

**Lincoln Zoning Board of Adjustment
Wednesday July 7, 2021 – 6:00PM
Lincoln Town Hall - 148 Main Street, Lincoln NH**

Due to the current evolving status of COVID-19, this meeting will be a *hybrid* meeting to be presented both in person with social distancing encouraged (space limited to 8-12) and via ZOOM Video Conferencing to allow for town wide participation. A quorum of the members of the board will have to be physically present at the meeting. All others may attend via ZOOM if they wish.

Join Meeting via Zoom:

<https://us02web.zoom.us/j/84112724160?pwd=emFFTnRvNDNnWDh1eE96bnNsQXRrUT09>

Meeting ID: 841 1272 4160

Passcode: 368026

Or dial by your location 1-929-205-6099 US (New York)

Present: Chairman Paul Beaudin, Vice Chair Ray D'Amante (via ZOOM), Member Delia Sullivan, Member Jack Daly, Member Myles Moran (via ZOOM) Alternate Susanne Chenard and Alternate Jon Ham.

Members Excused: None

Members Absent: None

Staff Present: Planner Carole Bont and Fire Chief/Health Officer/Code Enforcement Officer/Zoom Host & Moderator Ron Beard, Judy Sherriff (new recorder) & Brook Rose (former recorder)

Consultant: Town Attorney Peter Malia

Guests:

- **Mariana Albert**, nonresident, (ABUTTER) PO Box 189, Westfield, MA 01086 co-owner with David M. Albert of 24 Riverfront Drive, Unit 296 (Map 106, Lot 080-000-00N-00296) in Deer Park Resort (Woodstock portion). (Via ZOOM).
- **David Balsamo**, nonresident, (ABUTTER) PO Box 5550, Wakefield, RI 02880, co-owner with Marcia Montanaro of 18 Cascade Drive, Unit 276 (Map 106, Lot 078-000-005-00276) in Deer Park Resort (Woodstock portion). (Via ZOOM.)
- **Kathryn (Jeanne) Beaudin**, resident, PO Box 872, Lincoln, NH 03251-0872, co-owner with Paul Beaudin II, of 2 Louis Lane (Map 117, Lot 069) (Via ZOOM).
- **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 (Via ZOOM);
- **Angel Blaisdell**, nonresident, (ABUTTER) 182 South Row Road, Townsend, MA 01469, co-Trustee owner with Angel P. Blaisdell of 22 Lakeside West Drive #1 (Map 111, Lot 001000-02-00310). (Via ZOOM).

- **Gary T. Blaisdell**, nonresident, (ABUTTER) 182 South Row Road, Townsend, MA 01469, co-Trustee owner with Angel P. Blaisdell of 22 Lakeside West Drive #1 (Map 111 Lot 001000-02-00310). (Via ZOOM).
- **Cathy Furtek Conway, P.E.**, (nonresident) (APPELLANTS' ENGINEER) Horizons Engineering, Inc., 34 School Street, Littleton, NH 03561;
- **Mark Dixon**, resident, (ABUTTER) PO Box 670, Lincoln, NH 03251-0670 co-owner with Susan A. Dixon of 5 Lakeside East Drive #2 (Map 111, Lot 001000-01-00306). (Via ZOOM).
- **Susan A. Dixon**, resident, (ABUTTER) PO Box 670, Lincoln, NH 03251-0670 co-owner with Mark S. Dixon of 5 Lakeside East Drive #2 (Map 111, Lot 001000-01-00306). (Via ZOOM).
- **Dave Driscoll**, resident, (ABUTTER) PO Box 25, North Woodstock, NH 03262-0025, co-owner with June F. Driscoll of 24 Lakeside West Drive #2 (Map 111, Lot 001000-04-00313) in Deer Park Resort (Lincoln portion), also President of the Main Board of Deer Park Resort and President of the Lakeside Sub-Association which is part of Deer Park Resort.
- **Irene Foley**, nonresident, (ABUTTER) 10 Bayview Avenue, Beverly, MA 01915, owner as Trustee, of 22 Lakeside West Drive #2 (Map 111, Lot 001000-03-00311) in Deer Park Resort (Lincoln portion). (Via ZOOM).
- **Dawn McPhee**, (nonresident) (APPELLANT) Executive Assistant/Decision Support and Board Liaison, Littleton Regional Healthcare, 600 Johnsbury Road, Littleton, NH 03561;
- **Marcia Montanaro**, nonresident, (ABUTTER) PO Box 5550, Wakefield, RI 02880, co-owner with David Balsamo of 18 Cascade Drive, Unit 276 (Map 106, Lot 078-000-005-00276) in Deer Park Resort (Woodstock portion). (Via ZOOM), Lot 001000-02-00310). (Via ZOOM)
- **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 (Via ZOOM);
- **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 (Via ZOOM);
- **Darrell Phillips**, (nonresident) (APPELLANT) Land Development Manager, Design & Construction, Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607 (Via ZOOM);
- **David G. Rainville**, nonresident, (ABUTTER) 3 Ocean Woods Drive, Duxbury, MA 02332-5269, co-owner with Sandra A. Rainville of 32 Riverfront Drive, Unit 298 (Map 106, Lot 080-000-00M-00298) in Deepark Resort (Woodstock portion). (Via ZOOM).

