

TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – January 9, 2025 - approved

The Hudson Zoning Board of Adjustment met on Thursday, January 9, 2025, at 7:00 PM in the Hills Memorial Library building located at 18 Library Street, Hudson, NH.

An Attorney-Client Session, pursuant to RSA 91-A: 1.2b) (Not open to the public) began at 6:00 PM. The regular meeting to begin immediately after the Attorney-Client Session.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. SEATING OF ALTERNATES

Chairman Daddario called the meeting to order at 7:11 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.

Acting Clerk Martin called the attendance. Members present were Gary Daddario (Regular/Chair), Tim Lanphear (Regular), Zachary McDonough (Alternate) and Normand Martin (Regular/Vice Chair/Acting Clerk). Also present were Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused were Dean Sakati (Regular) and Dillon Dumont, Selectman Liaison. Alternate McDonough was appointed to vote. Mr. Daddario noted that there would only be four (4) Voting Members where there would normally be five (5) and offered the Applicants the opportunity to defer their case to the next meeting in hopes there would be five (5) Members present.

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 157-059 (01-09-2025) (deferred from 12-12-24):** Jeremy & Nicole Lyon, **28 Robin Drive, Hudson, NH** requests a Home Occupation Special Exception to operate a home office for the management and administrative needs of a handyman service business with all services performed off-site. [Map 157, Lot 059, Sublot-000; Zoned Residential-One (R-1); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

Mr. Sullivan read the Case into the record, referred to his Staff Report initialed 12/3/2024, noted that the parcel is an existing non-conforming lot of record and

Not Official until reviewed, approved and signed.
Approved 2/27/2025 as edited

that the Town Engineer, Inspectional Services/Fire Department and Associate Town Planner has no comments or concerns.

Jeremy Lyon and Nicole Lyon introduced themselves and sat at the Applicant's Table. Mr. Lyon stated that they moved to Hudson in 2022, that he works for DOD and that he and Nicole Lyon are the owners of the business named Patriot Cornerstone Solutions, LLC with a DBA of House Doctors, a home services and handyman business. House Doctors is a franchise that will be managed remotely from the office within their home.

Mr. Lyon referred to his application that addresses the criteria for the granting of a Home Office Special Exception . The information contained included:

- (a) nature of home office business
 - to provide management and administrative needs of the handyman services performed off-site
- (b) is home occupation secondary to the principal use of a home
 - yes it is secondary to the address
 - both business owners reside at this home
- (c) will it be carried within residence or accessory structure
 - the Home Occupation business of management and administration will be carried on within the home
 - all services are provided off-site
- (d) no exterior display of the business
 - there will be no sign or exterior display of the business
- (e) no exterior storage unless screened
 - there will be no active services conducted on/at the property
 - there will be no exterior storage and no evidence of the property being used as a business
- (f) no objectionable circumstances such as noise, odors etc.
 - there will be no active services conducted on the property so there will be no disturbance – no noise, no vibrations, no dust or smoke, or electrical disturbances, no odors, heat or glare produced
- (g) traffic not to exceed volume in a neighborhood
 - there will be no client or customer presence at the property
- (h) parking to be off-street
 - no customer/client parking as they do not come to our home
- (i) home occupation to be conducted only by residents of dwelling
 - yes, husband and wife, both property owners and co-owners of the business
- (j) number of vehicles for business
 - there are no vehicles for just the business – use personal vehicles
 - all W-2 employees and W-9 contractors have their own vehicles and report to the jobsite
 - perhaps someday in the future they may consider a pick-up truck for the business

Mr. Daddario opened the meeting for public comment. No one addressed the Board. Public testimony closed at 7:19 PM.

Mr. Daddario questioned the vehicle associated with the business. Mr. Lyon stated that initially he and his wife will utilize their own (personal) vehicles, as do their employees and contractors, but eventually they would like to purchase one, perhaps a pickup truck or small van, for the business and when that occurs, their driveway will easily accommodate parking.

Mr. Lanphear made to motion to grant the Home Occupation Special Exception as requested. Mr. Martin seconded the motion.

Mr. Lanphear spoke to his motion stating that the criteria have all been satisfied, that the proposed use is an administrative and management service operation on site, is secondary to the principal use as a home, that all activity will be conducted within the house, with no signage, no exterior storage, no change to the neighborhood, no change to traffic and no customers to the site. Mr. Lanphear voted to grant.

