



TOWN OF HUDSON

Zoning Board of Adjustment

Tristan Dion, Acting Chairman

Dillon Dumont, Selectmen Liaison



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MEETING MINUTES – SEPTEMBER 25, 2025 –DRAFT

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

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

III. ATTENDANCE

Mr. Dion asked the Clerk to call for attendance.

Full members present were: Tim Lanphear, Timothy Lyko, Todd Boyer

Alternate members present were: Zachary McDonough (Clerk), and Brendon Sullivan.

Others present were: Chris Sullivan – Town Liaison; Dillon Dumont – Selectman Liaison

IV. SEATING OF ALTERNATES

Alternates **Brendon** Sullivan and McDonough were appointed to vote.

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

Case 201-010 (09-25-25): Donald F. Tyler, Trustee of the Donald F. Tyler Revocable Trust of 2013, 119 Bush Hill Rd., Hudson, NH requests a variance for **116 Bush Hill Rd., Hudson, NH** to build a proposed 40 ft. x 27.7 ft. two-family dwelling/duplex (use A2) each containing 2 bedrooms in the Rural Residential (RR) District where this use is not permitted. Only single-family dwellings are allowed in this newly created district. [Map 201, Lot 010, Sublot-000; Zoned Rural Residential (RR); Hudson Zoning Ordinance (HZO), Article V: Permitted Uses, §334-21, Table of Permitted Principal Uses]

Mr. **Chris** Sullivan read the Case into the record and referred to the Zoning Administrator's Staff Report. The Town Engineer stated that the applicant shall provide a profile of the driveway and building permit.

Applicant & Legal Representative Testimony:

Donald Tyler, applicant at 119 Bush Hill Road, reviewed the variance criteria.

(1) not contrary to public interest

The 2025 ballot question that changed the zoning to disallow this type of two family structure emphasized open space and low density residential sites. This property contains over 118,000 s.f., more than 35% larger than the minimum lot size in this zone. This satisfies both the ample open space and low density requirements.

44 *(2) will observe the spirit of the Ordinance*

45
46 The construction and design appearance of the proposed home will be consistent with the
47 construction quality and style in the existing neighborhood. This is an oversized lot and will not
48 present a crowded appearance. The structure will maintain adequate sight distance in both
49 directions along the property frontage. This is consistent with the intention when he donated land
50 to the Town in order to straighten the road immediately in front of this property. The proposed
51 use will have a total of four bedrooms, which is the same, or fewer, than others in the
52 neighborhood.

53
54 *(3) substantial justice done to property owner*

55
56 The residence of the proposed home will be his sons, who currently live a short walk away. His
57 sons will be support resources for himself and his wife as they age. The property was purchased
58 in 2021 with this intent. The structure originally on the property was untenable and could not be
59 salvaged. As the structure was unsafe, it was torn down. Prior to building on the site, he wanted
60 to make sure the road was safe, leading to the donation of land to the Town, allowing for the
61 road to be widened and straightened. This took approximately 18 months. A septic design for the
62 two-family structure was designed during that time period. This process has carried on for
63 several years and there have been discussions with the Town throughout that time. It was never
64 expected that the two-family structure would become a disallowed use. The use is not contrary to
65 public interest and presents a unique opportunity for Town residents.

66
67 *(4) will not diminish surrounding property values*

68
69 The construction and design appearance will be of no lesser quality than the surrounding homes.
70 When complete, the lot will be transformed from a dilapidated, unsafe property to a new
71 residential structure on a greatly improved road.

72
73 *(5) hardship*

74
75 The proposed use had been in the planning stages for several years, prior to the recent zoning
76 change. Literal enforcement of the unanticipated zoning change would negate the owner's efforts
77 to remove the original structure, donate a portion of the property to the Town to improve safety
78 on the road, and buyer's efforts to position themselves financially. The property is uniquely
79 located to support adjacent family members.

