



TOWN OF HUDSON

Zoning Board of Adjustment



Tristan Dion, Chairman Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – JANUARY 22, 2026 – approved

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mr. Dion 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. Dion asked the Clerk to call for attendance.

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

Alternate members present were: Zachary McDonough, Brendon Sullivan

Excused Members were: Dean Sakati

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

Remote attendance: Kristan Patenaude – Recording Secretary

IV. SEATING OF ALTERNATES

Alternate Brendon Sullivan was appointed to vote.

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 190-084 (01-22-26):** Roger and Denise Paradise, 6 Joseph Ave., Hudson, NH requests a variance to allow the mixed/dual use on a lot for residential use-single family detached dwelling (A.1.) and industrial use— contractor's yard (E.15.) where mixed uses are only allowed in the Business and Industrial districts. The contractor's yard use consisting of parking of two (2) work vehicles and storage is not permitted in the Town Residence (TR)zone. [Map 190, Lot 084, Sublot-000; Zoned Town Residence; HZO Article III: General Regulations; §334-10, Mixed or dual use on a lot and 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. There was one comment from the Town Engineer noting that the applicants need to obtain a driveway permit for the second driveway.

Mr. Chris Sullivan read public comment emails into the record.

The first was from Matthew Hudson, expressing concern regarding the request for a Variance on 6 Joseph Ave. He appreciates the neighbor's desire to park their work vehicles on personal property but is concerned that the variance would allow them to grow and expand a future operation. He expressed concern regarding being able to prevent the applicant from adding more

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vehicles and other heavy equipment to the property if the variance is granted. He would support the request if there were a way to restrict the use to the current vehicles. Otherwise, he would ask for the variance to be denied.

The second one was from Lynne's husband. It included a PDF of pictures of the site. The pest service contractor for the (Lavoie's) property has noticed a heavy increase in activity which he believes is due to activity on the applicant's property, such as trash being stored behind the shipping containers. The email expressed concern regarding what is stored in the containers. The email expressed concern regarding the added driveway and if it has the required setbacks. Also, water running onto the neighbors below may be an issue. Lastly, the email noted that the applicants stated that they told you they were cleaning up the site in November, but nothing has been done. Instead, more trucks and equipment have been stored on the site.

Applicant Testimony:

Roger, Justin, and Denise Paradise, applicants at 6 Joseph Ave., reviewed the variance criteria.

1. A variance is being requested in order to park and store vehicles overnight and over weekends on the site. The vehicles leave the site most days at 7:00 AM and return around 5:00 PM. The intention is not to expand the business further and customers do not come to the house and they are not storing any pest control. There's just landscaping equipment; lawn mowers, de-thatchers, rototillers, blowers, parts that go his mowers, mower decks. There are two ocean containers which hold landscaping and snow removal equipment. The onsite storage will not include any pesticides, saline, chemicals, etc. Seed may be stored in order to keep it dry.

2. Granting the variance will allow the company to be in good standing with the Town and the zoning of the property.

3. Allowing for parking and storage of work vehicles will allow the business to run efficiently, without the burden of using a rental space, which can be costly and difficult to find. If the parking and storage is not allowed, the business may have to move out of Town to find a facility that would suit its needs.

4. The proposal would not diminish the value of surrounding properties because the property is located on a dead-end street and the storage area is tucked away behind the house and not a lot of traffic coming in/out.

5A1). A variance will allow the company to continue parking its vehicles, with work being done away from the property.

5A2). The area in question is only used for the parking the vehicles and storage. With these special conditions, it would allow for us to have proper zoning for what is trying to be done with the property. The proper driveway permitting will be sought. All vehicles to be stored on the property are under 13,000 lbs. Roger Paradise stated that he registered the business in 2004 with the State of NH and the business has been run out of the house since 2004 without issue. He stated as time goes on, he tries to buy better equipment to better himself and he is at the point where he needed bigger equipment. That is why he bought a loader and a bobcat last year. He bought the ocean containers because he had a tent in the back where he had to shovel it off every snow storm and didn't want it to cave in and destroy his equipment which is expensive. The bobcat and loader are left on worksites during the winter. He stated that if he can't leave them there during the summer then he will find another site. The dump truck has a beeper on it which can be shut off during the summer so it is not so loud when it is backed down the street where it is parked, but it is needed during winter months for safety.

