



TOWN OF EXETER, NEW HAMPSHIRE

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LEGAL NOTICE EXETER ZONING BOARD OF ADJUSTMENT AGENDA

The Exeter Zoning Board of Adjustment will meet on Monday, January 23, 2023 at 7:00 P.M. in the Nowak Room of the Town Offices located at 10 Front Street, Exeter, to consider the following:

NEW BUSINESS:

Continued discussion on the application of RiverWoods Company of Exeter for a variance from Article 2, Section 2.2.26, Definition of “Elderly Congregate Health Care” to permit skilled nursing care off site on related campus. The subject property is located at 7 RiverWoods Drive in the R-1, Low Density Residential zoning district. Tax Map Parcel #97-23. ZBA Case #22-15.

Continued discussion on the application of RiverWoods Company of Exeter for a variance from Article 2, Section 2.2.26, Definition of “Elderly Congregate Health Care Facilities” to permit skilled nursing care off site on related campus. The subject property is located at 5 Timber Lane, in the R-1, Low Density Residential zoning district. Tax Map Parcel #98-37. ZBA Case 22-16.

The application of 107 Ponemah Road LLC for a special exception per Article 4, Section 4.2, Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the conversion of the existing single-family dwelling and attached barn located at 50 Linden Street to a three-family home. The subject property is situated in a R-2, Single Family Residential zoning district. Tax Map Parcel #82-11. ZBA Case #22-17.

The application of River Bend Trust (Peter Mahar and Keri Marshall, Trustees) for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses to permit the existing single family home (with an in-law unit) at 2 River Bend Circle to be converted to a two-family residential structure. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #104-34. ZBA Case #23-2.

OTHER BUSINESS:

- Approval of Minutes: December 20, 2022

EXETER ZONING BOARD OF ADJUSTMENT

Kevin M. Baum, Chairman

Town of Exeter
Zoning Board of Adjustment
December 20, 2022, 7 PM
Town Offices Nowak Room
Draft Minutes

I. **Preliminaries**

Members Present: Chair Kevin Baum, Vice-Chair Robert Prior, Laura Davies, Martha Pennell - Alternate, Joanne Petito - Alternate. Code Enforcement Officer Doug Eastman was also present.

Members Absent: Clerk Esther Olson-Murphy, Dave Mirsky - Alternate

Call to Order: Chair Kevin Baum called the meeting to order at 7 PM.

I. **New Business**

- A. The application of RiverWoods Company of Exeter for a variance from Article 2, Section 2.2.26, Definition of "Elderly Congregate Health Care" to permit skilled nursing care off site on related campus. The subject property is located at 7 RiverWoods Drive in the R-1, Low Density Residential zoning district. Tax Map Parcel #97-23. ZBA Case #22-15.
- B. The application of RiverWoods Company of Exeter for a variance from Article 2, Section 2.2.26, Definition of "Elderly Congregate Health Care Facilities" to permit skilled nursing care off site on related campus. The subject property is located at 5 Timber Lane, in the R-1, Low Density Residential zoning district. Tax Map Parcel #98-37. ZBA Case 22-16.

Mr. Baum allowed these applications to be considered together. Martha Pennell and Bob Prior recused themselves from considering these applications. Sharon Somers of DTC Lawyers was present to represent RiverWoods; Justine Vogel, Kim Gaskell, and Dave Brownell of RiverWoods and Erik Saari of Altus Engineering were also present.

Attorney Somers said the applicant is seeking to take the existing Health Centers at each of the three campuses and turn them into one Health Center at the Ridge Campus. Both variances are related to this request. Initially they thought they also needed a density variance for the Woods Campus, but it was determined by Code Enforcement Officer Doug Eastman that it was not required.

Ms. Vogel said RiverWoods is one legal entity on three campuses. Each of the campuses has a Wellness Center with a Nurse Practitioner and a Nurse doing "light primary care" for the residents of that campus, and those Wellness Centers will remain in each campus. There are additionally Health Centers on each campus which provide long-term nursing care, and those Health Centers are what we are looking to centralize. By centralizing, we can add memory care units with a smaller and home-like environment. Also, there's a nationwide

45 shortage of healthcare workers. We've been using agency nurses to fill staffing
46 gaps, which is hard on the team. Centralizing would allow us to reduce our need
47 for staff and increase the consistency of the healthcare providers. There will be
48 less duplication of effort. Currently, those who live in the Health Centers don't
49 tend to take advantage of the amenities of the campuses. They should have an
50 environment that's more aligned to their wants and needs. If we have another
51 Covid-like event where we need to isolate our Health Centers, having a self-
52 contained space will allow as full a life as possible for this population. The
53 personal space at the current centers are very small, about the size of a hospital
54 room. The new building would allow more room for visitors in order to maximize
55 visiting.

56 Ms. Vogel said that these improvements would come with trade-offs.
57 Married people with a spouse in a Health Center would lose the ability to walk
58 down the hall to visit. Cross-over between the campuses would be more
59 challenging. Residents have expressed concerns that this wasn't what they
60 expected when they signed up. We're working to address those concerns, and
61 will provide transportation to the Health Center 24 hours a day, as well as
62 encouraging communication and connection in other ways.

63 Attorney Somers said that according to the special exception granted to
64 RiverWoods in 1991, there was a condition that it have on-site "Nursing Home
65 Facilities," so a variance is necessary to maintain this special exception.

66 Attorney Somers went through the variance criteria. 1) The variance will
67 not be contrary to the public interest and 2) The spirit of the ordinance will be
68 observed; yes, continuing care will be provided that is not divorced from the daily
69 life of the rest of the community. Nursing care residents will enjoy as high a
70 quality of life as possible. The Health Center will have a central location to reflect
71 the changing needs of the health services, but it will be on one of the campuses
72 and not outside the RiverWoods community. The proposal will not alter the
73 essential character of the community in that RiverWoods will continue to be
74 comprised of independent living, assisted living, and nursing care. There will be
75 no alteration to the existing neighborhood of single-family houses. The proposal
76 will not be a threat to public health, safety, or welfare. The same level of high-
77 quality health care will continue to be provided to RiverWoods residents. A traffic
78 study indicated that there will be no negative impact from the change.

79 Mr. Baum asked if this study was relevant only to the Woods, not to the
80 Boulders campus, and Attorney Somers said yes, we focused on the Woods
81 because that change would impact a public road, Route 111.

82 Attorney Somers continued with the criteria. 3) The value of surrounding
83 properties will not be diminished; no, there is a pre-existing package of uses on
84 all three campuses, and there's no change to the overall mix of these uses.
85 Whatever impacts arise from RiverWoods have been present since 1991. More
86 independent living may be added, but this remains an allowed use. 4) Substantial
87 justice is done; yes, this acknowledges the existing environment of providing
88 health care. Centralized healthcare will ensure those residents have a high

89 quality of life and more of a sense of community with family and friends who will
90 be visiting. There's no public harm to the public or private parties, including the
91 residents of RiverWoods. While some inconvenience may occur, as has been
92 expressed in some resident letters, we're taking this perceived inconvenience
93 into account by providing transportation. 5) Literal enforcement of zoning
94 ordinance will result in an undue hardship; yes, this property is unique. It's
95 operated as a single entity but consists of three separate lots or campuses. We
96 seek to have the Health Center centralized on one of the campuses. The
97 Harborside case stands for the proposition that the Board can consider unique
98 aspects of the property in order to find hardship; the RiverWoods property is one
99 of those cases. An operation on the three lots being owned and operated as one
100 is a unique aspect of the property which will enable the Board to find hardship
101 here. Regarding the criteria that there is no fair and substantial relationship
102 between the intent of the ordinance and the application of it to this proposal, the
103 ordinance is silent on the intent of the nursing home facility having to physically
104 be on site. The 90s were a completely different era of healthcare, and didn't have
105 in mind a situation that we have now with multiple lots owned and operated by
106 one party. The ordinance may not even apply, but the ordinance calls for the
107 Board to consider whether on-site care is met for us to qualify for the special
108 exception. The ordinance was likely designed to prevent residents receiving care
109 to be shipped somewhere across town, away from the other residents. Here, the
110 proposed Health Center will still be at RiverWoods, so for all practical purposes it
111 will still be on site.

112 Ms. Davies said RiverWoods was regulated by the Insurance
113 Commission due to the financial structure. Has the Insurance Commission
114 reviewed this plan? Ms. Vogel said the Health Centers are regulated by Health
115 and Human Services, and our contract is regulated by the Insurance
116 Commissioner, but we do not believe this is something that requires Insurance
117 Department oversight, because this is still legal per our contract with our
118 residents. We've had that discussion with our Attorney. Mr. Baum asked if this
119 proposal requires any waiver from Health and Human Services. Ms. Vogel said
120 no, but when we build a centralized Health Center it will be re-licensed by HHS.

121 Mr. Baum said it sounds like the Board is being asked to treat the three
122 campuses as a single site; how will the three campuses interact so that the intent
123 of the ordinance of providing on-site services will be met? Ms. Vogel said that
124 RiverWoods operates as one site now. Residents can dine at other campuses.
125 There are buses and transportation between them 12 hours a day, 7 AM to 7 PM,
126 or residents can drive themselves between the campuses. In the future, we could
127 support 24 hour access to spouses in the Health Centers via the security team,
128 an additional "transportation shift," or another plan that the residents have a say
129 in. Ms. Davies asked how the bus transportation works now, and Ms. Gaskell
130 said it's both on demand and scheduled. We had an annual holiday party last
131 week that was held at the Woods campus, and residents from the Ridge and
132 Boulders were shuttled there. Tomorrow we have a residents' committee meeting

133 at the Ridge, and we will offer transportation there. It's also on an as-needed/on-
134 call basis from campus services. There's an active and full calendar of events
135 open to any resident. The centralized Health Center would almost be like a fourth
136 campus.

137 Ms. Petito asked how much shuttling residents actually do on a day-to-
138 day basis. Ms. Gaskell said each campus has its own culture, community, and
139 activities, but most are open to all residents. Those shuttles are running
140 continuously throughout the day. We also offer trips to local churches and
141 provide transport to off-site medical appointments. Centralizing the Health Center
142 would allow pickups in a single location and require fewer escorts from the
143 Health Care staff. Ms. Vogel added that if the question is how much of one
144 community does it feel like now, it *is* one community. Everything is open to
145 everyone. The only time we shut things down between the campuses was at the
146 height of Covid to reduce risk. Ms. Gaskell added that when the campuses were
147 isolated, the residents of the Health Center didn't have the same amenities that
148 other residents have, like a fitness center, salon, or library. We'd like a building
149 that makes those amenities available.

150 Mr. Baum asked if ownership of the land and the operation are under a
151 single entity. Ms. Vogel said yes, RiverWoods Exeter is a single 501c3 and owns
152 all parcels, with one tax ID number. It operates under a single Medicare license.
153 Mr. Baum said if we were to grant a variance, Attorney Somers should give some
154 thought to why we would treat three pieces of land as a single site. These
155 variances run with the lots, so how would these be tied together in perpetuity?

156 Ms. Davies asked if the residents had been polled to express their
157 opinions on this. The Board received some letters, but that doesn't always
158 represent a good cross-section of opinions. Ms. Vogel said we didn't poll people,
159 but had multiple meetings with residents, starting in November 2021. Some are
160 vehemently opposed and some understand the need. On the Woods Campus,
161 the Monadnock Lodge Health Center is 30 years old and needs to come down.
162 There are those who live there that understand the healthcare worker crisis and
163 are concerned about there being enough nursing care. There are many other
164 issues where residents' opinions matter strongly, but this is an absolute need in
165 order to provide the best quality of healthcare. There's inefficient sizing between
166 the three campuses. There's a drastic need for healthcare workers, and that will
167 not change. Ms. Petito asked if the current Health Centers are adequately
168 staffed. Ms. Vogel said they are, but it's done with agency nursing, so there are
169 inconsistent faces.

170 Ms. Gaskell read an email from RiverWoods VP of Health Services Cindy
171 Martin, who was not present, which said the current structure and approach to
172 staffing is not sustainable.

173 Mr. Brownell, the Chairman of the RiverWoods Board of Trustees, said
174 the Board has looked at what Health Centers are doing in other communities and
175 discussed the issue, and it voted unanimously that centralized healthcare is the
176 best approach for RiverWoods residents.

177 Ms. Petito asked how a centralized Health Center would reduce the
178 sense of isolation that came with Covid. Ms. Vogel said nobody at RiverWoods
179 had visitors during the pandemic. The real challenge was that there were no
180 amenities in the Health Center. The new building would have the amenities
181 attractive to those living in health care, as well as technology and courtyard
182 space that would allow visits in a safe way.

183 Mr. Baum opened the discussion to the public.

184 Bob Colley, a resident of the Boulders, said common practice has been
185 for Boulders residents to receive health care on that campus. There is a social
186 benefit to remaining on one campus throughout one's lifetime. There will also be
187 increased traffic from this project. The spirit of the ordinance is not observed
188 because the community is diminished by removing family and friends. Substantial
189 justice is not done. Residents moved to RiverWoods with the understanding that
190 lifetime care would be on the same campus. Regarding neighboring property
191 values, the siting of the consolidated facility has not been set, so it's difficult to
192 determine. Regarding unnecessary hardship, we need more specifics on the
193 congregate Health Center design. The proposed use is unreasonable because
194 residents moved to campus with one understanding and they're trying to switch it
195 now. People will not walk or bike to the new Health Center, particularly if it means
196 crossing Route 111.

197 Bob Prior of 16 Pickpocket Road said he's concerned as an abutter and
198 as a member of the ZBA. The three separate campuses are separate, and they
199 have been litigated through this Board whenever construction was proposed. Ms.
200 Gaskell is calling the Health Center the "fourth campus," but they only have
201 zoning approval for three campuses, each of them distinct, even though a single
202 corporate entity owns all three. Residents identify as members of their
203 campuses. RiverWoods has made commitments to the residents and to the
204 community of Exeter, including the many single-family homes in the
205 neighborhood. The Board has very few specifics on this proposal. Although they
206 said they had an analysis of traffic and said there will be no impact, of course
207 there will be impact. We need more specifics.

208 Roy Cheney, a resident of RiverWoods, said no other facility he looked at
209 had a congregate health care facility like RiverWoods does. He's against the
210 proposal to move all assisted living into the central Health Center. Currently
211 residents can see their spouse in assisted living multiple times a day just by
212 walking down the hall. The zoning for elderly congregate health care facilities
213 requires that there's an on-site nursing home as licensed by the State of NH, but
214 only the Ridge is licensed as a nursing home. The traffic analysis was flawed
215 because they only looked at the number of healthcare workers going to the
216 Woods and the increased number of independent living residents, and said there
217 would be a net loss in traffic. They didn't look at everyone who has a spouse in a
218 healthcare facility traveling back and forth.

219 Mr. Baum asked if the applicants wished to respond to the public
220 comments.

221 Attorney Somers said a number of letters in the packet show resident
222 support, noting the importance and the value of the Wellness Centers in each
223 campus, which would be retained. The Wellness Center is an office for people to
224 come in and have minor health issues addressed. Ms. Gaskell said each
225 Wellness Center is staffed by a Licensed Nurse Practitioner and a Wellness
226 Nurse who is an RN. These clinics operate under a separate Home Health
227 license that will be retained. The Health Centers have an 803 and 805 license;
228 Wellness Centers are under 809 or 822.

229 Attorney Somers said the traffic study focused on what would happen if
230 the Nursing staff weren't at the Woods any longer. There may be visitors needing
231 to go across the street to the Ridge, but it's not a fatal flaw to the study. People
232 from the Woods or the Boulders may already be coming and going to the Ridge.
233 Ms. Davies said the description indicated many more trips between campuses.
234 Attorney Somers said the applicants need to know if there is basic approval for
235 the concept of a central Health Center before creating specific designs. That's
236 when we will come back with a report which will address all traffic impacts.

