



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – October 24, 2024 – approved

The Hudson Zoning Board of Adjustment met Thursday, October 24, 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

Acting Chairman Tristan Dion called the meeting to order at 7:01 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.

Acting Chair Dion called the attendance. Members present were Tristan Dion (Regular/Clerk/Acting Chairman), Tim Lanphear (Regular), Zachary McDonough (Alternate/Acting Clerk). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused were Gary Daddario (Regular/Chair), Normand Martin (Regular/Vice Chair) and Dean Sakati (Regular). Alternate McDonough appointed to vote.

Mr. Dion stated that in order for a vote to pass, it would require a minimum of three (3) affirmative votes and under normal circumstances there would be five (5) voting Members. Mr. Dion offered each Applicant the option to request a deferment to the next meeting where a full Board could be present. No one exercised that option.

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 232-004 (10-24-24):** Joseph Maynard of Benchmark LLC, 50 Nashua Rd., Suite 305, Londonderry, NH requests three (3) Variances for **102 Gowing Rd., Hudson, NH** [Map 232, Lot 004, Sublot-000; Zoned Residential-Two (R-2)] to allow the existing single family home to be converted to a duplex as follows:
 - A. To allow a proposed 34 ft. x 25 ft. addition of a one (1) unit dwelling to be constructed adjacent and attached to the existing garage with the firewall between the proposed addition and the garage rather than a firewall located between the proposed addition and the existing principal single family structure. [HZO Article II: Terminology; §334-6, Definitions, Duplex]
 - B. To allow the proposed addition on a lot with 1.11 acres of land where a minimum land area of 1.377 acres (60,000 SF) is required for a duplex in the R-2 district without Town water or sewer. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

- C. To allow the proposed addition to encroach 7 feet into the side yard setback leaving 8 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Mr. Sullivan read all three (3) Variances pertaining to this Case into the record, referenced his Staff Report initialed 10/15/2024 and noted that In-house Comments have been received from the Town Engineer and Inspectional Services/Fire Department. The Town Engineer's comments were in regard to the septic system and its capacity to accommodate the proposed addition. Inspectional Services Department comments pertained to the need for fire separation walls between the dwelling units, well capacity and septic system documentation that they can accommodate the proposed addition and that the proposed addition conforms to Building and Fire Codes.

Joseph Maynard of Benchmark LLC introduced himself and George Veves, Property Owner. Mr. Maynard stated that the site is the last one on Gowing Road, which ends at the Pelham Town Line and noted that the abutting land in Pelham has been reserved as conservation land and will not be developed. Mr. Maynard noted that the lot is triangular in shape with a well-developed tree line that slopes down to the abutting Hudson lot. The proposed addition is to be a housing unit with one bedroom initially for his mother-in-law, then for his autistic son or his caretaker. Despite the fact that it will be first occupied by his mother-in-law, they are treating the addition as a duplex and not a mother-in-law apartment (Accessory Dwelling Unit) and noted that duplexes are an allowed Use in the R-2 Zone. Considering the lay of the land and current driveway, the optimal location for the proposed addition is next to the existing attached garage, not attached to the existing 3-bedroom family home.

Mr. Maynard stated that Mr. Veves bought the property in 1994 and has recently replaced the septic system. Mr. Sullivan confirmed that the Town has received the updated septic system plan.

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

(1) *not contrary to public interest*

- The application is to allow the existing single-family home to be converted to a duplex building
- The property is within the residential area and is the last home on the street
- One of the sides of the lot is the town line for Pelham, NH
- The land in Pelham was purchased by the town of Pelham as a conservation property with no development allowed
- The proposed addition is on the Pelham lot side closest to the town line
- The lot size is adequate to meet the State's rules and regulations for septic system to the existing home and the proposed duplex unit
- For safety, the home is the last one on the street and the proposed addition is on the Town line side of the existing home and there, and will not ever, be any abutters on this side as that land is conservation and will not be developed

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

- the use proposed is allowed in this district and although the lot does not meet the minimum lot size in the zoning ordinance, the property is large enough to satisfy NHDES regulations for the proposed duplex use
- the addition is also proposed away from the nearest Hudson abutter and the Pelham abutter is conservation land never to be developed
- the spirit is met

