



TOWN OF HUDSON

Zoning Board of Adjustment



Tristan Dion, Chairman Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – APRIL 23, 2026 – DRAFT

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 there 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, 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:

- 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 to approve the meeting minutes.

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

47 **Vote: 4-0-0 motion carried to approve the meeting minutes.**
48

49 3. **Case 245-012 (04-23-26):** Bradford Baker, Sr., **23 Fairway Dr.**, Hudson, NH requests a
50 variance to allow a proposed concrete slab foundation with a metal garage to encroach
51 the side yard setback by 2 feet leaving 13 feet of side yard setback where 15 feet is
52 required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article
53 VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional
54 Requirements]
55

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

58 **Vote: 4-0-0 motion carried to approve the meeting minutes.**
59

60 2. **Case 176-026 (04-23-26):** Farrukh Chaudhry, 214 Central St., Hudson, NH, requests a
61 variance for **214-216 Central St.**, Hudson, NH to replace a nonconforming 32.16 sqft.
62 existing backlit street sign with a 26.9 sqft. programmable (two-sided) LED sign where a
63 nonconforming structure may not be altered or expanded, except by variance per HZO
64 §334-31- Nonconforming structures. The freestanding sign is nonconforming due to a
65 setback distance less than 25 feet from the right-of-way. [Map 176, Lot 026, Sublot-000;
66 Zoned Business (B); HZO Article XII: Signs; §334-60 C, General Requirements & §334-
67 64 C, Freestanding business and industrial signs]
68

69 Mr. Witham-Gradert read the Case into the record. He explained that, as four of five Board
70 members were present, the State requires that an affirmative action of the Board needs three
71 votes in favor for the variance to be granted. The applicant may choose to move forward or defer
72 the case to a future meeting.
73

74 **Applicant's Representative Testimony:**
75

76 Farrukh Chaudhry, 6 Moonstone Court, Nashua New Hampshire, explained that he recently
77 opened a Tobacco Barn location at 214 Central Street. There was an existing sign on the
78 building, with dimensions of 96"x48". The request was to change this to an LED sign. He
79 explained that he reached out to the Zoning Department to make sure the proposed replacement
80 of the existing sign with an LED sign was appropriate and received a go ahead. He thus received
81 a quote for the sign and ordered it from China. The order was placed approximately 2-3 months
82 ago. He was then told that a variance would be needed for the sign. This seemed late in the
83 process, as he had already paid for the sign and it had already been manufactured and shipped.
84

85 Mr. Chaudhry reviewed the five variance criteria. Granting of requested variance will not be
86 contrary to the public interest because this will not be a new sign and there is no demolition work
87 required. The intention is to replace an old sign with a new LED sign. The proposed LED sign
88 will conform to all the guidelines that are set forth by the Zoning Department. Granting of the
89 variance is not contrary to public interest as LED signs are common throughout the Town.
90 Secondly, the proposed use will observe the spirit of ordinance because the proposed sign will
91 aid the business. The proposed LED sign will be more modern than the existing sign and can be
92 adjusted as needed, in terms of brightness. Substantial justice would be done to the property
93 owner by granting the variance. He explained that he is trying to build relationships with the
94 Town and his landlord. He has invested a decent amount of money into the property, and the
95 proposed sign is part of that. If the variance is granted, it will greatly help the business to be

96 sustainable for a long period of time, in order to better advertise its goods with prospective
97 customers. The proposed use will not damage the surrounding property values. The only way
98 adjacent property values could be diminished by an LED sign is if it is poorly managed. This
99 store has locations in Nashua, Hudson, and Merrimack. The businesses are closely monitored
100 and will not be poorly managed. The sign will meet the ordinance requirements and adjustments
101 can be made to the brightness or the hours of operation as needed. The sign can be adjusted to
102 any minute details, such as its brightness in the middle of the day using sensors that can adjust it
103 accordingly. He explained that the business is open to any recommendations or critiques in order
104 to create lasting relationships with the Town and residents. The owners will make sure the sign is
105 not a nuisance. In terms of special conditions of the property so that literal enforcement of the
106 ordinance would result in unnecessary hardship, these ordinances are in place for the betterment
107 of the whole Town. This request was made so that the business can better serve the Town's
108 residents and the traffic along Central Street. The intention is not to adorn the front of the
109 building with many different advertising signs. This will be a two sided sign for advertising the
110 business. There are rules in place for LED signs to make sure they are not a nuisance, and this
111 will comply with those.

112
113 **Board Questions:**

114
115 Mr. Lanphear asked if this is an internally lit sign. Mr. Chaudhry explained that the current sign
116 is internally illuminated. He explained that the building currently has three or four signs
117 advertising different businesses. The proposed sign to be changed is in the middle and advertises
118 for tobacco, cigarettes, cigars, vaping, hookah, beer, and wine. This is proposed to be replaced
119 with a programmable LED sign.

120
121 Mr. Boyer asked if the messaging on the LED would be able to change. Mr. Chaudhry stated that
122 the pricing and such on it could be changed.

123
124 Mr. Lanphear asked if this type of sign has to be a certain distance from a residential area. There
125 may be apartments less than 100' from this proposed sign. Mr. Witham-Gradert noted that the
126 proposed building nearby has not yet been built. The front units for that building will be mixed-
127 use. The units in the back are residential and are likely several hundred feet away from the
128 proposed sign. The front mixed use units fall within that classification and not a residential
129 classification.