- **Charyl Reardon**, (nonresident) (ABUTTER), President of White Mountains Attractions Association, 200 Kancamagus Highway PO Box 10, North Woodstock, NH 03262 representing the entire White Mountains region, also Selectman for the Town of Woodstock, NH, Woodstock Town Office, 165 Lost River Rd, PO Box 156, North Woodstock, NH 03262-0156 (via ZOOM), Selectman for the Town of Woodstock, New Hampshire (Via ZOOM).
- **Richard Schlanger** (c/o Barbara Ryan Schlanger), (ABUTTER) 12 Gilbert Heights Road, Marblehead, MA 01945 – Barbara Ryan Schlanger owns 8 Cascade Drive, Unit 273 (Map 106, Lot 078-000-00T-00272) in Deerpark Resort (Woodstock portion). (Via ZOOM).
- **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.
- **Nancy & Paul** (Via ZOOM) (ABUTTERS. Owners in Deer Park Resort (Woodstock portion).

I. CALL TO ORDER

Chair Beaudin called the meeting to order at 6:00pm

II. NEW BUSINESS

6:00 PM. Request for a Special Exception for a Sign that Exceeds the Maximum Height & Size Requirements

[SES 2021-02 M112 L018 Littleton Hospital – Special Exception 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.

Property Owners: Brenda Clark, Benjamin E. Clark & Jennifer L. Franz
PO Box 9
Lincoln, NH 03251-0009

Property Location: Railroad Street #LO (Map 112, Lot 018) 5.51 Acres.
General Use (GU) District

Engineer for Appellants:

Cathy Furtek Conway, P.E.
Vice President Municipal Operations
Horizons Engineering, Inc.
34 School Street, Littleton, NH 03561

Attorney for Appellants:

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

Subject Property:

Railroad Street #LO (Map 112, Lot 018) 5.51 Acres, General Use (GU) District.

Proposal:

Appellants are under contract to acquire subject lot where sign is proposed. Upon acquiring subject lot, Appellants have Conditional Site Plan Review approval to construct two (2) medical facilities to be occupied by one or more third-party tenants, including Littleton Regional Healthcare.

Appellants want their sign to be visible from Interstate I-93 north and southbound. The proposed sign will exceed the maximum height requirement of twenty feet (20') above grade and the maximum size requirement for a multi-business property of one hundred fifty square feet (150 SF). Appellants want three hundred eighty-four square feet (384 SF) of signage at a height of seventy-five feet (75') above grade.

In the Land Use Plan Ordinance Article VI-B (Lincoln Sign Regulations), Section E (Permit Requirements and Review Procedure), Paragraph 10 (Sign Classification and Standards), Subparagraph (i) (Free Standing Sign) Sub-subparagraph ii. (Standards) sub-sub-subparagraph c) restricts both the size & height of a free-standing sign:

- c) Free Standing Signs in the Village Center (VC) Zone must not exceed fifty (50) square feet per single business, excluding structure, or one hundred (100) square feet in the General Use (GU) Zone. Multiple business properties are permitted one Free Standing Sign with only thirty-two (32) square feet allowed per business, not to exceed one hundred fifty (150) square feet, including the structure. The support structure for a Free-Standing Sign must not exceed fifty percent (50%) of the allowable sign square footage. The maximum height for a Free-Standing Sign, except in a residential zone is twenty (20) feet above grade and the maximum depth is one (1) foot except when the support structure is natural stone or stone-like product where the maximum depth is two (2) feet.

The proposed sign is not permitted 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.

Presentation:

Appellants' Engineer Cathy Conway, Horizons Engineering, presented to the board and shared information about the project and general information regarding the signage. The project is construction of an urgent care medical facility and medical office building on Railroad Street.

Exhibits: Drawings - Sheet C3 is an overview of the project and Sheet C5 is the signage plan.