237 Attorney Somers said that contrary to Bob Prior's statement, there will not
238 be a 25% increase in independent living units. She added that Mr. Prior has
239 recused himself, so can speak as an abutter but not as a member of the ZBA.

240 Attorney Somers said that regarding Mr. Baum's concerns, the three
241 campuses are financially inextricable. It's not likely that separating them could
242 ever happen. Mr. Baum said his concern is that the lots could be transferred to
243 two separate entities, one of which would no longer provide congregate
244 healthcare facilities. Ms. Vogel said we have one mortgage for all of the land, so
245 splitting it out may be possible but is highly unlikely. If we were to sell off the
246 Woods, the new organization wouldn't be able to get licensure. If we could link
247 the campuses, we would be all for it, but we don't know how to do that.

248 Ms. Petito said a big draw of RiverWoods is that there is on-site health
249 care. Ms. Vogel said the contract doesn't say it's in the exact same building. Ms.
250 Petito said that's the understanding. Ms. Vogel said it's a necessary change and
251 will provide better healthcare. The way things always have been is no longer a
252 viable option.

253 Ms. Davies asked how many residents are in the three campuses, and
254 Ms. Vogel said about 600.

255 Resident Pete Cameron asked if there will be a separate proceeding with
256 respect to the Boulders. Mr. Baum said the applicant presented them together,
257 but he would re-open public comment specifically on the Boulders.

258 Pete Cameron of 15 Sandstone Way, who is also a member of the
259 Planning Board, read part of the Planning Board approval letter from 2008 for the
260 construction of the Boulders: "to approve the construction of an additional elderly
261 congregate care facility including independent living units, skilled care units, and
262 assisted living units *within the central facility*." Mr. Cameron said that this
263 suggests another order that will have to be addressed.

264 Mr. Baum closed public comment for the application regarding the
265 Boulders.

266 Ms. Davies said the financial structure of RiverWoods is tied up with the
267 promises made to the residents and their financial investments. She's
268 uncomfortable that there was no effort made to seek approval with the Insurance
269 Board. It's a big change and to determine this wasn't necessary seems like a
270 stretch. Attorney Somers said another Attorney was consulted on that issue, and
271 it was determined that no insurance licensing process was necessary. Ms.
272 Davies said documentation of that would go a long way. Mr. Baum said the
273 contracts between RiverWoods and the residents are not the approval of this
274 Board, but he wants to make sure that if the approval is granted, it can go
275 forward. Attorney Somers asked if having the documentation of that decision
276 could be a condition of approval or if it would need to be rendered prior to the
277 Board making a decision. Ms. Davies said her preference would be to read the
278 opinion. Ms. Vogel said she just texted the Attorney and he will provide a record
279 of that opinion.

280 Attorney Somers said the applicants can come back on January 17th with
281 the documentation.
282

283 Ms. Davies moved to accept the request to continue and put it on the January 17th
284 agenda. Ms. Petito seconded. [Not voted]

285
286 Mr. Baum said he would prefer formal motions for each case.
287

288 Ms. Davies moved to accept the applicant's willingness to continue the application for
289 Case #22-15 to the January 17th ZBA meeting. Ms. Petito seconded.

290 Ms. Petito asked if that documentation will be necessary to our decision. Mr.
291 Baum said we have not made that determination, the applicant chose to request to
292 continue rather than go forward tonight. Ms. Petito asked why we asked for that
293 information. Ms. Davies said her understanding of the contract is that it involves various
294 elements, and she was curious if there was permission needed to change that contract.

295 Ms. Davies, Ms. Petito, and Mr. Baum voted aye, and the motion passed 3-0.
296

297 Ms. Davies moved to accept the applicant's willingness to continue the application for
298 case #22-16 for the property located at 5 Timber Lane to the January 17th ZBA meeting.
299 Ms. Petito seconded. Ms. Davies, Ms. Petito, and Mr. Baum voted aye, and the motion
300 passed 3-0.

301
302 The Board recessed at 9 PM, and reconvened at 9:07 PM. Mr. Prior and
303 Ms. Pennell rejoined the Board for the following applications.
304

- 305 C. The application of Jewett Construction Co., LLC (on behalf of Craig Jewett) for a
306 special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and

307 Article 5, Section 5.2 for a change of use to permit the existing church on the
308 property at 12 Little River Road to be used as a Montessori Early Childhood
309 Education Center. The subject property is located in the R-2, Single Family
310 Residential zoning district. Tax Map Parcel #62-90. ZBA Case #22-20.

311
312 Paige Libbey of Jones and Beach Engineers, Sara Greenshields of Little
313 Tree Education, and Nick Jewett of Jewett Construction were present for the
314 discussion of this application.

315 Ms. Libbey said this is a 4.4 acre property within the R2 Single Family
316 residential zone. The applicant is here for a special exception to change the use
317 from an existing Baptist Church to a facility for early childhood education. The
318 existing building is 5,000 square feet, which could serve 80 students. It only
319 needs minor renovation work for this purpose. The church has had childcare
320 since the late 90s, although the documentation is not in place because there
321 weren't as many licensing requirements at that time. There would be limited
322 sitework, if any.

323 Ms. Greenshields said they currently have two locations, one in Madbury
324 and one in Dover, for children six weeks through six years. The schools follow
325 the Montessori philosophy, and Exeter does not have a Montessori school now.
326 We cater to infant care, of which there is a shortage; we have 300+ families on
327 our waitlists. Regarding the volume of traffic coming into the property, at our
328 existing schools, families sign up for a drop-off and pick-up time, and we cap that
329 at 10 families per 15 minute increment. About 60% of families have siblings, so
330 vehicle trips are further reduced. We limit our family events to classroom-specific
331 events to limit traffic.

332 Mr. Baum said some abutters were concerned about the hours of
333 operation. Ms. Greenshields said at the current centers, we operate from 7 AM to
334 5:30 PM. We require that all children are in the building by 9 AM. There's a half
335 day schedule that ends at 12:30, which covers about 15% of families; the
336 majority have a 4 PM end schedule; and maybe 10 children or so stay until 5:30.
337 There is one professional development activity for staff per month after hours or
338 on the weekends. There are 6-8 family events per year, which are usually not
339 beyond the 5:30 PM time. There is no childcare offered on the weekends. There
340 would be about 15 staff members at this facility and 80 children.

341 Mr. Prior asked if they would make a commitment to continue the pickup
342 scheduling that started during Covid. Ms. Greenshields said absolutely, it works
343 really well for everybody. Sometimes parents will miss that window and they
344 have to wait another 10 minutes, but they understand how we operate. Mr. Baum
345 asked if there would be queuing off-site. Ms. Greenshields said no; parents park
346 and get out of the car, so they're not lined up waiting in their cars. We greet them
347 at the front door, and they don't come inside.

348 Mr. Prior asked if any changes are planned to the structure or parking.
349 Ms. Libbey said there are no changes planned to the site, only to the building.
350 There will be some exterior facade changes such as removing the steeple and

351 installing new windows. There will be no drainage or changes to the impermeable
352 surface area. Ms. Greenshields said there's an existing exterior play area in the
353 back that we would want to increase the size of. They removed the playground
354 equipment. Any new equipment and landscaping would look beautiful.

355 Ms. Pennell asked if the parking lot would be resurfaced, and Ms.
356 Greenshields said the parking surface is in ok condition so we'd be looking not to
357 resurface at this time.

358 Ms. Pennell asked about the house on the property. Ms. Libbey said
359 there's a separate house which was subdivided off from the church last year. It's
360 not part of this project. Mr. Baum said they came through this Board for a
361 frontage variance. Ms. Libbey said there's an access easement. Mr. Prior said
362 there's a gas line easement as well.

363 Ms. Davies asked about licensure, and Ms. Greenshields said we will
364 comply with whatever requirements are necessary. There will be two means of
365 egress from each classroom. This building doesn't have fire suppression, but we
366 will determine if it meets the threshold for having it installed.

367 Ms. Pennell asked about delivery trucks. Ms. Greenshields said the main
368 delivery drop-off is in Greenland, and there's a van that couriers supplies
369 between the locations. WB Mason would be doing paper deliveries every other
370 week. Trash is removed once per week. For food, we do Hannaford to Go, so it
371 would be by car.

372 Ms. Davies asked if they would be an owner or a tenant, and Ms.
373 Greenshields said both.

374 Ms. Pennell asked about security. Ms. Greenshields said they will work
375 with local Police and Fire before making any modifications to the building, and
376 come up with a fire safety plan. The doors are locked to the outside but people
377 can get out in the case of emergencies.

378 Ms. Pennell asked how many people on the waiting list are from Exeter.
379 Ms. Greenshields said she didn't have that number, but that the other childcare
380 facilities in Exeter also have waitlists. She was sad to see the other Montessori
381 School in Exeter close, and she thinks there's a need to be filled. The other Little
382 Tree schools are in Dover and Madbury, with an additional property in Greenland
383 that they're also looking to turn into a school.

384 Mr. Baum asked if all outdoor activities would be within the fenced play
385 area. Ms. Greenshields said yes. They would likely expand the fenced play area,
386 but not initially. The current size is sufficient for their licensing requirements. Mr.
387 Baum said there's an introduction of children and noise to the neighborhood, how
388 will that be contained? It looks like the play area would be behind the church
389 building itself? Ms. Greenshields said that's correct.

390 Mr. Baum opened the hearing to public comment.

391 Steve Blaisdell of 6 Little River Road said the property previously got
392 approval for a very small daycare center. The church has always had a small
393 congregation that met on Sunday mornings and Wednesday nights, and that was
394 all the traffic. It was minimal. At the Wallace/Brentwood Road intersection there's

395 little visibility and no sidewalks. There would be 1,600 additional trips a week
396 through the neighborhood. The other two daycare centers nearby exit on Epping
397 Road. He feels strongly that this application should be rejected.

398 Diane Perkins of 3 Wallace Road said traffic at the Little Tree in Dover
399 comes in off 108 and doesn't impact the neighborhood. The neighborhood has
400 one of the oldest sewer systems in the town. You're taking a church that was
401 there two days a week and increasing water usage and sewer to five days and
402 100 people.

403 Kathleen Taylor of 8 Penn Lane said this is like putting a large facility at
404 the end of a cul de sac. It will make the neighborhood dangerous for children.
405 The sewer system will also be a problem.

406 Richard Wiltemuth of 4 Little River Road said he never tries to make a left
407 turn onto Brentwood Road because of visibility. Both Wallace Road and Little
408 River Road will need to be used for access to that property. There would have to
409 be traffic lights. Traffic will be backed way up.

410 Julie Osburn of 3 Penn Lane said the church was a great neighbor, you
411 barely heard from them. The daycare was only for the church. Her biggest
412 concern is the traffic and possible accidents. She asked that the Board reject the
413 application. Ms. Pennell asked if those roads are not two-car roads. Ms. Osburn
414 said yes, especially in the winter.

415 Tiffany Matevski of 5 Penn Lane said the church is next to her backyard,
416 which has a pool with a chain link fence. If kids in the daycare see that pool, they
417 could try to go over the fence. Also, 80 kids would create a lot of noise. We can
418 hear people at the church talking now, and that's only 10-15 people.

419 Amy Farnham of 3 Little River Road said she moved there for the quiet
420 neighborhood. The other daycares are on busy roads. The Board should
421 consider whether this residential area is the right spot.

422 Karen Weeks of 7 Penn Lane said this is a substantial change of use.
423 The church was a minor thing in their neighborhood and quiet. It was only on
424 Sundays and Wednesday evenings. The chain link fence between the church
425 and their property doesn't keep anyone out. Her property has a right of way onto
426 their property. There's also a path through the church property to the apartments
427 that people like to walk on. Mr. Prior asked about the easement. Ms. Weeks said
428 she heard that there was an argument between the past owner and the church
429 on who owned that property, so an agreement was made that the owner of her
430 house could use it and garden on it, just not build anything substantial on it. Her
431 backyard's fence is on the easement line, not the property line.

432 Mr. Baum allowed the applicants to respond to public comment.

433 Ms. Libbey said regarding traffic, there's a schedule in place, and we're
434 open to making that a condition of the approval. Because of the schedule, there
435 are about 40 cars per hour, which is minimal when compared to the number of
436 cars that travel Brentwood Road in that timeframe. The R2 zone focuses on
437 residential but allows public high schools and middle schools by right, without
438 coming before the Zoning Board. This property could be subdivided into several

439 residential lots, maybe six or seven lots depending on the wetlands. Regarding
440 the existing chain link fence, we're willing to talk about replacing that and adding
441 landscape buffering. The fenced play yard would be in the back of the property.
442 This is the first that we're hearing about the path to the apartment building. It
443 might be good if we could use that as an emergency egress but we haven't
444 considered it fully.

445 Ms. Petito asked how many parking spaces there are. Ms. Libbey said it's
446 not striped currently, but could fit 46+ spaces.

447 Mr. Baum asked if they are open to site plan review from the Planning
448 Board, and Ms. Libbey said yes.

449 Ms. Greenshields said she wants to be collaborative with the
450 neighborhood and will work with the Police and Fire Departments to mitigate
451 traffic. Regarding noise, we contain the hours between 7 AM and 5:30 PM. We
452 go outside twice a day when the weather allows. Many of the children are under
453 the age of 3, so there's less noise than a traditional childcare center. Regarding
454 pool safety, we would replace the fence and create a double-fenced area around
455 the front door and play area. Children are always supervised when they're
456 outdoors. We share a driveway with our neighbors in Dover. We are willing to
457 work to coexist together.

458 Mr. Baum closed public comment and the Board began deliberations.

459 Ms. Davies asked if Public Works has reviewed the road or the traffic.
460 Doug Eastman said there's a bicycle and pedestrian survey going on and
461 Brentwood Road was brought up for a potential sidewalk. The roads meet our
462 regulatory size of 24 feet of pavement. Ms. Davies said 111A is a State Route,
463 and that hasn't been reviewed; Mr. Eastman said that's correct. Mr. Baum said
464 site plan review would include consideration of those issues.

465 Mr. Prior said there are significant wetlands, including a 75 foot setback in
466 which there can be no structure. That takes the site down to the existing property
467 and pavement. You might get four homes in there, not seven.

468 Ms. Davies said from the "highest and best use" standpoint, this property
469 is uniquely well-suited to this use. There is also a strong need for this use. Her
470 concern is the traffic issues and the burden it would place on the neighborhood.
471 The property owner has the right to use the property in some manner; if not this,
472 then what would happen there? Mr. Baum said right now, it's permitted as a
473 church. It has been low-use, but there's no guarantee of that. Mr. Prior said
474 church use would never be 5 days a week from 7 to 5:30 PM. Mr. Baum said
475 church use does go beyond Sundays.

476 Ms. Petito said she made a left turn from Little River Road to Brentwood
477 Road and it was scary. Mr. Baum said that's outside of our purview.