Board Questions:

Mr. Chris Sullivan stated that the applicants are in the process of cleaning up the site. Mr. Roger Paradise stated November is his busy season for Fall cleanups. About a week later, it snowed and he was trying to get all paperwork in for (the variance). Justin Paradise added that they were in the process of organizing to eliminate the junk, then the storm hit and they couldn't see what they were doing.

Mr. Dion noted that, as long as the equipment is all under 13,000 lbs., no enforcement action is needed. Mr. Roger Paradise stated that he has three (3) company trucks; two (2) dump trucks and a regular 1500 truck. Mr. Chris Sullivan noted that the equipment must be parked in a driveway and he only has fifty (50) feet. There can only be two vehicles parked on the site. Mr. Roger Paradise inquired if he could have the third truck on site. Mr. Sullivan responded that it would need to be parked elsewhere.

Mr. Lanphear asked the size of the ocean containers. Mr. Roger Paradise stated that they are 8'x20'. Mr. Dion noted that per the overhead shot, some of the containers looks like they may be sitting within the setbacks. Mr. Roger Paradise stated that one container will be moved.

Mr. Dion asked what is being stored in the containers. Mr. Roger Paradise stated that the containers hold a leaf loader, aerator, de-thatcher/attachments, 2 lawn mowers, winter plows, a setup for the dump truck body, a salt spreader, and shovels. There are no chemicals stored in them.

Mr. Chris Sullivan noted that one of the letters mentioned a trailer and a truck that is down the road that's being stored. He confirmed that is not their property. The applicants all affirmed.

Mr. Dumont noted it was brought up in one of the letters about what happens if this grows, that if any relief is granted and anything changes on the property or the business expands, the applicant will have to come back in front of the Board. He referred to Mr. Sullivan to explain. Mr. Chris Sullivan explained that they will have to come back in front of the Board and Planning in order to update their site plan. Mr. Roger Paradise stated he doesn't see any room to grow. Mr. Justin Paradise added that if the business was to grow to a Regis or St. Laurent level (*speaking local landscaping companies*), they would look for a different location so as not burden the people around them. He continued that there are only two vehicles at the moment and they do not plan on getting any bigger.

Mr. Roger Paradise stated that the bobcat and loader will not be stored on the site during the summer. There are trailers associated with these vehicles which will also be stored offsite.

Mr. Dumont asked if the cleanup process is underway, what is in question at this time? Mr. Chris Sullivan replied, what's in question is it's a mixed use of running a business out of their house so they have to get a mixed use for their property. Mr. Dion also asked if there is a home occupancy special exception at play. Mr. Chris Sullivan explained that this is part of the process. The applicant is seeking a mixed use for the property. This is a landscape company being run from a home which is different than a home occupancy.

Mr. Roger Paradise asked if he is allowed to do work on his equipment at his property. Mr. Chris Sullivan stated that this would be allowed as long as the equipment is not there for weeks at a time.

Mr. Dion asked if any material such as salt, mulch, seed, or lime is being stored on site. Mr. Roger Paradise replied, no and that he stores seed in his garage to keep it dry. Mr. Justin Paradise added, that they are not licensed to use pesticides.

Mr. Boyer stated that he has several questions but would like to hear from the audience (*public*) for their viewpoint before pursuing his questions.

Mr. Dion asked to receive public comment in favor from the public at 7:27 PM.

Public Comments in Favor:

Joe Varnum, 7 Bungalow Ave., stated that the business has not impacted him in any way. No business is conducted on site. He spoke in favor of the application. He is an abutter located diagonally across the street.

Lisa Beckwith, 7 Bungalow Ave., stated that the backyard cannot be seen from her property. She can hear the trucks leaving and entering the property, but it is not a bother. They are not doing anything in their front yard that shouldn't be done. The applicant's back yard cannot be seen by neighbors, as far as she knows.

Michelle Wyman, 4 Magnolia Street, spoke in favor of the proposal. She can see the trucks leave the site in the morning and return in the evening, but it does not bother her. This is a father/son business, and she has no issues with it.

