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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

December 2, 2014

Certificate of Granting a Special Permit

A Special Permit was granted to Paul Seeley, 52 Central Avenue, Ayer, MA 01432 under the Lunenburg Protective By- Law Section 4.6.3.1.d).

The petitioner was seeking a Special Permit to operate an automotive repair facility. The property which is the subject of this case is located at **1249 Massachusetts Avenue, Lunenburg, MA 01462 and currently owned by William P. Poirier Jr., 4 Fairway Drive, Shirley, MA 01464 and is known as First Class Import Auto.**

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

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

Special Permit issued to Paul Seeley, 52 Central Avenue, Ayer, MA 01432, affecting the rights of the owner with respect to land and buildings at **1249 Massachusetts Avenue Lunenburg, MA 01462** and recorded in Worcester Northern District Registry of Deeds Book 7713, Page 106 dated August 31, 2012. Assessors Map 61, Lot 25.

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.

Donald Bowen, Chairman opened the public hearing and explained the procedure to the audience. Lisa Normandin, Administrative Assistant read the petition into the public record and a memo from the Lunenburg Board of Health.

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DISCUSSION

The petitioner Paul Seeley was requesting a Special Permit to operate an auto repair facility. Mr. Seeley indicated that he is planning to purchase the property and continue the current use as an auto repair facility; in addition he will also be conducting state inspections. Mr. Seeley explained that he currently has his business in Ayer Massachusetts and he runs a neat and clean operation and has contacted a company to maintain the current landscaping and cleanliness of the building and grounds. He arranges weekly pickup of tires and scrap metal and all waste products including oil and antifreeze are handled by professional companies.

Paul Doherty asked Mr. Seeley if he would be selling automobiles the facility and Mr. Seeley indicated he has no interest in auto sales.

Lisa Normandin read the standard conditions that are placed on auto repair facilities (list below). Mr. Seeley indicated that he could operate within the standard guidelines. He did ask the Board if he could have a small storage trailer placed behind the building to hold scrap parts and tires so as not to crowd the garage. The Board agreed to this as long as it is not visible from the street and meets the setback requirement of the by-law.

Donald Bowen asked if he would be seeking additional signage at the site. Mr. Seeley said he is currently working with a sign company to replace the existing sign but has no plans for any signs on the building. Mr. Seeley said that he met with the building official and reviewed the sign by-law and will obtain the proper permits when the time comes.

Mr. Bowen acknowledged receipt of an outstanding personal property bill that is owned by the current owner. Mr. Bowen indicated that William Poirier had signed an agreement with the tax collector on November 12, 2014 that the outstanding bill would be paid prior to the execution of the sale of the property. Mr. Seeley received a copy of the agreement between the tax collector and Mr. Poirier. Mr. Bowen said as a condition of the special permit granting this bill must be satisfied prior to the execution of the special permit granting. Mr. Seeley agreed to the terms.

MOTION

After due deliberation Paul Doherty made a motion to grant the Special Permit subject to the conditions outlined below and as outlined on the submitted plan. Alfred Gravelle seconded the motion.

CONDITIONS

1. The vehicles for repair must be placed twenty (20) feet from Massachusetts Avenue.
2. All loading and unloading of vehicles to be done off-street for safety purposes
3. No parts, materials or tools shall be displayed or stored out of doors.
4. 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 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.
5. The business hours for the business will be Monday through Friday 8:00 A.M. to 5:00 P.M. and Saturdays 8:00 A.M. to 1:00 P.M. closed Sunday.
6. The petitioner shall conduct the business at all times in a manner so as not to be offensive to the residential abutters.

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7. 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.
8. 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.
9. The petitioners shall abide by all requirements of the Department of public works in the Town of Lunenburg and the State of Massachusetts with respect to ingress and egress at the property.
10. The petitioners must comply with the Town of Lunenburg By-law regarding signage.
11. Any lighting shall not be offensive to the abutting properties.
12. The outdoor parking shall be in accordance with the plan submitted with the petition.
13. The agreement between the tax collector and Mr. Poirier must be satisfied prior to execution of the special permit.

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 sightlines.
- 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.

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 Paul Seeley 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.

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VOTE

Donald Bowen 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
David Blatt voted in favor of granting the Special Permit
Paul Doherty 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



Donald F. Bowen, Chairman 12/10/2014
Date

TOWN OF LUNENBURG

TOWN OFFICE
17 Main Street, P.O. Box 135
Lunenburg, MA 01462-0135

Shelley McCaie
Treasurer & Tax Collector



978-582-4133 Fax 978-582-4148

Office Hours:

Mon., Wed., 8am-4pm

Tues., Thur., 8am-6pm, Fri. Closed

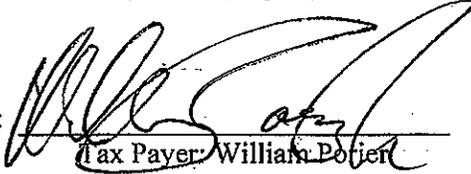
Myleen Mallari, Assistant Treasurer
Christina Roberts, Principal Acct Clerk

October 27, 2014
Office of Treasurer/Tax Collector
Town of Lunenburg
Payment Agreement

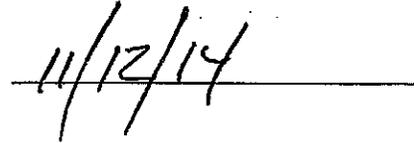
I, William Porier d/b/a First Class Import Auto Service, Inc., Personal Property Tax payer at 1249 Mass Ave., in Lunenburg, MA, hereby agree to pay the Town of Lunenburg the following:

1. On November 20, 2014 Payment in full of \$2066.84 for the 2007-2014 Personal Property Tax bills that are outstanding on the property at 1249 Mass Ave.

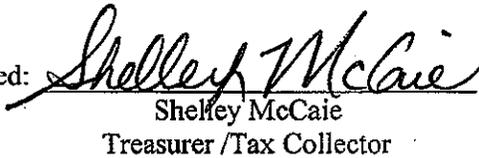
Signed:


Tax Payer: William Porier

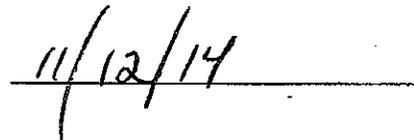
Date:



Signed:


Shelley McCaie
Treasurer / Tax Collector

Date:



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