



TOWN OF HUDSON

Zoning Board of Adjustment



Tristan Dion, Acting Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – JULY 24, 2025 –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. ATTENDANCE

Mr. Dion asked the Clerk to call for attendance.

Full members present were: Tristan Dion(Chair), Dean Sakati, Tim Lanphear, Todd Boyer

Alternate members present were: Zachary McDonough-(Clerk)

Excused members were: Timothy Lyko (full) and Brendon Sullivan (alternate)

Others present were: Ben Witham-Gradert – Town Liaison; Dillon Dumont-Selectman Liaison; Jay Minkarah, Town Liaison

IV. OTHER BUSINESS: Election of Zoning Board of Adjustment Officers per ZBA Bylaws, §143-5.2 Vacancy and succession of officers

Mr. Sakati moved to postpone the election of Chair and Vice Chair to the next meeting, duly seconded by Mr. Lanphear.

Vote: 4-0-0, motion carried unanimously.

V. SEATING OF ALTERNATES

Alternate McDonough was appointed to vote.

VI. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 240-013-001 (07-24-25):** Felipe Figueiredo, 23 Mammoth Rd., Londonderry, NH, by & through his counsel, Gottesman & Hollis, PA and authorized representative, Keach-Nordstrom Associates, Inc., requests three (3) variances (A, B, and C) for **33 River Rd., Hudson, NH.** [Map 240, Lot 013, Sublot-001; Split Zoned: Residential-One (R-1), Residential-Two (R-2) and General-One (G-1)] The applicant is seeking relief from the Hudson Zoning Ordinance (HZO), Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses for a proposed mixed-use commercial development comprised of three (3): 9,000 SF, 5-unit buildings and one (1): 9,600 SF building, all located within the R-2 Zoning District on the property where these uses are not allowed as shown below:

A. Variance for proposed Industrial Uses—

- Drop Ship Use (Distribution facility of 100,000 square feet or less) (E8)
- Welding Shop Use (E3)
- Machine Shop Use (E4)

B. Variance for proposed Industrial Use—

- Contractor's yard & Landscape Business Use (E15)

C. Variance for proposed Commercial Uses—

- Medical and Wellness Office (Business or professional office) (D17)
- Cross Fit Gym (Indoor commercial recreation) (D20)
- Florist (Retail sale of agriculture horticulture, floriculture and viticulture products) (D30)

Mr. Witham-Gradert read the Case into the record and referred to the Zoning Administrator's Staff Report.

Mr. Dumont recused himself from this case.

Applicant & Legal Representative Testimony:

Attorney Elizabeth Hartigan, Gottesman & Hollis, P.A., representing the applicant, explained that the applicant is seeking three separate variances. The proposal is for mixed-use development on 33 River Rd. which is a split-zoned lot. This is the largest lot in the R2 zone. The lot contains space in the General District (G1), the R2 District, and the R1 District. Her client is proposing to construct four buildings with five units to allow for various contractors. The applicant is requesting a multitude of variances for proposed uses, as specific tenants have not yet been determined. The only use permitted in the R2 District would be single family, two family, assisted living, older person housing, agricultural, religious, and school uses. The lot is approximately 10.7 acres, largely in the R2 District.

Attorney Hartigan reviewed the variance criteria.

(1) not contrary to public interest

Granting the variance will not be contrary to the public interest. The public interest is to not have conflicting uses in the neighborhood, and to prevent overcrowding and congestion. This use will not add more traffic than what could otherwise be permitted on the lot. This area is largely undeveloped, but with some manufacturing uses in the G1 District across the street. The area behind the lot includes Route 3A, a busy road. The area is not fully developed, with a lot of open space. The neighborhood has various characters throughout it. All of the uses being requested are permitted in the G1 zone. Granting the variance will not alter the character of the neighborhood as there will be sufficient buffers between the proposed use and the neighboring residential uses. In the back of the lot, where there is a higher residential use, there will be no development and there is a natural buffer of wetlands. Allowing the permitted multi-tenant commercial and industrial uses is not contrary to public interest. There will be no altering of the essential character of the neighborhood and there will be no threat to public health, safety, and welfare. This lot is only serviced by public water. There is no sewer in the area.

