



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142

MEETING MINUTES – December 12, 2024 - DRAFT

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

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

59
60 Mr. Onoroski went through the criteria for the granting of a Special Exception Home
61 Occupation.

62
63 Mr. Martin asked and received confirmation that all shipments would be made from
64 the PO Box and transported by the personal pickup truck and all supplies would be
65 brought to the residence by the pickup truck. Mr. Martin asked about the hours of
66 operation. Mr. Onoroski responded that it is dependent on when the orders are
67 received, being an online business, and added that his goal is to complete an order
68 for shipping the following day.

69
70 Mr. Sakati asked to address the frequency and storage of the supplies to fill the first
71 aid kits and Mr. Onoroski explained that he intends to operate like a redistributor,
72 that orders would be placed based on need and confirmed that all would be stored
73 in his basement. Mr. Dion asked if commercial contracts would be sought and Mr.
74 Onoroski responded that he has no intention, especially considering he's a solo
75 operator. Mr. Dion noted that there are two (2) categories of medical kits and each
76 are subject to medical regulations.

77
78 Public Testimony opened. No one addressed the Board. Mr. Dion read letter from
79 Abutters of 65 Wason Road expressing support for their neighbor and his home
80 based business. Public hearing portion closed at 7:22 PM.

81
82 Mr. Lanphear made the motion to grant the Home Occupation Special Exception as
83 requested. Mr. Sakati seconded the motion.

84
85 Mr. Lanphear spoke to his motion stating that the business would be secondary to
86 his home and conducted in the basement with no exterior sign or storage, no
87 customers to site as it is all online sales, will have no customers to the site and will
88 not produce any noise vibrations odors etc. Mr. Lanphear voted to grant.

89
90 Mr. Sakati spoke to his second noting that every criteria has either been satisfied or
91 simply does not apply, specifically that the business will be conducted in the
92 basement, that it is secondary to the residential use of the property, that there will
93 be no sign or exterior storage or noise, odors, heat or glare, that there will be no
94 traffic to the site as it is all online sales and therefore has no need for any
95 customers or parking required. Mr. Sakati voted to grant.

96
97 Mr. Martin voted to grant and noted that every criteria has either been satisfied or
98 does not apply. Mr. Dion voted to approve and grant the Home Office Special

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

102
103 Vote was 5:0. Home Occupation Special Exception granted. The 30-day Appeal
104 period was noted. Mr. Onoroski was thanked for his military service.

105
106 The meeting room was reopened. Question raised if there were more people present
107 that the meeting room has capacity for with regard to the third Case, how
108 would/could the meeting proceed. Board took a recess to confer with HCTV to see if
109 the possibility exists to broadcast the meeting in the overflow room. Meeting called
110 back to order at 7:36 PM. Mr. Daddario stated that microphones have been set up
111 in the overflow room so they will have the capacity to hear what is being said and
112 when the meeting is opened for public input, the public can be rotated.

113
114 2. **Case 157-059 (12-12-24):** Jeremy & Nicole Lyon, **28 Robin Dr., Hudson, NH**
115 requests a Home Occupation Special Exception to operate a home office for the
116 management and administrative needs of a handyman service business with all
117 services performed off-site. [Map 157, Lot 059, Sublot-000; Zoned Residential-
118 One (R-1); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

119
120 Mr. Sullivan read the Case into the record, noted that it is an existing non-
121 conforming lot of record and that no in-house review comments have been received.

122
123 Mr. Martin made the motion to defer the hearing to the January 9, 2025 meeting.
124 Mr. Lanphear seconded the motion. Roll call vote was 5:0. Motion carried.

125
126 3. **Case 211-067 (12-12-24):** George Hurd, Mgr., Tumpney Hurd Clegg, LLC, **72**
127 **Burns Hill Rd., Hudson, NH** requests a Variance for a proposed construction of
128 four (4) self-storage units totaling 18,950 SF in the rear portion of the vacant
129 24.816 acre lot previously zoned as General (G) but re-zoned to Residential-Two
130 (R-2) where this Industrial Use (E-13) is not permitted. Self-storage use is only
131 permitted in the Industrial (I) and General-One (G-1) Zones. [Map 211, Lot 067,
132 Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-
133 21, Table of Permitted Principal Uses]

134
135 Mr. Sullivan read the Case into the record, noted that the 24.816 acre site is vacant
136 and was once farmland and does have wetlands and is in close proximity to the
137 Town dump site and that the Associate Town Planner has noted that if the Variance
138 is granted, the Applicant will also need to go to the Planning Board for a Conditional
139 Use Permit as well as requiring Site Plan Review and approval.

