



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – March 6, 2025 - Approved

The Hudson Zoning Board of Adjustment met on Thursday, March 6, 2025, at 7:00 PM in the Hills Memorial Library building located at 18 Library Street, Hudson, NH.

An Attorney-Client Session, pursuant to RSA 91-A:2.I(b) (Not open to the public) began at 6:00 PM. The regular meeting to begin immediately after the Attorney-Client Session.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. SEATING OF ALTERNATES

Chairman Daddario called the meeting to order at 7:15 PM, invited everyone to stand for the Pledge of Allegiance and presented the Preamble (Exhibit A in the Board's Bylaws) regarding the procedure and process for the meeting.

Clerk Dion called the attendance. Members present were Gary Daddario (Regular/Chair), Tristan Dion (Regular/Clerk), Tim Lanphear (Regular), and Zachary McDonough (Alternate). Dean Sakati (Regular) arrived at 7:33 PM. Excused was Normand Martin (Regular/Vice Chair). Also present were Louise Knee, Recorder (remote), Chris Sullivan, Zoning Administrator, and Dillon Dumont, Selectman Liaison. Alternate McDonough was appointed to vote. Mr. Daddario noted that there would only be four (4) Voting Members where there would normally be five (5) and offered the Applicants the opportunity to defer their case to the next meeting in hopes there would be five (5) Members present.

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 165-021 (03-06-25) (deferred from 01-09-25):** Brendan and Julie Burke, 343R High St., Hingham, MA request a Variance and reasonable accommodation for **12-14 Gambia St., Hudson, NH**. The application is to allow seven (7) unrelated individuals to live together while recovering from substance use. The seven individuals share the entire house, kitchen, bathroom facilities, etc. The use would not be permitted per §334-21, Table of Permitted Principal Uses. [Map 165, Lot 021, Sublot-000; Zoned Town Residence (TR); HZO Article V: Permitted Uses; §334-20, Allowed uses provided in tables and §334-21, Table of Permitted Principal Uses.]

Not Official until reviewed, approved and signed.
Approved 7/24/2025

Mr. Sullivan read the Case into the record.

At 7:25 PM Mr. Daddario declared a break in anticipation of Board Member arrival.
At 7:33 PM Mr. Daddario resumed the meeting noting the Mr. Sakati has arrived and confirmed the seating of Alternate McDonough as a Voting Member.

Atty. Tine introduced himself as representing the Property Owners and stated that his client seeks a reasonable accommodation to allow seven (7) unrelated individuals to live together as they use the single-family home during their recovery. Atty. Tine stated that since the last meeting they have submitted an affidavit from Mitch Cabral, the operator of the recovery house at Gambia Street, intake paper work documentation and that during the interview process the individual needs to present that they are disabled and in need of recovery, that they will respect the rules, practice abstinence etc.

Mr. Dumont apologized that he was not at the last meeting and may be asking what has already been asked/disclosed, but he is curious on what a rough turnover rate is reasonable. Atty. Tine stated that he is not aware and added that there is no set term assigned, that the house is there as long as there is need. Mr. Dion asked what would happen if a tenant resident couldn't pay the rent. Atty. Tine stated that it is like any other rental, the individual would be asked to leave. Mr. Lanphear asked and received confirmation from Atty. Tine that the rent is weekly and as previously noted, that is more affordable for the tenants. Mr. Lanphear stated that most rentals have monthly rates and monthly collection and asked what "due process" exists. Atty. Tine stated that rent is usually covered by insurance, but not so in a detox house. Mr. Lanphear asked again how eviction works in a recovery house. Atty. Tine stated that per a Supreme Court Case, there are different requirements for Recovery houses. Mr. Lanphear stated that testimony has already been received that there are no programs offered at this place and that it is not even registered with the State of NH. Atty. Tine responded that they are not required to register with the State and if they did offer services at the site then it would be different and no longer considered a Recovery House.

Mr. Sullivan noted that as far back as July, we were told that residents went to work, yet at the last meeting (in January) we received testimony that the residents are not working.

Mr. Dumont stated that he just heard that there is no typical eviction process and asked if there was/is anything else that is not typical. Atty. Tine responded that the residents are not related.

