that Brewster has responded and I hope that that will contain it. There's something like to say about how I got the notice last year, I just assumed when I got the notice about a temporary ice rink. I guess it was temporary approval not a temporary ice rink because they had the ice rink over on Dwell Field

So, two things: it would have been nice if in the Notice that the Abutters got (I'm an abutter) that it was clear that it was not what I thought (a temporary ice rink) instead it was a temporary approval for a permanent ice rink! And that could have been more clear.

Secondly, Brewster and I know that I really sincerely believe they are working at being better neighbors, and that they could have reached out to us as well like they did with Toad Hall and they got us together and they told us what the plans were and so forth and heard our thoughts on that piece. I remember very clearly when we met before they notified the neighborhood that Toad Hall was going to come in, they said many things one of which was "the lights will go off at 10pm every night." The lights have never gone off.

Moany of the things that have been mentioned here. I hope that they're built into the approval.

Are they allowed to have games at night? I mean, Yeah, right now their plan is only four events a year. But what about in two years, or three years?

So, lights are gonna be turned off? What if they're not? I called Mr. Fairmount about some of the noise that happens over like the dumpster being picked up at 530 in the morning, and it's still about to move to 6:15.

So, I am concerned about that. I think it's a really sad situation. The analogy I use: I put my compost bin right on my property line with my neighbor and one day, they said to me, "Nancy, do you mind moving that we really don't like that there," and within an hour I moved it because I couldn't not move it.

And it's not about what you can do or you're allowed to do but it's about being a good neighbor.

I work at home and if I lived on Green Street, there's no way I could do conference calls all day long, especially if there was a game going on!

I'm concerned that the value of their property has gone down. When I walked over there and saw the rink: oh my god, that is not like the little wrinkle! Well, now this is a permanent thing. They had to have put at least half a million dollars into it so I would imagine that's not going anywhere.

So so as the gentleman said: if there are some ways to mitigate it, if it still can be moved even further away. Great. Certainly make it more attractive! I'm thrilled with the solution they've made with the chillers. We need to have things clearly spelled out so that if they're in violation of something, the neighbors have some recourse. Thank you.

J. Nielsen Can I just ask a question? How many acres does Brewster own?

Peter Gilligan for Applicant It's approximately 84 acres

J. Nielsen And is there no place else on campus so you could put this?

Peter Gilligan for Applicant there really isn't if you look at the size of it, it's 200 by 85, you need a flat location where on each corner you can't be off by more than a quarter of an inch and a very flat, very open area to put it and there's no other location on campus that has that that size. To put there's gonna there's tennis courts there. Okay.

Tavis Austin Possible to contact the manufacturer to see if there's a puck on glasses one thing but puck on board is a much different sound. Do they perhaps have something that could be installed?

Peter Gilligan for Applicant I think Susan has has an answer for that because he was.

Susan Harrington for Applicant Yes, there are options for sound dampening on the boards. It's very similar. To a spray foam you'll see an insulation inside of the interior of a building. That is something that we have taken a look at and we can continue to take a look at if that becomes a condition of approval. And we can get some more information about what decrease in decibels that spray foam does but we have looked at that as an option and it is an effective way to lessen the sound of pucks on boards not on glass.

Tavis Austin the lights were presented and reviewed last year, they were found to comply with the regulation. the rink meets all setbacks it sounds there's a need for a fence, or landscape and fence combination. foam that works on the boards, something to keep the sound out from through

J. Nielsen What about covering it what about, you know, making it an indoor rink.

Peter Gilligan for Applicant Just a massive expense and undertaking I think it would be that we'd be talking about an entirely new plan. So that's not in the works right now.

Chair K. Barnard to Applicant Would you like to comment on what we've just heard from the public?

Peter Gilligan for Applicant Just a one point about an indoor rink if that were possible, your building codes kick in. So then it's bathrooms and egress and it become a much bigger footprint. So while it seems simple to add an enclosure, it's not help with the sound or lighting necessarily. So yes, you could make an indoor rink but I think the site doesn't support that and the impact would get bigger.

