

ZONING BOARD OF APPEALS
April 6, 2009 Meeting Minutes

Board Members Present: Shane O'Connor, Howard Aspinwall, Robert Rosenberg,
Curtis Ruckey and Alternate Daniel Merrigan

Town Staff Present:

Chairman O'Connor called the meeting to order at 7:00 pm.

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the December 1, 2008 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion regarding the minutes. Mr. Rosenberg moved to accept the December 1, 2008 meeting minutes, as published. Mr. Aspinwall seconded the motion. All were in favor. The vote was 4 – 0 (Mr. Merrigan abstained, he was not present for that meeting), the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- a. Public hearing on Application #FY08-09-09, Owner: Frank and Samuel Sales, Applicant: Sales Auction Company, LLC to obtain a Motor Vehicle Dealers License for the property located at 55 King Spring Road to operate a commercial equipment auction facility at the subject property.**

Attorney Paul Smith addressed the Board on behalf of the applicant and stated that Frank Sales and Samuel Sales were also present that evening. He went on to say that the site was an existing contractor's yard and building and that it was an almost 6.5 acre site.

Attorney Smith stated that the applicant's intention was to operate an equipment auction business. He went on to say that they had met preliminarily with the Planning and Zoning Commission regarding the use and whether or not it fit on an industrial site. He then noted that the Planning and Zoning Commission's opinion had been that it reasonably fit. Attorney Smith pointed out that they were scheduled to go before the Planning and Zoning Commission in May for a site plan approval under a Special Use Permit.

Attorney Smith explained that the applicant, perhaps four times per year or less, would assemble auction equipment from contractors, banks, etc., locate it on the site in question on consignment, and auction it off. He went on to say that there was plenty of area behind the building to park the equipment in addition to adequate parking for the potential buyers at the auction. He then noted that there might be 50 to 100 people attending each auction.

Attorney Smith stated that they would be public auctions, but that the individuals would need to be registered bidders. He noted that, other than on the auction days, the site would not be open to the public. He went on to say that no repairs would be done to any vehicles on the site and no one would be allowed to purchase a piece of equipment on any day other than the actual auction day.

Attorney Smith stated that, if anyone were to sell more than five registered vehicles at any particular auction, the State required that they hold a Dealers License. He then reiterated that the applicants would not be servicing any vehicles, would not be repairing any vehicles, and would not be the seller or buyer of any equipment; they would simply be the middle man in the transaction. He explained that they needed to obtain a Dealers License because more than five trailers, dump trucks and other types of registered vehicles would be auctioned off at the site.

Attorney Smith commented that they felt that the use was a good fit for the site on King Spring Road. He pointed out that it was a fairly heavy industrial area and therefore the use would not adversely affect any of the abutting property owners.

Attorney Smith stated that they were required to obtain a statement from the Chief of Police regarding the use on the site and that they had obtained such a statement. He then submitted to Chairman O'Connor a memorandum dated March 19, 2009 from the Chief of Police which stated that he had no concerns.

Mr. Ruckey clarified that the equipment would not reside on the site; it would just come and go within a few of weeks of each auction. Mr. Sales stated that that was correct. He explained that the equipment would come in no more than two weeks before the auction and would be gone within a week after the auction.

Mr. Ruckey asked why they had to come before the Board. Chairman O'Connor stated that for Towns with under 20,000 people it was required that they come before the Appeals Board in order to obtain a Dealers License. Attorney Smith stated that Section 1454 of the State Statutes required that the applicant go before the Zoning Board of Appeals before they could obtain a Dealers License from the State.

Chairman O'Connor asked the Board members for any further comments or questions. They had none.

Chairman O'Connor asked for a motion regarding the application. Mr. Rosenberg moved to approve Application #FY08-09-09, Owner: Frank and Samuel Sales, Applicant: Sales Auction Company, LLC to obtain a Motor Vehicle Dealers License for the property located at 55 King Spring Road to operate a commercial equipment auction facility at the subject property. Mr. Ruckey seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Rosenberg moved to adjourn the meeting. Mr. Ruckey seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:20 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.