



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – December 12, 2024 – approved

The Hudson Zoning Board of Adjustment met on Thursday, December 12, 2024, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ATTENDANCE**
- IV. SEATING OF ALTERNATES**

Chairman Daddario called the meeting to order at 7:00 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 Tristan Dion (Regular/Clerk), Gary Daddario (Regular/Chair), Tim Lanphear (Regular), Zachary McDonough (Alternate), Normand Martin (Regular/Vice Chair) and Dean Sakati (Regular). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. All Regular Members voted, no Alternate was appointed to vote.

Mr. Daddario stated that the physical capacity for the room has been exceeded and asked members of the public who are not concerned with the first Case for 63B Wason Road to please step out of the room.

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 217-017-002 (12-12-24):** John D. Onoroski, **63B Wason Rd., Hudson, NH** requests a Home Occupation Special Exception to allow a home business to produce and sell first aid kits online in the basement of the home. [Map 217, Lot 017, Sublot-002; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

Mr. Sullivan read the Case into the record, referred to his Staff Report initialed 12/2/2024 and noted that no In-House Review comments have been received.

John Onoroski introduced himself as the Property Owner and Applicant and a Disabled Veteran who is seeking a Special Exception to operate his business from his home. Mr. Onoroski stated that he creates quality purpose built bags with a

sewing machine and plastic parts made from a desktop injection molder to create first aid kits that he fills with supplies he purchases in bulk to sell online. All of this is only conducted in his basement so there is no way for anyone to determine that he's running a business out of his home as there is nothing stored outside, there's no noticeable noise, vibrations, smoke, odors or glare produced and there is no customer traffic to his home as it is all online sales so no need for any customer parking and the only vehicle involved is his personal pickup truck. Mr. Onoroski displayed several types of kits – from the general WalMart variety, to specialty camping first aid bags that would contain tweezers and gauges to marine first aid kits. Mr. Onoroski stated that he has a Post Office Box in Nashua where he does all his shipping.

Mr. Onoroski went through the criteria for the granting of a Special Exception Home Occupation.

Mr. Martin asked and received confirmation that all shipments would be made from the PO Box and transported by the personal pickup truck and all supplies would be brought to the residence by the pickup truck. Mr. Martin asked about the hours of operation. Mr. Onoroski responded that it is dependent on when the orders are received, being an online business, and added that his goal is to complete an order for shipping the following day.

Mr. Sakati asked to address the frequency and storage of the supplies to fill the first aid kits and Mr. Onoroski explained that he intends to operate like a redistributor, that orders would be placed based on need and confirmed that all would be stored in his basement. Mr. Dion asked if commercial contracts would be sought and Mr. Onoroski responded that he has no intention, especially considering he's a solo operator. Mr. Dion noted that there are two (2) categories of medical kits and each are subject to medical regulations.

Public Testimony opened. No one addressed the Board. Mr. Dion read letter from Abutters of 65 Wason Road expressing support for their neighbor and his home based business. Public hearing portion closed at 7:22 PM.

Mr. Lanphear made the motion to grant the Home Occupation Special Exception as requested. Mr. Sakati seconded the motion.

Mr. Lanphear spoke to his motion stating that the business would be secondary to his home and conducted in the basement with no exterior sign or storage, no customers to site as it is all online sales, will have no customers to the site and will not produce any noise vibrations odors etc. Mr. Lanphear voted to grant.

Mr. Sakati spoke to his second noting that every criteria has either been satisfied or simply does not apply, specifically that the business will be conducted in the basement, that it is secondary to the residential use of the property, that there will be no sign or exterior storage or noise, odors, heat or glare, that there will be no traffic to the site as it is all online sales and therefore has no need for any customers or parking required. Mr. Sakati voted to grant.

Mr. Martin voted to grant and noted that every criteria has either been satisfied or does not apply. Mr. Dion voted to approve and grant the Home Office Special

Exception and noted that every criteria has either been satisfied or is not applicable. Mr. Daddario voted to grant and stated that the Applicant has made it clear that every criteria has been either satisfied or is not applicable.

Vote was 5:0. Home Occupation Special Exception granted. The 30-day Appeal period was noted. Mr. Onoroski was thanked for his military service.

The meeting room was reopened. Question raised if there were more people present that the meeting room has capacity for with regard to the third Case, how would/could the meeting proceed. Board took a recess to confer with HCTV to see if the possibility exists to broadcast the meeting in the overflow room. Meeting called back to order at 7:36 PM. Mr. Daddario stated that monitors have been set up in the overflow room so they will have the capacity to hear what is being said and when the meeting is opened for public input, the public can be rotated.

