



# TOWN OF HUDSON



## Zoning Board of Adjustment

3 Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

4 12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-

5 594-1142

### MEETING MINUTES – October 24, 2024 - draft

6 The Hudson Zoning Board of Adjustment met Thursday, October 24, 2024, at 7:00 PM  
7 in the Community Development Paul Buxton Meeting Room in the lower level of  
8 Hudson Town Hall, 12 School St., Hudson, NH.

9  
10  
11  
12  
13  
14 **I. CALL TO ORDER**

15 **II. PLEDGE OF ALLEGIANCE**

16 **III. ATTENDANCE**

17 **IV. SEATING OF ALTERNATES**

18  
19 Acting Chairman Tristan Dion called the meeting to order at 7:01 PM, invited everyone  
20 to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board's  
21 Bylaws) regarding the procedure and process for the meeting.

22  
23 Acting Chair Dion called the attendance. Members present were Tristan Dion  
24 (Regular/Clerk/Acting Chairman), Tim Lanphear (Regular), Zachary McDonough  
25 (Alternate/Acting Clerk). Also present were Dillon Dumont, Selectman Liaison, Louise  
26 Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused were  
27 Gary Daddario (Regular/Chair), Normand Martin (Regular/Vice Chair) and Dean  
28 Sakati (Regular). Alternate McDonough appointed to vote.

29  
30 Mr. Dion stated that in order for a vote to pass, it would require a minimum of three  
31 (3) affirmative votes and under normal circumstances there would be five (5) voting  
32 Members. Mr. Dion offered each Applicant the option to request a deferment to the  
33 next meeting where a full Board could be present. No one exercised that option.

34  
35 **V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

36 1. **Case 232-004 (10-24-24):** Joseph Maynard of Benchmark LLC, 50 Nashua Rd.,  
37 Suite 305, Londonderry, NH requests three (3) Variances for **102 Gowing Rd.,**  
38 **Hudson, NH** [Map 232, Lot 004, Sublot-000; Zoned Residential-Two (R-2)] to  
39 allow the existing single family home to be converted to a duplex as follows:

40 A. To allow a proposed 34 ft. x 25 ft. addition of a one (1) unit dwelling to be  
41 constructed adjacent and attached to the existing garage with the firewall  
42 between the proposed addition and the garage rather than a firewall located  
43 between the proposed addition and the existing principal single family  
44 structure. [HZO Article II: Terminology; §334-6, Definitions, Duplex]

45 B. To allow the proposed addition on a lot with 1.11 acres of land where a  
46 minimum land area of 1.377 acres (60,000 SF) is required for a duplex in the  
47 R-2 district without Town water or sewer. [HZO Article VII: Dimensional  
48 Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

52  
53 Mr. Sullivan read all three (3) Variances pertaining to this Case into the record,  
54 referenced his Staff Report initialed 10/15/2024 and noted that In-house  
55 Comments have been received from the Town Engineer and Inspectional  
56 Services/Fire Department. The Town Engineer's comments were in regard to the  
57 septic system and its capacity to accommodate the proposed addition. Inspectional  
58 Services Department comments pertained to the need for fire separation walls  
59 between the dwelling units, well capacity and septic system documentation that  
60 they can accommodate the proposed addition and that the proposed addition  
61 conforms to Building and Fire Codes.