(2) will observe the spirit of the Ordinance

The proposed use will observe the spirit of the ordinance, as the lot will provide sufficient buffers to the neighborhood, and natural buffers to the wetlands. It is not uncommon to see commercial and industrial uses in this area. The G1 District is across the street. From the edge of the property line to the G1 District is approximately 300'. The proposed use of multi-tenant mixed commercial and industrial uses will not alter the essential character of the neighborhood and will not threaten public health, safety, and welfare.

(3) substantial justice done to property owner

Substantial justice will be done to the property owner in granting this variance. This is a split-zoned lot. 29% of the lot is G1, 22% is an R1, and 48% is R2. The surrounding uses are residential, vacant, and industrial uses. No permitted use in the R2 District is reasonable on this lot, giving the lack of sewer, the existing wetlands, and the topography of the land. Requiring residential uses on a ten acre lot and prohibiting commercial and light industrial uses would be a harm to the owner. There is no harm to the general public or any individual from this proposal. This is keeping in spirit with the locality. There are other similar uses in the area. There is more than adequate space on the lot for the septic requirements for commercial and industrial uses. Denial of the variance would impose substantial harm on the applicant which is not outweighed by the harm to the public.

(4) will not diminish surrounding property values

The proposed use will not diminish the values of surrounding properties. This will not cause any change to the neighborhood. The proposed use will have no adverse effect on the values of the surrounding neighborhood, as it is similar in nature to the existing properties across the street and in the area. There will be natural buffers between the residential properties and along the wetlands.

(5) hardship

The special conditions of the property are that it is the largest undeveloped R2 lot in the area. It is split-zoned, surrounded by a residential vacant lot and vacant land on River Road. All of the uses being requested are permitted in the G1 zone. Enforcing the ordinance to only allow the lot to be developed as R2 is not reasonable, given the lack of sewer and the existing wetlands. Not allowing the proposed multi-tenant commercial industrial uses has no fair and substantial relationship to the ordinance. The proposed use is reasonable.

Board Questions:

Mr. Lanphear stated that the farthest corner of the site away from the proposed development is G1. The applicant is essentially looking to have the G1 District extended through the property to River Road. Attorney Hartigan noted that not all allowable uses are being requested for the site.

In response to a question from Mr. Lanphear, Attorney Hartigan stated that there will need to be septic loading on the lot. This is one reason that residential may not work on the lot, as there would need to be individual septic systems for each unit, whereas the commercial uses can have a shared system.

Mr. Lanphear asked about hours of operation for any potential tenant, due to the nearby residential properties. Attorney Hartigan stated that there is currently no proposal for outdoor storage. The applicant is willing to not move forward with requesting the contractor yard use.

Mr. Boyer noted that the applicant's representative stated that substantial justice would be harmful to the present owner. He asked if the present owner is the one selling the property or developing it. Attorney Hartigan stated that the applicant is under contract to purchase the property.

Mr. Boyer stated that the variances are listed under A, B, C, etc. and the buildings are listed as A, B, C, etc. He asked if the intention is for the proposed uses to match the proposed building. Attorney Hartigan stated that this was only an organization factor, but the intent is for the uses to be allowed across the site in any of the buildings. Mr. Boyer stated that listing specific uses for specific buildings may be easier to approve because the ability to pick and choose uses throughout the site is too loose. The Board needs specifics on where the uses will be placed on the site. Felipe Figueiredo, applicant/23 Mammoth Road, Londonderry, NH, stated that each use could be dedicated to the front or back of the site. The intention would be to allow for each use across the site for any of the buildings.

Mr. Lanphear asked what types of buildings these would be and what will be done about the 100' setback in the rear of the property in case there are landscaping businesses as tenants. Mr. Figueiredo stated that these are planned to be metal buildings. There will be no outdoor storage for the businesses on the property. Landscape businesses could store any vehicles in the parking lot or between the buildings. Mr. Lanphear stated that this would take away parking from other tenants.

Bridget Souza, Keach-Nordstrom Associates, explained that the red line shown on the plans is the 100' line from residential properties. This could be applied to a zone line or property line, whichever is closest to the use. Technically, this could not be built within unless a waiver was granted by the Planning Board.