Appellant's Engineer Conway said a sign, located off property, has been previously approved on Map 112, Lot 016 closer to the intersection of Main Street and Railroad Street which will be for both the urgent care and the medical office building. On [subdivision] Lot 1 there will be a sign for the urgent care facility and also a sign for the medical office building. A proposed free-standing sign on [subdivision] Lot 2 for the medical office building as well as a sign on the building itself. On the most northern site, at the end of the third parking entrance, is the sign that is being discussed at this meeting. This is a proposed seventy-five foot (75') tall sign. The free-standing sign for the medical office building is referred to Option A and Option B shown at the top of the plan sheet C5. Option C is the free-standing sign for each of the business and will be eight feet by twenty-four foot (8' x 24').

Appellant's Engineer Conway asked the question: "Why do we need a taller sign?" The answer she gave was: "In order to determine what is needed for visibility to inform the traveling public that there is a medical facility in the community and also to develop something normal and customary for medical facilities that have visibility challenges, such this site."

Balloon Tests:

Appellant's Engineer Conway said a balloon test was performed (sheet 1 of 3) with a forty-two-foot (42') high balloon and that would be equivalent to the sign on the back of the building at completion. Photos were taken looking from the parking area and also looking north bound into the facility. Only the north-bound view, of the balloon, was visible at the forty-two-foot (42') height; it was not visible from the south-bound view at all.

Appellant's Engineer Conway said a second balloon test was conducted to see if there was visibility from both directions on I-93. A sixty-two-foot (62') balloon was used at Location 2 (on the site plan) which is at the northern most site on the plan. A photo was taken at the intersection of Railroad and Main Streets which was hardly visible in the photo. It was determined that this balloon at sixty-two feet (62') was not readily visible from Main Street. Additional photos were taken from north and southbound on I-93. While heading northbound the sign was visible but not until after passing Exit 32. While heading southbound the sign could be seen at the bridge crossing and before Exit 32. Due to the lack of visibility from the northbound side with the sixty-two-foot (62') height balloon, another balloon test was performed with a balloon height of one hundred feet (100'). The result of this test did not change the visibility from the southbound side and only slightly increased the visibility from the northbound side.

Appellant's Engineer Conway said the conclusion of the balloon testing revealed that with the sixty-two-foot (62') balloon height plus the two (2) eight-foot (8') signs it totals seventy-eight feet (78'). This was the basis of the seventy-five-foot (75') sign proposal, taking into consideration trees growing, etc.

Other Signage Visible Along I-93:

Appellant's Engineer Conway conducted a visual survey of existing signage as she was driving northbound on I-93 and starting around Campton she took notice of the signs visible from the interstate. She observed in the Campton and Thornton areas several signs that could be seen.

- At Exit 28 in Campton, she viewed several signs and a large Mobil gas station sign. She estimated that it was about seventy-five (75) to one hundred (100) feet in height.
- At Exit 29 in Thornton a sign which is large but not as large as the proposed sign can be seen along the Pemigewasset River.
- At mile marker 97.8, between Exits 30 and 31, the Indian Head Resort sign was visible.
- At mile marker 96, between Exits 31 and 32, the sign for Alpine Adventure was visible.
- Moving north at Exit 33, in Woodstock, there is a sign for Clark's Trading Post visible.

Ms. Conway stated that "the point of that [sign survey] was just to share that this is not the only sign that is being looked at along the highway, that there are other existing large signs".

Chairman Beaudin determined that the board would review questions first and then Appellants' Engineer Conway would give her answers. Ms. Conway agreed.

Is this a Development of Potential Regional Impact?

Town Attorney Peter Malia suggested reviewing the regional impact decision first in case the project is determined to be a Development of Regional Impact (DRI). If it is determined to be a DRI notifications to the Regional Planning Commission and abutting municipalities that are impacted. He was suggesting this to avoid Ms. Conway having to do another presentation if the determination of DRI would lead to a continuation with additional parties. Chairman Beaudin agreed that it made sense to review DRI first.

The board reviewed whether this is going to be a DRI and looked at the Review Guidelines.

Member Myles Moran brought up that there may be an issue here since there is also a letter from the President of Deer Park, which is on the border of the Town of Woodstock and the Town of Lincoln, and the interstate buffer.

Planner Carole Bont referred the board to the Developments of Regional Impact Review Guidelines for the North Country Per NH RSA 36:54-58, Section 2.6 Directly Abuts a Municipal Boundary. The board reviewed the guidelines. A discussion followed regarding the following section:

Section 2.3 Settlement Patterns or Regionally Significant Features: Might the proposed development affect the settlement patterns or regionally significant feature of the Region by:

2.3.1 Requiring the alternation, degradation, or destruction of the designated regionally significant historic, cultural, natural, or scenic features.

