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**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS**

February 3, 2016

Certificate of Granting a Special Permit

Special Permit granted to Michael Bartnowski, dba KC Sales and Service LLC, 1312 Massachusetts Avenue, Lunenburg, MA 01462 under the Lunenburg Protective By-Law Section 4.6.3.1.d & j.

The petitioner was seeking approval to open a used car dealership for the sale and storage of fifty cars and to conduct warranty work and detailing. The property, which is the subject of this case, is located at 1312 Massachusetts Avenue, Lunenburg, MA 01462. The owner of the property is 1320 Mass Ave Realty Trust, Edmund J. & Steven W. Dionne, Trustees.

The Board of Appeals of the Town of Lunenburg hereby certifies that a Special Permit has been granted pursuant to Protective By-Law of the Town of Lunenburg.

Board Members present: Chairman Raymond Beal, Donald F. Bowen, Alfred Gravelle, James Besarkarski, Paul Doherty and David Blatt present but not voting

Permit issued to Michael Bartnowski, dba KC Sales and Service LLC affecting the rights of the owner with respect to land and buildings at 1312 Massachusetts Avenue, Lunenburg, MA and recorded in Worcester Northern District Registry of Deeds, Book 1916, Page 146, and dated December 29, 1989 as described in plans submitted with the petition. Assessors Map 64, Lot 112.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering.

DISCUSSION

The public hearing was opened by Chairman Beal and he explained the procedure to the applicant/audience. Lisa Normandin Board secretary read the petition into the public record and a memo received from the Lunenburg Conservation Commission.

The Conservation Commission indicated in their memo that there are existing wetlands in the rear of the property and if any paving was to take place then both the Conservation Commission and Department of Public Works must be notified.

Mr. Bartnowski was before the Board to reopen a previously existing auto dealership located at 1312 Massachusetts Avenue. Mr. Beal provided the Board members with a map from the assessor's office showing the entire parcel which contains 9.54 acres. The Board had difficulty locating the specific area on the drawing submitted by the applicant in relationship with the large parcel. Mr. Beal pointed out that the plan lacks metes and bounds and does not show in detail the area where the off-loading of motor vehicles would take place. Steve Dionne the owner of the property was in the audience and approached the Board, he said the entire parcel is made up of an existing car repair shop (Ed's Garage) a residential home in the middle where his Dad resides and to the west is the vacant lot with a small office and building located in the rear. The plan submitted by the applicant showed only the area that he was renting from Mr. Dionne.

Mr. Bartnowski asked for approval of fifty cars for sale as that was the amount previously granted in 2005. Alfred Gravelle asked the applicant what of what kind of warranty work he would be doing at the property. Mr. Bartnowski explained that he will do a limited amount of service on the vehicles that he planned to sell including detailing, waxing and buffing, not routine oil changes. Mr. Gravelle is in favor of bringing business to Town and asked the applicant if he would be comfortable with thirty five (35) cars instead of fifty (50)? Mr. Bartnowski was comfortable with that number (which would include employee parking and customer parking). Donald Bowen felt that the thirty five cars would not significantly impact the property.

Mr. Gravelle asked the applicant if he has ever been in the auto sales business. Mr. Bartnowski said that he had not; however, a friend is helping him get the business off the ground. Paul Doherty asked if he would be adding any signs. Mr. Bartnowski had no firm plans but indicated he would speak with the Building Official when the time came to confirm sizes and locations. The Board reviewed the conditions with the applicants that were placed on the Special Permit granted to Affinity Motors in 2005. Mr. Bartnowski said that the conditions were acceptable to him with a minor change in the hours of business.

MOTION

After due deliberation Alfred Gravelle made a motion to grant the request for a special permit to for the sale and display of used cars with associated warranty work and detailing subject to the below conditions. James Besarkarski seconded the motion. The Board all voted in favor.

CONDITIONS

1. The cars must be placed twenty (20) feet from Massachusetts Avenue.
2. A limit of thirty five (35) cars may be displayed for storage, sales and employee parking; those vehicles that are for sale shall be ready and maintain inspections as required by the Registry of Motor Vehicles.
3. All loading and unloading of vehicles to be done off-street for safety purposes
4. No parts, materials or tools shall be displayed or stored out of doors.

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5. No junk (as that term is hereinafter defined) shall be stored or maintained out of doors. As used herein, the term "junk" shall mean any work out, castoff or discarded articles or material which are ready for destruction or which have been collected or stored for salvage or conversion to some use.
6. The business hours for the sale of used cars will be 10:00 A.M. to 8:00 P.M. Monday through Friday and Saturday 10:00 A.M. to 5:00 P.M. Closed Sunday.
7. The petitioner shall conduct the business at all times in a manner so as not to be offensive to the residential abutters.
8. The granting of this special authorization shall inure to the benefit of the applicant, and shall cease in the event the business is sold or sublet to another party.
9. The permit will be subject to a periodic review by this Board or the Zoning Enforcement Officer. If the restrictions noted as part of this granting of this permit are not adhered to, or if operated in any way offensive or detrimental to the neighborhood, this Board would ask the enforcement officer to begin the procedure to rescind this permit.
10. The petitioners shall abide by all requirements of the Department of Public Works of the Town of Lunenburg and the Department of Public Works of the State of Massachusetts with respect to ingress and egress at the property.
11. The petitioners must comply with the Town of Lunenburg By-law regarding signage.
12. Any additional lighting shall not be offensive to the abutting properties.
13. No spray painting to be done at this site.
14. Minor car repair will be permitted inside the garage area only.
15. Detail work may be done out of doors.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

FINDINGS

In granting a Special Permit, the Board of Appeals found that the proposed use:

- a. Will not be injurious or dangerous to the public health, or unduly hazardous because of traffic congestion, danger of fire or explosion, or other reasons.
- b. Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.
- c. Will be operated with reasonable regard for order and sightliness.
- d. Will not produce noise, vibration, smoke, dust, odor, heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.