478 Mr. Prior went through the special exception criteria. A) The use is a
479 permitted special exception as set forth in Article 4.2, Schedule 1; yes. B) That
480 the use is so designed, located and proposed to be operated that the public
481 health, safety, welfare, and convenience would be protected; no, he harbors
482 significant concerns there. Residents mentioned traffic, safety, and noise. He

483 does not believe that it meets criteria B. Ms. Pennell said if the facility opened up
484 onto a larger street, she'd feel better. This is a road that's 1 ½ cars wide. Ms.
485 Davies said the noise could be addressed with screening, but she's concerned
486 about the traffic. Maybe it should be passed to the Planning Board. Mr. Prior said
487 there's a significant delta between the existing use and the plan. Mr. Baum said
488 yes, between the existing use, but not between the permitted use. The church
489 has the right to operate. Mr. Baum said based on the number of parking spaces,
490 it's 3.5 fixed seats per space, so 160 seats in the church, although he doesn't
491 know if the church would fit that. It wouldn't be five days a week though. Ms.
492 Petitto said the activity during rush hour and the consistency would mean much
493 more use. Mr. Prior said no one on the Board is comfortable that we have
494 enough information on B. C) That the proposed use will be compatible with the
495 zone district and adjoining post-1972 development where it is to be located; Mr.
496 Prior said post-1972 development is the apartment complex to the rear, from
497 which we've had no comment. The use is compatible with the zoned district and
498 it's a use which is allowed. D) That adequate landscaping and screening are
499 provided; we've had testimony from the abutters that there is not significant
500 landscaping or screening, but we could make that a condition of approval. E)
501 That adequate off-street parking and loading is provided and ingress and egress
502 is so designed as to cause minimum interference with traffic on abutting streets;
503 Mr. Prior said off-street parking and loading is addressed on the property, but
504 ingress and egress is a problem. There would be significantly more traffic
505 approaching and leaving the property on a regular basis. This will change the
506 nature of the traffic flow on Little River Road, Penn Lane, and Wallace Road.
507 Every person in that neighborhood has signed a petition of concern regarding the
508 traffic. F) That the use conforms with all applicable regulations governing the
509 district where located; yes, it seems to. G) The applicant may be required to
510 obtain Planning Board or Town Planning approval; yes, we would want to
511 condition a site plan review. With 100 people on site, Police and Fire would need
512 to be consulted before any occupancy permit is issued. H) That the use shall not
513 adversely affect abutting or nearby property values; Mr. Prior said the testimony
514 here has been anecdotal and not from professional real estate appraisers. If he
515 lived in that neighborhood, he would be concerned about a negative impact to his
516 home, but if he had children who could walk to that school it might be a bonus.
517 Ms. Davies said now, there's a use that has fallen into some disrepair, and that
518 can be considered a negative. If this is a well-managed property with screening,
519 daycare isn't necessarily a negative use. However, if traffic is a problem and
520 there are safety concerns, it will be a negative. The property needs a change; if
521 this use is overburdening the roads, it shouldn't be permitted, but she doesn't feel
522 qualified to make that determination. Mr. Prior said I) and J) do not apply.

523 Mr. Prior said since it doesn't meet criteria B or E, the motion would likely
524 be to decline the application, or to allow the applicant to withdraw and bring back
525 another plan. Mr. Baum said the applicant could do a traffic study, but he doesn't
526 know what a different version of this would be. Ms. Davies said she would want

527 to see a review by Public Safety, more than a traffic study. Mr. Prior said even if
528 Police and Fire said it's fine, it still wouldn't meet criteria B and E.

529 Mr. Prior made a motion to deny the application based on the fact that it does not meet
530 criteria B and E of the special exception. Ms. Pennell seconded. Mr. Prior, Ms. Pennell,
531 and Ms. Petito voted aye. Ms. Davies and Mr. Baum voted nay. The motion passed 3-2
532 and the application was denied.

533
534 D. The application of Twenty-Nine Garfield Street, LLC for a variance from Article 4,
535 Section 4.4 for relief from side and rear yard setback and building coverage
536 requirements; and a variance from Article 6, Section 6.19.3.A.5 to exceed the
537 maximum height requirement for the proposed construction of a three-story, 36-
538 unit apartment building, parking and a first floor "Ambassador Station" providing
539 services for patrons of the abutting train station. The subject property is located
540 at 29 Garfield Street, in the C-1, Central Area Commercial zoning district. Tax
541 Map Parcel #73-225. ZBA Case #22-21.

542 This case was not heard at this meeting.

543
544 E. The application of Charles Fincher for a special exception per Article 4, Section
545 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit an accessory
546 dwelling unit in the existing detached garage on the property located at 340
547 Water Street. The subject property is in the R-2, Single Family Residential zoning
548 district. Tax Map Parcel #64-35. ZBA Case #22-22.

549 Mr. Fincher said the use conforms to a one-family lot. The buildings are
550 already in place; the apartment would be added to an existing garage. The
551 appearance of the existing building would be unchanged. The size would be 750
552 feet. One unit will remain owner-occupied. There are 6 parking spaces off-street
553 and three cars could fit in the garage. It's not a condominium; it doesn't have
554 separate ownership; and there is an existing town sewer and water connection.
555 Occupancy approval will be done by the town inspector. This proposal would
556 contribute to more housing in the community. This doesn't impact neighbors. The
557 driveway is on Water Street. The property is almost an acre. There won't be
558 additional noise. Other properties nearby already have apartments.

559 Ms. Pennell asked how the apartment's residents would get to their
560 storage. Mr. Fincher said a short door, maybe 5 feet tall, behind a neat wall. Mr.
561 Eastman said that's excluded from the square footage.

562 Mr. Prior asked if the garage is within the setbacks, and Mr. Fincher said
563 yes.

564 Mr. Baum asked for public comment, but there was none. He brought the
565 deliberation back to the Board. He asked if they had comments or concerns, but
566 there were none.

567 Ms. Davies made a motion to approve the application at 340 Water Street, Case #22-22,
568 for an accessory dwelling unit in the existing detached garage. Mr. Prior seconded. Mr.

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Prior, Mr. Baum, Ms. Davies, Ms. Pennell, and Ms. Petito voted aye, and the motion passed 5-0.

II. Other Business

A. Approval of Minutes

1. September 20, 2022

Mr. Prior made a motion to approve the minutes of September 20, 2022 as presented. Ms. Pennell seconded. Mr. Prior, Ms. Pennell, and Mr. Baum voted aye; Ms. Davies and Ms. Petito did not vote, as they were not present at the September meeting. The motion passed 3-0-2.

2. November 15, 2022

Corrections: Ms. Pennell said the Board didn't meet in the Nowak Room. We were in Town Hall.

Ms. Davies moved to approve the minutes of November 15, 2022 as amended, to reflect the Town Hall location. Ms. Pennell seconded. Ms. Pennell, Mr. Baum, and Ms. Davies voted aye; Mr. Prior and Ms. Petito did not vote, as they were not present at the November meeting. The motion passed 3-0-2.

III. Adjournment

Mr. Prior moved to adjourn. Ms. Petito seconded. All were in favor and the meeting was adjourned at 10:43 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
JUSTIN L. PASAY
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
VASILIOS "VAS" MANTHOS
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRIANA L. MATUSZKO

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHLIMAN

December 22, 2022

Kevin Baum, Chair
Zoning Board of Adjustment
Town of Exeter
10 Front Street
Exeter, NH 03833

Re: Continuance of Variance Application for RiverWoods

Dear Chair Baum and Members of the Board :

Following the ZBA hearing on December 20, 2022 in which several residents of the Boulders campus spoke in opposition to the proposal, RiverWoods was contacted by several residents, particularly those from the Woods campus across the street from where the proposed centralized health care facility will be. These residents expressed their surprise and disappointment that a one sided picture in opposition to the proposal was presented and are concerned that the Board will not truly appreciate that there is support for the proposal, and that perhaps more importantly, RiverWoods residents view themselves as being part of a community, and not merely residents of separate campuses.

In light of the desire to present a complete picture to the Board about resident views and understanding that the Board itself expressed concern about how the residents feel about the proposal, the Woods residents, and other residents who support the proposal, would like the opportunity to present their views for your consideration at the hearing of January 17, 2022. We understand that the public hearing was closed and then reopened to allow Boulders residents to speak and that the intention following such comments may have been to close the hearing again, however it does not appear that the hearing was actually closed.

Given this circumstance, and given the information which the residents believe will make any Board decision rendered on January 17, 2023 a more informed one, and address concerns voiced by the Board, we request that the Board provide the opportunity for additional public comment from RiverWoods residents at the January 17, 2023 meeting.

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

Kevin Baum, Chair
Zoning Board of Adjustment
Town of Exeter
December 22, 2022
Page 2

Thank you for considering this request.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Sharon Cuddy Somers
SCS/sac

cc: RiverWoods
Altus Engineering

S:\RA-RL\RiverWoods Company\Health Center & Woods Expansion 2022\2022 12 22 ZBA letter.docx



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

Please Respond to the Exeter Office

January 9, 2023

Kevin Baum, Chair
Exeter Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

RECEIVED

JAN 9 2023

EXETER PLANNING OFFICE

Re: Variance Application for RiverWoods
ZBA Cases 22-15 & 22-16

Dear Chair Baum and Members of the Board:

At the December 20, 2022 meeting of the Zoning Board of Adjustment, two concerns about the proposal were articulated by Board members. One concern was whether or not the proposal required review by the New Hampshire Insurance Commissioner and whether the contractual obligations to residents would be met if health care is provided in a centralized location. While RiverWoods CEO Justine Vogel indicated that RiverWoods had conferred with their health care counsel to verify that such review was not required and that the contractual obligations would in fact be met, the Board remained concerned. Accordingly, RiverWoods procured an opinion letter from Attorney Mark S. McCue at the law firm of Hinkley Allen, and who acts as counsel to The RiverWoods Group. In Attorney McCue's letter, copies of which are included, he explains why Insurance Commissioner review for the proposed health center is not required and verifies that the contractual obligations owed to RiverWoods residents will continue to be met at a centralized health care center. We trust the correspondence from Attorney McCue will address the Board's concern to their satisfaction.

The second concern expressed pertains to the fact that, if granted, the variance will run with the land, and the Board was concerned as to whether RiverWoods would convey to a third-party individual campuses within RiverWoods, and not a package of all three campuses. RiverWoods representatives represented at the December 20, 2022 meeting that, as a practical matter, such a scenario would be unlikely to occur for a number of reasons, and any sale of RiverWoods would only occur with all three campuses as a package. However, the Board remained concerned, and thus, following the December 20, 2022 ZBA meeting, RiverWoods conferred with the Corporation's Board of Trustees and the Trustees issued a resolution, copies of which are attached, which affirms the Trustees commitment to structure any sale so as to only be with all three parcels together and to require that such resolution will not be modified or rescinded while

LIZABETH M. MACDONALD
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83 Clinton Street, Concord, NH 03301

the variance remains in effect. We trust that the resolution adopted by the Corporation's Board of Trustees on January 6, 2023 will address the ZBA's concerns to their satisfaction.

Finally, and as expressed in my correspondence to this Board dated December 22, 2022, a number of residents of RiverWoods, particularly those at the Woods, believed that the testimony presented by certain residents at the December 20, 2022 meeting presented an inaccurate and incomplete picture of the views of RiverWoods residents as to whether a centralized health center would be harmful to them. As indicated in my previous correspondence, several members of the Woods campus would like to speak at the January 17, 2023 hearing and written letters of support from various residents will be provided to you under separate cover.

We hope that these three categories of materials which supplement our original application package will assist you in determining that all variance criteria have been satisfied and that the requested variance should be issued.

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC



Sharon Cuddy Somers
SCS/sac
Enclosures

cc: Justine Vogel, CEO, RiverWoods
Kim Gaskell, Interim Executive Director



650 Elm Street
Manchester, NH 03101-2596
p: 603-225-4334 f: 603-224-8350

Mark S. McCue
mmccue@hinckleyallen.com
Direct: (603) 545-6128

January 6, 2023

Via Email – jvogel@trwg.org

Justine Vogel, CPA
Chief Executive Officer
The RiverWoods Group
5 White Oak Drive
Exeter, NH 03833

Re: Proposed Health Center Consolidation at RiverWoods Exeter

Dear Ms. Vogel:

You have requested our opinion as counsel to The RiverWoods Group and its affiliates, including The RiverWoods Company, at Exeter, New Hampshire ("RiverWoods Exeter"), regarding the proposed construction of a new centralized health center on the RiverWoods Exeter campus (the "Health Center"). We understand that the RiverWoods Exeter property consists of three parcels of land on which the respective Woods, Ridge and Boulders campuses are located. We further understand that the Health Center will service all three RiverWoods Exeter campuses and replace the existing individual health centers servicing each campus. You have asked our opinion as to (1) whether the New Hampshire Insurance Commissioner (the "Insurance Commissioner") must approve the Health Center project, and (2) whether the Health Center project violates RiverWoods Exeter's contractual obligations under the residence and care agreements with its residents.

For the following reasons, it is our opinion that the Health Center project does not require the approval of the Insurance Commissioner.

The Insurance Commissioner derives his authority to regulate continuing care retirement communities (CCRCs) like RiverWoods Exeter under RSA 420-D (the "CCRC Statute"). Pursuant to the CCRC Statute, the Insurance Commissioner must approve any change of control of a CCRC, a transfer of assets or records outside the State of New Hampshire, and the form of residency agreements and disclosure statements to be used with residents and prospective residents. The Insurance Commissioner also receives annual reports to ensure that a CCRC is meeting its statutory liquid reserve requirement and is financially solvent. The Health Center project does not involve or invoke any of these statutory powers of the Insurance Commissioner. The Insurance Commissioner has no authority to approve the operational or business decisions of a CCRC operator, including the construction of facilities, acquisitions of

new properties, investments, and changes in operations necessary to adapt to the evolving needs of older adults and to meet the challenges of a competitive senior living industry.

We note that RiverWoods Exeter is prohibited from engaging in any activity that would impair its compliance with the liquid reserves requirement under the CCRC Statute or create a "going concern" reservation in its annual audit or five-year actuarial study. Accordingly, for the purposes of this opinion we assume that the Health Center project costs will not impair RiverWoods Exeter's compliance with the liquid reserves requirement under the CCRC Statute or create a "going concern" reservation in its annual audit or five-year actuarial study. We also note that the Insurance Commissioner has established for RiverWoods Exeter certain budgeting processes that should be followed with respect to Health Center project costs. The foregoing are general compliance obligations of RiverWoods Exeter, however, and do not require the approval of the Insurance Commissioner.

In connection with your second question, we have reviewed the form of RiverWoods Exeter Residence and Care Agreement dated February 1, 2021 and approved by the Insurance Commissioner (the "Residency Agreement"). You have confirmed that the Residency Agreement is representative of the Residence and Care Agreements that RiverWoods Exeter has signed with all of its current residents. You also have confirmed that assisted living and nursing care services will be available at the Health Center to all RiverWoods Exeter residents (subject to availability, as discussed below), and that the Health Center will be designed to meet the anticipated assisted living and nursing care needs of those residents. Based on this review and understanding, it is our opinion that the construction and operation of the proposed centralized Health Center will not violate RiverWoods Exeter's contractual obligations to its residents under the Residency Agreement.

The Residency Agreement does not make any distinction among RiverWoods Exeter's three campuses, nor does it contain any contractual promise that a resident will receive assisted living or nursing care only in the health center located in the same campus in which the resident's independent living unit is located. The Residency Agreement instead refers to the entire RiverWoods Exeter retirement community as a whole when describing contractual rights and obligations. Residents have the contractual right to access and use common areas and facilities throughout the RiverWoods Exeter community. Similarly, RiverWoods Exeter promises to provide residents with assisted living services and nursing care as necessary and appropriate in the Health Center. Section V of the Residency Agreement describes the Health Center broadly in terms of the nature of care provided, and not by location on a campus or within the vicinity of a resident's unit. As used in Section V(e) of the Residency Agreement (describing RiverWoods Exeter's right to arrange for nursing care at an outside facility if space in "the" Health Center is temporarily unavailable), the phrase "the Health Center" clearly refers to all of the assisted living and nursing accommodations throughout the entire RiverWoods Exeter community.

Our opinion further is supported by RiverWoods Exeter's practice of assigning residents from time to time to a nursing bed in a health center on a different campus from their independent unit based on factors such as availability, staffing levels and resident preference. The express

Justine Vogel, CPA
Chief Executive Officer
January 6, 2023
Page 3

contractual right granted to RiverWoods Exeter under Section V(e) of the Residency Agreement to arrange for temporary nursing care for residents at another facility if all RiverWoods Exeter nursing beds are temporarily unavailable also reflects RiverWoods Exeter's managerial discretion in assigning residents to health center beds throughout the RiverWoods Exeter community based on occupancy. Lastly, we note that the Certificate of Authority issued by the Insurance Commissioner to RiverWoods Exeter encompasses its entire retirement community and all of its campuses without distinction.