Mr. Dion asked to receive public comment either in favor, neutral or opposed from the public at 7:32 PM.

Public Comments in Opposition to/Neutral:

James Byron, 39 River Road, expressed concern with the corner of the road this is proposed on. There are five other units in the area, and the mailboxes have been hit several times. It is difficult to pull out from his private drive due to traffic. The wildlife has moved onto these properties due to nearby development. This is beginning to look like Amherst Street in Nashua.

Angela Schilling, 35 River Road, expressed concern with the road, traffic, and wildlife in the area. She asked if the proposal would impact her septic or well. She does not want to see these types of buildings next door.

Brenda Byron, 39 River Road, expressed concern regarding runoff from the proposed development. There are a lot of accidents along the road already and the curve is dangerous. The noise from nearby development can be heard and wildlife has flocked to her property due to this. This proposal will be an eyesore along River Road.

Paul Schilling, 35 River Road, asked if the units will be rentals. Once a variance is granted, any use could go in for any amount of time. Welding shops generally store materials outdoors and there could be hazardous waste. Many of these types of uses work on Saturdays.

Applicant Representative Rebuttal of Public Comments:

Attorney Hartigan stated that the increased amount of traffic will be minimal based on the proposed uses. This can be further addressed at the Planning Board level. Ms. Souza stated that it is yet unclear if an Alteration of Terrain permit will be needed for this project. The project would need a stormwater report, likely including third party review, to make sure that all site plan regulation requirements are met.

Attorney Hartigan stated that there is an existing tree buffer that will be kept. Additional mitigation efforts would be discussed at the Planning Board level. All uses would need to comply with the Town regulations regarding noise and business hours. Mr. Figueiredo stated that additional trees are proposed to be planted between the property and the two abutters next door on River Road.

Board Questions:

Mr. Lanphear asked where dumpsters would be able to fit on the property. Mr. Figueiredo stated that he believes there would be room for these on the property between the buildings.

Mr. Boyer expressed concern with not having specific uses for specific buildings. Granting three waivers with different uses spread across the property is very difficult. He would like more information regarding the applicant's expectations for the site. Mr. Figueiredo stated that the buildings will have five doors facing the parking lot with a sloped roof to the back. Mr. Boyer explained that the request is for a variance use in a 9,400 s.f. building. One tenant could take the entire space in the building. Some of the abutters are not in favor of this proposal. The specifics need to be made clearer. Mr. Figueiredo stated that he would come back with more information and requested a continuance.

Mr. Dion closed the public comment period at 7:52 PM

Mr. Sakati moved to issue a continuance to the applicant to August 28, 2025, duly seconded by Mr. Lanphear.

Vote: 5-0-0, motion carried unanimously.

Mr. Dumont retook his seat.

The Board took a five minute recess and came back into session at 8:01pm.

2. **Case 183-058 (07-24-25):** Chelsea Leveille, Mgr., JC Property Group LLC, 93 Meadow Lark Lane, Goffstown, NH requests a variance for **11 Bond St., Hudson, NH** to allow a "proposed" approx. 1,335 sq.ft. Accessory Dwelling Unit (ADU) in the basement of the principal structure to remain where the size of an ADU should not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Map 183, Lot 058, Sublot 000; Town Residential (TR); Article XITIA: Accessory Dwelling Units; § 334-73.3 H., Provisions]

Mr. Witham-Gradert read the Case into the record and referred to the Zoning Administrator's Staff Report.

Applicant Testimony:

Chelsea Leveille, Mgr., JC Property Group LLC, 93 Meadow Lark Lane, Goffstown, NH, explained that she is seeking relief for the accessory dwelling unit (ADU) that came with the property when she purchased it. She did not know the ADU was unpermitted. The ADU is more than 750 s.f. It is approximately 1,334 s.f. in the basement of the house.

Ms. Leveille reviewed the variance criteria.

(1) not contrary to public interest

Granting the variance will not be contrary to the public interest. The requested variance would allow for continued use of an existing in-law apartment which has been in place since 1970. There has been no negative impact to the neighborhood, and no issues with the neighbors. The ADU will help with the increased demand for multigenerational housing, and flexible housing options. This is a safe unit which is well maintained. Approval of the variance would not adversely affect public health, safety, or welfare.

