

Town of Sullivan
Zoning Board of Adjustment
Public Hearing for Huddleston Variance
January 16, 2025, 7 pm

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

Public: James Whitney, Wendy Pelletier, Kevin Bohannon, Bruce Bohannon, Dave Jakway, and Jonathan Boutin, counsel for the applicant

- The meeting was called to order at 7:00 pm and a motion was made by Brad, seconded by Aimee, to reopen the public hearing which was continued from December 17, 2024. All aye.
- On a motion from Brad, seconded by Stephen, the minutes of the last meeting were accepted. All aye.
- Bob stated that we had a meeting with the town of Sullivan's lawyer, Gary Kinyon, on 1/10/25. The facts were discussed. We also had two people, Brad and Bob, do a site visit to the proposed driveway. The length of the proposed driveway was represented as about 200 feet, but at the visit, the length of the proposed driveway to the edge of Centre Street was taped and found to be 503 feet to Mr. Huddleston's property line. Also, the deed map for the Bohannon property shows the distance as 449 feet along the stone wall. This puts the distance over 300 feet and according to the town's driveway ordinance, a turnout for a 35 foot 30 ton firetruck must be constructed within this distance. The Board needs a greater level of detail as the turnouts would encroach onto abutters' properties. Mr. Boutin said that he then would be in favor of a continuation to scope out the driveway situation. Mr. Boutin says that the law of easements allows for the easement to be expanded to meet width requirements. The Board noted that the slope is also very steep with exposed bedrock, further complicating driveway construction. Mr. Boutin said that Mr. Huddleston wanted to get a variance before he spent a lot of money on driveway plans and engineering. There is a possibility that this driveway construction might not be feasible.
- It was agreed that the meeting will be continued for 6 weeks to March 6th at 7 pm at the Sullivan Town Hall.
- Kevin Bohannon wondered how Mr. Huddleston thinks that he can build on this land with no road access. He thinks the Ayottes can only build on the old Mooney section of their land. He also wondered if a perc test was done. Wendy

replied that a perc test only needs a post hole digger. Bob replied that a perc test is not in this Board's jurisdiction.

- James Whitney asked if the initial variance of building on a non classified discontinued road has been resolved and Bob replied that it had not. The Board feels that the driveway length and construction is pertinent as to how the Board would vote on the variance.
- Gary Kinyon raised the point that our meeting with him was a legal one, and that the site visit had only 2 members so it was not a quorum. He noted that it is within the Board's purview to schedule a public meeting as a site visit, if other ZBA members or public members wish to view the proposed site and access to it.
- Mr. Boutin will consult with his client about a site visit. The tentative visit was scheduled for January 30th at 10 am at 571 Centre Street.
- Bruce Bohannon asked if it would be open to the public, which it will be.
- Gary Kinyon wants to know if we can post a notice on the town's website if Mr. Huddleston won't allow a site visit. As Bob works on the website, he said he will do that, and also post the site visit date, time, and location.
- Wendy Pelletier questioned the application's three requests. Do they need to be addressed separately? Gary Kinyon replied that he thinks the real issue for the ZBA are the b. and c. requests shown on the application.
- Mr. Boutin agrees but said it is a statutory procedure to appeal the Planning Board's denial of the driveway to the ZBA and also apply for the variances.
- Kevin Bohannon said at the first meeting years ago that Dave Jakway asked Mr. Huddleston if he knew the land was landlocked when he bought it and he said yes. Bob replied that he has a right to apply for a variance.
- James Whitney wondered about the steepness of the driveway, if it could even be improved to allow a firetruck. Bob replied that the Fire Chief would get the last say on that. Mr. Whitney then wondered if allowing this driveway would also allow the Ayottes to build further up the discontinued road. It would not, they would need another variance. Bob explained that there are no precedences set by ZBA decisions as every property is unique.
- Brad wants to know if it's clear what Mr. Huddleston needs to produce for the next meeting in terms of the driveway. Because of the length, the grade, and the need for turnouts, the Board would like to involve the Fire Dept. Mr. Boutin said yes and that he would like to work with Gary Kinyon to see if the date will work and what they need to produce.
- On a motion from Brad, seconded by Stephen, the meeting was adjourned with a continuance at 7:30 pm. All aye.

Submitted by,
BJ Wahl