

## Sullivan Hew Hampshire Zoning Board of Adjustment (ZBA)

452 Centre St, PO Box 110, Sullivan, NH 03445

Tel. (603) 847-3316 | Fax (603) 847-9154 | e-mail [sullivantownclerk@myfairpoint.net](mailto:sullivantownclerk@myfairpoint.net)

19/August/2022

Delbert Ouellette  
307 Valley Rd.  
Sullivan, NH 03445

Attention: Delbert Ouellette III  
Subject: Application for a Special Exception to operate **Ouellette's Auto Repair LLC**. (NH Business ID 898778) at Map 6 Lot 014 Sub-lot 000 in Sullivan, NH 03445  
Reference: Delbert Ouellette plans to operate **Ouellette's Auto Repair LLC** at Map 6 Lot 014 Sub-lot 000 in Sullivan NH (307 Valley Rd.) 03445.  
The application was accepted as complete by the Sullivan NH ZBA on 19/July/2022  
Public Hearing of the Sullivan NH ZBA held on 18/August/2022 on this subject

Dear Delbert,

The Sullivan NH, Zoning Board of Adjustment (ZBA) has voted to Conditionally Approve your request for a Special Exception to our CPO Article III, Paragraph B Subparagraph 3. You have applied for a Special Exception to operate **Ouellette's Auto Repair LLC** (NH Business ID 898778) which is a Commercial activity. This use can only be performed in Sullivan NH by Special Exception.

The subject property is currently in a Rural Residential District and suitable for residential use. The property was the subject of a lot line adjustment which was approved by the Sullivan Planning Board (Stephen A Hamilton, Chairman) on May 8, 2014. No increase or decrease of the lot size resulted from the lot line adjustment. The Current property has two non-conformances relative to the approved 2022 Community Planning Ordinance (CPO). Those non-conformances are as follows:

- The lot size is 1.06 acres which is less than the CPO required Minimum of 2.0 acres. This was a pre-existing non-conforming lot In Accordance With (IAW) the CPO Article III section E. Therefore: Acceptable and Resolved
- The location of the two story garage is within the CPO required 50 ft setback from the front property line at the highway Right of Way (ROW). On February 28, 1991, the Sullivan NH ZBA (Fred A Schmidt, chairman) voted to grant Robert Thayer a "special exception" to the Sullivan CPO (a variance) and to allow for the garage to be located within the setback area. Therefore: Acceptable and Resolved.

Approval of this Special Exception will allow the specified commercial use in a section of this property while leaving the remaining section of the property in the Rural Residential District and continuing to be suitable for residential use.

The basis for this Conditional Approval is the entire and complete set of drawings, plats, partial plats, sketches, narratives, presentations, statements, representations, supplements, clarifications, documents, correspondence, photographs, etc., submitted by the applicant to the ZBA with the original application and in subsequent submittals, or transmittals. These documents define the nature of the Use and the location on the parcel where this use will be carried out.

The submitted plans define the subject portion of the lot (approximately 6,500 ft<sup>2</sup> or approximately 0.15 acres) which is ≈14% of the entire lot, to which this commercial activity will be confined. The Bounds, perimeter, of the business site, are roughly shown on the submitted sketches and is roughly shaped as a rectangle which is described as follows:

The Northeast bound runs parallel to the rear of the 24 ft X 36 ft garage building and is 10 ft to the northeast of the garage building. This northeast bound starts at the edge of the Valley Rd. ROW and extends 60 ft in the Southeast direction. From there, the Southeast bound runs Southwest, parallel to Valley Rd, to the southernmost property line of the lot. The Southwest bound starts at a point on the

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edge of the Valley Rd ROW and this point is 109 ft southwest of the starting point for the Northeast bound. The Southeast bound runs parallel to the Northeast bound until it intersects the southern property line then follows the property line until it intersects the Southeast bound. The edge of the Valley Rd. ROW provides the Northwest bound from the Southeast bound to the Northeast bound. The aforementioned  $\approx 24$  ft X  $\approx 36$  ft two story garage building is located within the bounds as is a vehicle parking area and a clear path (fire lane) thru the site to allow for free and safe passage of police, ambulance, fire, rescue and similar vehicles and/or equipment. See attached sketch (Attachment A) delimitating the bounds of the business.

Some areas within the designated bounds of the business site may be used to support non-business (personal) activities adjunct to but are not included in this Special Exception. Activities on this lot but outside the bounds of the business site will remain Rural-Residential are not included in this special exception.

