



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – January 9, 2025 - draft

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:2-I:2.1-(b) (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

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

48
49 Jeremy Lyon and Nicole Lyon introduced themselves and sat at the Applicant's
50 Table. Mr. Lyon stated that they moved to Hudson in 2022, that he works for DOD
51 and that he and Nicole Lyon are the owners of the business named Patriot
52 Cornerstone Solutions, LLC with a dba of House Doctors, a home services and
53 handyman business. House Doctors is a franchise that will be managed remotely
54 from the office within their home.

55
56 Mr. Lyon referred to his application that addresses the criteria for the granting of a
57 Home Office Special ~~Exception~~Exception. The information contained included:
58

- 59 (a) nature of home office business
- 60 • to provide management and administrative needs of the handyman
 - 61 services performed off-site
- 62 (b) is home occupation secondary to the principal use of a home
- 63 • yes it is secondary to the address
 - 64 • both business owners reside at this home
- 65 (c) will it be carried within residence or accessory structure
- 66 • the Home Occupation business of management and administration
 - 67 will be carried on within the home
 - 68 • all services are provided off-site
- 69 (d) no exterior display of the business
- 70 • there will be no sign or exterior display of the business
- 71 (e) no exterior storage unless screened
- 72 • there will be no active services conducted on/at the property
 - 73 • there will be no exterior storage and no evidence of the property being
 - 74 used as a business
- 75 (f) no objectionable circumstances such as noise, odors etc.
- 76 • there will be no active services conducted on the property so there will
 - 77 be no disturbance – no noise, no vibrations, no dust or smoke, or
 - 78 electrical disturbances, no odors, heat or glare produced
- 79 (g) traffic not to exceed volume in a neighborhood
- 80 • there will be no client or customer presence at the property
- 81 (h) parking to be off-street
- 82 • no customer/client parking as they do not come to our home
- 83 (i) home occupation to be conducted only by residents of dwelling
- 84 • yes, husband and wife, both property owners and co-owners of the
 - 85 business
- 86 (j) number of vehicles for business
- 87 • there are no vehicles for just the business – use personal vehicles
 - 88 • all W-2 employees and W-9 contractors have there own vehicles and
 - 89 report to the jobsite
 - 90 • perhaps someday in the future they may consider a pick-up truck for
 - 91 the business
- 92

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

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

100

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

103

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

109

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

114

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

119

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

125

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

127

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

136

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

143

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

147

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

151

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

183

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

186

- 187 (1) *not contrary to public interest*
- 188 • The definition of dwelling allows unrelated individuals to live together as a
 - 189 single housekeeping unit
 - 190 • The individuals live like a singly housekeeping unit at Gambia Street
 - 191 • to the extent that this board believes the occupancy differs from a single
 - 192 housekeeping unit, a reasonable accommodation is required under the Fair

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

224 Atty. Tine concluded his presentation stating that, in their opinion, they do not need
 225 a variance as they propose a single housekeeping unit and seek a reasonable
 226 accommodation, that the standard is not to become an undue burden to the Town
 227 as they do not pose a fundamental alteration and there is no reason to deny.
 228

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

240 back after treatment. Atty. Tine stated that the people who need this type of facility
241 are basically people who cannot, yet, take care of themselves.

242

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

246

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

266

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

274

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

280

281 Mr. Daddario also asked for a definition of the business that is operating the house
282 and whether any licensing is required. Atty. Tine stated that it is a voluntary
283 program, that there is no licensing required to run a sober house or to rent out your
284 home, that NH Corps keeps track of Sober houses in the State, that the folks who
285 reside at 12-14 Gambia Street are disabled, and is why they seek reasonable
286 accommodation, and noted that all the residents have to provide is a clean drug
287 urine test that is scheduled twice a week and occasionally at random, and maintain
288 House Rules and attend House Meetings. In response to Mr. Lanphear's question,

289 Mr. Cabra~~e~~ll stated that the urine test is a twelve-panel test and that the
290 organization runs other facilities in other towns and the one in Hudson began about
291 seven to eight (7-8) months ago. Mr. McDonough inquired how the number of seven
292 (7) residents was achieved and Atty. Tine responded that it is based on the number
293 of available bedrooms and added that seven (7) is a smaller number than most
294 similar facilities as it is important to live among others to receive peer support.
295

