



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – June 27, 2024 – approved

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, June 27, 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. Please enter by the ramp entrance at right side.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Chairman Daddario called the meeting to order at 7:02 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board's Bylaws) regarding the procedure and process for the meeting.

Mr. Martin made the motion to adjust the order of the Agenda to hear the third Case (Case #165-049) before the three-part second Case (Case #198-012, a, b, & c). Mr. Lanphear seconded the motion. Vote was unanimous. Agenda order altered.

III. ATTENDANCE

IV. SEATING OF ALTERNATES

Clerk Dion called the attendance. Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate/Clerk), Tim Lanphear (Regular) and Normand Martin (Regular/Vice Chair)). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Mr. Sullivan noted that Dean Sakati (Regular) would be late. Alternate Dion was appointed to vote. All Members present voted. Mr. Sakati arrived at 7:36 PM.

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 182-003-008 (06-27-24):** Peter Madsen, Project Engineer, Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH requests an Equitable Waiver of Dimensional Requirement for **18 Garden Circle, Hudson, NH** to allow a newly poured foundation to remain in its current location, which encroaches 0.5 feet into the side yard setback leaving 14.5 feet where 15 feet is required. [Map 182, Lot 003, Sublot-008; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 6/14/2024 and noted that no in-house comments were received. Mr. Daddario stated that per the room's capacity, there is in excess two (2) individuals and asked that if

you are not concerned about this Case to please exit the room and confirmation was given that reentry would be possible.

Peter Madsen, Project Engineer from Keach-Nordstrom Associates, Inc. of Bedford, NH, introduced himself as representing the Property Owner Etchstone Properties, Inc. and introduced Chris Hickey, Head of Survey from Keach-Nordstrom Associates, Inc. and noted that there were two (2) representatives from the Project Developer also present in the audience.

Mr. Madsen stated that they seek an Equitable Waiver for Lot #3-008 and addressed the criteria outlined in RSA 674:33-a.I. The information shared included:

- (a) discovered too late
 - the violation was not noticed until the certified plot plan was prepared where it was discovered that the revision made to the western boundary line of the property during the subdivision application process but when the change was made it was not updated appropriately and the error was carried through to both the recorded subdivision plans and the lot development plans and was not discovered until after the foundation had been laid out and poured
- (b) innocent mistake
 - the violation was caused by a good faith error in calculation by the design engineer and the project surveyor during the subdivision application process and was not an outcome of ignorance of law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of the owner or his agent
 - the minimum building setback line was never updated accordingly on the project plans when the western lot line was adjusted and updated
- (c) no nuisance
 - the violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor adversely affect any present or permissible future uses
 - the encroachment is 0.5 feet into the 15' setback does not alter the character of the overall development especially when one considers that fact that the foundation poured for Lot 3-007 is 32.3 feet away from the property line
- (d) high correction cost
 - the cost of correction far outweighs any public benefit
 - re-construction efforts would include re-excavation of the lot, forming and re-pouring of the new foundation a mere six inches from its current location. The effort would prolong disturbance to the abutting residential properties and any public benefit to be gained is inconsequential when compared to the cost of correction.

Public testimony opened. No one addressed the Board. Mr. Martin read the email received from abutters Jessica and Jeffrey Clegg of 59 Central Street dated 6/19/2024 that stated that they have no issues with the slightly reduced setback line. Public testimony closed at 7:21 PM.

Mr. Martin made the motion to grant the Equitable Waiver of Dimensional Requirement. Mr. Lanphear seconded the motion.

Mr. Martin spoke to his motion stating that it was discovered too late in the process, that despite the error, it has been handled professionally and timely, that it does not present a nuisance and that there would be a high correction cost as the foundation is poured. Mr. Martin voted to grant.

Mr. Lanphear spoke to his second, agreed with Mr. Martin's reasoning and stated that it was a good thing to address at the point of discovery and not later, like then the building was constructed. Mr. Lanphear voted to grant.

Mr. Dion voted to grant and agreed with the reasoning presented by Mr. Martin.

Mr. Daddario voted to grant stating that the discovery was not made until after the foundation was poured, that it was an innocent mistake, that moving a foundation six inches compared to the cost for such a move is not cost beneficial especially considering that favorable testimony has been received that the six inches does not pose a nuisance and that there would indeed be a high correction cost.

Vote was 4:0. Relief granted. The 30-day Appeal period was noted

The Board next addressed Agenda #3, Case #165-049

2. **Case 198-012 (06-27-24):** Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requests three (3) Variances as follows for a proposed gas station/convenience store/car wash to be constructed at **91-97 Lowell Road, Hudson, NH** [Map 198 Lots 011, 012, 014, 015, 016 Zone B (Business)]:

Mr. Sullivan read the request into the record, stated that he would read each Variance request as they were presented to the Board for consideration and noted that in his Staff Report initialed 6/17/2024, no in-house departmental comments were received from the Town Planner, Town Engineer or the Fire Department.

- a. **Wall Signs:** A Variance to allow three (3) Business and Industrial wall signs where only one (1) is permitted. [HZO Article XII: Signs; §334-63, Business and industrial building signs]

Mr. Sullivan read the Case into the record. Chris Drescher, attorney from Cronin, Bison & Zalinsky PC introduced himself on behalf of the Applicant and other members of the team in the audience available to answer questions – Jason Cook of TF Moran, Mike Decco Director of construction and maintenance for Seasons Market, Jay Hall, in-house counsel for Seasons Market and seated at the applicant's table, Chris Rice, engineer from TF Moran.

Atty. Drescher stated that they seek a variance to allow for three (3) wall signs where only one (1) is allowed. Atty. Drescher referred to Exhibit 1 that identifies all the signs proposed for the plan. The signs proposed to be on the main building are: Sign C for the brand for the business – Seasons; Sign D for the Convenience Store - Corner Market; and Sign E is for the co-brand, an independent business like a Subway or a Dunkin Donut.

Atty. Drescher identified the location of the site at the end of the Business district at an elevation lower than Lowell Road and surrounded by a vegetative buffer, stated that the intended project as a whole is for a gas station, convenience store and carwash to be constructed at 91-97 Lowell Road and that currently the property is undeveloped and consists of multiple lots that will be merged into one (1) lot totally approximately five (5) acres. Atty. Drescher stated that the property is within the Aquifer area where gas stations are not typically allowed; however its transmissivity is within the "Low-Moderate Yield" and noted that the surrounding area is almost exclusively commercial and that the property does abut the Town Residential (TR) Zone.

