

**LINCOLN ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
WEDNESDAY FEBRUARY 17, 2021 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

These meetings will NOT be livestreamed any longer. Due to the current COVID-19 situation, this meeting will only be available via the Zoom Meeting Platform to allow for town wide participation.

Join Zoom Meeting

<https://us02web.zoom.us/j/89487693705?pwd=Z1A3dGRBVG5xbGh0R0VhQXQxY1ZOUT09>

Meeting ID: 894 8769 3705

Passcode: 400994

Or Dial by your location

+1 929 205 6099 US (New York)

Present: Vice Chair Paul Beaudin, Member Ray D'Amante, Member Jack Daly, Member Delia Sullivan, Alternate Susan Chenard, and Alternate Margie Gozdoff (all via ZOOM).

Members Excused: Chair Jonathan Ham and Alternate Myles Moran

Members Absent: None

Staff Present: Town Manager Butch Burbank, Planner Carole Bont, Fire Chief/Health Officer/Code Enforcement Officer/Zoom Host & Moderator Ron Beard (all via ZOOM).

Consultants: Town Attorney Peter Malia, Hastings Malia Law Office, P.A., 376 Main Street, PO Box 290, Fryeburg, ME 04037-0290 (via ZOOM)

Guests:

- **There was one blank screen present during the meeting whose operator we could not identify.**
- **Attorney Mark Beaudoin**, nonresident, (ATTORNEY FOR APPELLANTS), Nixon Peabody, LLP, City Hall Plaza, 900 Elm St, Manchester, NH 03101 - Outside Local NH Counsel for Appellant Remedy Medical Properties, LLC, an affiliate of which is the potential fee owner/developer;
- **Joseph P. Chenard**, resident, 11 Liberty Road, Lincoln, NH 03251-9724, owner of:
 - 257 US Route 3 (Map 107, Lot 042);
 - 261 US Route 3 (Map 107, Lot 043);
 - US Route 3 #LO (Map 107, Lot 056);
 - US Route 3 #LO (WS) (Map 107, Lot 055);And co-owner with Peter C. Chenard (now deceased) of
 - US Route 3 #LO (WS) (Map 107, Lot 044);
 - US Route 3 #LO (Map 107, Lot 045);

- US Route 3 #LO (Map 107, Lot 046);
- US Route 3 #LO (Map 107, Lot 047);
- US Route 3 #LO (Map 107, Lot 048);
- US Route 3 #LO (Map 107, Lot 049);
- US Route 3 #LO (Map 107, Lot 050);
- US Route 3 #LO (Map 107, Lot 051);
- US Route 3 #LO (Map 107, Lot 052);
- US Route 3 #LO (Map 107, Lot 053); and
- 11 Liberty Road (Map 107, Lot 061).

And Vice-Chair of the Lincoln Planning Board and husband of ZBA Alternate Susan Chenard.

- **Cathy Furtek Conway, P.E.**, nonresident (APPELLANT’S ENGINEER) Horizons Engineering, Inc., 34 School St., Littleton, NH 03561;
- **Raymond DeGrace**, resident, (ABUTTER) co-owner with Marie DeGrace, 4 Donovan Drive, Lincoln, NH 03251-9708 (Map 112, Lot 015);
- **David B. Martin**, nonresident, (APPELLANT) Executive Vice President, Development for Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607;
- **Dawn McPhee**, nonresident, (APPELLANT) Executive Assistant/Decision Support and Board Liaison, Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561;
- **Kurt Meyer, Sr.**, nonresident, (APPELLANT) Senior Preconstruction Manager at Remedy Medical Properties, Inc. 800 W Madison Street, Suite 400, Chicago, IL 60607;
- **Robert (Bob) F. Nutter**, nonresident, (APPELLANT) President/CEO of Littleton Regional Hospital (which is the proposed main tenant of the new building to be constructed), Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561;
- **Attorney Barbara Peloquin**, nonresident, (APPELLANT) Associate In-House Counsel for Appellant Remedy Medical Properties, LLC, Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607;
- **Darrell Philips**, nonresident, (APPELLANT) Land Development Manager, Design & Construction, Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607;
- **Ryan St. Cyr**, nonresident, (APPELLANT) Director of Support Services, Littleton Regional Hospital; Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561;
- **Ivan Strickon**, resident, and co-owner with Paula Strickon of 127 Pollard Road, PO Box 1510, Lincoln, NH 03251-1510; and

- **Jeff Woodward**, nonresident, (APPELLANT) 38 Raven Lane, Franconia, NH 03580-0536, Vice Chair of the Board of Littleton Regional Healthcare, Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561.