2. **Case 157-059 (12-12-24):** Jeremy & Nicole Lyon, **28 Robin Dr., Hudson, NH** requests a Home Occupation Special Exception to operate a home office for the management and administrative needs of a handyman service business with all services performed off-site. [Map 157, Lot 059, Sublot-000; Zoned Residential-One (R-1); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

Mr. Sullivan read the Case into the record, noted that it is an existing non-conforming lot of record and that no in-house review comments have been received.

Mr. Martin made the motion to defer the hearing to the January 9, 2025 meeting. Mr. Lanphear seconded the motion. Roll call vote was 5:0. Motion carried.

3. **Case 211-067 (12-12-24):** George Hurd, Mgr., Tumpney Hurd Clegg, LLC, **72 Burns Hill Rd., Hudson, NH** requests a Variance for a proposed construction of four (4) self-storage units totaling 18,950 SF in the rear portion of the vacant 24.816 acre lot previously zoned as General (G) but re-zoned to Residential-Two (R-2) where this Industrial Use (E-13) is not permitted. Self-storage use is only permitted in the Industrial (I) and General-One (G-1) Zones. [Map 211, Lot 067, Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

Mr. Sullivan read the Case into the record, noted that the 24.816 acre site is vacant and was once farmland and does have wetlands and is in close proximity to the Town dump site and that the Associate Town Planner has noted that if the Variance is granted, the Applicant will also need to go to the Planning Board for a Conditional Use Permit as well as requiring Site Plan Review and approval.

Mr. Martin recused himself due to personal relationship with the Applicant. Alternate McDonough appointed to Vote.

A head count was taken in the meeting room for compliance.

Atty. Colin Jean of Nashua NH introduced himself and Michael Grainger of MJ Grainger Engineering and stated that they are representing the Property Owner

Tumpney Hurd Clegg, LLC and noted that George Hurd is also present in the audience and available to answer any questions.

Atty. Jean stated that his client purchased the 25-acre parcel in July 2021 with its frontage on Burns Hill Road that directly abuts the former and now capped Town of Hudson Dump and other residential properties. At the time of purchase, the parcel was in two (2) zones with the rear in the G Zone and the front in the R-2 Zone. Soil assessment began in September 2021 and engineering and survey work began in early 2022 and a site plan was designed in July 2023. Reference was made to the Conceptual Site Plan dated 7/6/2023 prepared by MJ Grainger Engineering, Inc., that identified the original demarcation of the two (2) zones in the property and the proposed access drive of approximately eight hundred feet (800') in length to the proposed storage units and the elongated frontage on Burn Hill Road. Unfortunately, the unforeseen and sudden death of Robert Clegg occurred August 2023 and caused suspension of the LLC's progress until reorganization and estate related matters could be settled. Plans resumed in the beginning of October 2023 with the continued intent to develop the rear portion of the property in the G Zone for the construction of a storage unit facility. The use of the remainder of the property was placed on hold with the intent to pursue residential development at a future date.

However, at the March 2024 Town Meeting Vote, Article 44 was passed re-zoning certain areas in the G Zone to the R-2 Zone and that affected this property. The storage facility, which was a permitted Use in the beginning of the project, is no longer allowed in its new Zone without a Variance.

The Town of Hudson has two (2) active deep test wells on the property adjacent to the former Town Dump. It has been the plan from day one to incorporate those wells into the portion of the property designated for the storage facility. The adverse effect of the Town Wells on the value of the land designated for the storage units would be less impactful than on the sections designated for residential development.

Atty. Jean stated that his client's intention is to construct four (4) storage units on the rear portion of the 24.816-acre parcel which was originally in the G Zone but changed to the R-2 Zone this past year (March 2024) and referred to the Conceptual Site Plan dated July 6, 2023 prepared by MJ Grainger Engineering, LLC that shows the twenty thousand square feet (20 SF) will be serviced by a private way with frontage on Burns Hill Road and will be serviced by private septic and is well forested on all sides.