Atty. Drescher stated that to place all three businesses on one sign would not only be confusing to a customer but given the restrictions of sign size it would be too difficult to fit all the information onto one sign. Atty. Drescher noted that the signs would not be visible from the road due to the elevation of the site and would only be visible to customers coming into the site.

Atty. Drescher next addressed the criteria necessary for the granting of a Variance. The information shared included:

(1) *not contrary to public interest*

- There is a lot of information to be conveyed on the signage for the main building, indeed for the property as a whole.
- A sign is needed for the business brand (Season's), a sign for the convenience store (Corner Market) and a sign for the co-brand, such as Dunkin Donut
- The number of proposed signs are not only necessary but will accomplish the goal without creating a confusing eyesore or overtly offending the Zoning Ordinance as its purpose does not allow signage to get too large, too unsightly, or cause any distractions for motorists and Section 334-63 restricts the number of signs for the simple goal of avoiding an overabundance of signs on a single structure
- The signs will not be visible to passing motorist and will not cause confusion as they will only be visible once a customer has entered into the site to utilize its services and amenities
- There are several businesses that will be located in the main building and each should enjoy its own advertisement from the building's exterior
- The signs are inline with the commercial character of the neighborhood and will not pose any threat to the health, welfare and safety of the surrounding area nor will it be visible from Lowell Road or Atwood Avenue
- The signs are needed to identify specific businesses inside the main building located on the property and will not detract from the essential character of the neighborhood nor be a threat to public safety

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

- the spirit of the Ordinance will be observed, as outlined above

(3) *substantial justice done*

- the loss to the applicant in not granting the variance would far outweigh any benefit to the general public
- the signs need to accurately convey the various businesses and amenities that will be available in the main building, to help bring customers into the main building

- the signs will not obstruct sightlines or block any abutting commercial properties
 - if the variance is denied, the public gains nothing
 - the signs are meant to be informational and avoid confusing the public and denial would result in a more confusing layout for the businesses within
- (4) *not diminish surrounding property values*
- currently the property is an undeveloped eyesore, so the overall project would be a significant improvement
 - the abutters are largely other commercial properties with signs to attract customers
 - the proposed signs will not block any of the abutters from sight of their own potential customers
 - the signs will not be visible from Lowell Road or Atwood Avenue
 - a developed site, versus an undeveloped site, will not diminish surrounding properties but very likely have a positive effect
- (5) *hardship*
- the special condition is satisfied due to the unique part of Lowell Road where the property sits
 - despite being right in the heart of the Business Zone, the property falls into a business “dead zone”. Across the street is a restaurant, entrance to Country Road and a vacant commercial lot; there’s a large vegetative buffer to the abutting north lot that obstructs the property’s view for anyone driving south; the abutting property at 99 Lowell Road to the south seems to be a preexisting nonconformity with regard to setback with its structure almost on top of Lowell Road that obscures view from anyone traveling north
 - what is being proposed is a gas station/EV charging station/convenience store/carwash is a common combination of businesses
 - Lowell Road is a State highway and can handle the traffic
 - The signs cannot be seen from Lowell Road or Atwood Avenue and to force all three signs to be crammed onto one sign would not only be confusing to the customers but difficult to read with the smaller print
 - It is a reasonable use and a reasonable ask
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Mr. Rice noted that the total sign size is less than what is permitted in the Zoning Ordinance but they are asking for three (3) signs.

Mr. Martin questioned the need for a sign for the co-brand, that it would be a gas station with a convenience store and they all sell food, that a sign telling him there’s a Subway in the store is not necessary. Mr. Dion commented that some Walmart Stores have separate signage for ‘groceries’ or ‘Subway’ or pharmacy.

Mr. Dion stated that there are three (3) other gas stations/convenient store combinations on Lowell Road. Atty. Drescher stated that there is hardship from the land and from the Ordinance and added that the building is approximately two hundred feet (200’) into the site. Mr. Dion asked if the hardship is self-imposed with placing the building so far into the site. Mr. Rice stated that the proposed site plan follows tradition, that it is commonplace to place the gas pumps in front of the building.

Public testimony opened at 9:33 PM. No one addressed the Board. Mr. Daddario read the written public comments received from Martha LaChance of Lowell Road expressed concern regarding traffic. Public testimony closed at 9:34 PM.

Mr. Martin stated that he is not opposed to the proposal but finds it unnecessary to identify what else is being offered inside. Mr. Dion stated the he feels that it is a self-imposed hardship with the placement of the building so far back from the road and referenced the Irving station that did not require a Variance per Mr. Martin. Mr. Daddario stated that he views the hardship criteria with regard to the restrictions of the Zoning Ordinance and noted that the total of the proposed three (3) signs does not exceed what is permitted in the Zoning Ordinance for a single wall sign.

Mr. Lanphear made the motion to grant the Variance as requested and as identified as #5 on the proposed plan. Mr. Martin seconded the motion.

Mr. Lanphear spoke to his motion stating that the granting will guide the public where to go, that it does observe the spirit of the Ordinance, that it will not diminish surrounding property values and that hardship is met and the proposed layout is clear and proper. Mr. Lanphear voted to grant with the stipulation.

Mr. Martin spoke to his second stating that the proposed use is not contrary to public interest, that it will observe the spirit of the Ordinance, that substantial just would be done, that it will not diminish the values of the surrounding properties, that the Zoning Ordinance restricts the amount of signs on the property and the addition of two additional signs is reasonable and the proposed use is a reasonable one. Mr. Martin voted to grant with the one stipulation.

Mr. Sakati voted to grant with the one stipulation and stated that the request is not contrary to public interest, that the signage as shown is within the spirit of the Ordinance, that substantial justice would be done, that it would not diminish surrounding property values, that if denied it would result in unnecessary hardship and that the proposed use is a reasonable use.

Mr. Dion voted to grant with the stipulation and stated that it would not be contrary to the public interest as there are pre-existing gas stations in the surrounding area, that it does not alter the character of the neighborhood, that no harm will be done by the additional signs, that property values will not be diminished as there are similar sites in the neighborhood and that multiple signage is needed to be a more useable space and the proposed use is a reasonable use.

Mr. Daddario voted to grant with the stipulation and stated that it is not contrary to public interest, that it is consistent with the business character and will help the public identify services offered, that the total square footage of the three proposed signs is within the total allowed in the Ordinance, that there is no harm to the public, that no evidence was presented to suggest any change to the surrounding property values, that the purpose of the Ordinance is to prevent over abundance of signage, that each sign speaks to a specific separate business and the total is within the allowed ninety feet and the proposed use is a reasonable use and the basic signage identifies the businesses present at the main building.