140
141 Mr. Martin recused himself due to personal relationship with the Applicant.
142 Alternate McDonough appointed to Vote.

143
144 A head count was taken in the meeting room for compliance.

145
146 Atty. Colin Jean of Nashua NH introduced himself and Michael Grainger of MJ
147 Grainger Engineering and stated that they are representing the Property Owner

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

150
151 Atty. Jean stated that his client purchased the 25-acre parcel in July 2021 with its
152 frontage on Burns Hill Road that directly abuts the former and now capped Town of
153 Hudson Dump and other residential properties. At the time of purchase, the parcel
154 was in two (2) zones with the rear in the G Zone and the front in the R-2 Zone. Soil
155 assessment began in September 2021 and engineering and survey work began in
156 early 2022 and a site plan was designed in July 2023. Reference was made to the
157 Conceptual Site Plan dated 7/6/2023 prepared by MJ Grainger Engineering, Inc.,
158 that identified the original demarcation of the two (2) zones in the property and the
159 proposed access drive of approximately eight hundred feet (800') in length to the
160 proposed storage units and the elongated frontage on Burn Hill Road.
161 Unfortunately, the unforeseen and sudden death of Robert Clegg occurred August
162 2023 and caused suspension of the LLC's progress until reorganization and estate
163 related matters could be settled. Plans resumed in the beginning of October 2023
164 with the continued intent to develop the rear portion of the property in the G Zone
165 for the construction of a storage unit facility. The use of the remainder of the
166 property was placed on hold with the intent to pursue residential development at a
167 future date.

168
169 However, at the March 2024 Town Meeting Vote, Article 44 was passed re-zoning
170 certain areas in the G Zone to the R-2 Zone and that affected this property. The
171 storage facility, which was a permitted Use in the beginning of the project, is no
172 longer allowed in its new Zone without a Variance.

173
174 The Town of Hudson has two (2) active deep test wells on the property adjacent to
175 the former Town Dump. It has been the plan from day one to incorporate those
176 wells into the portion of the property designated for the storage facility. The adverse
177 effect of the Town Wells on the value of the land designated for the storage units
178 would be less impactful than on the sections designated for residential
179 development.

180
181 Atty. Jean stated that his client's intention is to construct four (4) storage units on
182 the rear portion of the 24.816-acre parcel which was originally in the G Zone but
183 changed to the R-2 Zone this past year (March 2024) and referred to the Conceptual
184 Site Plan dated July 6, 2023 prepared by MJ Grainger Engineering, LLC that shows
185 the twenty thousand square feet (20 SF) will be serviced by a private way with
186 frontage on Burns Hill Road and will be serviced by private septic and is well
187 forested on all sides.

188
189 Atty. Jean addressed the criteria necessary for the granting of a Variance and the
190 information shared included:

- 191
192 (1) *not contrary to public interest*
- 193 • The proposed variance is not contrary to the public interest because the
194 portion of the property designated for use was historically in the G Zone and
195 is in the rear of a very large 25 +/- acre parcel and would be out of view
196 from the public and therefore not alter the essential character of the
197 neighborhood

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

- 246 • The original intent when the land was purchased was to include the storage
247 units in the area of the test wells and leave the remainder of the property
248 to be subdivided for residential purposes
249