(2) will observe the spirit of the Ordinance

The proposal will observe the spirit of the ordinance, as the intent of the ordinance is to expand housing availability, particularly affordable and diverse housing options, without requiring significant new development. The ADU is more than 750 s.f., but it remains clearly subordinate to the primary residence, in the basement. There are no changes proposed to the lot or structure. The proposal aligns with the ordinance's broader goals.

(3) substantial justice done to property owner

Substantial justice will be done to the property owner in granting this variance. The home was purchased with the ADU in place, and with the understanding and intent that the ADU would remain. Denial of the variance would impose an unnecessary and disproportionate hardship, despite the fact that the use poses no harm to the community and aligns with Town housing objectives. The unit has been used in this manner for a long time with no recorded complaints or disruptions. She explained that she has pulled a building permit and all other permits needed for the space.

(4) will not diminish surrounding property values

The proposed use will not diminish the values of surrounding properties. If anything, the ADU will bring neighboring property values up. The property has long included a separate living space, functioning as an in-law apartment unit. The unit will be compliant.

(5) hardship

Requiring costly alterations or space reductions by removing the ADU would serve no meaningful benefit and would undermine the goal of providing accessible, diverse housing opportunities in Town. The layout of the property includes a fully independent functional living space which requires no expansion or significant modification. The existing conditions make the continued use of an ADU both reasonable and beneficial. It provides an affordable multi-generational housing option that meets community needs and aligns with the intent of the ordinance without negatively impacting neighbors.

Board Questions:

Mr. Dumont asked how the property is currently being utilized. Ms. Leveille stated that it has always been used as a residential single-family property. The ADU is currently vacant. The violation came to light when she listed the house for sale. Mr. Dumont noted that legislation for ADUs recently changed, and regulations are much less strict.

In response to a question from Mr. Boyer, Ms. Leveille stated that she has owned the property since approximately April and is now seeking to sell it. The ADU has been cleaned up but the setup has not changed.

Mr. Dion asked how the house is being advertised. Ms. Leveille stated that it is being marketed as a single-family home only. The intention is to bring the space up to ADU compliance.

Mr. Dion asked to receive public comment either in favor, neutral or opposed from the public at 8:10 PM.

Public Comments in Opposition to/Neutral:

None at this time.

Mr. Dion read a letter from Ryan Floody into the record. He stated that he recently conducted a home inspection report of the property in question. He cautioned approving the ADU for a variance until code enforcement has completed a full inspection of the property. The home has several hazardous issues, found after three inspections. These range from asbestos in the attic, to undisclosed electrical safety issues in the basement and outside.

Board Questions:

Mr. Dumont stated that code enforcement issues will be handled when a building permit is pulled. The letter submitted seems self-serving as the requested action would benefit the author of the letter. Mr. Dion agreed. Some of the items are outside the scope of the Board's jurisdiction.

Mr. Witham-Gradert stated that Mr. Floody is the preparer of the inspection by Alpha Home & Commercial Building Inspection. This was part of the home inspection report.

Mr. Minkarah stated that if the variance were granted, a certificate of occupancy would be required, including inspections by inspectional services. The structure would be required to meet code.

Mr. Dumont stated that the Board should review the square footage of the ADU.

Mr. Dion closed the public comment period at 8:12 PM

Board Discussion and Deliberation:

Mr. Witham-Gradert explained that the State allows for ADUs of up-to 950 s.f. but municipalities may grant waivers for sizes larger than this. The limit on the size was mostly due to any concerns regarding water and sewer use for a property. Mr. Minkarah noted that the Town cannot restrict the occupancy type of the ADU, such as to family members only.

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

Board Speaking on Each Variance Criterion:

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

Mr. Boyer stated that granting the variance is not a threat to public health because the applicant is currently going through the permitting process and working to bring the ADU up to standards.

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

Mr. Boyer stated that the character of the home will not change, therefore the character of the neighborhood will not change.

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

Mr. Boyer stated this proposal will give the applicant substantial justice. The applicant is trying to correct a current wrong with the property. The applicant stated in her testimony that she is doing what is needed to bring the ADU up to today's standards.