(3) *substantial justice done*

- substantial justice is measured by weighing the loss to the applicant outweighs any gain to the public by denying the variance
- this request is to allow a duplex unit where the family is looking to construct a unit for a relative
- the location of the construction is such that it provides reasonable access from the driveway to the unit and this proposal fits the layout of the existing home
- we do not believe the public would gain anything in denying this request and the proposed addition does not interfere with the public interest

(4) *not diminish surrounding property values*

- the proposed duplex and the existing use are both residential in nature and are allowed in this district
- the proposed addition will not interfere with the character of the neighborhood
- the encroachment into the side setback is away from the other developed lots in the neighborhood and the addition will be on the side of the home where the lot line is the Town Line and the land in Pelham is under a conservation easement
- we do not believe there is any evidence that this project would have a negative effect on property values

(5) *hardship*

- this is a unique lot being triangular in nature where the left sideline is perpendicular to the road and the right sideline is the hypotenuse of a triangle
- with the proposed addition on the right side of the home, the front of the proposed addition will meet the side setback but the rear corner would be in the side setback
- the home is the last one on the street and the adjacent property is the Town Line with Pelham with the land to the east in Pelham owned by the town of Pelham as conservation property that is not to be developed
- from a topographical standpoint, the right of the home is generally flat and also falls close to the existing driveway which allows for good access to the duplex unit
- the left side of the home goes downhill and would require access across the front of the existing home
- the general purpose of the setback ordinance is to prevent overcrowding and provide space for emergency vehicles/service and the proposed addition to the right is owned by the neighboring town and has a conservation restriction on it so it will not be developed
- special conditions do exist when considering the lots shape, topography and location along with the location of the house limit places on the lot for this addition

- these special conditions make this lot unique and without the variance the property owner could not add the duplex unit to their property

Board reviewed the Plot Plan prepared by Benchmark LLC dated May 22, 2024 and stamped by LLS (Licensed Land Surveyor) Paul Zarnowski on 9/14/2024. Mr. Lanphear noted the setback into the conservation boundary and asked if there was any way to push the proposed addition forward to reduce the infringement into the side setback. Mr. Maynard responded that it perhaps could but then the rooflines would not align. Board reviewed the current rooflines and agreed that what is being proposed is perhaps the best alternative possible. Mr. Maynard noted that it is a small fifty-foot (50') encroachment, onto undevelopable land.

Mr. Tristan opened the Public Testimony at 7:30 PM and noted that what is before the Board is the variance for the firewall between the proposed addition and the garage versus attaching the 850 SF addition to the existing dwelling unit. No one addressed the Board. Public testimony closed at 7:31 PM.

Mr. Lanphear made the motion to grant the Variance A for the firewall between the proposed addition and the garage. Mr. McDonough seconded the motion.

Mr. Lanphear spoke to his motion noting that the request is not contrary to public interest as placing the firewall between the garage and new dwelling is good, that the spirit of the Ordinance is met, that justice is done to the property owner for this setup, that it will not affect the surrounding property values, that hardship is met as there is no fair and substantial relationship between the general purposes of the Ordinance and the proposed addition. Mr. Lanphear voted to grant the Variance.

Mr. McDonough spoke to his second stating that the granting of the Variance would not create a hardship for anyone in Town as the use will be in the spirit of the Ordinance, and the property owner would be granted justice and the public would not, that there would be no impact, no diminishment to any property values in the neighborhood, that the Ordinance is written in a restrictive way by not considering this type of design and that the proposed use is reasonable and in line with building codes. Mr. McDonough voted to grant.

Mr. Dion voted to grant noting that the selected location would not interfere with public rights, that the firewall location does not affect the neighborhood and poses no harm to the general public and will not impact surrounding property values, that the firewall is being installed to protect the proposed new dwelling unit and that the proposed use is reasonable.

Vote was 3:0.

Board next addressed the second Variance request, Variance B, to allow the proposed addition to create a duplex without the minimum lot size. Mr. Maynard stated that his prior testimony pertains to the property and all three (3) variances.