2.3.2 Being located in geographic areas that have not supported that size and type of proposed development in the past or etc. 2.3.3 Being incompatible with the architectural or design features of nearby existing structures?

After reviewing the board decided that the above sections did not apply.

Chairman Beaudin then read the following:

Section 2.5.2 Producing or having anticipated visual impacts such as, but not limited to cell towers and wind farms, that may impact a neighboring municipality, including municipalities not directly abutting the host municipality?

Member Moran asked if the Town of Woodstock received a notification and a discussion of section 2.6.1 continued.

Section 2.6 Directly Abuts a Municipal Boundary: Is the proposed development on land that directly abuts a municipal boundary?

2.6.1 If so, is it going to affect neighboring properties in an adjacent municipality? If it might, the neighboring local land use board should consider making a determination of regional impact.

Vice Chairman Ray D'Amante was concerned about the ZBA deeming this project a DRI as a DRI is a very difficult concept and goes far beyond the visibility of a sign. A DRI in this case could cause minor interpretations that would not come to that level of significance. He does not believe it is applicable.

After some discussion with Chairman Beaudin regarding the Deer Park letter it was determined that more is involved with making a decision of DRI. Vice Chairman Ray D'Amante believes a DRI is far broader.

Member Moran asked to defer to Town Attorney Peter Malia.

Town Attorney Peter Malia agreed with Vice Chairman D'Amante in that the proposed project before the ZBA is not a development but a sign. Due to the location and size of the sign, however, it could be considered as DRI even though it is typically related to a development and not a sign. Two sections have been identified (Guidelines 2.5.2 and 2.6.1) and could potentially qualify this sign as DRI. Mr. Malia recommended that the board consider a motion that the sign could qualify as a DRI in sections 2.5.2 and 2.6.1. He brought up the issue that the Town of Woodstock has not been notified of the sign and it deserves consideration.

Appellants' Attorney Mark E. Beaudoin commented that the Planning Board considered the whole development to be a DRI and determined it was not a DRI and the sign was on the site plan.

Chairman Beaudin explained that each board has to make its own determination of whether the project is a DRI. Town Attorney Malia and Vice Chair D'Amante agree that the Zoning Board needs to make this determination on their own, separate from the Planning Board. Town Attorney Malia mentions that the "Planning Board's decision can be considered instructive but not controlling and the board should make their own decision based on the size of the sign."

MOTION: "This [sign] project is NOT a DRI pursuant to sections 2.5.2 and 2.6.1."

Motion: Mr. D'Amante. Second: Mr. Moran.

Board discussion: Chairman Beaudin brought up the need to inform other communities to allow and afford them the ability to comment if they have any. Board Member Jack Daly brought up a question about whether the Planning Board did not have the ability to determine and approve the height of the sign and the Planning Board's authority was only to determine the location. The appellant was told that they would need to have the height of the sign approved by the ZBA.

Appellants' Engineer Conway was asked if this hearing was to be continued would such a delay impact the status of construction or delay the project? Her answer was "no" as she feels they would still be able to get their building permit as long as they do not put up the sign until they have ZBA approval. Planner Bont agreed.

Vice Chairman Daly wanted to know if Appellants' Engineer Conway had any objections to presenting to the Town of Woodstock if it was determined that the Town of Woodstock is a legal abutter. Appellants' Engineer Conway said she would be fine presenting to the Town of Woodstock's Board of Selectman.

More discussion over the need to present or just for the ZBA to notify Woodstock of the DRI and wait for their response.

Member Delia Sullivan wanted to know why the Town of Woodstock, as an abutter, was not already notified. Planner Bont and Town Attorney Malia explained that due to the definition of "abutter" the planning board did not consider the Town of Woodstock to be a legal abutter because the lot under the property for I-93 divides the properties.

Member Delia Sullivan brought up the fact that if the ZBA determines Woodstock to be an abutter then they should also have been notified regarding this hearing. Town Attorney Malia responded to her concern and as a consideration of the DRI they would then be considered by the regional impact statute to be an abutter. Further, "you must furnish by certified mail the regional planning commission and the effected municipalities with copies of the minutes of the meeting and the application and the plot plans and everything else". This would allow the effected municipalities the opportunity to participate or to ignore it.

Town Attorney Malia explained these are two separate things:

1. There is a legal definition of an "abutter" and
2. Then there is the determination of whether the project is a DRI.

Member Delia Sullivan expressed concern about notifying the Town of Woodstock if it is determined that this is a DRI and that the application would be incomplete as it is missing information.