250 Mr. Lanphear asked about the wetland on the property and Atty. Jean confirmed
251 that the proposed access drive goes around the wetland. Mr. Dion stated that the
252 future plans for the west side of the property included? Atty. Jean stated that the
253 change to eliminate the G Zone from the property came into effect this past March
254 which now required a variance for the placement of the storage units. Atty. Jean
255 stated that in combination with the untimely death of one of the Property Owner's
256 Members that have decided to initially pursue the variance for the storage units and
257 if granted then they would proceed with the design of the residential development.
258 Atty. Jean noted that if it were not for the need to pursue the variance, they would
259 have presented one complete comprehensive development application. Mr. Dion
260 asked if it is the intent to have the residential portion utilize the proposed access
261 way shown on the Conceptual Site Plan and after a quick confirmation with Mr.
262 Grainger, Atty. Jean stated that it would not necessarily be as there is ample
263 frontage on Burns Hill Road. Mr. Dion questioned the proposed security lighting
264 and asked if it would be illuminated all night. Mr. Grainger responded that the
265 proposed lighting would all be down cast and on all night and added that there
266 would be security fencing all around the storage units. Mr. Dion stated that the
267 proposed hours for access to the storage units were to be 7AM – 7PM and asked
268 how that would be controlled. Mr. Grainger stated that the security fence would be
269 equipped with automatic security locks for the opening and closing. Mr. Dion
270 questioned water. Mr. Grainger responded that there is a waterline that connects to
271 the Town water main line and noted that it will be extended to the storage units for
272 safety measures only as there is no water or electricity in the individual storage
273 units. In response to Mr. Dion's other question, both Atty. Jean and Mr. Grainger
274 responded that the intended uses for the units is for residential storage only so
275 there will be no commercial or industrial storage. In response to the current water
276 issues along Burns Hill Road, Atty. Jean confirmed that they will include some of
277 its solution when they design the residential portion of the project and present it to
278 the Planning Board.
279

280 Mr. Dumont suggested that the ZBA purview be clearly stated before opening up the
281 meeting for public testimony.
282

283 Public testimony opened at 8:04 PM. No one from either the overflow room or the
284 meeting room spoke in favor of the application. Mr. Daddrio next opened the
285 meeting to anyone wishing to speak in opposition and, as suggested by Mr.
286 Dumont, explained the difference between the Zoning Board and the Planning
287 Board and noted that the Zoning Board has limited authority and is limited to the
288 *type of use*. Operation details fall in the Planning Board's purview.
289

290 Mr. Daddario noted that the time is now 8:09 PM and asked that everyone try to
291 limit their time to one to two minutes, to please not repeat prior testimony but can
292 just state whether they agree with it or not, that all communication is to be
293 addressed and directed to the Board only and that the overflow room has been set
294 up so they can hear what is being said in the meeting room, and that the public in
295 the meeting room will be able to address the Board first.
296

297 The individuals who addressed the Board included:
298

299 (1) Gretchen Whiting, 22 Glenn Drive, distributed packets of information and
300 stated that the parcel did get rezoned to Residential-Two (R-2) and abuts
301 the Residential-One (R-1) zoned, thanked the Town for having listened to
302 their concerns and passed the Warrant Article that rezoned from General
303 Zone to a Residential-Two Zone, expressed concern with bringing in
304 waterline from the Old Dump especially considering that on August 8,
305 1985 there was 103 55-gallon leaking drums found on the old dump
306 property with some determined to contain VOCs and other contaminants
307 and there were also reports of asbestos found up and down Burns Hill
308 Road from the time when it was sold as 'clean fill' and added that NH DES
309 (Department of Environmental Services) has found such contaminants at
310 12, 18, 34 & 52 Burns Hill Road. On April 6, 2002, the Board of
311 Selectmen held a public hearing on the Burns Hill landfill and arsenic on
312 the surrounding wells. It has been realized that even though it has been
313 capped, there is no lining and is only capped with two feet (2') of soil.
314 Concern was expressed with any digging/disturbing of the soil in the area
315 would release any contaminants that have settled. Traffic is also another
316 concern and would include commercial vehicles during its development
317 and currently there have been an increasing number of vehicle accidents
318 on Burns Hill Road and there are no sidewalks for pedestrian safety. The
319 water table would also be affected as water by nature flows down hill,
320 which means it would flow onto Glenn Drive. There is a lot of wildlife in
321 the area and would suggest that a wildlife study be conducted.
322

323 Mr. Sullivan stated that the water pipe would not be coming from the
324 landfill site but down the Right of Way of Burns Hill Road. Mr. Dillon
325 concurred/confirmed.
326