Mr. Martin spoke to his second stating that the business is conducted off-site with the administrative needs handled in the home office, that it is secondary to the main purpose of a residence, that there will be no sign, be no outside storage, no noise, no traffic, no customers to the site and currently no business vehicle. Mr. Martin voted to grant.

Mr. McDonough voted to grant stating that he too has determined that every criterion has been satisfied as the proposed use is a service to management services for the business for services performed off site, is secondary to the principal use as the residence, no exterior signage or outside storage or excessive noise and only be conducted by the property owners.

Mr. Daddario voted to grant and stated that he agrees with the Board, that each criterion has been satisfied, that it will be secondary to the primary use of the house as a home and be carried out within the house, that there will be no sign, no exterior storage, no customers to site, no business vehicle (currently), no parking, no traffic, no exterior lights, no evidence that a business is being conducted on-site

Vote was 4:0 to grant the HO/SE. The 30-day Appeal period was noted.

2. **Case 165-021 (01-09-25):** Brendan and Julie Burke, 343R High St., Hingham, MA request a Variance and reasonable accommodation for **12-14 Gambia St., Hudson, NH**. The application is to allow seven (7) unrelated individuals to live together while recovering from substance use. The seven individuals share the entire house, kitchen, bathroom facilities, etc. The use would not be permitted per §334-21, Table of Permitted Principal Uses. [Map 165, Lot 021, Sublot-000; Zoned Town Residence (TR); HZO Article V: Permitted Uses; §334-20, Allowed uses provided in tables and §334-21, Table of Permitted Principal Uses.]

Mr. Sullivan read the Case into the record, referred to his Staff Report that provided a time line of events, the reasoning behind the actions taken and that both the Town Engineer and Inspectional Services provided comment and noted that should the Variance be granted under 'reasonable accommodation' it would only be valid while the Property Owner owns the property and should they no longer own it, the Variance would no longer be valid.

Mr. Daddario asked if the Applicant desired to proceed with just four (4) Members present or defer to the next meeting in hopes of having a full five (5) Member Board present. Atty. Tine responded that he and his client desire to proceed.

Atty. Tine introduced himself as representing the Property Owners and Mitch Cabral, operator of the recovery home at Gambia Street. Both sat at the Applicant's table.

Atty. Tine stated that they seek a Variance with reasonable accommodation to continue and be allowed to operate the recovery home so that seven (7) unrelated disabled individuals would be allowed to live together, share the entire house, share the kitchen and bathroom facilities and noted that the residents are disabled, being individuals in recovery from substance use. Atty. Tine stated that these individuals generally come from a facility where they were treated for the abuse and are in need of transitional housing as they transition into abstinence while attending AA meetings and house meetings where they can proceed to independence living. The residents practice abstinence and are subject to random drug/urine testing to insure abstinence and living among a support group is essential to their recovery as they strive to recover normalcy in their lives, like getting and holding onto a job, reconnecting with their own family. The goal is to provide safe housing until they are ready to be independent or they secure another place to live. The intent is to provide a temporary housing opportunity with no defined 'end date' and why their lease is on a week-to-week basis. The house has four (4) bedrooms and can accommodate seven (7) unrelated disabled individuals and maintain that they do not need to seek relief from this Board but because they received notice of violation and were denied the administrative appeal, they are pursuing this variance but do not waive their rights to the fact that they believe that the proper interpretation for this Board would be that seven (7) individuals living together sharing an entire home with a common thread in recovery supporting each other, eating, watching TV socializing together is a single housekeeping unit, which is a definition of a family under the Town's zoning code and that these individuals, simply because they are disabled, should be treated just like any other group of unrelated people that may want to live together and be considered a single housekeeping unit without having to apply for additional relief of a variance from this Board. Under the Fair Housing Act and ADA (Americans with Disabilities Act), it is incumbent upon this Board to determine if there is any undue burden upon the Town and it is our position that seven (7) people living together in a single family home could be characterized as causing any undue administrative or financial burden to the Town simply because they are unrelated and disabled.

