

TOWN OF HUDSON



Zoning Board of Adjustment

Tristan Dion, Chairman

Dillon Dumont, Selectmen Liaison

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WORKSHOP MEETING MINUTES – JANUARY 8, 2026 – Approved

I. CALL TO ORDER

Mr. Lyko called the meeting to order at 6:03 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. ROLL CALL - ATTENDANCE

Mr. Lyko asked the Clerk to call for attendance.

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

Alternate members present were: Zachary McDonough – Clerk

Others present were: Chris Sullivan – Town Liaison, Dillon Dumont – Selectman Liaison, Kristan Patenaude – Recorder

Remote attendee: Dean Sakati – Member

Tristan Dion entered the meeting at 6:13PM and sat as Chair.

Excused member(s): Brendon Sullivan – Alternate

IV. ZBA TRAINING/WORKSHOP

Jonathan Cowal, Legal Services Counsel from the NH Municipal Association presented a *ZBA Decision Making Process* training session to the Board.

In terms of the definition for "Public Meetings," Mr. Cowal explained that there are certain types of non-meetings that are exempt to RSA 91-A:2. Such as some conversations with legal counsel, collective bargaining agreement negotiations, and meetings called for emergency preparedness items. Communications between Board members over social media would be a textbook violation of RSA 91-A:2.

There was discussion regarding holding a site walk at a private location which the homeowner may not wish to have open to the public. Mr. Cowal explained that the Board could decide to designate one Board member to attend the site walk, in order to not have a quorum for a Public Meeting, or a quorum of the Board could attend as a non-meeting, in which there would not be any discussion of official business. Official business includes anything under the purview of the public body. For the ZBA, this would include land use items, including past/current/future cases. Meeting minutes for a site walk would be appropriate if any information is given and discussed. If Board members only view a property and there is no discussion on site, the site walk discussion could occur during the next Public Meeting. This can be addressed within the Board's Rules of Procedure.

The Board discussed a recent modification to RSA 673:3, V – Chapter 108, which mandates that a zoning board of adjustment member shall recuse himself or herself from voting on matters previously

Not Official until reviewed, approved and signed.

Approved as edited 01/22/2026

voted upon by the same member while serving on the planning board in a quasi-judicial capacity. The Board discussed the process for cases that need to be seen by both the Planning Board and ZBA. Mr. Cowal explained that, technically, an applicant cannot go before the ZBA without first having an item that needs to be appealed based on another board's decision. In practical matters, this is not often the process.

In response to a question from Mr. Boyer, Mr. Cowal explained that, for any item which could have the interpretation of impropriety, a Board member should speak on why they can be impartial on the item and sit reasonably to hear the case. It is a personal decision for Board members as to if they can view the facts of a case impartially.

The Board discussed the conditions for granting a Variance. In terms of the standard that a request is not contrary to the public interest, Mr. Cowal explained that this item cannot be based purely off the aesthetics of a proposed project. During its deliberations, the Board may discuss things such as the potential impact of traffic on the character of a neighborhood or based on safety concerns.

The Board discussed examples for a denial based on the substantial justice criteria. Mr. Cowal reviewed a potential case in which a business is seeking a Variance from the Sign Ordinance to install a larger sign than allowed with glowing illumination. The business could argue that the sign is needed for adequate advertisement. Based on certain conditions in this standard, the Board could determine that a denial would hurt the business, but an approval would create a significant harm to the neighbors. There may be other areas of the site for a smaller sign with no illumination instead.

Mr. Cowal explained that the criteria regarding values of surrounding properties not being diminished is likely the most subjective item. If the Board hears uncontradicted expert testimony on this item, it should take it at face value. The Board should give information the appropriate amount of weight based on who is presenting it.

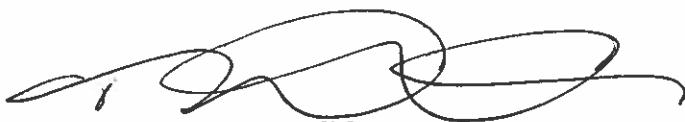
There was discussion regarding the hardship criteria and which items that make a property unique could be included. Mr. Cowal explained that lot size alone does not generally count as a hardship, though this could be considered if a lot is landlocked or has reduced frontage.

Additional information can be found in The Zoning Board of Adjustment in New Hampshire Handbook for Local Officials, through the NH Department of Business and Economic Affairs.

V. ADJOURNMENT

Motion made by Mr. Lanphear, duly seconded by Mr. Lyko and unanimously voted to adjourn the 01/08/2026 ZBA Workshop Meeting at 8:58 PM.

Respectfully submitted,
Kristan Patenaude, Recording Secretary



Tristan Dion, ZBA Chairman