Atty. Jean addressed the criteria necessary for the granting of a Variance and the information shared included:

(1) *not contrary to public interest*

- The proposed variance is not contrary to the public interest because the portion of the property designated for use was historically in the G Zone and is in the rear of a very large 25 +/- acre parcel and would be out of view from the public and therefore not alter the essential character of the neighborhood

- There would be no threat to public health, safety or welfare as the facility would service residential storage needs
 - The presence of 2 Town of Hudson testing wells in this portion of site has a negative impact which can be mediated with the inclusion of the historically allowed storage units
 - The intent is to surround the storage units with fencing and provide minimal lighting with no electricity proposed inside the units
 - Access to the storage units will be restricted to the hours of 7 AM – 7 PM
- (2) *will observe the spirit of the Ordinance*
- The spirit is observed/met because the intended use is for residential purposes
 - The essential nature of the subject area has historically been in the General Zone and is located at the rear of the property that directly abuts the Town Dump and has two (2) Town of Hudson test wells - which is more consistent for the designation of/in the storage unit portion of the property than in the residential use portion of the property
 - The proposed use will not alter the essential character of the neighborhood, nor be a threat to public health, safety or welfare
 - The proposed location is shielded with trees
- (3) *substantial justice done*
- Substantial justice would be done to the property owner especially when considering that when the property was purchased it was anticipated that the General Zone portion of the property would remain as it was intended to be used for the proposed use
 - Due to circumstances beyond the applicant's control, the Zone of the property has been changed
 - The existence of two (2) Town owned test wells on the property has a negative impact on the value of the property and the granting of this variance would minimize the diminution in value of the property
 - The benefit to the Applicant would not be outweighed by harm to the general public as the granting of this variance would provide residential storage options to the area and designation of the Town test wells in a secure location
 - The loss to the Applicant in not approving this Variance would far outweigh any benefit to the general public
- (4) *not diminish surrounding property values*
- The proposed use will not diminish the values of surrounding properties because the type of use proposed, combined with the placement of the storage units at the very rear of the property will be out of view from the property's frontage and neighboring properties and the fact that it abuts the former Town landfill and houses two (2) Town owned test wells
- (5) *hardship*
- The special conditions are due to the change in Zone to the parcel that occurred after the land was purchased and engineering work begun rendering the intended use to now require a variance as it is no longer a permitted use in its newly assigned Zone
 - The other special condition is that the land houses not one but two Town-owned test wells to monitor the abutting now capped Town landfill

- The original intent when the land was purchased was to include the storage units in the area of the test wells and leave the remainder of the property to be subdivided for residential purposes

Mr. Lanphear asked about the wetland on the property and Atty. Jean confirmed that the proposed access drive goes around the wetland. Mr. Dion stated that the future plans for the west side of the property included? Atty. Jean stated that the change to eliminate the G Zone from the property came into effect this past March which now required a variance for the placement of the storage units. Atty. Jean stated that in combination with the untimely death of one of the Property Owner's Members that have decided to initially pursue the variance for the storage units and if granted then they would proceed with the design of the residential development. Atty. Jean noted that if it were not for the need to pursue the variance, they would have presented one complete comprehensive development application. Mr. Dion asked if it is the intent to have the residential portion utilize the proposed access way shown on the Conceptual Site Plan and after a quick confirmation with Mr. Grainger, Atty. Jean stated that it would not necessarily be as there is ample frontage on Burns Hill Road. Mr. Dion questioned the proposed security lighting and asked if it would be illuminated all night. Mr. Grainger responded that the proposed lighting would all be down cast and on all night and added that there would be security fencing all around the storage units. Mr. Dion stated that the proposed hours for access to the storage units were to be 7AM - 7PM and asked how that would be controlled. Mr. Grainger stated that the security fence would be equipped with automatic security locks for the opening and closing. Mr. Dion questioned water. Mr. Grainger responded that there is a waterline that connects to the Town water main line and noted that it will be extended to the storage units for safety measures only as there is no water or electricity in the individual storage units. In response to Mr. Dion's other question, both Atty. Jean and Mr. Grainger responded that the intended uses for the units is for residential storage only so there will be no commercial or industrial storage. In response to the current water issues along Burns Hill Road, Atty. Jean confirmed that they will included some of its solution when they design the residential portion of the project and present it to the Planning Board.

Mr. Dumont suggested that the ZBA purview be clearly stated before opening up the meeting for public testimony.

Public testimony opened at 8:04 PM. No one from either the overflow room or the meeting room spoke in favor of the application. Mr. Daddario next opened the meeting to anyone wishing to speak in opposition and, as suggested by Mr. Dumont, explained the difference between the Zoning Board and the Planning Board and noted that the Zoning Board has limited authority and is limited to the *type of use*. Operation details fall in the Planning Board's prevue.

