



TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison



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MINUTES OF THE PLANNING BOARD MEETING DATE – JANUARY 7, 2026 - DRAFT

In attendance = X Alternate Seated = S Partial Attendance = P Excused Absence = E

Tim Malley	Jordan Ulery	Ed Van der Veen	Victor Oates
Chair <u>X</u>	Vice-Chair <u>E</u>	Member <u>X</u>	Member <u>X</u>

James Crowley	Julia Paquin	Vacant	George Hurd
Member <u>X</u>	Member <u>X</u>	Alternate	Alternate <u>E</u>

Todd Boyer	Bob Guessferd	Brooke Dubowik
Alternate <u>X</u>	Select. Rep <u>X</u>	Town Rep. <u>X</u>

I. CALL TO ORDER BY CHAIRPERSON

Mr. Malley called the meeting to order at 7:00 PM.

II. PLEDGE OF ALLEGIANCE

Mr. Malley invited all to participate in the Pledge of Allegiance and read through the Chairperson's introduction/order of business and cited housekeeping items.

III. ROLL CALL

Mr. Malley asked the Clerk to call for attendance.

IV. SEATING OF ALTERNATES

Mr. Boyer was seated for Mr. Ulery.

V. MEETING MINUTES

None at this time.

VI. CONCEPTUAL DESIGN REVIEW: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None

IX. OTHER BUSINESS

A. Public Hearing – Zoning Amendment Warrant Articles for the 2026 March Town Meeting.

The Board reviewed Zoning Amendment #1: **Amend Article XIII A, Accessory Dwelling Units, Section 334-73.3 Provisions, to reflect changes in State Law.**

44
45 Mr. Malley opened the Public Hearing at 7:02pm.

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47 There was no public comment at this time.

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49 Mr. Malley closed the Public Hearing at 7:02pm.

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51 Mr. Crowley stated that, if this item is defeated, the square footage cannot be greater than 750. If
52 it is approved, the square footage can be 950. The State dictates this language.

53
54 Mr. Van der Veen asked why there is language regarding unrelated persons occupying an ADU,
55 instead of simply a maximum number of occupants. Ben Witham-Gradert, Associate Planner,
56 explained that this section was a holdover from previously required language. The language
57 could be amended, as housing is generally measured by bedroom count.

58
59 Ms. Paquin moved to recommend Zoning Amendment Article 1 to the Town ballot.
60 Motion seconded by Mr. Crowley.

61
62 Discussion:

63 Mr. Oates asked the purpose of this Article, if the language is already on the books per State law.
64 Mr. Malley explained that this provision deviates from the State law, by increasing the square
65 footage to 950 sq.ft. Mr. Oates suggested including that deviated language only. Mr. Witham-
66 Gradert explained that the draft language helps the public to understand how to conform with the
67 Town's rules and regulations. The proposed language makes enforcement easier for the Town. Mr.
68 Oates stated that, outside of the 950 sq.ft., the other language is redundant. This will overly
69 complicate the Town code.

70
71 Mr. Crowley asked what would happen if the State law changed again after this amendment is
72 voted on. Mr. Witham-Gradert stated that the State law overrides Town code.

73
74 Motion carried 6/1/0, (Mr. Oates in opposition).

75
76 The Board reviewed Zoning Amendment #2: **Amend Section 334 Attachment 2, Table of**
77 **Permitted Accessory Uses, to permit Family Day Care Home and Family Group Day Care**
78 **Home by right in all districts that allow residential uses in accordance with recent changes**
79 **in State Law.**

80
81 Mr. Malley opened the Public Hearing at 7:14pm.

82
83 There was no public comment at this time.

84
85 Mr. Malley closed the Public Hearing at 7:14pm.

86
87 The Board noted a scrivener's error in the language.

Mr. Oates asked why this State law needs to be included in the Town's code. Mr. Witham-Gradert explained that failing to do so would leave the Town out of compliance. If a use is not listed on the table, it is not permitted and an application for that use must be heard by the Zoning Board of Adjustment. Mr. Oates noted that the State law overrides Town code. This is not required and is already a State law. This is being done to accommodate Town staff while making the Town code longer.

Ms. Paquin asked about the definition for a Family Day Care Home use. Mr. Witham-Gradert explained that this is a daycare use.

Ms. Paquin moved to recommend Zoning Amendment Article 2 to the Town ballot.

Motion seconded by Mr. Crowley.

Discussion:

Ms. Paquin noted that not everyone keeps up with the changes in State law and seeing these items on the ballot and in the Town code can help to keep residents up to date.

