Town of Sullivan
Zoning Board
of Adjustment
Public Meeting Minutes on a
Request for a ReHearing on the Denial of
the Huddleston Variances
May 30, 2025, 7:00 pm

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

- The meeting was called to order at 7:05 pm by Bob, seconded by Stephen, to discuss a Motion for Re-Hearing on Denial of an Application for Variances for the property owned by James Huddleston.
- The Board stated that it had to address two questions - were there any technical errors in the decisions of April 10th and did Attorney Boutin provide any new evidence or information that could change the decisions made by the board?
- Bob stated that in the last paragraph before the footnotes on Page 1 of the Motion, Mr. Boutin said that both the “spirit of the ordinance” and the “public interest” are closely tied so that if one is found to be acceptable so should the other. The town attorney Gary Kinyon said that is not true and the Board agreed that if it were, there would only be 4 criteria, not the 5 listed, and because of this one can be found applicable and the other denied. Brad reiterated that the Supreme Court said that the public interest and the spirit of the ordinance are closely tied, but not one and the same.
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- Attorney Boutin also objected to the Board referencing both the Community Planning Ordinance (CPO) and the the Master Plan. Gary doesn’t think this is a valid argument. The Town does want to expand the tax base, but in a way that doesn’t go against the ordinances or the vision of the Master Plan.
- Aimee said that we were going by the overall vision of the Master Plan, and that the language is clear in regards to developing back country land.
- Mr. Boutin made no reference to any other lots in the neighborhood or town that are similar to the Huddleston property that proves it to be unique.
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- In terms of public safety and fire and emergency vehicles, the Board restated that the driveway would be very long, even longer than 500 feet since it now contains an added bend, and that emergency vehicles could only get up it if extensive work was done on it in terms of the ledge and underlayment. The Board doubts that a driveway permit can be obtained.
- The Board discussed that they felt they had spent a lot of time trying to do due diligence in understanding the applicable laws and ordinances involved in this case and that they don’t feel they did anything “unlawful” in their decision making.
- Brad discussed Mr. Boutin’s assertion on page 2 that the Board “cherry picked” the Master Plan and ignored other parts of it. Page 3 states that “growth has stagnated”.

The Board disagreed with this as many new houses have recently been constructed on both Hubbard Road and Cross Road. This may have been true when the 2015 Master Plan was written, using 2010 census data, but we don't feel that it is true for 2025. Brad feels that the Board has been guided by the most relevant parts of the Master Plan and the CPO, specifically the parts that talk directly about backlots. If we were to prioritize tax revenues over all other considerations we would not be working in harmony with the vision of the Master Plan or the ordinance in the CPO.

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- Gary provided information about a case before the Supreme Court where the property owner had at least some frontage on a Class V road and so development was permitted. But Mr. Huddleston has zero frontage so this is a different case.
- Brad said that Mr. Boutin looked at the "spirit of the ordinance" in its totality, not in the details. But the ordinance clearly states that 200 feet of frontage and access to a public road is required. Page 4 of the Motion goes into this. The Board totally agrees that building a single home on 17 acres is not an unreasonable use nor in conflict with the CPO or Master Plan, but only if the property meets the criteria of the ordinance, which it does not. It is clearly in conflict with the ordinance in terms of its long and not very accessible "driveway" and its total lack of frontage. The Board does not feel that it has a bias against granting variances - in fact, variances have been given if there is at least some road frontage, even though the specific language of the ordinance states that 200 feet of frontage is required. And it is not yet a legal driveway and there is doubt that a driveway permit could be acquired.
- Brad feels that the ZBA found that the specific ordinances were described in general in the CPO as meaning to avoid overbuilding and the Master Plan describes "why" the 200 ft frontage ordinance exists, i.e. to protect backlots. It couldn't be much clearer. Mr. Huddleston had every right to purchase a buildable lot consistent with the Town's CPO and he would have been in harmony with the spirit of the Ordinance. He did not choose to do that.
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- Brad discussed the "hardship criteria", going over the documents that Gary provided. Mr. Boutin believes that the Board didn't apply the statute which states in part that if the property cannot be reasonably used in strict conformance with the ordinance, than a variance is therefore necessary to enable a reasonable use of it. Further, we need to determine if a use which otherwise must be considered unreasonable (because it violates the ordinance) may be rendered reasonable by the special conditions of the property. Mr. Boutin did not prove that this property has any special condition. There are many other landlocked properties in town and they are considered unbuildable.
- The section on substantial justice on page 5 was discussed. The loss to the landowner needs to be outweighed by the harm to the town or general public. It was discussed by the board that there are clearly other uses to Mr. Huddleston's land: he can walk on it, hunt on it, log it, even put an RV on it and camp there on weekends. He can buy a buildable lot in town. The Board determined that maintaining backlots by not allowing houses on landlocked pieces outweighed his building a house, as he can use the land in other ways.
- On page 6, Mr. Boutin stated that the old road on the easement meets the driveway requirements. The ZBA does not agree. It is not a Class V or better road. In fact Mr.

Huddleston tried to get the town to reclassify this road in 2022 but this was denied by the town.

- Aimee stated that no new evidence was provided and that we don't feel that we had any technical errors in our decision of denial for both variances. The Board carefully tried to evaluate and understand the language of the ordinances and act accordingly.
- Brad believes that we did consider all of Mr. Boutin's points and that talking about them tonight, the Board sees no reason to change its mind.
- Bob made a motion to deny the rehearing, seconded by Stephen, as the Board did not feel it acted incorrectly nor had any new evidence been brought before it. All aye.
- On a motion by Bob, seconded by Brad, the meeting was adjourned at 7:59 pm.

Submitted by BJ Wahl, Clerk