Public Comments Neutral or Opposed:

Paul Provost, 4 Joseph Ave., stated that he has been a resident there for 30 years and moved in to this location because it was a small residential area with four streets in the neighborhood with three houses on each street. This is no place for a business. There is a residence directly across from where their equipment is parked. That resident can see old commercial shipping containers, two dump trucks and landscaping trailer. That is not a residential view. The applicant's commercial vehicles are frequently parked on Joseph Ave. Either a dump truck or a combination of dump truck and a landscaping trailer are parked at the intersection of Joseph Ave. and Bungalow Ave. The size of these vehicles parked in conjunction with the intersection would not permit a fire truck to turn on Bowling Ave.? (*Bungalow*) onto Joseph Ave., creating a fire hazard. The only fire hydrant is about 40'-50' up from Joseph Ave., on Boland Ave.? (*Bungalow*) and clear access to it is needed. The comings and goings of the company are not only twice a day, but often in mid-afternoons, with vehicles left parked along Joseph Ave. anywhere from a couple of hours up to about 6 hours or longer. There are times during the summertime where apparently business is slow that the vehicles are parked along the street, near the intersection, for more than six hours a day. The loader and bobcat were only removed from the property this past week. On Monday the 12th, their dump truck along with a flatbed trailer was parked at that exact intersection for a good six hours before the truck and trailer were moved onto his front yard and it sat there overnight before the bobcat was loaded the next day. The equipment moves in and out of the neighborhood at unreasonable speeds for the residential area. The applicant has been operating in violation of the Town zoning for over five years.

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Matt & Lynne Lavoie, 21 Oban Drive, stated that their backyard looks directly into the applicant's driveway area. We're the ones that see this 24/7. There is not an issue with a small business in this neighborhood, but this one has grown so quickly in the last few years that there's so much equipment. There's a lot of coming and goings. There is a mess on the property that may continue to get worse. Mr. Lavoie asked the Board if shipping containers are allowed on property. Mr. Sullivan replied, yes and the applicant will move it out of the setback. They recently erected a fence at a substantial cost to try to hide some of the mess. This does not stop the noise from the site.

Mr. Boyer asked Mr. Lavoie about the times of day that the operation is in use. Mr. Lavoie stated that the trucks can be heard between 6AM-7AM. Mr. Dion asked Mr. Lavoie to describe the noise. Mr. Lavoie stated that it is mostly backup alarms and equipment being loaded/unloaded. Mr. Lanphear if this can also be heard on the weekends. Mr. Lavoie stated that it can be heard on Saturdays.

Mr. Dumont asked if it would make a difference if the operation of the business site was cleaned up. Mr. Lavoie stated that this would help but the business has grown too large for the location.

Seeing no additional comments at this time, Mr. Dion closed the public comment period at 7:40 PM.

Applicant Rebuttal:

Mr. Roger Paradise stated that his vehicles are not parked out on the street for hours and hours. The other day he did leave his loader in the garage, but not in the backyard. He has parked his truck and trailer on his front lawn because it was too long to fit in the back area. Some days they do come home in the middle of the day to cool down before going back out or he forgets something, but he tries to keep this to a minimum and tries to be respectful.

Ms. Denise Paradise stated that if a fire truck needed to go down the street, it is not being blocked off. Any vehicles are parked partially on the lawn and not obstructing traffic or fire equipment. Justin Paradise further commented that regarding speeding, there is no way a large truck or trailer could go very fast through the surrounding narrow roads. The trailer is 20 feet long and it is hard to make those turns without going slow and paying attention to what you're doing because you will take something out if you don't. Roger Paradise added that the corner of Joseph and Stanley is tight. He has to come in that way so he can back down the street.

The Board viewed the location of 4 Joseph Ave. in regard to the property in question. Mr. Roger Paradise stated that this neighbor cannot see his trucks from the property. There is a garage and trees in-between the two. He has spoken to the owners of the property (13 Bungalow Ave.) in front of where he sometimes parks his trucks on the street and they have no complaints. Mr. Boyer asked if there has been any correspondence or complaints from 13 Bungalow Ave. Mr. Chris Sullivan replied, no.

Board Discussion:

In response to a question from Mr. Boyer, Mr. Roger Paradise stated that there are currently two containers on the property, both 8'x20'. Mr. Boyer asked if these could be considered sheds. Mr. Sullivan responded they haven't been considered as sheds. Mr. Dumont stated that there are

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currently no regulations that do not allow for these items. He continued that if someone has a storage container and puts their belongings inside, the use is no different than a shed. Mr. Boyer continued that he definitely does not like the two shipping containers but by right, they have the ability to have at least one shipping container and, in the TR Zone, it can be five (5) feet from the property line. There Board discussed that there are no rules on the number of sheds that someone can have.

