

**ZONING BOARD OF APPEALS**  
**April 6, 2015 Meeting Minutes**

Board Members Present: Shane O'Connor, Howard Aspinwall, Douglas Glazier and Daniel Merrigan

Town Staff Present: Jennifer Rodriguez,  
Town Planner & Certified Zoning Enforcement Officer

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The meeting was called to order at 7:02 pm

Board roll call was taken.

**MINUTES:**

**Chairman O'Connor referred to the March 2, 2015 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. Mr. Glazier moved to accept the March 2, 2015 meeting minutes, as published. Mr. Merrigan seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**BILLS & CORRESPONDENCE:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**a. DMV Applications**

Chairman O'Connor started by stating that he had recently spoken with the Town Attorney regarding the Department of Motor Vehicles (DMV) application process. He went on to say that back in August the Board had discussed streamlining the process and had voted in favor of streamlining the DMV application process. Mr. O'Connor noted that the Board had agreed to have Ms. Rodriguez review all incoming DMV applications and that the Board would review only those applications for a new DMV license location. He explained that all other DMV license applications would be reviewed by Ms. Rodriguez and that she would attach any past location conditions, sign the application and pass it along to the DMV and Police Department. He then reiterated that the Board would only review DMV license applications for new locations.

Chairman O'Connor noted that after speaking with the Town Attorney he did not want the Board to open itself up to possible lawsuits if the Board were to deviate from location approval during their review.

Mr. Glazier stated that he had also spoken with the Town Attorney and that he had been told that the Board's job was just to approve the site. The Board could not delve into the applicant's background or anything else; that would be done by the DMV and/or the Police Department. He then reiterated that the Board's job was simply to review and approve the site, nothing else.

Mr. Glazier clarified that the Board would not see all of the DMV applications. Chairman O'Connor stated that that was correct. Ms. Rodriguez replied that for existing uses the Board would not see the application, but that if someone wanted to put in a new facility where there had been no previous DMV license at the site then it would, and was required by State Statute, to go before the Board.

A brief discussion took place regarding whether or not a motion was required to change the DMV application procedure and the Board members agreed that it would be a good idea to make a formal motion and vote on it.

Ms. Rodriguez explained that there may have been some confusion the previous month because she had provided a report to the Board regarding the last DMV application and, therefore, some of the Board members may have assumed that the Board needed to act as it usually did regarding a new application. She went on to say that by clarifying the process, in the future she would be very clear in her report that someone had come to her office requesting a location approval for an existing use. Ms. Rodriguez commented that in those instances she would still like to report on it to the Board letting the members know that she had received a DMV application and signed it and passed it along to the DMV. She then noted that she would be sure to be very clear in her report that no action by the Board was required.

**Chairman O'Connor asked for a motion regarding the DMV process. Mr. Glazier moved that on future applications whereby at a particular site the very same type of business was going to again be located with a different owner with nothing new added or different would not require full Zoning Board of Appeals approval; it could be approved by the Zoning Enforcement Officer and would then go thru the normal process to the Department of Motor Vehicles.** A discussion followed regarding the motion and Mr. Merrigan stated that they should specify that the motion was for DMV licenses only. Mr. Glazier commented that it should be for any business. Chairman O'Connor pointed out that the Board would not see an application for any other type of business. Mr. Glazier then gave the example of an ice cream stand being in business, closing and then someone new coming forward wishing to open an ice cream stand at the same location and asked if that would be exempt from the Board's review since it was a like business. Ms. Rodriguez stated that that type of thing would never

come before the Board. She went on to say that if there were no proposed changes to the site it would not even go to her for review; it would go to the Planning and Zoning Commission only if there were proposed changes to the site. Ms. Rodrigues stated that the State via the State Statutes had made the Zoning Board of Appeals an agent of the State with regard to DMV licenses only. She went on to say that DMV license review was the only thing that the Board would do under the State Statutes that had to do with permitting something. Mr. Glazier rescinded his motion and stated that since it was in the State Statutes the Board would have to review all DMV licenses. Ms. Rodrigues stated that the DMV had said that for existing uses the Zoning Board of Appeals could waive the hearing and that the local Zoning Official could sign-off on it. Mr. Glazier suggested that if Ms. Rodrigues was going to bring the DMV applications to the Board's attention why bypass the Board, why not just have the Board review and approve them. Both Mr. Aspinwall and Mr. Merrigan suggested that the Board not delay the applicant by requiring them to wait for a Board meeting to obtain their approval when Ms. Rodrigues could simply approve them. Chairman O'Connor noted that he was also concerned that if the Board were to review them then members might start asking questions that would deviate from the location approval which could then open the Board up for potential lawsuits.

Ms. Rodrigues noted that if there were an existing site that had an approved DMV license and a new licensee came in and was not proposing any changes to the existing Board approvals and it was just specifically a new licensee, under the new streamlined process she would sign-off on the location, attach copies of minutes from any past meeting on the site as well as any past conditions of approval by stapling those copies to the State K-7 form which would then be passed on to the DMV and the Police Department. She went on to say that that would keep the applicant from having to wait until the Board's next meeting in order to obtain approval. Ms. Rodrigues stated that she would still attend the Board's meeting and let the members know that she had received an application and that she had signed-off on it and given the applicant their location approval; it would simply be informative, it would not require any action by the Board.

Chairman O'Connor clarified that the Chief of Police would conduct a background check. Ms. Rodrigues stated that that was correct.

Chairman O'Connor asked the Board members for any further questions. Mr. Glazier clarified that, if a business started up again at the same location, it was stated in the State Statute or some regulation that it would not have to go before the Zoning Board of Appeals for approval. Ms. Rodrigues stated that it was the State's K-7 form. She then offered to go get a copy of the State's K-7 form for the Board to take a look at. Mr. Glazier stated that it would be good to see it. Chairman O'Connor then asked Ms. Rodrigues to also get a copy of the clause stating that as long as the location was already pre-existing the hearing could be waived. Ms. Rodrigues stated that at the time she had spoken with several other towns as well as several Sergeants from the DMV to make sure

that she had interpreted it correctly as well as running all of that information by the Town Attorney. Ms. Rodriguez left the meeting at 7:22 pm to get her file regarding the DMV process.

Ms. Rodriguez returned to the meeting at 7:31 pm with her file regarding the DMV process. She passed the information on to the Board members for their review. She pointed out that on the K-7 form the information in blue was required and that the highlighted part on the second page was the information regarding the waiver. She also passed along an email which summarized the Board's decision to take the streamlined approach. She then noted that the beginning of the email contained the Town Attorney's response to streamlining the process saying that he had found it appropriate.

Ms. Rodriguez commented that she would not be offended if the Board wanted Chairman O'Connor to sign the forms as opposed to her signing them on the Board's behalf. Mr. Merrigan commented that that did not seem necessary. He went on to say that it was the nature of the business to get new facilities open for business as quickly as possible for both the business owner and the land owner. Chairman O'Connor commented that streamlining the process would show that the Board was trying to be business-friendly.

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

**Chairman O'Connor asked for a motion. Mr. Glazier moved that for DMV Used Car Sales or Repair License applications, if the site location is the same and the business is to be the same, the Zoning Board of Appeals approval should be waived for the matter of expediency. Mr. Merrigan seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**b. Public Hearings**

There were no public hearings.

**Mr. Glazier moved to adjourn the meeting. Mr. Merrigan seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:41 pm**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**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.**