

1                                   **TOWN OF LYNDEBOROUGH**  
2                                   **Zoning Board of Adjustment**  
3                                   **Meeting Minutes**  
4                                   **January 8, 2024**  
5                                   *Draft 1*

6  
7  
8   **7:00 PM      Call to Order & Roll Call**  
9                                   **Meeting held at Citizens' Hall**

10  
11   **Members Present:** Chairperson Karen Grybko, Vice Chair Rick Roy, Lisa Post, and Jon  
12   Lavoie

13   Not present: Ray Humphreys and Alt. Pam Altner

14   **Public Present:** Applicants Christine McEntee, Tim McEntee, and Rob Degan from  
15   S&H Land Services.

16   *See notes from Jay Minkarah for start of meeting.*

17   **New Business:**

18   **Case 2023-07**

19   **Map 250, Lot 13 on Center Road**

20   **Variance 408.00 – Soil Based Zoning**

21   Owner and Trustee Christine McEntee of 163 Center Road is seeking a variance to  
22   Lyndeborough Zoning Ordinance Section 408.00 (Soil-Based Zoning Requirements) to  
23   allow for a two-lot subdivision with 250 feet (+/-) per lot whereas 500 feet of frontage per  
24   lot is required. Rural Lands 1.

25  
26   Rob Degan provided a presentation of the project.

27  
28   The application stated, A variance is requested from Section 408.00 of the Zoning  
29   Ordinance to permit: "The creation of the subdivision with 2 lots in the Rural Lands 1  
30   District with less than 500 feet of frontage that do not have 2 acres of contiguous slight or  
31   moderate soils."

32  
33   The Five Variance Criteria

34   **1. Waiving the terms of the Ordinance will not be contrary to the public interest**  
35   **because:**

36   The applicant wrote, "There would be no significant impact on the public, and denying the  
37   variance would not benefit the public in any way".

38 **VOTE: Rick Roy made the motion, Lisa Post seconded to accept Criteria #1. Motion**  
39 **passed 4-0.**

40 **2. Deviation from the strict requirements of the Ordinance is consistent with the**  
41 **spirit of the Ordinance because:**

42  
43 The applicant wrote, “The purpose of frontage and area requirements is to control density  
44 in support of the purposes of zoning ordinances. As a road subdivision would be possible  
45 on this property, denying the variance would not prevent the lot from being created. But  
46 would result in additional environmental impact, thus granting the variance is more in line  
47 with the purposes of the ordinance.”

48  
49 The impact of building a road was discussed. Lisa Post had a concern about multiple  
50 driveway cuts.

51  
52 **VOTE: Rick Roy made a motion, Lisa Post seconded, to accept Criteria #2. Motion**  
53 **passed 3-1-0. Jon Lavoie voted no. Karen Grybko, Rick Roy and Lisa Post voted**  
54 **yes.**

55  
56 **3. Granting the Variance would do substantial justice because:**

57  
58 The applicant wrote, “The applicant’s property has an unusual shape. Granting the  
59 variance would allow the subdivision to happen without burden of creating a new road.  
60 The abutting property to the south was granted a similar variance in 2015.”

61  
62 **VOTE: Jon Lavoie made a motion, Rick Roy seconded to accept Criteria #3. Motion**  
63 **passed. 4-0.**

64  
65 *The agenda was missing the pages for the remaining application.*

66  
67 **4. The value of surrounding property will not be diminished because:**

68  
69 **VOTE: Rick Roy made a motion, Jon Lavoie seconded to accept Criteria #4.**  
70 **Motion passed. 4-0.**

71  
72 **5B: Literal enforcement of the provisions of the ordinance is an unnecessary**  
73 **hardship:**

74 (i) **The following special conditions of the property distinguish it from other**  
75 **properties in the area:**

76  
77 (ii) **No fair and substantial relationship exist between the general purpose of**  
78 **the ordinance provision and the specific application of that provision to**  
79 **the property because:**

80  
81 (iii) **The proposed use is a reasonable one because:**

82  
83 **VOTE: Jon Lavoie made a motion, Rick Roy seconded to grant the variance**  
84 **request. Motion passed 4-0.**

85 **Other Business:**

86 **ZBA Rules of Procedures**

87 This will be tabled until the next meeting on February 5, 2024.

88

89 Monthly meetings have been approved and the ZBA will meet the second Monday of the  
90 month. Members asked how they would know if a meeting is cancelled and how that gets  
91 posted. That information will come from Jay Minkarah if there are no applications or  
92 business.

93

94 The Board discussed if they should meet in February to approved minutes and the Rules  
95 of Procedures. Jay Minkarah will confirm with the Board by January 19<sup>th</sup> if there is a  
96 meeting in February.

97

98 **Approve Minutes:**

99 The Board did not approve any meeting minutes. There were not enough members to  
100 vote for the Nov. 27, 2023 or Nov. 30, 2023 draft minutes.

101

102 **Adjournment:**

103 **VOTE: Jon Lavoie moved, Lisa Post seconded to adjourn at 8:12 p.m. Motion**  
104 **passed 4-0.**

105

106 Respectfully submitted,

107

108

109

110

111 Kathleen Humphreys

112 ZBA Secretary

113

114