In addition to all of the above, this approval is conditional on the following:

1. The clear path ( $\approx 25$  feet wide, as requested by the Sullivan Fire department) thru the site must be maintained in an open and unobstructed manner to allow for free and safe passage of police, ambulance, fire, rescue and similar vehicles and/or equipment. Low hanging (less than 14 feet above grade level) branches, electrical or communication wires or other objects above the path are considered an obstruction.
2. The Commercial Use Building is the existing 36 ft X 24 ft two story garage with a concrete floor. No additional buildings will be added or used as part of this commercial use.
3. Personal Safety equipment and devices (such as safety glasses/goggles, gloves, eyewash materials, first aid kits etc.) shall be provided in the garage IAW the State of NH and OSHA regulations.
4. The garage building and its accessories will be powered with electricity provided by the Utility Company and will not require the installation or operation of an electric generator except as may be required for a limited period of time as an emergency backup due to temporary loss of utility power. All electrical items installed within the garage building will; be installed IAW NFPA Pamphlet 70, the National Electric Code (NEC)
5. Future anticipated heating of the garage will by oil burner and a Sullivan Fire Department Operation Permit must be obtained at that time.
6. Water is currently supplied to the garage by hose.
7. The applicant will take special care to avoid any contamination of the water well which is located close to the bounds of the commercial activity site
8. Due to the environmentally sensitive location of this property, the septic tank will continue to be regularly pumped and care will be taken to assure the continued proper operation of this system.
9. A designated location on a non permeable surface (an unbroken concrete slab is a non permeable surface) within the garage will be used for automotive maintenance and repair activities involving fluids (such as changing oil , repairing radiators, solvent washing, repairing brake components, transmission servicing, greasing bearings or fittings etc.).
10. Suitable absorbing materials (speedy Dry etc.) will be provided in this area to contain any spills which might occur.

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11. Suitable fire protection and extinguishing equipment will be located in all areas where flammable liquids are handled, stored or dispensed.
12. Welding, metal cutting, grinding and other flame or spark producing activities should be performed in an area isolated from the storage or use of flammable materials. It is suggested that Approved Welding Curtains can provide isolation when properly used.
13. The only employee on this site is the owner.
14. The hours of business operation will be from 6:00 AM until 8:00 PM with the operation of noise producing equipment/machinery limited to the hours of 8:00 AM until 5:00 PM.
15. Any exterior lights will be of low intensity and not directly visible to the neighbors.
16. Fluids associated with this business must be stored within the garage and in containers, drums, cans, buckets approved for that purpose and fitted with proper caps/covers. Waste fluids must also be stored in approved containers fitted with suitable caps/covers. Waste materials will be disposed of in a safe and environmentally sound manner.
17. The site will be maintained in a neat and orderly manner.
18. Suitable metal trash cans with metal covers will be provided to store general trash including, empty cans, rags, wipes, used oil filters, used absorbent materials etc. within the garage building until they can be disposed of in an environmentally sound manner. .
19. Automotive Air Conditioning Service work done on this site will be performed IAW the requirements of the US Federal Clean Air Act Section 609 and by a certified technician.
20. Non-Roadworthy vehicles. For the purpose of this approval, a Roadworthy Vehicle is one which is (1) functionally able to be driven on the road, and (2) has a current and valid NH registration and the matching installed plates, and (3) has a current and valid NH vehicle inspection sticker & report. The absence of any one of these three criteria renders a vehicle to be Non-Roadworthy.  
  
No Non-Roadworthy Vehicles are permitted on the subject property, on any neighboring property(s), or on the commercial site. At times a customer may bring a Non-Roadworthy Vehicle to the business site for a specific repair. Such a vehicle will be allowed within the business site for a maximum of four (4) weeks before it must be removed. A maximum of three (3) such Non-Roadworthy Vehicles may be on the business site at one time.
21. Parts/materials removed from vehicles being repaired (i.e. Mufflers, Brake parts, body parts, engines, tires etc.) will be maintained in a neat orderly manner within the business site. Such parts/materials shall be periodically removed from the business site for safe recycling or disposal. Such parts/materials shall not be placed on residential areas of this property or on neighboring properties.
22. The business site will be arranged to limit the emission of noise. When the site and equipment therein are in operation, the Noise Level measured 5 feet or greater above ground level and at the property line of Map 6 Lot 014 Sublot 000 in Sullivan, NH 03445 will be lower than 60 dBA (slow scale) around the entire perimeter.
23. The applicant will submit a Site Plan to the Sullivan Planning Board for their Review and public hearing. The approval of this Special Exception is also conditioned on the Planning Board approval of the applicant's Site Plan. The ZBA recommends that the Site Plan review process be started as soon as possible.

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- 24. Please note that if significant changes are made to the site, as a result of the site plan review, and materially effecting the information on which this approval is based, those factors will require a new Special Exception from the Sullivan ZBA. Changes to the use or layout at the business site, including adding additional buildings or expanding the footprint of the proposed building and/or the alteration or expansion of the designated business site bounds will require a new approved Special Exception after review by the ZBA and the required public hearing(s).
- 25. The applicant must arrange and operate the site IAW this conditional approval and start operation at this site within 18 months of the date of this approval letter and be operating IAW the approved Site Plan and this Conditional Approval within 24 months of the date of this letter or this Special Exception will no longer be valid.
- 26. The Approved Special Exception is conditioned on compliance with all conditions listed in this letter. Failure to comply with any condition must be corrected within a short period as designated by the Sullivan Select Board or this Special Exception approval will no longer be valid.

Best regards,  
Sullivan NH Zoning Board of Adjustment



Richard M Hotchkiss  
Chairman

Attachments:

No.	Subject	Pages
1	Attachment A Sketch of Bounds for the Commercial Site.	1 page

Attachment A

