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

May 25, 2016

**Certificate of Granting a Special Permit**

A Special Permit has been granted to Douglas Mata, 6 Stockwell Avenue, Fitchburg, MA 01420 under the Lunenburg Protective By-Law of the Town of Lunenburg, Section 4.6.3.1.j.

The petitioner was seeking Special Permit approval to operate an auto detailing shop to include window tinting and remote starter installations. The property which is the subject of this case is located at **8 Massachusetts Avenue, Lunenburg, MA 01462**. The owner of the property is Lance Rozell, 15 Burnap Street, Fitchburg, MA 01420.

The Board of Appeals of the Town of Lunenburg hereby certifies that a Special Permit has been granted pursuant to the Protective By-Law of the Town of Lunenburg to Douglas Mata, 6 Stockwell Avenue, Fitchburg, MA 01420 affecting the rights of the owner with respect to land and buildings at **8 Massachusetts Avenue,, Lunenburg, MA 01462**, Book 7005, Page 354, and dated August 7, 2009 as described in plans submitted with the petition. Assessors Map 76/28.

Board Members present: Raymond E. Beal Chairman, Alfred Gravelle, Hans Wentrup, James Besarkarski and Paul Doherty.

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, has 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 and Chairman Raymond Beal introduced the Board members and explained the hearing procedure to the audience. Lisa Normandin, Board secretary read the petition into the record and a memo from the Board of Health. The Board of Health was in favor of the petition provided that it does not cause dust, noise or odors that could lead to a "condition of air pollution" as defined in 310.CMR7.00 of the Massachusetts DEP.

Chairman Beal asked the applicant if the abutters in the City of Fitchburg abutters had been notified of the hearing. Mr. Rozell indicated that they had not however he stated that all of the surrounding properties are commercial. He thought that the list of abutter's they provided was appropriate and it was the same list as provided in the past.

Mr. Beal said there was always a chance of appeal within the 20 day period if the decision was challenged. Mr. Rozell and Mr. Mata felt comfortable to proceed with the meeting.

Paul Doherty reviewed the By-law section of the petitioner's request and felt that 4.6.3.1.h) would be more appropriate. Raymond Beal felt it would fall under Section 4.5.2.1.f). Mr. Mata explained that he wants to operate his business in a professional manner at 8 Massachusetts Avenue. He only intends to have two vehicles at a time in the shop and the space provides an overhead door in the rear for vehicle entry off street. He explained that he currently has a mobile unit for his business and travels to various auto dealerships and works by appointment. By renting the property on Massachusetts Avenue he and having a permanent location he can work indoors in all weather.

Alfred Gravelle asked Mr. Mata to explain the nature of the business. Mr. Mata explained that he details vehicles, washes and waxes them, cleans carpeting and provide window tinting and remote starter installations. James Besarkarski asked if drainage was provided in the building for the car washing. Mt Mata indicated that there is a currently a central drain and that the property is connected to both municipal water and sewer.

Mr. Mata requested the following hours of operation 8:30 AM to 6:00 PM, closed Saturday's and Sunday hours 8:00 AM to 2:00 PM. The Board suggested to Mr. Mata that if he wanted to increase the hours of operation that he should consider it at this time. The applicant amended his prior request and requested 8:00 AM to 6:00 PM Monday through Saturday and 8:00 AM to 2:00 PM on Sunday.

#### **MOTION**

After due deliberation Paul Doherty made a motion to grant the Special Permit as requested for the auto detailing business subject to the following conditions. James Besarkarski seconded the motion.

#### **CONDITIONS**

1. Any additional lighting on the site must be preapproved by the Building Official.
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 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.
5. The business hours will be Monday Through Saturday 8:00 A.M. to 6:00 P.M. and Sundays 8:00 AM to 2:00 PM.
6. The petitioner shall conduct the business at all times in a manner so as not to be offensive to the residential abutters.
7. 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.
8. The petitioner must comply with the Town of Lunenburg By-law regarding signage.

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.

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#### **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.

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- 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.

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 to Douglas Mata 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 below members present and voting as follows with respect to the issuance of the Special Permit.

