



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – July 11, 2024 – draft

The Hudson Zoning Board of Adjustment will hold a public meeting on **Thursday, July 11, 2024, at 7:00 PM in the Hills Memorial Library building located at 18 Library St., Hudson, NH.**

There will be an Attorney-Client Session, pursuant to RSA 91-A:2.I.(b) (not open to the public) beginning at 6:15 PM (time amended). The regular meeting will begin immediately after the Attorney-Client Session.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Chairman Daddario called the meeting to order at 7:11 PM, apologized for the delay, noted that the Board held a conference with Town Counsel prior to the start of this meeting and advised the audience that the decision before the Board at this meeting is to decide whether the decision of the Code Enforcement Officer was in error when he issued the Cease and Desist Notice of Violation letter dated May 8, 2024 or whether the Board concurred and would have made the same determination. Mr. Daddario outlined the format of the meeting noting that the Board would first hear from the Property Owner’s representative and open the meeting to hear from the Public. Mr. Daddario stressed that all communication be directed to the Board. Mr. Daddario stated that Selectmen Dumont is seated at the Board table and would be able to engage in the conversation and that, because he is a Selectmen, has no vote on matters before the ZBA.

III. ATTENDANCE

IV. SEATING OF ALTERNATES

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

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 165-021 (07-11-2024):** Brendan Burke, Manager for Keystone Estates, LLC, 343R High St., Hingham, MA requests an Appeal from an Administrative

46 Decision for **12-14 Gambia St., Hudson, NH.** The applicant is appealing a
47 Code Enforcement – Notice of Violation Cease & Desist letter dated May 8,
48 2024 which cites a non-permitted use of a rooming/boarding house in the
49 Town Residence (TR) Zone and requires a variance from the Zoning Board of
50 Adjustment and if approved, site plan approval from the Planning Board. [Map
51 165, Lot 021, Sublot-000; Zoned Town Residence (TR); HZO Article V:
52 Permitted Uses; §334-20, Allowed uses provided in tables and §334-21, Table
53 of Permitted Principal Uses and HZO Article III: General Regulations; §334-
54 16.1, Site plan approval]

55
56 Mr. Sullivan read the Case into the record and noted that In-house Comments have
57 been received from the Town Engineer, Inspectional Services/Fire Department and the
58 Associate Town Planner. Mr. Daddario noted that issues pertaining to the Planning
59 Board are not before the ZBA and that neither is the Variance and emphasized that
60 the only issue before the ZBA at this meeting is the Appeal from the Zoning
61 Administrator and for the Board to decide whether they would have made the same
62 determination based on the evidence presented.

63
64 Atty. Andrew J. Tine, of 18 Maple Avenue, Barrington, RI, introduced himself as
65 representing the Property Owner, Keystone Estates, LLC. Also seated at the table was
66 Scott Landry of Keystone Estates.

67
68 Atty. Tine stated that Keystone Estates rents the property to Jeffrey House who then
69 rents to seven (7) individuals who share the entire house and are living there as a
70 family each sharing in the responsibility of maintaining the house in this single family
71 home. Atty. Tine stated that it is not transitional housing, that it is a Sober House
72 that is there for individuals to recover from substance abuse and noted that there is
73 no treatment provided on site and added that it is no different than seven (7) buddies
74 going to college living together and should be no different for these seven (7)
75 individuals living together in recovery. Atty. Tine stated that there is no definition of
76 “family” or “single housekeeping unit” or “rooming or lodging house” and if the Zoning
77 Administrator’s decision is not overruled, then his client would be forced to look for
78 Federal intervention.

79
80 Mr. Martin asked if the recovery house is registered and Atty. Tine responded that it is
81 not and that they cannot be required to register as registering is just voluntary. Mr.
82 Martin referenced the email dated 6/4/2024 from NH-DHHS (State of NH Department
83 of Health and Human Services) that confirmed that there are no recovery houses
84 registered in Hudson and asked Atty. Tine how it could be considered discriminatory
85 if it is not registered and added that the Zoning Ordinance (ZO) allows for Assisted
86 Living if it gets registered and licensed by the State. Atty. Tine stated that the NH
87 Core is a six-month process to certify a Sober House and noted that there are no
88 medical treatments provided on site. Mr. Martin asked if there was a manager on site.
89 Atty. Tine confirmed that there was a manager on site.