Although this opinion is being provided to RiverWoods Exeter, you have our permission to share this opinion with the ZBA in connection with RiverWoods Exeter's application for a variance for the Health Center project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Allen', is written over a light blue horizontal line.

Hinckley Allen & Snyder, LLP

Sharon Cuddy Somers

From: Justine Vogel <jvogel@trwg.org>
Sent: Friday, January 6, 2023 9:27 AM
To: Sharon Cuddy Somers
Subject: [EXTERNAL]

Hi Sharon – Below is the official vote taken by the Board and approved as of 1/6/23.

Justine Vogel, CPA
CHIEF EXECUTIVE OFFICER

RiverWoods Group
5 White Oak Drive
Exeter, NH 03833

P: 603.658.3005
C: 603.686.0235
jvogel@trwg.org
RiverWoodsGroup.org

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From: Penny Teodorczyk <pteodorczyk@trwg.org>
Sent: Friday, January 6, 2023 8:55 AM
To: Howard Ulfelder <handsu58@gmail.com>; Justine Vogel <jvogel@trwg.org>; Becky Smith <Beckandcollies@comcast.net>; Dan Chartrand - Water Street Bookstore (dchartra@rcn.com) <dchartra@rcn.com>; Deborah Karmozyn <dkarmo@yahoo.com>; Desjardins, Susan <sydesjardins58@gmail.com>; dpb44@comcast.net; John Prochilo (jprochilo@northeastrehab.com) <jprochilo@northeastrehab.com>; Kirsten Corazzini <kirsten.corazzini@unh.edu>; Mike Hickey (j.m.hickey10@gmail.com) <j.m.hickey10@gmail.com>; Stafford, Bill <wlstafford@astor-st.net>; Steve McPherson <smcpherson1@gmail.com>; Susan Woods <susanwoodsnnh@gmail.com>; Tim Riley <triley@harborgroup.com>; Walter Burgin <whburgin@gmail.com>
Subject: RE: VOTE NEEDED RE: Exeter ZBA

Thank you all for the quick response.

The motion passed unanimously.

Have a great weekend,

Penny

From: Penny Teodorczyk <pteodorczyk@trwg.org>
Sent: Thursday, January 5, 2023 3:26 PM
To: Becky Smith <Beckandcollies@comcast.net>; Dan Chartrand - Water Street Bookstore (dchartra@rcn.com) <dchartra@rcn.com>; Deborah Karmozyn <dkarmo@yahoo.com>; Desjardins, Susan <sydesjardins58@gmail.com>; dpb44@comcast.net; Howie And Susie (handsu58@gmail.com) <handsu58@gmail.com>; John Prochilo (jprochilo@northeastrehab.com) <jprochilo@northeastrehab.com>; Justine Vogel <jvogel@trwg.org>; Kirsten Corazzini <kirsten.corazzini@unh.edu>; Mike Hickey (j.m.hickey10@gmail.com) <j.m.hickey10@gmail.com>; Stafford, Bill <wlstafford@astor-st.net>; Steve McPherson <smcpherson1@gmail.com>; Susan Woods <susanwoodsnnh@gmail.com>;

Tim Riley <triley@harborgroup.com>; Walter Burgin <whburgin@gmail.com>

Subject: VOTE NEEDED RE: Exeter ZBA

As this will be an electronic vote, you must reply ALL with your response (see motion below).

Dear Trustee:

As a follow up to yesterday's Mid year Update memo regarding the Exeter Zoning Board variance request for the RWE centralized health care building, we propose the following vote by the CCRC Board.

Motion:

The respondents, being all the members of the CCRC Board, unanimously agree and consent as follows:

VOTED: That if the Corporation's Board of Trustees decides to sell its retirement community operations and assets to a third party at any time in the future, then the Corporation must convey together all three parcels of land on which the retirement community is operated and no parcel may be sold individually.

This resolution is adopted solely to address concerns raised at the Exeter Zoning Board of Adjustment meeting on December 20, 2022 that if a variance for centralized health care were to be granted, then the future owners of all three of the parcels at RiverWoods Exeter should be bound by the terms of the variance and provide health care at a central location.

This resolution will become effective on the date when the variance to allow a centralized health center is granted and is non appealable and/or until there is a final adjudication and the variance is upheld, and it will not be modified or rescinded while the variance remains in effect.

As a reminder, as this is an electronic vote we will need you to vote REPLY ALL, and the vote needs to be unanimous to carry.

Thank you,

Justine Vogel, CPA
CHIEF EXECUTIVE OFFICER

RiverWoods Group
5 White Oak Drive
Exeter, NH 03833

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C: 603.686.0235

jvogel@trwg.org

RiverWoodsGroup.org

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Kevin Baum
Chair, Zoning Board of Adjustment
Exeter Town Office
10 Front St.
Exeter, NH 03833

January 9, 2023

Dear Chairman Baum,

Following the Hearing of the Exeter Zoning Board of Adjustment on December 20, several of us who had been unable to be at the meeting but had watched it on YouTube were concerned that the only voices you heard were from residents opposed to the request from RWE – three from a very large population. We decided we had to do something to represent a broader resident perspective, so all seven representatives to the Resident Council from the Woods campus met and put together a letter to all Woods residents urging them to express themselves and inviting them to sign a simple letter of support that we had drafted. That letter to Residents and the responses it generated are attached.

We expect that you have received other letters as well reflecting various views on the issue, but we wanted to try to show the support we see for an opinion all seven of us hold. We know there are residents who feel differently, and we have also urged them to express themselves.

We hope that the Board will share our view and support the request.

Sincerely, *Nancy Cauvet on behalf of the Woods Resident Council*

The Resident Council Members from the Woods Campus at RWE: Walter Burgin, Nancy Cauvet, Sam Fisk, Bob Jarvis, Anne Knight, Pat Leahy and John Rasmussen

Sam Fisk on behalf of the Resident Council (Woods)

Date: _____

I am writing in support of the urgent request to the Exeter Zoning Board of Adjustment to consider RWE as one community for health services. I moved to the Woods Campus on _____ with the understanding that health services would be available to me through the end of my life. Currently, there are three separate health centers - one on each campus with great duplication of staff and services. The impact of the COVID epidemic on staffing three separate health centers and providing adequate and state of the art care to all health care residents, both present and future, has brought the situation to a point of crisis. This is a broad crisis affecting hospitals, CCRC's and other programs throughout the country with a very low probability of this changing in the future. It makes it imperative that health care be centralized for all three campuses here at RiverWoods.

I am fully in support of centralized health care to be designed and carried out in the service of ALL residents at RiverWoods Exeter.

Sincerely,

Name: Lucius T. Hill Jr (Please print)

Signature: Lucius T. Hill Jr

Apartment #: C128

Date: January 2, 2023

I am writing in support of the urgent request to the Exeter Zoning Board of Adjustment to consider RWE as one community for health services. I moved to the Woods Campus on May, 2021 with the understanding that health services would be available to me through the end of my life. Currently, there are three separate health centers - one on each campus with great duplication of staff and services. The impact of the COVID epidemic on staffing three separate health centers and providing adequate and state of the art care to all health care residents, both present and future, has brought the situation to a point of crisis. This is a broad crisis affecting hospitals, CCRC's and other programs throughout the country with a very low probability of this changing in the future. It makes it imperative that health care be centralized for all three campuses here at RiverWoods.

I am fully in support of centralized health care to be designed and carried out in the service of ALL residents at RiverWoods Exeter.

Sincerely,

Name: PAUL W. BUTLER, MD. (Please print)

Signature: Paul W. Butler, MD.

Apartment #: S-202

Date: 1/7/2023

I am writing in support of the urgent request to the Exeter Zoning Board of Adjustment to consider RWE as one community for health services. I moved to the Woods Campus on April 2011 with the understanding that health services would be available to me through the end of my life. Currently, there are three separate health centers - one on each campus with great duplication of staff and services. The impact of the COVID epidemic on staffing three separate health centers and providing adequate and state of the art care to all health care residents, both present and future, has brought the situation to a point of crisis. This is a broad crisis affecting hospitals, CCRC's and other programs throughout the country with a very low probability of this changing in the future. It makes it imperative that health care be centralized for all three campuses here at RiverWoods.

I am fully in support of centralized health care to be designed and carried out in the service of ALL residents at RiverWoods Exeter.

Sincerely,

Name: SIDNEY H. WANZER, M.D. (Please print)

Signature: Sidney H. Wanzer, M.D.

Apartment #: C-122

Date: January 2, 2023

I am writing in support of the urgent request to the Exeter Zoning Board of Adjustment to consider RWE as one community for health services. I moved to the Woods Campus on January 10, 2022 with the understanding that health services would be available to me through the end of my life. Currently, there are three separate health centers - one on each campus with great duplication of staff and services. The impact of the COVID epidemic on staffing three separate health centers and providing adequate and state of the art care to all health care residents, both present and future, has brought the situation to a point of crisis. This is a broad crisis affecting hospitals, CCRC's and other programs throughout the country with a very low probability of this changing in the future. It makes it imperative that health care be centralized for all three campuses here at RiverWoods.

I am fully in support of centralized health care to be designed and carried out in the service of ALL residents at RiverWoods Exeter. and support RiverWoods' leadership in having studied and evaluated all feasible options thoroughly.

Name: Gail Berneike (Please print)

Signature: Gail Berneike

Apartment #: F123

Date: January 2, 2023

I am writing in support of the urgent request to the Exeter Zoning Board of Adjustment to consider RWE as one community for health services. I moved to the Woods Campus on June 2022 with the understanding that health services would be available to me through the end of my life. Currently, there are three separate health centers - one on each campus with great duplication of staff and services. The impact of the COVID epidemic on staffing three separate health centers and providing adequate and state of the art care to all health care residents, both present and future, has brought the situation to a point of crisis. This is a broad crisis affecting hospitals, CCRC's and other programs throughout the country with a very low probability of this changing in the future. It makes it imperative that health care be centralized for all three campuses here at RiverWoods.

I am fully in support of centralized health care to be designed and carried out in the service of ALL residents at RiverWoods Exeter.

Sincerely,

Name: Alanson G. Bowen, Jr (Please print)

Signature: Alanson G. Bowen, Jr

Apartment #: C101

PS: It would seem that this proposal would strengthen River Woods, which also would be in the best interest of Exeter. Please closely examine any opposition as you evaluate the merits of this proposal, which directly impacts a very large number of Exeter residents. AL Bowen

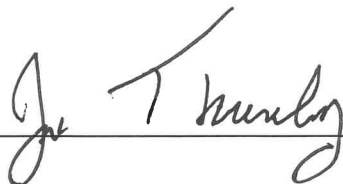
Date: January 3, 2023

I am writing in support of the urgent request to the Exeter Zoning Board of Adjustment to consider RWE as one community for health services. I moved to the Woods Campus on August 2015 with the understanding that health services would be available to me through the end of my life. Currently, there are three separate health centers - one on each campus with great duplication of staff and services. The impact of the COVID epidemic on staffing three separate health centers and providing adequate and state of the art care to all health care residents, both present and future, has brought the situation to a point of crisis. This is a broad crisis affecting hospitals, CCRC's and other programs throughout the country with a very low probability of this changing in the future. It makes it imperative that health care be centralized for all three campuses here at RiverWoods.

I am fully in support of centralized health care to be designed and carried out in the service of ALL residents at RiverWoods Exeter.

Sincerely,

Name: Jon Thornberg (Please print)

Signature: 

Apartment #: F-215

Personal comments on the proposed HealthCare Facility for RiverWoods Exeter

We have lived in our Independent Living apartment in the Woods campus for 7 years. Early on we took a tour of the Monadnock lodge. We found that the Assisted Living rooms were very small and the closets tiny. We hoped that we would never have to live there.

In spite of that, many residents prefer to stay in the lodge at their own campus, including Monadnock, when such care is needed. However, that is no longer always possible because one wing of Monadnock is shut down due to lack of staffing. For this reason, several Woods residents are now in either Suncook (at the Ridge) or at Winnisquam (at the Boulders).

The Woods lodge was built more than 20 years ago. The impossibility of expanding and upgrading that lodge is not possible for reasons explained by RWE Leadership in previous meetings. The Suncook and Winnisquam lodges are much more modern and are far nicer than the comparable Monadnock lodge at the Woods.

We know that one or more residents from the Boulders have spoken against the proposed new Healthcare facility. That is not surprising since they have a very nice Winnisquam lodge and they like what they already have. It is highly doubtful that they have ever been in the Monadnock lodge.

We very recently obtained information from the RWE marketing department on the number of residents living at RWE.

	<u>In Independent Living Units</u>	<u>In the Lodge of that Campus</u>
Woods	242	33
Ridge	122	34*
Boulders	139	35*

* Includes some Woods residents

It is clear that many more residents from the Woods campus are in need of the proposed HealthCare facility than any of the other two campuses. It is probable that they also are, or will, experience the same lack of staffing.

We very much hope that this proposed new facility will be approved.



Barbara Mcevoy <bmcevoy@exeternh.gov>

SpreadSheet

1 message

Sharon Cuddy Somers <ssomers@dtclawyers.com>

Tue, Jan 10, 2023 at 11:10 AM

To: Barbara McEvoy <bmcevoy@exeternh.gov>

Cc: Stephanie Carty <scarty@dtclawyers.com>

Barb:

Under separate cover, Steph will send you a spread sheet showing the names of all 140 individuals at the Woods who signed letters of support. Please note that where a couple signed, Steph has listed both names on one entry.

I will provide you hard copies of all of the letters so that you can retain these for the record.

Please let me know if you have any questions.