130
131 Mr. Lanphear noted that this is a very busy intersection and the proposed new units nearby will
132 create additional traffic. He asked about the proposed changing sign for the area. Mr. Witham-
133 Gradert explained that there is a section in the Sign Ordinance specifically regarding electronic
134 changing signs. The section contains many details but overall looks to make sure there are
135 smooth transitions between the proposed images or wording, and not rapid flashing lights,
136 especially at night. The signs are generally meant to be dimmer at night within the specific
137 measurements of the Ordinance. He reviewed the technical specifications submitted by the
138 applicant and the proposed sign is fully capable of conforming to the electronic changing sign
139 ordinance.

140
141 Mr. Lanphear asked how often the sign may be changed. Mr. Chaudhry explained that, per the
142 regulations, each screen must stay up for two minutes before changing to the next. There is
143 generally a loop of five screens that runs. If there is a price change, the advertisement will be

144 changed. The major information on the screens is generally only changed a few times per year,
145 often around major holidays.

146

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

152

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

163

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

169

170 Mr. Boyer asked to receive public comment either in favor, neutral or opposed from the public at
171 7:31 PM.

172

173 **Public Comments in Favor:** None at this time.

174

175 **Public Comments Neutral or Opposed:** None at this time.

176

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

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179 **Board Discussion and Deliberation:**

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181 Mr. Witham-Gradert explained that the existing sign is non-conforming in a number of ways.
182 The sign in some form has been in place since at least the 1940s. Despite multiple portions of it
183 being non-conforming, such as it having multiple free-standing signs and the size being
184 incorrect, when an item like this comes before the Board, it only hears the part that is non-
185 conforming in terms of how it is pertinent to the change being made. In this case, that is bringing
186 a more intensive type of sign too close to the road, as this is approximately 3' from the public
187 right of way.

188

189 **Mr. Sakati moved to grant a variance from §334-60.C – General Requirements: to permit a**
190 **sign to encroach the front setback requirement by 23 ft, leaving a setback of 2 ft from the**
191 **public right of way, where 50% (25 ft) would otherwise be required, based on the written**

192 **and verbal testimony of the applicant, as well as the following findings, duly seconded by**
 193 **Mr. Lanphear:**
 194

195 **Board Speaking on Each Variance Criterion:**
 196

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

198 Mr. Sakati stated that the variance will not be contrary to the public interest. The
 199 proposed sign is specifically in compliance with the code per the statement.
 200

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

202 Mr. Sakati stated that the proposed sign is consistent with the spirit of the ordinance and
 203 the applicant's testimony supports that.
 204

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

206 Mr. Sakati stated that substantial justice would be done to the property owner by allowing
 207 them to modernize the sign.
 208

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

210 Mr. Sakati stated that there should be no change to the value of surrounding properties, as
 211 there is no change proposed other than the sign itself, which embraces new technology
 212 and should give the owners more control over the sign.
 213

214 **5. Ordinance results in unnecessary hardship**

215 Mr. Sakati stated that he does not see a relationship between the public purpose of the
 216 ordinance and the proposed use. The use itself is reasonable as long as the sign is tasteful
 217 and the applicant has demonstrated that it would be done in a tasteful manner.
 218

219 **Mr. Sakati – to grant**
 220

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

222 Mr. Lanphear stated that the variance will not be contrary to the public's interest as an
 223 LED display sign is the best situation for the owner. It will not harm the public health,
 224 safety, or welfare.
 225

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

227 Mr. Lanphear stated that the usage of an LED sign will observe the ordinance as it will be
 228 done in accordance with the rules for LED signs per the Town. The applicant has stated
 229 that they will regulate the sign based on communication with the Town. The applicant
 230 also stated that they know the sign will burn out faster if kept on the maximum brightness
 231 all the time.
 232

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

234 Mr. Lanphear stated that substantial justice would be done to the property owner in
 235 helping the business. It will also help save the environment based on the type of sign
 236 proposed versus what could be in place.
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238 **4. The proposed use will not diminish the value surrounding properties**

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

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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.

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.

290 **5. Ordinance results in unnecessary hardship**
291 Mr. Brendon Sullivan stated that this does not meet the criteria for the fifth item.
292

293 **Mr. Brendon Sullivan – to grant**
294

295 **Vote: 4-0-0 motion carried unanimously to grant the variance.**
296

297 Mr. Boyer reviewed the 30-day appeal period with the Applicant.
298

299 **VI. REVIEW OF MINUTES:**

300 03/26/2026 edited draft Meeting Minutes
301

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

304 **Vote: 3-0-1 motion carried to approve the meeting minutes with Mr. Boyer abstaining.**
305

306 **VII. OTHER BUSINESS:**
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308 Mr. Witham-Gradert noted that the Board has multiple Alternate positions open and those
309 interested can reach out to the Land Use Office.
310

- 311 • **Registration is now open:** Office of Planning and Development's Spring 2026 Planning
312 and Zoning (virtual) Conference on **Saturday, May 9, 2026, 8:45 AM- 3:30 PM.** The
313 cost is free. Details on handouts.
314

315 Mr. Witham-Gradert stated that the Office of Planning and Development's Spring 2026 Planning
316 and Zoning (virtual) Conference on Saturday, May 9, 2026, 8:45 AM- 3:30 PM. The cost is free
317 and it is open to the public.
318

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

323 **Vote: 4-0-0 motion carried to adjourn the meeting.**
324

325 Respectfully submitted,
326 Kristan Patenaude, Recording Secretary
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331 _____
Tristan Dion, ZBA Chairman