90
91 Mr. Dumont asked if there was a housing agreement and if so to please provide a copy
92 to the Zoning Administrator. Atty. Tine confirmed and agreed. Mr. Dumont asked if
93 members pay rent. Atty. Tine responded that they do, \$225.00 per week which
94 includes all utilities but not food. Mr. Dumont asked how food and food shopping was
95 handled and Atty. Tine stated that that is an individual’s decision. Mr. Dumont asked

96 if there were any future goals for the property and Atty. Tine responded that there are
97 no changes proposed.

98
99 Mr. Dion asked if there is a manager on site and whether he pays rent too. Atty. Tine
100 confirmed that there is a manager on site and that he does not pay rent. Mr. Dion
101 inquired about the chores of maintaining the household and Atty. Tine responded that
102 that obligation is part of the rental agreements and includes tasks, both inside and
103 outside. Mr. Dion asked if the house really needs a manager to which Atty.
104 Responded that it does not. In response to whether the landowner lives there, Atty.
105 Tine confirmed that no one from Keystone Estates lives there. Mr. Dion deduced that
106 Keystone Estates then bought the property with the intention to rent.

107
108 Mr. Lanphear asked if there was a Rule Book for the household, whether rents are
109 subsidized and who checks on the manager. Atty. Tine responded that there is no
110 Rule Book, just a rental agreement and that to his knowledge the rents are not
111 subsidized. Scott Landry stated that there exists a chain of command to handle
112 disputes.

113
114 Mr. Daddario questioned the maximum number of tenants, whether seven (7) included
115 or excluded the house manager and whether seven (7) is the maximum occupancy.
116 Atty. Tine confirmed that the total is seven (7) for the household, which includes the
117 house manager and added that this is a "family unit". Mr. Dion questioned whether
118 the house is safe for seven (7) people to reside there, noted that according to the
119 Property Card, there is 2,400 SF of living area which would equate to 342.865 SF per
120 person for seven (7) people to share three (3) bedrooms and asked if the rental
121 agreement included this sharing. Mr. Daddario asked that a copy of the agreement to
122 reside at the house, a copy of the Rules to live at the house and a tenancy agreement
123 be supplied to the Town.

124
125 Mr. Dumont asked and received confirmation that the Lease Agreement is between the
126 Property Owner, Keystone Estates, and Jeffrey House and that the tenant agreement
127 for those who reside at the house is with Jeffrey House, that rent is paid to Jeffrey
128 House, that if the rent is not paid the lawyers get involved before eviction, that the
129 home is restricted to just those in recovery, that there is a smoking area designated
130 out back, and that currently there are only two (2) cars parked in the driveway as it is
131 not unusual for a tenant to have lost their driver's license.

132
133 Mr. Dion asked if the tenants hold jobs. Atty. Tine stated that they typically do hold
134 jobs. Mr. Dion asked how they get to work? Atty. Tine responded that the Sober
135 House does not provide transportation and that services such as Uber or Lift are
136 commonly used. Mr. Dion asked if the house manager has an outside job in addition
137 to being the house manager. Atty. Tine confirmed that the house manager holds an
138 outside job. Mr. Sullivan asked when the tenants work if they are required to be in
139 counseling every day from 9 AM to 3 PM and where counseling is held.

140
141 Mr. Sullivan stated that Fire Safety is a real concern. Atty. Tine stated that he spoke
142 to the State Fire Marshall and was informed that no special requirements are
143 necessary and added that, if need be, they would pursue a variance from the State
144 Fire Marshall.

145

146 Mr. Dion asked if visitors – whether family or friends – are allowed. Atty. Tine stated
147 that family and friends are allowed to visit but overnight visits are not allowed. Mr.
148 Dion asked if there is a limit to the actual number of visitors allowed and whether it is
149 included in the house rules and how is it managed. Atty. Tine responded that it is
150 managed similar to any family, through discussion and acceptance. Mr. Dion
151 surmised that it then becomes a house rule.

