



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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### MEETING MINUTES – March 20, 2025 - Approved

The Hudson Zoning Board of Adjustment met on Thursday, March 20, 2025, at 7:00 PM in the Hills Memorial Library building located at 18 Library Street, Hudson, NH.

#### I. CALL TO ORDER

#### II. PLEDGE OF ALLEGIANCE

#### III. ATTENDANCE

#### IV. SEATING OF ALTERNATES

Chairman Daddario called the meeting to order at 7:11 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), Zachary McDonough (Alternate), Normand Martin (Regular/Vice Chair) and Dean Sakati (Regular). Also, present were Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused was Dillon Dumont, Selectman Liaison.

#### V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 165-021 (03-20-25) (deferred from 03-06-25 and 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.]

Mr. Sullivan read the Case into the record. Mr. Daddario stated that the Board has received testimony and evidence and held several public hearings and that the purpose of tonight's meeting is final discussion among the Board and determination whether the criteria required for the granting of a Variance and reasonable accommodation have been satisfied and that their approach would be to discuss one issue/criteria at a time beginning with "reasonable accommodation".

Mr. Daddario stated that the Applicant has stated that it is not a discrimination case and that they are seeking “reasonable accommodation”; which could be a financial consideration yet the Applicant has denied providing any financial information; or it could be a reasonable accommodation for seven (7) unrelated individuals to reside together, yet only week-to-week leases are being offered; or it could be a reasonable accommodation based upon a disability, yet the Applicant has testified that they provide no services to their tenants.

Mr. McDonough stated that based on the testimony received, there was no evidence presented that confirmed that any of the residents are disabled. Mr. Sakati stated that it seems to be a very casual application with no evidence of a disability. Mr. Lanphear stated that the Applicant has on several occasions made the statement that “people in recovery are disabled”. Mr. Dion noted that there is no structure or support or plan for the residents to get better and that there has been no showing of any treatment options. Mr. Daddario stated that the Applicant has been clear that there are no services being provided, that addiction has been claimed to be a disability, that if someone is disabled it generally means that at least one or more of life functions are not met and yet, leasing is weekly. Mr. McDonough noted that an addiction from thirty (30) years ago doesn’t mean that a person is disabled today. Mr. Martin noted that there has been no proof given regarding any disability. Mr. Sakati stated that they are even lackadaisical regarding the drug testing they conduct and noted that according to testimony received, there have been fifty to sixty (50-60) residents in the past year and that alone does not comply with Hudson’s Land Use intent of the TR Zone that is characterized by small lots in a residential neighborhood. It was noted that the seven (7) proposed residents come from seven (7) different families which magnifies the impact of ‘visitors’ to the neighborhood which in turn can impact the sense of security generally associated with small residential neighborhoods. It was also noted that even though the residents are supposed to be in recovery and “not using”, testimony has been received that residents have been seen in the neighborhood while under the influence of something, and, the number of ambulances called to the residence at all hours of the day and night, and, the high volume of visitors to the site. Mr. Lanphear stated that testimony has been received that the manager/operator is informed of any and all infractions, yet the manager/operator also admitted to this Board that he was unaware of some of the infractions reported to by the neighbors that were also substantiated by services provided by emergency services.

Mr. Daddario provided the following recap: there is difficulty in qualifying whether the residents are disabled, there are no procedures, no qualified staff, and the application seems casual; that there is no monitoring, there are no services provided, that there is loose use of the wording; that leases are weekly which makes it difficult to determine if a resident is disabled and also subject to different eviction procedures which have not been defined beyond the basic concept of paying rent; that drug testing appears to be ad hoc and casual and performed with/by unqualified individuals; that generally there is agreement among residents when they make the decision to live together, but here, the operator chooses who will live there and assigns a room to the new resident and provides them with a copy of the House Rules; that the TR Zone is normally of older smaller lots designed for single-family use, but a household of seven (7) unrelated people impacts the sense of the

neighborhood with its increased traffic and visitors and that a group home is not subject to the normal landlord/tenant relationship.