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

Mr. Boyer stated that the proposal will not diminish the values of surrounding properties because the character of the house will not change. The size of the house will not change. If anything, this could possibly bring values up because it will make the house more valuable.

5. Ordinance results in unnecessary hardship

Mr. Boyer stated that for 5A, it would be an unnecessary hardship if literal enforcement was to take place. The applicant is currently trying to solve a problem and fix what is wrong. To deny the variance would be to halt the applicant's good efforts.

Mr. Boyer – to grant

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

Mr. Sakati stated that the proposal is not contrary to the public interest.

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

Mr. Sakati stated that the proposal does not conflict with the purpose of the ordinance. The ADU is within a larger space and can thus accommodate people more comfortably.

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

Mr. Sakati stated that substantial justice will be done to the property owner. The ADU has existed for 55 years. Approval will help to legitimize it.

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

Mr. Sakati stated that the proposal will not diminish the value of surrounding properties as the ADU has been in existence for 55 years.

5. Ordinance results in unnecessary hardship

Mr. Sakati stated that for 5A, literal enforcement would create an unnecessary hardship, as it would require removal of an ADU that has already been in existence for a number of years.

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

Mr. Lanphear stated that the ADU will not threaten the public safety or welfare. The ADU has been in existence for many years.

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

Mr. Lanphear stated that the proposal will observe the spirit of the ordinance. There are not proposed to be any changes to the use that has been there for decades.

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. The owner is going over and above to get the building up to date with the Town.

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

Mr. Lanphear stated that the proposal will not diminish the value, as the structure has existed this way for years.

5. Ordinance results in unnecessary hardship

Mr. Lanphear stated that for 5A, there would be hardship to the owner if the variance was not granted. Granting the variance will hopefully help the owner to sell the property. For 5B, the proposed use is a reasonable one, as it has existed for 55 years.

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

Mr. McDonough stated that granting this request for a structure that has existed in its current configuration since the 1970s will not be an impact to the neighborhood, or the public safety or welfare.

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

Mr. McDonough stated the character of the neighborhood has not changed since the ADU was built. No public rights have been interfered with.

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

Mr. McDonough stated that substantial justice would be done to the property owner because this property was purchased in its current configuration. It was unbeknownst to the owner that it was not code compliant.

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

Mr. McDonough stated that approving the variance will increase property values because the house will then be listed as a proper ADU. Surrounding properties will also see

increased values because this will not change the exterior character of the neighborhood but will raise the value of a surrounding home.

5. Ordinance results in unnecessary hardship

Mr. McDonough stated that for 5A, this property already exists, and it would be a hardship to the owner to have to undo the ADU if the variance was not approved. For 5B, the proposed use is a reasonable one that is in line with legislature and the intent to increase housing for communities.

Mr. McDonough – to grant

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

Mr. Dion stated that this is not contrary to public interest and will not alter the essential character of the neighborhood. The applicant is currently trying to correct any issues or safety concerns by going through the proper permitting process. This is only before the Board because the existing ADU is too large. The ADU has been in existence in this way for 55 years.

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

Mr. Dion stated that the house will remain as is. This will not go against the explicit or implicit purpose of the ordinance. The purpose of the ordinance is to make sure that the ADU is not too large that there could be sewer or water problems.

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

Mr. Dion stated that substantial justice will be granted to the property owner by allowing her to properly sell the house.

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

Mr. Dion stated that this is a null issue.

5. Ordinance results in unnecessary hardship

Mr. Dion stated that for 5A, the unnecessary hardship is the fact that the ADU is preexisting and is too large. Granting a variance will allow the ADU to remain. For 5B, this is a reasonable use.

Mr. Dion – to grant

Vote: 5-0-0 motion carried to grant the variance. Mr. Dion noted the 30 day appeal period.

3. **Case 252-043 (07-24-25):** John Joseph Granfield V, 1 Valley Hill Rd., Pelham, NH requests a variance for **26 Pine Rd., Hudson, NH** to permit a proposed conversion of an unfinished basement into a one-bedroom dwelling unit, which is an expansion of the existing legal 3-family nonconforming use. A nonconforming use shall not be extended or enlarged, except by variance. [Map 252, Lot 043, Sublot 000; General-One (G-1); Article VIII: Nonconforming Uses, Structures and Lots; § 334-29, Extension or enlargement of nonconforming uses]

Mr. Witham-Gradert read the Case into the record and referred to the Zoning Administrator's Staff Report.