Member D'Amante mentioned that in his opinion that the homes in Deer Park are "depressed" (i.e., lying lower than the roadway) and the homeowners of Deer Park would not have a view of I-93 and would not even see the sign on the other side of I-93. He would have difficulty believing that this would be a DRI as it relates to Deer Park or any other part of Woodstock. He stated that he "doesn't want to slight anyone but wants to be factually correct about the circumstances".

Motion: The sign project is not a DRI.

Motion: Mr. D'Amante. Second: Mr. Daly.

All in favor.

Member D'Amante explained that if the board feels this is NOT a DRI then the vote would be "YES" if the board feels this is a DRI then the vote is a "NO". Chairman Beaudin called for a vote, and it was unanimous that this proposed sign is NOT a DRI.

Chairman Beaudin read the sign ordinance and asked Appellants' Engineer Conway if she wanted to add anything.

- c) Free Standing Signs in the Village Center (VC) Zone must not exceed fifty (50) square feet per single business, excluding structure, or one hundred (100) square feet in the General Use (GU) Zone. Multiple business properties are permitted one Free Standing Sign with only thirty-two (32) square feet allowed per business, not to exceed one hundred fifty (150) square feet, including the structure. The support structure for a Free-Standing Sign must not exceed fifty percent (50%) of the allowable sign square footage. The maximum height for a Free-Standing Sign, except in a residential zone is twenty (20) feet above grade and the maximum depth is one (1) foot except when the support structure is natural stone or stone-like product where the maximum depth is two (2) feet.

Reasons for Request for Special Exception:

Appellants' Engineer Cathy Conway explained the reasons why Appellants need to have a tall sign.

1. Since they are building a medical facility, it is important to be visible to visitors who may not be familiar to the area.
2. As to other criteria such as the architectural, noise, lighting and impact on other business, she does not feel the proposed sign would have a negative impact.
3. This wooden structure is compatible with structures within the area and in terms of unsightly distraction to traffic.
4. The sign will be beneficial to traffic as it will direct the people to a medical facility who may be unfamiliar with the area.

Vice Chair of the Board of Littleton Regional Healthcare Jeff Woodward mentioned this sign will allow all people to access lower cost care than other healthcare facilities in the area.

Vice Chair of the Board of Littleton Regional Healthcare Jeff Woodward also talked about removing trees that are dead or dying and the height of the sign may be lower if it is possible as it would be seen better without the trees.

How Many Signs, Where, for Which Business?

Chairman Beaudin asked Ms. Conway for clarification regarding all of the signs for the development.

Ms. Conway listed the lots and the signs that will be advertising for the development:

1. Sign on Lot 1 will be a free-standing sign advertising for the business on that lot only.
2. Sign on Lot 2 will be a free-standing sign advertising for the business on that lot only.
3. Second sign on Lot 2 will be a seventy-five-foot (75') high sign which will be an off-premise sign for the business on Lot 1 and will advertise both the Urgent Care Facility on Lot 1 and the Medical Office Building on Lot 2.
4. Sign on Map 112, Lot 016 will be on NH Route 112/Main Street/Kancamagus Highway (near Rodgers Ski and Sport Shop, Map 112, Lot 014)
5. Sign on Department of Transportation (DOT) Right of Way for NH Route 112/Main Street/Kancamagus Highway (near McDonalds Restaurant on Map 112, Lot 001) will have a blue sign showing a tourist directional sign. Permission has not been granted by the state for this sign yet.

Blue Attractions Business Sign on Interstate

Member Sullivan asked if it was possible to have an attractions icon on the blue Exit 32 sign on I-93. Vice Chair of the Board of Littleton Regional Healthcare Jeff Woodward said it was possible but there was a waiting list with approximately two (2) other businesses ahead of them. This type of sign is one that would be purchased by the facility.

Blue “H” Hospital Sign on Interstate

Planner Bont mentioned that Shari King, [Outdoor Advertising Control Supervisor] for State of NH Department of Transportation (NH DOT) had explained to her that a Blue “H” hospital sign was only available for a 24-hour facility which neither facility would be.

Sign within the State Right of Way for NH Route 112/Main Street/Kancamagus Highway

Chairman Beaudin expressed concern regarding the sign proposed for the NH DOT right of way for NH Route 112/Main Street/Kancamagus Highway and that the ZBA might need to weigh in on this sign. Planner Bont explained that this sign is wholly within the state’s jurisdiction as she discussed with Shari King, from NH DOT.

