



# TOWN OF HUDSON

## Zoning Board of Adjustment

Gary M. Daddario, Chairman      Dillon Dumont, Selectmen Liaison

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

### MEETING MINUTES – February 27, 2025 - draft

The Hudson Zoning Board of Adjustment met Thursday, February 27, 2025, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ATTENDANCE**
- IV. SEATING OF ALTERNATES**

Chairman Daddario called the meeting to order at 7:02 PM, invited everyone to stand for the Pledge of Allegiance and presented the Preamble (Exhibit A in the Board’s Bylaws) regarding the procedure and process for the meeting and noted that on the Agenda is a Request for a Rehearing and that public input would not be received at this meeting, that it is a request for the Board to reconsider a decision previously made based on specific criteria.

Clerk Dion called the attendance. Members present were Gary Daddario (Regular/Chair), Tristan Dion (Regular/Clerk), Tim Lanphear (Regular), and Dean Sakati (Regular). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused were Normand Martin (Regular/Vice Chair) and Zachary McDonough (Alternate). All Regular Members voted. Mr. Daddario noted that there would be only four (4) Members voting when there are normally five (5) and offered the opportunity to continue a hearing to the next meeting in hopes that there would be five (5) Members present.

#### **V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:**

1. **Case 165-037 (02-27-2025):** Alexander C. Galloway, **3 Kenyon St., Hudson, NH** requests a Variance to allow the parking of an approx. 22,000 lb. work vehicle (truck) at the residence where outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds is prohibited. [Map 165, Lot 037, Sublot-000; Zoned Town Residence (TR); HZO Article III: General Regulations; §334-15 B (2), Parking and Article V: Permitted Uses; 334-22, Table of Permitted Accessory Uses]

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 2/12/2025 and noted that there were no concerns or comments received from the Town Engineer, Inspectional Services or the Associate Town Planner.

48 Alexander Galloway sat at the Applicant table and introduced himself and stated that  
49 proceeding with four (4) Members was satisfactory. Mr. Galloway addressed the  
50 criteria for the granting of a Variance and the information shared included:  
51

52 (1) *not contrary to public interest*

- 53 • The only time the vehicle is running is when it is leaving or parking my yard
- 54 • I live in the first house on the road, just off Webster Street, and am not driving  
55 up and down the Kenyon Street
- 56 • Generally I leave my house after most of my neighbors have already left for  
57 their work and arrive back before the end of their work day

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

- 59 • The vehicle will be parked on the property
- 60 • \*The spirit is observed/met – it is just a matter of weight

61 (3) *substantial justice done*

- 62 • Substantial justice would be done as I will be able to continue to park my  
63 work truck that contains all my tools at my house
- 64 • There is no work done at my house
- 65 • I would not have to consider moving to another district
- 66 • It would eliminate the very costly storage/parking rentals

67 (4) *not diminish surrounding property values*

- 68 • The vehicle is only parked for the night and on weekends – much like a  
69 school bus at a driver's house

70 (5) *hardship*

- 71 • The only special condition, I believe, is that this property has is that it is the  
72 first house on the road that borders a very busy road in which large  
73 trucks frequently use
- 74 • In my opinion, it is a perfect location to allow this variance
- 75 • The vehicle will be on the property at night and on weekends
- 76 • The vehicle is rarely started to leave before 8 AM and is rarely back after 3  
77 PM
- 78 • It is reasonable

79  
80 Mr. Dumont asked about the truck and Mr. Galloway responded that it is a  
81 freightliner service truck with a utility body on the back. Mr. Lanohear asked about  
82 nearby businesses and Mr. Galloway confirmed that there a few garages down on  
83 Tolls Street and there is a two-bay garage down the street, and confirmed that there  
84 is crushed asphalt on his property where he parks his vehicle.  
85

86 Public testimony opened at 7:20 PM.  
87

- 88 1) John Colby, 11 Kenyon Street, direct abutter, there is no noise issue, it's just  
89 a big truck, never has had an issue, and it would be more of a hardship to  
90 have him park it somewhere else and force him to get a vehicle to drive to his  
91 work vehicle, that customers do not come to his house and fully supports the  
92 granting of this variance.
- 93 2) Edward Thompson, 22 Burns Hill Road, stated that he is not really opposed  
94 but is concerned as to how it will be monitored and questioned whether the  
95 Board is setting a precedent.  
96