Mr. Boyer noted that, if stipulated as part of an approval, the applicant would have to find other places to store the bobcat and loader during the summer. Mr. Roger Paradise acknowledged this.

Mr. Boyer noted that the Town allows for two driveways on a property, each of which can be 50' wide. The applicant plans to obtain a driveway permit. Mr. Roger Paradise stated that he does not plan to pave the driveway, as there are existing issues with drainage along the street and he does not want to add runoff from pavement. Mr. Boyer stated that this would be up to the Town Engineer.

Mr. Boyer asked about the trash on the site. Mr. Roger Paradise stated that he is working to cleanup any items on the site but will likely need to wait until the snow melts. He is willing to commit to a date in the spring. Mr. Boyer asked if there is the ability to put a time limit. Mr. Chris Sullivan responded that he generally puts a time limit on the code enforcement. Mr. Dumont responded to pick a time so everyone knows the deadline and it can be put into the stipulations.

Mr. Dion asked if the outdoor storage is a special exception. Mr. Chris Sullivan responded most of the outdoor storage is being put away. They are getting rid of the outdoor storage and the shipping containers are a shed. He continued, outdoor storage would be things piled up outside. Mr. McDonough added like pallets of brick or material...

Mr. Dion asked if the business has any additional employees. Mr. Roger Paradise stated that it is he and his son (*Justin*). Ms. Paradise added, sometimes me or my daughter.

Mr. Lanphear asked if there was a way to aesthetically make the containers look nicer, such as painting or other mitigation measures. Mr. Roger Paradise stated that he would be happy to do so.

Mr. Boyer asked how close the shipping containers are to the property line. Mr. Roger Paradise stated that one is approximately 2" from the rock wall line and he will move it as soon as possible in the spring.

Mr. Dion asked about moving all business equipment on site inside the shipping containers. Mr. Justin Paradise stated that this could be done. Mr. Roger Paradise stated that one of his mowers caught on fire so it is between the shipping containers. Mr. Justin Paradise stated the only reason why they still have it is for parts but they can dismantle the vital parts and then scrap it. They will do that in the Spring when they are moving the containers. Mr. Boyer then stated that if the applicant were granted this waiver, should this happen in the future, it would be something they would immediately have to do so it would not be an issue to the neighborhood.

Mr. Lyko reconfirmed the site will be used to park two dump trucks, a pickup truck, and two shipping containers. He asked if there will be a trailer there every day. Mr. Roger Paradise stated that there are currently two dump trucks, a 1500 pickup truck (he can park in front of his house in the driveway), a large trailer to move equipment, a small trailer, and a mulch trailer. Some of the trailers will need to be moved. The back of the site is proposed to hold the two dump trucks and a trailer. The small plows will go inside the containers, and the large plows will be stored next to the garage on the asphalt, and these are not easily visible.

Mr. Boyer asked the proposed timeline to get the work on the site completed. Mr. Justin Paradise stated that site cleanup will start as soon as the snow is melted. Mr. Boyer suggested May 15th. Mr. Roger Paradise agreed that's the date it will be done. Mr. Justine Paradise agreed that is fair.

Mr. Lyko asked if there would ever be a reason to park the equipment along Joseph Ave. Mr. Roger Paradise explained that this is sometimes done in order to access the trailers and garage, or for maintenance items. The trucks are never left there overnight. Mr. Roger and Justin Paradise confirmed that work on their equipment has to be in the garage. Mr. Dumont stated there are no regulations that prohibit having commercial equipment in the garage.

Mr. Dion opened up public comment for rebuttals in favor of the application at 8:04 PM.

Rebuttal Public Comments in Favor:

Leo Bernard, 3 Bungalow Ave., stated that the applicant has been trying to cleanup his property and has been nothing but a good neighbor. The containers are not a problem and are hidden enough on the property. There is no reason to deny this request. He verified he is located on Bungalow, by Riverside, all the way at the end. He cannot see the containers. The only neighbor that can likely see the containers is #13 Bungalow Ave., at dead end. Mr. Dion asked for an overview of the comings and goings of the applicant. Mr. Bernard stated that he sees the applicant leaving in the morning and coming back at night. He does not see the applicant dumping anything and comes back empty. There are drainage problems on Bungalow Ave. He spoke with the Road Agent and there are too many gas and pipelines in the way to be able to fix the road. He stated that he adopted the fire hydrant on Bungalow Ave. and takes care of the fire hydrant in the winter time. He keeps it clean so the fire department can get to it.