Mr. Maynard stated that NHDES has strict regulations that include lot size requirements and how the sizing of septic systems and how many gallons per day are needed to support the property.

The land falls short about 10,000 SF in land area. The proposed addition will be a one-bedroom unit. The existing house has three bedrooms. The Septic system is designed for four bedrooms.

Mr. Maynard was asked to go through the through the criteria again for the granting of a Variance and the information shared included:

(1) *not contrary to public interest*

- this is a residential house in a residential neighborhood requesting to become a duplex, which is an allowed use in the Zone
- The property is the last home on the street with one of its three property lines abutting the town line for Pelham, NH
- The land in Pelham was purchased by the town of Pelham as a conservation property with no development allowed
- The lot size is adequate to meet the State's rules and regulations for septic system to the existing home and the proposed duplex unit

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

- the use proposed is allowed in this district and although the lot does not meet the minimum lot size in the zoning ordinance, the property does meet NHDES regulations for the proposed duplex use
- there is no health or safety issue
- the spirit is met

(3) *substantial justice done*

- substantial justice is measured by weighing the loss to the applicant outweighs any gain to the public by denying the variance
- this request is to allow a duplex unit where the family is looking to construct a unit for a relative
- we do not believe the public would gain anything in denying this request and the proposed addition does not interfere with the public interest

(4) *not diminish surrounding property values*

- the proposed duplex and the existing use are both residential in nature and are allowed in this district
- the proposed addition will not interfere with the character of the neighborhood
- we do not believe there is any evidence that this project would have a negative effect on property values

(5) *hardship*

- this is a unique lot being triangular in nature where the left sideline is perpendicular to the road and the right sideline is the hypotenuse of a triangle
- there is no other location to gain additional land to meet the requirement
- this is a small accessory unit to the building for a relative

Mr. Dillon noted that 1.377 acres are required per the Ordinance and the lot is 1.1 acre of land. Mr. Lanphear inquired about the septic system noting that it will initially be for the mother-in-law but then the plan is for their autistic son, or a care-worker for him, but after that, what? Normally there could be two people in the unit and asked what that impact would be on the septic system. Mr. Maynard stated that when dealing with multifamily units, the State requires calculations to

be one and a half times what is required and they would be required to do an updated septic plan that shows it can meet loading and added that the current septic system is about fourteen (14) years old and it is their intent to prepare an updated plan.

Mr. Dion opened public testimony for the land requirement variance at 7:43 PM. No one addressed the Board. Public testimony closed at 7:44 PM.

Mr. Lanphear made the motion to grant the Variance B for reduced land area. Mr. McDonough seconded the motion.

Mr. Lanphear spoke to his motion stating that the granting would not be contrary to public interest, that the use is allowed in the district and that the lot is just a bit short, that justice would be done as it helps the owner and his family, that it will add value to the surrounding property values, and that this is a unique lot shape and size and that the proposed use is reasonable as it is a small addition for a relative. Mr. Lanphear voted to grant the Variance.

Mr. McDonough spoke to his second and stated that the public would not be harmed, that the lot is close to conforming and does not create perception of an undersized lot, that the property owner would receive justice due to being close to regulation but not meeting, that property values will not change as this Variance will have no property, that there is no hardship by allowing this to occur and that this is a reasonable use given all the factors. Mr. McDonough voted to grant.

Mr. Dion voted to grant and stated that the addition will not threaten public rights, that the single bedroom will not overload water; that updated septic and water plans have been performed and that due diligence has been done; that there is no harm to the general public; that it will have no impact on surrounding property values; and that this is a unique lot size, a reasonable sized request for the family, that the location is unique and that it is a reasonable use.

Vote was 3:0. Motion passed.

Board next addressed the third Variance request, Variance C, to allow the proposed addition to encroach seven feet (7') into the side yard setback.