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

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

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

- 80  
 81 (1) *not contrary to public interest*  
 82 • The application is to allow the existing single-family home to be converted to a  
 83 duplex building  
 84 • The property is within the residential area and is the last home on the street  
 85 • One of the sides of the lot is the town line for Pelham, NH  
 86 • The land in Pelham was purchased by the town of Pelham as a conservation  
 87 property with no development allowed  
 88 • The proposed addition is on the Pelham lot side closest to the town line  
 89 • The lot size is adequate to meet the State's rules and regulations for septic  
 90 system to the existing home and the proposed duplex unit  
 91 • For safety, the home is the last one on the street and the proposed addition is  
 92 on the Town line side of the existing home and there, and will not ever, be  
 93 any abutters on this side as that land is conservation and will not be  
 94 developed  
 95 (2) *will observe the spirit of the Ordinance*  
 96 • the use proposed is allowed in this district and although the lot does not meet  
 97 the minimum lot size in the zoning ordinance, the property is large  
 98 enough to satisfy NHDES regulations for the proposed duplex use  
 99 • the addition it also proposed away from the nearest Hudson abutter and the  
 100 Pelham abutter is conservation land never to be developed  
 101 • the spirit is met  
 102 (3) *substantial justice done*  
 103 • substantial justice is measured by weighing the loss to the applicant  
 104 outweighs any gain to the public by denying the variance  
 105 • this request is to allow a duplex unit where the family if looking to construct  
 106 a unit for a relative  
 107 • the location of the construction is such that it provides reasonable access  
 108 from the driveway to the unit and this proposal fits the layout of the  
 109 existing home  
 110 • we do not believe the public would gain anything in denying this request  
 111 and the proposed addition does not interfere with the public interest  
 112 (4) *not diminish surrounding property values*  
 113 • the proposed duplex and the existing use are both residential in nature and  
 114 are allowed in this district  
 115 • the proposed addition will not interfere with the character of the  
 116 neighborhood  
 117 • the encroachment into the side setback is away from the other developed  
 118 lots in the neighborhood and the addition will be on the side of the home  
 119 where the lot line is the Town Line and the land in Pelham is under a  
 120 conservation easement  
 121 • we do not believe there is any evidence that this project would have a  
 122 negative effect on property values  
 123 (5) *hardship*  
 124 • this is a unique lot being triangular in nature where the left sideline is  
 125 perpendicular to the road and the right sideline is the hypotenuse of a  
 126 triangle

- 127 • with the proposed addition on the right side of the home, the front of the  
128 proposed addition will meet the side setback but the rear corner would  
129 be in the side setback
- 130 • the home is the last one on the street and the adjacent property is the Town  
131 Line with Pelham with the land to the east in Pelham owned by the town  
132 of Pelham as conservation property that is not to be developed
- 133 • from a topographical standpoint, the right of the home is generally flat and  
134 also falls close to the existing driveway which allows for good access to  
135 the duplex unit
- 136 • the left side of the home goes downhill and would require access across the  
137 front of the existing home
- 138 • the general purpose of the setback ordinance is to prevent overcrowding  
139 and provide space for emergency vehicles/service and the proposed  
140 addition to the right is owned by the neighboring town and has a  
141 conservation restriction on it so it will not be developed
- 142 • special conditions do exist when considering the lots shape, topography and  
143 location along with the location of the house limit places on the lot for  
144 this addition
- 145 • these special conditions make this lot unique and without the variance the  
146 property owner could not add the duplex unit to their property  
147

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

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

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

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

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

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

181 Vote was 3:0.

182

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

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

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

192

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

195

196 (1) *not contrary to public interest*

197 • this is a residential house in a residential neighborhood requesting to become  
198 a duplex, which is an allowed use in the Zone

199 • The property is the last home on the street with one of its three property lines  
200 abutting the town line for Pelham, NH

201 • The land in Pelham was purchased by the town of Pelham as a conservation  
202 property with no development allowed

203 • The lot size is adequate to meet the State's rules and regulations for septic  
204 system to the existing home and the proposed duplex unit

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

206 • the use proposed is allowed in this district and although the lot does not meet  
207 the minimum lot size in the zoning ordinance, the property does meet  
208 NHDES regulations for the proposed duplex use

209 • there is no health or safety issue

210 • the spirit is met

211 (3) *substantial justice done*

212 • substantial justice is measured by weighing the loss to the applicant  
213 outweighs any gain to the public by denying the variance

214 • this request is to allow a duplex unit where the family is looking to construct  
215 a unit for a relative

216 • we do not believe the public would gain anything in denying this request  
217 and the proposed addition does not interfere with the public interest

218 (4) *not diminish surrounding property values*

219 • the proposed duplex and the existing use are both residential in nature and  
220 are allowed in this district