Rebuttal Public Comments Neutral or Opposed:

Paul Provost, 4 Joseph Ave., stated that his property sits on a hill. He can see the applicant's backyard, including the containers, from inside his house and backyard. In terms of emergency access, his concern is turning from Bungalow Ave. onto Joseph Ave. This is a tight intersection to begin with and trucks sitting in the roadway would make access more difficult. He stated that vehicles on the applicant's property are sometimes parked on the pavement, blocking the entire eastbound section of Joseph Ave. So, any vehicle coming onto Joseph Ave. from Bungalow Ave. has to travel in the westbound lane to get around their vehicles and then back into the eastbound lane.

Matt Lavoie, 21 Oban Drive, stated that, upon speaking to Mr. Chris Sullivan, it appears the applicant's side yard is actually considered a front yard due to the frontage. Thus, the placement of the containers is considered to be in the front yard. Mr. Chris Sullivan stated that the side yard is also considered a backyard for the property. Mr. Lavoie stated that his entire backyard is the

applicant's storage area. The applicant was notified in October regarding the necessary site cleanup, and nothing has occurred. A real effort has not been made.

Lynne Lavoie, 21 Oban Drive, stated that she was concerned regarding what was being stored in the containers due to her grandchildren living with her. She is now being told only equipment is being stored. A fence was installed due to all of the dangerous items on the property line where the children play. They asked the applicant to pay half to install the fence, and he did not agree to do so. She stated she was worried about chemicals and such.

Lisa Beckwith, 7 Bungalow Ave., stated that emergency vehicles travel down the road frequently due to the residents at 13 Bungalow Ave. needing services. She has not seen the emergency vehicles have any trouble accessing the area.

Mr. Dumont asked if there was any concern expressed by the Fire Department upon review of the application. Mr. Chris Sullivan stated that there was not.

Mr. Dion closed the public portion session at 8:14 pm.

Board Discussion and Deliberation:

Mr. Boyer reviewed potential stipulations, including that he shipping container shall be placed within the zoning compliance regulations, and May 15th would be the deadline for the shipping containers and the yard to be cleaned up. Also, the driveway to be constructed per engineering approval. Mr. Dumont suggested that there should be language regarding who will oversee this work and determine if it is satisfactory. Mr. Chris Sullivan noted that he would be the one to follow-up, as the Town's Code Enforcement Officer. Mr. Dion suggested an additional item that there be no expansion of current items on site, beyond the two commercial trucks, one trailer, two plows, and two shipping containers. This will allow for a framework for what can be stored on the site.

Mr. McDonough suggested an additional item that the applicant shall not store any chemicals on the site or seek a pesticide license. Mr. Dumont noted that the State heavily regulates licenses and storage of this type of materials. Mr. Dion stated that exterior material storage would come back to the Board for a special exception. Mr. Lanphear affirmed commercial chemicals are heavily regulated by the State.

Mr. Boyer suggested language that there be no expansion of the business on the site from the date of the variance approval, based on the testimony given. He noted that the applicant agreed that May 15th was a reasonable timeline.

Mr. Lanphear moved to grant the variance, with the following stipulations:

- **The shipping containers shall be placed within zoning compliance.**
- **May 15th, 2026, is the deadline for the shipping containers and the yard to be cleaned up.**
- **May 15th, 2026, is the deadline for the driveway to be constructed, per engineering approvals.**
- **No expansion of the business from date of the variance, based on the testimony given by the applicant.**

The motion was duly seconded by Mr. Lyko.

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Board Speaking on Each Variance Criterion:**1. Granting this variance will not be contrary to the public interest**

Mr. Lanphear stated that the requested variance is not contrary to the public interest as the proposed use does not conflict with the explicit or implicit purposes of the ordinance. It does not alter the essential character of the neighborhood; threaten public health, safety or welfare; or otherwise injure public rights. The business has been running on the property for years. The applicant is trying to clean up the proposed area. No customers come onto the property for the business.

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

Mr. Lanphear stated that the proposed use will observe the spirit of the ordinance. The applicant is working to clean up the yard, which will help maintain the character of the neighborhood and the public health, safety, and welfare of the neighborhood.

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

Mr. Lanphear stated that substantial justice will be done to the property owner. There would be a burden and cost for the applicant to have to find another space to store two commercial trucks and storage containers.

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

Mr. Lanphear stated that the proposed use will not diminish property values in the area.