Mr. Oates stated that the Town is looking to the Planning Board to lower taxes, provide affordable housing, and make Hudson a better place to live. There were a number of proposed amendments that would have done so, but instead these items that are already State laws were chosen to be placed on the ballot. These do not benefit the community. There seems to be no direction from the top-down in leading this Board.

Motion carried 6/1/0, (Mr. Oates in opposition).

The Board reviewed Zoning Amendment #3: **Amend Section 334 Attachment 4, Table of Minimal Dimensional Requirements, to reduce the front-yard setback in the Town-Residential (TR) Zoning District from thirty (30) feet to twenty (20) feet and the side and rear-yard setbacks from fifteen (15) feet to ten (10) feet.**

Mr. Malley opened the Public Hearing at 7:24pm.

There was no public comment at this time.

Mr. Malley closed the Public Hearing at 7:24pm.

Mr. Boyer moved to recommend Zoning Amendment Article 3 to the Town ballot.

Motion seconded by Mr. Van der Veen.

Discussion:

Mr. Boyer stated that he believes this amendment is appropriate for the Town as it will make the TR Zoning District more uniform in nature in terms of the setbacks.

Mr. Oates asked why this is being adjusted. Mr. Malley stated that this was a request from the ZBA as they see many requests for Variances from this item, which are often granted. Mr.

Witham-Gradert agreed that a disproportionately large percentage of homes in the TR Zone are

135 older and many are on or in the current setback. This will allow homeowners to complete
136 reasonable expansions to their homes without getting too close to the street, while limiting the
137 number of proposed Variances.

138
139 Ms. Paquin expressed concern regarding how close this may allow houses to be in the TR Zone.
140 However, this change may allow for additional living space in the rear of homes. She asked if the
141 ZBA is being burdened with these Variance requests. Mr. Witham-Gradert stated that these are
142 mostly pre-existing non-conforming requests and so the vast majority are granted.

143
144 Mr. Crowley stated that he would like to see more control regarding properties on arterial versus
145 collector roadways. Mr. Witham-Gradert stated that a house built at the proposed 20' setback
146 would look very similar to others in the TR Zone. This amendment is retrospective in some
147 ways. This will reduce the burden on existing homeowners.

148
149 Mr. Van der Veen asked if this amendment would also make it easier for those in the TR Zone to
150 construct ADUs on their property. Mr. Witham-Gradert agreed that it would.

151
152 All in favor – motion carried 7/0/0.

153
154 The Board reviewed Zoning Amendment #4: **Amend Section 334 Attachment 1, Table of**
155 **Permitted Principle Uses, to add Data Centers as a Use in the Industrial (I) Zoning District.**
156 **Passage of this article will amend Section 334-6 Definitions, to add a definition for Data**
157 **Center which would read “A facility used to house and operate computer,**
158 **telecommunication, or data storage systems”.**

159
160 Mr. Malley opened the Public Hearing at 7:39pm.

161
162 There was no public comment at this time.

163
164 Mr. Malley closed the Public Hearing at 7:39pm.

165
166 Mr. Oates asked the purpose of this amendment. Mr. Crowley stated that, previously, economics
167 were driving the Town's zoning. This amendment seeks to set some boundaries around data
168 centers. Mr. Oates stated that he would rather see an amendment that blocks data centers from
169 being allowed in Town. Electricity use around the country continues to skyrocket due to data
170 centers.

171
172 Ms. Paquin asked if there could be an amendment to ban data centers outright in Town. Mr.
173 Witham-Gradert stated that this is possible. He noted that if a use is not on the table, it is not
174 allowed. Any use in Section 334 could have a variance requested from the ZBA. This language
175 would limit the Data Center use to the Industrial Zoning District, using a Special Exception. The
176 Special Exception process allows for the ZBA to review what is being proposed for
177 appropriateness in the Zone.

178
179 Mr. Crowley expressed that the Board should be careful what it votes for and approves, as this
180 could lead to large companies coming into Town for this type of use, which will drive up

181 electricity costs for residents. The definition proposed does not go far enough into defining the
182 amount of power and water use these companies would be allowed. Stricter definitions with
183 enforcement measures will aid in limiting what could be built.

184
185 Ms. Paquin asked what will happen if this is not approved through a ballot vote. Mr. Witham-
186 Gradert stated that the use will remain not on the table of permitted uses and so a variance would
187 be required for that use. However, this would also lead to there not being a definition for the use,
188 as this language is included in the amendment. Definition concerns were a recent issue in front of
189 the ZBA.