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

348 public harm out weighs the public right of the applicant and we all know
349 putting up storage units is cheaper than building homes and their
350 required infrastructure and needs. The argument presented on
351 unnecessary hardship is tough to swallow – the zone was changed so
352 more houses could be built in Town to address the housing shortage in
353 the State. The burden of proof lies with the Applicant.
354

355 Mr. Lanphear questioned whether the Board should consider reading the letters
356 received thus far into the record as that could help facilitate comments like
357 agreements versus restatements. It was noted that the previous speaker also
358 submitted written comments. Mr. Sakati questioned the time limit placed on the
359 speakers and stated that out of respect there should not be any time restrictions.
360 Mr. Daddario stated that the time limit suggested was out of respect for all the
361 people present who wish to address the Board and noted that this room is filled to
362 capacity as well as the overflow meeting room. Mr. Sakati stated that this meeting
363 ends at 11 PM so it would then seem reasonable that if people present did not get to
364 speak tonight, the meeting would be continued to next month.
365

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

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- (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

- 449 Town people voted to declare this area Residential. To approve this
450 variance will do nothing but erode the confidence of the Board.
- 451 (9) Pete Radziewicz, 49 Burns Hill Road, stated that he is in agreement with
452 his neighbors and added that it is irrelevant whether the change was
453 made this past year or two years ago, the fact to keep in mind is that we
454 do not want to move backward. His home was once in the G Zone before
455 it was changed to Residential and if this passes, what's to stop him from
456 tearing his home down and setting up storage units because everybody
457 knows how cheap they are to build and maintain – its easy income – and
458 there goes the neighborhood.
- 459 (10) Joan Radziewicz, 49 Burns Hill Road, stated that she too is in
460 opposition to this variance and agrees with the facts her neighbors have
461 presented, that she has lived on Burns Hill Road since 1979 and has seen
462 many changes to the road, increases in traffic that she has trouble
463 fathoming and that's just with residential development and sees no need
464 or use to introduce this commercial use into their residential area. Ms.
465 Radziewicz stated that the applicant made a point to note that the storage
466 units would be out of site down this long 800' driveway so it would be
467 'invisible' but then they state that the remaining area would be cleared to
468 build residential housing development and that leaves the question of
469 whether these storage units would be left with any screening.
- 470 (11) Sharon Scarvalas, 92A Wason Road stated that she has lived there for
471 thirty eight (38) years and noted that Wason Road is higher than Burns
472 Hill Road and would end up looking down at the proposed security lights,
473 and added that traffic on Wason Road and Burns Hill Road is very bad
474 especially with the new Golf course project, that the wildlife will be
475 impacted and probably will disappear, and is very concerned about what
476 will actually be stored in the storage units and could bring more
477 contamination to the area. Ms. Scarvalas stated that she also sent an
478 email.
- 479 (12) Amy Reese, 20 Saint Francis Hill Place, stated that she is in agreement
480 with the points raised, and stated that she recognizes that a lot of her
481 concerns would need to be presented to the Planning Board and has
482 concerns that the residents did vote to make this a residential area and
483 changing it back to an industrial use is just contrary and a slap in the
484 face to the residents. This will impact the traffic, the values of our homes,
485 and the lighting will impact the residents and asked the Board to deny.
486
- 487 Mr. Daddario asked if there were any other people in the Meeting Room who wished
488 o speak. No one approached. Mr. Daddario noted that the time was 8:49 PM, put
489 the Board in recess for five (5) minutes at 8:50 PM so that individuals could vacate
490 the Meeting Room to allow those in the adjoining room to enter and address the
491 Board. Meeting resumed at 8:57 PM.
492
- 493 (13) Edward Thompson, 22 Burns Hill Road, agreed with previous
494 statements, stated that he moved here thirty three (33) years ago with the
495 intention of being here five (5) years and prior to moving here he was told
496 Hudson has crazy Zoning laws but he has noticed that in the past few
497 years, residents have started standing up and changing the Zoning laws
498 and things are getting better. In his opinion, the Town voted change in
499 Zoning to this area is a move in the right direction – this is a residential,