Chairman Beaudin polled the Planning Board and they agreed that the State of NH DOT has jurisdiction over the proposed sign for the State of NH DOT Right of Way. This sign is NOT part of an off-premises sign.

Seventy-five Foot (75’) High Sign Also Needs Special Exception for Off Premise Sign

Chairman Beaudin mentioned that the seventy-five-foot (75’) sign is off premise and will require another application for an off-premises sign.

V-Shaped Sign is Larger Than Indicated on Application; Balloon Test was Not Observed by Abutters or ZBA Members

Chairman Beaudin mentioned another couple of concerns he brought up with the sign:

1. The application does not have the correct information regarding the “V-shaped” base; and
2. The balloon test that was performed was not seen by anyone from the ZBA, abutters, or the public. He feels it is important for people to be able to view the balloon test and draw their own conclusions, positive or negative.

Chairman Beaudin feels more information is needed and the ZBA will not be able to decide on this matter based on the information that they have.

Is Sign an Off Premise Sign Advertising a Business, Requiring a Separate Special Exception?

Member Jack Daly commented that the proposed signage is marketing - a form of advertising - and that if he needed to find a medical facility, he would be able to use his phone to do that giving him directions from point A to point B.

Chairman Beaudin asked Town Attorney Malia if this application for a Special Exception was in relation to the size and height only, or if there is another special exception required here due to the sign being an off premise or “off lot” sign advertising a business. Town Attorney Malia suggested polling the board on this question.

Town Attorney Malia addressed the board and asked what they thought about this question.

- Member Sullivan gave her opinion that she feels there is enough information to proceed with regard to size and height and it being a special exception as an off-premises sign.
- Member Daly deferred to Town Counsel.
- Vice Chair D'Amante agreed and suggested asking the Appellant if they are willing to take the risk in case there is any appeal.
- Member Moran agrees there is enough information.

Appellants' Engineer Conway mentioned she is comfortable proceeding but wants to defer to Chair Beaudin as in her opinion "this" [project to build two medical facilities] is considered one development.

Chairman Beaudin weighed in and wanted to know if the ZBA was going to vote on two (2) items or just one (1). If a second special exception for an off-premise sign is justified, then it changes their prospective. If the board votes that a special exception is not needed for a second off premises sign, then they can proceed.

Chairman Beaudin clarifies that if the board votes, they will vote on:

1. The size;
2. The height; and
3. The special exception for an off-premises sign.

Chairman Beaudin's concern is lack of adequate notice because the sign is also a second off premise sign that is not listed on the application for the Special Exception.

Vice Chair of the Board of Littleton Regional Healthcare Jeff Woodward said he was comfortable with the vote on this as both because he feels it is a moot point to request a special exception for an off-premises sign if the sign is not going to be approved based on the size and height alone.

Chairman Beaudin explained that an off-premises sign requires a special exception and if it were to be challenged it could be an issue.

Town Attorney Peter Malia said he felt it was fine to proceed with the application as it is currently, as the ZBA and Appellant have no issues with it. He does again mention that it could be an issue if there were to be any appeal due to the lack of mention of the off-premises specification on the application.

Chairman Beaudin states that the ZBA will proceed with the hearing with the sign falling under one special exception.

Is the Size of the Base for the Sign Larger Than Allowed Under the Land Use Plan Ordinance?

Chairman Beaudin has another issue regarding the "V-shaped" sign's dimensions especially with the addition of the base which is not in the application.

The Land Use Plan Ordinance requires the base to be as follows:

"The support structure for a Free-Standing Sign must not exceed fifty percent (50%) of the allowable sign square footage."

The “V-shaped” base will double the dimensions of the base. He feels this hearing should be continued due to the lack of information needed to calculate the dimensions of the base.

Further Discussion re: Whether to Continue the Hearing for Further Information

1. A discussion regarding continuing the current hearing to a future specific date and time to determine the dimensions.
2. A discussion regarding conducting another balloon test to allow the ZBA, public and any abutters the chance to see it and weigh in on it.
3. Member Moran would like to vote on the sign’s size and height and make it subject to a structural engineering approval.
4. Town Attorney Malia feels the board could vote on what is being asked for in the application and make it subject to approval. Member Sullivan agreed with that.
5. Chairman Beaudin is concerned about the lack of information on the base structure and the benefit of having a drawing to show the actual dimensions of the sign and base.
6. Vice Chairman Daly mentioned that if trees were cut then the sign may be shorter than applied for.
7. Vice Chairman D’Amante understands Chariman Beaudin’s concerns regarding whether the integrity, stability and capacity of the base is appropriate and suggested the board make a condition that the engineer for the applicant would certify the engineering of the base structure AND the risk would be on the Appellant.
8. Chairman Beaudin reads the ordinance “The support structure for a Free-Standing Sign must not exceed fifty percent (50%) of the allowable sign square footage.”
9. Member Daly brought up that due to the lack of information in the application contents specifically states “that a detailed drawing of the proposed sign and it’s support system including all dimensions”, which is lacking from this application.