152
153 Mr. Lanphear asked if a handicap person could be accommodated. Atty. Tine
154 responded that they could not as there are no ADA features. Mr. Lanphear asked and
155 received confirmation from Atty. Tine that Keystone Estates, LLC, bought the property
156 and rents it to Jeffrey House who then rents to Sober House individuals and
157 concluded that Keystone Estates is renting to a business.

158
159 Mr. Martin stated that when starting a business, any business, like a Recovery House,
160 one calls and checks with the Town to find out what would be required before one sets
161 up shop, and a call to the State would also be wise to discover that the State requires
162 a Registry. Mr. Sullivan stated that approximately five (5) months ago someone did
163 call the Town to inquire and was specifically informed of what needs to happen, a
164 variance from ZBA and site plan from the Planning Board and life safety inspection.
165 Mr. Martin stated that the Town is not being discriminatory and that the Town is not
166 violating Atty. Tine's client.

167
168 Mr. Dion stated that the property was bought by Keystone Estates LLC, a commercial
169 entity, who rents it to Jeffrey House, another commercial entity, who then is serviced
170 by Sober House, another commercial entity, for potential tenants. Mr. Dion noted that
171 Atty. Tine represents the property owner, Keystone Estates LLC.

172
173 Mr. Dion questioned the average stay of the tenants – and is it measured in weeks,
174 months and/or years. Scott Landry responded by saying that his best guess would be
175 approximately one (1) year but it is variable and dependent upon each individual and
176 because of that, the lease is paid weekly. Mr. McDonough asked what the minimum
177 occupancy would be as well as the maximum occupancy. Atty. Tine did not answer
178 except to state that there are currently seven (7) individuals there now.

179
180 Discussion continued. Mr. Daddario summed it up by stating that two (2) different
181 wavelengths are emerging – a business use versus a residential use under the guise of
182 a recovery discrimination use – and noted that what is before the Board is to consider
183 testimony to determine if they support the Zoning Administrator's decision.

184
185 Meeting opened to public comment. Mr. Daddario restated the guidelines – that all
186 comments are to be directed to the Board and that there is no need to repeat any
187 comments but it can be stated whether you agree or do not with a prior speaker. The
188 following individuals addressed the Board:

189
190 (1) Jose Urrutia, 9 Campbello Street, stated that he is opposed to having a
191 business in the neighborhood, noted that there are many children in the
192 neighborhood, including his grandchildren who often come visit, and like all
193 children they like to play outside and ride their bikes and questioned
194 whether any of the residents have criminal backgrounds or are sexual
195 predators.

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Mr. Dumont asked how many people live in his house, how many bedrooms and bathrooms he has and how many cars there are. Mr. Urrutia responded that two people live there, that he has four bedrooms and two and a half bathrooms and there are two vehicles.

- (2) Shara Katsos, 7 Campbello Street, stated that she has concerns, that her professional career has dedicated over twenty five years to homelessness, recognizes the need for permanent housing with services, with case management, clinical therapy and does not feel that any of it is provided to the tenants and is concerned for the fifteen (15) children under the age of thirteen (13) in the neighborhood who play in neighboring yards, the dead-end street and congregate on the cul-de-sac – and in order to continue this, they must pass the house numerous times and as residents, we don't know who lives there and residents appear to be moving in and out frequently. This appears to be an agency looking to make a profit and not caring for their residents, nor the town regulations or their surrounding neighbors. The ADA is to be used to protect individuals with disabilities, not as a bullying tactic for an agency to make a profit.

In response to Mr. Dumont questions, her household has three people, with three bedrooms, two and a half bathrooms and two vehicles.

Mr. Dumont asked if the seven (7) individuals residing are the same seven (7) people since inception. Atty. Tine introduced Mitch Cabral, the manager of the property and Mr. Cabral stated that a few individuals have come and gone, that since inception there have been a total of eleven (11) individuals through the house. Mr. Dion asked if seven (7) has been consistent. Mr. Cabral responded that seven is not consistent and added that there is no waiting list for additional residents. Mr. Dion asked if it was advertised or did it rely on word of mouth advertisement. Mr. Cabral responded that it is by word of mouth.

- (3) Richard Suter, 12 Campbello Street, stated that he abuts the property, that he has respect for recovery, noted that there are places that offer help, like Fairview which is an Assisted Living center, and stated that this place does not qualify for assisted living, that it is not an ADU either, that it alters the character of the neighborhood and noted that the police have already been call to the residency.