296 Mr. Sullivan inquired about the trailer that has been recently placed on the property
297 and the usual length of stay for the residents and why the ownership was recently
298 changed from the LLC to Mr. and Mrs. Burke. Mr. Cabra~~e~~ll stated that the trailer
299 belongs to a neighbor who had asked permission to park it in their driveway and
300 that there is no "usual" length of stay as it is personal to the individual, some
301 needing just a week or two, others requiring months, all being encouraged toward
302 independent living. Atty. Tine stated that he has no idea why the change in
303 ownership occurred and noted that it is irrelevant to the application.
304

305 Mr. Daddario asked if relapses are tracked, whether records are maintained. Mr.
306 Cabra~~e~~ll responded that they are tracked only while they are residents because if
307 they relapse they are asked to leave and seek treatment, House Rules, and the
308 option for reentry remains a possibility and added that maybe there's a forty
309 percent (40%) lapse rate, which is not uncommon. Mr. Sullivan stated that the
310 State also keeps track of Sober Houses to insure that they are being properly run
311 and Atty. Tine stated that NH Corp does the tracking, the initial inspection, but they
312 are not a State organization even though they do receive State funding.
313

314 Mr. Sullivan asked if there was any staff beside Mr. Cabra~~e~~ll on site. Mr. Cabra~~e~~ll
315 responded that there is one 'staff' person on site, who does not get paid but is
316 responsible enough for him to trust to make sure the House Rules are followed
317 when he is not there and administers the drug tests. Mr. Sullivan asked and
318 received confirmation that the residents are all males. Mr. McDonough asked how
319 many sites in NH and Mr. Cabra~~e~~ll responded that there are two (2), one in Nashua
320 that is all females and this one in Hudson for only males.
321

322 Mr. Daddario asked if the residents also possess vehicles. Mr. Cabra~~e~~ll stated that
323 they could and again that is on another case-by-case basis because generally the
324 residents don't have or have lost their vehicles and/or licenses prior to entering a
325 facility before being released from a treatment center and added that the driveway is
326 sufficient enough for seven (7) vehicles to park. Mr. McDonough noted that there is
327 a garage on site and asked if it is being used. Mr. Cabra~~e~~ll confirmed that there is a
328 garage on site and that currently it is empty and he knows of no plans to convert it
329 otherwise. Mr. Sullivan asked how the residents could get to work in order to pay
330 rent or to AA meetings etc. if they do not have a vehicle. Mr. Cabra~~e~~ll responded
331 that they have options, like they can take a cab or call an Uber. Atty. Tine stated
332 that in addition to work, some can rely on family or grant or federal funding to help
333 pay for rent. Mr. Cabra~~e~~ll added that paying rent is one measure to regaining their
334 place in society, to being able to look out for themselves.
335

336 Mr. Daddario asked for clarification on another point previously made. Reasonable
337 accommodation pertains to disability and while they reside there they are

338 considered disabled, but the disability status is what? Atty. Tine stated that they
339 need a supportive living environment, that they are not yet capable to be living
340 alone having just come from a facility that provided 24 hour/7 days a week care
341 and they are trying to get their lives back together, finding employment, attending
342 AA meetings etc. Mr. Daddario stated that the Board is being asked to consider a
343 Reasonable Accommodation and that directly links to a disability and Atty. Tine
344 added that they can provide documents substantiating the disability of the
345 residents without violating HIPPA.

346
347 Mr. Daddario asked if there is a length of time a potential resident has to be “clean”
348 to be considered and Mr. Cabraell responded that all that is required is a clean
349 urine or blood test and added that generally most come from a facility where they
350 have been “clean” for some time already.

351
352 Mr. Daddario recapped the documents to be received: In-take Form, House Rules,
353 Lease, Disability documentation.

354
355 Mr. Daddario opened public testimony for anyone wishing to speak in favor, in
356 opposition or neutrally on the application. The following addressed the Board:

- 357
- 358 (1) Jo-Ann Ellison, 20 Campbello Street, sent an email stating that she has
359 no complaints, has found the people there to be cordial and has no issues
360 with the safe house.
 - 361 (2) Jackie Suter, 12 Campbello Street, stated that the person who sent the
362 email is the one that owns the trailer that is temporarily parked there and
363 wonders what type of arrangement was made, pleased that it will be
364 confirmed that the folks who live there are disabled and questioned if the
365 facility satisfies ADA requirements and noted that \$225 a week is high
366 and it is obvious they are running a business and it should be removed as
367 it is unfair.
 - 368 (3) Jose Urrutia, 9 Campbello Street, stated that there was a business there
369 before and out of respect for that neighbor accepted it but we have been
370 clear that we do not want a business in the neighborhood, the vehicle
371 traffic is a danger to the children, there are many kids in the
372 neighborhood and we now have to worry if any of the residents are sex
373 offenders, that there is not enough supervision from the State or
374 otherwise, that this is a business to make money, to run a sober house.
 - 375 (4) Shara Katsos, 7 Campbello Street, stated that this is very hard for her to
376 speak as she is afraid of retaliation, that she has pictures of tennis balls
377 that were thrown in her yard that had screws in it and is concerned for
378 fifteen children, with thirteen (13) children under the age of thirteen (13),
379 living in the neighborhood and yes she did file a police report, that she
380 has been in her profession for twenty five years with homelessness,
381 substance abuse and trauma history, and understands the needs for
382 housing programs, that they need permanent housing with Case
383 Management, therapeutic intervention and transportation, that peer
384 support is good to a point but not really enough. The sober house being
385 offered is for temporary housing with no Case support or therapy based
386 practices, as is evident of one of their residents knocking on her