190
191 Mr. Boyer stated that, without a definition on the books, an applicant could request a variance for
192 this use. It may be in the Town's best interest to define a Data Center and require a Special
193 Exception for the use.

194
195 Mr. Oates stated that the proposed definition for a Data Center is "a facility used to house and
196 operate computer, telecommunications, or data storage systems." This is not a clear definition for
197 the use. Ms. Paquin asked if the Board can add a definition for a use outside of a vote at Town
198 Meeting. Mr. Malley stated that a definition can be added to the Land Use Regulations by vote of
199 the Board but cannot be added to the Zoning Ordinance without a Town vote. Ms. Paquin
200 expressed concern that the proposed definition may not be adequate.

201
202 Mr. Guessferd stated that the Town will need to address this type of use at some point in the
203 future. It does not seem urgent to put this item on the books right now and more work may be
204 needed by ZORC.

205
206 Mr. Boyer moved to NOT recommend Zoning Amendment Article 4 to the Town ballot.
207 Motion seconded by Mr. Crowley. All in favor – motion carried 7/0/0.

208
209 The Board reviewed Zoning Amendment #5 [now #4]: **Amend Section 334-110 Growth**
210 **Management - Findings, by replacing the outdated language with "Growth management**
211 **practices and findings of fact shall be in accordance with the most recently adopted Master**
212 **Plan"**.

213
214 Mr. Malley opened the Public Hearing at 8:14pm.

215
216 There was no public comment at this time.

217
218 Mr. Malley closed the Public Hearing at 8:15pm.

219
220 Mr. Crowley moved to recommend Zoning Amendment Article 5 [now #4] to the Town ballot.
221 Motion seconded by Mr. Boyer.

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223 Discussion:

224 Mr. Oates asked about the items proposed to be stricken. Mr. Malley explained that the language
225 proposed to be stricken is found within the adopted Master Plan.
226

All in favor – motion carried 7/0/0.

B. Public Hearing –Petitioned Zoning Amendment Article for the 2026 March Town Meeting.

The Board reviewed Petitioned Zoning Amendment #1: **Amend the Zoning Map by rezoning from Business (B) to Residential-2 (R-2) the following parcels of land: Tax Map 168 Lot 131-000 (7 Windham Road), Tax Map 168 Lot 130-000 (9 Windham Road), Tax Map 168 Lot 129-000 (15 Windham Road), Tax Map 169 Lot 007-000 (17 Windham Road), Tax Map 169 Lot 008-000 (21 Windham Road), Tax Map 169 Lot 009-000 (23 Windham Road), Tax Map 169 Lot 101-000 (25 Windham Road), Tax Map 169 Lot 011-000 (27 Windham Road).**

Donna Boucher, 8 Windham Road, presented her petitioned Zoning Amendment and read it into the record. She urged the Board's support for the petition to rezone parcels located from 7 through 27 Windham Road, on the southern side of the street, from Business (B) to Residential-2 (R-2). This change would align the zoning with the existing residential use on both sides of the road and reinforce the established character of the community. The current Business designation is out of sync with how the area is being used, which is entirely residential. The disconnect creates uncertainty for residents and property owners alike. The proposed rezoning would eliminate this confusion. Last year, there was a petition to rezone from the Greeley Street intersection through 10 Windham Road, on the northern side of the street. During a presentation before this Board, it was argued that, due to the intersection on one side of Windham Road being zoned as Business and the presence of duplexes, the rezoning of those properties would make better sense. Furthermore, it was reported that all of the affected property owners were notified and assented to such a measure. However, it was later revealed that none of the affected property owners had been properly notified. In contrast, signatures on this petition have been gathered from all property owners of the affected lots, as well as the majority of residents across the street from the identified parcels. It is believed that R-2 zoning will help maintain property value stability and contribute to the Town's long term tax base. The request is that the community remain a residential-only area, free from the potential for commercial encroachment. This will promote compatible land use, preserve the character of the neighborhood, and provide residents with peace of mind about the future of their homes. In conclusion, the proposed rezoning is a simple, common sense adjustment that accurately reflects how the community functions.

Mr. Malley opened the Public Hearing at 8:22pm.

Nancy Sudsbury, 17 and 18 Windham Road, stated that the proposed zoning amendment last year allowed for certain residences in this area to remain safe from having commercial businesses built next door. However, the properties across the street are still in jeopardy of this. This is not a Business zone, and the local residents do not want it to be.

