

The board reviewed the lighting plan. The board agreed that a site walk would be beneficial. They would like permission to be able to view the facility from some of the neighbors' properties.

Chair Losik opened to the public for comments.

Ethan Shepard, 9 Fern Ave, stated that light pollution is beyond what is spillage onto pavement. The lights can clearly be seen from Webster at night and he has experienced the traffic coming out of Webster's driveway. He can also attest to the noise of the dumpsters being picked up early in the morning. He is not in favor of allowing an expansion at Webster. This is a huge facility that is being allowed in the middle of neighborhoods. He has a lot of concerns about that.

Jennifer Carney, 19 Blueberry Lane, stated that the pictures that were shown, do not depict what can be seen from her back yard. There has been more activity than ever from the corner of the parking lot next to Websters. Staff is still smoking in this area, vehicles are still driving through the "exit only" driveway, and dumpsters are still being dumped earlier than agreed upon. All of these issues were brought up before with the Zoning Board. Webster has not changed these habits. These activities are visible from every room in her house and the back yard. She does not want the proposed walkway closer to her property without any buffer, as this would be dangerous to the neighborhood. The walkway needs to be on the other side of the trees for safety and privacy. She does not want any more lighting closer to her property and neighborhood. Her house already sits higher than the plantings and the street lights. The number of trees being cleared for the two leach fields and raingarden are definitely more than the proposed plantings. The clear cutting that will happen will produce a direct path of light from the new structure straight into the neighborhood. The clear cutting will expose more of the building, which is not residential looking at all. At all times, there are buses, utility vehicles, dumpsters, chained fences and now extra equipment on top of the roof. She is concerned about rodents and unwelcome wildlife in the neighborhood. New plantings will attract deer that will eat the neighbors' gardens. More drains and pipes will attract skunks that already affect the pets and the neighborhood. She encourages the board members to walk through her back yard to see how close the driveway, parking lots, lights and building structures are already to the neighborhood and the property. She asks the board to take a look at how much Webster affects the neighborhood.

Brendan Carney, 19 Blueberry Lane, stated a site walk will be valuable. Light pollution is one of his biggest concerns. The exterior lighting has been discussed, which can be lowered or mitigated. Regardless of that, the interior lighting of such a large facility with 150 beds is going to be significant. He could not find a facility of a comparable size located within a residential neighborhood. He does not feel this expansion can be mitigated through a little bit of buffering. He is also worried about the septic expansions, as this is the fourth or fifth expansion that has been proposed.

Mary Harb, 48 Mountain View Terrace, invited the board to visit her property to look at the facility. She expressed her concerns about the overbuilding and the added impact it will have on the community. At the meeting in March 2019, it was said that there would be two new leach fields. One of which would be under the parking lot and the other would be right behind her house. There now seem to be three leach fields behind the new addition. She continued that at the 2014 Zoning Board meetings, Webster agreed not to use lighting that could be seen from neighbors' properties. That is what they promised then and is what they promise now, but she can see all the lights from her property. It was said there would be no employee, visitor or contractor parking on Blueberry Lane at any time. At past two events, there was parking up and down Blueberry Lane. It amazes her as to how there will be enough buffer trees installed to solve the problem. It is not a question of trees. It is a question of space. There is just not enough space. She pointed

out that this is a residential neighborhood. A rehabilitation center is what is proposed, not an assisted living facility as was first stated.

Jeanne Moser, 6 Blueberry Lane, stated that she and her husband live directly across from the entrance to Websters. The lights from the facility shine into their bedroom window. The employees' vehicle lights shine into their bedroom at all hours of the night.

Jim Moser, 6 Blueberry Lane, commented that they love the walkway that goes through the back of the property. When he walks back through there, in January, June or August, there is a water flow in that area. There has been a lot of talk about septic. He would question whether the septic are really working and functioning effectively. To add to that with this expansion is questionable.

Christopher Piela, 25 Mountain View Terrace, stated if this proposal is accepted, it will put Webster in the top ten nursing homes within the State. It is the only one he could find in a single-family resident zoned area. It is very unusual and will probably be one of the largest facilities in the State. On the groundwater elevation plans, he thinks it is important to note the elevation change between the new addition and where the trees will be planted. The new addition will be extending out over downward sloping land. It looks like there is about a 30ft grade difference between the back of the building and the sloping land. The neighbors' homes are built on the downward slope. The addition will be level with the existing. They will have to build up land for the addition. It will not be contiguous with the slope. It will be elevated. Any trees that are planted are not going to hide the light from the existing building. It is important to keep in mind that the illustration that was demonstrated did not show the significant number of trees that will be removed. In his mind, it also does not adequately address the elevation. He would strongly suggest that any tree line that is planted around the new addition be built on a berm. That would add elevation to the trees and provide a more solid barrier between the properties. He thinks the comment is accurate that it needs more evergreens. There needs to be a resolution to the light pollution and noise pollution. They need to look wholistic at the whole idea of what they want in the community of Rye. This is a nursing facility that is essentially a hospital in a small residential community.