Mr. Dion asked if there is a waiting list for potential residents. Atty. Tine responded that he did not know.

Mr. Sullivan asked where the residents come from, as it seems like all are from Massachusetts according to the license plates on the vehicles parked there. Mr. Dion concurred and added that per his drive-bys, the number of cars he's noticed also varies, from one to five (1-5). Mr. Lanphear noted similar observations. Mr.

Sullivan asked if anyone is living in the garage and Atty. Tine responded that there are looking to have seven (7) unrelated people to live there. Mr. Dumont asked if the residents use the Gambia Street address as their domestic domicile. Atty. Tine responded that he didn't know. Mr. Sullivan noted that people do ask for an address.

Mr. Lanphear asked about the number of police and first responders that have been to the premise and Atty. Tine responded that he did not know.

Mr. Dion asked if smoking is allowed. Atty. Tine responded that smoking is not allowed inside, just outside the building. Mr. Dion noted that according to the Bylaws, it clearly states that smoking is not allowed in the "premise", which he understands to mean the entire lot. Atty. Tine responded that the wording refers to no smoking to *within* the house. Mr. Sullivan referenced the complaints received about cigarettes butts being flicked into neighbor's yards.

Mr. Dumont stated that there are fire codes etc. that are required and asked if there has been an inspection. Atty. Tine responded that he did not know. Mr. Sullivan stated that he checked with the Fire Department and there has not been an inspection. Atty. Tine noted that such an inspection would be through the State Fire Office and not the Town Fire Department. Mr. Sullivan noted that the Hudson Fire Department would be aware if a State Inspection had occurred

Public testimony opened at 7:52 PM. Mr. Daddario stated that the Board has heard previous testimony and asked that testimony now focus on the new material provided. The following individuals addressed the Board:

- (1) Jeff Hutchins, 12 Kenyon Street, stated that he is opposed to this request, that the applicant has lied, that their request began with an LLC as the property owner and then changed back to Mr. and Mrs. Burke; that there are more than seven (7) people living there, that there are mattresses in the garage, that they have been bashing us over the head with ADA stuff yet we witness drunk walking in the neighborhood, driving vehicles on the wrong side of the road, police visits, emergency vehicles called to site; that their intake form is vague and applicants are not being vetted and if there are any sex offenders, that the State of NH, people only have five (5) days to register, so if it is not a felony, it is also not a misdemeanor.

Mr. Dion noted that he drove by the premise before the meeting and there were seven (7) vehicles and asked about the noise disturbances to which Mr. Hutchins responded that the times vary, that there was one recently at 2:00 AM and that there have been others where only the flashing lights were noticed.

- (2) Ashley Bovell, 12 Kenyon Street, stated that she only recently moved there but has been living there since 2024, that her mom has a home day care business, can attest to the many police visits, the drunk walking down the street and even though she has no idea if any are using or misusing drugs, but if they, they are not protected by/under the ADA.

- (3) Alex Galloway, 3 Kenyon Street, stated that the sober house has changed the neighborhood in many ways with the most threatening one being to our sense of safety. Our children used to play in the neighborhood, ride their bikes and enjoy the outdoors. Now there is a lot more traffic, more speeding with vehicles with Massachusetts license plates and New Jersey too, more police visits at all hours of the day and night, groups of men meandering/wandering along the road with one group last summer who tried menacingly to “out-bark” his dog that was inside his home.

Mr. Dumont asked the size and frequency of the groups and Mr. Galloway responded that it generally is about 3-4 individuals who walk the neighborhood at least one a day and it's never the same people. In response to Mr. Dion's question, the groups are not always the same individuals and that in his estimation there has been well over fifty (50) individuals in that household since last summer.