Applicant Testimony:

John Joseph Granfield V, applicant, explained that his wife, Morgan Walsh, is the owner of the house and she is currently stationed in Colorado Springs with the United States Army. The two bought the three family unit in Hudson on 26 Pine Road with the idea of occupying one of the units. After purchasing the building, and meeting all the tenants, the goal changed to creating an apartment in the unfinished basement for himself and his wife, in order to not displace the current tenants

(1) not contrary to public interest

Granting the variance will not be contrary to the public interest, as the proposed basement renovation poses no threat to the public health, safety, or the character of the neighborhood. The project involves interior improvements only, with no significant changes to the exterior of the building. Any minor exterior updates will be minimal and not visible from the road. This will ensure that the visual appearance of the property remains consistent with the surrounding area. The addition of the dwelling unit in the basement will not alter the physical footprint or structure of the property, nor will it impact light, air circulation, or emergency access for this or any adjacent property. This project supports the public interest by modestly increasing the availability of affordable housing while also allowing the property owners to live on site, improving oversight and day-to-day management of the home and its tenants.

(2) will observe the spirit of the Ordinance

The proposed use will observe the spirit of the ordinance. The requested variance is necessary because the property is on a pre-existing, non-conforming lot with respect to area and frontage requirements as outlined in Article 8, Section 334-32 on the Table of Dimensional Requirements and the proposed use is not permitted under Article 5, Section 334-21 Table of Permitted Principal Uses. However, the underlying intent of these regulations acknowledges that a structure may be permitted on a non-conforming lot of record even if it does not meet current frontage or area requirements provided that the property is either connected to Town sewer or the property owner obtains a municipal septic permit, and all minimum front, side and rear yard setbacks for the zone area is met. He will move forward under the Planning Board's guidance with the creation and approval of a septic system design that will meet all applicable standards. The request also aligns with the purpose outlined in Article 13A, Section 3334-73.2, in which Hudson quotes that their goal is to increase the supply of affordable housing in Town without the need for more infrastructure or further land development, while maintaining aesthetics and residential use capabilities with homes in the neighborhood. This proposal supports that by providing an additional modest housing unit within the existing footprint of the home without exterior expansion or changes in the neighborhood's visual character. The addition of a one bedroom apartment will not lead to overcrowding or excessive demand for parking and will help increase the availability of affordable housing in a responsible, well planned way.

(3) substantial justice done to property owner

Substantial justice will be done to the property owner and the community in granting this variance by lowering the cost of living and enhancing on site property management. The proposed project not only allows the applicant to make reasonable use of the property but also safeguards the interests of neighboring properties by adhering to building and fire codes, along with the recommendations of the Building Inspector and minimizing any changes to the property's appearance. The owners will ensure that the new dwelling does not negatively impact

the privacy or safety of the neighborhood. Since the project will improve the property rather than harm it, there is no benefit to the public in denying the variance. Denial would only prevent the applicant from utilizing the property to its full potential.

(4) will not diminish surrounding property values

The proposed use will not diminish the values of surrounding properties. In fact, it is likely to enhance them by increasing the value of the property without altering the aesthetics or character of the neighborhood. The plan involves converting an existing basement into a single one-bedroom apartment using modern, up to code construction methods that meet current building, electrical, plumbing, and fire safety standards. All work will be done within the existing structure with no changes to the exterior that would impact nearby homes. The renovation will include updated appliances, energy efficient systems, quality materials, and ensuring both functionality and visual appeal. There is a strong market demand for well-maintained rental properties in the area, especially multifamily homes, as evidenced by his recent experience making multiple offers on similar properties, many of which sold well over asking price. This addition will meet local housing needs while maintaining the residential integrity of the neighborhood. While adding an additional unit may increase occupancy slightly, the owners are committed to complying with all zoning and safety regulations regarding parking, traffic flow, and noise insulation. Limiting the unit to one bedroom will help prevent overcrowding and maintain the quiet, low impact environment for both tenants and neighbors. Furthermore, the project will contribute to the local tax base by increasing the property's assessed value, providing additional resources for the Town of Hudson, and benefiting the broader community.