5. Ordinance results in unnecessary hardship

Mr. Lanphear stated that no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of the provisions to the property for the owner to continue parking two commercial vehicles and storage containers on the property. The applicant is working to clean up the property and is willing to do so in a timely manner. The use is reasonable with the following stipulations: that the site will be cleaned up by May 15, 2026; that the containers will be compliant to the zoning ordinance; that the applicant obtain a driveway approval and complete the installation of the driveway by May 15, 2026, which will be reviewed by the Zoning Administrator/Code Enforcer; and that there will be no expansion of the business on the site as of the date of the variance, based on the testimony given on record.

Mr. Lanphear – to grant**1. Granting this variance will not be contrary to the public interest**

Mr. Lyko stated that granting the variance will not be contrary to the public interest because the proposed storage use does not alter the neighborhood's character or safety. All business work will be done off site.

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

Mr. Lyko stated that the proposed use will observe the spirit of the ordinance as it does not conflict with the ordinance. This is a small family business with some equipment being stored on the site, which will be cleaned up to look presentable.

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3. **Substantial justice would be done to the property owner by granting this variance**
Mr. Lyko stated that substantial justice will be done by allowing the applicant to store their equipment in a way which does not harm the public.
4. **The proposed use will not diminish the value surrounding properties**
Mr. Lyko stated that the proposed use will not diminish values of surrounding properties. The site will be cleaned up which will help surrounding properties.
5. **Ordinance results in unnecessary hardship**
Mr. Lyko stated that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property in terms of the basic storage for the landscaping business. It would be an unnecessary hardship to require the applicant to move all of their business items off site. The proposed use is a reasonable one, based on the stipulations as discussed.

Mr. Lyko – to grant

1. **Granting this variance will not be contrary to the public interest**
Mr. Boyer stated that granting the variance will not be contrary to the public interest. The applicant has agreed to a list of stipulations that the Board has placed on him which will satisfy many of the existing issues.
2. **The proposed use will observe the spirit of the ordinance**
Mr. Boyer stated that the spirit of the ordinance will be observed because the applicant will clean up the area. Also, the proposed use is similar to a home occupation and anyone within the Town of Hudson can own a trailer or equipment and park it in their yard.
3. **Substantial justice would be done to the property owner by granting this variance**
Mr. Boyer stated that substantial justice would be done to the property owner. The property owner has stated that he has been using the property in this manner since 2004. Allowing the applicant to continue using the property this way will allow him to continue to prosper and provide support for his family.
4. **The proposed use will not diminish the value surrounding properties**
Mr. Boyer stated that surrounding property values will not be diminished. There was no testimony given regarding a potential diminution in value. If the applicant can make the back of his property look similar to the front of the property, there will be no issues.
5. **Ordinance results in unnecessary hardship**
Mr. Boyer stated that literal enforcement of the ordinance would pose an unnecessary hardship by taking away the applicant's right to earn a living.

Mr. Boyer – to grant

1. **Granting this variance will not be contrary to the public interest**
Mr. Brendon Sullivan stated that this is far too large an operation to be running out of a home. There is a question as to what is actually being stored on the property. Also, May

15th is too generous a timeframe in which to clean up the property and he would like to see it shortened.

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

Mr. Brendon Sullivan stated that, in terms of the spirit of the ordinance, the applicant only came before the Board because they were told to. There does not seem to be much effort on the applicant's part to clean up the area. The neighbors made reasonable arguments as to why the proposed use impacts their day-to-day existence.

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

Mr. Brendon Sullivan stated substantial justice would be done to the property owner. The applicant has other options in terms of renting a workspace or garage in order to run their business properly off site.

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

Mr. Brendon Sullivan that the direct neighbors mentioned that they have already had to install a fence due to the use, which impacts their property value.

5. Ordinance results in unnecessary hardship

Mr. Brendon Sullivan stated that running this business out of a workshop off site is reasonable.

Mr. Brendon Sullivan – to deny

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

Mr. Dion stated that, in terms of the proposed use conflicting with the purposes of the ordinance for protecting public health, safety, and welfare, or altering the essential character of the neighborhood, the use of storing trucks and equipment on the property is no different than what may be seen on any other property throughout the Town. Some of his neighbors have commercial trucks or trailers that they park on their property, and he also has a trailer in his yard. The hours which the applicant is moving these items is no different than regular work hours.