Atty. Tine referenced his application and the criteria for the granting of a variance. The information included:

(1) *not contrary to public interest*

- The definition of dwelling allows unrelated individuals to live together as a single housekeeping unit
- The individuals live like a singly housekeeping unit at Gambia Street
- to the extent that this board believes the occupancy differs from a single housekeeping unit, a reasonable accommodation is required under the Fair Housing Act, the Americans with Disabilities Act and NH Rev Stat 354-A:11 to allow these unrelated disabled individuals to live together

- Please see letter dated 11/13/2024 submitted in support
- (2) *will observe the spirit of the Ordinance*
 - What is being proposed is not a fundamental alteration to the Town' zoning scheme as it does allow housekeeping units
 - Unrelated individuals are allowed to live together in any numbers, as a single housekeeping unit in the TR zone, where this home is located
 - The occupancy is in line with the spirit of the ordinance
 - Reasonable accommodation is requested under state and federal law
- (3) *substantial justice done*
 - The impact to the neighborhood would be the same if this property were occupied by unrelated individuals who were not disabled, living as a single housekeeping unit
- (4) *not diminish surrounding property values*
 - To consider this factor in relation to this protected class is discriminatory
 - See 354-A:12
 - To argue housing values will be diminished by the presence of this protected class in the neighborhood is discriminatory and unsupported
 - The use will be comparable to any other family of similar size, whether related or unrelated
- (5) *hardship*
 - The denial of access to needed housing for individuals in recovery from substance use created a hardship
 - See NH Rev Stat 674:33-V no hardship required to be shown by disabled individuals as the use is in harmony with the intent of the Town's zoning
 - The use of the property is for disabled individuals
 - Unrelated individuals are permitted to reside at property as a single housekeeping unit

Atty. Tine concluded his presentation stating that, in their opinion, they do not need a variance as they propose a single housekeeping unit and seek a reasonable accommodation, that the standard is not to become an undue burden to the Town as they do not pose a fundamental alteration and there is no reason to deny.

Mr. Martin asked if the people residing there are disabled and how that is determined. Atty. Tine responded that every individual residing there is disabled, that there is a disclosure process that begins at intake where a worksheet is filled out to establish that there is a disability and that includes the types of medications they are on and noted that there are the urine drug tests performed, AA participation, house meetings – all of which a person would not normally subject themselves to if they were not disabled, and added that there is no medical treatment provided on site. Mr. Cabral stated that 90%-95% of the residents come from a medical facility, either a detox center or a hospital, and part of the intake is their declaration of how long they have been sober, and all are informed that if there should be any relapse, they must leave and get treatment, and would be welcomed back after treatment. Atty. Tine stated that the people who need this type of facility are basically people who cannot, yet, take care of themselves.

Mr. Lanphear asked if any certification is required and Atty. Tine responded that no certification is required, that the information is volunteered by the potential resident so there is no HIPPA violation.

Mr. Lanphear noted that it is an LLC, which is a business, and asked if a copy of a lease could be provided. Atty. Tine stated that it is not relevant and noted that there are other properties, whether owned by an individual or LLC that rent out, and that the individuals living there consider it as their home which we maintain constitutes that they are a family. Atty. Tine stated that he understands that the Board does not consider them a family so they seek reasonable accommodation as they are protected under the Fair Housing Act and ADA. Atty. Tine noted that the property is now owned by Brendan and Julie Burke, not an LLC or corporation, and they have a lease agreement with the operator and the operator sublets to individuals and then they get a bedroom have the ability to share the whole house as that becomes their home. Atty. Tine stated that people in detox have usually lost everything, when they go to detox they are not working and probably spent all their money on their addiction and after release they need someplace to live with little luck being able to secure a rental as they probably have no credit. The Sober House does not do a credit check, will do a background check to insure they are disabled and willing to participate in the household, and this is their opportunity so that they do not have to live in the streets and that is why they lease a week at a time. Atty. Tine stated that the people living there determine the use that is a housekeeping unit

Mr. Lanphear inquired about the Rules of the House. Atty. Tine stated that it includes such things as curfews and questioned whether he had already provided the Board with a copy. No copy provided but is still desired. Mr. Lanphear inquired about the lease and whether they could be provided a copy of that as well. Atty. Tine agreed and stated that no services are provided. Mr. Lanphear asked if that include electricity. Atty. Tine confirmed that the lease includes electricity, that the housing being offered is all-inclusive.

Mr. Daddario stated that the Board previously inquired about available documentation and now that there is an application before the Board there is still the desire for the additional information before an informed decision can be reached. Mr. Daddario stated that thus far copies of the lease agreement, the Rules of the House, the Intake Form have been identified and Atty. Tine agreed to provide.