Sharon

Sharon Cuddy Somers, Esquire

DTC Lawyers

Donahue, Tucker & Ciandella, PLLC

16 Acadia Lane

Exeter, NH 03833-4924

Phone (603) 778-0686 Ext. 1508

Fax (603) 772-4454

Email ssomers@dtclawyers.com

Web Site: www.dtclawyers.com



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Name	Unit #	Date Signed
Straw, Judith	F106	1/3/2023
Moore, Anne	P214	1/3/2023
Kramer, Shirley	F102	1/3/2023
Bunnell, Richard	C217	1/3/2023
Seymour, Marianne	C109	1/3/2023
Jarris, Martha	F201	1/3/2023
Beyer, Richard & Linda	C127	1/2/2023
Coe, Linda	C226	1/4/2023
Hazen, Helen & Nathan	C235	1/2/2023
Sanborn, Janice	C221	1/2/2023
Merritt, Paula	C134	1/3/2023
Harson, Louis	P111	1/2/2023
Burgin, Walter	P215	1/2/2023
Sanders, Christine	C108	1/2/2023
Chandler, Lourrie	F107	1/3/2023
Furdyna, Frank	P108	1/2/2023
Yount, Janet & John	F218	1/3/2023
Piessen, Alan	P218	1/3/2023
Hein, Richard	F125	1/3/2023
Merrick, Mary	F124	1/2/2023
Kirsch, James & Betsey	P204	1/2/2023
Govan, Carol	P206	1/2/2023
Carter, Gillian	C125	1/1/2023
Caldwell, John Albert & Joan	C131	1/5/2023
Piatt, Donald & Gail	F206	1/2/2023
Carpenter, Sandra	P220	1/2/2023
Evans, Hugh	C224	1/2/2023
Schaetzle, Souja	D107	1/2/2023
Bell, Dorothy	P120	1/1/2023
Cusack, Patricia	D222	1/3/2023
Merle-Smith, Barbara	F202	1/3/2023
Patton, Pamela	F105	1/2/2023
Strifert, Susan & John	P207	1/2/2023
Miller, Judith	D214	1/2/2023
Irish, Peggy & James	P110	1/2/2023
Maher, Claude	D212	1/2/2023
Day, Robert	D217	1/2/2023
Baughman, Paul	D110	1/2/2023
Knapp, Carol	F205	1/2/2023
Lewis, Louise Grace & Stuart	C112	1/2/2023
Eiermann, Barbara	P113	1/2/2023
Swenson, Sally & Stephen	C132	1/2/2023
Bernier, Donald	F123	1/2/2023
Saunders, Gerry	C108	1/2/2023
Butler, Janet	D220	1/2/2023
Hammon, John	D225	1/3/2023

Kenyon, Joanne	D216	1/3/2023
Pevear, Roberta	D125	1/2/2023
Lamb, Mary	C218	1/2/2023
Gillespie, Mary	D210	1/3/2023
Samil, Priscilla	D228	1/3/2023
Guptill, George, Jr.	D223	1/3/2023
Reid, Jean	F118	1/2/2023
Frost, Evelyn	F120	1/2/2023
Kilgore, Mary	D218	1/2/2023
Hollaman, Sally	P219	1/2/2023
Jackson, Spencer	F109	1/4/2023
Dumas, Roger	F108	1/2/2023
Heffron, Frank	D229	1/2/2023
Baxter, Edith & Smith, Jacque	C231	1/2/2023
Herbert, Jane & Robert	C208	1/2/2023
Fitts, Virginia	C133	1/2/2023
Rasmussen, John & Amanda	C232	1/2/2023
Bedder, Lucinda	C105	1/2/2023
Bake, Virginia	F204	1/2/2023
Spofford, Beverly	C219	1/3/2023
Harson, Dianna	P111	1/2/2023
Bagge, Linzee & George	F122	1/4/2023
Fox, Barbara	F220	1/4/2023
Kingsbury, Ellen & Herbert	C207	1/4/2023
Baker, Faith	D203	1/3/2023
Olson, Florelle	P103	1/3/2023
Hirshberg, Louise	P112	1/3/2023
Leahy, Patricia	C107	1/4/2023
Brocks, Carolyn	D116	1/4/2023
Leith, James	F117	1/4/2023
Douglas, Sandra	D118	1/3/2023
Duston, Alice	F224	1/3/2023
Burgin, Barbara	P215	1/2/2023
Thoen, William & Priscilla	P213	1/2/2023
Walker, Lillian	C204	1/2/2023
Lynch, Maureen	D206	1/5/2023
Riuiezzo, Therese	C121	1/5/2023
Upham, Margaret	C233	1/5/2023
Knight, Anne	C214	1/6/2023
Goeselt, Elizabeth	F211	1/5/2023
Wanzer, Anne	C122	1/7/2023
Ludwig, Marie	C201	1/6/2023
Tenny, Nancy	C115	1/5/2023
Fenz, Samuel	C226	1/6/2023
Beck, Elizabeth	F217	1/6/2023
Vicinus, Joan	C130	1/6/2023
Clements, Hanah	P106	1/5/2023

Glover, Diane	P216	1/5/2023
Theall, J. Alan & Kathryn	F213	1/6/2023
Stordy, Lorraine	C230	1/5/2023
Marks, Pamela	C206	1/4/2023
Fink, Stephen & Elaine	P208	1/6/2023
Pybus, Beverly	F103	1/3/2023
Shoemaker, Helen	C220	1/4/2023
Parillo, Elizabeth	D204	1/4/2023
Smart, Joan	D205	1/4/2023
Cornelius, Marilyn	D227	1/4/2023
Meeker, Loren	F113	1/4/2023
Gardella, Bernice	P105	1/4/2023
Crespi, Betsey	D215	1/4/2023
Martin, Patricia & Anthony	F225	1/3/2023
Fellows, Sally	D204	1/4/2023
Donnelly, Sarah & James	C113	1/3/2023
Ganely, Lucretia	D201	1/2/2023
Nottage, Cindy	C211	1/2/2023
Crow, Eleanor	F207	1/3/2023
Williams, Andrea	F115	1/4/2023
Slostak, Patricia	P203	1/3/2023
Hill, Lucius, Jr.	C128	1/2/2023
Butler, Paul MD	D202	1/2/2023
Wanzer, Sidney MD	C122	1/7/2023
Berneike, Gail	F123	1/2/2023
Bowen, Alanson, Jr.	C101	1/2/2023
Thunberg, Jon & Mary	F215	1/3/2023

Mr. Kevin Baum, Chair Zoning Board of Adjustment

Exeter Town Office

10 Front Street

Exeter, NH 03833

RECEIVED

JAN - 6 2023

EXETER PLANNING OFFICE

Re: RiverWoods Exeter Request for Community Health Services Consolidation

Dear Mr. Baum,

I am not in favor of the exercise the current RiverWoods management is proposing regarding expansion of the healthcare services/facilities at Exeter.

Management has put forth very weak arguments for this building project which leads me to believe that the healthcare issue is simply a cover for ill-advised expansion plans here. They expect to add 51 to 76 new apartments and NO healthcare site as yet selected.

The maneuver is a classic "bait and switch" exercise that was not discussed with residents (or future residents) prior to charging ahead. No cost justifications have been forthcoming, either, adding additional mystery.

I have attached some brief notes that I sent 12/8/2022 to RiverWoods management and the Resident Council—with no feedback!

I would very much appreciate your holding this project up until a rational proposal surfaces. I don't expect one to be ready anytime soon judging from the quality offering so far.

Thank you for your time,

Brad Brown

7 RiverWoods Drive, Apt F-104, Exeter, NH 03833

You asked for comments, here are mine:

I am not in favor of the project **AT ALL**

Current arrangement has been satisfactory for past 20 years as facilities are well maintained

Most hospitals have much older facilities and keep them well maintained as well

It makes no sense to demolish like-new RiverWoods facilities that are 10, 15, and 20 years old

Nursing staffing issues have nothing to do with facilities—pay and benefits do

RiverWoods franchise generated by well designed current communities

I have not planned on living for three to four years in a construction zone

I am not ready for noise, traffic, dust, mud and parking lots full of construction equipment and storage trailers. Where will I park during the awful re-construction time?

Additional IL apartments (51 to 76 if Gooch Park used) major goal of management to increase revenue—healthcare is a cover for revenue gain plans. Try calculating a ROI for this foolish exercise

Attempting to put 10 pounds in a 5 pound bag

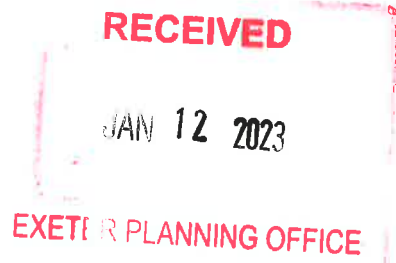
To grow RiverWoods, expand to other towns/cities in NH or NE—Nashua, Keene, Lebanon, Concord, Portland, etc. Durham model is the way to move forward

Keep the bulldozers out of RiverWoods Exeter

By Brad Brown, Franconia F-104, 12/8/2022

To Kevin Baum
Chair, Zoning Board of Adjustment
Exeter Town Office
10 Front Street
Exeter NH 03833

January 8, 2023



We are current residents of The Woods at Riverwoods Exeter. When we signed on to be here our main reason was the health care that would be available to us as we age. Although the idea of having that care be provided "just down the hall" was appealing, it was secondary to the type of care we would receive.

With the current state of medical staffing at many health care facilities, and with the shortages we are seeing with no end in sight, we are in favor of the proposed centralization of health care at Riverwoods. The system in place at the present time has many redundancies of positions that could be better addressed by centralization of services. Residents from The Woods are already being sent to other on-site health care locations at The Ridge and The Boulders in order to receive the best care for their specific health care issues.

We fully support the centralization of health care to be designed in the service of all residents of Riverwoods at Exeter.

Donald & Helen Sanders
Apartment D219
The Woods

Two handwritten signatures in cursive script, one above the other, reading "Donald Sanders" and "Helen Sanders".

RECEIVED

JAN 11 2023

Philip B. Ryan
5 Timber Lane #225
Exeter, NH 03833

EXETER PLANNING OFFICE

January 11, 2022

Exeter Planning Committee
10 Front Street
Exeter, NH 03833

Subject: ZBA Riverwoods Variance

I am a Riverwoods Boulders resident, and I strongly support and request your approval of Riverwoods Zoning Variance application

During my career I led many organizations including serving as CEO of one of the region's largest healthcare systems. We all want, need, and demand three things from our healthcare.

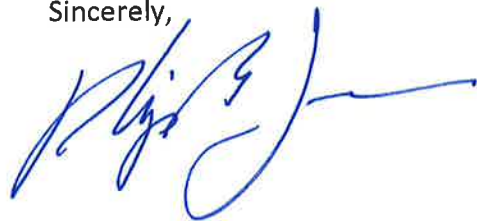
Highest Quality:	skilled / experienced staff, state of the art facility, technology,
Lowest Cost:	efficiency, cost management, affordability
Access:	proximity, closeness, convenience, nearby

Riverwoods current decentralized / distributed system (healthcare at all three campuses) provides Immediate Access for independent residents to visit family and friends in the healthcare facilities. However, the reality is that Riverwoods will continue to struggle to offer the Highest Quality and Lowest Cost with this model. For example, now, there are more than 50 open healthcare positions and wages continue to increase dramatically. Scale, centralized-specialty staff and latest technology can mitigate these and other daunting challenges.

A centralized Healthcare facility provides Riverwoods, and most importantly, its current and future residents, the best potential for Highest Quality, Lowest Cost and Accessible healthcare.

I am confident that Riverwoods staff and residents, working together, will develop a very satisfactory solution to the important issue of Access. The proposed centralized healthcare facility best addresses the paramount importance of Quality and Cost while affording convenient Access.

Sincerely,



1/11/2023

RECEIVED

JAN 11 2023

EXETER PLANNING OFFICE

Zoning Board of Adjustment
Town of Exeter
10 Front St.
Exeter, NH 03833

Members:

I would like to comment on the variance request brought by River Woods Exeter and why this is not in the interest of River Woods Boulders residents.

My husband and I were assured that we would be cared for in the same building throughout our life stages. This would have allowed us to be near each other if one of us needed to be moved to a different type of care.

We were not told of the plans to separate independent living residents from nursing care or assisted living. It would require much more of an effort to visit each other and impromptu visits would be very difficult. If we had been told of these future plans we would have considered other options for our life care. Access to loved ones and friends will restrict my ability to socialize if I am transferred if and when the need arises.

I feel as if life at River Woods was misrepresented and at this stage in my life my options are severely limited. In order to move into another facility would put me back on a wait list for several years not to mention the financial strain this will cause. This is not what I signed up for.

Sincerely,

Theresa Halloran

Theresa Halloran, Boulders Resident

5 Timber Lane, #221
Exeter, NH 03833
January 9, 2023

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JAN 11 2023

EXETER PLANNING OFFICE

Zoning Board of Adjustment
Town of Exeter
10 Front Street
Exeter, NH 03833

Ladies and Gentlemen:

Relative to the requested variance sought by River Woods Exeter for the Boulders campus, in my opinion awarding the requested variance will be contrary to the public interest because:

Boulders residents contracted and invested with TRWG with the promise and understanding that care beyond independent living would be provided "under the same roof."

To me as a Boulders resident, that meant I would be cared for in the same building in which I had built friendships and developed a sense of community. Friends could visit me spontaneously when they came down for dinner, or stopped by the library, or picked up mail. They wouldn't have to think "I'd like to visit Sandy, but I didn't bring my coat with me." Or, "I don't have enough time to wait for the shuttle to take me to the nursing home building," or "It's foul weather, I'll wait for a more convenient time." If the variance is awarded, to me visitors wouldn't be able to visit on the spur of the moment and therefore likely lessens the number of visits a resident would receive when they are least able to enjoy the greater community and increases the potential for feeling isolated.

Further, the promise of congregate healthcare in the same building being removed now is most upsetting at a point in life when I feel least able to identify other options. It challenge the original spirit of the ordinance.

When I evaluated CCRCs, my overriding objective was to avoid finding myself in a standalone nursing facility. That's why I invested in River Woods. This change is a hardship not only because it impacts my future living situation, but if approved and ultimately implemented, the costs for me to attempt to leave RWE would be prohibitive.

Sincerely,

Sandra A. MacKay
Boulders resident



Barbara Mcevoy <bmcevoy@exeternh.gov>

letter to ZBA

1 message

Michael Rowan <rowan.michael@comcast.net>

Tue, Jan 10, 2023 at 6:12 PM

To: "bmcevoy@exeternh.gov" <bmcevoy@exeternh.gov>

Dear Barb,

I hope you can be sure that members of the ZBA receive a copy of my concerns about Boulders variance request;

Dear ZBA members,

My wife and I are residents at Boulders Riverwoods Exeter. We oppose giving The Riverwoods Company of Exeter a variance to allow nursing home facilities now located on the Boulders campus to be moved offsite.

There is no guaranteed location for the 'new health center'. Granting the variance gives The Riverwoods Company carte blanche to relocate where they wish.

As members of the rwe public we may suffer without inhouse nursing facilities.

Grating the variance may significantly alter the spirit of the current ordinance.

Until a detailed plan ,including location, you should not grant the variance.

Sincerely,

Michael and Elizabeth Rowan

5 Timber Lane apt 210

Exeter,NH 03833

Sent from [Mail](#) for Windows

Carl Lundgren
5 Timber Lane, Apt 322
Exeter, New Hampshire 03833

January 9, 2023

The Zoning Board of Adjustment
Town Hall
10 Front Street
Exeter, NH 03833

RECEIVED

JAN 10 2023

EXETER PLANNING OFFICE

Dear Board Members:

I am a resident of The Boulders campus at RiverWoods Exeter (RWE). I am writing to you regarding RiverWoods request for an exception to the requirement that each campus have onsite health care. They claim that RiverWoods Exeter is a single community, therefore we should have a single centralized healthcare facility. I disagree. We are three individual communities with our own housekeeping, dining and healthcare.

Since the three campuses of RWE are in the town of Exeter, the RWE residents have the same rights, privileges and responsibilities as other Exeter residents. However, we have a higher need for healthcare than the general population. The variance requested would be contrary to the interest of the Exeter residents living in the Boulders as it would mean we would no longer have easy access to necessary healthcare. The spirit of the existing ordinance would be broken by removing the individual healthcare facilities at the Boulders and other two campuses. Nothing has changed from the time the requirement for onsite healthcare was originally established.

Consolidating our healthcare into a centralized facility would negatively impact the quality of life for the Boulders residents. We would be lumped in with the residents from the other campuses. We would be required to wait for Campus Services to provide transportation to the central facility. My greatest fear is that if my wife was seriously ill in the central facility and I was unable to get there in time to say goodbye.

RiverWoods Exeter is much more than a business. It is a community of seniors who chose to be here because of the quality of life provided by the community. Now that is being threatened.

Sincerely,



RECEIVED

JAN 10 2023

EXETER PLANNING OFFICE

6 Sandstone Way

Exeter, NH 03833

USA

The Chairperson
Zoning Board of Adjustment
Town of Exeter.

Dear Sir/Madam,

My wife and I live at The Boulders and on 17th January you are hearing an Application from Riverwoods Company at Exeter, (RWE) the title owner of the Boulders, for a Special Exception from the existing approval for the Boulders. The request is that the requirement for 'on-site nursing home facilities' be excused and eliminated.

One of the main reasons for the residents of The Boulders choosing to live here was the fact that nursing care was going to be within the same building as the majority of the residents. .Eliminating that facility would take away the main reason for our coming to the Boulders. There are other good retirement places that are less expensive but do not have this on-site' facility. So as a member of the public, it is against my interest to change the facility from 'on-site' to 'off- site'

The spirit of the ordinance was in accordance with the original mission of RWE hav9ing been requested by the. The removal of the 'on-site nursing home facility' is absolutely not in accordance with the mission of RWE. Thus, approval of the Special Exception would not be providing 'substantial justice' to the residents of the Boulders, who are members of the public.

