

1 **TOWN OF LYNDEBOROUGH**
2 **Zoning Board of Adjustment**
3 **Meeting Minutes**
4 **March 11, 2024**

5 *Draft 1*

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8 **7:00 PM Call to Order & Roll Call**
9 **Meeting held at Citizens' Hall**

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11 **Members Present:** Chairperson Karen Grybko, Vice Chair Rick Roy, and Jon Lavoie

12 **Public Present:** NRPC Circuit Rider Jay Minkarah

13 **New Business:**

14 **No new cases.**

15 **Continued Business:**

16 **Rules of Procedures**

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18 Jay Minkarah provided a document that highlighted the changes of the Rules of
19 Procedures that were discussed at the last meeting.

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21 Membership is appointed by the ZBA.

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23 The Board discussed "reclused".

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25 Item #4, Meetings: Decided on monthly meetings on the second Monday of the month
26 at 7:00 pm. The Board won't consider a new matter after 9:00 pm at night. Agendas
27 and Public Notices will be posting at Citizens' Hall and the Lyndeborough Post Office, or
28 as otherwise required by law.

29
30 Karen Grybko asked Jay Minkarah if he checked on item #4, on page 5. Jay Minkarah
31 confirmed that he did. The word he got back was the Board will allow abutters to speak
32 or any party that can say they are directly affected. For example, someone that holds an
33 easement who is not an abutter, or if someone says that is the only way to get to their
34 house. They need to show they are directly affected. It's at the chair's discursions.
35 Rick Roy asked about "a person with standing". It was noted that only abutters get
36 public notices. Guests that attend have an interesting in speaking. In conclusion, the
37 chairperson can allow someone to speak. They have the right to deny a speaker,
38 except an abutter.

Rick Roy asked if members of the Board may ask questions at any time and if members have to be recognized. Jay Minkarah says that is the right procedure.

Burden of Proof:

If applicants fail to appear then they must submit a new application and pay the new fees. Karen asked if the escrow for legal fees is still in effect. Jay Minkarah said they can get their escrow back but when they reapply, they need to submit the escrow again. Discussed if the language "non-refundable" should be on the application.

Decisions:

There should be a decision within 90-days and a written notice to applicant and available in the office within five business day. The chair will draft the Notice of Decision (NOD) with assistance of town staff if required. Edit to, "The board shall decide in 90-days. The Town shall provide written Notice of Decision to the applicant(s) within five-business days".

Findings of Fact and Reason for Decisions changed to "shall" be added, which is a change from "should".

Records:

Strike the last paragraph. The Board may employ a secretary but do not have to. At the last meeting we struck all on audio and video. "Board may employ a secretary to take minutes and....and assigned duties".

VOTE Jon Lavoie made a motion, Rick Roy seconded to accept the Rules of Procedures as amended. Motion passed 3-0.

Approve Minutes:

Have 2 out of 3 members in attendance.

November 2, 2023

VOTE Rick Roy made a motion to approve the minutes of Nov. 27, 2023 as amended, Karen Grybko seconded. Motion passed 2-0-1. Jon Lavoie abstained.

November 30, 2023

VOTE: Jon Lavoie made a motion to approve the minutes of Nov. 30, 2023 as written, Rick Roy seconded. Motion passed 2-0-1. Karen Grybko abstained.

January 8, 2024

VOTE: Rick Roy made a motion to approve the minutes of Jan. 8, 2024 as amended, Rick Roy seconded. Motion passed 3-0.

Line 146 change to the "Board"

February 12, 2024

There are not enough members to approve this set of minutes.

Rick Roy referenced the McEntee property and looked back at the history. There was a vote in 2001 with a discussion in 2000. At the time, they asked the rational of 500 feet road frontage. The minutes showed that Tom Chrisenton said, "We don't want bowling lane lots". There was a focus on the soil and septic design and that evolved with septic design. No one testified with anything negative. Lots over 5 acres it is understandable. These lots over 5 acres.

Jay Minkarah researched ZBA applications to assist in updating our documents and provided sample ZBA applications.

Adjournment:

VOTE: Jon Lavoie moved, Rick Roy seconded to adjourn at 7:51 p.m. Motion passed 3-0.

Respectfully submitted,

Kathleen Humphreys
ZBA Secretary