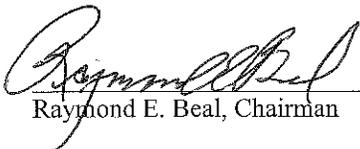
**VOTE**

Raymond E. Beal voted in favor of granting the Special Permit.  
Hans Wentrup 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.

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

 5/25/16  
Raymond E. Beal, Chairman                      Date

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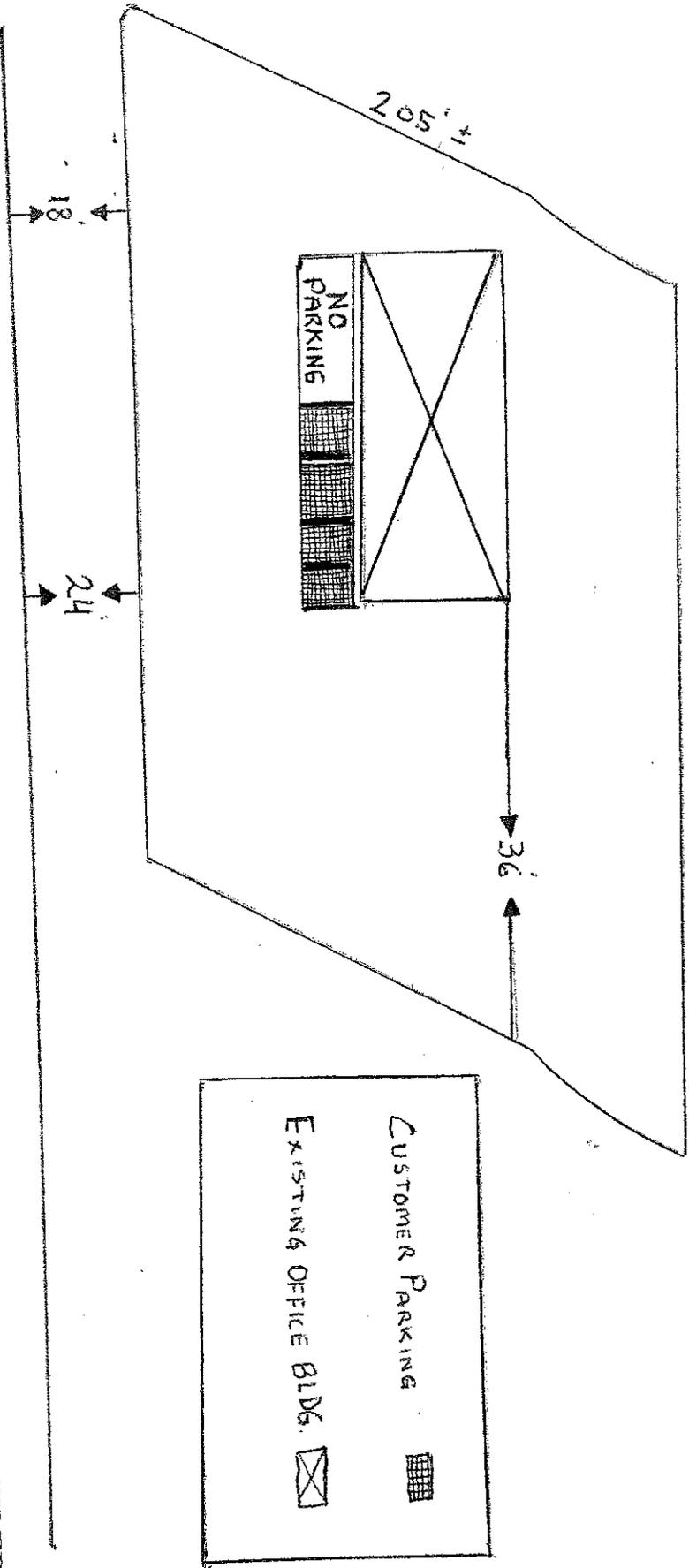
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PROPOSED SPECIAL PERMIT FOR 8 MASS AVE.

DOUG'S DETAILING & MORE

215' ±



MASS AVE.

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