There is no unnecessary hardship to RWE to refuse this application. The apparent cause of the application is that it makes the Administration of RWE work harder to find appropriate staff. I do not think that the there is an unnecessary hardship for RWE as an entity, although it may make additional work for the administration of RWE.

I understand that the planning permission of the Boulders requires the facility not only be 'on-site' but also 'in the building'. So allowing this exception will set up conflict between your board and the Planning Board of the town of Exeter. That is not desirable.

It would be appreciated if you would 'read' this letter into the minutes of the meeting.

Yours truly,



Ivor W Freeman

Phone: 603-658-2501

Fax: 603-658-2502

RECEIVED

JAN 10 2023

TO: Zoning Board of Adjustment
Exeter, NH

FROM: Ann Bennett Spence
Resident of RiverWoods Exeter, Boulders

EXETER PLANNING OFFICE

RE: Variance application by RiverWoods for a central Healthcare building

DATE: January 7, 2023

I write to support RiverWoods' application for a variance pertaining to its plan to build a centralized health facility to serve the Assisted Living, Skilled Nursing, and Memory Support needs of the residents of its three campuses: the Woods, the Ridge, and the Boulders. I'm a Boulders resident, and also a member of the Resident Finance Committee serving all three campuses of RiverWoods Exeter (RWE).

My main reasons for supporting the construction of a centralized health facility are twofold:

1. It will greatly help in the recruitment of healthcare staff to support all three campuses. Currently the three small AL/SN units (Monadnock, Suncook, and Winnisquam) struggle to attract staffing, and the projection shows a worsening of this trend. While this is part of a nationwide shortage of healthcare workers, it's particularly acute in the Exeter area for a variety of reasons.
2. It will permit the introduction of a full Memory Support program. Currently none of the three campuses offers these services.

There are additional reasons to favor a centralized healthcare facility, but these two are top-of-mind. I'm aware that many residents (including my husband and me) became RWE residents with the expectation that AL and SN care would be in an attached building. However, the market for health professionals and health support staff has changed dramatically since we joined RWE in 2017. *Changed external circumstances* (the labor market, among other things) force RWE to change its health delivery system, lest it fail to deliver top quality care in the future because of staffing shortfalls.

Prior to becoming a resident at RWE, I worked in and advised on financial operations and governance for over 40 years. Thus, I'm familiar with this kind of decision-making. I feel a great deal of sympathy for those residents who are disappointed with the proposed changes in healthcare delivery. However, I consider these changes unavoidable. Further, the mission of RiverWoods is to serve the residents of *tomorrow* as well as of today, such that the institution delivers services in perpetuity. In my opinion, maintaining three small healthcare units, given present market circumstances, is inconsistent with the charitable mission of RiverWoods because it will fail to deliver sufficient staff support and Memory Care for future residents as well as today's residents. Thank you.



RECEIVED

TO: Zoning Board of Adjustment
Exeter, NH

JAN - 9 2023

FROM: Ann Bennett Spence
Resident of RiverWoods Exeter, Boulders

EXETER PLANNING OFFICE

RE: Variance application by RiverWoods for a central Healthcare building

DATE: January 7, 2023

I write to support RiverWoods' application for a variance pertaining to its plan to build a centralized health facility to serve the Assisted Living, Skilled Nursing, and Memory Support needs of the residents of its three campuses: the Woods, the Ridge, and the Boulders. I'm a Boulders resident, and also a member of the Resident Finance Committee serving all three campuses of RiverWoods Exeter (RWE).

My main reasons for supporting the construction of a centralized health facility are twofold:

1. It will greatly help in the recruitment of healthcare staff to support all three campuses. Currently the three small AL/SN units (Monadnock, Suncook, and Winnisquam) struggle to attract staffing, and the projection shows a worsening of this trend. While this is part of a nationwide shortage of healthcare workers, it's particularly acute in the Exeter area for a variety of reasons.
2. It will permit the introduction of a full Memory Support program. Currently none of the three campuses offers these services.

There are additional reasons to favor a centralized healthcare facility, but these two are top-of-mind. I'm aware that many residents (including my husband and me) became RWE residents with the expectation that AL and SN care would be in an attached building. However, the market for health professionals and health support staff has changed dramatically since we joined RWE in 2017. *Changed external circumstances* (the labor market, among other things) force RWE to change its health delivery system, lest it fail to deliver top quality care in the future because of staffing shortfalls.

Prior to becoming a resident at RWE, I worked in and advised on financial operations and governance for over 40 years. Thus, I'm familiar with this kind of decision-making. I feel a great deal of sympathy for those residents who are disappointed with the proposed changes in healthcare delivery. However, I consider these changes unavoidable. Further, the mission of RiverWoods is to serve the residents of *tomorrow* as well as of today, such that the institution delivers services in perpetuity. In my opinion, maintaining three small healthcare units, given present market circumstances, is inconsistent with the charitable mission of RiverWoods because it will fail to deliver sufficient staff support and Memory Care for future residents as well as today's residents. There's a pressing need for a centralized healthcare facility.

Thank you.



RECEIVED

JAN - 9 2023

Date: January 9, 2023

To:
Town of Exeter Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

EXETER PLANNING OFFICE

From:
David and Susan Wakefield
The Boulders, RiverWoods Exeter
5 Timber Lane Unit 112
Exeter, NH 03833

Subject: Agenda – Zoning Board of Adjustment Meeting on January 17, 2023
Zoning Board of Adjustment Case #22-15 and Case #22-16
Consolidation of Healthcare Facilities

We are residents of The Boulders section of RiverWoods Exeter. Presently there is a Healthcare facility in each section of RiverWoods Exeter (The Boulders, The Ridge, and The Woods). The Management of RiverWoods Exeter has proposed that Healthcare be consolidated to a single centralized location.

Our main reasons for supporting the construction of a centralized health facility are:

1. It will greatly help in the recruitment of healthcare staff to support all three campuses. Currently the three small AL/SN units (Monadnock, Suncook, and Winnisquam) struggle to attract staffing, and indications show a worsening and continuation of this trend. This is part of a nationwide shortage of healthcare workers and is particularly acute in the Exeter area for a variety of reasons.
2. It will permit the introduction of a full Memory Support program. Currently none of the three locations offers this service.
3. Questions of convenient and adequate interbuilding transportation are valid but are addressable.

Therefore, we request that the ZBA approve the two requested Variances.

Thank you for taking this under consideration at the Tuesday, January 17, 2023 meeting.

David and Susan Wakefield

Handwritten signatures of David and Susan Wakefield. The signature of David Wakefield is written in black ink and is a large, stylized cursive script. Below it, the signature of Susan Wakefield is written in a smaller, more legible cursive script.

D. Pierre G. Cameron, Jr.
Nancy S. Cameron
15 Sandstone Way
Exeter, NH 03833-4425

RECEIVED

JAN 17 2023

January 17, 2023

EXETER PLANNING OFFICE

Kevin Baum, Chair and Members of the Board
Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

Subject: Variance Request for The Boulders
ZBA Case #22-16

Ladies and Gentlemen:

Thank you for taking the time to read this letter and the concerns expressed in it.

We moved into The Boulders in May 2010 and, even as a very early resident, share the common expectations with all who became residents since then as to the commitments of RiverWoods to us and them, including but not limited to, **on-site** assisted living and longer term skilled nursing care.

The current Boulders resident population is 168 in number. At the present time, The Boulders campus consists of 76 independent living apartments, 24 cottages, 24 on-site assisted living units and 16 on-site skilled nursing beds. Each resident is a signatory to a Residence and Health Care Agreement, which, combined with representations made by RiverWoods Marketing and Sales Department personnel, constitutes his/her "Life Care Contract" with RiverWoods. These Boulders residents are an integral component of RiverWoods. Thus, the grant of the variance would impact them.

The issue before the Board at this point is relatively simple: **has RiverWoods affirmatively satisfied the explicit five regulatory criteria for the "grant" of the requested variance?**

In its deliberations on this issue, it is respectfully suggested that the Board's focus is not on the merits or feasibility of any future health care facility expansion or its location, but on whether those criteria for the variance have been met.

RSA Section 674:33 specifically vests power in a zoning board of adjustment to

"authorize,, a variance from the terms of the zoning ordinance if

- (A) The variance will not be contrary to the public interest;**
- (B) The spirit of the ordinance is observed;**
- (C) Substantial just is done;**
- (D) The values of surrounding properties are not diminished; and**
- (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship."**

(Emphasis and omission added)

The burden is on RiverWoods to demonstrate that the criteria have been satisfied. A resident of The Boulders is not required to demonstrate that the criteria have not been satisfied, but to question whether RiverWoods has met the burden.

To determine whether RiverWoods has satisfied the enumerated criteria, it is suggested that a criteria by criteria analysis be undertaken.

1. *The variance will not be contrary to the public interest.*
2. *The spirit of the ordinance is observed.*

These two criteria are often merged and restated as: The proposed use must not conflict with the underlying purposes of the ordinance. Secondly, the proposed use must not alter the character of the neighborhood or adversely affect public safety or welfare.

RiverWoods in its supporting documentation for the variance proposes the addition of the new Health Care facility to that currently existing at The Ridge. The character of the neighborhood adjacent to The Ridge is claimed to have already been impacted by its construction some years ago; the location of new facility elsewhere could impact a different neighborhood.

Although the grant of this variance will, as RiverWoods claims, not pose current threat to public safety, the increased traffic at the blinkered intersection of White Oak Drive and Route 111 could well pose a future threat to public safety. Full consideration of this concern must now be given by the Board.

3. *Substantial justice is done.*

That RiverWoods must establish that only the grant of the variance will accord it “substantial justice” implies that substantial justice does not now exist with the on-site location of assisted living and skilled nursing facilities at The Boulders. No current harm is done to the general public by the continuation of what residents of the Boulders now have.

4. *The values of surrounding properties are not diminished.*

The mere grant of the variance will not affect surrounding property values. However, the final location of the proposed new Health Center facility could, See also the discussion in part 2 above.

Any diminution of property values associated with the construction and occupancy of The Boulders, if any, in the 2008-2010 time period has long since abated.

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

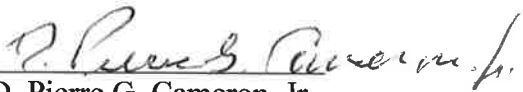
The definition of ‘unnecessary hardship’ is far from simple. The existing use of on-site assisted living and skilled nursing facilities at The Boulders is a reasonable use well within the ordinance defined concept of *Elderly Congregate Health Care Facilities* set forth in Section 2.2.26 of the Exeter Zoning Ordinance. RiverWoods must establish the zoning restriction in question does not operate in fair and substantial manner for The Boulders site

The continued use of The Boulders on-site facilities is not an 'unnecessary hardship' for RiverWoods. Its discontinuance, however, can cause 'unnecessary hardship' to the current residents for reasons too obvious to mention. The assisted living and skilled nursing facilities as currently constituted are a reasonable use of The Boulders site.

It is imperative that the Board understand that this letter is not filed in direct or indirect opposition to the proposal of RiverWoods to provide the optimum in health care facilities; it is a letter to assure that RiverWoods has met its 'burden of proof' as to satisfaction of the five regulatory criteria for the grant of a variance of the nature sought.

Thanks you again for your time and consideration of the very important concerns.

Respectfully submitted,


D. Pierre G. Cameron, Jr.
aka Pete Cameron


Nancy S. Cameron

RECEIVED

JAN 12 2023

5 Timber Lane, #102
Exeter, NH 03833
January 12, 2023

Zoning Board of Adjustment
Town of Exeter
10 Front Street
Exeter, NH 03833

EXETER PLANNING OFFICE

Members:

As a Boulders resident, I am writing regarding the variance request before you.

In my opinion awarding the requested variance will be contrary to the public interest because

When my husband and I moved into the Boulders we had the promise of River Woods and TRWG that we would have continuing care beyond independent living "under the same roof" in accordance with the permit that established the Boulders.

To me as a Boulders resident that meant that my husband and I would be cared for in the same building in which we had built friendships and a sense of community. Friends could visit us spontaneously throughout the day or evening at their convenience. Residents requiring short term care benefit by interacting freely with the independent community.

I have seen health care residents, some with mobility and cognitive issues, whose lives are actively enriched when their loved one stops by to assist with feeding or to bring them to an appropriate activity within the independent community. In the event the healthcare resident experiences an issue with the activity, it's a relatively simple matter to return the resident to their living space without any outside transportation required. Very often a loved one visits multiple times a day. Frequently, I've witnessed healthcare residents transported by staff to be with their spouse in their original apartment to enjoy family and/or friends for birthdays in a more personal environment.

It's doubtful a separate healthcare building could offer the enrichment that receiving care and support under this roof provides.

The best transportation service would never be able to provide the level of service we have within the building.

Furthermore, the requested variance seems to be predicated on hiring concerns. The supply of labor throughout history has ebbed and flowed.

Sincerely,



Marsha Herman

RECEIVED

JAN 11 2023

11:15 PM

Robert D. Cully
4 Timber Lane
Exeter, NH 03833
603-658-1636

bob265@comcast.net

EXETER PLANNING OFFICE

January 11, 2023 (Revised from October 17, 2022)

Kevin Baum, Chair
Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

RE: Application for variance from Article 2, Section 2.2.26 filed
September 30, 2022 By The RiverWoods Company at Exeter
For 5 Timber Lane, R-1 Low Density Residential zoning district.
Tax Map Parcel #98-23. Case #22-16.

My name is Bob Cully. My wife, Ann and I have been residents of Boulders for almost 4 years. I would like to thank Chair Baum and Board members for the opportunity to speak about the requested zoning change to Article 2, Section 2.2.26 proposed for the Boulders campus at RiverWoods.

Introduction

The three RiverWoods Exeter campuses of Boulders, Ridge and Woods are separate home living communities. Campus activities include health care, wellness clinic, dining, fitness classes, library, gardening, pool, gym, community chats, hair salon and country store. Most resident's activities take place on their home campus. RiverWoods Exeter is not an integrated community from a home and social standpoint.

Boulders residents receive health care on the Boulders campus. Health care at a non-home campus is occasionally used on a temporary basis when the home health care campus is full. Residents expect to receive health care on their home campus.

The proposed variance to close the health care center at Boulders (along with the health centers at Woods and Ridge) is very disturbing. The variance eliminates the lifetime social benefit of remaining on one campus throughout a resident's lifetime.

The facts involved with the variance request are:

1. The variance will not be contrary to the public interest;

The variance is contrary to the public interest;

The variance is not in the interest of the RiverWoods community and the surrounding Town community. The above zoning article requires Elderly Congregate Health Care to be provided on the Boulders (and other) RiverWoods campuses. It is not in the best interest of 600-plus RiverWoods residents to allow a variance for off-campus health care. Each campus was designed and sold on the basis of on-campus health care that preserves the social home of residents during their lives.

Cully/Zoning Board of Adjustment

The traffic intersection at route 111 and White Oak Drive is already dangerous despite the flashing warning light. Years of construction will increase traffic on Route 111, Pickpocket Road and Timber Lane. After construction is completed, the 20-25% increase in Boulders, Woods and Ridge Independent Living Units will continue to produce significantly increased traffic on Route 111, Pickpocket Road and Timber Lane. All of the health care staff from Woods will still arrive, turning into and out of the proposed central health care center at the Campus Crossing location. Friends will cross route 111 to visit relocated residents.

2. **The Spirit of the ordinance is observed;**

The Spirit of the ordinance is not observed;

The centralized facility isolates its health care patients from the Boulders community. The spirit of the Boulders community is diminished by removing family members and friends from the community. Bus service between the campuses and central health care center has been discussed. Even with 24/7 service, this cannot begin to replace the access provided by on-campus health care. Currently, RiverWoods transportation does not provide evening transportation from the hospital back to RiverWoods. Residents released at night from the emergency room are required to locate their own transportation.

