



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – March 20, 2025 - draft

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 (03-2006-25) (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”.

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

53
54 Mr. McDonough stated that based on the testimony received, there was no evidence
55 presented that confirmed that any of the residents are disabled. Mr. Sakati stated
56 that it seems to be a very casual application with no evidence of a disability. Mr.
57 Lanphear stated that the Applicant has on several occasions made the statement
58 that “people in recovery are disabled”. Mr. Dion noted that there is no structure or
59 support or plan for the residents to get better and that there has been no showing of
60 any treatment options. Mr. Daddario stated that the Applicant has been clear that
61 there are no services being provided, that addiction has been claimed to be a
62 disability, that if someone is disabled it generally means that at least one or more of
63 life functions are not met and yet, leasing is weekly. Mr. McDonough noted that an
64 addiction from thirty (30) years ago doesn’t mean that a person is disabled today.
65 Mr. Martin noted that that there has been no proof given regarding any disability.
66 Mr. Sakati stated that they are even lackadaisical regarding the drug testing they
67 conduct and noted that according to testimony received, there have been fifty to
68 sixty (50-60) residents in the past year and that alone does not comply with
69 Hudson’s Land Use intent of the TR Zone that is characterized by small lots in a
70 residential neighborhood. It was noted that the seven (7) proposed residents come
71 from seven (7) different families which magnifies the impact of ‘visitors’ to the
72 neighborhood which in turn can impact the sense of security generally associated
73 with small residential neighborhoods. It was also noted that even though the
74 residents are supposed to be in recovery and “not using”, testimony has been
75 received that residents have been seen in the neighborhood while under the
76 influence of something, and, the number of ambulances called to the residence at
77 all hours of the day and night, and, the high volume of visitors to the site. Mr.
78 Lanphear stated that testimony has been received that the manager/operator is
79 informed of any and all infractions, yet the manager/operator also admitted to this
80 Board that he was unaware of some of the infractions reported to by the neighbors
81 that were also substantiated by services provided by emergency services.

82
83 Mr. Daddario provided the following recap: there is difficulty in qualifying whether
84 the residents are disabled, there are no procedures, no qualified staff, and the
85 application seems casual; that there is no monitoring, there are no services
86 provided, that there is loose use of the wording; that leases are weekly which makes
87 it difficult to determine if a resident is disabled and also subject to different eviction
88 procedures which have not been defined beyond the basic concept of paying rent;
89 that drug testing appears to be ad hoc and casual and performed with/by
90 unqualified individuals; that generally there is agreement among residents when
91 they make the decision to live together, but here, the operator chooses who will live
92 there and assigns a room to the new resident and provides them with a copy of the
93 House Rules; that the TR Zone is normally of older smaller lots designed for single-
94 family use, but a household of seven (7) unrelated people impacts the sense of the

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

97

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

100

101 *(1) not contrary to public interest*

102 • Mr. Martin stated that granting this variance would be contrary to public
103 interest as it does conflict as it does conflict with the implicit purpose of
104 the neighborhood and does alter it

105 • Mr. Sakati stated that it is more of a rooming house verses a single-family
106 residence on a Cul de sac and does alter the neighborhood

107 • Mr. Dion stated that it goes against the Zoning scheme with its high
108 volume and high turnover rate

109 • Mr. Lanphear noted that holidays, like the Fourth of July when families
110 gather for cookouts, could also be impacted with the addition of seven (7)
111 families from one residence

112 • Mr. McDonough noted that safety is lowered as the road is not wide

113 • Mr. Daddario noted it is lacking compatibility with the neighborhood, that
114 the housing of seven (7) unrelated individuals into one household is not
115 compatible with the neighborhood

116 • criteria failed

117 • ***

118 *(2) will observe the spirit of the Ordinance*

119 • Mr. Daddario stated that the proposed Use is explicit and in contradiction
120 to the Zoning Ordinance and the requested Use does not meet the spirit of
121 the Zoning Ordinance

122 • Mr. Lanphear, Mr. Sakati, Mr. Martin, Mr. Dion and Mr. McDonough
123 agreed

124 • criteria not satisfied

125 • ***

126 *(3) substantial justice done to property owner*

127 • Mr. McDonough stated that the public is harmed more than any justice to
128 the owner

