

Town of Sullivan
Zoning Board of Adjustment
Public Hearing for Jeffrey Burbank Special Exception
3/26/2024

Board members present: Roger Sweet, Brad Smith, Laura Lewandowski, Bob Switzer, BJ Wahl (Clerk) Absent: Stephen Parker

Public present: Jeffrey Burbank (Applicant), Kelly McLaughlin, Brandon Hatheway, Lyric Hatheway, James Price, Joseph Lewandowski, Ann Sweet, James Henzel

- The Minutes of the last meeting were approved as written.
- Jeff explained the basics of his proposed project: On the ridgeline of his property, he wishes to bring in gravel to level it off and erect moveable and attractive storage units. There will be security fencing and he intends to landscape around the fence with trees and shrubs. The area of intended use is largely hidden from both Route 9 and Apple Hill Road. Initially he will install 12 units, with the option of adding more once those are rented. There may be 20 in total. He will adhere to mandatory setbacks from the stream, wetlands, and the roads. He will reestablish an old driveway off of Old Concord Road. This will need a culvert by the road as there is drainage there. He will hire a driveway expert. He feels that the site needs no special drainage pipes as it is less than 60,000 square feet and the gravel will allow the water to seep in to the ridge. There may be hard pack put down in the future.
- Roger stated that he appreciates all of the effort that Jeff has put into his application, however, he feels that it is a different proposal because of the addition of RV and boat storage, which was not in the initial proposal. Roger said that we could suspend this public hearing, then have Jeff submit another proposal and start over, but that that would be a waste of time. Roger suggested deleting the boats and RV storage from the proposal and do a separate new proposal for those in the future. Jeff would like to leave the RVs and boats in, as he feels that this is a fresh proposal. A vote was taken with 3 ayes (Laura, Roger, and Brad) and one nay (Bob). The motion passed.
- Brad wondered about the wetland setbacks, and feels that a survey would have to be done. Jeff will hire Wendy Pelletier's survey company or some other surveyor and that this would include a wetlands evaluation. Bob explained that since there is no existing survey, one would have to be included when the Planning Board reviews the application.
- James Price, an abutter, spoke in favor of the units. He doesn't feel that it would affect the view significantly and that it would be convenient to have some storage available in Sullivan, as many people seem to have things stashed in their yards, which perhaps could be moved to storage. He stated that he was totally in support of the proposal.
- James Henzel also supports it as it will expand the tax base and it's a nice business to have in town. He thinks it's a worthwhile project and that it would help with cleanup of peoples' yards.
- Brandon Hatheway, who lives across the street from the proposed site, has a mixed view of the project. It's right out his front door so he will see it. He doesn't want to deny Jeff the opportunity of this business but feels that he doesn't really want to see it out of his door. Jeff explained that he doesn't want it to be an eyesore either. Brandon explained how the cell phone tower had a negative impact on his property, and that he doesn't like storage units in general.
- Kelly McLaughlin, who also lives across the road from the site, explained her daughter's letter, which was distributed to the Board members. Her daughter, an environmental science student, loves the woods, the community, and its rural character. There has been a lot of runoff from the cell tower which has changed the situation on their property. They are concerned about runoff from Jeff's project, into an adjacent wetland, and they don't want to

change the rural character of the neighborhood. They will see it directly from their house. Their biggest concern is environmental, and secondarily, is the view.

- Bob thought that the wetlands would not be impacted because of the location of the proposal, but that the Planning Board would do a more detailed site plan review.
- Bob started reviewing the conditions that have to be met to grant an exception:
 - The property is currently a “conforming property” in compliance with the CPO and ZBA regulations, with no non-conformances to report.
 - The proposed use will adhere to all relevant Federal, State, and local environmental regulations.
 - The use does not require a building permit, but a driveway permit will be obtained after the Special Exception is granted.
 - Photos of the proposed units were provided.
 - The road usage will amount to one or two cars per day so will not generate excessive traffic or unsafe conditions.
 - The proposed use will have sufficient off street parking and maneuvering space and will be gated.
 - The use will not produce excessive light, noise, or odors that will negatively impact neighboring properties. The lights will be motion activated.
 - The hours will likely be 24/7 and the facility will have keyed gate access.
 - The proposed use is not expected to reduce the value of surrounding properties, although this hard to judge. Jeff will try to make it aesthetically pleasing by planting trees and shrubs. He doesn’t want it to be an eyesore either. He proposes putting up a chain link fence with slats and will make that a priority on the side visible from Old Concord Road.
 - There will not be water or sewage installations, although it may someday have a PortaPotty.
 - The use will not create any public safety issues.
 - There will be adequate fire and emergency vehicle access, with sufficient turnaround areas. Brad asked how we would know if it would be adequate for fire trucks. There will need to be an inspection by the Fire Dept. Chief and an approval letter. Kelly asked about having a second driveway on 200 feet of road front. Since this is a town road, that is allowed.
 - Whether or not the proposed use will be in keeping with the rural character of the town is a debatable point. Jeff feels that he needs the profit from the initial 12 units before he can put landscaping into it. Brad thinks that it might affect the value of the surrounding areas and would like to see landscaping done immediately. Brad does think it will be ok in regards to the wetlands. Roger doesn’t like the boat storage along Route 9 to the east and objects to that usage. Kelly wondered how the area would look in the long term if the units don’t rent as expected. Roger wants stakes put down to delineate the area for the units and also where the driveway will be. He wondered if there would be enough room to turn a large truck, and also how runoff might erode the bank if the slope is cut into. Jeff tried to visibly show the flexibility of the units he proposes in order to address these concerns.
 - Jeff is the owner of the property.
- Bob stated what the Board would like to see as conditions for approval of the exception. These would include:
 - a professional survey with wetlands evaluation and delineation
 - stakes in the ground for the site and driveway
 - initial fencing and screening on the Old Concord side of the area
 - removal of the boat and RV storage from the proposal.
- Bob proposed that the Board accept the proposal with these conditions. A vote was taken with a unanimous approval.
- The public hearing was closed at 8:00 pm.

Submitted by:
BJ Wahl