Vote was 5:0. Variance granted with one stipulation that the sign be as presented on the sign plan prepared by TF Moran dated April 10, 2024. The 30-day Appeal period was noted.

- b. **Free-Standing Signs:** A Variance to allow a freestanding “pylon” sign with 146.9 SF where a maximum size of 100 square feet is permitted and; To allow five (5) freestanding signs where each individual site may have no more than one (1) freestanding pole or ground sign. [HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]

Mr. Sullivan read the request into the record. Atty. Drescher stated that they seek a variance for the big roadside pylon sign that lets everybody know that they are there and to allow for five (5) freestanding signs where only one is permitted. The proposed dimension of the pylon sign is 146.9 SF (square feet) where only 100 feet is permitted and to allow for five (5) freestanding signs. Atty. Drescher referred to Exhibit 1, the proposed sign schedule noting that Sign #1 is the roadside pylon, Sign W, the carwash menu, Sign R for the electrical charging location, Sign U for the Coin Box Canopy, Sign V for the Menu sign for the driveway thru and Sign F for the canopy over the gas pumps which will bear the Shell logo.

Atty. Drescher stated that when traveling north to south on Lowell Road the site would be on the right but just before there is a large vegetative wall obstructing the site’s view from the traveler. Traveling south to north, the same situation exists but by the daycare building into their front setback right up to Lowell Road. Atty. Drescher stated that this site will conform to the Zoning requirements, including setbacks, except for the signs being requested.

Atty. Drescher stated that the gas canopy will be setback 100’ from Lowell Road, and the main building will be over 200’ from Lowell Road. Atty. Drescher stated that there is no issue with the driveway line of sight, just the obstruction of view from a traveler’s point of view. The proposed 25’ tall pylon sign is not proposed to be taller than the Zoning requirements of 30’, but to be a little wider which will allow for a larger font and be easier to read.

Atty. Drescher stated that the Zoning ordinance allows for one freestanding sign per lot but the way the site is laid out and includes several services, like the charging stations, carwash, the drive through for the restaurant etc., relief is being sought to identify the location of the various services within the site.

- with regard to setback with its structure almost on top of Lowell Road that obscures view from anyone traveling north

the pylon sign is 5’ shorter than what is allowed in the Zoning Ordinance but the width needs to be larger to note the other businesses within the site – the carwash, the coffee shop, the Atty. Drescher next addressed the criteria necessary for the granting of a Variance. The information shared included:

(1) *not contrary to public interest*

- There is a lot of information to be conveyed on the pylon sign that has its view obstructed by the properties to its north and south

- The request is for a wider sign so that a larger font can be applied to facilitate motorists to identify all the services contained within the site and allow for sufficient time to adjust the lane they are traveling to enter the site
 - Lowell Road, also known as Route 3A, consists of two lanes of opposite traffic with a middle for turning
 - It is not contrary to public interest
 - The pylon will not obstruct the view or cause a distraction or obstruct the view of surrounding businesses
 - The pylon is more than the traditional gas station pylon as the number of businesses and services provided on site also require that be located on the pylon sign – and will include the convenience store, the separate coffee counter business, car wash and EV charging station
 - The pylon sign is in line with the essential character of the neighborhood, which is commercial in nature, and poses no threat to the health, welfare and safety of the surrounding area
 - The free-standing signs will pose no threat to the community, nor will they even be particularly visible from Lowell Road or Atwood Avenue
 - The free-standing sign are needed to identify specific areas of the property
 - The signs would not detract from the essential character of the neighborhood, which is being of a commercial character, nor be a threat to public safety
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- (2) *will observe the spirit of the Ordinance*
- the spirit of the Ordinance will be observed, as outlined above
- (3) *substantial justice done*
- the loss to the applicant in not granting the variance would far outweigh any benefit to the general public
 - a gas station requires a pylon of appropriate size to help customers find the gas station and see it from a distance to allow ample time for a lane correction to make the turn into the site
 - the pylon sign also needs to accurately convey the various businesses and amenities available at the property
 - the pylon sign will help bring customers to the property and the sign will not block any views, obstruct sightlines or block abutting commercial properties
 - the free-standing signs are necessary to identify the stand-alone areas of the property that are not attached to the main building
 - if denied, the public gains nothing
 - the signs are meant to be informational and foster public safety
 - denying the signs would result in a more confusing layout for the businesses in the site
 -
- (4) *not diminish surrounding property values*
- currently the property is an undeveloped eyesore, so the overall project would be a significant improvement
 - the abutters are largely other commercial properties with signs to attract customers

- the pylon sign will not block any of the abutters from sight of their own potential customers
- the free standing signs will not be visible from Lowell Road or Atwood Avenue
- a developed site, versus an undeveloped site, will not diminish surrounding properties but very likely have a positive effect

(5) *hardship*

- the special condition is satisfied due to the unique part of Lowell Road where the property sits
- despite being right in the heart of the Business Zone, the property falls into a business “dead zone”. Across the street is a restaurant, entrance to Country Road and a vacant commercial lot; there’s a large vegetative buffer to the abutting north lot that obstructs the property’s view for anyone driving south; the abutting property at 99 Lowell Road to the south seems to be a preexisting nonconformity EV charging station – in a large enough font to be read as potential customers drive by
- the free standing signs are critical to identify the various businesses – a separate EV charging station, a separate carwash assign with its menu, a coin box canopy to alert vehicles of clearance and the canopy over the gas pumps must have the Shell logo
- the proposed use is a reasonable use and the signs are reasonable

Mr. Daddario asked for clarification on the coin box sign. Mr. Rice stated that its purpose is to identify the clearance available for the car wash. A picture of the clearance sign was displayed that also showed the carwash menu. Mr. Rice also stated that the pylon sign would not be right on Lowell Road but would honor the setback as displayed in the picture posted

Public testimony opened. No one addressed the Board. Mr. Daddario declared public testimony closed at 10:19 PM.

Mr. Lanphear made the motion to grant the Variance. Mr. Martin seconded the motion.

Mr. Lanphear spoke to his motion stating that it is not contrary to public health and works to advise of all the different businesses on the gas station site, that it will not threaten public health and will help guide customers on site, that justice would be done, that the signs are appropriate and will help promote public safety, that substantial justice is done, that the proposed will not diminish surrounding property values and that the hardship is satisfied as there is no fair and substantial relationship between the general purposes of the Ordinance to the specific application of that provision to the property as the proposed signs will guide the flow of traffic safely to and through the lot. Mr. Lanphear voted to grant the Variance.