Mr. Maynard restated that his initial presentation applies to all three (3) Variances and proceeded to review the criteria for the granting of a variance and the information shared included:

(1) *not contrary to public interest*

- this is a residential house in a residential neighborhood requesting to become a duplex, which is an allowed use in the Zone
- The property is the last home on the street with one of its three property lines abutting the town line for Pelham, NH
- The land in Pelham was purchased by the town of Pelham as a conservation property with no development allowed
- The proposed addition will be attached to the right side of the existing attached garage abutting the Town lot line with the rear corner extending 7' into the side yard setback
- There will not be any abutters on the Pelham's side as that land is being held in conservation

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

- the use proposed is allowed in this district and although the lot does not meet the minimum lot size in the zoning ordinance, it does meet NHDES regulations for the proposed duplex use
- the location of the proposed addition is away from the nearest Hudson abutter
- one purpose of the setback is to avoid overcrowding
- the spirit is met

(3) *substantial justice done*

- substantial justice is measured by weighing the loss to the applicant outweighs any gain to the public by denying the variance
- this request is to allow a duplex unit where the family is looking to construct a unit for a relative
- we do not believe the public would gain anything in denying this request and the proposed addition does not interfere with the public interest

(4) *not diminish surrounding property values*

- the proposed duplex and the existing use are both residential in nature and are allowed in this district
- the proposed addition will not interfere with the character of the neighborhood
- the encroachment into the side setback is away from the other developed lots on this street and the addition will be on the side of the home there the lot line is the Town Line and the land in Pelham is under a conservation easement
- we do not believe there is any evidence that this project would have a negative effect on property values

(5) *hardship*

- this is a unique lot being triangular in nature where the left sideline is perpendicular to the road and the right sideline is the hypotenuse of a triangle
- with the proposed addition on the right side of the home, the front of the proposed addition does meet the setback and only the rear corner would be in the setback
- from a topographical standpoint, the right of the home is generally flat and also falls close to the driveway which allows good access to the duplex unit whereas the left side of the home goes downhill and would require access across the front of the existing home
- this lot's shape, topography and location along with the layout and location of the house limit places on the lot for this addition
- these special conditions make this lot unique and without this variance, the property owner could not add the duplex unit to their property

Public testimony opened at 7:56 PM. No one addressed the Board.

Mr. Lanphear made the motion to grant the Variance as requested. Mr. McDonough seconded the motion.

Mr. Lanphear spoke to his motion stating that it will not be contrary to the neighborhood, that it does not change the neighborhood or public safety or health; that the spirit of the Ordinance is observed, just the irregular lot shape has only one location for the addition; that it is a very reasonable use and will not harm or cause any safety concerns to the general public; that it will not diminish any

property values; that the property shape is irregular (triangular) which makes the site very difficult to place this addition anywhere else; that the lot abuts conservation land that will not be developed; and that the use is reasonable. Mr. Lanphear voted to grant.

Mr. McDonough spoke to his second stating that the granting of this variance does not create any nuisance or harm to the neighborhood; that it will not harm the community; that the granting will provide justice as the lot shape is unique and creates issues meeting Ordinance setbacks; that it will not diminish surrounding property values; that the purpose of the Ordinance is followed to the ability due to the lot shape; and that the use is a reasonable one noting that the owner has taken the most reasonable approach to maintain as much setback as feasible. Mr. McDonough voted to grant.

Mr. Dion voted to grant noting that it does not threaten the neighborhood, that it will not threaten public rights, that no evidence has been presented whether it would or would not diminish surrounding property values, that abutting conservation land is unique and will not cause issues and that the proposed use is a reasonable one.

Vote was 3:0. Variance granted.

Mr. Dion noted that all three (3) Variance requests have been granted and reminded the Applicant of the 30-day Appeal period.

2. **Case 176-041 (10-24-24):** Dillon Dumont, Mgr. of Meadows Property, LLC and Don Dumont, Mgr. of Posey Investments, LLC, 195R Central St, Hudson, NH requests two (2) Variiances for a proposed three (3) lot merger into one (1) lot for **197, 197R & 207 Central St., Hudson, NH** [Map 176, Lots 041, 044 & 045, Sublots-000; Zoned Business (B) & General (G)] to be redeveloped as follows:

- A. To allow a proposed mixed principal use development with retail commercial uses and multi-family use on the same lot. [HZO Article II: General Regulations; §334-10, Mixed or dual use on a lot]
- B. To allow for two (2) proposed multi-family buildings where multi-family use is not permitted in the General (G) district. The proposed 3-story building (1) is 70 ft. x 100 ft. with 30 units. The proposed 3-story building (2) is 60 ft. x 300 ft. with 70 units. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