Donna Boucher, 8 Windham Road, stated that she was raised in Hudson and often lived with her grandparents on Windham Road. The property has belonged to her family for 85 years; a short time compared to the home's age of 279. It is one of Hudson's oldest homes and has withstood two moves. She acknowledged that upon acquiring the property, she was also accepting a responsibility. The walls hold the quiet evidence of lives well lived. An old house does not

endure by accident. It survives because it is loved, respected, and tended with care. Every repair, restoration, and decision for the house has been made with the belief that it deserves continuity and integrity. The house matters because it connects generations. It anchors family stories, traditions, and memories in a way no modern structure ever could. It teaches patience, resilience, and respect for craftsmanship. She hopes that the house will always be more than a place to live. May it remain a place to return to, a place to remember, and a place that quietly teaches each generation the value of caring for something enduring.

Mr. Malley closed the Public Hearing at 8:28pm.

Mr. Boyer moved to recommend Petitioned Zoning Amendment Article 1 to the Town ballot. Motion seconded by Mr. Crowley. All in favor – motion carried 7/0/0.

C. Interview – Planning Board Alternate Position

1. Timothy Lyko

Timothy Lyko, 8 Daniel Webster Drive, expressed interest in joining the Planning Board as an Alternate. He currently also sits on the Zoning Board of Adjustment as Vice Chair. He plans to fill all three years of the Alternate position, unless he decides to move toward the elected position. This will not impact his duties to the ZBA, as he will recuse himself as necessary.

Mr. Malley explained that House Bill 19 states that someone seated on the ZBA must recuse themselves from a case also heard by the Planning Board. However, if recused from the ZBA, the person may hear the same case through the Planning Board. Essentially, a member sitting on both boards may only hear the case once.

Mr. Oates stated that, in that case, the person could not even be present in the ZBA meeting to hear the applicant speak on the case. RSA:673 is clear on this. He asked who will regulate and keep track of this in terms of Mr. Lyko. This is a legal concern. He asked that Mr. Lyko choose to sit on one board or the other. Mr. Lyko stated that he was not willing to step down from the ZBA but would recuse himself as necessary based on his own moral guidance.

Mr. Guessferd stated that he has no concerns based on Mr. Lyko's character.

Mr. Boyer moved to appoint Timothy Lyko to the Planning Board Alternate position as advertised, for a three-year term.

Motion seconded by Mr. Van der Veen. Motion carried 6/1/0, (Mr. Oates in opposition).

XI. ADJOURNMENT:

Mr. Boyer moved to adjourn. Motion seconded by Mr. Van der Veen.

Discussion:

Mr. Oates stated that it was well played by the Chair to take a vote to remove public input from the Planning Board's agendas, thus violating the Right to Know RSA. The public was not notified that the Board was going to discuss removing this from the agenda. The Chair waiting until certain

Board members were not present, knowing that the votes would be secured. The boards in this Town continue to do things against what the residents have asked for. The people on this Board are elected officials asked by the constituents to do a job. The constituents asked the Board to allow them to speak before meetings. Yet, based on the opinion of one person on the Board with control, this was overruled. The major concern expressed initially by some Board members was that the public would come and speak about upcoming cases or discuss inappropriate topics. None of that occurred. He moved to reinstate public input on the Board's agenda for a term of three months.

It was noted that the Board was already in the middle of a motion to adjourn.

Mr. Guessferd expressed concern that Mr. Oates is putting thoughts inside the head of the Chairman. No one on this Board has the right to say what the Chair is thinking and what agenda he has. The Chair has not expressed any ill will or exerted power. Public input is allowed during each case that comes before the Board. It is not as if public input does not exist and saying that it is not allowed is not true. He asked Mr. Oates to be professional and stick to the facts.

Mr. Oates stated that he is being professional and stating facts. The Chair violated the Right to Know law at the December meeting by discussing and voting on an item that was not on the agenda and not announced ahead of time to the public.

Mr. Malley stated that it was brought to his attention that the three month trial period for the public input agenda item was about to sunset. Thus, he broached the topic toward the end of the meeting with the Board. He brought this to a vote of the Board during that meeting. Mr. Oates stated that he spoke to the Chair an hour before the meeting and this potential topic was not mentioned. In his opinion, the Right to Know Law was violated.

Mr. Malley asked to call the vote. Mr. Oates stated that the Board was in discussion and the Chair elected to call the vote as the discussion was not going in his favor.

All in favor – motion carried 5/2/0, (Mr. Oates and Mr. Crowley in opposition).

Meeting adjourned at 8:52 P.M.

Ed Van der Veen
Secretary

***These minutes are in draft form and have not yet been approved by the Planning Board.
Note: Planning Board minutes are not a transcript. For full details a video of the meeting is
available on HCTV (Hudson Community Television) www.hudsonctv.com.***