Mr. Martin spoke to his second stating that it will not be contrary to the public interest, that it will observe the spirit of the Ordinance, that substantial justice would be done, that it will not diminish surrounding property values, and that even though the Zoning Ordinance places restrictions, the proposed use is a reasonable use and is unique with the combination of businesses on site and the need for identification. Mr. Martin voted to grant the Variance with no stipulations.

Mr. Sakati voted to grant as it is not altering the essential character of the neighborhood, it does observe the spirit, that justice would be done, that the hardship is related to the multiple brands and the proposed use is a reasonable use.

Mr. Dion voted to grant and stated that the proposed use is fair for the property and surrounding area and will not alter the character of the neighborhood, there will be no harm to the public, no diminishing of surrounding property values, and there are no special conditions of the property the signage as designed is appropriate for the space and what is being placed on the property and the proposed use is a reasonable one.

Mr. Daddario voted to grant and stated that it is consistent with the business character, that it poses no threat to the public and no harm to the public, that the spirit of the Ordinance is observed as the height of the pylon sign is less than what is permitted and the additional free-standing signs each serve a separate purpose, that justice is done as there is no harm to the general public and no evidence presented to suggest any impact to surrounding property values, and the purpose of the Ordinance is to prevent and over-abundance of signage, there is a need for the size proposed for the pylon sign given the characteristics of the area and the additional free-standing signs each serve a different purpose and the proposed use is a reasonable one and is consistent with business use and similar sites of such businesses.

Vote was 5:0. Motion carries. Variance granted. The 30-day Appeal period was noted.

- c. **Directional Signs:** A Variance to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. [HZO Article XII: Signs; §334-68, Directional and directory signs]

Mr. Sullivan read the Case into the record. Atty. Drescher noted that the Zoning Ordinance restricts these signs to three square feet (3 SF) and the signs at issue, referring to Exhibit 1, are Sign I, Dispenser Sign which will be posted on the gas dispensers and measure 3.1 SF; Sign T, one flip open/close sign measuring 3.7 SF; and Sign S, carwash enter and exit measuring 5.1 SF. Atty. Drescher stated that these separate businesses is in a distinct and separate from the others, located in different areas of the property thereby necessitating the need for the extra size for readability and clarity

Atty. Drescher next addressed the criteria necessary for the granting of a Variance. The information shared included:

(1) *not contrary to public interest*

- The proposed size increase is not contrary to the public interest
- There is a lot of information to be conveyed and the signs need to be “user friendly”
- There are several directional and directory signs that are necessary to direct customers to which section of the property they desire to go to, be it the carwash, the convenience store, gas pumps, EV charging station etc
- The signs at issue do not create a distraction for any drivers but are needed to promote safety and orderly motor vehicle movement throughout the property

- The signs will blend in with the surrounding area because the abutters are largely commercial businesses and will likely benefit said business customers visiting the property
- The signs are in line with the essential (commercial) character of the neighborhood
- The signs will pose no significant to the health, welfare or safety of the surrounding area and they will not be visible from Lowell Road
- The signs would not be a threat to public safety as they would promote safety and seem very commonplace for what is being proposed
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- (2) *will observe the spirit of the Ordinance*
 - the spirit of the Ordinance will be observed, as outlined above
 -
- (3) *substantial justice done*
 - the loss to the applicant in not granting the variance would far outweigh any benefit to the general public
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 - the free-standing signs are necessary to identify the stand-alone businesses on the property that are not attached to the main building
 - if denied, the public gains nothing
 - the signs are meant to be informational and foster public safety
 - denying the signs would result in a more confusing layout for the businesses in the site
 - the signs will help direct customers, promote safety and convey information in a readable manner
 -
- (4) *not diminish surrounding property values*
 - currently the property is an undeveloped eyesore, so the overall project would be a significant improvement
 - the abutters are largely other commercial properties with signs to attract customers
 - the signs will not block any of the abutters from sight of their own potential customers
 - the free standing signs will not be visible from Lowell Road
 - a developed site, versus an undeveloped site, will not diminish surrounding properties but very likely have a positive effect
- (5) *hardship*
 - the special condition is satisfied due to the unique part of Lowell Road where the property sits and despite being right in the heart of the Business Zone, the property falls into a business “dead zone”. Across the street is a restaurant, entrance to Country Road and a vacant commercial lot; there’s a large vegetative buffer to the abutting north lot that obstructs the property’s view for anyone driving south; the abutting property at 99 Lowell Road to the south seems to be a preexisting nonconformity
 - the purpose of the Zoning Ordinance is to insure that signage does not get too large, too many, unsightly or cause distractions

- the signs proposed will not overtly offend the Zoning Ordinance as the added size is minimal and only stands to benefit public safety
- the dispenser sign on a gas pump is 3.1 SF and contains safety information such as warnings and caution having to do with fire safety and is the size as manufactured and provided by Shell
- the signs associated with the carwash entrance/exit sign is 5.1 SF and the carwash open or closed sign is 3.7 SF
- the proposed use is reasonable

Mr. Price added that the carwash signs have no logo or anything else added.

Mr. Dion asked and received confirmation that the request is restricted to the three (3) signs.

Mr. Lanphear asked if the signs would be internally lit and Atty. Drescher stated that they would not be.

Public testimony opened. No one addressed the Board. Public testimony closed at 10:43 PM.

Mr. Lanphear made the motion to grant with the stipulation that it pertains to three signs reviewed: Sign I (Dispenser signs at 3.1 SF), Sign T (Carwash flip open/close sign at 3.7 SF) and Sign S (Carwash enter/exit sign at 5.7 SF). Mr. Martin seconded the motion.

Mr. Lanphear spoke to his motion stating that it is not contrary to public interest, that the signs are needed to conduct the business, that this is a large property with multiple businesses and the signs are vital for the business use, that substantial justice is done as the variance outweighed by the guide of the property without harm to the general public, that the surrounding property values would not be diminished as this is a new development, that a fair and substantial relationship exists as the signs will let everyone know what is going on with the property and the proposed use is a reasonable use as all the signs are needed for safety. Mr. Lanphear voted to grant with the stipulation.

Mr. Martin spoke to his second and stated that the requested variance would not be contrary to public interest, that it would observe the spirit of the Ordinance, that substantial justice would be done, that it would not diminish values of surrounding properties, that the Zoning Ordinance only allows 3 SF which is very restrictive and that the proposed use is a reasonable one. Mr. Martin voted to grant with the stipulation.

Mr. Sakati voted to grant with the stipulation and stated that it is not contrary to the public interest, that it does observe the spirit of the Ordinance, that substantial justice would be done, that there would be no diminution to surrounding property values and approving prevents unnecessary hardship and provides better navigation on the property and the proposed use is a reasonable one.