Mr. Daddario also asked for a definition of the business that is operating the house and whether any licensing is required. Atty. Tine stated that it is a voluntary program, that there is no licensing required to run a sober house or to rent out your home, that NH Corps keeps track of Sober houses in the State, that the folks who reside at 12-14 Gambia Street are disabled, and is why they seek reasonable accommodation, and noted that all the residents have to provide is a clean drug urine test that is scheduled twice a week and occasionally at random, and maintain House Rules and attend House Meetings. In response to Mr. Lanphear's question, Mr. Cabral stated that the urine test is a twelve-panel test and that the organization runs other facilities in other towns and the one in Hudson began about seven to eight (7-8) months ago. Mr. McDonough inquired how the number of seven (7)

residents was achieved and Atty. Tine responded that it is based on the number of available bedrooms and added that seven (7) is a smaller number than most similar facilities as it is important to live among others to receive peer support.

Mr. Sullivan inquired about the trailer that has been recently placed on the property and the usual length of stay for the residents and why the ownership was recently changed from the LLC to Mr. and Mrs. Burke. Mr. Cabral stated that the trailer belongs to a neighbor who had asked permission to park it in their driveway and that there is no "usual" length of stay as it is personal to the individual, some needing just a week or two, others requiring months, all being encouraged toward independent living. Atty. Tine stated that he has no idea why the change in ownership occurred and noted that it is irrelevant to the application.

Mr. Daddario asked if relapses are tracked, whether records are maintained. Mr. Cabral responded that they are tracked only while they are residents because if they relapse they are asked to leave and seek treatment, House Rules, and the option for reentry remains a possibility and added that maybe there's a forty percent (40%) lapse rate, which is not uncommon. Mr. Sullivan stated that the State also keeps track of Sober Houses to insure that they are being properly run and Atty. Tine stated that NH Corp does the tracking, the initial inspection, but they are not a State organization even though they do receive State funding.

Mr. Sullivan asked if there was any staff beside Mr. Cabral on site. Mr. Cabral responded that there is one 'staff' person on site, who does not get paid but is responsible enough for him to trust to make sure the House Rules are followed when he is not there and administers the drug tests. Mr. Sullivan asked and received confirmation that the residents are all males. Mr. McDonough asked how many sites in NH and Mr. Cabral responded that there are two (2), one in Nashua that is all females and this one in Hudson for only males.

Mr. Daddario asked if the residents also possess vehicles. Mr. Cabral stated that they could and again that is on another case-by-case basis because generally the residents don't have or have lost their vehicles and/or licenses prior to entering a facility before being released from a treatment center and added that the driveway is sufficient enough for seven (7) vehicles to park. Mr. McDonough noted that there is a garage on site and asked if it is being used. Mr. Cabral confirmed that there is a garage on site and that currently it is empty and he knows of no plans to convert it otherwise. Mr. Sullivan asked how the residents could get to work in order to pay rent or to AA meetings etc. if they do not have a vehicle. Mr. Cabral responded that they have options, like they can take a cab or call an Uber. Atty. Tine stated that in addition to work, some can rely on family or grant or federal funding to help pay for rent. Mr. Cabral added that paying rent is one measure to regaining their place in society, to being able to look out for themselves.

Mr. Daddario asked for clarification on another point previously made. Reasonable accommodation pertains to disability and while they reside there they are considered disabled, but the disability status is what? Atty. Tine stated that they need a supportive living environment, that they are not yet capable to be living alone having just come from a facility that provided 24 hour/7 days a week care

and they are trying to get their lives back together, finding employment, attending AA meetings etc. Mr. Daddario stated that the Board is being asked to consider a Reasonable Accommodation and that directly links to a disability and Atty. Tine added that they can provide documents substantiating the disability of the residents without violating HIPPA.

Mr. Daddario asked if there is a length of time a potential resident has to be "clean" to be considered and Mr. Cabral responded that all that is required is a clean urine or blood test and added that generally most come from a facility where they have been "clean" for some time already.

Mr. Daddario recapped the documents to be received: In-take Form, House Rules, Lease, Disability documentation.