In response to Board questions, two people, three bedrooms and six vehicles.

Atty. Tine stated that this is not and ADU or Assisted Living.

- (4) Alyssa Cabezas, 11 Campbello Street, questioned the Attorney's statement that there are only 7 residents on site because last week when the police were called there were 11 people there. Ms. Cabezas noted that there has been no police in the neighborhood for more than a couple of years and expressed concern that the "manager" is not on the property especially during their 'meandering' time

In response to Board questions, 3 people, 3 bedrooms, 2 bathrooms, 3 vehicles

246 Mr. Daddario noted that the last two speakers have made reference to emergency
247 vehicles coming to the residence and asked Atty. Tine if he wished to address. Atty.
248 Tine responded that he was aware that the police came when one person was speeding
249 but he is unaware of a second police encounter or ambulance to the residence.
250

251 Mr. Dillon asked what the sexual orientation was of the residents. Atty. Tine
252 responded that the residents are adult males.
253

254 (5) Jeffrey Hudgins, 12 Kenyan Street, stated that he is angry with the
255 disingenuous of Atty. Tine, that he has pictures of the female resident, tht
256 Jeffrey's House is a leasing boarding house, that they are asking for
257 'forgiveness' instead of 'permission', that his wife runs a daycare business
258 and had to come before the Board to ask for permission, that these people
259 need to realize that there are two levels of registration and once registered
260 with the State they can get services and questioned if the residents are
261 Massachusetts residents or NH residents and noted that is any of the
262 residents are sex offenders, they are not registered.

263 In response to Board questions, 3 people, 3 bedrooms, 3 vehicles
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265 (6) Ms. Brennan, 13 Gambia Street, stated that she seconds the statements
266 made by Alyssa Cabezas, noted that the altercation that occurred and
267 involved the police was with her, that she has three sons, ages 13, 10 & 3,
268 that she was met with hostility and discrimination and even had her
269 sexuality questioned and stated that the aggression stopped when he
270 realized that he was being filmed, that there are 9 residents there not 7, that
271 all the cars that come there have Massachusetts license plates, and that
272 there is no supervision there from 9 am – 3 pm

273 In response to Board questions, 5 people, 3 dogs, 4 3 bedrooms, 1
274 bathroom, 2 vehicles, 1 motorcycle
275

276 Mr. Dion asked is she had noticed any activity at the property. Ms. Brennan
277 stated that the vehicles are all gone in the morning, that the residents hang out
278 doing nothing, that there is only one guy attending to the property, that usually
279 there are 2-3 cars there and today there was 5 cars
280

281 (7) Will Jubinville Jr., 10 Gambia Street , stated that he is an alcoholic, that he
282 sobered up without a sober house so it is possible, and concurred with Ms.
283 Brennan that there is one guy there who takes care of the property and the
284 others just meander around.

285 In response to Board questions, 1 person, 3 bedrooms, 1 bathroom, 2
286 vehicles and 1 pickup
287

288 (8) Brian Bright, 26 Campbello Street, stated that he agrees with what his
289 neighbors have already said, that he has three children and they were quite
290 surprised when they started this business without having received any
291 notice

292 In response to Board questions, 5 people, 2 bedrooms, 2 bathrooms, 5
293 vehicles
294

295 (9) Brian Cabral, 8 Gambia Street, stated that it is absolutely a business and
296 they are not in a business zone

297 In response to Board questions, 4 people, 4 bedrooms, 2.5 bathrooms, 4
298 vehicles

299
300 (10) Gabrielle McNulty, 8 Campbello Street, stated that she is a licensed
301 social worker, that she checked out Jeffrey's House's website and it is a
302 business and, in her opinion, they should go through the ZBA for it

303 In response to Board questions, 4 people, 5 bedrooms, 2.5 bathrooms, 4
304 vehicles

305
306 (11) John Colby, 11 Kenyon Street, stated that the applicant is trying to say
307 that it's a family living there, but it is not, it is long term rental and on a
308 week-to-week basis so it's more of a boarding house and they need to come
309 before the Boards for it, that he volunteers at a Recovery Home in Lowell,
310 Mass. and knows that the residents tend to be targets which raises even
311 more concern for safety of his 5 children

312 In response to Board questions, 9 people, 4 bedrooms, 2 bathrooms, 4
313 vehicles

314
315 Board took a break at 9:50 PM. Meeting called back to order at 9:57 PM.