Mr. Daddario noted that the time is now 8:09 PM and asked that everyone try to limit their time to one to two minutes, to please not repeat prior testimony but can just state whether they agree with it or not, that all communication is to be addressed and directed to the Board only and that the overflow room has been set up so they can hear what is being said in the meeting room, and that the public in the meeting room will be able to address the Board first.

The individuals who addressed the Board included:

- (1) Gretchen Whiting, 22 Glenn Drive, distributed packets of information and stated that the parcel did get rezoned to Residential-Two (R-2) and abuts the Residential-One (R-1) zoned, thanked the Town for having listened to their concerns and passed the Warrant Article that rezoned from General Zone to a Residential-Two Zone, expressed concern with bringing in waterline from the Old Dump especially considering that on August 8, 1985 there was 103 55-gallon leaking drums found on the old dump property with some determined to contain VOCs and other contaminates and there were also reports of asbestos found up and down Burns Hill Road from the time when it was sold as 'clean fill' and added that NH DES (Department of Environmental Services) has found such contaminants at 12, 18, 34 & 52 Burns Hill Road. On April 6, 2002, the Board of Selectmen held a public hearing on the Burns Hill landfill and arsenic on the surrounding wells. It has been realized that even though it has been capped, there is no lining and is only capped with two feet (2') of soil. Concern was expressed with any digging/disturbing of the soil in the area would release any contaminants that have settled. Traffic is also another concern and would include commercial vehicles during its development and currently there have been an increasing number of vehicle accidents on Burns Hill Road and there are no sidewalks for pedestrian safety. The water table would also be affected as water by nature flows down hill, which means it would flow onto Glenn Drive. There is a lot of wildlife in the area and would suggest that a wildlife study be conducted.

Mr. Sullivan stated that the water pipe would not be coming from the landfill site but down the Right of Way of Burns Hill Road. Mr. Dillon concurred/confirmed.

- (2) Elmar Uniformeyankee (?), 2 Wildwood Terrace, stated that he has lived there for eight (8) years, referenced the comments submitted to Mr. Sullivan and wanted to cover the basic facts: where does the burden of proof lie? The Applicant has stated that this project will not negatively surrounding property values and they should be the ones to prove that, not him or his neighbors. Relevant Case Law was supplied in his written statement. Another point is the structure placement on the property and their statement that it is "in the back" simply does not change the fact that it is a commercial business in a residential neighborhood. Another point made was that it would only impact his driveway is simply not true, they will be traveling on roads in our neighborhood. Alteration of neighborhood character will happen because this is all residences and they are asking to introduce a business which also raises another concern regarding public safety risks because it is common knowledge that break-ins into storage facilities is on the rise and that cannot help but have criminals spill into the neighborhood and noted that there are no dogs or people for security, just some security lighting and a fence being controlled electronically when to lock and unlock. Another factor to consider is the "inapplicability of historical zoning" as it does not matter what it was before, the Town has a Plan, the Town voted to change the zone to match the neighborhood in March 2024. Another criteria is that public harm out weighs the public right of the applicant and we all know

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putting up storage units is cheaper than building homes and their required infrastructure and needs. The argument presented on unnecessary hardship is tough to swallow – the zone was changed so more houses could be built in Town to address the housing shortage in the State. The burden of proof lies with the Applicant.

Mr. Lanphear questioned whether the Board should consider reading the letters received thus far into the record as that could help facilitate comments like agreements versus restatements. It was noted that the previous speaker also submitted written comments. Mr. Sakati questioned the time limit placed on the speakers and stated that out of respect there should not be any time restrictions. Mr. Daddario stated that the time limit suggested was out of respect for all the people present who wish to address the Board and noted that this room is filled to capacity as well as the overflow meeting room. Mr. Sakati stated that this meeting ends at 11 PM so it would then seem reasonable that if people present did not get to speak tonight, the meeting would be continued to next month.