Mr. Daddario opened public testimony for anyone wishing to speak in favor, in opposition or neutrally on the application. The following addressed the Board:

- (1) Jo-Ann Ellison, 20 Campbello Street, sent an email stating that she has no complaints, has found the people there to be cordial and has no issues with the safe house.
- (2) Jackie Suter, 12 Campbello Street, stated that the person who sent the email is the one that owns the trailer that is temporarily parked there and wonders what type of arrangement was made, pleased that it will be confirmed that the folks who live there are disabled and questioned if the facility satisfies ADA requirements and noted that \$225 a week is high and it is obvious they are running a business and it should be removed as it is unfair.
- (3) Jose Urrutia, 9 Campbello Street, stated that there was a business there before and out of respect for that neighbor accepted it but we have been clear that we do not want a business in the neighborhood, the vehicle traffic is a danger to the children, there are many kids in the neighborhood and we now have to worry if any of the residents are sex offenders, that there is not enough supervision from the State or otherwise, that this is a business to make money, to run a sober house.
- (4) Shara Katsos, 7 Campbello Street, stated that this is very hard for her to speak as she is afraid of retaliation, that she has pictures of tennis balls that were thrown in her yard that had screws in it and is concerned for fifteen children, with thirteen (13) children under the age of thirteen (13), living in the neighborhood and yes she did file a police report, that she has been in her profession for twenty five years with homelessness, substance abuse and trauma history, and understands the needs for housing programs, that they need permanent housing with Case Management, therapeutic intervention and transportation, that peer support is good to a point but not really enough. The sober house being offered is for temporary housing with no Case support or therapy based practices, as is evident of one of their residents knocking on her neighbor's door seeking employment so he could pay his rent. There are a number of qualified services in NH that provide services that include needed services. No one knows who lives there, it is extremely transient

with week-to-week leases and just does not resemble a family. She believes in recovery but this does not resemble a success story but an agency looking to make a profit without concern for the neighbors or Town regulations. ADA is intended to protect, not to be used as a bullying tactic. Peer support is another term being bantered about, but peer support generally involves individuals who have been in recovery for at least a year, who go through a training program and get certified by the State. Living with someone who is also new to recovery cannot be considered "peer support". In recovery, the family concept is not supported because if anyone relapses, they can often feel guilty about it. Relapse is part of recovery, the average stay in a Sober House ranges from 166-254 days and they need Support Group and paying rent could easily be considered counterintuitive to their recovery. Urine testing is not all that reliable unless it is being watched as there is a means for them to self-clean their urine to alter the result. She called the Police Department to see if there were any registered sex offenders there and the response she received was that they do not know because they do not know who is living there. The recent change in ownership back to individuals is concerning because it feels like they are trying very hard to slip through some crack, trying to use empathy and sympathy and she does feel for the residents and wishes she felt comfortable enough to go over there and refer them to real services available in the State.

Mr. Lanphear asked Ms. Katsos how long she has been working as a Social Worker and Ms. Katsos responded that she began in 1999 and received her Masters Degree in 2000.

Mr. Daddario asked about "self-cleaning" of urine. Ms. Katsos stated that there are various means with the most common one substituting "clean" urine for your own.

Ms. Katsos stated that it is concerning that they are not keeping track of relapses because if their program is not working they could adjust it instead of adding trauma of eviction. Ms. Katsos stated that it is also curious as to where their tenants are coming from, are they NH residents, were they released from a medical facility or perhaps they were incarcerated.

- (5) Richard Sutter, 12 Campbello Street which abuts the property and the variance is to allow seven (7) unrelated individuals to live together, and it is not a permitted use in the Zoning Ordinance and requires a variance so that should not be in dispute and the allowance of seven (7) individuals to be considered a family unit and cannot be construed as living as a family unit with seven (7) individual and weekly leases. The term 'reasonable accommodation' comes from HUD regarding housing and refers to people with disabilities as protected from ADA which also includes physical modification like handrails and parking and does not magically override zoning regulations to allow businesses to run in residential neighborhood zones. It does conflict with the neighborhood. The police have been called several times already. They were issued a cease and desist letter

on 5/8/2024 yet there are still in operation. The neighborhood was once subject to a business in the neighborhood in that garage and the neighborhood was "hornswoggled" then and we refuse to be again. Please levy the fines outlined in the cease and desist order and close down this illegal activity immediately.

Mr. Sullivan stated that the Town needs to go to court to execute the Cease and Desist.