- (4) Jose Urrutia, 9 Campbello Street, stated that he lives on the back side of the sober house and that none of the new information has brought them any peace of mind, the fact remains that at the last meeting their manager did not even know about the tennis ball incident even with the police intervention and there is so much more traffic in the neighborhood, even more than when the tailor business was active at this site. There does not seem to be any supervision there and there is one individual who really looks intoxicated as he walks through the neighborhood.
- (5) William Jubinville Jr., 10 Gambia Street, stated that he has lived there for fourteen (14) years now, that there is now a constant flood of people day and night, that just the other night he wakes up to put wood in the stove when a car whizzes through the neighborhood, stops at the sober house, and individual comes out and gets a package from the vehicle that then just speeds off – that its real doubtful that was a food delivery – and last fall he and his dog were in his driveway, his dog on a leash, when a group meandered past and told him they would kill his dog. The bottom line is that they are running a business and they don't care if they fit in or not.

In response to Mr. Dumont's question, Mr. Jubinville stated that according to his observations, the groups in the sober house turn over every ten (10) to twelve (12) weeks easy. In response to Mr. Daddario's question, Mr. Jubinville stated that the threat to his dog occurred last fall.

- (6) Brian Bright, 26 Campbello Street, stated that this is the third meeting regarding this, that the applicant has done little to nothing to ease any of the heartache and anxiety from the residents in this residential neighborhood, that they are picking up the pace at the sober house with more cars, more activity, late night travels and travelers coming to the neighborhood, they are not looking to fit in, they want to dominate
- (7) Maryanne Wigton, 10 Gambia Street, stated that she is Mr. Jubinville's fiancée, that she has been here about four (4) months, that in her first two (2) months she was home a lot as she was looking for a job and she

can attest that there is a constant stream of traffic to the sober house, a lot of Lyft and Uber rides coming into the neighborhood, several pot smokers, and has seen females and kids in there, that she has three (3) dogs who now seems to always be on high alert, and that tonight there were seven (7) cars parked in the driveway.

In response to Mr. Dumont's and Mr. Dion's inquiries, Ms. Wigton stated that she has witnessed turn-over every 4-6 weeks, that she has seen 4-5 people in the kitchen on several occasions and that the garage is often all lit up.

(8) Alyssa Cabezas, 11 Campbello Street, stated that her husband sent Mr. Sullivan an email, that the house is now a total mess and not being maintained, that there are towels hanging in the windows serving as curtains, cigarette butts all over their backyard as they are smoking at all hours of the day, that more often than not, they throw their cigarette butts into her backyard, that she and her husband don't smoke and find this offensive, their tennis ball sliced and stuffed with nails and other harmful items intended to do harm is just cruel and she is concerned as she has a dog and a child and they can no longer enjoy their backyard. Ms. Cabezas also stated that the sober house has had a negative impact on their property values.

Mr. Dion asked if Ms. Cabezas if she has spoken with the residents about the cigarette butts or the tennis ball. Ms. Cabezas stated that she did call the Police and filed a report on the tennis ball and was very concern at the last meeting when their manager was not aware of the incident even though he had told the Board he was always notified when there were incidents.

Atty. Tine stated that all the information heard is all conjecture and that there was no proof provided of any illegal drug use.

Mr. Dion asked what a house restriction was and Atty. Tine responded that it was behavioral and that he had no further information that what has been provided in the packet. Mr. Sakati asked the frequency of drug testing and whether records were kept. Atty. Tine stated that he did not have that information.

Mr. Dion read the emails received in opposition to the request. The emails received included:

- (1) Brian Cabral, 8 Gambia Street, opposed to any variance – 2 emails submitted
- (2) Derek Home, 9 Gambia Street, opposed
- (3) Curt Cabezas, 11 Campbello, opposed
- (4) Richard Sutter, 12 Campbello Street, opposed
- (5) Alyssa Cabezas, 11 Campbello Street, opposed

Public portion of the hearing closed at 8:55 PM.

Mr. Dion made the motion to continue the hearing to March 20, 2025. Mr. Sakati seconded the motion. Vote was 4:0. Motion carried.

VI. OTHER BUSINESS

No other business was presented for consideration.

VII. ADJOURNMENT:

Motion made by Mr. Dion, seconded by Mr. Lanphear and unanimously voted to adjourn the meeting. The 3/6/2025 meeting adjourned at 9:00 PM.

Respectfully submitted,

Gary M. Daddario, Chairman