- (3) Robinson Smith, 48 Burns Hill Road which is on the corner of Burns Hill Road and Glenn Drive, and has lived there for twenty years (20) and feels his perspective should be considered and recognized. The property abuts the old Town dump, which was never properly capped and lined and over the years the rainwater has allowed leaching of the contaminants to seep through their borders. NH DES has even found heavy metals seeping into the swampy wetlands abutting the property. These contaminant reports go back to the 1990's and neither the State nor the Town have been able to remediate the ongoing contaminant issues. It should be noted that these contaminant issues were fully disclosed to the Property Owner at the time of sale. In his opinion, this also makes the new Property Owner as responsible as the Town in dealing with this contamination while bringing the levels to the NH DES Guidelines. Mr. Smith cited the Green Meadow Golf Course now being converted as an example of why the Town is revisiting this General zone and subsequent re-evaluation of such parcels and why this Zone in this neighborhood was rezoned this past March to match the spirit and character of the area/neighborhood. This land should be developed for residences while mitigating the contaminant issues in a responsible way. The proposed use does not fit in with the character of the recognized neighborhood, would increase traffic with potential of increased accidents especially considering its poor line of sight and design, excessive noise, pedestrian accidents or fatalities along Burns Hill Road, hazardous waste contamination issues and was originally designed as a dead-end road stopping at the Town landfill and then the Town extended the road linking it to Wason Road when the Burns Hill fire station was built. It is unfortunate that the pollution plume from the landfill has extended to surrounding properties that we experience today. Mr. Smith stated that he opposes the storage unit variance.

Mr. Daddario stated that Mr. Dion has found a timing application and has set the timer for three (3) minutes and asked that, when heard, the speaker in good conscience bring his/her points to a close.

- (4) Monica Kiernan, 11 Wildwood Terrace, stated she has been here for twenty five (25) years, raised her family here and that if they are to welcome this industry to her neighborhood, this industry is not of the same value system and it will impact her property value and her neighborhood as her neighbors, like herself, are small homeowners who value respect and look out for one another and if this variance is granted, that amount of 'good neighbor policy' is jeopardized. This project does not maintain the small neighborhood we have cultivated.
- (5) Tom Crane, 27 Glenn Drive, stated that the proposed location of these storage units directly abuts the wetlands which impacts the beavers, the goose, the ducks, the turtles and all the wildlife he enjoys when he's out there kayaking; traffic on Burns Hill Road is horrible and he has stopped walking on it because it is scary; this is a residential area and allowing this deviation is just a bad idea and opens the door to ruining our neighborhood.
- (6) Michael LaBonte, 14 Glenn Drive, stated that he has rebuts many of the statements made by the applicant. The first one being whether it is contrary to public interest – of course it is contrary, the Town clearly voted to change the Zone to Residential in order to preserve is character and prevent commercial and industrial businesses into established neighborhoods. The second, the proposed use will observe the spirit of the Ordinance, it does not, the Town voted to change the Zone to protect the spirit of the Ordinance. The third, substantial justice would be done to the property owner – of course it would but it would at the expense to the neighbors and the neighborhood and let's keep in mind there are other alternative uses for this property that would not require a variance. Placing a commercial business into the neighborhood is dangerous to the neighbors. Mt LaBonte noted that the proposed facility will be lit at night, the road to it might be too and asked if there would be a sign at Burns Hill Road advertising this commercial entity in the neighborhood with up to perhaps 180 rental units and that business will definitely have a negative affect on the property values of his neighbors. With regard to the hardship, that criteria has also not been satisfied, the property was purchased in 2021 and regardless of the death of one of the partners, it still begs the question why there was such a delay in preparing plans for its development, especially knowing the change to the Zone was well known and why is only a small portion of the whole plan being presented.
- (7) Len Segal, Beechwood Road, stated that he has been in Hudson for five years now, has driven down this road once and will never drive it again as it is treacherous between the traffic and curvy road, and urged the Board to vote no on this request. The Land was purchased in 2021. In 2023 it was well known that a Zone change was being proposed and a preliminary plan could have been filed prior to the Zone change being put to the Town Vote, but they didn't. Death is regrettable, but it doesn't justify asking the neighborhood to bear this burden. Industrial just does not belong next to residential properties. They missed the deadline.
- (8) Ken Twining, 38A Burns Hill Road, stated that he agrees with all the statements and concerns his neighbors have made, and urged to Board to keep in mind that the change in Zone was put to a Town Vote and the Town people voted to declare this area Residential. To approve this variance will do nothing but erode the confidence of the Board.

