

TOWN OF LYNDEBOROUGH
Zoning Board of Adjustment
July 17, 2018
Minutes

Approved on August 7, 2017

7:00 p.m. Roll Call: Chair Karen Grybko; Vice Chair Rick Roy; Tom Chrisenton; Linda Anderson and Lisa Post via phone

NEW BUSINESS

Request to Rehear Case 2018-2; Administrative Appeal of Code Enforcement Officer's Decision on a Home Business for Portable Privies, Inc.

Larry Boisvert, 54 Johnson Corner Road, Lyndeborough. Map 237, Lots 13 & 14.

(See letter from Attorney James Lombardi dated June 21, 2018 titled "Motion for Rehearing" which was hand delivered to Citizens' Hall by Sharon Boisvert and received by Admin. Assistant Dawn Griska)

Chairperson Karen Grybko stated she was recently made aware the Board can't put conditions on an Administrative Decision; it's either a yes or no decision therefore the Board should consider rehearing the case.

VOTE: Lisa Post made a motion, Rick Roy seconded, to accept the request from Larry Boisvert for a Motion to Rehear the Administrative Decision on a Home Business for Portable Privies, Inc. Motion passed 4-1-0. Tom Chrisenton voted no. Karen Grybko, Rick Roy, Lisa Post and Linda Anderson voted yes.

VOTE: Lisa Posts made a motion, Linda Anderson seconded that the town pay the abutter's certified letter fees and public notice cost for the paper.

Discussion: Rick Roy asked why the town should pay the fees. Chairperson Grybko said because the town made an error to impose conditions on an administrative appeal.

Motion passed 4-1-0. (Tom Chrisenton voted no)

The Board scheduled the rehearing for **August 7, 2018 at 7:00 p.m.**

ZBA Secretary, Kathleen Humphreys drafted and emailed a notice to Attorney Lombardi that their Request for Rehearing was granted which was sent via email from Citizens' Hall on July 17, 2018 after the conclusion of the meeting. This letter was reviewed by the Board. Mrs. Humphreys will follow-up with a phone call during business hours.

Update: Mrs. Humphreys spoke with Mr. Lombardi over the phone on July 19, 2018. Mr. Lombardi's position was his client preferred the Request for a Rehearing be held in abeyance but Mr. Lombardi said if the ZBA wants to meet on August 7, 2018 that his client will be ready and present. A certified letter was sent to Mr. Lombard's law firm's mailing address which contained the same emailed letter dated July 17, 2018 which

granted the Request for Rehearing Case 2018-2. The letter asked Mr. Lombardi to inform his clients their request was granted and the meeting date plus the certified envelope contained an abutter notification for the Motion to Rehear Case 2018-2.

MINUTES:

VOTE: Tom Chrisenton made a motion, Linda Anderson seconded to postpone the approval of minutes until the next meeting. Motion passed 5-0.

ADJOURN:

VOTE: Tom Chrisenton made a motion, Linda Anderson seconded to adjourn at 7:16 p.m. Motion passed 5-0.

Respectfully Submitted,

Kathleen Humphreys

Kathleen Humphreys

Attachment:

Letter from Attorney James Lombardi dated June 21, 2018 titled "Motion for Rehearing"