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The Special Authorization is granted with the contingency that KC Sales & Service LLC comply with all licenses, regulations, statues and ordinances of any and all applicable state, local and federal board or agencies with jurisdiction over the premises.

The Special Permit is subject to a periodic review by the permit granting authority (Zoning Board) or the Enforcement Officer, to insure compliance with the enumerated conditions. Non-compliance to these conditions may result in revocation of this permit.

The granting of the Special Permit shall inure to the benefit of the applicant KC Sales & Service LLC and shall cease in the event the business is sold or sublet to another party.

After closing the discussion, the Board acting in its capacity as the Special Permit Granting Authority, granted the Special Permit with the above members present and voting as follows with respect to the issuance of the Special Permit.

VOTE

Raymond Beal voted in favor of granting the Special Permit
Alfred Gravelle voted in favor of granting the Special Permit.
James Besarkarski voted in favor of granting the Special Permit.
Paul Doherty voted in favor of granting the Special Permit.
Donald Bowen voted in favor of granting the Special Permit.

In making this determination, the Board specifically found that the granting of this Special Permit would not contravene the purpose of the Protective Bylaws or the provisions of Chapter 40A of the Massachusetts General Laws.

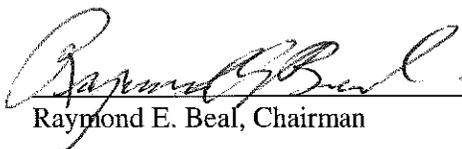
Voted and executed

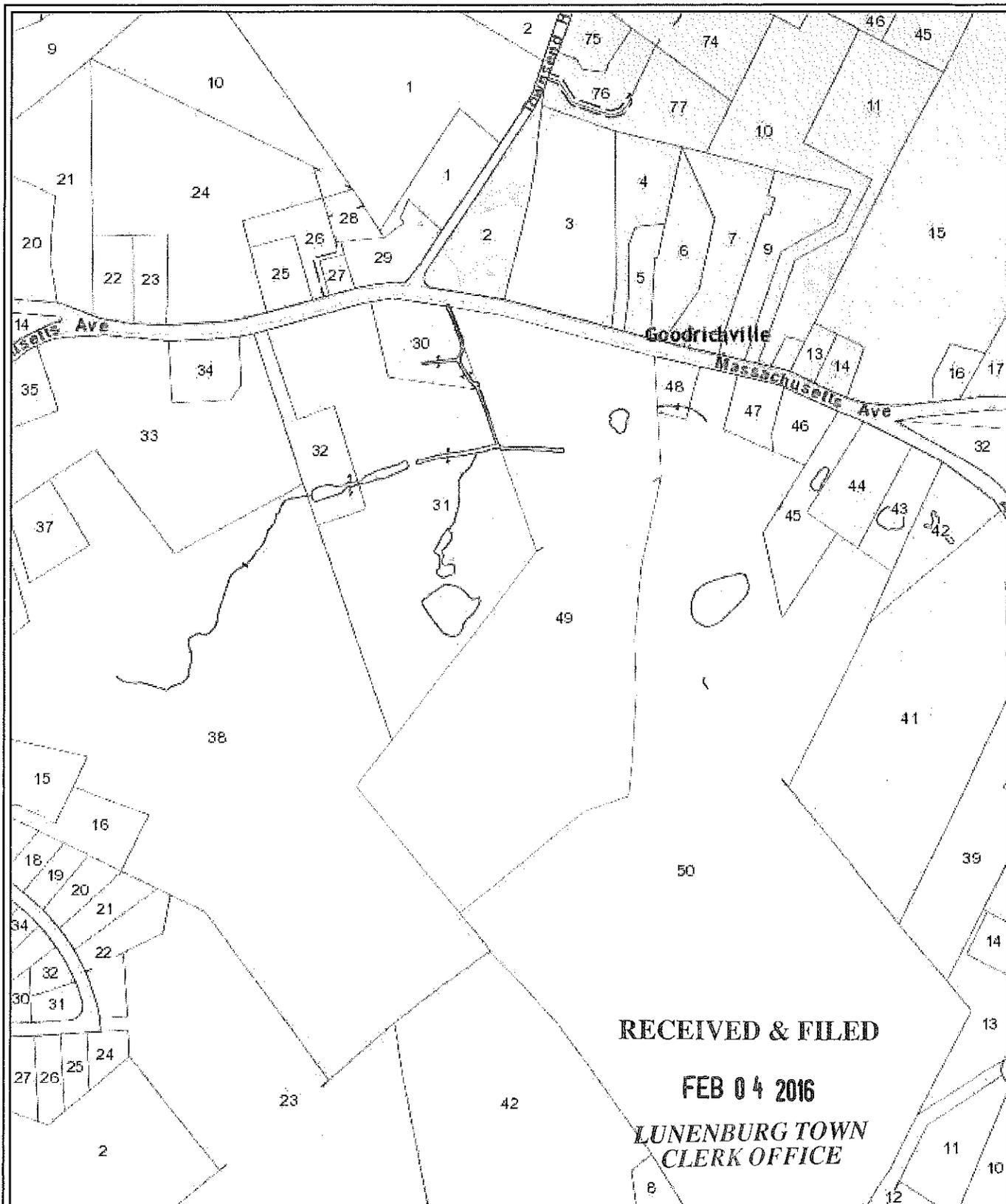
Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

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 2/4/16
Raymond E. Beal, Chairman Date



1300 Mass Ave
 Lunenburg, MA
 1 Inch = 508 Feet
 January 27, 2016



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