



TOWN OF HUDSON

Zoning Board of Adjustment



Tristan Dion, Chairman Xen Vurgaropulos, Selectmen Liaison

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MEETING MINUTES – APRIL 23, 2026 – Approved

I. CALL TO ORDER

Mr. Boyer called the meeting to order at 7:03 PM.

II. PLEDGE OF ALLEGIANCE

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

Mr. Witham-Gradert explained that two cases that were to be heard this evening have requested deferrals due to the Board lacking five members. Per the bylaws, if the Board has fewer than five members in attendance, it is obligated to permit the applicant to defer to a future date. Case 211-067 for 72 Burns Hill Road has requested a deferral to date certain May 28, 2026. Case 245-012 for 23 Fairway Drive has also requested a deferral to date certain May 28, 2026.

III. ROLL CALL - ATTENDANCE

Mr. Boyer asked the Clerk to call for attendance.

Full members present were: Todd Boyer – Acting Chairman, Tim Lanphear, Dean Sakati

Full members absent were: Tristan Dion

Alternate members present were: Brendon Sullivan

Alternate members absent were: Zachary McDonough – Clerk

Others present were: Ben Witham-Gradert – Town Liaison, Xen Vurgaropulos – 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 211-067 (04-23-26)**: Hudson Community Food Pantry Corporation, 23 Library Street, Hudson, NH, requests a variance for **72 Burns Hill Road**, Hudson, NH to subdivide a portion of the 25-acre lot to be used for a community food pantry classified as a civic use (D-22) where this use is not allowed in the Residential-Two (R-2) district. [Map 211, Lot 067, Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses].

Mr. Lanphear moved to defer Case 211-067 to date certain May 28, 2026, duly seconded by Mr. Sakati. Vote: 4-0-0 motion carried.

Mr. Lanphear moved to take agenda cases out of order, duly seconded by Mr. Sakati.

Vote: 4-0-0 motion carried.

- 3. Case 245-012 (04-23-26):** Bradford Baker, Sr., **23 Fairway Dr.**, Hudson, NH requests a variance to allow a proposed concrete slab foundation with a metal garage to encroach the side yard setback by 2 feet leaving 13 feet of side yard setback where 15 feet is required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Mr. Lanphear moved to defer Case 245-012 to date certain May 28, 2026, duly seconded by Mr. Sakati.

Vote: 4-0-0 motion carried.

- 2. Case 176-026 (04-23-26):** Farrukh Chaudhry, 214 Central St., Hudson, NH, requests a variance for **214-216 Central St.**, Hudson, NH to replace a nonconforming 32.16 sqft. existing backlit street sign with a 26.9 sqft. programmable (two-sided) LED sign where a nonconforming structure may not be altered or expanded, except by variance per HZO §334-31- Nonconforming structures. The freestanding sign is nonconforming due to a setback distance less than 25 feet from the right-of-way. [Map 176, Lot 026, Sublot-000; Zoned Business (B); HZO Article XII: Signs; §334-60 C, General Requirements & §334-64 C, Freestanding business and industrial signs]

Mr. Witham-Gradert read the Case into the record. He explained that, as four of five Board members were present, the State requires that an affirmative action of the Board needs three votes in favor for the variance to be granted. The applicant may choose to move forward or defer the case to a future meeting.

Mr. B. Sullivan was seated as full member in place of Mr. Dion.

Applicant's Representative Testimony:

Farrukh Chaudhry, 6 Moonstone Court, Nashua New Hampshire, explained that he recently opened a Tobacco Barn location at 214 Central Street. There was an existing sign on the building, with dimensions of 96"x48". The request was to change this to an LED sign. He explained that he reached out to the Zoning Administrator to make sure the proposed replacement of the existing sign with an LED sign was appropriate and received a go ahead. He thus received a quote for the sign and ordered it from China. The order was placed approximately 2-3 months ago. He was then told that a variance would be needed for the sign. This seemed late in the process, as he had already paid for the sign and it had already been manufactured and shipped.

Mr. Chaudhry reviewed the five variance criteria.

1. Granting of requested variance will not be contrary to the public interest because this will not be a new sign and there is no demolition work required. The intention is to replace an old sign with a new LED sign. The proposed LED sign will conform to all the guidelines that are set forth by the Zoning Department. Granting of the variance is not contrary to public interest as LED signs are common throughout the Town.