Mr. Dion voted to grant with the stipulation and stated that the signs promote the welfare and increase safety, that it will not effect safety or welfare, that it will not diminish the values of surrounding property values, and larger way-finding is needed for safety and the proposed use is a reasonable one.

Mr. Daddario voted to grant with the stipulation and stated that it is consistent with the character of the business neighborhood and poses no harm to the public, that the gas pump signs are the size per the manufacturer, that the additional signs are directional and not excessive for the purpose, that there is no harm to the public and possible safety benefits directing traffic properly on site, that no evidence was presented regarding impact on surrounding property values and it is reasonable to assume that new construction would have a positive impact, that the purpose is to prevent an overabundance of signage, that the gas pump signs are manufactured and not the result of the applicant's design and the carwash signs are proper for the purpose of directing traffic and the proposed use is a reasonable one and is consistent with this type of business.

Vote was 5:0. Motion passed with one stipulation. The 30-day appeal period was noted.

3. **Case 165-049 (06-27-24):** Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requests a Variance for **36 Campbello St., Hudson, NH** for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 6/17/2024 and noted that no in-house comments were received. Mr. Daddario asked Mr. Martin to open the door to the meeting and see if anyone in the hallway was present for this Case.

David Jordan, Engineer and Land Surveyor from Greenman-Pedersen, Inc., in Salem, NH representing Sousa Realty in the development, identified the location of the site noting that it is a 4.7 acre lot with an existing residence with a back lot line being the Merrimack River. Mr. Jordan stated that the subdivision application process has already begun with the Planning Board where it was noticed that a Variance would be required for the available frontage. Mr. Jordan stated that the lot was created by subdivision approved by the Planning Board back in 1980 where it was noted that the property had frontage on Webster Street, that the 4.74 acres has remained as is (undeveloped) and the frontage changed to Campbello Street, with just 30.74' of frontage. The hardship exists as there is no other land available to provide the required 90' of frontage and they now need a variance to pursue their intended development.

Mr. Jordan addressed the Variance criteria and the information shared included:

(1) *not contrary to public interest*

- The variance is not contrary to public interest and neither will it alter the essential character of the locality nor threaten the public health, safety, or welfare
- The property is an existing lot of record created through a subdivision plan endorsed by the Planning Board on 5/21/1980

- Granting the variance will allow a single-family development on the property and will not alter the essential character of the area which is a neighborhood of single-family homes
- The property is located in the TR district and the proposed development of 11 dwellings is less than the 15 dwellings allowed per the Zoning requirements
- The dwellings will be serviced by Municipal water and sewer with adequate access from a private roadway capable of accommodating emergency vehicles
- The proposed storm water management system proposed will meet all local requirements for the treatment, peak flow reduction and groundwater recharge will protect the groundwater and surface water resources
-
- (2) *will observe the spirit of the Ordinance*
 - The granting of the variance will not alter the essential character of the area, nor will it threaten the public health, safety, or welfare and remains consistent with the spirit of the Ordinance
 - The granting of the variance will allow the applicant to develop the property in a manner consistent with the requirements of the Zoning Ordinance and Site Plan Regulations and consistent with the character of the surrounding area
-
- (3) *substantial justice done*
 - The granting of the variance will allow the applicant to develop the property consistent with the requirements of the Zoning Ordinance and Site Plan Review regulations and provide additional housing opportunities at a time when there is a well-documented need for more housing throughout NH
 - There is no benefit to the public that outweighs the hardship to the applicant if the variance was denied
-
- (4) *not diminish surrounding property values*
 - The use is allowed and is consistent with the use of surrounding properties
 - The construction of 11 new single-family residences with market values equal to or greater than other homes in the area will not diminish the values of the surrounding properties
-
- (5) *hardship*
 - This is a pre-existing lot of record created by subdivision in 1980.
 - This parcel is the largest property within this neighborhood and its only frontage is along the end of Campbello Street, which only has a 30-foot wide tight-of-way in this area
 - All adjacent properties are privately owned and support other dwellings; there is no opportunity for the owner to acquire the additional frontage needed to conform to the Zoning frontage requirement
 - Denial of the variance would result in an unnecessary hardship
 - The proposed use is reasonable – the property is of sufficient size to accommodate the development and that it would meet all other Zoning requirements
-

Mr. Jordan noted that the process with the Planning Board for Site Plan review has only been suspended pending the need for the variance and added that the parcel will remain a single parcel with the existing residence and hopefully a private road to support ten new single-family homes once the variance is granted and Site Plan has been approved.

Mr. Martin asked Mr. Sullivan if there were any specific requirements regarding the proposed cul-de-sac. Mr. Sullivan stated that it has to be of a sufficient width to accommodate the mobility of a fire truck and added that those requirements would be addressed by the Planning Board. Mr. Dumont confirmed. Mr. Martin noted that the first criteria is to determine whether or not it would threaten public health, safety or welfare and regardless of it being a Planning Board issue, he has to sign his name to the decision sheet that would convey that it was considered and he was satisfied that it would not threaten public health, safety or welfare. Mr. Jordan stated that based upon their review, the cul-de-sac will accommodate the turning for a fire truck, a ladder truck and other emergency vehicles to protect public safety.

Mr. Dion questioned that if it is to be a private road whether it has the leeway to alter that could threaten public safety. Mr. Sullivan responded that even though it will be designated as a private, it will need to be constructed to Town standards and has to be reviewed and approved by Town Engineering. In response to Mr. Dion's other questions, Mr. Sullivan stated that there is no possibility to increase the frontage, that the lot has only one driveway into it and the proposed private road would access that driveway entrance.

Mr. Lanphear asked and received confirmation that the Town plows snow to the end of Campbello Street to the edge of this property and asked if that could hinder emergency access. Mr. Sullivan responded that the ability to back-up and drag the snow is a possibility and that the details would be reviewed by the Planning Board to insure emergency access is not hampered.

Mr. Sakati questioned future deterioration of the private road and its maintenance that could inhibit emergency vehicle access. Mr. Sullivan stated that there would be an HOA (Home Owner Association) and it would be their responsibility to collect monies for its maintenance and added that review of the HOA is part of the Planning Board process. Mr. Daddario noted that what is before the Zoning Board is just the reduced frontage that the development of the private road, the size of the cul-de-sac, that the size of the lots, the HOA document etc. reside with the Planning Board.

Mr. Daddario questioned whether the lot created in 1980 was created with 30' of frontage. Mr. Jordan referred to the Subdivision Plan from 1980 and noted that there are notations on the Plan that the cul-de-sac is to be dedicated to the Town if the lot is to be subdivided in the future and noted that the plan is not to subdivide the property with this development, leaving it as one singly parcel.