Mr. Sullivan read both applications into the record and referred to his Staff Report initialed 10/15/2024, noted that the merged lot is split zoned between the Business (B) Zone to the front and the General (G) Zone to the rear, that the property has been before the Town before and any and all applications previously granted have expired and are now null and void, and that the Associate Town Planner commented that if these Variiances are granted, the Applicant would need to submit a Site Plan application to the Planning Board as well as a Conditional Use Permit application to the Planning Board and the Conservation Commission.

Don Dumont, Manager of Posey Investments, LLC, introduced himself, stated that the land is not developed and that their hope is to develop the merged three (3) lots into productive use and that would require these two (2) Variiances. Mr. Dumont

stated that the parcel is split-zoned with the front portion bordering Central Street in the Business (B) Zone and the back portion in the General (G) Zone.

Mr. Dion asked and received confirmation that the exit for the entire lot would be onto Central Street. Mr. Dillon Dumont, Manager of Posey Investments, LLC, added that the front of the lot would contain retail, a Permitted Use in the B District, and the back of the lot would be for Multi-family Housing, a non-permitted Use in the G District.

Mr. Don Dumont addressed the criteria for the granting of a variance and the information shared included:

(1) *not contrary to public interest*

- The use would not alter the character of the neighborhood
- This is a large parcel with virtually nothing on it
- This use would all for housing which the community is in need of

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

- The proposed multi-family use aligns with the spirit of the Ordinance by adhering to established guidelines and supporting higher density housing
- the spirit is met

(3) *substantial justice done*

- the granting of this variance would allow the property to be developed in a successful manner instead of remaining vacant like it has been for so many years
- we do not believe the public would gain anything in denying this request and the proposed addition does not interfere with the public interest

(4) *not diminish surrounding property values*

- any development to this property will only clean up a very depressed area and improve property values for all surrounding parcels

(5) *hardship*

- the property is bisected by two Zones and the proposed use is allowed on the front of the parcel
- by maintaining a similar use as to what is allowed on the front portion of the lot, it will allow the development to be more harmonious

Public testimony opened at 8:16 PM. No one addressed the Board. Public testimony closed at 8:17 PM.

Being no further questions from the Board, Mr. Dion asked for a motion.

Mr. Lanphear made the motion to grant to Variance for the proposed mixed principal use development with retail commercial uses and multi-family use on the same lot. Mr. McDonough seconded the motion.

Mr. Lanphear spoke to his motion stating that the granting would not alter the character of the neighborhood, that the merger of the lots will help the owner and bring improvement to the Town, that it will allow the property to be developed, that it will improve the area and clean up the parcel, and that the hardship is satisfied because the parcel is split zoned and that it is a reasonable request to clean the area up. Mr. Lanphear voted to grant.

Mr. McDonough spoke to his second noting that the variance is in line with the spirit as a portion of the lot already is in the zone where it is permitted, that the property has dual zoning and solidifying the zone would be in spirit, that justice would be done by unifying the zoning, that a development will greatly increase surrounding property values and that hardship is met by the lands dual use and that the granting would be in public interest. Mr. McDonough voted to grant.

Mr. Dion voted to grant and stated that the development will clean up the neighborhood and provide needed housing for commuters and will not harm public rights, and substantial justice would be done as it would allow the property to be used for the good in the community, that it should increase surrounding property values and that hardship is met because of the split zone and the dual use makes it difficult to develop and the proposed use is a reasonable one.

Vote was 3:0. Motion passed. Variance A. granted to allow proposed mixed use development on same lot.

