

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

5 **Meeting held at Citizens' Hall**

6
7
8
9 **7:00 PM Call to Order & Roll Call**

10
11 **Members Present:** Chairperson Karen Grybko, Vice Chair Rick Roy, Lisa Post, and Jon Lavoie
12 (arrived at 7:35pm)

13 Not present: Ray Humphreys and Alt. Pam Altner

14 **Public Present:** Code Enforcement Officer/Building Inspector Leo Trudeau, NRPC Circuit Rider
15 Jay Minkarah and Selectman Mark Chamberlain

16
17 **New Business:**

18 **Case 2024-01**

19 **Variance - Zoning Ordinance Section 406.00.** Owners Robert and Michelle Thigpen are seeking
20 a Variance to Lyndeborough Zoning Ordinance Section 406.00 to permit them to live in a
21 recreational vehicle on-site for no longer than twelve months during the construction of their
22 new home at 405 Mountain Road. Map 210 Lot 002. Zoning District: Rural Lands 2.

23 Robert Thigpen passed out an information sheet on proposed water supply and wastewater
24 disposal to Board members prior to the opening of the public hearing.

25 Chairperson Grybko called the meeting to order at 7:15pm.

26 Robert Thigpen explained that they (the applicants) currently live in Surry. They want to be able
27 to be on-site to supervise construction of their new home, but it is difficult since they live over
28 an hour away. They would also like to be able to sell their current home so they can use the
29 proceeds to help fund the new house. He noted that the camper would go where the old lodge
30 was. Michelle Thigpen added that Robert is the general contractor.

31 Mr. Thigpen explained where the house, camper, driveway, and power line would be located on
32 the plan submitted with the application.

33 Karen Grybko asked whether water would come from the dry well for all purposes. The applicants
34 replied that drinking water would come from Monadnock Springs in Wilton. Rick Roy asked
35 whether they are planning to drill a well. Mr. Thigpen replied that they would be drilling a well
36 and showed the proposed location along with the location of the septic system on the plan.

37 Karen Grybko asked when they would be moving into the camper. Michelle Thigpen replied that
38 they would like to start living there in early to mid-May adding that they are pretty close to
39 starting construction. The applicants went on to explain that they asked for approval to live in
40 the camper for 12 months or until a CO is issued, whichever comes sooner, though they do not
41 plan to be in the camper that long. Their intent is to take over finishing the house themselves
42 after the drywall is in.

43 The applicants went on to explain that they will be using solar power for electricity. They added
44 that this is one of the reasons why they propose locating the camper closer to the road. The
45 proposed location of the camper would get better sun exposure. Rick Roy asked why they don't
46 hook up to the electric panel. Mr. Thigpen replied that they cannot hook up to it because the
47 temporary panel needs to be located near the future home for power tools and that Eversource
48 would not allow a second temporary panel for the camper.

49 Mr. Roy asked the applicants to describe the camper. They replied that they have not picked one
50 out yet because they were waiting for approval, but that it would likely be a 28-foot RV.

51 Mr. Roy asked how they were planning to empty the toilet. Mr. Thigpen replied that if they use
52 a port-a-potty service, then the company would remove it. Otherwise, they would empty it into
53 the septic system. He added that the tank should last about a month to month and a half.
54 Discussion continued. It was noted that the septic system should be in by June.

55 The applicants added that they both commute to Devens and that living in Lyndeborough would
56 shorten their commutes significantly.

57 Leo Trudeau addressed Section 406 of the Zoning Ordinance; he stated that the spirit of the
58 ordinance was to prohibit the use of RVs as permanent dwelling units. He intends to propose a
59 zoning amendment that would allow the use of RVs as temporary dwellings so long as there is a
60 building permit in place for a permanent house. He added that another reason this should be
61 allowed is for security. He stated that there is going to be thousands of dollars of materials at the
62 site and that the location is remote. Mr. Trudeau noted that they could stay in a tent by right and
63 would not have to come to the Zoning Board. The distinction between an RV and a manufactured
64 home was discussed.