Public testimony opened. The following individuals addressed the Board:

- (1) Ryan McMurray, 8 Kenyon Street, stated that he has heard the concerns raised about public safety and his concern has to do with his shallow well, that several of his neighbors also have shallow wells, and there is a high water table

in the area and questioned who would be responsible if have issues with their well water.

Mr. Daddario asked Mr. Jordan to clarify/confirm that Municipal water has been proposed for the development. Mr. Jordan confirmed and added that they have been working with the Engineering Department and the plan is to extend Municipal water from Federal Street down Campbello Street.

- (2) John Colby, 11 Kenyon Street, stated that he, and many present in the room, have attended the Planning Board meetings, and there is a major concern regarding water and are curious about why they are here at the Zoning Board

Mr. Daddario stated that the Zoning Board has limited jurisdiction and the only concern with this Board has to do with the limited 30' of frontage that is abutting the roadway (Campbello Street)

Mr. Colby thanked Mr. Daddario for the clarification and said that he needs to rethink his concerns for this Board as most of the comments he was going to present actually belong before the Planning Board.

- (3) Richard Suter, 12 Campbello Street, expressed concern regarding the density presented to the neighborhood and questioned whether the 30' that is before this Board begins at Campbello Street or into the property where the private road begins.

Mr. Sullivan responded and stated that it is the 30' at the end of Campbello Street.

- (4) Vadym Iamtsun, 19 Merrimack Street, and asked why couldn't Campbello Street be extend through the property to created the required frontage for the ten-lot proposal
- (5) Ed Welsh, 38 Campbello Street, stated that he has grandchildren and expressed concern with the additional traffic into the neighborhood and noted that almost everyone in the neighborhood has the required 90' of frontage and this lot has 2/3 less frontage and they want to add ten new houses. That will change the character of the neighborhood and it will no longer be safe for the children to ride their bikes in the street.
- (6) Robert Scire, 6 Schaefer Circle, submitted an email that stated that he was once on the Zoning Board and that a proposal for such reduced frontage would never be allowed and that it should not be allowed today.

Mr. Jordan was given the opportunity to respond. Mr. Jordan stated that they understand the concerns expressed regarding water and noted that those issued will be addressed by the Planning Board and stormwater will also get reviewed by NHDES. Mr. Jordan stated that this is one of the largest parcels in the area.

Mr. Martin stated that there is a two-story single family home on the property with full use of the property and that the hardship exists because there is a desire to add an additional ten single-family homes onto the lot with access from the reduced frontage. Mr. Jordan stated that the hardship criteria notes that the special conditions of the property distinguish it from other properties in the area, and it satisfies that requirement by its size, and according to the Zoning Ordinance, lots in the TR Zone can be as small

as 10,000 SF and this lot is of sufficient size to accommodate ten such lot sizes in addition to the existing single-family residence. Mr. Jordan stated that they did not create the hardship with the reduced frontage that it has existed and added that it was the property owners' belief that their legacy included the development of this large parcel into residences that would be consistent with the neighborhood.

Mr. Sakati stated that the potential for the Applicant to make a profit does not merit presenting a potential to cause public health. Mr. Jordan stated that making a profit is part of reality and that they do not feel that their request will harm public health.

Mr. Dion asked Mr. Sullivan what the frontage requirements are for the proposed houses to be built and Mr. Sullivan stated that there are really no frontage requirements as it will remain one parcel and the only frontage is Campbello Street. Mr. Dion asked and received confirmation from Mr. Jordan that the existing house would be part of the HOA.

Mr. Lanphear inquired about the 1980 Subdivision and the cul-de-sac that was preserved for snow plowing and asked if that could not be extended to provide the needed frontage. Mr. Dumont noted that the cul-de-sac was never constructed. Mr. Jordan stated that it would also affect the setback requirements.

Mr. Daddario opened a second round of public testimony and asked if anyone wished to address any of the new information just presented. No one addressed the Board.

Public testimony closed at 8:11 PM.

Mr. Dion stated that this lot was created a long time ago with the reduced frontage and that the hardship is being presented because of the reduced frontage. Mr. Martin stated that if it was intended for future development, they would have put the cul-de-sac at the end and shifted the location of the existing house so that a roadway could have been constructed to allow for frontage to be conforming. Mr. Dumont stated that the requirements for the single family home back then and the requirements for the proposed subdivision are one in the same. Mr. Daddario asked if the existing house had a Variance and Mr. Sullivan confirmed that it does not. Mr. Dumont added that that correction is part of the requested Variance. Mr. Sullivan noted that what exists today is a driveway and what is being proposed is to construct a private road from the driveway. Mr. Dion stated that even an alteration to the existing house, or to any of the proposed ten (10) new homes, would require a Variance because the lot is a non-conforming existing lot of record.

Mr. Dumont stated that there is also a question of density and the impact to the neighborhood that needs to be considered and noted that the intent of the neighborhood and the TR Zone is to accommodate high density housing. Discussion between Mr. Martin and Mr. Dumont pointed out that Town Roads do not just appear, that they are usually the result of a development and that the developer is responsible for its construction to Town standard and its maintenance for a period of time before it can be petitioned to the Town for acceptance.

Mr. Martin stated that there are other developments in the TR Zone that have at least one larger parcel, noted that some have appeared before this Board, like Mark Ave, for petitions to develop and were denied.

Mr. Dumont asked if the Board would view a development differently if a road was proposed to be constructed through the lot to connect to Webster Street and then proposed a ten lot subdivision? Mr. Dumont stated that it is not a reasonable use to have a single-family home on over four acres in the TR Zone. Mr. Sakati stated that the property owner has had a reasonable use since 1980 when the house was built.

Mr. Daddario stated that the Variance before the Board is the reduced frontage requirement and has nothing to do with the proposed development of ten (10) additional homes on the 4.7 acre property, nor whether there is a density issue. Mr. Dumont agreed and stated that, in his opinion, a single-family home on 4.7 acres is not reasonable in the TR Zone. Mr. Dion disagreed.

Mr. Lanphear asked and received confirmation that the frontage back in 1980 was ninety feet (90'). Discussion arose on the street widths in Town. Mr. Jordan was asked regarding the width of the proposed private roadway and responded that it would be 20', wider than the existing portion of Campbello Street as it comes in from Merrimack Street.

Mr. Dion asked if the private road could ever become a Town road and Mr. Dumont stated that it could/would not. Mr. Sullivan was asked to present an aerial of the section of Town to view the road widths and density of the neighborhood.