387 neighbor's door seeking employment so he could pay his rent. There are
388 a number of qualified services in NH that provide services that include
389 needed services. No one knows who lives there, it is extremely transient
390 with week-to-week leases and just does not resemble a family. She
391 believes in recovery but this does not resemble a success story but an
392 agency looking to make a profit without concern for the neighbors or
393 Town regulations. ADA is intended to protect, not to be used as a
394 bullying tactic. Peer support is another term being bantered about, but
395 peer support generally involves individuals who have been in recovery for
396 at least a year, who go through a training program and get certified by the
397 State. Living with someone who is also new to recovery cannot be
398 considered "peer support". In recovery, the family concept is not
399 supported because if anyone relapses, they can often feel guilty about it.
400 Relapse is part of recovery, the average stay in a Sober House ranges from
401 166-254 days and they need Support Group and paying rent could easily
402 be considered counterintuitive to their recovery. Urine testing is not all
403 that reliable unless it is being watched as there is a means for them to
404 self-clean their urine to alter the result. She called the Police Department
405 to see if there were any registered sex offenders there and the response
406 she received was that they do not know because they do not know who is
407 living there. The recent change in ownership back to individuals is
408 concerning because it feels like they are trying very hard to slip through
409 some crack, trying to use empathy and sympathy and she does feel for
410 the residents and wishes she felt comfortable enough to go over there and
411 refer them to real services available in the State.

412
413 Mr. Lanphear asked Ms. Katsos how long she has been working as a
414 Social Worker and Ms. Katsos responded that she began in 1999 and
415 received her Masters Degree in 2000.

416
417 Mr. Daddario asked about "self-cleaning" of urine. Ms. Katsos stated that
418 there are various means with the most common one substituting "clean"
419 urine for your own.

420
421 Ms. Katsos stated that it is concerning that they are not keeping track of
422 relapses because if their program is not working they could adjust it
423 instead of adding trauma of eviction. Ms. Katsos stated that it is also
424 curious as to where their tenants are coming from, are they NH residents,
425 were they released from a medical facility or perhaps they were
426 incarcerated.

427 (5) Richard Sutter, 12 Campbello Street which abuts the property and the
428 variance is to allow seven (7) unrelated individuals to live together, and it
429 is not a permitted use in the Zoning Ordinance and requires a variance so
430 that should not be in dispute and the allowance of seven (7) individuals to
431 be considered a family unit and cannot be construed as living as a family
432 unit with seven (7) individual and weekly leases. The term 'reasonable
433 accommodation' comes from HUD regarding housing and refers to people
434 with disabilities as protected from ADA which also includes physical
435 modification like handrails and parking and does not magically override

436 zoning regulations to allow businesses to run in residential neighborhood
437 zones. It does conflict with the neighborhood. The police have been
438 called several times already. They were issued a cease and desist letter
439 on 5/8/2024 yet there are still in operation. The neighborhood was once
440 subject to a business in the neighborhood in that garage and the
441 neighborhood was “hornswoggled” then and we refuse to be again.
442 Please levy the fines outlined in the cease and desist order and close down
443 this illegal activity immediately.

444
445 Mr. Sullivan stated that the Town needs to go to court to execute the
446 Cease and Desist.

447
448 (6) Alyssa Cabezas, 11 Campbello Street, stated that she lives directly behind
449 the sober house, that her fence also touches their roof, that she has a
450 two-year old daughter and it is really uncomfortable having the sober
451 house in the neighborhood with all the children. Many of their residents
452 hang in their backyard and their faces keep changing, we don't know who
453 is living there. A while on a walk two of them stopped to pat the dog and
454 told her they were thinking of adopting a dog and shortly after, her dog
455 was in her backyard chewing on a tennis ball that was filled with screws
456 and sharp stones, which she gratefully managed to get it from him and
457 did call the cops to report it. She did approach them about it and was
458 told they were using it to throw onto the roof in hopes of adjusting their
459 satellite and it must have rolled off and into my yard. I think it would
460 have been respectful if they had approached me to let me know, but they
461 didn't. I fear for the children in the neighborhood with this sober house.