221 • the proposed addition will not interfere with the character of the  
222 neighborhood

223 • we do not believe there is any evidence that this project would have a  
224 negative effect on property values

225 (5) *hardship*

226 • this is a unique lot being triangular in nature where the left sideline is  
227 perpendicular to the road and the right sideline is the hypotenuse of a  
228 triangle

229 • there is no other location to gain additional land to meet the requirement

230 • this is a small accessory unit to the building for a relative

231

232 Mr. Dillon noted that 1.377 acres are required per the Ordinance and the lot is 1.1  
233 acre of land. Mr. Lanphear inquired about the septic system noting that it will  
234 initially be for the mother in-law but then the plan is for their autistic son, or a  
235 care-worker for him, but after that, what? Normally there could be two people in  
236 the unit and asked what that impact would be on the septic system. Mr. Maynard  
237 stated that when dealing with multifamily units, the State requires calculations to  
238 be one and a half times what is required and they would be required to do an  
239 updated septic plan that shows it can meet loading and added that the current  
240 septic system is about fourteen (14) years old and it is their intent to prepare an  
241 updated plan.

242 Mr. Dion opened public testimony for the land requirement variance at 7:43 PM.

243 No one addressed the Board. Public testimony closed at 7:44 PM.

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

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

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

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

264 Vote was 3:0. Motion passed.

265

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

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

271

272 (1) *not contrary to public interest*

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

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

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

291 (3) *substantial justice done*

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

298 (4) *not diminish surrounding property values*

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

309 (5) *hardship*

- 310 • this is a unique lot being triangular in nature where the left sideline is  
 311 perpendicular to the road and the right sideline is the hypotenuse of a  
 312 triangle
- 313 • with the proposed addition on the right side of the home, the front of the  
 314 proposed addition does meet the setback and only the rear corner would  
 315 be in the setback

- 316 • from a topographical standpoint, the right of the home is generally flat and
- 317 also falls close to the driveway which allows good access to the duplex
- 318 unit whereas the left side of the home goes downhill and would required
- 319 access across the front of the existing home
- 320 • this lots shape, topography and location along with the layout and location
- 321 of the house limit places on the lot for this addition
- 322 • these special conditions make this lot unique and without this variance, the
- 323 property owner could not add the duplex unit to their property
- 324

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

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

328 Mr. Lanphear spoke to his motion stating that it will not be contrary to the  
329 neighborhood, that it does not change the neighborhood or public safety or health;  
330 that the spirit of the Ordinance is observed, just the irregular lot shape has only  
331 one location for the addition; that it is a very reasonable use and will not harm or  
332 cause any safety concerns to the general public; that it will not diminish any  
333 property values; that the property shape is irregular (triangular) which makes it  
334 very difficult to place this addition anywhere else; that the lot abuts conservation  
335 land that will not be developed; and that the use is reasonable. Mr. Lanphear  
336 voted to grant.

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

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

350 Vote was 3:0. Variance granted.

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

353

354 **2. Case 176-041 (10-24-24):** Dillon Dumont, Mgr. of Meadows Property, LLC and  
355 Don Dumont, Mgr. of Posey Investments, LLC, 195R Central St, Hudson, NH  
356 requests two (2) Variations for a proposed three (3) lot merger into one (1) lot for  
357 **197, 197R & 207 Central St., Hudson, NH** [Map 176, Lots 041, 044 & 045,  
358 Sublots-000; Zoned Business (B) & General (G)] to be redeveloped as follows:

360 A. To allow a proposed mixed principal use development with retail commercial  
361 uses and multi-family use on the same lot. [HZO Article II: General  
362 Regulations; §334-10, Mixed or dual use on a lot]

364 B. To allow for two (2) proposed multi-family buildings where multi-family use is  
365 not permitted in the General (G) district. The proposed 3-story building (1) is  
366 70 ft. x 100 ft. with 30 units. The proposed 3-story building (2) is 60 ft. x 300  
367 ft. with 70 units. [HZO Article V: Permitted Uses; §334-21, Table of Permitted  
368 Principal Uses]

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

377 Don Dumont, Manager of Posey Investments, LLC, introduced himself, stated that  
378 the land is not developed and that their hope is to develop the merged three (3) lots

379 into productive use and that would require these two (2) Variances. Mr. Dumont  
380 stated that the parcel is split-zoned with the front portion bordering Central Street  
381 in the Business (B) Zone and the back porting in the General (G) Zone.