3. **Substantial justice is done;**

Substantial justice is not done;

It is an injustice to require Boulders residents to relocate from their home campus to receive health care. All Boulders residents have moved to RiverWoods with the understanding that lifetime health care will be provided on their campus.

4. **The values of surrounding properties are not diminished;**

It is difficult to predict the higher volume of traffic on property values;

The independent living population growth of 25% will increase the traffic load on Route 111, Pickpocket Road and Timber Lane. In addition to increased resident traffic, significant support traffic will be needed. Approximate 150 new independent living residents (with cars) will be added to the traffic load.

5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;**

Lack of enforcement of the provisions of the ordinance would result in an unnecessary hardship;

The existing ordinance has served RiverWoods well and supported the success of Boulders and the other two campuses. The congregate health center design should not be eliminated based on general statements such as "will offer the highest service" or that "the care objectives of efficient and effective health services for the multi campus community may be impaired."

There may be a hardship created by moving to the proposed consolidated health center. The new center will contain 4 (four) fewer health care units than now exist on the three combined campuses. This problem will increase as the 25% population increase from the new independent living units begins to require health care. RiverWoods currently has 149 health care units for 600 residents. The proposed new consolidated health center will have 145 health care units for 750 residents.

The proposed use is unreasonable;

The variance request is unreasonable based on the above discussion. Boulders residents moved to the campus with the expectation that Boulders would provide lifetime health care. Any change from this commitment creates the reaction that consolidated health care "is not what we bought. We came here for the campus health care we were shown." Comments such as "people can walk or ride a bike" to visit a centralized facility increases the lack of resident trust in consolidated health care.

Recommendation;

I strongly request that this zoning variance be denied.

Thank you for your time and consideration.

Robert Cully

RECEIVED

JAN 11 2023

1:40 PM

EXETER PLANNING OFFICE

TO: Exeter ZBA

DATE: January 11, 2023

FROM: Diane & Stu Benedict
5 Timber Lane, Apt. 208
Exeter, New Hampshire 03833

As residents of the town of Exeter residing at the Boulders campus of RiverWoods Exeter, we are writing to share with you our concerns re. the variance sought by RiverWoods Exeter for a zoning variance for our property to allow for an "off-site skilled nursing facility."

We have no legal background with which to advocate nor do we have any desire to try to argue in such a manner. We are concerned that, if we as Boulders residents give up our legal right to "on-site" nursing home facilities, that we will have lost the benefits we enjoy living here with loved ones and remaining able to be a part of our community as we age. What is meant by "off-site" in a "related site?" As long as Covid restrictions, etc., do not interfere, at this point we can visit Skilled Nursing patients at any time of day and night. Spouses and friends can be together quickly and often because we are in the same building. Residents of Skilled Nursing remain participating members of our community as long as possible and their spouses and friends can continue to easily visit with them.

If "off-site" was ever considered to mean off of existing Riverwoods Exeter property, to us that would be unacceptable. If "off-site" means tacked on to the Ridge building as first proposed, that proposal certainly ruined the outside appearance of the very attractive Ridge campus. The proposed large centrally located health center and parking building overwhelmed the Ridge.

We are very concerned about the transportation system needed to and from a centralized facility. At present, Skilled Nursing patients are often brought over by spouses to the common areas to eat and see programs, etc. Spouses and friends go to visit and share meals on a regular basis. How possible would this be with an "off-site?" Presently, such visiting would not be easy and that would be a hardship for many residents.

Weekend and evening RiverWoods transportation is limited. Nighttime RiverWoods transportation, other than returns from scheduled outings, is non-

existent. Medical coverage for Independent Living residents every night and for entire weekends is limited to the availability of a nurse from Skilled being able to run over to the independent side of our building. There is no RiverWoods transportation for a trip to or from the hospital. This often presents a dilemma for our residents, especially those who have had to give up their cars. In short, transportation and medical coverage for Independent Living residents remain large issues in any discussion involving changes in health care.

Thank you for your consideration. Diane and Stuart Benedict

JAN. 10, 2023

Zoning Board of Adjustment, Exeter

Chairman Baum,

I am writing concerning the zoning variance RiverWoods Exeter is asking for to allow .

Is this variance observing the spirit of the ordinance? I think not. I knew Maryanna Hatch in Durham before RiverWoods was founded and we were trying to create a facility there—and it was clear that we wanted the health care to be in the buildings where the residents lived to promote longer life and better quality of life. Moving all the health care to one location does not observe the spirit of the ordinance.

RECEIVED

JAN 17 2023

(via USPS mail)

EXETER PLANNING OFFICE

At Riverwoods you have 600 members of the public who are going to live under the variance to the ordinance who are very unhappy about this. Please respect the rules laid down by our founders. We feel here that great harm will be done if we are separated from our family and friends.

Please do not allow this.

A handwritten signature in black ink that reads "Jane Kaufmann" followed by a long horizontal flourish.

Jane Kaufmann

5 Timber Lane, Apt 317

Exeter, New Hampshire 03833

RECEIVED

10

PLANNING DEPARTMENT

**5 Timber Lane, Unit 113
Exeter, NH 03833-5332**

January 10, 2023

Kevin Baum, Chair and Members of the Board
Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

Re: RiverWoods Boulders Variance - ZBA Case # 22-16

Ladies and Gentlemen:

My wife and I moved into the Boulders in December, 2015 because we were led to believe that we would have direct access to nursing assistance in the same building where we would be living. RiverWoods is now considering a centralized center for nursing care.

It is my view that:

The variance you are being asked to approve will be contrary to the interests of Boulders residents.

Justice will not be done if direct on-site nursing assistance is impaired in any way.

The variance would result in unnecessary hardship for Boulders residents.

Thank you for your consideration.

Sincerely yours,


William D. Hartmann

RECEIVED
JAN 17 2023
(via USPS mail)
EXETER PLANNING OFFICE

RECEIVED

DEC 27 2022

EXETER PLANNING OFFICE

Town of Exeter
APPLICATION FOR

SPECIAL EXCEPTION

Case Number:	<u>2BA# 23-2</u>
Date Filed:	<u>12/27/22</u>
Application Fee:	\$ <u>100.00</u>
Abutter Fees:	\$ <u>80.00</u>
Legal Notice Fee:	\$ <u>50.00</u>
TOTAL FEES:	\$ <u>230.00</u>
Date Paid:	<u>12/27/22</u> Check # <u>3218</u>

Name of Applicant River Bend Trust (Keri Marshall Trustees) *Peter Mahor and*
(If other than property owner, a letter of authorization will be required from property owner)

Address 47 Depot Road, East Kingston, NH 03827

Telephone Number (603) 490-8471

Property Owner River Bend Trust

Location of Property 2 River Bend Circle
Exeter, NH 03827 *TM# 104-34*

(number, street, zone, map and lot number)

Applicant Signature *Keri Marshall Tee* *JEE*

Date Dec 23, 2022

NOTE: This application is not acceptable unless all required statements have been made.
 Additional information may be supplied on a separate sheet if space is inadequate.

APPLICATION FOR A SPECIAL EXCEPTION

1. Currently existing use and/or situation: see attached

2. Proposed use and/or situation: see attached

Note: Proposed change of use may result in applicable impact fees.

3. List all maps, plans and other accompanying material submitted with the application:

see attached

APPLICATION FOR SPECIAL EXCEPTION:

Special Exceptions:

A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

Special Exceptions, as enumerated in Article 4.2, Schedule I, shall be permitted only upon authorization by the board of adjustment. Such exceptions shall be found by the board of adjustment to comply with the following requirements and other applicable requirements as set forth in this ordinance.

NOTE: Please use a separate piece of paper if additional space is needed to complete the following information:

4. Explain the justification for special exception by addressing the following criteria:

A. That the use is a permitted special exception as set forth in Article 4.2, Schedule I hereof;

see attached

B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;

C. That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located;

Note: Adjoining principal uses in existence prior to 1972 (generally referred to as grand-fathered uses) that are not permitted uses as listed in 4.1 Schedule I: Permitted Use, shall not be considered in determining the compatibility of an applicant's proposed use.

see attached

D. That adequate landscaping and screening are provided as required herein;

see attached

E. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;

see attached

F. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments;

see attached

G. As a condition of Special Exception approval, the applicant may be required to obtain Town Planner review and/or Planning Board approval of the site plan. Additionally, the Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to rendering a decision on an application for Special Exception.

see attached

H. That the use shall not adversely affect abutting or nearby property values;

see attached

I. If the application is for a Special Exception for the bulk storage of a material which is, in the opinion of the Planning Board, potentially explosive, than landscaping, per Article 5.20, shall be deemed to include such blast containment, blast dampening or blast channeling features as the Board may require;

See attached

J. If the application is for a use in the "Professional/Tech Park District," such exception will not:

- 1. Affect the water quality of Water Works Pond or other water supplies;**
- 2. Constitute a health hazard to the community;**
- 3. Permit temporary structures;**
- 4. Permit the recycling, disposal or transfer of materials defined as hazardous waste and set forth in Article 5.10.5 of this ordinance;**

See attached

Note: The applicant shall demonstrate that handling, storage and containment of any chemicals or substances defined as "hazardous" will be handled in strict accordance with the regulations and recommendations of the EPA and/or any other governmental body charged with enforcing compliance with any laws or statutes regulating hazardous substances.

ZONING BOARD OF ADJUSTMENT

**APPLICATIONS SKETCH PLAN
REQUIREMENTS/CHECKLIST**

1. Title Block – descriptive name of project, north arrow (approximate), street address, date and scale (not less than 1" = 40').
2. Location map showing relevant streets and zoning district boundaries.
3. Names and addresses of applicant, record owner and abutting property owners, including those across the street.
4. Existing and proposed streets, driveways, parking areas (with delineation of spaces) and sidewalks.
5. Location of existing and proposed buildings and property lines.
6. Distances on all sides between buildings and property lines.
7. Existing and proposed tree lines, landscape buffers, screening and fences.
8. Location of existing landmarks including streams, brooks, wetlands, rock outcroppings, wooded areas and other significant environmental features.
9. Generalized floor plans showing dimensions and the square footage of areas for proposed uses.

Plans should be no larger than 11" x 17" in size. They need not be prepared by an architect or land surveyor but they must be legibly drawn with printed labels.

- PLANS MUST CONTAIN ALL OF THE ABOVE INFORMATION IN ORDER FOR THE APPLICATION TO BE PLACED ON THE AGENDA FOR A ZONING BOARD OF ADJUSTMENT HEARING.

ABUTTER LABELS AND LISTS:

Abutter labels and lists must be attached to this application. Please contact the Planning Office if you have any questions.

ADDITIONAL MATERIALS:

If provided with the application, additional submission materials will be sent to the ZBA members in their monthly packet of information. Please contact the Planning Office if you have any questions regarding additional submission materials.

ABUTTERS LIST
Map 104, Lot 34 .62 acres
2 River Bend Circle
Exeter, NH 03833

<u>Tax Map/Lot No.</u>	<u>Address</u>
OWNER: 104/34	River Bend Trust 47 Depot Road East Kington, NH 03827
ABUTTERS: 104/9	OF RECORD Knightmare Rev. Trust John and Mary Chase 36 River Bend Circle Exeter, NH 03833 NOW (as of August 2022) Janice Palmer 36 River Bend Circle Exeter, NH 03833
104/17	Chasse Fam. Rev. Trust Randolph and Olivia Chasse, Tees. 1 River Bend Circle Exeter, NH 03833
104/33	Selle, Lora D. 61 Hemlock Drive Wolfeboro, NH 03894
104/35	Blais, Jeanne 159 Court Street Exeter, NH 03833
104/36.1	Stollar, Martin Eustis, Terry 157 Court Street Exeter, NH 03833
104.39	Corey, Pamela and Philip B. 19 Patricia Avenue Exeter, NH 03833

104.40

Dunn, Daniel and Annaliese
17 Patricia Avenue
Exeter, NH 03833

ATTACHMENT
2 River Bend Circle
Exeter, NH

1. CURRENTLY EXISTING USE AND/OR SITUATION:

2 River Bend is an existing two-family home with 4 bedrooms and three baths. It was initially constructed as a two-family home. The structure to the right of the breezeway (connecting the garage to the home) is a larger, 5-room, two-bath home. The area behind the garage is a two-bedroom, one-bath home. The premises was occupied for a time by the former owner's mother who passed away years ago. It was thereafter occupied by several tenants and has been used as a two-family home for decades. It has separate utilities, a separate heating system, separate entrance and no common walls. The spaces are separated by the breezeway that connects the garage and home.

2. PROPOSED USE AND OR/SITUATION:

The home will be converted into two condominiums with no change to the configuration or use of the property.

3. LIST OF MAPS, PLANS AND OTHER ACCOMPANYING MATERIAL SUBMITTED WITH THE APPLICATION:

See attached map and list of abutters.

SPECIAL EXCEPTION CRITERIA

4. THAT THE USE IS A PERMITTED SPECIAL EXCEPTION AS SET FORTH IN ARTICLE 4.2, SCHEDULE 1 HEREOF:

The premises is located in the R-2 single family zone. There are nearby condominiums that were constructed as condominiums and that have been converted as condominiums. Conversion will not disrupt nor have impact on water, sewer, trash removal, plowing or travel on River Bend Circle.

4B. THAT THE USE IS SO DESIGNED, LOCATED AND PROPOSED TO BE OPERATED THAT THE PUBLIC, HEALTH, SAFETY, WELFARE AND CONVENIENCE WILL BE PROTECTED:

The minimum lot size is 15,000 square feet. The lot size is approximately 26,990 square feet with some of the area fenced. Each unit has laundry facilities, a kitchen, living area, bathroom(s) and sleeping quarters. The smaller unit behind the garage is approximately 864 square feet and the larger unit is approximately 2,400 square feet. The garage is approximately 528 square feet and the common breezeway is approximately 150 square feet. The lot well exceeds the minimum square footage required.

4C THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE ZONE DISTRICT AND ADJOINING POST-1972 DEVELOPMENT WHERE IT IS LOCATED:

Not applicable.

4D. THAT ADEQUATE LANDSCAPING AND SCREENING ARE PROVIDED AS REQUIRED HEREIN:

There is existing, adequate natural screening on the property as it exists. Extensive landscaping has been done with removal of debris, replacing a sewer line, replacing fencing around the perimeter, upgrading the front, existing fence so it has granite tops. Many plants have been installed and additional landscaping is planned for the spring with repair from the sewer line and managing and repairing the damaged lawn areas. Several large trees that were a hazard to neighbors and the community have been removed from the front and rear of the premises.

4E. THAT ADEQUATE OFF-STREET PARKING AND LOADING IS PROVIDED AND INGRESS AND EGRESS IS SO DESIGNED AS TO CAUSE MINIMUM INTERFERENCE WITH TRAFFIC ON ABUTTING STREETS:

There is adequate parking with a two-car garage and at least four additional spaces. The existing driveway is paved and will be maintained.

4F. THAT THE USE CONFORMS WITH ALL APPLICABLE REGULATIONS GOVERNING THE DISTRICT WHERE LOCATED, EXCEPT AS MAY OTHERWISE BE DETERMINED FOR LARGE-SCALE DEVELOPMENTS.

Not applicable.

4G. AS A CONDITION OF THE SPECIAL EXCEPTION APPROVAL, THE APPLICANT MAY BE REQUIRED TO OBTAIN TOWN PLANNER REVIEW AND/OR PLANNING BOARD APPROVAL OF THE SITE PLAN PRIOR TO RENDERING A DECISION ON AN APPLICATION FOR SPECIAL EXCEPTION:

Not applicable.