Variance B. to allow for two (2) multi-family buildings

Mr. Don Dumont addressed the criteria for the granting of a variance and the information shared included:

(1) *not contrary to public interest*

- The use would not alter the character of the neighborhood
- This is a large parcel with virtually nothing around it
- This use would all for housing which the community is in need of

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

- The proposed multi-family use aligns with the spirit of the Ordinance by adhering to established guidelines and supporting higher density housing

(3) *substantial justice done*

- the granting of this variance would allow the property to be developed in a successful manner instead of remaining vacant like it has been for so many years

(4) *not diminish surrounding property values*

- any development to this property will only clean up a very depressed area and improve property values for all surrounding parcels

(5) *hardship*

- the property is bisected by two Zones and the proposed use is allowed on the front of the parcel
- by maintaining a similar use as to what is allowed on the front portion of the lot, it will allow the development to be more harmonious

Public testimony opened at 8:28 PM. No one addressed the Board. Public testimony closed at 8:29 PM.

Mr. Lanphear made the motion to grant to Variance for the two proposed multi-family buildings. Mr. McDonough seconded the motion.

Mr. Lanphear spoke to his motion stating that it is not contrary to public interest as this will add character to the character of the neighborhood and the housing will bring life to the area, that it will clean up the property and bring housing to the

area, that the property to be developed will bring businesses and housing to the Town, that the surrounding property values would increase as a result, that the hardship criteria is met with the split zone and it is a reasonable use. Mr. Lanphear voted to grant.

Mr. McDonough spoke to his second noting that the granting will be beneficial to the community, that this is in line with the Ordinance as the lot is already partially zoned for such, that the dual zoning is restrictive and that justice would be done by fixing the zoning, that this will increase value and usefulness and that the Ordinance is in line with the variance, that zoning already exists within the lot, that this lot already has the zone and unifying this is reasonable. Mr. McDonough voted to grant.

Mr. Dion voted to grant and stated that the granting would add economy to the neighborhood and make a depressed area of Hudson safer, that this development will become the neighborhood, that there will be no harm to the general public and will not diminish value of the surrounding properties and that hardship is met by the split zoning surrounded by wetlands and or river and that the proposed use is a reasonable use.

Vote was 3:0. Motion passed. Variance B. granted to allow two (2) multi-family buildings in the G Zone section of the lot.

Mr. Dion stated that both Variances requested have been granted and noted the 30-day appeal period.

3. **Case 198-037 (10-24-24):** Patrick & Caroline Ryan, **6 B St., Hudson, NH** requests a Variance to allow an existing un-permitted 22 ft. x 24 ft. (528 SF) Accessory Dwelling Unit (ADU) above the garage to remain where an ADU shall meet the Hudson Zoning Ordinance ADU Provisions which include a building permit for an ADU must be approved and issued prior to the construction of an ADU or conversion of existing space into an ADU. [Map 198, Lot 037, Sublot-000; Split Zoned Business (B) & Town Residence (TR); HZO Article XIII A: Accessory Dwelling Units; §334-73.3, Provisions and HZO Article III: General Regulations; §334-16, Building Permits]

Mr. Sullivan read the Case into the record, referred to his Staff Report initialed 10/15/2024 that noted that the illegal ADU was discovered because the property was for sale and the new buyer was doing due diligence in making sure the property complied with Hudson Regulations and that Staff Review Comments have been received from the Town Engineer with questions regarding parking and current set up and the Fire/Health Department requesting that a Building Permit be obtained so that inspectional services could be performed.

Caroline Ryan introduced herself, stated that she and her husband recently purchased the property without knowing that it was an 'illegal' ADU and that they are trying to 'legalize' it and apologized that her husband is not able to attend this meeting as he has been the one who has spearheaded the legalization process and asked the Board how to proceed. Mr. Dion responded to begin by addressing the Variance criteria found on Page 7 & 8 in the Application.

Ms. Ryan addressed the criteria and the information shared included:

(1) *not contrary to public interest*

- The granting will not be contrary to public interest
- The use would not alter the character of the neighborhood
- The granting will allow for it to be part of the dwelling to use it in a manner appropriate and consistent with the guidelines as, as property owners, we will ensure that the occupant will use the dwelling as granted and we will enforce necessary provisions as needed
- This use would all for housing which the community is in need of

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

- As property owners we will ensure that if the variance is granted all the guidelines and procedures exceed expectations and upholds the values and expectations set forth by the State of NH and Town of Hudson
- Our expectation is to enrich the spirit of the Ordinance by all necessary means