Chair K. Barnard to Applicant Could somebody please comment on what we just heard because what people are saying is that you're lousy neighbors.

Peter Gilligan for Applicant I do appreciate where everybody's commenting. We are a school so there's always going to be activity with people that live close to the school understand that there's always going to be sound from noise of all of our sports, including other sports on campus, you have tennis courts you have all of the things that we have going all across campus, you know, in regards to topsides with the snow he's at the other completely other end of the parking lot so has, you know whatever's going on. I think we can work that out. That doesn't have anything to do with the rink though. You know, I think we can certainly work it out and I apologize if there's some happened with these aliens but we I think we can. That seems very easily solvable. You know, for the people out on Clark road. I mean, it's almost 900 feet away from the chillers. I think that you know, having the sound dampening insulation that we want to put down around it certainly should help at 900 feet away. Certainly, the video that Nancy took is from 40 feet on our property so of course it's gonna be louder than it would be for any neighbor or anybody that we have. You know, we always strive to be good neighbors. There are 34 different abutters we tried to meet and we've knocked on everybody door. We did knock on your door. We did try to come around and talk to everyone you met with me the other day.

Amy Heinz, 22 Green St I'm Amy Heinz. I live at 22 Green Street, and I just have a question Do you have okay, can you please talk? Okay, um, there's a baseball field down in front directly in front of the Smith Center that's never used and it's nice and flat and it's down. you know where the dirt road goes. and it's to the left and I thought that might be a great place for the ring and I just wondered...

Peter Gilligan for Applicant We did take a look at all areas on campus and that area is too close to the lake in the compaction that we would have to get to the soil would be almost impossible to get to put a rank of that size out there. So, like I said, we did an extensive study on where we can place the strength including Stubblefield. And you have to have all the conditions are perfect for that one location that we put it in

Chair K. Barnard 22 Green street said that the noise is really bad and that's closer than Clark road.

Peter Gilligan for Applicant I think that if we if we look at the noise ordinance that you guys have, I clearly think that we are within the sound parameters of what noise is for things like I understand that it is a noise, but it is within the parameters what are allowed in the code.

Chair K. Barnard It sounds like what we've just heard is that this noise goes on all the time. Is that correct?

Peter Gilligan for Applicant No It goes on when the temperatures exceed a certain point so when the chillers have to kick into cooler glycol to keep the ice frozen when the when the temperature is low like during majority of the winter, the the condenser is not required to run all the time. I remember having a conversation with you. You actually did a site walkthrough and you heard it yourself. I do not know I do not believe it is an overly exaggerated architect. You know loud noise but we are if we take that to heart and that's why we're going to put the sound dampening around it even though we do meet the requirements but we want to be those good neighbors and still do something above and beyond what's required.

D. Breskin Do you have any information from the manufacturer of the sound dampener as to what attenuation of might provide?

Peter Gilligan for Applicant We could look into that for you. You know, it's just it's the option that he gave us. And what he said was it should cut the sound down by at least half I mean, that's just again what he's put these in all around the country. He said in areas and cities where he's had to put these in, he's able to use the sound dampening where it matches city code and things of that like that. So I can't give you exact but I could get that information for you. Thank you.

J. Nielsen I have a follow up question. So Doug, is there a certain ordinance that would specify what we should be aiming for?

Tavis Austin Not that I'm aware of, there's no decibel limit in the regulations. It's unnecessary or nuisance noise after the hours of 10pm to 7am.

Susan Harrington for Applicant Okay, we will look into it and get to know that there isn't any specific level of decimal I would love to address Peters comment about evening games and what that might mean for the neighborhood and just mentioned that we are not scheduling any evening games, they will be daytime games. So there isn't any any need to worry about crowd about additional music or intercom especially in the evenings because those games are just gonna happen winter classics or daytime games and that's what we are scheduling.

Tavis Austin nothing has been presented to the planning board about a PA system or seating.