97 Mr. Sullivan stated that if noise starts at 5AM, he gets a call. Mr. Sakati asked if the  
98 Variance is approved does it stay with the property and Mr. Sullivan responded that it  
99 can be specified to just this Applicant and to such a vehicle. Mr. Dumont added that  
100 Variances are Case specific, that there is a Noise Ordinance in Town and that the  
101 Applicant does have support from his neighbors. Mr. Galloway added that he has  
102 been parking this vehicle at his home since 2018 and has only received one (1)  
103 complaint. Mr. Dumont asked where the vehicle is parked and Mr. Galloway identified  
104 the location as next to his garage and confirmed that it is visible from the road. Mr.  
105 Dumont noted that if there is a violation of the Noise Ordinance then the matter would  
106 become a Code Enforcement issue and probably end up back before the Board. Mr.  
107 Dion questioned whether the Board should consider setting operating hours to which  
108 Mr. Dumont responded that there would be no need because of the Noise Ordinance,  
109 that the Board need only authorize the weight difference and noted that there would  
110 not be any precedence being set. Mr. Daddario concurred that abiding by the Noise  
111 Ordinance should suffice. Mr. Lanphear asked if the Applicant gets to respond to  
112 "midnight calls" and Mr. Galloway responded that he hasn't had to in over five (5)  
113 years.

114  
115 Being no one else to address the Board, public testimony ended at 7:30 PM.

116  
117 Mr. Lanphear made the motion to grant the Variance with the stipulation that it  
118 abides by the Noise Ordinance. Mr. Sakati seconded the motion.

119  
120 Mr. Lanphear spoke to his motion stating that there are other area businesses nearby  
121 and does not pose a public health or safety issue and will not be out of character with  
122 the neighborhood with its location, it is his work truck, will not diminish surrounding  
123 property values, and as this is his job truck used to make his living it is a fair and  
124 reasonable request. Mr. Lanphear voted to grant with the stipulation that it abide by  
125 the Town of Hudson Noise Ordinance.

126  
127 Mr. Sakati spoke to his second stating that it is not contrary to public interest and  
128 presents no safety issues, that it does not alter the character of the neighborhood, that  
129 substantial justice is done as the benefit to the property owner outweighs any benefit  
130 to the public, that there will be no change to surrounding property values and that it  
131 is a reasonable use. Mr. Sakati voted to grant with the stipulation that the Noise  
132 Ordinance is abided.

133  
134 Mr. Dion voted to grant as it is not contrary to public interest or the Zoning  
135 Ordinance, it does observe the Zoning Ordinance, there's been no complaints and  
136 there is no alteration to the neighborhood and does not diminish surrounding property  
137 values, that the Applicant needs the vehicle to work and it is a reasonable request.

138  
139 Mr. Daddario voted to grant with the stipulation and noted that it is the first house on  
140 the street and the applicant does not drive it through the neighborhood so there is no  
141 impact to the neighborhood, that the Applicant has Abutter support, that it poses no  
142 harm to the public, that the Variance is specific to the weight of the vehicle, that  
143 justice would be provided to the Applicant, that there has been no evidence or  
144 testimony pertaining to property value impact, and that the special condition is that it  
145 is the first house on the street (Kenyon Street) just off a very busy street (Webster

146 Street), that there has been no complaints lodged against the truck and that the  
147 request is reasonable.

148

149 Vote was 4:0 to grant the Variance with one (1) stipulation. The 30-day Appeal period  
150 was noted

151

152 **VI. REQUEST FOR REHEARING:**

153

154 1. **Case 211-067 (12-12-24):** George Hurd, Mgr., Tumpney Hurd Clegg, LLC, 39  
155 Trigate Rd, Hudson, NH by and through its counsel, Colin Jean, Esq. requests  
156 a rehearing of a Variance request for 72 Burns Hill Rd., Hudson, NH which  
157 was denied on 12/12/2024 by the Zoning Board of Adjustment. The request  
158 was for a proposed construction of four (4) self-storage units totaling 18,950 SF  
159 in the rear portion of the vacant 24.816 acre lot previously zoned as General (G)  
160 but re-zoned to Residential-Two (R-2) where this Industrial Use (E-13) is not  
161 permitted. Self-storage use is permitted only in the Industrial (I) and General-  
162 One (G-1) Zones. [Map 211, Lot 067, Sublot-000; Zoned Residential-Two (R-2);  
163 HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

164

165 Mr. Sullivan read the request into the record. Mr. Daddario referred to the letter  
166 received from Atty. Jean dated 1/9/2025 for the Motion to Rehear and reaffirmed that  
167 there would be no public input received at this meeting, that the matter before the  
168 Board is to review the material included in the Motion to Rehear and determine  
169 whether it satisfied the four (4) criteria necessary to warrant a rehearing.

170

171 Mr. Daddario read the five-page (5) Motion for Rehearing into the record. Mr. Sakati  
172 stated that he takes exception to point #3 discounting the opposition received was  
173 based on either misinformation and that the matters they raised belonged before the  
174 Planning Board (PB) and noted that the Zoning Board has the responsibility to listen  
175 to the public. Mr. Daddario concurred and noted that the ZBA is vigilant about  
176 acknowledging which issues are PB issues and which fall within the ZBA purview. Mr.  
177 Dumont added that even the Supreme Court supports the public to speak out. Mr.  
178 Dion stated that the property should be viewed in a vacuum, that this Case is not  
179 about the dump that abuts this property or the two (2) dump monitoring wells on the  
180 property. Mr. Dumont noted that even the Variance criteria elude to the neighborhood  
181 and that the uniqueness of the property includes comparison to neighbors.

