

Town of Sullivan  
Zoning Board of Adjustment  
Public Hearing for Huddleston Variance  
December 17, 2024, 7pm

Present: Aimee Fador, Laura Lewandowski, Stephen Parker, Brad Smith, Bob Switzer, BJ Wahl, Clerk

Public: Wendy Pelletier, James Whitney, Ron and Amie Ayotte, Kevin Bohannon, Bruce Bohannon, and Jonathan Boutin, lawyer for the applicant

- The meeting was called to order at 7:00pm and Bob described the procedure to be followed.
- Mr. Boutin described the lot owned by James Huddleston, Parcel 3-130-000, a 17 acre piece located near 571 and 557 Centre St. This lot is landlocked with no access to the street except via an easement between the properties of Kevin Bohannon and Ron and Amie Ayotte. This easement is on a discontinued road which is maintained by Kevin Bohannon. He can trace the title back to 1967, so that it is a preexisting non-conforming lot. The driveway access was granted in 2022. Mr. Huddleston would like to put in a single family home on the 17 acres. Mr. Boutin feels that this would benefit the town because of the added taxes. The driveway permit was denied by the Planning Board and he is appealing that denial and seeks a variance from the driveway regulation requiring direct access to a public road and a variance from the 200 foot frontage requirement to allow construction of a house on a landlocked piece of land.
- Mr. Boutin stated that the hardship clause was rewritten by the State to promote practical justice. This property is unique in that it has no road frontage. Only one property is using the existing easement at the moment. He is seeking variance for the frontage issue and direct access to the highway. He is willing to create a gravel area for a turn around for fire and safety vehicles and also to meet other conditions that the Board might impose. He represents that the lot is not sloped, that the soil is fine for a septic system and well, and will have all of the required setbacks. A garage might be constructed but it will be just a single dwelling. He feels that it would not affect traffic or safety and would enhance the surrounding property values. He stated that this would probably be a second home.
- Bob asked how the easement was granted. Mr. Boutin stated that it was a discontinued road. The length is approximately 200 feet to reach the Huddleston property from Centre St.
- Brad asked how wide the easement is. Mr. Boutin said it's as wide as the old road, about 10-11 feet. It's being used as a driveway now. Bob has a letter from the fire chief stating that the road needs be wide enough so that safety vehicles can pass each other, about 20 feet, but that a turn around would probably solve that issue.
- There was a house on the Ayotte property but it was taken down. Mr. Boutin said that anyone abutting the old discontinued road can use it for access. He mentioned that

the Ayotte property is subdivided with a small corner piece adjacent to Centre Street and they could combine their lots and build a house.

- Kevin Bohannon stated that it is solid rocky ledge where the driveway would be built to the Huddleston property and it would have to be blasted out of the ledge. The whole issue came up last year and Kevin asked why this is being brought up again. The piece is landlocked and can't be developed. He says the driveway is on his property. Mr. Boutin said that it is still an easement and that any easement holder is allowed to improve it. If it is too expensive then probably Mr. Huddleston would not develop it, but that it would be putting the cart before the horse to hire an engineer first and then seek approval. Kevin reiterated that he is the one that maintains the access road and that it's all on him. He wonders if Mr. Huddleston realizes that he would have to plow it in the winter, fix washouts, and take on all of the other necessary maintenance of the road.
- Ron Ayotte spoke up to say that yes, they do have access also. He was sent a letter last year stating that he was a defendant in a court case, which required him having to hire a lawyer at his own expense. He did not appreciate this at all, and the court case was subsequently thrown out. Mr. Huddleston wanted 20 feet of road from both the Bohannon and Ayotte properties. The court did grant the easement. Mr. Ayotte also stated that the house that was on their property had to be torn down due to mold which resulted from a realtor not turning off the water after a showing.
- Wendy Pelletier reminded the Board that 674:41, I. says that an easement giving access to a back lot over the land of another does not meet the statutory standard unless the easement is either a public highway or is shown on a plat approved by the Planning Board. This property has neither and so it can not be granted a variance. Mr. Boutin replied that the ZBA could still grant a variance. He maintains that building a single family house on 17 acres is advantageous to the town and that other property values would not be diminished, and further, that an unnecessary hardship would exist if this variance is denied. Mr. Huddleston would be willing to sign a maintenance agreement with Kevin Bohannon. Wendy replied that there are other landlocked lots in the town, perhaps 16, and that this would open a can of worms if this property is allowed the variance.
- Bob read about 674:41 and his understanding is that a variance cannot be granted if the property is landlocked. Mr. Boutin disagreed.
- Wendy then said that the driveway does not meet the State's criteria of having 200 feet of sight in both directions on Centre St., as it is on a curve. She said that neither the State nor the Town would approve it. It would need a flair.
- Kevin Bohannon said that Randy and Sheila Smith owned the land previously. The State didn't want Kevin to put his driveway in another location, so that is why it is where it is. He also replaced the culvert. He also stated that Mr. Huddleston made him go to court all the way to Manchester, which he is angry about.
- Brad asked how far the road goes and it was answered that it extends up past the Whitney property.
- Laura asked if the road was wide enough for emergency vehicles. Mr. Boutin replied that it would be a driveway, not a road.
- James Whitney stated that this is a realtor issue, as the lot is not buildable. He doesn't think anyone could get an occupancy permit. The land would require lots of

blasting and would cost over a million dollars. He stated that he felt it would open a can of worms as well. He felt that subdivisions and housing developments could result. Mr. Boutin said that there could be a clause denying future subdivisions on the land.

- Stephen said that he thought we were at an impasse because granting the variance would harm Mr. Bohannon and not granting it would harm Mr. Huddleston.
- Bob moved to end the public hearing and go to a public meeting. Stephen seconded it.
- The Board then worked on filling out the worksheets with the 5 criteria necessary to grant a variance, but felt that with the conflicting information they had heard that they needed legal advice from the Town's counsel. On a motion from Bob, seconded by Stephen, it was voted that the meeting would be continued on January 16th at 7 pm.
- The meeting was adjourned with this continuation at 8:00 pm, on a motion by Bob, seconded by Stephen.

Submitted by:

BJ Wahl