



TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison



12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6008 · Fax: 603-594-1142

**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 Chair <u>X</u>	Jordan Ulery Vice-Chair <u>E</u>	Ed Van der Veen Member <u>X</u>	Victor Oates Member <u>X</u>
James Crowley Member <u>X</u>	Julia Paquin Member <u>X</u>	Vacant Alternate	George Hurd Alternate <u>E</u>
Todd Boyer Alternate X	Bob Guessferd Select. Rep X	Brooke Dubowik Town Rep. X	

I. CALL TO ORDER BY CHAIRPERSON

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

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

24 Mr. Malley asked the Clerk to call for attendance.

IV SEATING OF ALTERNATES

Mr. Boyer was seated for Mr. Ulery.

V MEETING MINUTES

26 V. MEETING
30 None at this time

VI CONCEPTUAL DESIGN REVIEW: Non-structural

VII. OLD BUSINESS: None

36 VIII. NEW BUSINESS: None

IX OTHER BUSINESS

38 **IX. OTHER BUSINESS**
39 A. Public Hearing – Zoning Amendment Warrant Articles for the 2026 March Town
40 Meeting.

41
42 The Board reviewed Zoning Amendment #1: **Amend Article XIIIIA, Accessory Dwelling**
43 **Units, Section 334-73.3 Provisions, to reflect changes in State Law.**

44
45 Mr. Malley opened the Public Hearing at 7:02pm.
46
47 There was no public comment at this time.
48
49 Mr. Malley closed the Public Hearing at 7:02pm.
50
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.
88

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

95

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

98

99 Ms. Paquin moved to recommend Zoning Amendment Article 2 to the Town ballot.
100 Motion seconded by Mr. Crowley.

101

102 Discussion:

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

105

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

111

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

113

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

118

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

120

121 There was no public comment at this time.

122

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

124

125 Mr. Boyer moved to recommend Zoning Amendment Article 3 to the Town ballot.
126 Motion seconded by Mr. Van der Veen.

127

128 Discussion:

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

131

132 Mr. Oates asked why this is being adjusted. Mr. Malley stated that this was a request from the
133 ZBA as they see many requests for Variances from this item, which are often granted. Mr.
134 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.

222
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.

227 All in favor – motion carried 7/0/0.

228

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

231

232 The Board reviewed Petitioned Zoning Amendment #1: **Amend the Zoning Map by rezoning**
233 **from Business (B) to Residential-2 (R-2) the following parcels of land: Tax Map 168 Lot**
234 **131-000 (7 Windham Road), Tax Map 168 Lot 130-000 (9 Windham Road), Tax Map 168**
235 **Lot 129-000 (15 Windham Road), Tax Map 169 Lot 007-000 (17 Windham Road), Tax Map**
236 **169 Lot 008-000 (21 Windham Road), Tax Map 169 Lot 009-000 (23 Windham Road), Tax**
237 **Map 169 Lot 101-000 (25 Windham Road), Tax Map 169 Lot 011-000 (27 Windham Road).**

238

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

260

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

262

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

267

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

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

280
281 Mr. Malley closed the Public Hearing at 8:28pm.

282
283 Mr. Boyer moved to recommend Petitioned Zoning Amendment Article 1 to the Town ballot.
284 Motion seconded by Mr. Crowley. All in favor – motion carried 7/0/0.

285
286 C. Interview – Planning Board Alternate Position
287 1. Timothy Lyko

288
289 Timothy Lyko, 8 Daniel Webster Drive, expressed interest in joining the Planning Board as an
290 Alternate. He currently also sits on the Zoning Board of Adjustment as Vice Chair. He plans to fill
291 all three years of the Alternate position, unless he decides to move toward the elected position.
292 This will not impact his duties to the ZBA, as he will recuse himself as necessary.

293
294 Mr. Malley explained that House Bill 19 states that someone seated on the ZBA must recuse
295 themselves from a case also heard by the Planning Board. However, if recused from the ZBA, the
296 person may hear the same case through the Planning Board. Essentially, a member sitting on both
297 boards may only hear the case once.

298
299 Mr. Oates stated that, in that case, the person could not even be present in the ZBA meeting to hear
300 the applicant speak on the case. RSA:673 is clear on this. He asked who will regulate and keep
301 track of this in terms of Mr. Lyko. This is a legal concern. He asked that Mr. Lyko choose to sit
302 on one board or the other. Mr. Lyko stated that he was not willing to step down from the ZBA but
303 would recuse himself as necessary based on his own moral guidance.

304
305 Mr. Guessferd stated that he has no concerns based on Mr. Lyko's character.

306
307 Mr. Boyer moved to appoint Timothy Lyko to the Planning Board Alternate position as advertised,
308 for a three-year term.

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

310
311 **XI. ADJOURNMENT:**

312
313 Mr. Boyer moved to adjourn. Motion seconded by Mr. Van der Veen.

314
315 Discussion:

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

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

327

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

329

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

335

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

339

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

345

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

348

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

350

351 Meeting adjourned at 8:52 P.M.

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359

Ed Van der Veen
Secretary

These minutes are in draft form and have not yet been approved by the Planning Board.

360

361

*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.*