80
81 **Board Questions:**

82
83 Mr. Lanphear asked if the building will need to be sprinkled. Mr. **Chris** Sullivan stated that this
84 is not required.

85
86 Mr. Dumont asked when the septic design was created. Mr. Tyler stated that the test pit was
87 installed in 2022. The septic plan was created in 2023 and amended in 2025. There were two
88 obstacles to selling the property to his sons, including making sure a driveway permit could be

obtained and a building could be installed on the lot. Mr. Dumont thanked the applicant for the donation of land, as it helped toward the safety concerns along the road.

Mr. Lyko asked to receive public comment either in favor, neutral or opposed from the public at 7:15 PM.

Public Comments in Favor:

David Arvedon, 115 Bush Hill Road, spoke in favor of the proposal. He stated that there is no reason to object to this.

Mr. Lyko read a letter submitted by Timonthy D. Smith, 101 Bush Hill Road, in support of the proposal.

Seeing no additional comments at this time, Mr. Lyko closed the public comment period at 7:19 PM.

Board Discussion and Deliberation: None at this time.

Mr. Lanphear moved to grant the variance, duly seconded by Mr. Boyer.

Board Speaking on Each Variance Criterion:

1. Granting this variance will not be contrary to the public interest

Mr. Lanphear stated that the proposed duplex will help with the Town's housing needs. The duplex will be used for immediate family to help the applicant age in place. This proposal will not threaten the public health or safety in anyway.

2. The proposed use will observe the spirit of the ordinance

Mr. Lanphear stated the proposed use will not alter the character of the neighborhood and will help add to the health and safety for the applicant's family. The applicant helped the Town by donating land to help straighten the road.

3. Substantial justice would be done to the property owner by granting this variance

Mr. Lanphear stated this proposal will give the applicant substantial justice and help the family stay closer together.

4. The proposed use will not diminish the value surrounding properties

Mr. Lanphear stated that the proposed duplex will not diminish values in any way.

5. Ordinance results in unnecessary hardship

Mr. Lanphear stated that for 5A, this will help keep the family together. The previous building was dilapidated, and the lot will be cleaned up with a new house. In terms of 5B, the proposed use is a reasonable one.

Mr. Lanphear - grant

135 **1. Granting this variance will not be contrary to the public interest**

136 Mr. Boyer stated that the applicant has proposed a duplex that fits the neighborhood, with
137 similar character to other structures in the area.

138
139 **2. The proposed use will observe the spirit of the ordinance**

140 Mr. Boyer stated the property will continue to be used for housing.

141
142 **3. Substantial justice would be done to the property owner by granting this variance**

143 Mr. Boyer stated that substantial justice will be done to the property owner. The owner
144 has donated land to the Town in order to create a safer road. This will allow the family to
145 support one another.

146
147 **4. The proposed use will not diminish the value surrounding properties**

148 Mr. Boyer stated that the previous structure was dilapidated, had animals living in it, and
149 asbestos. The new structure will create a safer environment. This will help to increase
150 values.

151
152 **5. Ordinance results in unnecessary hardship**

153 Mr. Boyer stated that for 5A, the applicant has proven that his purchase was prior to the
154 ordinance change and the process was carried out in a timely manner. In terms of 5B, the
155 proposed use is a reasonable one.

156
157 **Mr. Boyer - grant**

158
159 **1. Granting this variance will not be contrary to the public interest**

160 Mr. McDonough stated that the proposal will not harm anyone. The applicant has shown
161 an interest in doing things to benefit the Town and public, specifically through the
162 donation of the land to the Town to help straighten the road.

163
164 **2. The proposed use will observe the spirit of the ordinance**

165 Mr. McDonough stated that the ordinance focuses on community and not overcrowding.
166 The applicant has shown that the lot is sized appropriately for the proposed structure. The
167 applicant is looking to bring his family closer, which is in line with family values.

168
169 **3. Substantial justice would be done to the property owner by granting this variance**

170 Mr. McDonough stated that substantial justice will be done to the property owner, as it
171 will allow for use of the property as he sees fit and to bring family closer.