Board next addressed the criteria required to be satisfied in order to grant a Variance. The criteria and findings included the following:

*(1) not contrary to public interest*

- Mr. Martin stated that granting this variance would be contrary to public interest as it does conflict as it does conflict with the implicit purpose of the neighborhood and does alter it
- Mr. Sakati stated that it is more of a rooming house verses a single-family residence on a Cul de sac and does alter the neighborhood
- Mr. Dion stated that it goes against the Zoning scheme with its high volume and high turnover rate
- Mr. Lanphear noted that holidays, like the Fourth of July when families gather for cookouts, could also be impacted with the addition of seven (7) families from one residence
- Mr. McDonough noted that safety is lowered as the road is not wide
- Mr. Daddario noted it is lacking compatibility with the neighborhood, that the housing of seven (7) unrelated individuals into one household is not compatible with the neighborhood
- criteria failed
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*(2) will observe the spirit of the Ordinance*

- Mr. Daddario stated that the proposed Use is explicit and in contradiction to the Zoning Ordinance and the requested Use does not meet the spirit of the Zoning Ordinance
- Mr. Lanphear, Mr. Sakati, Mr. Martin, Mr. Dion and Mr. McDonough agreed
- criteria not satisfied
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*(3) substantial justice done to property owner*

- Mr. McDonough stated that the public is harmed more than any justice to the owner
- Each Board Member agreed with Mr. McDonough
- Mr. Sullivan noted that the use was taken without any Board or Town permission
- Mr. Daddario stated that in addition to ignoring the Cease-and-Desist Order issued last May, threats have been made to neighbors, traffic continues to plague the neighborhood and threats have been made to the neighbors and their pets along with disrespect like their disposal of cigarette butts over the fence onto neighbor's back yard/property
- Mr. Daddario and Mr. Dion state that the public is harmed, that there are significant safety issues, that it is a prohibited Use, that a Cease-and-Desist Order has been issued and ignored, that harm as occurred and is occurring to the neighborhood
- Criteria failed- there is no justice in the granting of this Variance
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*(4) will not diminish surrounding property values*

- Mr. Martin stated that there has been no evidence provided from the Applicant and added that, in his opinion, surrounding property values would be impacted based simply on the number of unrelated individuals residing there on a week-to-week basis with no regard for the neighbors or to a neighborhood
- Mr. Daddario agreed – there is a negative impact on surrounding property values but not based on an issue of renting to addicts but from living next to a house with all these people, transient even by their leases, and their impacts onto the neighborhood
- Mr. Dion stated that he heard concerns regarding property values estimated to experience a 20% reduction on property values and noted that the burden of proof is upon the Applicant who did not address, did not dispute nor provide any information
- Mr. Sakati agreed, stated that he does have empathy but the Use being sought by this Variance is for the number of tenants and that numbers' use of this property
- Mr. Dion and Mr. Lanphear and Mr. Martin agreed
- Mr. Daddario stated that he has family with substance abuse, has lost a family member to substance abuse, so he has sympathy, but testimony has been received from one very knowledgeable person that it would be nice if services were offered to the tenants and noted that the Applicant has the burden of proof, yet has provided no evidence in regard to any impact to surrounding property values and heard from the neighbors regarding a 20% reduction in property values with this Use in the neighborhood \*\*\*\*
- Criteria failed – to be addressed, not addressed by the Applicant
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*(5) hardship*

- Mr. Daddario stated that this criteria could be met via a Reasonable Accommodation, but there has been no evidence presented that the residents are disabled and/or with weekly leases and potential for weekly turn-over and lack of qualified staff/personnel, it would be difficult to ascertain or maintain a reasonable accommodation based on disabled tenants.
- Mr. Dion stated that there is nothing unique about the house or the lot and there is no unnecessary hardship
- Mr. Sakati stated that it is not a reasonable use
- Mr. McDonough stated that no house in this neighborhood would be suitable for transient housing.
- Mr. Lanphear agreed
- Mr. Daddario stated that hardship is not met via a Reasonable Accommodation, that the property is not unique and that, in his opinion, the proposed use is not reasonable
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Mr. Martin made the motion to deny the Variance. Mr. Sakati seconded the motion.  
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## **VI. OTHER BUSINESS**

No other business was presented for consideration. Mr. Sullivan noted that this was Mr. Daddario's last meeting and thanked him for his service.

## **VII. ADJOURNMENT:**

Motion made by Mr. Martin, seconded by Mr. Lanphear and unanimously voted to adjourn the meeting. The March 20, 2025 adjourned at 8:45 PM.

Respectfully submitted,

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Gary M. Daddario, Chairman

Louise Knee, Recorder