Town Attorney Peter Malia suggests there are two (2) options:

1. Proceed with public hearing and vote to approve or disapprove with conditions regarding the lack of detail on the base structure; or
2. Continue the hearing at a date and time specific and require the Appellant prior to the hearing date to provide the board with the missing information regarding the base of the structure which is clear in the ordinance.
 - a. Also, as part of the motion to continue the ZBA could consider conducting another balloon test to allow the ZBA, Lincoln residents and abutters from Woodstock can see what the balloons look like.

Motion to Continue

MOTION: To continue the hearing to a date and time specific, to provide the base support structure dimensions and to conduct another balloon test, allowing a clear picture of what a sign at seventy-five feet (75’) may look like and give the ZBA the information to determine if the base support structure and it’s compliance with the ordinance.

Motion: Mr. Beaudin. Second. Mr. D’Amante

Motion was amended to include the following:

- 1. Continue to a date and time specific.**
- 2. Provide more detail on the dimensions of the support structure.**
- 3. Conduct another balloon test on a date and time of their choosing and allow for enough time for the ZBA to notify the public in Lincoln and Woodstock.**
- 4. Change the square footage to be accurate which falls into the allowable total square footage of 768' and the support structure is 50% of that number. Following design standards will be addressed at next meeting.**
- 5. Add the special exception to the second off premises sign.**

Motion to Continue passes 4 to 1 with one abstention by member Sullivan.

The current hearing will be continued to the specific date and time of August 4, 2021 at 6:00 PM.

Ms. Conway will provide to the board the required information 10 days prior.

Ms. Bont will notify the Woodstock Board of Selectmen by email.

Mr. D'Amante was excused from the meeting at 7:40 PM.

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

Motion: Member Beaudin.

Second: Member Moran.

All in favor

President of the Main Board of Deer Park Resort and President of the Lakeside Sub-Association which is part of Deer Park Resort Dave Driscoll, read a letter from the Deer Park Resort homeowners. (See attached.)

Chairman Beaudin made a clarification for Mr. Driscoll as he had referred to the appellants asking for a "variance", but the appellants are asking for a "Special Exception".

Deer Park Resort Homeowner David Balsamo commented that today people do not rely on signage as much anymore but rather use their smart phones for information and directions. He is happy there will be a second balloon test. He feels it is important to see the actual visual impact of a sign of that size and height, therefore a balloon of similar size should be used.

Deer Park Resort Homeowner Marcia Montanaro with David Balsamo said they pay property taxes to the Town of Woodstock and they are happy that they were notified about this hearing, but they are concerned the sign is going a "eyesore to the residents of Deer Park". She feels the sign will be visible from the pond at Deer Park.

Deer Park Resort Homeowner Susan Dixon (speaking for eight families in the Lake Side Sub-Associate in Deer Park, Lincoln) explains that she and her neighbors in Deer Park are excited about having an urgent care facility nearby. She does not see the need for a sign to direct

people to the facility as she uses her cell phone or the blue highway signs. Lincoln is not overdeveloped and is a beautiful natural area. The signs previously mentioned are billboard signs and do not stand as tall as this sign will. She is worried that granting approval for this sign will set a bad precedent and other businesses in the area will also want tall signs which will then pollute the area. Exit 32 is not a business area but a very large housing development that will be able to see the sign over the trees from the recreation area and pond at the recreational center of Deer Park Resort. Standard highway signs should be enough for directing people to the facilities. Ms. Dixon showed a map to the ZBA that demonstrates where the sign is going to be located in relation to the homes and the recreation center and pond areas. A photo of the view from the pond to the area where the sign is proposed was shown.

Deer Park Resort Homeowner Gary Blaisdell lives to the left of the photo shown by Ms. Dixon. He is concerned the balloon test will not show how visible the sign will be when the leaves are off the trees. He mentioned the ability for people to find the facility using their cell phone and that having the standard highway sign would be enough. He agrees with the previous comments from Mr. Driscoll and Ms. Dixon. He thanked the ZBA for their consideration. Mr. Blaisdell would like to know when the test will be performed.

Chairman Beaudin clarifies that the balloon test will be performed from 12:00 noon to 4:00 PM on July 23, 2021. The Littleton Courier will be notified as well as Mr. Driscoll.