500 and only residential area. Burns Hill Road is a very busy road, he lives at
501 the bottom of the road and it is very common for traffic to fly by going
502 forty to fifty (40-50) miles per hour, noted that per the Town Engineer
503 traffic has more than doubled in the last five (5) years, and doing quick
504 math, with four (4) buildings, assuming 10'x10' units, could yield
505 approximately ninety (90) units and bring that much more traffic to this
506 residential area. Mr. Thompson stated that he could speak to all five (5)
507 criteria that must be met, but they've been addressed by others - like
508 impact to the essential character of the neighborhood would be shot, the
509 difficulty inherent in enforcing what goes into storage units which creates
510 an attractive nuisance that far from the road - and added the hardship is
511 really to his neighbors and that this project should simply be a non-
512 starter and noted that the Table of Permitted Uses identifies a lot of other
513 Uses compatible with residences.

514 (14) Frank Yeschanin, 5 Wildwood Terrace, and has been his home for the
515 past thirty plus (30+) years, that he opposes the variance and agrees with
516 all the statements made thus far.

517 (15) Ed Lang, 3 French Drive, stated that he has been a resident of Hudson
518 for over fifty (50) years and watched this neighborhood go from a wood lot
519 to a growing neighborhood with roads and residential developments into a
520 tight residential neighborhood and should stay that way and is opposed to
521 this variance.

522 (16) Larry Martone, 8 Saint Anthony Drive, stated that he agrees with all
523 the statements made and is also opposed to this variance.

524 (17) Richard Ings, 82 Wason Road, stated that he is opposed and agrees
525 with his neighbors and added that if rezoning is allowed to the eastern
526 side of this lot to Industrial or General, then the southern portion could
527 possibly be developed and literally be in the eyesight of 82, 84, 86 Wason
528 Road.

529 (18) Nicole Champagne, 85 Burns Hill Road stated that she has been there
530 for about five (5) years now and has learned so much about her
531 neighborhood and neighbors at this meeting and encouraged the Board to
532 deny what she will be able to see from the end of her driveway.

533 (19) Paul Matthews, 52 Burns Hill Road, stated that has been there about
534 a year now but prior to that he lived at 50 Burns Hill Road since the
535 1970's, stated that his mom sold this land to them and neither supports
536 or opposes but does agree with the points his neighbors have made, that
537 he has spoken to his mother who is also neutral to this, and asked the
538 Board to think about it being your house/home right next door to them
539 (the storage units) and how it could be without consideration to improving
540 Burns Hill Road and putting in sidewalks, perhaps a traffic light, do
541 something about the speeding, that he has already lost two (2) dogs to
542 Burns Hill traffic flying by at fifty miles per hour (50 mph).

543 (20) Patricia McGrath, 80 Wason Road, and stated that what they look
544 down on is water and woods and in her opinion, that is how it should be
545 and should stay and to have to look down on the proposed facility will
546 definitely impact her neighborhood and is in agreement with all her
547 neighbor's concerns and points made tonight.

548
549 Being no one else to address the Board, public testimony closed at 8:59 PM.
550

551 Mr. Dion asked if there was to be any signage for the storage units. Atty. Jean
552 stated that he is not aware of any signage and Property Owner George Hurd, 13
553 Merrimack Street, added that he assumes that would be determined at the Planning
554 Board. Mr. Hurd stated that they had a plan on July 6, 2023, then his partner dies
555 in August and the Warrant Article came out in October and there was simply no
556 time to submit an application before October.

557
558 Mr. Dion inquired about the number of rental units being proposed. Mr. Hurd
559 stated that if all were 10'x10' there could be up to one hundred and eighty (180) but
560 there's a good possibility there will be some 10'x20' also available and he estimates
561 that there would be about a hundred and fifty (150) total. Mr. Dion asked if the
562 structures would be double stacked or single layer and Mr. Hurd confirmed they
563 would be single storage structures.