I. CALL TO ORDER

Vice Chairman Beaudin assumed the chairmanship. Chair Beaudin called the meeting to order at 6:00pm. Chair Beaudin appointed Alternate Susan Chenard to sit as a regular member.

II. CONSIDERATION OF MEETING MINUTES

- **September 16, 2020** (Present: Chair Jonathan Ham, Vice Chair Paul Beaudin, Member Ray D'Amante, Member Jack Daly, Member Delia Sullivan, Alternate Susan Chenard and Alternate Margie Gozdiff. (Via ZOOM.)

MOTION: "To approve the minutes of the October 19, 2019 ZBA meeting."

Motion: Member Beaudin Second: Member D'Amante Motion carries with all in favor.

III. CONTINUING AND OTHER BUSINESS (Staff and Zoning Board Member/Alternates).

None.

IV. NEW BUSINESS

**6:00 PM. Request for a Special Exception for an Off Premise Sign
[SES 2021-01 M112 L016 Clark – Special Exception for Off Premise Sign]**

Appellants:

- (1) Littleton Development Medical Properties, LLC, 800 W. Madison Street, Suite 400, Chicago IL 60607;
- (2) Littleton Hospital Association d/b/a Littleton Regional Healthcare, 600 Saint Johnsbury Road, Littleton, NH 03561; &
- (3) Property Owners of both Proposed Sign Lot & Benefitted Lot: Brenda Clark, Benjamin E. Clark & Jennifer L. Franz, PO Box 9, Lincoln, NH 03241-0009.

Attorney for Appellants:

Mark E. Beaudoin, Esq.
Nixon Peabody LLP
900 Elm Street
Manchester, NH 03101-2031

Property Owners of both Proposed Sign Lot & Benefitted Lot:

Brenda Clark, Benjamin E. Clark & Jennifer L. Franz PO Box 9, Lincoln, NH 03241-0009.

Subject Property:

- A. Railroad Street #LO (Map 112, Lot 016) 0.83 Acres (Proposed Sign Lot) General Use (GU) District; &
- B. Railroad Street #LO (Map 112, Lot 018) 5.51 Acres (Proposed Benefitted Lot) General Use (GU) District.

Proposal:

Appellant Littleton Development Medical Properties, LLC (LDMP) is under contract to acquire Proposed Benefitted Lot. Upon acquiring Proposed Benefitted Lot, & subject to Site Plan Review approval, LDMP plans to construct building(s) and other improvements on Proposed Benefitted Lot related to medical facility uses (the “Proposed Medical Development”) to be occupied by one or more third-party tenants, including Littleton Regional Healthcare. Proposed Benefitted Lot is not visible from a main road, thus off-premises signage to be located on the Proposed Sign Lot (the “Proposed Sign”) is requested to direct medical patients & invitees to Proposed Benefitted Lot.

Proposed Benefitted Lot is approx. 650 ft from Main Street/NH Route 112 (across from the Hobo Railroad property)—*not visible* from any “main” road, including Main Street/NH Route 112 & Connector Road/US Route 3A. Permission for off-premises signage requires a special exception.

Proposed use showing justification for a special exception in Land Use Plan Ordinance Article VI-B (Lincoln Sign Regulations), Section E (Permit Requirements and Review Procedure), Paragraph 10 (Sign Classification and Standards), Subparagraph (p) (Off-Premises Sign) except by Special Exception as provided in Article VIII, Section A Board of Adjustment, Paragraph 2, subparagraphs A-D of this Ordinance **and** Section H Appeals, Paragraph 2, Special Exceptions for Signs, Subparagraphs a-e.

Planner Bont informed the Board that the application for a Special Exception for Off Premise Sign was complete. The Board was in agreement.

MOTION: "To accept the application as complete."

Motion: Member Daly Second: Member D'Amante Motion carries unanimously.

Presentation:

Appellant’s Representative Attorney Mark Beaudoin gave a brief presentation of the project. He stated that the property owner is the Clark family and that they own two (2) undeveloped lots on Railroad Street:

1. Railroad Street #LO Tax Map 112 Lot 016 (the sign lot, a small 0.83-acre lot) and
2. Railroad Street #LO Tax Map 112-018 (the business lot, a large 5.51-acre lot).

The business lot is not visible from the road (Route 112). The sign lot is approximately 112 feet from the NH Route 112/Main Street intersection. The railroad tracts bisect this lot. The sign lot has an existing sign on it for the Hobo Railroad. The Clark family is permitting the Appellant to replace that sign with the medical center sign. The Appellant intends to replace this existing sign with a nicer looking sign and landscaping which they feel would be a nice addition to the Town

as it is one of the first things you see when driving into Lincoln. The business will have 1-2 buildings housing 1-2 medical business type tenants. Chairman Beaudin questioned whether the sign would be for two (2) businesses. Mr. Beaudoin stated that in the plans presented to the Board, the sign is for the two (2) businesses.

