TOWN OF LYNDEBOROUGH
Zoning Board of Adjustment
Meeting Minutes
February 12, 2024
Draft 1

7:00 PM   **Call to Order & Roll Call**
                  Meeting held at Citizens' Hall

Members Present: Chairperson Karen Grybko, Lisa Post, and Ray Humphreys

Not present: Alt. Pam Altner, Jon Lavoie, and Vice Chair Rick Roy

Public Present: Code Enforcement Officer/Building Inspector Leo Trudeau and NRPC Circuit Rider Jay Minkarah

New Business:
Rules of Procedures

The Board reviewed the Rules of Procedures draft and made the following changes:
-Two alternate members as a minimum.

-Officers elected at the first ZBA meeting after Town Meeting.

-The clerk is not elected to the Board (removed this).

-Monthly scheduled meetings will be on the 2nd Monday of the month.

-Disqualification. Leo Trudeau asked for an explanation on, "A member may request a vote but it's non-binding" regarding to recuse themselves. Jay Minkarah said that is because a Board can't vote to disqualify a person, that is up to the individual if they can't give an impartial decision. As a general rules, if you are affected personally in some way as a friend, relative, business partner or an abutter, you can recuse yourself. A vote gives the opinion of the Board.

Page 4, Public Notices:
Add, "as required by statutes".

Discussed the process when fewer than five-members are present that the applicant "Shall be offered the opportunity to continue to the next meeting". The Board can provide

39 that information and if the applicant says, "we will go forward" then that waives their
40 rights".

42 The Board discussed drafting a written opening statement that has the points and
43 procedures listed out, which can be read at the start of each meeting. Discussed decorum
44 where the chair does not allow guests to talk back and forth in the audience.

46 Page 5:
47 The Board discussed who is allowed to speak at a hearing. The expectation should be
48 clearly spelled out at the beginning of the meeting. The Board can consult Town Counsel
49 for their opinion.

51 Page 5, Burden of Proof:
52 Change the zoning section because **3.1.19** is not accurate anymore.

54 2nd paragraph:
55 Strike "grant a refund…resubmitted application".

57 Notice of Decision (NOD):
58 The Chair writes the NOD then sends it to the Town Office. It was discussed to have
59 multiple people review the NOD language for completeness. Add, "with the assistance
60 of the town staff".

62 Discussed designing a NOD template. Please add this topic to the next meeting agenda.

64 Jay Minkarah will double check if 30-days is the right statute.

66 Roll call for Votes: Moving forward, the votes will be taken as a roll call and the minutes
67 will reflect how each member voted.

69 Page 6, #6 Rehearing:

71 Page 6, Decisions:
72 Discussed under decisions, "Requires majority of voting members."

74 Findings of fact and reasons for a decision, add "shall" and strike "may".

76 Strike "309" and change to "30-days".

78 Page 7:
79 The Board discussed the Right-to-Know process in regard to recordings.

81 The statute now says "five (5) business days." Make changes on the top of page 7 and
82 the bottom of page 6 to replace "144 hours" with "5 business days".

83

84 Audio recordings: Strike "or video". Discussed being "authorized" or "required" to take
85 audio recordings. Strike the whole paragraph, "any such recording shall be retained until
86 …at the meeting".
87
88 **Approve Minutes:**
89 Minutes: November 27, 2023, November 30, 2023, and January 8, 2024
90 There is not a quorum for voting on the minutes and they are tabled to March meeting.
91
92 **Adjournment:**
93 **VOTE: Ray Humphreys moved, Lisa Post seconded to adjourn at 8:22 p.m. Motion**
94 **passed 3-0.**
95
96 Next meeting: March 11, 2024 at 7:00 p.m.
97
98 Respectfully submitted,
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102
103 Kathleen Humphreys
104 ZBA Secretary
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