564
565 Atty. Jean stated that he has heard the concerns and stated that the parcel before
566 the Board is not the former dump, the former dump is still owned by the Town of
567 Hudson and is now capped; and the way water flows is downhill and this parcel
568 does not flow towards Glenn Drive on the other side of the dump closer to 52 Burns
569 Hill Road; and Burns Hill Road is a well traveled and busy road and with respect to
570 what this project may have on that is for the Planning Board to determine and can
571 require a traffic study if they choose and added that if one researched how often
572 people visit their storage units, with 100-150 units, there's about 25% that go once
573 a week, 50% go once a month and the remainder go once or twice a year; with
574 regard to impact on neighbors, there is really nothing for neighbors to see and with
575 a distance of about 400' to their rear neighbors there should be no impact regarding
576 light; and with respect to the hardship issue, it is a valid point that when the
577 property was purchased it was with the intention and knowledge that it was
578 partially rated in Zone G and the fact that it was changed after considerable
579 engineering investment should be considered with some merit because that was
580 unusual; and the placement of the units does not lend itself to threaten the
581 residential development intended for the front (roadside) of the parcel.

582
583 Mr. Dumont stated that what is before the Board is for a singular use and if in the
584 future an expansion is desired it would need to return to the Board for an
585 expansion of what may be granted tonight. Mr. Sullivan confirmed.

586
587 Mr. Lanphear stated that when dealing with a Zoning change, asked Atty. Jean how
588 he has seen this type of Case being handled in Court. Atty. Jean stated that the
589 majority of people who spoke tonight are not direct Abutters and, in his opinion,
590 does not directly relate to what the Applicant is seeking. Discussion arose. Mr.
591 Sullivan stated that he has not seen this type of scenario in Hudson but in other
592 communities and those fell into the 50/50 range. Mr. Dumont stated that it could
593 apply to the hardship criteria and the change in zone was not anticipated but was
594 imposed by the Town.

595
596 Mr. Dion asked if there is a reason why houses could not be constructed in that
597 portion of the parcel. Atty. Jean stated that it is not wide open land considering the
598 wetlands and that no plans have been finalized regarding the number of residences
599 but would estimate seven (7) or eight (8) along Burns Hill Road. Mr. Hurd added
600 that trying to sell homes in an area just designated Residential from the General

601 Zone in close proximity to the old Town Dump next to Town owned test wells
602 because of the proximity to the Old Town Dump would be a tough sell.

603
604 At 9:27 PM Mr. Daddario called the public hearing portion of the meeting to a close
605 and brought the matter before the Board.

606
607 Mr. Lanphear stated that single family homes, duplexes and even a big church are
608 Permitted Uses in the Residential Zone as is having a Christmas tree farm and
609 noted that there are some business aspects allowed.

610
611 Mr. Sakati stated that he believes the first four criteria have not been met but
612 questions the hardship criterion as it is really gray but it's still introducing a
613 business/industrial use into a residential neighborhood. Mr. Dumont agreed, it is
614 gray and that the change in Use should be considered as a factor. Other Members
615 noted other businesses in the vicinity.

616
617 An overview of the neighborhood was displayed and it was noted that it is all
618 residential. Discussion continued and focused on diminution of surrounding
619 property values and hardship created by a Zone change.

620
621 Mr. Sakati made the motion to deny the Variance request. Mr. Dion seconded the
622 motion.

623
624 Mr. Sakati spoke to his motion and stated that all five (5) criteria were not satisfied
625 as the request is contrary to the public interest and does alter the character of the
626 area as it would be the only industrial use in the vicinity of the residential
627 neighborhoods; that the spirit of the Ordinance is significant and the property can
628 be used for residential development; that the harm to the neighborhood is
629 significant and the property can be used for residential development; that an
630 industrial development within residential zoning will cause diminution of
631 surrounding property values; that the Applicant does not have to develop
632 conceptually as they have the ability to develop residentially; and that to develop
633 industrial projects within residential zoning is not reasonable. Mr. Sakati voted to
634 deny as all five (5) factors failed.

635
636 Mr. Dion spoke to his second and stated that it would alter and threaten the
637 character of the neighborhood as a storage facility does not fit with the
638 neighborhood; that the justice to the property owner will not harm the general
639 public; that its impact on surrounding property values should be neutral; that the
640 change in Zone causes the hardship and that the proposed use is a reasonable one.
641 Mr. Dion voted to deny having failed criteria 1 & 2.