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- (9) Pete Radziewicz, 49 Burns Hill Road, stated that he is in agreement with his neighbors and added that it is irrelevant whether the change was made this past year or two years ago, the fact to keep in mind is that we do not want to move backward. His home was once in the G Zone before it was changed to Residential and if this passes, what's to stop him from tearing his home down and setting up storage units because everybody knows how cheap they are to build and maintain – its easy income – and there goes the neighborhood.
- (10) Joan Radziewicz, 49 Burns Hill Road, stated that she too is in opposition to this variance and agrees with the facts her neighbors have presented, that she has lived on Burns Hill Road since 1979 and has seen many changes to the road, increases in traffic that she has trouble fathoming and that's just with residential development and sees no need or use to introduce this commercial use into their residential area. Ms. Radziewicz stated that the applicant made a point to note that the storage units would be out of site down this long 800' driveway so it would be 'invisible' but then they state that the remaining area would be cleared to build residential housing development and that leaves the question of whether these storage units would be left with any screening.
- (11) Sharon Scarvalas, 92A Wason Road stated that she has lived there for thirty eight (38) years and noted that Wason Road is higher than Burns Hill Road and would end up looking down at the proposed security lights, and added that traffic on Wason Road and Burns Hill Road is very bad especially with the new Golf course project, that the wildlife will be impacted and probably will disappear, and is very concerned about what will actually be stored in the storage units and could bring more contamination to the area. Ms. Scarvalas stated that she also sent an email.
- (12) Amy Reese, 20 Saint Francis Hill Place, stated that she is in agreement with the points raised, and stated that she recognizes that a lot of her concerns would need to be presented to the Planning Board and has concerns that the residents did vote to make this a residential area and changing it back to an industrial use is just contrary and a slap in the face to the residents. This will impact the traffic, the values of our homes, and the lighting will impact the residents and asked the Board to deny.

Mr. Daddario asked if there were any other people in the Meeting Room who wished to speak. No one approached. Mr. Daddario noted that the time was 8:49 PM, put the Board in recess for five (5) minutes at 8:50 PM so that individuals could vacate the Meeting Room to allow those in the adjoining room to enter and address the Board. Meeting resumed at 8:57 PM.

- (13) Edward Thompson, 22 Burns Hill Road, agreed with previous statements, stated that he moved here thirty three (33) years ago with the intention of being here five (5) years and prior to moving here he was told Hudson has crazy Zoning laws but he has noticed that in the past few years, residents have started standing up and changing the Zoning laws and things are getting better. In his opinion, the Town voted change in Zoning to this area is a move in the right direction – this is a residential, and only residential area. Burns Hill Road is a very busy road, he lives at the bottom of the road and it is very common for traffic to fly by going

forty to fifty (40-50) miles per hour, noted that per the Town Engineer traffic has more than doubled in the last five (5) years, and doing quick math, with four (4) buildings, assuming 10'x10' units, could yield approximately ninety (90) units and bring that much more traffic to this residential area. Mr. Thompson stated that he could speak to all five (5) criteria that must be met, but they've been addressed by others – like impact to the essential character of the neighborhood would be shot, the difficulty inherent in enforcing what goes into storage units which creates an attractive nuisance that far from the road - and added the hardship is really to his neighbors and that this project should simply be a non-starter and noted that the Table of Permitted Uses identifies a lot of other Uses compatible with residences.

- (14) Frank Yeschanin, 5 Wildwood Terrace, and has been his home for the past thirty plus (30+) years, that he opposes the variance and agrees with all the statements made thus far.
- (15) Ed Lang, 3 French Drive, stated that he has been a resident of Hudson for over fifty (50) years and watched this neighborhood go from a wood lot to a growing neighborhood with roads and residential developments into a tight residential neighborhood and should stay that way and is opposed to this variance.
- (16) Larry Martone, 8 Saint Anthony Drive, stated that he agrees with all the statements made and is also opposed to this variance.
- (17) Richard Ings, 82 Wason Road, stated that he is opposed and agrees with his neighbors and added that if rezoning is allowed to the eastern side of this lot to Industrial or General, then the southern portion could possibly be developed and literally be in the eyesight of 82, 84, 86 Wason Road.
- (18) Nicole Champagne, 85 Burns Hill Road stated that she has been there for about five (5) years now and has learned so much about her neighborhood and neighbors at this meeting and encouraged the Board to deny what she will be able to see from the end of her driveway.
- (19) Paul Matthews, 52 Burns Hill Road, stated that has been there about a year now but prior to that he lived at 50 Burns Hill Road since the 1970's, stated that his mom sold this land to them and neither supports or opposes but does agree with the points his neighbors have made, that he has spoken to his mother who is also neutral to this, and asked the Board to think about it being your house/home right next door to them (the storage units) and how it could be without consideration to improving Burns Hill Road and putting in sidewalks, perhaps a traffic light, do something about the speeding, that he has already lost two (2) dogs to Burns Hill traffic flying by at fifty miles per hour (50 mph).
- (20) Patricia McGrath, 80 Wason Road, and stated that what they look down on is water and woods and in her opinion, that is how it should be and should stay and to have to look down on the proposed facility will definitely impact her neighborhood and is in agreement with all her neighbor's concerns and points made tonight.