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

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

- 389
- 390 (1) *not contrary to public interest*
- 391 • The use would not alter the character of the neighborhood
  - 392 • This is a large parcel with virtually nothing on it
  - 393 • This use would all for housing which the community is in need of
- 394 (2) *will observe the spirit of the Ordinance*
- 395 • The proposed multi-family use aligns with the spirit of the Ordinance by  
396 adhering to established guidelines and supporting higher density  
397 housing
  - 398 • the spirit is met
- 399 (3) *substantial justice done*
- 400 • the granting of this variance would allow the property to be developed in a  
401 successful manner instead of remaining vacant like it has been for so  
402 many years
  - 403 • we do not believe the public would gain anything in denying this request  
404 and the proposed addition does not interfere with the public interest
- 405 (4) *not diminish surrounding property values*
- 406 • any development to this property will only clean up a very depressed area  
407 and improve property values for all surrounding parcels
- 408 (5) *hardship*
- 409 • the property is bisected by two Zones and the proposed use is allowed on the  
410 front of the parcel
  - 411 • by maintaining a similar use as to what is allowed on the front portion of the  
412 lot, it will allow the development to be more harmonious
- 413

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

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

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

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

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

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

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

440

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

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

444

445 (1) *not contrary to public interest*

446 • The use would not alter the character of the neighborhood

447 • This is a large parcel with virtually nothing around it

448 • This use would all for housing which the community is in need of

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

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

453 (3) *substantial justice done*

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

457 (4) *not diminish surrounding property values*

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

460 (5) *hardship*

461 • the property is bisected by two Zones and the proposed use is allowed on the  
462 front of the parcel

463 • by maintaining a similar use as to what is allowed on the front portion of the  
464 lot, it will allow the development to be more harmonious

465

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

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

470 Mr. Lanphear spoke to his motion stating that it is not contrary to public interest  
471 as this will add character to the character of the neighborhood and the housing will  
472 bring life to the area, that it will clean up the property and bring housing to the  
473 area, that the property to be developed will bring businesses and housing to the  
474 Town, that the surrounding property values would increase as a result, that the  
475 hardship criteria is met with the split zone and it is a reasonable use. Mr.  
476 Lanphear voted to grant.

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

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

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

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

494

495 3. **Case 198-037 (10-24-24):** Patrick & Caroline Ryan, **6 B St., Hudson, NH**  
496 requests a Variance to allow an existing un-permitted 22 ft. x 24 ft. (528 SF)  
497 Accessory Dwelling Unit (ADU) above the garage to remain where an ADU shall  
498 meet the Hudson Zoning Ordinance ADU Provisions which include a building  
499 permit for an ADU must be approved and issued prior to the construction of an  
500 ADU or conversion of existing space into an ADU. [Map 198, Lot 037, Sublot-  
501 000; Split Zoned Business (B) & Town Residence (TR); HZO Article XIII A:  
502 Accessory Dwelling Units; §334-73.3, Provisions and HZO Article III: General  
503 Regulations; §334-16, Building Permits]



504 Mr. Sullivan read the Case into the record, referred to his Staff Report initialed  
 505 10/15/2024 that noted that the illegal ADU was discovered because the property  
 506 was for sale and the new buyer was doing due diligence in making sure the  
 507 property complied with Hudson Regulations and that Staff Review Comments  
 508 have been received from the Town Engineer with questions regarding parking and  
 509 current set up and the Fire/Health Department requesting that a Building Permit  
 510 be obtained so that inspectional services could be performed.