(5) hardship

For 5A, as a young married couple, their goal in purchasing the property was to make it their first home together. The plan was to move into one of the three existing apartments. However, after getting to know the current tenants, it became clear that all three parties are happy in their units and had no intentions of moving. As new landlords, the owners genuinely value their presence and stability. Requiring the owners to vacate one of the occupied units in order to live on site would create a hardship for both the owners and for the renter. Denial of the variance would prevent the reasonable use of the property's unfinished basement, which could be converted into a modest and appropriate living space without the need for additional infrastructure or expansion. Under Article 8, Section 334-32 of the Zoning Ordinance, the property lacks the additional area and frontage required for another dwelling unit. However, considering that no exterior construction is involved and the property has long supported multiple units, enforcing the provision in this case would not further the public interest and would instead impose an unnecessary hardship.

For 5B, strict interpretation of the extension or enlargement of non-conforming uses ordinance would limit the reasonable use of this property. While the ordinance states that non-conforming uses may not be extended or enlarged without a variance, granting a variance in this case is both reasonable and beneficial. The unfinished basement represents an opportunity to convert underutilized space into a functional, code compliant living unit that would not only provide additional housing but also help reduce overall housing costs for existing tenants. This improvement can be made entirely within the current footprint of the building, with no adverse impact on surrounding properties. On the contrary, it would result in meaningful benefits for both current and future residents. The proposal is not seen as an expansion of a non-conforming use, but as a thoughtful enhancement of an existing structure; one that brings value, efficiency, and increased livability to the property itself.

Board Questions:

Mr. Dion stated that the structure appears to be a Colonial style. He asked how it is broken up into three units. Mr. Granfield explained that the first floor of the house is a two-bedroom apartment. The second floor splits into two separate one-bedroom apartments. Each unit has its own kitchen, baths, etc.

Mr. Boyer stated that the ADU law was made for single-family homes, and this is already a three-family non-conforming home. He asked how this law can be used for a multifamily structure. Mr. Dumont explained that the request is only for an expansion of an existing non-conforming use, not to create an ADU.

Mr. Witham-Gradert explained that Section 334-21 of the ordinance is being violated by the multifamily structure in the G1 zone. This is considered a preexisting, non-conforming use which is what the owner is seeking to expand. The structure has been around since the 1960s in this fashion. Duplexes are allowed in the zone but multifamily are not.

Mr. Sakati asked about parking on the site. Mr. Granfield stated that each unit currently has two parking spaces each, one in front of another. The parking could be extended back toward the house to create additional parking for the proposed unit. Mr. Dumont suggested that the parking area could be expanded wider to the left. Mr. Witham-Gradert stated that the parking cannot be 5' of the property line without a waiver from the Planning Board. The maximum cumulative width is 50' for the entire driveway.

Mr. Dion asked to receive public comment either in favor, neutral or opposed from the public at 8:41 PM.

Public Comments: None at this time.

Board Questions: 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 granting the requested variance will help the owners, as it will allow them to live in the building. This will not threaten the public safety, health, or welfare, or otherwise injure any public rights.

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

Mr. Lanphear stated the proposed use will not change the characteristics of the neighborhood. The owner will be living in the on the property now, which is a great thing to have.

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. This will not harm the general public and will benefit the property owner by giving him and his wife a place to live.
4. **The proposed use will not diminish the value surrounding properties**
Mr. Lanphear stated that the proposed use will not diminish values whatsoever.
5. **Ordinance results in unnecessary hardship**
Mr. Lanphear stated that for 5A, the owner has stated that all existing tenants wanted to stay in the building. The owners then had to choose to kick one out or build a new apartment in the basement. This was a smart idea. In terms of 5B, 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 the character of the neighborhood will not be changed. The proposed expansion will not harm public safety because all building permits will be required and have to be signed off on.
2. **The proposed use will observe the spirit of the ordinance**
Mr. Boyer stated that the spirit of the ordinance allows for the enlargement of non-conforming structures, and the owner is going through the proper procedures to do that. The spirit of the ordinance is being observed.
3. **Substantial justice would be done to the property owner by granting this variance**
Mr. Boyer stated that substantial justice will be done to the property owner. The applicant has stated that they will be living in the unit, so this will substantially justify them and give them a place to live in Town.
4. **The proposed use will not diminish the value surrounding properties**
Mr. Boyer stated that this will not diminish the surrounding values. No one spoke in concern of their values being diminished.
5. **Ordinance results in unnecessary hardship**
Mr. Boyer stated that for 5A, literally enforcing the ordinance and not allowing the expansion would be an unnecessary hardship to one of their tenants and or the owners themselves. An unnecessary hardship exists. Granting the variance is appropriate.