Susan Harrington for Applicant That's correct. I just like to reiterate what Peter said about our relationship with Pop Whelan and the fact that we plan to utilize Pop Whelan for the majority of our boys and girls varsity games, which is why we aren't looking to add stadium seating or an intercom or host the majority of our games on our campus. We appreciate the relationship that we have with the Pop. The renovations that they did there were wonderful and they only benefit our program. We're looking to use this as a practice facility with the exception of the games that we talked about earlier. And a facility where we could grow our JV program, which actually could down the road lead to more revenue to the pot because we might be looking to rent more ice time for games for those JV teams once we have an opportunity to bring them out. So there is some economic benefit to the entire community. If we consider approval of this facility, okay.

Chair K. Barnard What about the use of a PA system that isn't used during a game?

Susan Harrington for Applicant We don't have a PA system and we're not proposing to have a PA system So no, there will be no PA system.

Chair K. Barnard Okay, what about music?

Susan Harrington for Applicant There is no speaker system or broadcasting system that is existing nor being proposed.

J. Jacobs could you publish a schedule for practices and distribute that to the neighbors that would probably help so they'd be aware of when practices going to be happening and to get ready and also know that oh, it's eight o'clock the light should be off. I think some that I used to work it out here and so I am still with noises like and it's fine if you know everybody's on the highest you ready for it? Just constantly just putting back your mind. I can see some of these other people that you know that they're not ready for because they didn't weigh in on that I think that might help alleviate some of the problem rather than having it you know, like light up your life when you making dinner in the kitchen.

Susan Harrington for Applicant I think we can certainly pass that recommendation on to our athletic director and take that under consideration. The evening component of your suggestion is consistent on a seven night a week basis with the exception of first night which we hosted for the town of Wolfeboro. We have the rink shut down by 10 Every night and the lights have been off by 10 Every night and that's something that we can commit to and be consistent with every night.

Chair K. Barnard Okay, the one thing I didn't understand if the lights are all dark sky how are they shining into people's kitchens or into where they live?

Peter Gilligan for Applicant So the dark sky compliant regulations or I guess the standard is really to mitigate light pollution going up into the sky and it has less to do with broadcasting laterally.

Chair K. Barnard Okay, well, I'm familiar with the hospital parking lot, right and those lights are definitely down directed. Right. There's, there's no, it's not bothering anybody in the hospital or any neighbors. So I mean, that's what I thought we were talking about when we were talking about dark sky.

Peter Gilligan for Applicant The Dark Sky is really about like making sure that it's shielded from any light going up. So it has less to do with the broadcasting. Like there's some lights that are wide and some that are narrow. So that doesn't have anything to do with the dark sky compliant requirements.

Tavis Austin Let's do that. Then there could be a requirement from the board that they pursue shielding on the green screen side and right now they can't smoke these lights the end and you get him for sports.

Peter Gilligan for Applicant Yeah, I don't know if this particular model allows for adjustable like they've, I think they're just set to be shining straight down.

J. Jacobs One reason why there's so many lights is that you need very, very good visibility on an ice rink. The other think is that maybe after all the storms we've been having the light might need to be realigned, so that they're not shining into someone's kitchen.

Peter Gilligan for Applicant Right we can take a look at what was installed and see if there's something that can be done for that citizenry.

Chair K. Barnard Go ahead, Peter.

P. Goodwin The issue of the shielding of the light is something that can be dealt with reasonably easy and probably is pretty inexpensive. But if you basically cut off the light getting into the people on Green Street, that would be a very helpful thing. The other thing is that I'm gonna say that the noise ordinance which will Pro has about annoying noises, basically

P. Goodwin The issue of the hockey pucks hitting something and causing a very loud noise is an issue and to my way of thinking that needs to be addressed, you suggested there were ways to put foam or something on the outside or whatever it is. But those sharp noises are things that make people jump. And to me that's a real issue which I think you need to deal with and whether it is something that we need to enforce. I don't know whether you know the answers I don't know exactly how to proceed on that one. On the on the level of the the lights I think that we should have definitely require fading which is basically just a piece of metal which is going to pretend to protect the like,

Tavis Austin When it comes to something that a resident finds annoying or inappropriate going on in the neighborhood, I'm surprised to have five or six people stand up tonight and express things that I haven't heard through all of last year's practice season with the ice rink. I think the Applicant

is likely wondering where all of this is coming from. It's temporary, but it hasn't been an operation outside of the time that it was stated to be an operation.

