

**TOWN OF SUNDERLAND
ZONING BOARD OF ADJUSTMENT
Approved Meeting Minutes for September 1, 2009, 7:00 p.m.
Sunderland Elementary School**

Zoning Board Members in Attendance:

Robert Alexander, Chairman
William Weibel
Robert Faley

Peter VanVleck, Jr.
Hap Eliason

Other Attendees:

John Stuermer, Zoning Administrator (ZA)
Kathleen Morse, Appellant
Dana Nolin

Robert Woolmington, Town Attny.
Benjamin Nolin

Business:

The Chairman called the meeting to order at 7:08 p.m.

1. Meeting Minutes – May 21, 2009: Hap Eliason moved and William Weibel seconded the approval of the Meeting Minutes from May 21, 2009 as submitted. The motion carried unanimously.

2. Appeal of Ben Morse and Kathleen Morse – Appellant requests the subdivision application and fee be considered under the previous regulations due to an unusual set of specific circumstances:

Letters from both the ZA and the Appellant (dated June 15, 2009 and July 29, 2009 respectively) were distributed to the Board members prior to the meeting.

The Appellant, Kathleen Morse, testified that she owned approximately 2 acres of land in 1986. Sometime in the late 1980's, another 8 acres of contiguous land was given to her.

In 2007, the Appellant spoke informally with the ZA about her planned subdivision. In 2008, the Appellant approached the Planning Commission and met with the previous ZA in the Town Offices. According to the Appellant, the previous ZA informed her that a building permit would be required and that there were currently no subdivision regulations.

Sometime in the fall of 2008, the Appellant received the necessary State permits. In April of 2009, when the Appellant was ready to begin construction, she approached the Town to file the necessary subdivision application. At this point, the Appellant was informed that her application was incomplete because it did not contain the \$400 application fee as required under the newly adopted (February 2009) subdivision regulations.

The Appellant testified that she was not aware of any change in the fee schedule and felt that if she were made aware of the increase in cost she would have applied prior to the

new subdivision regulations being enacted. She felt that the Town was responsible for a miscommunication of the regulations, in part because of the change in the Zoning Administrator positions, and that previous subdivision conversations were not carried forward to the new position.

All who testified were sworn in collectively after their respective testimonies.

3. Other business:

None.

The meeting went into deliberative session at 7:27 p.m. to discuss the issue brought before the Board.

4. Adjournment:

At 8:05 p.m., the meeting came out of deliberative session and Robert Faley moved and Peter VanVleck seconded to adjourn this session of the meeting. The motion carried unanimously.

Recorded by Robert Faley