462 (7) Mr. Martin read email received from Derek Horne dated 1/9/2025 stating
463 that his feelings have not changed and that the sober house does not
464 belong in a residential neighborhood

465
466 Atty. Tine stated that part of their screening process includes the question of they
467 are a sex offender. Mr. Cabrel added that one of the reasons they don't pursue
468 licensing, like NH Corp, is that would take away their option of who is allowed and
469 they do not allow folks with domestic or violent or sexual crimes. Atty. Tine stated
470 that they do 'observed' urine testing, meaning the person is quasi watched, and
471 they use temperature cups and check it to insure it is in the correct range. Atty.
472 Tine stated that he keeps hearing that this is a program and that implies certain
473 facts that is not the case, there is no Case Manager on site, there are no services,
474 medical or otherwise, this is not a program, it is a Sober House, simply residential
475 housing - with rules that include the practice of abstinence and a curfew. Atty.
476 Tine reiterated that they will provide a copy of their Rules to the Board and that all
477 they are providing is housing as there is not enough housing being offered in the
478 State and made reference to what is being provided in Rhode Island and
479 Massachusetts and how funding, Federal funding is provided to install sprinkler
480 systems etc. in these Sober Houses.

481
482 Atty. Tine brought up the issue of finances, of the amount the sober house is
483 making off the residents, that the amounts cited are fictitious and should have no
484 bearing on the Board's decision, that people are allowed to rent, that \$900 a month

485 is a very reasonable (and cheap) rent when it includes all facilities like electric, heat,
486 cable and occasionally food. Mr. Daddario stated that the concerns were heard,
487 that the applicant has the option to respond. Discussion continued. Atty. Tine
488 stated that it is reasonable for any business to want to make money, doctors and
489 lawyers and Board Members do, everyone does. Mr. Martin stated that Board
490 Members do not get paid, they volunteer their service to which Atty. Tine thanked
491 the Board for their service.

492
493 Mr. Daddario stated that statements were made that people with violent offences,
494 sex offenders and questioned what the process is with regard to seeking that
495 information. Mr. Cabra~~e~~l responded that it can come from medical records provided
496 from treatment facilities, references, police reports or legal issues they may have
497 had and is a question they ask during screening.

498
499 Mr. Daddario offered an opportunity to respond to the tennis ball incident as he
500 heard two (2) things (1) that it happened and (2) that a police report was filed and
501 that it was the police who informed the neighbor that someone at the sober house
502 was using the ball in an attempt to adjust the satellite dish. Mr. Cabra~~e~~l stated
503 that he is alerted whenever the police are called, when there is a medical
504 emergency, complaints but he was not told of and nor did he hear anything
505 regarding it from any resident at the sober house. Mr. Sullivan stated that the
506 Town received pictures and a copy of the police report. Mr. Cabra~~e~~l apologized and
507 stated that he is certain there was no malicious intent.

508
509 Mr. Lanphear referenced the abutter who spoke with her masters degree who
510 seemed to have a good understanding of what is and should be involved and now he
511 is hearing a push from the applicant that seems more like a multifamily or boarding
512 house and nothing to do with disabilities, like ADA disability, and it is getting
513 confusing. Atty. Tine stated that recovery from substance abuse is considered a
514 disability under both FHA and ADA. Mr. Daddario asked Atty. Tine if the Board did
515 not grant the relief, would he then claim discrimination? Atty. Tine stated that the
516 statements from the residents display discriminatory intent, and does not feel the
517 same intent from the Board and should the Board deny, it is a breach of the Fair
518 Housing Act and ADA for considering reasonable accommodation. Discussion
519 continued. Mr. Daddario then asked if there is a point where a decision is made
520 that a sober house resident is well enough to be 'pushed out' and Mr. Cabra~~e~~l
521 responded that he would never push anyone out, encourage yes, push no as it is an
522 individual decision and shared his own story through his recovery.

523
524 Mr. Sullivan and Atty. Tine debated the definition of 'dwelling' in the Zoning
525 Ordinance and without the Zoning Ordinance in front of him, Atty. Tine offered to
526 provide it to Mr. Sullivan.