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2. Secondly, the proposed use will observe the spirit of ordinance because the proposed sign will aid the business. The proposed LED sign will be more modern than the existing sign and can be adjusted as needed, in terms of brightness.
3. Substantial justice would be done to the property owner by granting the variance. He explained that he is trying to build relationships with the Town and his landlord. He has invested a decent amount of money into the property, and the proposed sign is part of that. If the variance is granted, it will greatly help the business to be sustainable for a long period of time, in order to better advertise its goods with prospective customers.
4. The proposed use will not damage the surrounding property values. The only way adjacent property values could be diminished by an LED sign is if it is poorly managed. This store has locations in Nashua, Hudson, and Merrimack. The businesses are closely monitored and will not be poorly managed. The sign will meet the ordinance requirements and adjustments can be made to the brightness or the hours of operation as needed. The sign can be adjusted to any minute details, such as its brightness in the middle of the day using sensors that can adjust it accordingly. He explained that the business is open to any recommendations or critiques in order to create lasting relationships with the Town and residents. The owners will make sure the sign is not a nuisance.
5. In terms of special conditions of the property so that literal enforcement of the ordinance would result in unnecessary hardship, these ordinances are in place for the betterment of the whole Town. This request was made so that the business can better serve the Town's residents and the traffic along Central Street. The intention is not to adorn the front of the building with many different advertising signs. This will be a two-sided sign for advertising the business. There are rules in place for LED signs to make sure they are not a nuisance, and this will comply with those.

Board Questions:

Mr. Lanphear asked if this is an internally lit sign. Mr. Chaudhry explained that the current sign is internally illuminated. He explained that the building currently has three or four signs advertising different businesses. The proposed sign to be changed is in the middle and advertises for Tobacco Barn, cigarettes, cigars, vape, hookah, beer, and wine. This is proposed to be replaced with a programmable LED sign.

Mr. Boyer asked if the messaging on the LED would be able to change. Mr. Chaudhry stated that the pricing and such on it could be changed.

Mr. Lanphear asked if this type of sign has to be a certain distance from a residential area. There may be apartments less than 100' from this proposed sign. Mr. Witham-Gradert noted that the proposed building nearby has not yet been built. The front units for that building will be mixed-use. The units in the back are residential and are likely several hundred feet away from the proposed sign. The front mixed-use units fall within that classification and not a residential classification.

Mr. Lanphear noted that this is a very busy intersection and the proposed new units nearby will create additional traffic. He asked about the proposed changing sign for the area. Mr. Witham-Gradert explained that there is a section in the Sign Ordinance specifically regarding electronic changing signs. The section contains many details but overall looks to make sure there are smooth transitions between the proposed images or wording, and not rapid flashing lights,

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especially at night. The signs are generally meant to be dimmer at night within the specific measurements of the Ordinance. He reviewed the technical specifications submitted by the applicant and the proposed sign is fully capable of conforming to the electronic changing sign ordinance.

Mr. Lanphear asked how often the sign may be changed. Mr. Chaudhry explained that, per the regulations, each screen must stay up for two minutes before changing to the next. There is generally a loop of five screens that runs. If there is a price change, the advertisement will be changed. The major information on the screens is generally only changed a few times per year, often around major holidays.

Mr. Chaudhry explained that he believes there was a miscommunication with Town staff. He believes staff thought he was seeking to replace a smaller sign on top of the building. When he submitted the actual dimensions, it became clear that there was a misunderstanding about the proposed LED sign. However, he had already placed the order. He was interested in going through the due process to make sure all parties were satisfied.

Mr. Witham-Gradert stated that the proposed sign is fully capable of complying with the ordinance and comes with a programmable module. The pertinent sections of the Ordinance include that the illumination level total needs to remain at said illumination for no less than 15 minutes at a time. The brightness setting should stay at the same brightness. Also, a maximum brightness of 8,000 nits is allowed during daytime. At nighttime, 20% of the maximum is allowed. Mr. Chaudhry noted that the maximum nit count for the proposed sign is 6,000. Mr. Witham-Gradert stated that text message displays shall fade on and off statically and uniformly at a rate of change of no more than two seconds. There shall not be rapid changes, but a smooth fade and transition. In terms of enforcement, the first step is for staff to speak with the owner because noncompliance is often due to an error and not a malintent to skirt the rules.

Mr. Lanphear noted that white LED signs can be blinding to plow drivers at night. Mr. Chaudhry stated that this sign will only be on when the store is open. There are sensors in the signs that can adjust the dimness based on the weather. The sign will not be set at the maximum of 6,000 nits in order to extend the longevity of the sign. It will likely be set around 80% of the maximum during the day, reduced to 20% at night.

Mr. Boyer asked to receive public comment either in favor, neutral or opposed from the public at 7:31 PM.

Public Comments in Favor: None at this time.

Public Comments Neutral or Opposed: None at this time.

Seeing no comments at this time, Mr. Boyer closed the public comment period at 7:32 PM.

Board Discussion and Deliberation:

Mr. Witham-Gradert explained that the existing sign is non-conforming in a number of ways. The sign in some form has been in place since at least the 1940s. Despite multiple portions of it being non-conforming, such as it having multiple free-standing signs and the size being

incorrect, when an item like this comes before the Board, it only hears the part that is non-conforming in terms of how it is pertinent to the change being made. In this case, that is bringing a more intensive type of sign too close to the road, as this is approximately 3' from the public right of way.

Mr. Sakati moved to grant a variance from §334-60.C – General Requirements: to permit a sign to encroach the front setback requirement by 23 ft, leaving a setback of 2 ft from the public right of way, where 50% (25 ft) would otherwise be required, based on the written and verbal testimony of the applicant, as well as the following findings, duly seconded by Mr. Lanphear:

Board Speaking on Each Variance Criterion:

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

Mr. Sakati stated that the variance will not be contrary to the public interest. The proposed sign is specifically in compliance with the code per the inspection statement.

