

**TOWN OF SUNDERLAND**  
**ZONING BOARD OF ADJUSTMENT**  
*Draft Meeting Minutes for October 3, 2012, 7:00 p.m.*  
**at the Sunderland Elementary School**

**Zoning Board Members in Attendance:**

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Robert Alexander, Chairman  
John Stuermer  
Robert Faley

Peter VanVleck, Jr.  
Peter Luca

**Other Attendees:**

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Roy Johnson, Appellant  
Gary Daden, property owner (PO)  
W. Michael Nawrath, Attorney for PO

Patrick Monroe  
Kate Fox  
Ed Bove, Zoning Administrator (ZA)

**Business:**

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The Chairman called the meeting to order at 7:00 p.m.

All of the attendees planning to testify were sworn in collectively by the Chairman.

**1. Appeal of ZA opinion of July 25, 2012 and appeal of SelectBoard Action of July 16, 2012 regarding the property of Gary (Hayley) Daden, Mattison/Horst Lane:**

Visits to the site by Board Members were conducted prior to the meeting.

The Appellant (Roy Johnson) testified that he is appealing the opinion issued by the ZA on July 25, 2012 in which the ZA determined the smaller “non-conforming” lot owned contiguously with the Daden’s larger conforming parcel, is indeed recognized by the Town of Sunderland as a separate parcel. The Appellant states that the lots have been merged automatically by not meeting the four criteria under Section 3.4.1 of the Sunderland Zoning Bylaw that was in place at the time of the property transfer.

Mr. Nawrath testified, and asked for a ruling, that the parcels did not merge if they met the four criteria under Section 3.4.1 of the Sunderland Zoning Bylaw at the time of transfer. Mr. Nawrath provided a notarized affidavit where the PO claims through deposition that the properties did meet the four criteria noted above. Mr. Nawrath went on to testify that the Appellant does not meet the criteria of an interested party to this matter and therefore cannot appeal the ZA’s decision anyway.

When questioned, the Appellant stated that he did not act on behalf of the Planning Commission, which he chairs, but was appealing as a citizen and not as a Town official.

**2. Other business:**

None.

At 7:49 p.m., the Meeting went into deliberative session to discuss the subject brought before the Board.

At 8:15 p.m., the Board came out of deliberative session.

**3. Adjournment:**

Peter VanVleck made a motion to adjourn the meeting, John Stuermer seconded the motion and the motion passed unanimously. The Chair adjourned the meeting at 8:17 p.m.

rlf/RLF