P. Goodwin There a difference between surviving one year and surviving many years. I can survive one year with Pop Wehlan not being there. We can deal with this for a year and that's a different situation than these people are looking at.

Tavis Austin I suggest fencing and/or landscaping along the green street side. Sound Deadening on the boards, at least on the Green Street side. Doing the foam for the deadening and the fence itself, to put the noise back on the user

R. Murray I definitely think there should be some landscaping as I drove down tonight and I look through the Anderson Hall parking lot. It's really pretty unattractive.

Tavis Austin Like you say, landscaping in the Anderson parking lot would be beneficial. Yeah. Even though they have a storm stormwater system, not

R. Murray No, that's not the parking lot that I'm talking about, you get a perfect view of it and it looks really unattractive.

Peter Gilligan for Applicant Right? Because you know when we came before we didn't have we didn't do any landscaping yet. I think with our stormwater management has taught there's lots of landscaping going on there and I would agree with you that you know, it's something that we haven't done yet. Because we until we get this proof, we don't wanna start any of that work. Right. So certainly landscaping is on the is on the docket for our stormwater minimum plan.

Tavis Austin I recommend that the planning board continue to hearing to get more time to come up with some lighting modifications and noise deadening and landscaping provisions.

D. Breskin I like to just note for everybody's reference note that in the Town ordinances 100-5,B it reads general prohibition on noise: it shall be unlawful for any person to make or cause to be made any loud or unreasonable noise. Noise shall be deemed to be loud or unreasonable when it disturbs injures or endangers the peace or health of another or when it endangers the health, safety or welfare of the general community. Any such prohibited noise shall be a public nuisance. **Chair**

K. Barnard

The public is aware of it, and they've just made us aware of it.

J. Nielsen

So can I just ask what time is it Study Hall at Brewster?

Peter Gilligan for Applicant

It depends, but typically it's 7:45 around there at night until it depends on which grades but usually goes about an hour an hour and a half.

J. Nielsen

So 745 to 9:00 o'clock,

Peter Gilligan for Applicant

probably about nine o'clock I think and the kids have to be indoors by 10 or 1030. And so then what time do they have to be in their dorms, white center 1030 depending on their grade level,

J. Nielsen

Is there a real reason to keep the lights on till 10:00 p.m.?

Peter Gilligan for Applicant

The lights are turned off when the when the when the rink is not used. So I would say there was never a time where we ran the rink until 10 o'clock ever.

Tavis Austin

I think what they were saying earlier is that the lights are always to be turned off by the last person to leave the rink but if they're failed to do so they shut off at 10

Peter Gilligan for Applicant

That's why we have the automatic the timer that turns it off at the latest time just in case.

Chair K. Barnard

Okay, but when I've been walking by I mean there are people practicing just playing hockey. And I mean, it sounds like that can go on until 10 o'clock. Is that what you're saying?

Peter Gilligan for Applicant

But the only time that could happen is on weekends because the schedule doesn't allow for it any other time that weekends.

D. Breskin

Would you consider shutting the lights off or closing access to look to the rink earlier than 10pm?

Peter Gilligan for Applicant

I mean certainly anything can be considered right. I would say that you know 95 or 90% of the time the lights are off before 8pm Before 7pm. That's what our schedule has and I can show you and we have full surveillance of the light we really needed to get into the details but

D. Breskin

I would entertain comments from the Planning Board but it was suggested to Continue this Hearing and try to get some more information on shielding the lights and finding some more concrete information on the sound deadening capability, both of the foam that might go on the sideboards and the surround for the compressors.