Phyllis Breitman, 44 Mountain View Terrace, stated this is one of the few neighborhoods left in Rye. Over the last five years, it has turned over from older folks to young families with children playing on the street. She has been opposed to this project since it was proposed. She does not feel that the people who moved into this residential neighborhood understand why the variances keep getting approved. It's a residential neighborhood and they keep coming back in to ask for more. She does not see an end to this. The young families that have moved into the neighborhood within the last few years, do not necessarily feel their children are safe here anymore, when strangers continue to walk and drive through the area. She noted that it has nothing to do with the quality of the facility. It has to do with the impact on the environment and the neighborhood. She is vehemently opposed to the project.

Mr. Weinrieb stated that as far as size and nursing homes of residential neighborhoods, those are all over the State. To say this is the largest place and there are no other assisted living facilities in residential neighborhoods is preposterous to say. He noted they went through a special exception, not a variance, process to expand the use. The reason many of these people did not speak up at that time is because they were not even here. Mr. Shepard bought in 2018, the Carneys bought in 2017, and one of the other neighbors mentioned they had been here 18 months. When they bought, Webster was here. The 2014 addition was here. Didn't they see the building? Didn't they know there was dumpster removal? Didn't they know there were strangers visiting the site? Wait, those are not strangers, those are employees who take care of the residents from Rye. How nice of Webster to allow the neighbors to use the walking path

every day and to allow the children to climb on the rocks, walk and bike in the pathway and on roadways into the facility. He does not understand the abutters to this property. This is a great property. These people came here after Webster was already here and some, after the special exception. Now, they are saying they have to stop Webster. He is absolutely shocked by these comments.

Mr. Argue stated that Webster has always worked very hard to have a good relationship with the neighbors. They work very hard to make the grounds attractive. They have gone above and beyond any requirements of the Planning Board or Zoning Board. He pointed out that an invitation was sent to every abutter inviting them to come to him and talk about their concerns. Only one person showed up. He reiterated that Webster has bent over backwards to try to be good neighbors. What they are looking at are the seniors of Rye and the State of New Hampshire. Rye has one of the oldest populations in the State. New Hampshire has the second oldest population in the country. Webster is looking ahead at meeting the needs of the community and will continue to strive to be a good neighbor. He is more than willing to sit with any of the abutters and talk about how Webster can enhance the quality of their life and make sure they feel welcome on the property. He would like people to understand that Webster is not the enemy. Webster is here to serve the people of Rye and to be the best possible neighbor.

Attorney Tim Phoenix, for the applicant, stated that with the approval of the Zoning Board, Webster is proceeding with permitted uses. The issue is not “if we do this”. It’s a matter of how can this be done while balancing the rights of the property owner against the concerns of the abutters? He continued that zoning relief has been received and now Webster is proceeding with a permitted use. Formal response to the concerns of the neighbors is probably in order because they have made some points that need to be addressed, but it is probably best to wait until after the site walk.

Chair Losik closed the public hearing at 8:44 p.m.

Speaking to Mr. Argue, Member Sherman asked why the smoking section has not been changed and why the dumpsters are still being emptied early.

Mr. Argue replied that he spoke with the maintenance crew who arrive at 6:00 in the morning. They said that if the dumpsters are being emptied before 7:30 a.m., it is an extremely rare situation, so that may be an exaggeration. His understanding is that the smoking hut would be a condition of approval for the application.

Member Sherman asked where the smoking hut will be moved.

Mr. Argue replied it will probably go beside the maintenance garage at the back of the facility, so the employees can actually access it from both sides of the facility.

Chair Losik asked if this will prevent the employees from coming out on the Blueberry Lane side of the property.

Mr. Argue replied that is correct. He continued this would be a condition of approval. He is not inclined to move it without that.

Member Durkin stated it has been referenced that Webster is a resource for the Town of Rye residents. He asked if there is something in Webster’s By-Laws that Rye residents have precedence over residents of other towns to become residents at the facility for care.