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

Mr. Sakati stated that the proposed sign is consistent with the spirit of the ordinance and the applicant's testimony supports that.

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

Mr. Sakati stated that substantial justice would be done to the property owner by allowing them to modernize the sign.

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

Mr. Sakati stated that there should be no change to the value of surrounding properties, as there is no change proposed other than the sign itself, which embraces new technology and should give the owners more control over the sign.

5. Ordinance results in unnecessary hardship

Mr. Sakati stated that he does not see a relationship between the public purpose of the ordinance and the proposed use. The use itself is reasonable as long as the sign is tasteful and the applicant has demonstrated that it would be done in a tasteful manner.

Mr. Sakati – to grant

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

Mr. Lanphear stated that the variance will not be contrary to the public's interest as an LED display sign is the best situation for the owner. It will not harm the public health, safety, or welfare.

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

Mr. Lanphear stated that the usage of an LED sign will observe the ordinance as it will be done in accordance with the rules for LED signs per the Town. The applicant has stated that they will regulate the sign based on communication with the Town. The applicant also stated that they know the sign will burn out faster if kept on the maximum brightness all the time.

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

Mr. Lanphear stated that substantial justice would be done to the property owner in helping the business. It will also help save the environment based on the type of sign proposed versus what could be in place.

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

Mr. Lanphear stated that the proposed use will not diminish the value of surrounding properties.

5. Ordinance results in unnecessary hardship

Mr. Lanphear stated that the applicant has three other stores and is trying to bring them all up to code and be modernized. This will help the business grow. The applicant is proposing to take a very old sign and update it to the 21st century. The proposed use is a reasonable one.

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

Mr. Boyer stated that granting the variance is not contrary to public interest because the sign is currently existing. The applicant is simply seeking to update the technology.

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

Mr. Boyer stated that the proposed use is in the spirit of the ordinance. The ordinance is to have the sign meet the regulations, which this sign does. The applicant has stated that a technology will be used that will allow the sign to not illuminate too brightly.

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 because the applicant has already purchased the sign, is already running the business, and will be able to use the updated technology to improve the business.

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

Mr. Boyer stated that the proposed use will not diminish any surrounding property values. The surrounding properties at this time are all commercial uses.

5. Ordinance results in unnecessary hardship

Mr. Boyer stated that literal enforcement would create an unnecessary hardship. The applicant already has the proposed sign in his possession and to be able to use it would be unnecessary. The proposed use is a reasonable one.

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

Mr. Brendon Sullivan stated that granting the request is not contrary to public interest.

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

Mr. Brendon Sullivan stated that the spirit of the ordinance will be observed.

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- 3. Substantial justice would be done to the property owner by granting this variance**
Mr. Brendon Sullivan stated that substantial justice would be done to the property owner in helping his business. The proposal will do no harm to the general public or other individuals.
- 4. The proposed use will not diminish the value surrounding properties**
Mr. Brendon Sullivan that the proposed use will not diminish values of the surrounding properties.
- 5. Ordinance results in unnecessary hardship**
Mr. Brendon Sullivan stated that this does not meet the criteria for the fifth item.

Mr. Brendon Sullivan – to grant

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

Mr. Boyer reviewed the 30-day appeal period with the Applicant. The Applicant stated he will wait 30 days before he installs the sign. Mr. Sakati commended the Applicant and his team for the commitment to the relationship that he spoke of building with the Town, community and the commitment to maintaining. That goes a long way and builds a strong community.

VI. REVIEW OF MINUTES:

03/26/2026 edited draft Meeting Minutes

Mr. Lanphear moved to approve the meeting minutes of 03/26/2026, as edited, duly seconded by Mr. Sakati.

Vote: 3-0-1 motion carried to approve the meeting minutes with Mr. Boyer abstaining.

VII. OTHER BUSINESS:

Mr. Witham-Gradert noted that the Board has multiple Alternate positions open and those interested can reach out to the Land Use Office.

- **Registration is now open:** Office of Planning and Development's Spring 2026 Planning and Zoning (virtual) Conference on **Saturday, May 9, 2026, 8:45 AM- 3:30 PM**. The cost is free. Details on handouts.

Mr. Witham-Gradert stated that the Office of Planning and Development's Spring 2026 Planning and Zoning (virtual) Conference on Saturday, May 9, 2026, 8:45 AM- 3:30 PM. The cost is free and it is open to the public. Board members are encouraged to attend.

Mr. Boyer welcomed the new Selectman Liaison, Xen Vurgaropulos to the ZBA.

VIII. ADJOURNMENT:

Motion made by Mr. Lanphear, duly seconded by Mr. Sakati and unanimously voted to adjourn the 04/23/2026 ZBA Meeting at 7:46 PM.

Vote: 4-0-0 motion carried to adjourn the meeting.

Respectfully submitted,
Kristan Patenaude, Recording Secretary



Todd Boyer, Acting ZBA Chairman