And I guess that's another issue: so, if it is in fact correct that you were clearing Anderson Hall parking lot previously by pushing the snow onto where the rink is now, is there a plan for how to handle the snow at Anderson Hall Parking Lot?

Peter Gilligan for Applicant

The same way we did all last winter right we push the snow to the opposite corner that's closer to Estabrook drive. And in cases where we needed to get rid of the snow mountains we brought in a loader to remove the snow and take it to another location.

Dennis Schauer, South Main Street

This noise is not a casual thing. There's a lot of snow that comes in the winter and it piles up in that parking lot, and there's nowhere for it to go. Now that the ice rink is there, they can't just shove it over there anymore. Last year on Dallas and Pierce's and mine, but especially 1000. Pierce's it was, I mean, there were enormous piles of snow that were pushed up halfway into their yard. In the spring, and by the way, along with it, the spring there was all kinds of debris that was on their lawns. From the construction, the cleanup was atrocious, it the whole thing was a nightmare. And you know, it's just everybody is as I've mentioned, I think the bad faith is just because we all thought it was going to be a temporary thing. Temporary and everybody's mind is temporary. It doesn't turn into something permanent, unless you're told it is and you accept that but again, back to the snow thing and pushing into those blades. They rip up the lawns, and they don't come back and fix it. It just stays that it's up to us to fix it most of the time. I'm fixing half of their stuff over by my area. And it's just ridiculous. I mean, the landscaping crew at one point in time, there was a gentleman that would drive around I don't know what is he died since but he drove around in a car and he would kind of inspect it all. All the properties and the landscaping need to be done and nothing like that exists anymore and it's just kind of very haphazard. You got some guys driving around and tractors and trying to mow here and there but they don't they barely weed whip some areas. It's it's a very kind of a sad thing. I mean, this this whole landscape thing is is a problem for this group. And I don't know what the issues are, but it's probably people not enough help.

Tavis Austin

So maybe part of the Continuance.

Chair K. Barnard

Okay. A revised plan for you.

J. Nielsen

Can I just add one other thing? Is there any way that when we have a little bit more research that you could bring something in like a sound demonstration of what it sounds like now and what it will sound like with a deadening because I feel like if you could come in and we'll say yeah, the company says it's going to deaden the sound 50% I don't know what that means. I don't have an idea of what from 100 to 50% is going to sound like and it would also be good to have have some sort of a bar as to where you think the sound is going to be. So that when this is built, if what you're proposing and promising doesn't happen, then there's perhaps I don't know some some recourse or some asking of, of fixing it better. I don't think we can just talk about the sound. It's too, too much theory.

Tavis Austin

I think the Planning Board could look at available data on what they're able to produce from the manufacturer. The Board could then put into performance measures after installation, you know there'd be a noise sample taken. Planning Board agreed to this sound deadening with the understanding it would achieve 50% reduction in noise. So, they take a meter reading before it's installed, they install, they turn it back on, and they take another meter reading.

J. Nielsen

Still fearing, it's still not really a good idea of how much noise there is and how much it will be done. And

Peter Gilligan for Applicant

I think one of the issues is none of the code for the noise ordinance in town has any type of number to it. There's not a decibel rating.

Chair K. Barnard

We just read the Town Noise Ordinance.

Peter Gilligan for Applicant

It doesn't have a specificity on what the sound requirement is. So, it's really difficult to match a sound requirement that we don't have.

J. Nielsen

It would still be nice to sort of hear okay, this is what it sounds like now, we you install all of this now, this is what it sounds like just so people have something in their mind for the amount of sound I'm not talking about ordinance and I'm saying to detonate 50% it that's all theory that who knows what that means? I don't.

Chair K. Barnard

Okay, I'd like to what I'd like to do is to have you take the following list and come back at the next meeting, which is beginning of September. But we do need more information on this sound barrier, as Jane just mentioned.