511  
 512 Caroline Ryan introduced herself, stated that she and her husband recently  
 513 purchased the property without knowing that it was an 'illegal' ADU and that they  
 514 are trying to 'legalize' it and apologized that her husband is not able to attend this  
 515 meeting as he has been the one who has spearheaded the legalization process  
 516 and asked the Board how to proceed. Mr. Dion responded to begin by addressing  
 517 the Variance criteria found on Page 7 & 8 in the Application.

518  
 519 Ms. Ryan addressed the criteria and the information shared included:  
 520

521 (1) *not contrary to public interest*

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

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

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

535 (3) *substantial justice done*

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

544 (4) *not diminish surrounding property values*

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

552 (5) *hardship*

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

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

574  
 575 Mr. Dion asked and received confirmation that the property was bought about a  
 576 month ago (9/18/2024) and Ms. Ryan added that it was advertised as  
 577 “recreational space”, which they learned was also not approved, or known, by the  
 578 Town. Mr. Dion noted that what is before the Board is a Variance for the ADU.  
 579 Mr. Sullivan confirmed and added that an ‘after-the-fact’ Building Permit is  
 580 needed so that inspections can be done for the integrity of the living unit which  
 581 will consider all aspects including electrical, plumbing, firewalls etc.

582  
 583 Public testimony opened at 8:46 PM. No one addressed the Board.

584  
 585 Mr. Lanphear made the motion to grant the Variance. Mr. McDonough seconded.

586  
 587 Mr. Lanphear spoke to his motion stating that the granting of the Variance will  
 588 not be contrary to public interest and will not threaten the public, that the  
 589 Applicants bought the property and their diligence let them know that the “rec  
 590 room” had not been constructed with permits, that the error was made by the  
 591 realtor not to have disclosed this finding, that the granting of this Variance will  
 592 not diminish surrounding property values, that the hardship is that the owner  
 593 just bought this property and is trying to correct and complete the process and  
 594 that the proposed use is a reasonable and correct use. Mr. Lanphear voted to  
 595 grant.

596  
 597 Mr. McDonough spoke to his second stating that the granting will allow the now  
 598 property owner to follow rules while not being penalized, that this use is inline  
 599 with the Ordinance as it is in the spirit of the Ordinance and would bring the new  
 600 owners into compliance, that substantial justice is done as the new owner  
 601 purchased without knowledge that it had not been approved, that this will not  
 602 decrease surrounding property values and possible increase them if this were  
 603 legalized, that the current new owners are trying to better align with the  
 604 Ordinance by way of this Variance and the proposed use is reasonable,  
 605 considering that it already exists. Mr. McDonough voted to grant.

606  
 607 Mr. Dion voted to grant and stated that the ADU already exists, that the current  
 608 new owners are doing due diligence to bring it into compliance, that the ADU will  
 609 increase safety by bringing it into compliance, that the new property owners are  
 610 doing the right thing and trying rectify the situation, that there is neutral impact  
 611 to surrounding property values, that code designates is as a detached garage  
 612 ADU, and that the proposed use is reasonable.

613  
 614 Vote was 3:0. Motion passed. Variance granted. The 30-day Appeal period was  
 615 noted.

616  
 617 **VI. REQUESTS FOR REHEARING:**

618 No requests were received for Board consideration.

619  
 620 **VII. REVIEW OF MINUTES:**

621  
 622 09/26/2024 edited draft Meeting Minutes

623  
 624 Board reviewed and made not further changes. Motion made by Mr. Lanphear,  
 625 seconded by Mr. McDonough and unanimously voted to approve the 9/26/2024  
 626 Minutes as edited and presented.

627  
 628 **VIII. OTHER BUSINESS:**

629 No other business was presented for Board consideration.

630  
 631 **IX. ADJOURNMENT:**

632  
 633 Motion made by Mr. Lanphear, seconded by Mr. Dion and unanimously voted to  
 634 adjourn the meeting. The 10/24/2024 ZBA meeting adjourned at 8:54 PM.

635  
 636 Respectfully submitted,  
 637 Louise Knee, Recorder