Being no one else to address the Board, public testimony closed at 8:59 PM.

Mr. Dion asked if there was to be any signage for the storage units. Atty. Jean stated that he is not aware of any signage and Property Owner George Hurd, 13

Merrimack Street, added that he assumes that would be determined at the Planning Board. Mr. Hurd stated that they had a plan on July 6, 2023, then his partner dies in August and the Warrant Article came out in October and there was simply no time to submit an application before October.

Mr. Dion inquired about the number of rental units being proposed. Mr. Hurd stated that if all were 10'x10' there could be up to one hundred and eighty (180) but there's a good possibility there will be some 10'x20' also available and he estimates that there would be about a hundred and fifty (150) total. Mr. Dion asked if the structures would be double stacked or single layer and Mr. Hurd confirmed they would be single storage structures.

Atty. Jean stated that he has heard the concerns and stated that the parcel before the Board is not the former dump, the former dump is still owned by the Town of Hudson and is now capped; and the way water flows is downhill and this parcel does not flow towards Glenn Drive on the other side of the dump closer to 52 Burns Hill Road; and Burns Hill Road is a well traveled and busy road and with respect to what this project may have on that is for the Planning Board to determine and can require a traffic study if they choose and added that if one researched how often people visit their storage units, with 100-150 units, there's about 25% that go once a week, 50% go once a month and the remainder go once or twice a year; with regard to impact on neighbors, there is really nothing for neighbors to see and with a distance of about 400' to their rear neighbors there should be no impact regarding light; and with respect to the hardship issue, it is a valid point that when the property was purchased it was with the intention and knowledge that it was partially rated in Zone G and the fact that it was changed after considerable engineering investment should be considered with some merit because that was unusual; and the placement of the units does not lend itself to threaten the residential development intended for the front (roadside) of the parcel.

Mr. Dumont stated that what is before the Board is for a singular use and if in the future an expansion is desired it would need to return to the Board for an expansion of what may be granted tonight. Mr. Sullivan confirmed.

Mr. Lanphear stated that when dealing with a Zoning change, asked Atty. Jean how he has seen this type of Case being handled in Court. Atty. Jean stated that the majority of people who spoke tonight are not direct Abutters and, in his opinion, does not directly relate to what the Applicant is seeking. Discussion arose. Mr. Sullivan stated that he has not seen this type of scenario in Hudson but in other communities and those fell into the 50/50 range. Mr. Dumont stated that it could apply to the hardship criteria and the change in zone was not anticipated but was imposed by the Town.

Mr. Dion asked if there is a reason why houses could not be constructed in that portion of the parcel. Atty. Jean stated that it is not wide open land considering the wetlands and that no plans have been finalized regarding the number of residences but would estimate seven (7) or eight (8) along Burns Hill Road. Mr. Hurd added that trying to sell homes in an area just designated Residential from the General Zone in close proximity to the old Town Dump next to Town owned test wells because of the proximity to the Old Town Dump would be a tough sell.

At 9:27 PM Mr. Daddario called the public hearing portion of the meeting to a close and brought the matter before the Board.

Mr. Lanphear stated that single family homes, duplexes and even a big church are Permitted Uses in the Residential Zone as is having a Christmas tree farm and noted that there are some business aspects allowed.

Mr. Sakati stated that he believes the first four criteria have not been met but questions the hardship criterion as it is really gray but it's still introducing a business/industrial use into a residential neighborhood. Mr. Dumont agreed, it is gray and that the change in Use should be considered as a factor. Other Members noted other businesses in the vicinity.

An overview of the neighborhood was displayed and it was noted that it is all residential. Discussion continued and focused on diminution of surrounding property values and hardship created by a Zone change.

Mr. Sakati made the motion to deny the Variance request. Mr. Dion seconded the motion.

Mr. Sakati spoke to his motion and stated that all five (5) criteria were not satisfied as the request is contrary to the public interest and does alter the character of the area as it would be the only industrial use in the vicinity of the residential neighborhoods; that the spirit of the Ordinance is significant and the property can be used for residential development; that the harm to the neighborhood is significant and the property can be used for residential development; that an industrial development within residential zoning will cause diminution of surrounding property values; that the Applicant does not have to develop conceptually as they have the ability to develop residentially; and that to develop industrial projects within residential zoning is not reasonable. Mr. Sakati voted to deny as all five (5) factors failed.