I'd like a firm schedule on the the daytime games and when to make sure that they're going to take place when we think they're going to take place. I mean, it must be you must be almost ready to come up with a schedule.

The lights: you need to deal with and they should not be shining past the property. They just should not and you need to deal with it.

Peter Gilligan for Applicant

Do you have some sort of specification that we can use because we used the town specification to put those lights in that were.

Chair K. Barnard

Okay but what we're hearing is that they're shining into other people's property and that isn't anything that is...

Tavis Austin

The regulations speak to zero foot candles at the property line.

Chair K. Barnard

What they've said is that they're shining into their property, so they need to deal with that.

Peter Gilligan for Applicant

...because we use the town specification to put those lights in that were, that are there.

Chair K. Barnard

Okay, but what we're hearing is that they're shining into other people's property is and that isn't anything that is thought of in the ordinance. The regulations speak to zero foot candles at the property line.

Tavis Austin

That doesn't mean it's not visible beyond zero foot candles.

Chair K. Barnard

...is that they're shining into their property so they need to deal with that.

The landscape and the fencing like to see what it is you're going to propose.

The lights turned off, you need to think of that.

And think of what would fit your schedules.

Also, people in the neighborhood and the snow.

I think you need to deal with that even though it's not to do with the ice rink.

Peter Gilligan for Applicant

I oversee all operations on campus. We have a very extensive landscaping team and we outsource a full landscaping for our entire property. I can assure you that no snow goes off our property and onto other people's property.

Tavis Austin

Okay, well, so that would be a motion to Continue to September 5. Motion to Continue.

R. Murray

I was not here when you came in for the temporary permit and one of the things I'm struggling with: is that this will result in a net increase of 22,140 square feet of impervious surface and are our Stormwater Regulations. When you're over 10,000 square feet you need to comply with those regulations. And under those regulations, you need to remove 80% of total suspended solids. 50% of phosphorus. and 50% of nitrogen. And I just didn't see in the Stormwater Management, where that was addressed and that there was compliance.

P. Goodwin

Roger, in our discussion last time or when you were that you were not there. The idea is that this is a time when the ground is frozen and so the entire surface is impermeable. Therefore it is something which we said was not going to be an issue.

Janet Carpenter, PE

I did design the stormwater system to meet the Town Regulations. And if there are specific details that are not laid out, I can do this for the next meeting, I can provide information on Nitrogen and Phosphorus Removal because we are infiltrating all this, a good amount, of the stormwater up to the 50-Year Storm Event that is required. No increase in runoff flow rate or volume off the site. So, it sounds like the information is available, I just...

R. Murray

If it's not frozen, there's still impervious surface there.

Janet Carpenter, PE

Correct. And I have designed a stormwater system to infiltrate and remediate the increase in stormwater runoff resulting from those impervious surfaces..

R. Murray

Well, if you're going to address those standards, which are set forth in Section 173-21.C.1(h) of the start of the Site Review regulations, that would be wonderful.

Janet Carpenter, PE

Okay, I can do that.

Chair K. Barnard

Do we have Coverage Regulations and do they meet the setbacks according to your setbacks?
From the Green Street parties? Maybe the Board...

Tavis Austin

I don't remember a formal Waiver vote last year, but they are adding impervious, but that sounds like all of those i's are dotted and t's

Chair K. Barnard

I think we did talk about it.

Tavis Austin

Right, I just don't remember a formal Waiver, or not. But it has changed so the board could reconsider that.

I left off with Doug Breskin and a motion to continue to September 5. The list was enumerated a couple different times and ways including: stormwater, lighting schedule, lights, landscaping, fencing, the lights off schedule, snow removal...

P. Goodwin

As well as noise.

Tavis Austin

...and noise.

Chair K. Barnard to Applicant

Do you think if you can come back?

Peter Gilligan for Applicant

Absolutely. No problem with a 14.

Chair K. Barnard

Okay. That would be great. One more question for you, Peter: Do you know the height of the lights that you currently have installed?