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

Mr. Dion stated that, as long as the noted stipulations are met, this proposed use should not alter the essential character of the neighborhood, or threaten the public health, safety, or welfare, or injure the public rights. The proposed storage is similar to the residential surroundings. The Town does not currently have any stipulations around shipping containers on a site. This is a tightly packed neighborhood, with other trailers and items being stored on properties.

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

Mr. Dion stated that substantial justice would be granted to the property owner and this outweighs harm to the general public. The proposed use will not harm the general public.

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

Mr. Dion stated that, as long as the stipulations are met as set out by the Board, the proposed use should not diminish values.

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5. Ordinance results in unnecessary hardship

Mr. Dion stated that the unnecessary hardship is that the zoning ordinance requires a get special exception to deal with this type of use. It is good to have small local businesses, especially they can be operated out of a home. It behooves the Town to allow these types of businesses as long as they can be controlled in a fair manner. The proposed use is reasonable. He is in favor of granting the variance with the proposed stipulations that there be an overall target date of May 15, 2026, for the items mentioned, with review by the Code Enforcement Officer; that the shipping containers will be code compliant; the yard will be cleaned up by the target date; that the driveway will be approved and completed by the target date; and that there will be no expansion of the business from the date of approval based on the testimony of the applicants during the hearing and current observations by the Zoning Administrator.

Mr. Dion – to grant

Vote: 4-1-0 motion carried to grant the variance.

Mr. Dion noted the 30-day appeal period.

VI. REVIEW OF MINUTES:

12/11/2025 edited draft Meeting Minutes

Mr. Lanphear moved to approve the meeting minutes of 12/11/2025, as edited, duly seconded by Mr. Lyko.

Vote: 5-0-0 motion carried to approve the meeting minutes.

Mr. Lanphear moved to approve the meeting minutes of 01/08/2026, as edited, duly seconded by Mr. Lyko.

Vote: 5-0-0 motion carried to approve the meeting minutes.

VII. OTHER BUSINESS:

- Election of Zoning Board of Adjustment Officers

Mr. Lyko stated that this will be his last Zoning Board of Adjustment meeting. He was recently appointed as an alternate to the Planning Board and will be resigning from the ZBA.

Mr. Lanphear moved to nominate Tristan Dion as Chair of the Zoning Board of Adjustment, duly seconded by Mr. Boyer.

Vote: 5-0-0 motion carried.

Mr. Lyko moved to nominate Todd Boyer as Vice Chair of the Zoning Board of Adjustment, duly seconded by Mr. Lanphear.

Vote: 5-0-0 motion carried.

Mr. Lanphear moved to nominate Zachary McDonough as Clerk of the Zoning Board of Adjustment, duly seconded by Mr. Boyer.

Not Official until reviewed, approved and signed.

Approved as edited 02/26/2026

Vote: 5-0-0 motion carried.

- Discussion of proposed ZBA Bylaws amendments: regarding deliberations in §143-9. Decision Process

Mr. Dion read the proposed ZBA bylaw draft into the record. The Board reviewed the draft language for §143-9: Decision Process.

Mr. Lanphear moved to adopt ZBA Bylaw §143-9: Decision Process, duly seconded by Mr. Boyer.

Discussion:

Mr. Boyer commented that tonight is a perfect example that Selectman Dumont and Mr. Chris Sullivan offered up very valuable information in assisting a nice smooth process so he thinks it is viable for them to continue. Mr. Dion stated that he doesn't think the Board should vote on it tonight with this being the first presentation to the general public. He would like the general public to have input, if they would like to speak at the next meeting against it. He suggested voting on this proposed language at the next scheduled meeting and make a decision then. Mr. Chris Sullivan noted that Town Counsel reviewed the language and had no issue with it. Mr. Dumont also reached out to Mr. Lefevre (*Town Counsel*) who informed that the ZBA that he sits on operates in the exact same fashion. He explained that it is a gray area in the law as to the two positions, they're omitted. There is a section that speaks to alternates but there is no specification to these two positions. Some Boards have them and some don't.

Mr. Lanphear and Mr. Boyer rescinded their previous motions.

VIII. ADJOURNMENT:

Motion made by Mr. Lanphear, duly seconded by Mr. Lyko and unanimously voted to adjourn the 01/22/2026 ZBA Meeting at 8:52PM.

Respectfully submitted,
Kristan Patenaude, Recording Secretary



Tristan Dion, ZBA Chairman

2/26/2026