

**TOWN OF LYNDEBOROUGH**  
**Zoning Board of Adjustment**  
**May 15, 2018**  
**Minutes**

*Approved Aug. 7, 2018*

**7:00 PM**

Roll Call: Chairman Karen Grybko, Tom Chrisenton, Lisa Post and Linda Anderson

T/A Russ Boland and Chairman of the Board of Selectmen Fred Douglas were present

**Minutes 3-28-18: Case 2018-1**

**VOTE: Linda Anderson made a motion, Lisa Post seconded to approve the minutes of March 28, 2018, Case 2018-1. Motion passed unanimously.**

**Elect Board Officials**

**VOTE: Tom Chrisenton made a motion, Linda Anderson seconded to nominate Karen Grybko continue to serve as Chairperson and Rick Roy continue to serve as Vice-Chair of the Zoning Board of Adjustment. Motion approved unanimously.**

**Rules of Procedures**

Fred Douglas provided a handout titled, "Zoning Board of Adjustment/General Hearing Procedures" to review. *(See attached for draft of document which will be updated)*

All dialogue will go through the Chairperson to help maintain order. The Chairperson will layout the ground rules before the meeting starts to make sure the applicants and abutters are clear on the procedures.

It was discussed that only abutters are allowed to speak during the open forum. If a non-abutter wants to speak they must make an argument why they should present testimony.

If an abutter can't attend the meeting but wishes to have a letter represent them, the letter/correspondence/email will be read into the minutes by the Chairperson. It will be required that the letter be signed. Anonymous correspondence will not be allowed. It was discussed if the letter should be notarized.

It was discussed in future abutter letters to include language that invite abutters to send letters if they can't attend the meeting.

In terms of an Administrative Appeal, the procedure will be to listen to the appeal from the applicant and at the conclusion of their testimony the town presents their testimony before opening the discussion to the audience.

The meeting can recess for reason such as to conduct a site-walk, to deliberate another day or because of time. It is mandatory to have date specified when the ZBA will reconvene.

The ZBA has the right to do what feels appropriate. For example, ZBA can vote to recess and have a site-walk with time specific when to reconvene the meeting. No decision can be made at a site-walk because ZBA members are there to only observe and ask questions. The Applicant has the right not to allow the public on their property during a site-walk.

The Board agreed to edit the ZBA General Hearing Procedures document to include the procedures that only abutters are allowed to speak unless other residents make an argument to provide testimony. Also insert, "date specific" to reconvene if the meeting is recessed.

**Adjournment:**

**VOTE: Linda Anderson made a motion, Tom Chrisenton seconded to adjourn at 5:42 p.m.**

Respectfully submitted,

*Kathleen Humphreys*

Kathleen Humphreys  
ZBA Secretary



# Zoning Board of Adjustment General Hearing Procedures

**Purpose:** The following procedure is intended to be utilized by the Lyndeborough Zoning Board of Adjustment as a general guideline when conducting any hearing relative to an Administrative Hearing or Appeal by an applicant related to the Zoning Board of Adjustment.

- The said hearing will be posted as required under New Hampshire RSA 91-A.
- The Chairperson of the Zoning Board of Adjustment will call the said meeting to order.
- The Secretary of the Zoning Board of Adjustment shall record the proceedings by use of a tape recorder. Upon the minutes being transcribed and finalized as required under RSA 91-A, the actual taped proceeding shall be expunged.
- The Chairperson will outline the procedures to all present prior to receiving information.
  1. The Chairperson will call the meeting to order and take roll-call of all Zoning Board of Adjustment members present.
  2. All persons requesting to speak will identify themselves by name and address.
  3. All testimony shall be directed to the Chairperson of the Zoning Board of Adjustment and not the applicant or the general public in attendance and vice versa.
  4. All questions from the public in attendance shall be directed to the Chairperson and not the applicant at any time and vice versa.
  5. Only abutters have the right to speak. A non-abutter who wants to speak must make an argument why they should present testimony.
  6. Signed letters will be accepted prior to the meeting by abutters who cannot attend the meeting.
- Upon receiving all testimony, including any rebuttal from the interested parties and applicant, the Chairperson shall inquire if any of the Zoning Board of Adjustment members have any questions. If questions are raised they will be addressed accordingly.
- Any documents being offered as evidence shall immediately be copied for review of the Zoning Board of Adjustment members. Should any person(s) refuse to immediately provide a copy, as required for official record, said information shall not be allowed for any purpose of this hearing. Zoning Board of Adjustment members shall not consider said information in making any decision relative to the merits of the hearing.



- Upon no further questions, the Chairperson shall seek a motion by a Zoning Board of Adjustment member to close the public input. The vote shall be taken and recorded accordingly.
- **Option #1:** At this time, the Chairperson may enter into a deliberative session with the Zoning Board of Adjustment members to discuss all information gathered for a formal vote.
- **Option #2:** A motion may come from any Zoning Board of Adjustment member to formally recess the said proceedings, to a date specified and time, as required by law. Again, all votes and tallies shall be recorded by the secretary