129 • Each Board Member agreed with Mr. McDonough

130 • Mr. Sullivan noted that the use was taken without any Board or Town
131 permission

132 • Mr. Daddario stated that in addition to ignoring the Cease and Desist
133 Order issued last May, threats have been made to neighbors, traffic
134 continues to plague the neighborhood and threats have been made to the
135 neighbors and their pets along with disrespect like their disposal of
136 cigarette butts over the fence onto neighbor's back yard/property

137 • Mr. Daddario and Mr. Dion state that the public is harmed, that there are
138 significant safety issues, that it is a prohibited Use, that a Cease and
139 Desist Order has been issued and ignored, that harm as occurred and is
140 occurring to the neighborhood

141 • Criteria failed- there is no justice in the granting of this Variance

142 • *****

143 (4) *will not diminish surrounding property values*

- 144 • Mr. Martin stated that there has been no evidence provided from the
 145 Applicant and added that, in his opinion, surrounding property values
 146 would be impacted based simply on the number of unrelated individuals
 147 residing there on a week-to-week basis with no regard for the neighbors or
 148 to a neighborhood
- 149 • Mr. Daddario agreed – there is a negative impact on surrounding property
 150 values but not based on an issue of renting to addicts but from living next
 151 to a house with all these people, transient even by their leases, and their
 152 impacts onto the neighborhood
- 153 • Mr. Dion stated that he heard concerns regarding property values
 154 estimated to experience a 20% reduction on property values and noted
 155 that the burden of proof is upon the Applicant who did not address, did
 156 not dispute nor provide any information
- 157 • Mr. Sakati agreed, stated that he does have empathy but the Use being
 158 sought by this Variance is for the number of tenants and that numbers’
 159 use of this property
- 160 • Mr. Dion and Mr. Lanphear and Mr. Martin agreed
- 161 • Mr. Daddario stated that he has family with substance abuse, has lost a
 162 family member to substance abuse, so he has sympathy, but testimony
 163 has been received from one very knowledgeable person that it would be
 164 nice if services were offered to the tenants and noted that the Applicant
 165 has the burden of proof, yet has provided no evidence in regard to any
 166 impact to surrounding property values and heard from the neighbors
 167 regarding a 20% reduction in property values with this Use in the
 168 neighborhood ****
- 169 • Criteria failed – to be addressed, not addressed by the Applicant
- 170 • *****

171 (5) *hardship*

- 172 • Mr. Daddario stated that this criteria could be met via a Reasonable
 173 Accommodation, but there has been no evidence presented that the
 174 residents are disabled and/but with weekly leases and potential for
 175 weekly turn-over and lack of qualified staff/personnel, it would be difficult
 176 to ascertain or maintain a reasonable accommodation based on disabled
 177 tenants.
- 178 • Mr. Dion stated that there is nothing unique about the house or the lot
 179 and there is no unnecessary hardship
- 180 • Mr. Sakati stated that it is not a reasonable use
- 181 • Mr. McDonough stated that no house in this neighborhood would be
 182 suitable for transient housing.
- 183 • Mr. Lanphear agreed
- 184 • Mr. Daddario stated that hardship is not met via a Reasonable
 185 Accommodation, that the property is not unique and that, in his opinion,
 186 the proposed use is not reasonable
- 187 •

188 **

189
 190

191 Mr. Martin made the motion to deny the Variance. Mr. Sakati seconded the motion.
192 ***.

193
194 ~~Motion made by Mr. Dion, seconded by Mr. Lanphear and unanimously voted to~~
195 ~~adjourn the meeting. The 3/6/2025 meeting adjourned at 9:00 PM.~~
196

197
198 **VI. OTHER BUSINESS**
199

200 No other business was presented for consideration. Mr. Sullivan noted that this was
201 Mr. Daddario's last meeting and thanked him for his service.
202

203 **VII. ADJOURNMENT:**
204

205 Motion made by Mr. Martin, seconded by Mr. Lanphear and unanimously voted to
206 adjourn the meeting. The March 20, 2025 adjourned at 8:45 PM.
207

208
209 Respectfully submitted,

210 _____
211 Louise Knee, Recorder
212

DRAFT