527
528 Mr. Lanp~~h~~hear questioned the alternate sources mentioned that are available to the
529 tenants for paying their rent and Atty. Tine offered a few examples like
530 family/parents and grants and stated that he does not get involved in soliciting for
531 the tenants. Mr. Martin stated that cities and towns have Welfare Departments that
532 could help but the elephant in the room is that there is a business being operated
533 in a residential neighborhood and is seeking to under a 'reasonable

534 accommodation'. Atty. Tine stated that it is no difference than if it were rented to a
535 family. Mr. Daddario stated that if it were rented to a family, there would not be
536 separate leases for each family member.

537

538 At 9:20 PM Mr. Daddario

539

540

541 (8) Jackie Suter, 12 Campbello Street, stated that separate individual leases
542 is not the standard for a single family home and the fact that they were
543 not aware of the tennis ball incident is concerning especially is someone
544 is 'managing' in some way what is going on at this property and that they
545 take exception with their attorney making comment that the occupants
546 from the neighborhood have issue with recovery because we don't and
547 this is running a business in a residential zone. We don't want to get into
548 the emotional facets of what recovery involves, many of us have deep
549 understanding of it and they can't assume that they know what we have
550 been through in our walk of life. We do have empathy. We do care but
551 this is a residential zone and this business and should be declined.

552 (9) Terry Katsos, 28 Campbello Street, stated that she is the recipient of the
553 tennis ball incident and her house does not abut this sober house and
554 she was part of the police report and that she too has her family and is
555 concerned and if this had a program she would be inclined to offer
556 support and services but it does not, what it offers are weekly leases like a
557 rooming boarding house, not a family unit. With regard to the attorney's
558 claim that the numbers are fictitious, we received that information from
559 him at the last meeting.

560

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

564

565 (10) Gail Kazlouskas, 18 Kenyon Street, stated that her back yard is across
566 the street from the sober house and yet multiple times just in this
567 meeting their attorney keeps referencing that they are running a business
568 and have the right to make a profit, but the fact remains, by their own
569 testimony, they are running a business and businesses are not allowed in
570 this residential area.

571 (11) Joan Killingsworth, 28 Campbello Street, stated that back on
572 September 1, 2024 she was woken up at 1:24 AM by a lot of loud voices
573 and when she looked outside there were three men and a woman
574 standing on the corner of Kenyon and Campbello Streets just hollering at
575 each other and she called the police and apparently they disbursed before
576 the police arrived. Who pays for the Police calls? The Fire calls?
577 Ambulance calls? They claim unisex, but there were females living there.
578 And how are we to know if there are [pediafiles-pedophiles](#) living there?

579

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

583
584 (12) Ann Marie Lombardi, 22 Campbello Street, stated that she has on film
585 and ambulance coming to the sober house and took one of the residents
586 out on a stretcher.

587 (13) Tracy McMurray, 8 Keny~~o~~an Street, stated that at the last meeting
588 there was discussion regarding impact on property values, which she did
589 provide to Mr. Sullivan, and noted that there is generally a drop from 8%-
590 20% in surrounding property values so if she wanted to sell, she would
591 have to take the hit. She and her neighbors take pride in their homes
592 and their upkeep. There has been nothing done to this sober house,
593 nothing to upkeep it. Ms. McMurray stated that there use of 'disability' is
594 offensive and overused and is being used for intimidation.

595
596 Atty. Tine stated that what they have is residential housing, that's all.

597
598 At 9:39 PM the Board went into recess to consult with Town Counsel. Board
599 reconvened at 9:52 PM. Mr. Daddario called the meeting back to order.

600
601 In response to Mr. Daddario's question, Atty. Tine stated that he could provide the
602 material in two (2) weeks. Considering the time the Board would need to review and
603 consult with Town Counsel, the next available meeting would be March 6. By
604 setting the date, would negate the need to send out certified notices to the abutters.

605
606 Motion made by Mr. Martin, seconded by Mr. Lanphear and unanimously voted to
607 continue the hearing to March 6, 2025.

608
609 The documentation was listed as: lease agreement between the owner and operator,
610 the operator and the tenants, the House Rules, information on the intake process
611 and finance information. All information to be submitted to Mr. Sullivan.

612
613 **VI. REQUESTS FOR REHEARING:** None

614
615 No requests were presented for consideration.

616
617
618 **VII. OTHER BUSINESS:**

619
620 No other business was addressed.

621
622 **VIII. ADJOURNMENT:**

623
624 Motion made by Mr. Lanphear, seconded by Mr. Martin and unanimously voted to
625 adjourn the meeting. The 1/9/2025 ZBA meeting adjourned at 10:00 PM.

626
627
628
629 _____
630 Louise Knee, Recorder