Mr. Lanphear made the motion to deny the Variance. Mr. Martin seconded the motion.

Mr. Lanphear spoke to his motion and stated that the granting would be contrary to the public interest and would change the character of the neighborhood; that it does not observe the spirit of the Zoning Ordinance; that the justice in granting the variance does not outweigh the harm to the general public particularly because it is already in current use; that it would not diminish values of surrounding property values; that even though the hardship criteria may have been met, the 30' of frontage is okay for a driveway. Mr. Lanphear voted to deny the Variance as it failed to satisfy three of the five criteria – criteria 1, 2 and 3.

Mr. Martin spoke to his second stating that it is contrary to public interest, changing from a driveway to a private road; that it is not consistent with the current neighborhood and will threaten the public safety of the residents; that it does not observe the spirit of the Ordinance and does threaten the public safety for the new proposed residents; that if the Variance is approved substantial justice would be done; that there was no evidence presented to show that property would be diminished or have added value; that even though it seems to be a reasonable use, the current house enjoys the use of the property already, allowing less frontage to add all the proposed homes is not in conformance with the Zoning Ordinance. Mr. Martin voted to deny the Variance as it failed to satisfy criteria 1 and 2.

Mr. Sakati voted not to grant the Variance as granting it would be contrary to public interest; that the essential character of the neighborhood would be changed with the significant density proposed; that the property is in current use and as is provides no harm; that the impact on surrounding property values is undefined; and that no hardship has been presented, that the house is used today and the desire to increase return on their investment does not present a hardship. All five criteria failed.

Mr. Dion voted against the motion and to grant the Variance request as all five (5) criteria have been satisfied. Mr. Dion spoke to his vote stating that it is not contrary to public interest and noted that the lot is surrounded in a neighborhood of high density; that the proposed use does not alter the essential character of the neighborhood, that this lot is different not only in its size but by the fact that the road ends as their driveway begins; that the granting would not impede the rights of the neighborhood nor bring it any harm; that there was no evidence presented regarding impact to surrounding property values but it stands to reason that new construction tends to have a positive impact; and that the proposed use is a reasonable use and the hardship has been satisfied by the small sliver of a driveway being the only frontage to the property.

Mr. Daddario voted to deny the motion and to grant the request and stated that the concerns raised have been heard and the limitations placed on this Board does not allow for any consideration on the proposed development of ten new homes, their proposed lot sizes or the proposed private road and cul-de-sac. With regard to the criteria this Board must address, which is limited to the thirty feet (30') of frontage, Mr. Daddario stated that it is not contrary to the public interest and the granting could allow the lot to become more in line with the others in the neighborhood; that the spirit of the Ordinance is satisfied as the lot is already a lot of record since 1980 and the prior Planning Board approved plan did note its potential for future development; that smaller frontage does not pose a threat and that is the only relief being requested from the Zoning Board; that no evidence was presented regarding impact on surrounding property values and no reason why new houses would decrease the value of existing properties; and the hardship was not created by the property owner, that the subdivision that created this lot had a notation for its potential future development and the frontage has not changed since its creation and that the lot is massive compared to others in the neighborhood.

Vote was 3:2 not to grant the Variance request. The 30-day Appeal period was noted.

Question arose whether the count of the vote should have been five (5) or four (4) as Mr. Sakati was not declared as a Voting Member. Mr. Daddario noted that Mr. Sakati is a Regular Member and would have by right be a Voting Member upon his presence at 7:36 PM whether it was stated or not.

Board took a recess at 8:56 PM. Board returned at 9:05 PM. Mr. Daddario directed everyone's attention to Agenda item #2, Case #198-012

4. **Case 145-005 (06-27-24):** Kyle Segal, Manager, Axis Realty Group, LLC, 270 Nashua Rd., Londonderry, NH requests a Variance for **2 Sullivan Rd., Hudson, NH** for the proposal to redevelop and expand an existing motel into multi-family housing with up to 14 units where multi-family dwellings are not permitted in the G-1 district. [Map 145, Lot 005, Sublot-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 6/18/2024 and read the Town Engineer's comments into the record that included questions regarding parking spaces, private well and septic, and fire suppression capability and the Associate Town Planner noted that if the Variance is granted, Site Plan Review by the Planning Board will be required.

Dan Barowski Project Manager with Fieldstone Land Consultants, PLLC, introduced himself as representing Axis Realty Group, LLC. Seated at the applicants' table were Kyle Segal and Jim Gebo from Axis Realty Group, LLC. Mr. Barowski identified the location of the site and noted that the 0.86 acres was once the Great Eagle Motel and that they seek a variance to convert it to a 14-unit multi-family housing.

Mr. Martin asked if the Town Engineer's comment about the parking in the front setback and how that would impact the project if it had to be removed. Mr. Barowski stated that it is a preexisting nonconforming use and they have made no plans for their removal; however, if during Site Plan Review with the Planning Board they need to be reviewed, there is plenty of room to the rear of the building to accommodate parking spaces.

Mr. Barowski addressed the criteria for the granting of a Variance and the information shared included:

(1) *not contrary to public interest*

- The variance is not contrary to public interest and neither will it alter the essential character of the locality nor threaten the public health, safety, or welfare
- Multi-family housing is proposed for the redevelopment of the property
- The property has historically been developed as a 12-unit motel but has currently been being used as a long-term rental site
- The proposed change in use from motel to multi-family housing so the necessary infrastructure is already in place.
- Multifamily housing is currently only permitted by right in the Business District that comprises roughly 4.3% of the Town's total area
- The proposed multifamily development will not conflict with the general purpose of the zoning ordinance to promote the health, safety and general welfare of the community

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

- The spirit of the Ordinance will be observed because multifamily use is contemplated in the Zoning Ordinance (ZO) in the Business District where water and sewer infrastructure are present.
- The proposed multifamily use will not be dissimilar to a nursing home, hotel or the existing motel which are permitted in the G-1 Zone
- The proposed use will not alter the essential character of the neighborhood
- The redevelopment into multifamily housing will not threaten public health, safety or welfare or otherwise injure public rights

(3) *substantial justice done*

- justice would be done with the granting of the variance as it will allow the property owner to redevelop the property with a much needed use in the community
- the proposed multifamily development will productively redevelop this parcel that has private water and sewer infrastructure in place while providing responsible growth in the community
- the public would realize no appreciable gain from denying the variance

-
- (4) *not diminish surrounding property values*
 - there is no evidence that a change from a motel use to a multifamily use would diminish surrounding property values but it stands to reason that long term residents rather than transient motel guests will have a stake in the appearance and upkeep of the property because it is their home
 - redevelopment and investment in communities often result in positive impacts to property values
-
- (5) *hardship*
 - the special condition of this lot include its unique shape, frontage on a Class V and Class II roads,
 - other properties in the area a developed largely as single-family residences with some commercial where this site was developed as a motel facility and is currently being use as a long-term rental for temporary tenants
 - conversion from motel to multifamily housing would likely have the lease impact
 - redevelopment of this site with permitted types of commercial development could be in conflict with the existing residential neighborhood
 - the proposed use is a reasonable use

Mr. Dion asked the current capacity of the motel and was informed by Mr. Segal that there are twelve rooms on the main floor and a rather large room on the second floor that would be divided into two units to provide a total of 14 multifamily units. Jim Gebo added that the same transition occurred in Windham NH.