172
173 **4. The proposed use will not diminish the value surrounding properties**

174 Mr. McDonough stated that the applicant noted that the past structure was uninhabitable.
175 This was removed and a new modern house would increase property values.

176
177 **5. Ordinance results in unnecessary hardship**

178 Mr. McDonough stated that for 5A, the applicant started this process prior to the zoning
179 changes went into effect. It would be a hardship on the applicant to follow the new
180 zoning practices, despite their best efforts to follow the Town's requirements. In terms of

5B, the proposed use is a reasonable one. This is a proposal to create a modern, safe house for the family. The applicant has worked with the Town to make the road safer.

Mr. McDonough - grant

1. Granting this variance will not be contrary to the public interest

Mr. Brendon Sullivan stated that the duplex is in the best interest of the Town and will not impact the public in any way. The fact that this is being built for the applicant's family aligns with the Town's goals.

2. The proposed use will observe the spirit of the ordinance

Mr. Brendon Sullivan stated that the duplex will not conflict with the character of the neighborhood and will allow for more housing for the Town.

3. Substantial justice would be done to the property owner by granting this variance

Mr. Brendon Sullivan stated that the duplex will keep the owner's family close and allow for mutual assistance. The applicant previously donated land to the Town. This is a reasonable request.

4. The proposed use will not diminish the value surrounding properties

Mr. Brendon Sullivan stated that the neighbors appear to be in favor of the proposal and so no diminution of value was shown. The previous structure was uninhabitable.

5. Ordinance results in unnecessary hardship

Mr. Brendon Sullivan stated that for 5A, this project has been underway prior to the zoning change. It would be a hardship to the family to deny the variance. In terms of 5B, the proposed use is a reasonable one.

Mr. Brendon Sullivan - grant

1. Granting this variance will not be contrary to the public interest

Mr. Lyko stated that this plan is not contrary to the public interest. This zone was intended for larger lots and no major development, and this plan fits that.

2. The proposed use will observe the spirit of the ordinance

Mr. Lyko stated that the proposal will keep the rural character of the area, as the proposed structure will match nearby ones.

3. Substantial justice would be done to the property owner by granting this variance

Mr. Lyko stated that the applicant has been working on this process since 2021, years prior to the zoning change.

4. The proposed use will not diminish the value surrounding properties

Mr. Lyko stated that this will help increase values and the appeal of the neighborhood by filling a vacant lot.

5. Ordinance results in unnecessary hardship

Mr. Lyko stated that for 5A, the property has been in design since 2021, and the recent zoning change creates a hardship. In terms of 5B, the proposed use is a reasonable one. This allows the applicant to build what was planned for years and will bring the family closer.

Mr. Lyko - grant

Vote: 5-0-0 motion carried to grant the variance.

Mr. Lyko noted the 30 day appeal period.

VI. REQUEST FOR REHEARING: None**VII. REVIEW OF MINUTES:**

08/28/2025 edited draft Meeting Minutes

Mr. Lanphear moved to approve the meeting minutes of 08/28/2025, duly seconded by Mr. Boyer.

Vote: 5-0-0 motion carried to grant the variance.

VIII. OTHER BUSINESS:

Mr. **Chris** Sullivan stated that ZORC will begin on Monday, September 29th at 3PM. There will be meeting once a month. Mr. Lanphear volunteered to sit on the meetings.

Mr. **Chris** Sullivan stated that there will be a zoning training on October 16th at 6 PM run by NHMA. There will also be an NHMA conference November 19-20 in Manchester.

IX. ADJOURNMENT: Motion made by Mr. Lanphear, seconded by Mr. Boyer and unanimously voted to adjourn the 9/25/2025 ZBA Meeting at 7:36 PM

Respectfully submitted,
Kristan Patenaude, Recording Secretary

Tristan Dion, ZBA Chairman