316
317 Mr. Daddario asked Atty. Tine if he wished to respond to any of the testimony and
318 Atty. Tine declined.

319
320 Mr. Daddario stated that during the break, Abutter Ms. Brennan 13 Gambia Stated
321 that she misspoke the number of bedrooms.

322
323 Ms. Brennan addressed the Board and stated that her home has 3 bedrooms.

324
325 Atty. Tine stated that the property is owned by a LLC but that does not make it a
326 commercial use and that Jeffrey's House is a NH LLC.

327
328 Mr. Dion asked the age range of the tenants. Atty. Tine responded that they must be
329 adults, that they do not have children or teen tenants.

330
331 Mr. Lanphear asked and received confirmation that it is a "for profit" endeavor.

332
333 Public testimony closed at 10:04 PM

334
335 Mr. Dion stated that the Board needs to see the lease agreements. Mr. Martin stated
336 that that is not before the Board, that what is before the Board is to decide whether to
337 uphold the Zoning Administrator's decision to issue a Cease & Desist order or not.

338
339 Mr. Martin made the motion to uphold the Zoning Administrator's decision to issue a
340 Cease & Desist order. Motion seconded by Mr. Lanphear.

341
342 Mr. Daddario temporarily rescinded the motion as an email was received from an
343 abutter that, as is the Board's custom, should be read into the record. Mr. Martin
344 read the email dated 7/3/2024 from Nicole & Derek Horn, 9 Gambia Street that

345 opposed the installation of a Sober House. In brief, the email stated that they support
346 sobriety but are opposed to its location in the middle of a residential neighborhood
347 with families and children where the children play outside, people walk their dogs
348 without any worry that a resident in the sober house could relapse for all to see and
349 that they have lived in this neighborhood since 1998 and never worried about their
350 safety but now they have had to install new locks with cameras on their doors. The
351 character and safety of the neighborhood has suffered with their presence.

352
353 Mr. Martin re-made his motion to support the Zoning Administrator's decision to issue
354 a Cease and Desist Order. Mr. Lanphear re-seconded the motion.

355
356 Mr. Martin spoke to his motion stating that it is in the TR Zone that has traditionally
357 small lots and that a lack of definition in the Zoning Ordinance does not mean it's a
358 discrepancy because it is not and is one of the reasons variances exist.

359
360 Mr. Lanphear spoke to his second and stated that he agreed with Mr. Martin.

361
362 Mr. Dion voted to uphold the Zoning Administrator's decision and stated that it does
363 not fit into a "family unit", that it does not match the rest of the neighborhood, that
364 the residents are all adult males and are transitory, that they are not building a home
365 here and all appear to be from Massachusetts.

366
367 Mr. McDonough voted to uphold the Zoning Administrator's decision as it is not a
368 single family unit, it is more of a boarding house.

369
370 Mr. Daddario voted to uphold the Zoning Administrator's decision as the use needs to
371 be reviewed by the ZBA and the PB (Planning Board), and that the existence of seven
372 people with seven separate lease agreements is a business.

373
374 Vote was 5:0 to uphold the Zoning Administrator's 5/8/2024 Notice of Violation Cease
375 and Desist letter.

376
377 Mr. Daddario stated that there exists two (2) options, either appeal the Bos decision
378 within the 30-day Appeal period or submit a variance application to the Zoning Board.

379
380 Atty. Tine asked if the Board would consider a reasonable accommodation. Mr.
381 Daddario responded that is not before the Board at this time.

382
383 **VI. REQUEST FOR REHEARING:** None

384 No requests were presented for Board consideration.
385

386 **VII. OTHER BUSINESS:**

387 No other business was presented for Board consideration.
388

389 **VIII. ADJOURNMENT:**

390
391 Motion made by Mr. Martin, seconded by Mr. Lanphear and unanimously voted to
392 adjourn the meeting. The 7/11/2024 ZBA meeting adjourned at 10.21 PM.

393
394 Respectfully submitted, Louise Knee, Recorder