Mr. Daddario inquired about an addition to the building. Mr. Gebo stated that there will be a 12'x12' addition to the back of the building that will not be visible from the road to add a bedroom to the 8 units in the back. Mr. Dumont asked if there would be kitchens in the units and Mr. Gebo stated that there would be kitchenettes, sufficient but not conducive to cooking Thanksgiving dinner. Mr. Daddario asked if the proposed addition would include the second floor. Board reviewed the building elevations where it was noted that the second floor was just in the front section of the building and the rest of the building is just one story. Mr. Lanphear asked if the restaurant was included and was informed that there was once a restaurant but it no longer exists. Mr. Lanphear inquired about the other building specifications, like sprinkler system, and Mr. Segal confirmed that the building will be "up to code".

Mr. Dion noted that the transition is from temporary to permanent housing but if one looks at the aerial views, the building seems to be in an industrial area and questioned whether there would be any shielding, like shrubbery, to help shield it from noise. Mr. Segal stated that there is already trees on the site but would not be contrary to add more or a fence. Mr. Sullivan noted that the Planning Board would address during Site Plan Review.

Mr. Sakati asked about the amount of traffic generated today from the site. Mr. Gebo stated that the larger second floor unit is currently being used as an owner-occupied unit, that there are several long term units as well as short term units which does experience some turn-over but overall, changes to the traffic generated from the site will be similar with the conversion. Mr. Gebo noted that Axis Realty Group has a Purchase

and Sales agreement to the property, that their ownership is contingent upon approval to do the conversion to a multifamily.

Mr. Dion asked if the driveway would change from Central Street, a busy road, to perhaps Sullivan Road. Mr. Sullivan stated that both are State roads and will need NHDOT approval. Mr. Dumont noted that improvements are already slated for that intersection and Mr. Sullivan added that the Stated is working with the lumber yard and could include a traffic light. Mr. Dion stated that his concern also extends to any children that may be occupants of the multifamily building. Mr. Segal stated that the units will be more studio efficient style and usually attracts young professionals, not families, as the units are not conducive to children.

Public testimony opened and no one addressed the Board. Mr. Martin read an email received into the record from the abutter Melissa Johnson and Aaron Locke at 8 Sullivan Road who were opposed to the re-development as they have concerns with the increase in traffic it will present given the current situation. Mr. Daddario stated that the traffic concerns will be addressed by/at the Planning Board and are not applicable to the Zoning Board and the Variance request.

Public testimony closed at 11:12 PM.

Mr. Lanphear made the motion to grant the Variance. Mr. Martin seconded the motion.

Mr. Lanphear spoke to his motion and stated that it will not be contrary to public interest and will help renovate and old building and make safety better, that it will work with the spirit of the Ordinance and substantial justice will be done and will improve the area and should improve, not devalue, surrounding property values, and it will take an old idea to a new idea for the future as the proposed use is a reasonable use. Mr. Lanphear voted to grant the motion with not stipulations and with the understanding that the project must get Site Plan Review from the Planning Board.

Mr. Martin spoke to his second and stated that it will not be contrary to public interest nor will it alter the essential character of the neighborhood, that it will observe the spirit of the Ordinance and substantial justice will be done, that it will not diminish the values of surrounding properties, the Zoning Ordinance does not allow for multi-families in the G-1 Zone and by not allowing this to happen will make the property continue to be an eyesore and the proposed use is a reasonable one. Mr. Martin voted to grant the Variance with no stipulations.

Mr. Sakati voted to grant and stated that it is not contrary to public interest as the proposal is positive, the character of the neighborhood will be for the better, substantial justice will be done, there will be no diminishment to surrounding property values and literal enforcement of the Zoning Ordinance creates the hardship as the proposed use is a reasonable one.

Mr. Dion voted to grant stating that it will increase safety and will change the character of the neighborhood for the good, that it will increase public safety and increase the value of surrounding properties, the proposed use will allow for enhanced use of the property and that the proposed use is a reasonable one.

Mr. Daddario voted to grant and stated that there will be improvements to the building and have a positive impact on the character of the neighborhood, that there is a de minimis change in use and development at the property, no harm or significant impacts, no harm to the public, possible benefit from improvement to the building and more consistent non-transitory residents, improvements to the building will not likely diminish the values of surrounding industrial or residential properties, the use limitation in the ZO is not a fair or substantial purpose given that the motel already exists and that the use is a reasonable one, similar but better use of the lot.

Vote was 5:0 to grant the Variance as requested. The 30-day Appeal period was noted.

VI. REQUEST FOR REHEARING:

No requests were presented for Board consideration.

VII. REVIEW OF MINUTES: 05/23/2024 edited draft Meeting Minutes

Board reviewed. Mr. Martin made the motion to approve the Minutes as edited. Mr. Lanphear seconded the motion. Vote was unanimous at 5:0 to approve.

VIII. OTHER BUSINESS: Upcoming: **SAVE THE DATE**

1. **Case 165-021 (07-11-2024 tentative):** Keystone Estates, LLC, 343R High St., Hingham, MA requests an Appeal from an Administrative Decision for **12-14 Gambia St., Hudson, NH.**

So noted. Mr. Sullivan stated that there would be a consultation with Town Counsel at 6:15 PM. Mr. Daddario stated the conference with Town Counsel will occur in the meeting room at Town Hall and the Board must be mindful of the time to allow enough time to get to the Library across the street for the hearing on the Case.

2. **Case 144-005 (07-25-24):** Rowdy Smith, **19 Robinson Rd., Hudson, NH** requests a Variance.

So noted.

IX. ADJOURNMENT:

Motion made by Mr. Lanphear, seconded by Mr. Sakati and unanimously voted to adjourn the meeting. The June 27, 2024 meeting adjourned at 11:26 PM.

Respectfully submitted,

Gary M. Daddario, ZBA Chairman