Appellants' Attorney Beaudoin reviewed the five (5) criteria with the Board.

1. The sign is consistent with the Town of Lincoln Master Plan and the stated purpose of Article 6b.

The proposed business will be located in the General Use (GU) District and is a permitted use. The lot where the building will be built is not visible from the Main Road (NH Route 112/Main Street) thus the Appellant is able to apply for a special exception for an off-premise sign. This signage is requested to alleviate any potential hazards at this intersection as it is a tricky intersection with the railroad tracks bisecting it. The Appellant is applying to NHDOT for a directional sign which is proposed for installation in front of McDonalds. This sign is called a tourist-oriented directional sign and is provided by NHDOT.

2. The sign will enhance the tranquility of the neighborhood

The existing sign is not in the best of shape. The proposed new sign will be improving the neighborhood on the corner of Donovan Drive and Railroad Street making it look much better. The sign will be wooden and the colors of the sign will be shades of green and white to blend in with the natural landscape.

3. The sign will enhance the overall quality of the neighborhood

This proposed sign will provide a professional and attractive gateway to Town. The landscape around the sign will be greatly improved and will be similar to what is pre-existing in the area although it will be much more understated than the lit up mini-golf sign and animated ski shop sign.

4. The sign will solve existing potential hazards

The Town permits the medical facility in the proposed location (per the LUPO) and not having this off-premise sign could potentially create a hazardous traffic situation.

5. The sign will improve unsightly distractions related to traffic lighting, color, size, overall tranquility.

The sign would be softly lit during business hours (on a timer) and would be dark sky compliant with downward lighting LED lights built into the sign structure. The light would shut off around 9:00pm. There will be no overnight services offered.

Questions from the Planning Board Members:

At this time, Chairman Beaudin opened up the meeting for questions/comments from the Board. Member Sullivan questioned whether the signage on the building would be able to be seen from the highway. Appellants' Attorney Beaudoin stated that he cannot answer this question as signage has not been addressed for the building lot yet and that this application is really focused on the off-premise sign. Chairman Beaudin stated that signage will be addressed as part of the Planning Board review of the application.

Member D'Amante questioned what the timing for construction of the facility is. Appellants' Attorney Beaudoin replied that there is still a great deal of planning that has to be done. Vice Chair of the Board of Littleton Regional Healthcare Jeff Woodward stated that if everything goes smoothly, they hope to begin construction mid to late summer.

MOTION: "To open the hearing to public comment."

Motion: Member D'Amante Second: Member Daly Motion carries.

Abutter Raymond DeGrace questioned what the size of the sign will be. Chair Beaudin stated that that is still to be determined. Member D'Amante added that this would be discussed as part of the Planning Board process.

Joe Chenard questioned whether the businesses (Rodgers/Hobo Railroad, etc.) have looked into sharing one large sign. Mr. Woodward stated that there was some question as to the ownership of the sign and that all parties were not in favor of this.

Appellants' Attorney Beaudoin thanked the Board for their time. The Board thanked the applicant for the presentation.

MOTION: "To close public comment."

Motion: Member Daly Second: Member Chenard Motion carries.

MOTION: "The proposed off-premise sign is consistent with the Town's Master Plan and Criteria 5 on the application as stated."

"The Proposed Benefited Lot is zoned General Use and medical facilities are allowed by right (e.g., permitted improvements) in the General Use District. Given that the Proposed Benefited Lot is not visible from a main road, the Ordinance also expressly contemplates that (in those situations) off-premises signage is allowed (subject to meeting certain conditions) to insure safe and efficient access to the Proposed Medical Facility. As described above, any impact on traffic that the Proposed Sign may have will only serve to curtail future potential unnecessary access and safety issues related to congestion at the Railroad Street and Route 112 intersection. Given that Route 112 is heavily traveled, especially during the tourist seasons, and congestion is a concern, construction of the Proposed Medical Facility without the requested off-premises signage could potentially increase congestion along Route 112 at the intersection with Railroad Street and, therefore, the sign is consistent with the stated intent of the Town of Lincoln Master Plan and the Ordinance."

Motion: Member Sullivan Second: Member D'Amante Motion carries unanimously

MOTION: "The proposed off-premise sign is consistent with Criteria 6 on the application as it will enhance the tranquility of the neighborhood."