- (6) Alyssa Cabezas, 11 Campbello Street, stated that she lives directly behind the sober house, that her fence also touches their roof, that she has a two-year old daughter and it is really uncomfortable having the sober house in the neighborhood with all the children. Many of their residents hang in their backyard and their faces keep changing, we don't know who is living there. A while on a walk two of them stopped to pat the dog and told her they were thinking of adopting a dog and shortly after, her dog was in her backyard chewing on a tennis ball that was filled with screws and sharp stones, which she gratefully managed to get it from him and did call the cops to report it. She did approach them about it and was told they were using it to throw onto the roof in hopes of adjusting their satellite and it must have rolled off and into my yard. I think it would have been respectful if they had approached me to let me know, but they didn't. I fear for the children in the neighborhood with this sober house.
- (7) Mr. Martin read email received from Derek Horne dated 1/9/2025 stating that his feelings have not changed and that the sober house does not belong in a residential neighborhood

Atty. Tine stated that part of their screening process includes the question of they are a sex offender. Mr. Cabrel added that one of the reasons they don't pursue licensing, like NH Corp, is that would take away their option of who is allowed and they do not allow folks with domestic or violent or sexual crimes. Atty. Tine stated that they do 'observed' urine testing, meaning the person is quasi watched, and they use temperature cups and check it to insure it is in the correct range. Atty. Tine stated that he keeps hearing that this is a program and that implies certain facts that is not the case, there is no Case Manager on site, there are no services, medical or otherwise, this is not a program, it is a Sober House, simply residential housing – with rules that include the practice of abstinence and a curfew. Atty. Tine reiterated that they will provide a copy of their Rules to the Board and that all they are providing is housing as there is not enough housing being offered in the State and made reference to what is being provided in Rhode Island and Massachusetts and how funding, Federal funding is provided to install sprinkler systems etc. in these Sober Houses.

Atty. Tine brought up the issue of finances, of the amount the sober house is making off the residents, that the amounts cited are fictitious and should have no bearing on the Board's decision, that people are allowed to rent, that \$900 a month is a very reasonable (and cheap) rent when it includes all facilities like electric, heat, cable and occasionally food. Mr. Daddario stated that the concerns were heard, that the applicant has the option to respond. Discussion continued. Atty. Tine

stated that it is reasonable for any business to want to make money, doctors and lawyers and Board Members do, everyone does. Mr. Martin stated that Board Members do not get paid, they volunteer their service to which Atty. Tine thanked the Board for their service.

Mr. Daddario stated that statements were made that people with violent offences, sex offenders and questioned what the process is with regard to seeking that information. Mr. Cabral responded that it can come from medical records provided from treatment facilities, references, police reports or legal issues they may have had and is a question they ask during screening.

Mr. Daddario offered an opportunity to respond to the tennis ball incident as he heard two (2) things (1) that it happened and (2) that a police report was filed and that it was the police who informed the neighbor that someone at the sober house was using the ball in an attempt to adjust the satellite dish. Mr. Cabral stated that he is alerted whenever the police are called, when there is a medical emergency, complaints but he was not told of and nor did he hear anything regarding it from any resident at the sober house. Mr. Sullivan stated that the Town received pictures and a copy of the police report. Mr. Cabral apologized and stated that he is certain there was no malicious intent.

Mr. Lanphear referenced the abutter who spoke with her masters degree who seemed to have a good understanding of what is and should be involved and now he is hearing a push from the applicant that seems more like a multifamily or boarding house and nothing to do with disabilities, like ADA disability, and it is getting confusing. Atty. Tine stated that recovery from substance abuse is considered a disability under both FHA and ADA. Mr. Daddario asked Atty. Tine if the Board did not grant the relief, would he then claim discrimination. Atty. Tine stated that the statements from the residents display discriminatory intent, and does not feel the same intent from the Board and should the Board deny, it is a breach of the Fair Housing Act and ADA for considering reasonable accommodation. Discussion continued. Mr. Daddario then asked if there is a point where a decision is made that a sober house resident is well enough to be 'pushed out' and Mr. Cabral responded that he would never push anyone out, encourage yes, push no, as it is an individual decision and shared his own story through his recovery.

Mr. Sullivan and Atty. Tine debated the definition of 'dwelling' in the Zoning Ordinance and without the Zoning Ordinance in front of him, Atty. Tine offered to provide it to Mr. Sullivan.