182

183 Mr. Lanphear inquired about the location of the wells, noted that he assumes they  
184 were incorporated into the deeds many years ago, at their initial drilling, and that they  
185 have been investigated and recalls that the Applicant's delay in pursuing development  
186 had nothing to do with the wells but was as a result of a death in one of their  
187 partners. Mr. Dion shared the same recollection and questioned how long is to long  
188 and noted that that is a slippery slope. Mr. Daddario stated that he saw no new of  
189 different evidence in their Atty.'s letter, just where they felt ZBA was wrong but  
190 nothing new was presented and the fact remains that the Applicant had to satisfy all  
191 five (5) Variance criteria, which they did not.

192

193 Mr. Dumont suggested the Board go through the criteria for the granting of a  
194 Rehearing. Mr. Daddario concurred and the results were as follows:

- 195 (1) Any new evidence presented? Board consensus was no – just a compacted  
196 rehash of statements made at the December meeting  
197 (2) Error made in law? Board consensus was no  
198 (3) Procedural error made? Board consensus was no.  
199 (4) Good reason stated? Board consensus was no  
200

201 Mr. Lanphear asked that if the Board had this letter in December would it have made  
202 a difference?  
203

204 Mr. Sakati made the motion to deny the Request for a Rehearing. Mr. Dion seconded  
205 the motion.  
206

207 Mr. Sakati spoke to his motion noting that there was no new evidence presented, that  
208 the Board made no error in law, that no procedural errors were made and that no good  
209 reason was provided by the Applicant. Mr. Sakati voted to deny the request.  
210

211 Mr. Dion spoke to his second stating that no new evidence was presented, there were  
212 no unlawful errors made, no error in procedure made and no good reason(s) stated  
213 and noted that the Atty.'s letter would not have changed his original vote to deny the  
214 Variance back in December. Mr. Dion voted to deny the Request for a Rehearing.  
215

216 Mr. Lanphear voted to grant the rehearing because even though he agrees that there  
217 was no new evidence presented, that there were no errors made in law or procedure,  
218 the presentation of the compacted restatement could have swayed his vote in  
219 December.  
220

221 Mr. Daddario voted to grant the motion and deny the Request for a Rehearing, that  
222 receipt of the Rehearing letter would not have swayed his vote in December, that the  
223 Rehearing request has presented no good reason or evidence to rehear, that no error  
224 in law was made, that no procedural errors were made and that no new evidence was  
225 presented.  
226

227 Vote was 3:1. Motion carried. Request for Rehearing denied  
228  
229

#### 230 **VII. REVIEW OF MINUTES:**

- 231 12/12/2024 edited draft Meeting Minutes  
232 01/09/2025 edited draft Meeting Minutes  
233 01/23/2025 edited draft Meeting Minutes  
234

235 Board reviewed the Edited versions and made no additional changes. Mr. Lanphear  
236 made the motion to approve the 12/12/2024, the 1/9/2025 and the 1/23/2025  
237 Minutes as edited. Mr. Daddario noted that all his edits were incorporated and  
238 seconded the motion to approve all three (3) sets of Minutes. Vote was 4:0. Minutes  
239 approved as Edited.  
240

#### 241 **VIII. OTHER BUSINESS:**

- 242  
243  
244 Discuss Home Occupations

245  
 246 Mr. Sullivan stated that inquiries regarding the need have increased significantly,  
 247 especially since COVID, that he receives four to five (4-5) inquiries a week, and noted  
 248 that other Towns in the State have changed their Ordinances to permitting Home  
 249 Occupations by Right. Several Members cited recent examples where they agreed  
 250 obtaining a Special Exception was just a formality based on the Ordinance and also  
 251 noted other examples where it definitely needed Board review. Requiring Board review  
 252 included such concerns pertaining to equipment, trucks/special vehicles, customers  
 253 to site, hours of operation, outdoor storage. Mr. Sullivan to present proposed changes  
 254 to ZORC (Zoning Ordinance Review Committee).  
 255

256 **IX. ADJOURNMENT:**  
 257

258 Motion made by Mr. Lanphear, seconded by Mr. Sakati and unanimously voted to  
 259 adjourn the meeting. The 2/27/2025 ZBA Meeting adjourned at 8:24 PM.  
 260

261 Respectfully Submitted,  
 262

263 Louise Knee, Recorder  
 264  
 265  
 266 \_\_\_\_\_  
 267

DRAFT