Peter Gilligan for Applicant

I'll take it for you. Maybe, maybe 20 feet or 18 feet.

Chair K. Barnard

Alright. And the reason I ask is because there's a limitation of 20 feet in our ordinance.

Peter Gilligan for Applicant

Yes. I know that when we decided to match the ordinance, we had our lights exactly match the specifications that we had from the town. So, thank you. I'll get you the exact height. Okay, so

Chair K. Barnard

Okay, so you can come back and we're to go into a Continued Hearing to September 5th 2023. We'll be discussing this, the public hearing remains open. Okay, there's a second.

Peter Batchelder, 10 Greene St

I would just make a comment that Brewster will solve a lot of the problems with what you're talking about and make it a lot easier for all these things to happen lighting sound and all that. If my suggestion would be that they move it, it is still temporary. Everything's still on the surface. All the piping, it's on the surface. Move it 100 feet, they got the land, moving 100 And more feet into their property line, create fencing, sound systems, barriers lighting, because that that rink needs to be lit up like you were saying that rink when it is lit up with the lights that are high shine, and you guys have talked that talk that over so moving it I know they may not want to move it but it's still temporary. It's still you know, falling on the surface, move it over. 100 feet more centered into the property right now it's kind of centered in the parking lot but centered in the space then they can put up the fence and they can put up the gray zones, the sound barriers, all that stuff. And and I think for the campus, it would be better if you can get at a later time. They can put seating around

it. They can do more things right now. They're just jammed up against the neighbors. It's just not fair. It's not nice, and I think they're gonna have problems meeting some of your goals. Thank you.

Chair K. Barnard to Applicant

Could you also, when you come back, explain why you've chosen the area that you have and if it could be moved? I'm just making a suggestions.

Peter Gilligan for Applicant

I can speak to that perspective. One of the issues is that the properties that we own on Estabrook Road, we are bound by a bio variance, by a buffer, on that side too. So, we're bound by a buffer on that side, too. So, we have setbacks on both sides. And even though it's our property, we're still bound by those same setbacks. Brewster Academy owns all the property in that area.

We can't move it [the ice rink] any further, if you're looking at moving it any further over, because that would impact the setbacks on the drive side.

Chair K. Barnard

Okay, well, please speak to it. I'll make a motion to Continue this Hearing.

P. Goodwin

I second.

Chair K. Barnard

Second. Okay. The motion has been made and seconded to continue this hearing until the September 5. Is that right? All in favor, please say aye. Aye. Opposed. Okay. Great. All right. Thank you. Very much, folks. No, no, no, this is a continuing sort of notice as required this hearing.

Doug Breskin made a motion to Continue this Hearing, Case# 2023-13, to September 5th 2023, for more information to be provided by the Applicant. Seconded by Peter Goodwin. Approved by a unanimous vote (7-0-0).

Discussion points made by Kathy Barnard, Doug Breskin, Peter Goodwin, Roger Murray, Jane Nielsen [wording by LMN, unrelated to Staff Planner's wording]:

- 1) A committed "on/off" schedule is needed for the illumination generated for the ice rink that Applicant proposes to be permanent. Consider turning ice rink lights off at 9:00-9:30 p.m. instead of 10:00 p.m. [KB, DB, JN]
- 2) On-site illumination cannot spill outside of the Brewster Academy property boundaries: screen the night illumination from the ice rink that Applicant proposes to be permanent. Use a combination of new landscaping and new fencing. [KB]
- 3) New landscaping and new fencing are also needed to screen mechanical equipment and structural elements at the perimeter of the ice rink that the Applicant proposes to be permanent. [KB]
- 4) A snow removal and storage plan showing on-site and/or off-site location(s) for storage of snow that is removed from surface of ice rink that Applicant proposes to be permanent. [KB]
- 5) A sound reading can be taken of compressor noise "before and after" installing new acoustical panels around this mechanical equipment for the ice rink that Applicant proposes to make permanent. [JN]
- 6) The area of impervious surface of the ice rink [about 85'x200' = ±17,000 SF plus surrounding impervious area, +22,400 SF] that Applicant proposes to make permanent requires conformance to the Town Stormwater Regulations. [RM]
- 7) Sudden and unpredictable banging sounds generated at the ice rink that Applicant proposes to be permanent is causing a noise nuisance to abutting homeowners along Green Street and possibly as far as Clark Road. Use insulation at backboards to dampen sound and use new perimeter fencing to deflect sound. [PG]