65 Rick Roy asked whether a person could camp on his/her property in an RV. Mr. Trudeau replied
66 that the issue was that they are asking to be able to stay in the RV for up to 12 months. Lisa Post
67 asked about the timing of construction. Discussion continued.

68 Jon Lavoie asked whether the applicants had a construction loan. Mr. Thigpen replied that they
69 have a loan approved conditioned on approval of the septic plan.

70 Rick Roy asked Leo Trudeau whether the camper would meet setback requirements. Mr. Trudeau
71 replied that it would have to meet the fifty-foot setback requirement.

72 Karen Grybko asked the applicants to address the criteria and asked them to describe the use of
73 the property. Mr. Thigpen replied that the home would be a 2,800 sq. ft. 1820s style Colonial
74 with four bedrooms and 3&1/2 baths. The applicants addressed the criteria.

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

77 Robert Thigpen stated that there would be no additional traffic or noise, basically, everything
78 would remain the same.

79 **VOTE: Jon Lavoie made the motion, Lisa Post seconded to accept Criterion #1.**
80 **Motion passed 4-0.**

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

83 Mr. Thigpen stated that the spirit of the ordinance was not to allow people to live in an RV
84 permanently. They are only seeking to live in the RV temporarily while their home is being
85 built.

86 **VOTE: Jon Lavoie made a motion, Lisa Post seconded, to accept Criterion #2.**
87 **Motion passed 4-0.**

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

89 Mr. Thigpen stated that granting the variance would allow them to keep a close eye on the site
90 during construction and that it would make it a lot easier for them to work on the house (after
91 the contractors are done).

92 **VOTE: Jon Lavoie made a motion, Lisa Post seconded to accept Criterion #3.**
93 **Motion passed 4-0.**

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

95 Mr. Thigpen stated that because the RV would be temporary, there would be no impact on
96 surrounding property values.

97 Lisa Post asked whether the applicants had spoken with the neighbors. Mr. Thigpen replied,
98 not really, adding that there are very few, but that they had spoken with a few.

99 Karen Grybko asked whether you would be able to see the RV from the road. The applicants
100 replied that it would be partially screened and that they planned to re-wild the area
101 afterwards. Lisa Post asked whether they planned to keep the RV after the house is built. The
102 applicants replied that if they keep it, it would be moved further back on the property and
103 would be screened.

104 **VOTE: Jon Lavoie made a motion, Lisa Post seconded to accept Criterion #4.**
105 **Motion passed 4-0.**

106 **5B: Literal enforcement of the provisions of the ordinance is an unnecessary hardship:**

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

109 The large size of the lot, and security concerns due to the location of the property on
110 Mountain Road and the distance of the proposed house from the road were
111 referenced.

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

The spirit of the ordinance is to prohibit the use of RVs as permanent dwelling units whereas the applicants seek to live in the RV temporarily while a permanent at home is built.

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

Granting the variance would allow the applicants to supervise construction and enhance on-site security.

VOTE: Jon Lavoie made a motion, Lisa Post seconded to grant the variance request. Motion passed 4-0.

Other Business:

- **Selection of officers**

Karen Grybko made a motion, seconded by Jon Lavoie, no nominate Rick Roy as Chairman. Motion passed 3-0-1 (Rick Roy abstained).

Jon Lavoie moved to nominate Karen Grybko as Vice Chair, seconded by Rick Roy. Motion passed 3-0-1 (Karen Grybko abstained).

- **Appointment of Alternates**

The appointment of alternates was discussed. It was noted that having two alternates would be great.

- **Next Meeting**

Karen Grybko made a motion to change the next meeting time from 7 to 7:30pm, seconded by Lisa Post, to accommodate Jon Lavoie's schedule. Motion passed 4-0.

Approve Minutes:

March 11 minutes were unavailable.

Adjournment:

VOTE: Karen Grybko moved; Lisa Post seconded to adjourn at 8:15 p.m. Motion passed 4-0.

Next meeting: May 13 , 2024 at 7:30 p.m.

Respectfully submitted,

Jay Minkarah
NRPC Circuit Rider