4 H. THAT THE USE SHALL NOT ADVERSELY AFFECT ABUTTING OR NEARBY PROPERTY VALUES:

Abutters include residences. Extensive repairs have already been undertaken with new siding (to be completed in the spring), tree removal, a new roof, new doors, replaced windows, replaced sky lights, new sills, new exterior lighting, interior upgrades with flooring, heating systems, appliances, fencing, landscaping, replacing patios, removal of debris, etc. This will continue and be completed when the weather improves. The owner oversight will enhance the property and neighborhood. The house has been rented in the past and used for engine repairs and work. Tons of debris have been removed and more is planned. Conversion will continue the improvements and oversight and will enhance the property and neighborhood property values.

4I IF THE APPLICATION IS FOR A SPECIAL EXCEPTION FOR THE BULK STORAGE OF A MATERIAL....

Not applicable.

4 J. IF THE APPLICATION IS FOR A USE IN THE "PROFESSIONAL/TECH
PARK DISTRICT" ...:
Not applicable.

e

Piscassic River

Piscassic Ice Pond

EPPING

EXETER

River

Old Town Farm Rd

Brook

Cowardin Rd

Fresh

Wagon Rd

Wagon Rd

Old Town Farm Rd

Wash Hill Rd

Beech

Hill

R-1

27

Beech Hill Rd

Kelly State Way

Wagon Rd

Brook

Epping Rd

Beech Hill Rd Ext

NP

Bloody

Deer Run Rd

ZONING MAP OF EXETER NEW HAMPSHIRE 2019

DISTRICT

RESIDENTIAL

- RU Rural
- R-1 Single
- R-2 Single
- R-3 Single
- R-4 Multi-F
- R-5 Multi-F
- R-6 Retire
- M Mobile
- MS Mobile

COMMERCIAL

- C-1 Centra
- C-2 Highw
- C-3 Epping
- NP Neigh
- WC Water

CORPORATE

- CT Corpo
- CT-1 Corpo

INDUSTRIAL

- I Indust

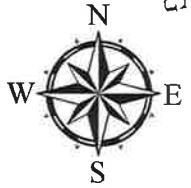
HEALTH CARE

- H Health

OVERLAYS

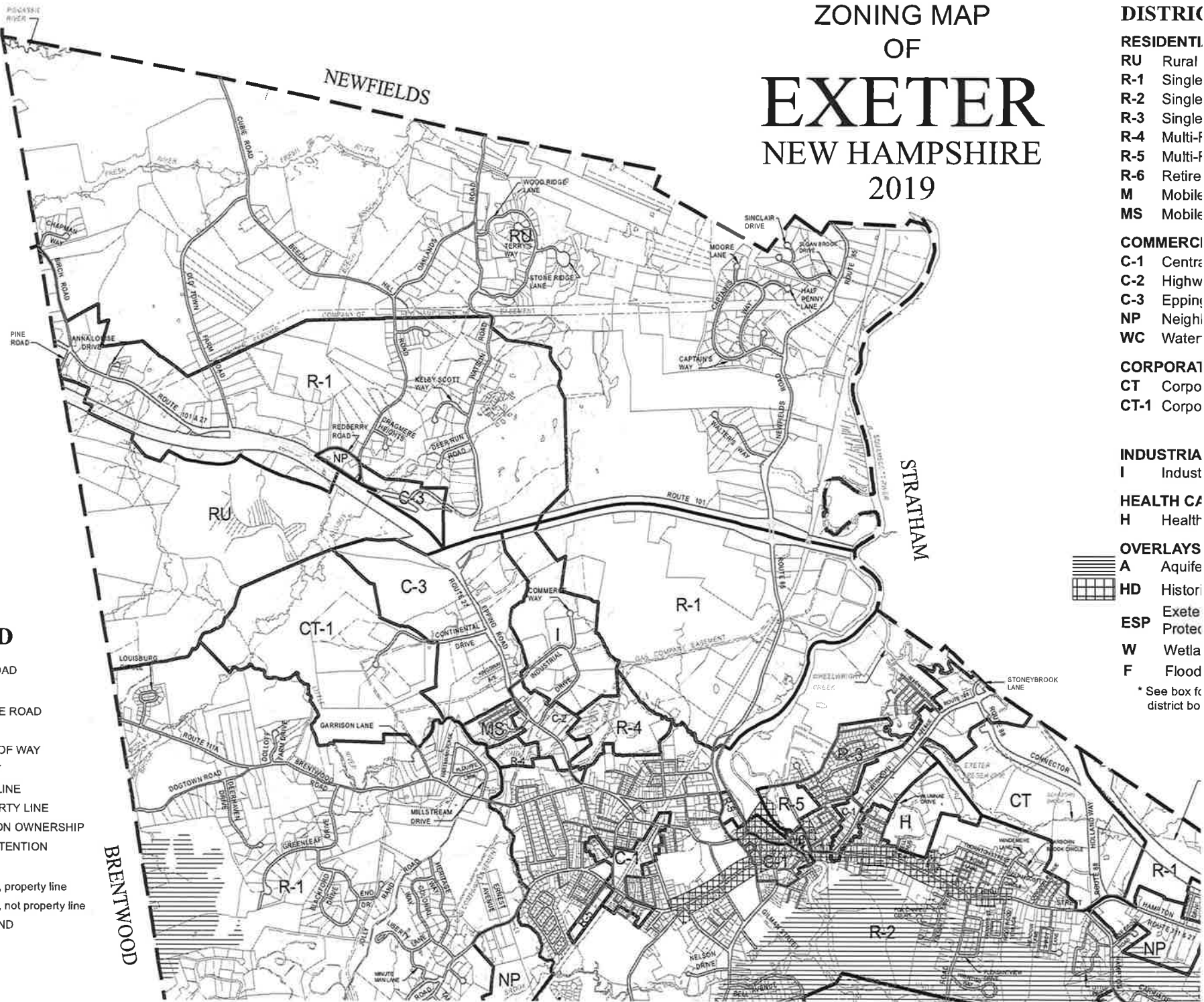
- A Aquife
- HD Histori
- ESP Exete
- W Wetla
- F Flood

* See box for district bo



LEGEND

- RAILROAD
- ROAD
- PRIVATE ROAD
- TRAIL
- RIGHT OF WAY
- UTILITY
- TOWN LINE
- PROPERTY LINE
- COMMON OWNERSHIP
- IN CONTENTION
- LEASE
- WATER, property line
- WATER, not property line
- WETLAND



2 RIVER BEND CIR

Location 2 RIVER BEND CIR

Mblu 104//34//

Acct# B3946R

Owner RIVER BEND TRUST

Assessment \$516,600

Appraisal \$516,600

PID 4996

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$349,600	\$167,000	\$516,600

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$349,600	\$167,000	\$516,600

Parcel Addresses

Additional Addresses

No Additional Addresses available for this parcel

Owner of Record

Owner	RIVER BEND TRUST	Sale Price	\$350,000
Co-Owner	MAHAR PETER J & MARSHALL KERI J TEES	Certificate	
Address	47 DEPOT RD EAST KINGSTON, NH 03827	Book & Page	6411/0025
		Sale Date	05/24/2022
		Instrument	56

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
RIVER BEND TRUST	\$350,000		6411/0025	56	05/24/2022
TAYLOR IAIN M	\$0		3817/2134	38	08/08/2002
TAYLOR BARBARA E	\$0		3652/2983	1N	08/08/2001
TAYLOR IAIN M	\$0		3494/0967	00	08/04/2000
TAYLOR IAIN M	\$0		3105/1240		

Building Information

Building 1 : Section 1

Year Built:	1985
Living Area:	3,030
Replacement Cost:	\$413,645
Building Percent Good:	82

Replacement Cost

Less Depreciation: \$339,200

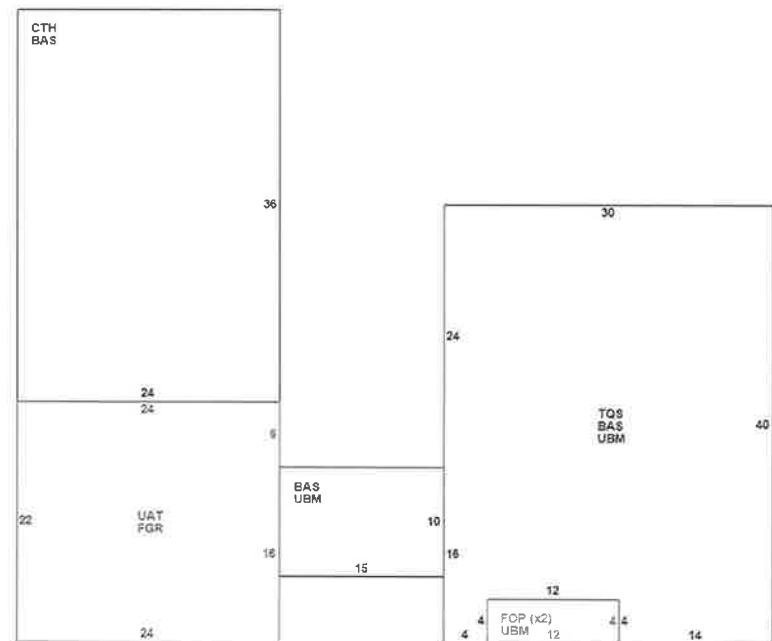
Building Attributes	
Field	Description
Style:	Modern/Contemp
Model	Residential
Grade:	Average +20
Stories:	1 3/4 Stories
Occupancy	2
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Salt Box
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	3
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	10 Rooms

Building Photo



(https://images.vgsi.com/photos/ExeterNHPhotos///0021/DSC05187_2123/)

Building Layout



(ParcelSketch.ashx?pid=4996&bid=4996)

Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	01
Cndtn	
MHP	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	2,166	2,166
TQS	Three Quarter Story	1,152	864
CTH	Cathedral	864	0
FGR	Garage, Framed	528	0
FOP	Porch, Open, Finished	96	0
UAT	Attic, Unfinished	528	0
UBM	Basement, Unfinished	1,350	0
		6,684	3,030

Extra Features

Extra Features				Legend
Code	Description	Size	Assessed Value	Bldg #
FPL2	1.5 STY	1.00 UNITS	\$3,400	1
FPO	EXTRA FPL OPEN	1.00 UNITS	\$1,200	1
KITH	KITCHEN	1.00 UNITS	\$2,900	1

Land

Land Use

Use Code 1011
Description SFR/INLAW
Zone R-2

Land Line Valuation

Size (Acres) 0.62
Frontage 0
Depth 0

Neighborhood 60
Alt Land Appr No
Category

Assessed Value \$167,000
Appraised Value \$167,000

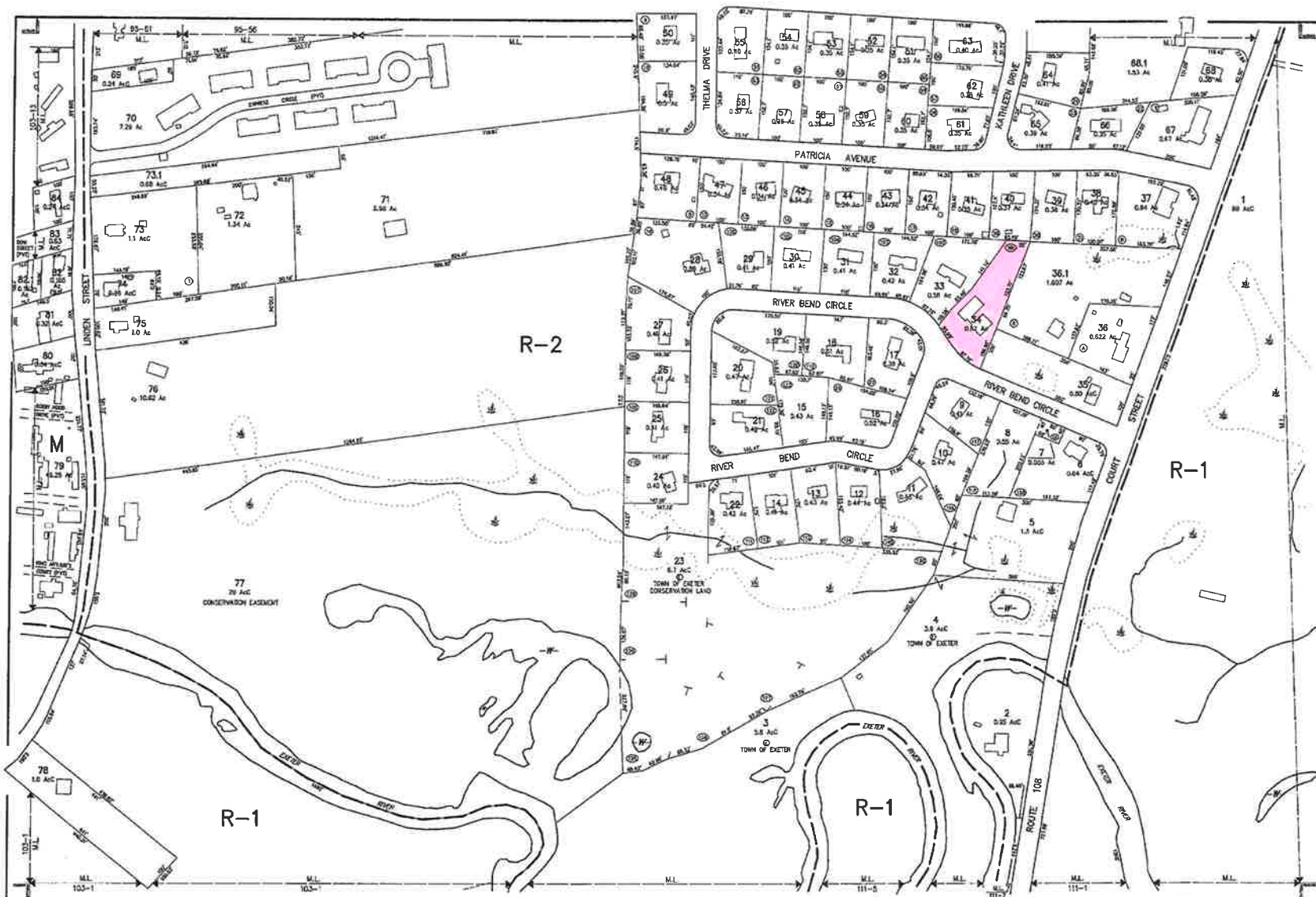
Outbuildings

















Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Assessed Value	Bldg #
PAT1	PATIO-AVG			192.00 S.F.	\$500	1
PAT1	PATIO-AVG			360.00 S.F.	\$900	1
RPV2	PAVED DRIVE - MED			1.00 UNITS	\$1,500	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$346,700	\$167,000	\$513,700
2020	\$346,700	\$167,000	\$513,700
2019	\$346,700	\$167,000	\$513,700

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$346,700	\$167,000	\$513,700
2020	\$346,700	\$167,000	\$513,700
2019	\$346,700	\$167,000	\$513,700



<p>THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.</p>	<p>PRODUCED IN 1996 BY  <small>11 PLAINFIELD AVENUE, LITTLETON, MASSACHUSETTS 01469-1001</small></p>	<p>LEGEND</p> <p>  AREA SURVEYED  AREA CALCULATED  RECORD BOUNDARY  SCALED BOUNDARY  WATER LINE  WATER </p>	<p>  EXEMPT PROPERTY  SIDEWALK LOT NO.  ZONE  RIGHT OF WAY  CHANGE OF GRADE  BUILDING  WETLANDS </p>	<p>SCALE 1" = 100'</p> <p>  </p> <p>  </p> <p>REVISED TO: APRIL 1, 2020</p>	<p>PROPERTY MAPS</p>	<p>INDEX DIAGRAM</p> <p>  </p>	<p>MAP NO.</p> <p>104</p>
<p>THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM</p>				<p>EXETER NEW HAMPSHIRE</p>			
<p>PHOTOGRAPHY DATE: APRIL 25, 1995</p>							
<p>COMPLETION DATE: MARCH 29, 1996</p>							