"To close the hearing to public comment."

Motion: Chairman Beaudin

Second: Member Sullivan

All in favor

Chairman Beaudin asked Ms. Conway if she can get a large balloon for the test to be as accurate as possible. Previously the balloon was approximately twenty-four inches (24"). She understands the need to have the most accurate representation of the sign possible and will do what she can to make that happen.

The next hearing will be held on Aug 4, 2021

The balloon test will be 12:00-4:00 on July 23, 2021

III. CONSIDERATION OF MEETING MINUTES

"To approve the minutes of the April 7, 2021 ZBA meeting as presented."

Motion: Member Daly

Second: Member Sullivan

Motion carries.

"To approve the minutes of the June 26, 2021 ZBA meeting as presented."

Motion: Alternate Member Chenard

Second: Member Moran

Motion carries. Member Sullivan and Daly abstained.

IV. ADJOURNMENT

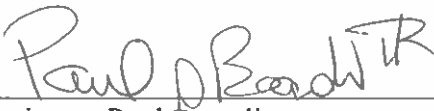
“To adjourn at 8:11PM.”

Motion: Chairman Beaudin

Second: Member Daly

Motion carries unanimously.

Respectfully submitted,
Recording Secretary
Judy Sherriff

A handwritten signature in black ink, appearing to read "Paul Beaudin", written over a horizontal line.

Chairman Paul Beaudin

Date Approved: November 17, 2021

Signage Request

As I understand it, a request has been made by the proposed Urgent Care facility for the erection of a sign that is to be visible from Route 93 both northbound and southbound. The present regulation limits sign height to 20 feet and for a multi-business property 150 square feet. The Appellants have requested a sign of 364 square feet (more than twice the suggested square footage) and a height of 75 feet above grade (55 feet beyond regulation).

I am representing the Deerpark Resort both as the President of the main Board as well as the President of the Lakeside Sub-association.

In considering this matter, we realize that the Board has to take into consideration several different factors or conditions.

Condition 1

This relates to whether the variance (special exception) would be contrary to the public interest. We assert that that is the case. A related question is whether the variance alter the “central character of the neighborhood.” Again, we believe that, due to the size and location of this signage that would represent a variance that would alter the essential character of the neighborhood.

Condition 2

Another question before the Board is whether the variance would be consistent with the spirit of the ordinance. Due to the substantial increase in the height and the overall square footage of the sign, it appears there would be no question that this would go well beyond the spirit of the ordinance; particularly limiting the height of a sign to 20 feet.

In accordance with a 2014 case of Bacon v. Town of Enfield, a zoning board can consider the cumulative impact of a particular variance if it was granted to everyone in a similar situation, not just the impact of the applicant alone. In our opinion the granting of this variance would open a Pandora’s box. How about a 50 to 75 foot tall sign for McDonalds or Rogers Sporting Goods.

Condition 3

The Board can consider whether substantial justice would be done by granting the variance. We disagree that any substantial justice would be carried out.

We anticipate that the Appellant may well argue that having a sign to identify the location of a medical facility is in the best interest of the public. However, the Appellant or the town has access to other options. First, for the local residents, we believe that they are well aware of the intended construction of this Urgent Care facility. Regarding non-residents who travel primarily on Route 93, signage can be provided directly on the highway between Exits 31 and 33 that

clearly inform the public of the existence of this Urgent Care facility. We would also like to point out, with regard to the similar facility in Littleton, NH, such road signage on Route 93 presently exists in identifying the location of the Urgent Care facility in Littleton.

With regard to the location of the sign, from our observation of the area, it is very close to Route 93 and frankly, without removing several large trees in the area, any erected sign, to vehicles traveling on Route 93, would not be effectively observed at the normal highway speeds. It would be far more effective to provide signage on Route 93 approaching exit 32 indicating the existence and general location of the new Urgent Care facility.

Condition 4

The Board can consider whether the granting of a variance will diminish the value of surrounding properties. In this regard, Courts have considered such factors as “obstructing a view”. Due to the extensive height and square footage of this sign, we take the position that this may well diminish the value of properties particularly at the Deerpark Resort; the finest resort in the area.

Condition 5

This allows the Board to determine whether the variance, if denied, will create an unnecessary hardship for the applicant. Again, we do not believe that denying the variance will create any unnecessary hardship; particularly where there are alternate ways of identifying the location of this new Urgent Care facility. Refer to comments under Condition 3.

Submitted by

Dave Driscoll 617-921-0140

PO Box 25, North Woodstock, NH 03262

On behalf of Deer Park Resort