Chair K. Barnard

Housing discussion at the last meeting, we had talked about housing. Doug and I said that we would get together and come back with some suggestions. What we did get together and what we're thinking is, we should just focus on one item that has to do with housing, and that would be the inclusionary zoning. You know, we could have a discussion about it. Ask people to come and get them give their thoughts on it. And then proceed, that that might be a better ways and so didn't seem to be a lot of enthusiasm for having a forum or whatever we want to call it but so that was our suggestion was anybody have any thoughts on happening

J. Jacobs

when you plan on doing this kind of thing?

Chair K. Barnard

Well, we've got to start thinking about the warrant articles. And we need to do that in September. And so that was one of the thoughts that we proposed and as a Warrant Article, and does anyone have any others? That's an article, the Inclusionary Zoning that we proposed last year? Oh yeah, we've got a lot of those it can we still just have to write up because they're already to go we just

R. Murray

Well, no, I think we need to better explain it.

Chair K. Barnard

Yes. But you were talking about the open forum type thing. Isn't what you just said? Well, if I'm close enough, either advertising it and saying that we're going to talk about it. If anybody has any thoughts to come to the meeting, at a regular meeting. This would be a word. Right. Anybody have any thoughts on that?

R. Murray

I think if we framed it in terms of trying to provide more affordable housing: that, I think, is everybody's concern and would provide maybe a broader audience and also some suggestions.

Chair K. Barnard

Okay, well, that's basically what the Inclusionary Zoning is.

R. Murray

Yeah, we just shouldn't call it that, because nobody's going to know what you're talking about.

Tavis Austin

If advertised as Planning Board having an open meeting to discuss affordable housing and revisions of the inclusionary zoning ordinance that would cover both bases.

J. Nielsen

Um, can I just make one comment about the warrant articles and last year, I wasn't part of the board. And I was riding around Town and I saw all the signs for "vote no, vote no." I came in and read the ballot. And it was only then that I realized that the Planning Board was in favor of a lot of these things. I think I'm right about this. It just seemed like everything that was out there in the community was, "vote no vote no." And I wonder if some of those signs influenced people and they didn't really read.

J. Jacobs

Nobody read any of it.

J. Nielsen

Yes, so I'm just wondering if our marketing could be a little better.

Chair K. Barnard

Good thought. I think that we have to do a much better job of presenting these things to the public, so that they really do understand what we're talking about.

So either in the middle of September or the middle of October, a Work Session.

Tavis Austin

A work session in September would be the 19th. But I think that would be too soon to try and get the word out. So October 17th might be better.

Chair K. Barnard

That's probably a good time. Okay. All right, the Rules of Procedure are on here, but we all have them. I put it on here. Just to remind everyone you had in your packet.

Tavis Austin

That's a copy that everyone voted on.

Chair K. Barnard

Okay, so you won't have them.

V) Public Comment

VI) Consideration of Minutes:

Chair K. Barnard: Planning Board Minutes of July 11th 2023:

Corrections to Minutes by Board Members: R. Murray, P. Goodwin, J. Jacobs

Kathy Barnard made a Motion to have the July 11th 2023 Meeting Minutes revised and resubmitted to the Planning Board. Seconded by Julie Jacobs. Approved by unanimous vote (7-0-0).

VII) Motion to Adjourn:

At 10:24 p.m. Kathy Barnard made a motion to adjourn. Seconded by Doug Breskin. The motion passed unanimously (7-0-0).

Meeting Minutes submitted by,
Livia M. Nicolescu