642
643 Mr. Lanphear voted to grant the Variance citing that all five (5) criteria were
644 satisfied; that the use will not hurt or change the area being setback so far from the
645 road; that when the land was purchased that portion of the land was in the G Zone
646 that permitted this use and the passing of a partner in the business caused a long
647 delay in the development of the plan; that due to the area and property it will not
648 harm the public or individuals and is a good plan for the use; that it will not
649 diminish surrounding property values; that the hardship is caused by the change
650 from the G Zone to the R-2 Zone and that the proposed use is a good use for the
651 property.

652
 653 Mr. McDonough voted to deny the Variance stating that the criteria were not
 654 satisfied; that the Town voted to change the Zone and the proposed use would go
 655 against that purpose and change the character of the neighborhood; that the
 656 proposed use is completely against the Ordinance and would alter the character of
 657 the neighborhood and does not meet the spirit of the Ordinance; that the general
 658 public would be harmed by mistrusting the change to the Zone they voted on and a
 659 storage facility is not something the neighbors would expect in their R-2 Zone; that
 660 there is potential decrease in surrounding property values due to fears associated
 661 with storage units; that the hardship criteria is not met as the proposed use goes
 662 against the nature of the neighborhood and what the Town voted on to change; and
 663 that the proposed use is not in line with the neighborhood and the land could be
 664 developed as residential.
 665

666 Mr. Daddario voted to deny the Variance as it failed to meet four (4) of the criteria
 667 stating that the proposed use is not consistent with the surrounding area; that it
 668 does not comply with the Town's recent change in its Zone in order to maintain the
 669 character of the neighborhood; that the benefits to the owner do not outweigh
 670 altering the character of the neighborhood and that the property has multiple
 671 options for permitted uses; that the high volume of testimony received suggests
 672 surrounding property values would be less desirable and the Applicant did not show
 673 otherwise; and that the Zone change was not the fault of the Applicant and nor was
 674 it foreseen at the time of purchase.
 675

676 Vote was 4:1. Motion carried. Variance denied. The 30-day Appeal period was
 677 noted
 678

679 **VI. REQUESTS FOR REHEARING:**

680
 681 No requests were received for Board consideration.
 682

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

684
 685 Mr. Lanphear made the motion to approve the 11/14/2024 Minutes as presented. Mr.
 686 Sakati seconded the motion. Vote was unanimous. Minutes approved.
 687

688 **VIII. OTHER BUSINESS:**

689
 690 • 2025 ZBA Meeting Schedule
 691
 692 Board reviewed and made no changes
 693

694 • Tentative overflow ZBA Meeting on January 9, 2025. Member availability?
 695

696 Members checked their availability and four (4) confirmed they would attend. Mr.
 697 Sullivan reminded everyone to keep the Case packet in their meeting folder tonight for
 698 that meeting
 699

700 • Next regularly scheduled ZBA Meeting is Thursday, January 23, 2025
 701 • Reminder- Election of new ZBA Officers-January 23, 2025. *Per the Town of*
 702 *Hudson, NH ZBA Bylaws, Chapter 143 of the Town Code, § 143-5. A., B., & C*

703 *regarding Officers: A Chairperson, Vice-Chairperson and Clerk shall be elected*
704 *annually by a majority vote of the Board at the first meeting in the month of*
705 *January...*
706

707 So noted. Mr. Daddario stated that his term expires this month and he had thought
708 not to renew but in light of events in his life cannot guarantee completing this next
709 term and offered the Chairmanship to any who would like the challenge. Mr. Dumont
710 stated that on behalf of the Selectmen, they were pleased to see his submission for
711 reappointment to another term and are grateful for whatever time he can dedicate
712 because everyone knows volunteering is time consuming. Several Members extended
713 their appreciation for his dedication as well.
714

- 715 • 2025 ZBA Training/Workshops?

716
717 Mr. Sullivan stated that he is pursuing options and will advise on available options.
718

- 719 • ZORC – Zoning Ordinance Review Committee

720
721 Mr. Sullivan reported that there is one more meeting on the 17th where they hope to
722 finish up a few more items.
723

724 **IX. ADJOURNMENT:**

725
726 Mr. Lanphear made the motion to adjourn the meeting. Mr. Sakati seconded the
727 motion. Vote was unanimous. The 12/12/2024 ZBA meeting adjourned at 10:10 PM.
728

729
730 Respectfully submitted,
731 Louise Knee, Recorder
732

733
734 _____