(3) *substantial justice done*

- As the purchaser if this property, we had a vision of becoming a landlord and assisting somebody else in securing a place to live that they can afford, that they can feel safe and able to have comfort and pride in the dwelling
- In today's market, we know how difficult it is to secure affordable and comfortable housing
- Helping somebody else to secure this goal and enjoy the property would provide fulfillment and will also help us financially

(4) *not diminish surrounding property values*

- As the property owners we have due diligence to conduct a comprehensive check on any proposed occupant to endure that their presence will not decrease the value of any surrounding homes
- We will ensure that the occupant will be a positive contributor to the neighborhood and we will upkeep the home in an appropriate fashion as to not decrease, but increase, its value and will adhere to all the Codes and requirements provided by the Town of Hudson to do so

(5) *hardship*

- The property is large enough to support another occupant, especially square footage and acreage wise
- We sold our home in Concord with the aspirations of once again being homeowners
- With the current market that proved to be difficult and have been renting on Gordon Street
- After many difficulties with the market we found this beautiful home that we could offer to another person who is also most likely having difficulties in the market
- We purchased this house with this vision and we thought that we could offer housing to another who would in turn provide us with assets to assist with the costs associated with owning and renting out the apartment
- But during the process we became aware that the necessary steps had not happened for the studio apartment according to the Town of Hudson guidelines and principals
- We are attempting to follow procedure (and the State of NH) to utilize this unit accordingly

- We believe use of this studio apartment by an occupant is reasonable and we can only accomplish our goal with the granting of this variance and also possibly helping another person in need of affordable housing
- The use is reasonable

Mr. Dion asked and received confirmation that the property was bought about a month ago (9/18/2024) and Ms. Ryan added that it was advertised as “recreational space”, which they learned was also not approved, or known, by the Town. Mr. Dion noted that what is before the Board is a Variance for the ADU. Mr. Sullivan confirmed and added that an ‘after-the-fact’ Building Permit is needed so that inspections can be done for the integrity of the living unit which will consider all aspects including electrical, plumbing, firewalls etc.

Public testimony opened at 8:46 PM. No one addressed the Board.

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

Mr. Lanphear spoke to his motion stating that the granting of the Variance will not be contrary to public interest and will not threaten the public, that the Applicants bought the property and their diligence let them know that the “rec room” had not been constructed with permits, that the error was made by the realtor not to have disclosed this finding, that the granting of this Variance will not diminish surrounding property values, that the hardship is that the owner just bought this property and is trying to correct and complete the process and that the proposed use is a reasonable and correct use. Mr. Lanphear voted to grant.

Mr. McDonough spoke to his second stating that the granting will allow the now property owner to follow rules while not being penalized, that this use is in line with the Ordinance as it is in the spirit of the Ordinance and would bring the new owners into compliance, that substantial justice is done as the new owner purchased without knowledge that it had not been approved, that this will not decrease surrounding property values and possible increase them if this were legalized, that the current new owners are trying to better align with the Ordinance by way of this Variance and the proposed use is reasonable, considering that it already exists. Mr. McDonough voted to grant.

Mr. Dion voted to grant and stated that the ADU already exists, that the current new owners are doing due diligence to bring it into compliance, that the ADU will increase safety by bringing it into compliance, that the new property owners are doing the right thing and trying rectify the situation, that there is neutral impact to surrounding property values, that code designates is as a detached garage ADU, and that the proposed use is reasonable.

Vote was 3:0. Motion passed. Variance granted. The 30-day Appeal period was noted.

VI. REQUESTS FOR REHEARING:

No requests were received for Board consideration.

VII. REVIEW OF MINUTES:

09/26/2024 edited draft Meeting Minutes

Board reviewed and made not further changes. Motion made by Mr. Lanphear, seconded by Mr. McDonough and unanimously voted to approve the 9/26/2024 Minutes as edited and presented.

VIII. OTHER BUSINESS:

No other business was presented for Board consideration.

IX. ADJOURNMENT:

Motion made by Mr. Lanphear, seconded by Mr. Dion and unanimously voted to adjourn the meeting. The 10/24/2024 ZBA meeting adjourned at 8:54 PM.

Respectfully submitted,

Tristan Dion, Acting ZBA Chairman