Mr. Lanphear questioned the alternate sources mentioned that are available to the tenants for paying their rent and Atty. Tine offered a few examples like family/parents and grants and stated that he does not get involved in soliciting for the tenants. Mr. Martin stated that cities and towns have Welfare Departments that could help but the elephant in the room is that there is a business being operated in a residential neighborhood and is seeking to under a 'reasonable accommodation'. Atty. Tine stated that it is no difference than if it were rented to a family. Mr. Daddario stated that if it were rented to a family, there would not be separate leases for each family member.

At 9:20 PM Mr. Daddario redirected the meeting to public input.

- (8) Jackie Suter, 12 Campbello Street, stated that separate individual leases is not the standard for a single family home and the fact that they were not aware of the tennis ball incident is concerning especially is someone is 'managing' in some way what is going on at this property and that they take exception with their attorney making comment that the occupants from the neighborhood have issue with recovery because we don't and this is running a business in a residential zone. We don't want to get into the emotional facets of what recovery involves, many of us have deep understanding of it and they can't assume that they know what we have been through in our walk of life. We do have empathy. We do care but this is a residential zone and this business and should be declined.
- (9) Terry Katsos, 28 Campbello Street, stated that she is the recipient of the tennis ball incident and her house does not abut this sober house and she was part of the police report and that she too has her family and is concerned and if this had a program she would be inclined to offer support and services but it does not, what it offers are weekly leases like a rooming boarding house, not a family unit. With regard to the attorney's claim that the numbers are fictitious, we received that information from him at the last meeting.

Mr. Daddario asked for more information regarding her involvement with the tennis ball. Ms. Katsos stated that she found such a tennis ball in her yard which the police confiscated. Mr. Daddario stated that there was more than one ball then.

- (10) Gail Kazlouskas, 18 Kenyon Street, stated that her back yard is across the street from the sober house and yet multiple times just in this meeting their attorney keeps referencing that they are running a business and have the right to make a profit, but the fact remains, by their own testimony, they are running a business and businesses are not allowed in this residential area.
- (11) Joan Killingsworth, 28 Campbello Street, stated that back on September 1, 2024 she was woken up at 1:24 AM by a lot of loud voices and when she looked outside there were three men and a woman standing on the corner of Kenyon and Campbello Streets just hollering at each other and she called the police and apparently they disbursed before the police arrived. Who pays for the Police calls? The Fire calls? Ambulance calls? They claim unisex, but there were females living there. And how are we to know if there are pedophiles living there?

Mr. Martin stated that the Town funds the police and fire departments, that ambulance charges revert to the one being transported, and if the sexual offender is registered, the Town is notified.

- (12) Ann Marie Lombardi, 22 Campbello Street, stated that she has on film and ambulance coming to the sober house and took one of the residents out on a stretcher.

- (13) Tracy McMurray, 8 Kenyan Street, stated that at the last meeting there was discussion regarding impact on property values, which she did provide to Mr. Sullivan, and noted that there is generally a drop from 8%-20% in surrounding property values so if she wanted to sell, she would have to take the hit. She and her neighbors take pride in their homes and their upkeep. There has been nothing done to this sober house, nothing to upkeep it. Ms. McMurray stated that their use of 'disability' is offensive and overused and is being used for intimidation

Atty. Tine stated that what they have is residential housing, that's all.

At 9:39 PM the Board went into recess to consult with Town Counsel. Board reconvened at 9:52 PM. Mr. Daddario called the meeting back to order.

In response to Mr. Daddario's question, Atty. Tine stated that he could provide the material in two (2) weeks. Considering the time the Board would need to review and consult with Town Counsel, the next available meeting would be March 6. By setting the date, would negate the need to send out certified notices to the abutters.

Motion made by Mr. Martin, seconded by Mr. Lanphear and unanimously voted to continue the hearing to March 6, 2025.

The documentation was listed as: lease agreement between the owner and operator, lease agreement between the operator and the tenants, the House Rules, information on the intake process and finance information. All information to be submitted to Mr. Sullivan.

VI. REQUESTS FOR REHEARING: None

No requests were presented for consideration.


VII. OTHER BUSINESS:

No other business was addressed.

VIII. ADJOURNMENT:

Motion made by Mr. Lanphear, seconded by Mr. Martin and unanimously voted to adjourn the meeting. The 1/9/2025 ZBA meeting adjourned at 10:00 PM.

Respectfully submitted,



Gary M. Daddario, Chairman