Mr. Dion spoke to his second and stated that it would alter and threaten the character of the neighborhood as a storage facility does not fit with the neighborhood; that the justice to the property owner will not harm the general public; that its impact on surrounding property values should be neutral; that the change in Zone causes the hardship and that the proposed use is a reasonable one. Mr. Dion voted to deny having failed criteria 1 & 2.

Mr. Lanphear voted to grant the Variance citing that all five (5) criteria were satisfied; that the use will not hurt or change the area being setback so far from the road; that when the land was purchased that portion of the land was in the G Zone that permitted this use and the passing of a partner in the business caused a long delay in the development of the plan; that due to the area and property it will not harm the public or individuals and is a good plan for the use; that it will not diminish surrounding property values; that the hardship is caused by the change from the G Zone to the R-2 Zone and that the proposed use is a good use for the property.

Mr. McDonough voted to deny the Variance stating that the criteria were not satisfied; that the Town voted to change the Zone and the proposed use would go

against that purpose and change the character of the neighborhood; that the proposed use is completely against the Ordinance and would alter the character of the neighborhood and does not meet the spirit of the Ordinance; that the general public would be harmed by mistrusting the change to the Zone they voted on and a storage facility is not something the neighbors would expect in their R-2 Zone; that there is potential decrease in surrounding property values due to fears associated with storage units; that the hardship criteria is not met as the proposed use goes against the nature of the neighborhood and what the Town voted on to change; and that the proposed use is not in line with the neighborhood and the land could be developed as residential.

Mr. Daddario voted to deny the Variance as it failed to meet four (4) of the criteria stating that the proposed use is not consistent with the surrounding area; that it does not comply with the Town's recent change in its Zone in order to maintain the character of the neighborhood; that the benefits to the owner do not outweigh altering the character of the neighborhood and that the property has multiple options for permitted uses; that the high volume of testimony received suggests surrounding property values would be less desirable and the Applicant did not show otherwise; and that the Zone change was not the fault of the Applicant and nor was it foreseen at the time of purchase.

Vote was 4:1. Motion carried. Variance denied. The 30-day Appeal period was noted

VI. REQUESTS FOR REHEARING:

No requests were received for Board consideration.

VII. REVIEW OF MINUTES: 11/14/2024 edited draft Meeting Minutes

Mr. Lanphear made the motion to approve the 11/14/2024 Minutes as presented. Mr. Sakati seconded the motion. Vote was unanimous. Minutes approved.

VIII. OTHER BUSINESS:

- 2025 ZBA Meeting Schedule

Board reviewed and made no changes

- Tentative overflow ZBA Meeting on January 9, 2025. Member availability?

Members checked their availability and four (4) confirmed they would attend. Mr. Sullivan reminded everyone to keep the Case packet in their meeting folder tonight for that meeting

- Next regularly scheduled ZBA Meeting is Thursday, January 23, 2025
- Reminder- Election of new ZBA Officers-January 23, 2025. *Per the Town of Hudson, NH ZBA Bylaws, Chapter 143 of the Town Code, § 143-5. A., B., & C regarding Officers: A Chairperson, Vice-Chairperson and Clerk shall be elected annually by a majority vote of the Board at the first meeting in the month of January...*

So noted. Mr. Daddario stated that his term expires this month and he had thought not to renew but in light of events in his life cannot guarantee completing this next term and offered the Chairmanship to any who would like the challenge. Mr. Dumont stated that on behalf of the Selectmen, they were pleased to see his submission for reappointment to another term and are grateful for whatever time he can dedicate because everyone knows volunteering is time consuming. Several Members extended their appreciation for his dedication as well.

- 2025 ZBA Training/Workshops?

Mr. Sullivan stated that he is pursuing options and will advise on available options.

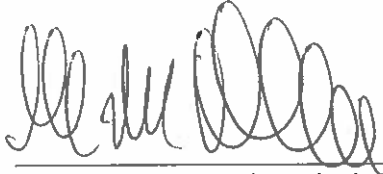
- ZORC – Zoning Ordinance Review Committee

Mr. Sullivan reported that there is one more meeting on the 17th where they hope to finish up a few more items.

IX. ADJOURNMENT:

Mr. Landhear made the motion to adjourn the meeting. Mr. Sakati seconded the motion. Vote was unanimous. The 12/12/2024 ZBA meeting adjourned at 10:10 PM.

Respectfully submitted,



Gary M. Daddario, Chairman