Mr. Boyer - to grant

1. **Granting this variance will not be contrary to the public interest**
Mr. Sakati the proposal is not contrary to the public interest.
2. **The proposed use will observe the spirit of the ordinance**
Mr. Sakati stated that there will be no change to the character of the neighborhood.

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

Mr. Sakati stated that substantial justice will be done to the property owner, with no harm to the to the public.

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

Mr. Sakati stated that no change is expected to property values. No one spoke in opposition of the proposal.

5. Ordinance results in unnecessary hardship

Mr. Sakati stated that for 5A, literal enforcement would do harm to the applicant and/or the tenants.

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

Mr. McDonough stated that the proposed use is in line with the public interest. There will be no change to the neighborhood as this is already a three family structure. Adding one more unit will not change any of the character or harm public safety or welfare.

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

Mr. McDonough stated that the proposed use is aligned with the spirit of the ordinance. This is a non-conforming structure that has existed as a three family for decades. Adding the extra unit will not harm public safety or welfare or otherwise injure public rights.

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

Mr. McDonough stated that the owner wishes to improve the property and not make general changes to the exterior of the building. It would be substantial justice to allow the owners to operate and utilize their property for their own living. The proposal would benefit and not harm the general public.

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

Mr. McDonough stated that the proposal will not diminish property values in the area. There will be no obvious changes to the exterior of the building, and it will continue to function in much the same way as it has for the past few decades.

5. Ordinance results in unnecessary hardship

Mr. McDonough stated that for 5A, this is a non-conforming structure, and it would be unreasonable to not allow the proposal for an additional dwelling unit as the three dwelling units already exist. For 5B, the proposed use is a reasonable one. The current configuration is for three families, and a fourth family will not drastically change how the structure operates in the neighborhood or the Town.

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

Mr. Dion stated that this will not conflict with the explicit or implicit purpose of ordinance. The purpose of the ordinance is to dictate what type of properties are allowed

in which zones. In the G1 zone, multi family structures are not allowed, but this is pre-existing.

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

Mr. Dion stated that the proposal will not change the character of the neighborhood or threaten public health. The proposal will add one more unit to a pre-existing multifamily structure. There will be negligible impacts to the neighborhood.

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

Mr. Dion stated that substantial justice will be done to the property owner and the existing tenants.

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

Mr. Dion stated that this item is null. The proposal will not diminish the values of the surrounding properties. The structure already exists as a multifamily unit.

5. Ordinance results in unnecessary hardship

Mr. Dion stated that for 5A, the unnecessary hardship is the special conditions of the property. The special condition of the property is the fact that it is pre-existing non-conforming. The applicant is only looking to expand the amount of space that currently exists within the structure. For 5B, the proposed use is reasonable.

Mr. Dion – to grant

Vote: 5-0-0 motion carried to grant the variance. Mr. Dion noted the 30 day appeal period.

VII. REQUEST FOR REHEARING: None

VIII. REVIEW OF MINUTES:

03/06/2025 edited draft Meeting Minutes

Mr. Lanphear moved to approve the meeting minutes of 03/06/2025, duly seconded by Mr. Sakati.

Vote: 4-0-1 (Boyer) motion carried.

IX. ADJOURNMENT: Motion made by Mr. Boyer, seconded by Mr. Lanphear and unanimously voted to adjourn the 7/24/2025 ZBA Meeting at 8:57 PM

Respectfully submitted,
Kristan Patenaude, Recording Secretary



Tristan Dion, ZBA Acting Chairman