"The Existing Freestanding Sign is (i) in relatively poor condition, (ii) made of a material (metal) which is inconsistent with nearby structures, thereby depreciating the character of the district, and (iii) located in an unmaintained area with overgrown vegetation. On the contrary, the replacement Proposed Sign (and landscaping maintenance and improved plantings) reflect

a natural aesthetic more in harmony with the existing adjacent natural features (background of evergreen trees) and mountain views to the northeast. For this reason, the Proposed Sign increases the feeling of calmness and tranquility within the district.”

Motion: Member Sullivan Second: Member Daly Motion carries unanimously.

MOTION: "The proposed off-premise sign is consistent with Criteria 7 on the application as it will enhance the overall quality of the neighborhood."

“For many first-time visitors to the Town of Lincoln exiting off 193 North, the Railroad Street intersection serves as one of the first major impressions they will have of this picturesque town. If approved, the Proposed Sign and related landscaping will enhance the overall quality of the neighborhood by providing, in effect, a new and revitalized "gateway" to the current and future businesses along Railroad Street. The proposed enhancements will include professional maintained landscaping of an overgrown and previously unkempt area of the district, as well as replacing an old, faded, chipped and rusted metal sign with an attractive wood and vinyl/laminate sign containing muted colors that will effectively blend into the natural features of the area. Accordingly, the Proposed Sign will clearly enhance the overall quality of the neighborhood.”

Motion: Member Sullivan Second: Member Daly Motion carries unanimously.

MOTION: "The proposed off-premise sign is consistent with Criteria 8 on the application as it will resolve potential hazards."

“As set forth in the response to Criteria 5, the Proposed Sign will advertise the Proposed Medical Facility to be constructed on a parcel of land on Railroad Street, beyond the Holiday Inn Express Hotel, with no visibility on main roads, including Route 112. Although a NHDOT Directional Sign will be located along Route 112, without a corresponding off-premises sign of the type proposed in this Application alerting patients and others that they are headed in the correct direction, it could be the cause of congestion and/or motor vehicle accidents as uncertain drivers turn left, over the rail road tracks, in front of oncoming southbound traffic. Hence, granting the Appellant the special exception for this replacement off-premises sign will resolve future potential hazards after the Proposed Medical Facility opens for business.”

Motion: Member D'AmanteSecond: Member Daly Motion carries unanimously

MOTION: "The proposed off-premise sign is consistent with Criteria 9 on the application as it will improve unsightly distractions related to traffic, lighting, size or the overall tranquility of the area. To accept the proposed soft lighting (Appellant commits to the use of soft lighting -if any at all) as a description (with solar powered light within reason if possible)

“As set forth in Criteria 6 above, the Existing Freestanding Sign is chipped, faded and rusted and replacing it with the Proposed Sign will immediately alleviate unsightly distractions while serving a needed purpose: directing traffic in an orderly fashion to the Medical Use

Facility. Moreover, removing the tall overgrown vegetation from the area around the sign and replacing it with new low growing plantings will serve to increase visibility at the intersection with Donovan Drive. Given that the Proposed Sign will contain (i) a color scheme that will blend into the natural surroundings, and (ii) potentially, soft lighting (on a timer) indicative of the professional use it represents, which is far less impactful than other existing lighting produced by other adjacent business, the signage will serve its basic necessary purpose while not creating any new unsightly distractions. For this reason, the Proposed Sign increases the feeling of calmness and tranquility within the district.”

Motion: Member D'Amante**Second: Member Daly** **Motion carries unanimously**

The Board accepted the application and approved the special exception with no conditions.

IV. ADJOURNMENT

MOTION: “To adjourn at 6:30pm.”

Motion: Member Beaudin **Second: Member D'Amante** **Motion carries unanimously.**

Respectfully submitted,
Recording Secretary,
Brook Rose

Acting Chairman Paul J. Beaudin II
Date Approved: March 24, 2021

Facility. Moreover, removing the tall overgrown vegetation from the area around the sign and replacing it with new low growing plantings will serve to increase visibility at the intersection with Donovan Drive. Given that the Proposed Sign will contain (i) a color scheme that will blend into the natural surroundings, and (ii) potentially, soft lighting (on a timer) indicative of the professional use it represents, which is far less impactful than other existing lighting produced by other adjacent business, the signage will serve its basic necessary purpose while not creating any new unsightly distractions. For this reason, the Proposed Sign increases the feeling of calmness and tranquility within the district.”

Motion: Member D'Amante Second: Member Daly Motion carries unanimously


The Board accepted the application and approved the special exception with no conditions.

IV. ADJOURNMENT

MOTION: “To adjourn at 6:30pm.”

Motion: Member Beaudin Second: Member D'Amante Motion carries unanimously.

Respectfully submitted,
Recording Secretary,
Brook Rose



Acting Chairman Paul J. Beaudin II
Date Approved: March 24, 2021

