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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

July 8, 2015

Certificate of Granting a Special Permit

A Special Permit has been granted to Adnan Inayat, dba Premium Motors, 24 Mary Avenue, Leominster, MA 01453 under the Lunenburg Protective By-Law of the Town of Lunenburg, Section 4.6.3.1.j.

The petitioner was seeking Special Permit approval for the storage and display of eight motor vehicles for sale. The property which is the subject of this case is located at **10 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 Adnan Inayat, dba Premium Motors, 24 Mary Avenue, Leominster, MA 01453 affecting the rights of the owner with respect to land and buildings at **10 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, Donald F. Bowen James Besarkarski and Alfred Gravelle.

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 and Chairman Raymond Beal introduced the Board members and explained the hearing procedure to the audience. Mr. Beal explained to the petitioner that there were only four members in attendance and that the vote must be unanimous to proceed with the request for Special Permit. Mr. Inayat wanted to move forward with his project and agreed to the terms. Mr. Beal also informed the applicant that he would be required to go before the Planning Board for a Development Plan Review and the applicant indicated that he had previously been advised of this. The petition was read into the public record by Alfred Gravelle. No one was in the audience to speak in favor or opposition to the petitioner's request.

Donald Bowen asked about the property address, known as 10 Massachusetts Avenue with regard to an existing business already located there. Mr. Inayat explained that it was two separate buildings, Funstuf Rentals occupies the building to the left side of the property and the other building is made up into three separate units, one is used as an antique/country store to the left the middle unit is the one that he is renting and the end unit to the right is used as a storage area for Funstuf Rentals. He indicated that the landlord, Mr. Rozell refers to the middle unit as 6 Mass Avenue. For purposes of this meeting the Board noted the property address as 10 Massachusetts Avenue according to the Assessors records.

The Board members reviewed the parking layout plan and Alfred Gravelle indicated that the plan was not to scale, and was concerned about access around the building. Mr. Inayat said that it there would be an adequate area of at least twenty feet access on the right had side of the building for access even if there were three cars parked there. Mr. Inayat also indicated that most of his sales would be by appointment only and that he did a lot of online sales and there would be a limited flow of traffic from the property. Mr. Inayat deals with specialty used cars, primarily imports and Japanese vehicles.

Mr. Inayat has recently relocated from the Atlanta, GA area and has been selling automobiles for many years.

The Board members had concerns with where the cars would be offloaded. Mr. Inayat indicated that most automobiles would be driven on the lot and explained that is was more cost effective that way as he buys from large auctions in New Jersey. If cars were to be trailered they would be off-loaded at the large medical facility across the street after hours and he would make sure that was not a problem with the owners there. James Besarkarski asked what the hours of operation would be and Mr. Inayat requested Monday-Saturday 9:00 a.m. -6:00 P.M. and Sunday by appointment only.

Alfred Gravelle asked if there would be any additional lighting on the site, Mr. Inayat did not plan on any as he thought it was adequate. He also said that he has a mechanic lined up to do all detailing and repair work offsite. The Board members still did not think there was adequate room for customer parking and Mr. Inayat said that the store keeper next door had no problem with an occasional customer parking at his storefront. Mr. Inayat reiterated that he will have very limited traffic at the site.

Alfred Gravelle outlined the standard conditions for operating an auto sales business. The applicants had no problem complying with the enumerated conditions.

MOTION

After due deliberation James Besarkarski made a motion to grant the Special Permit for the sale and display of eight motor vehicles for sale and subject to the following conditions. Alfred Gravelle seconded the motion also subject to the below conditions.

CONDITIONS

1. The cars must be placed twenty (20) feet from Massachusetts Avenue.
2. The landlord, Lance Rozell will clarify by letter the exact address of the property to ten (10) Massachusetts Avenue.
3. A limit of eight (8) cars may be displayed for sale and those vehicles that are for sale shall be ready and maintain inspections as required by the Registry of Motor Vehicles.
4. No repairs or detailing to take place onsite.
5. Any additional lighting on the site must be preapproved by the Building Official.
6. All loading and unloading of vehicles to be done off-street for safety purposes
7. No parts, materials or tools shall be displayed or stored out of doors.

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8. 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.
9. The business hours for the car lot will be 9:00 A.M. to 6:00 P.M. Monday through Saturday and Sundays by appointment only.
10. The petitioners shall conduct the business at all times in a manner so as not to be offensive to the residential abutters.
11. 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.
12. The petitioners 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.

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.

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 Adnan Inayat, dba Premium Motors 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.
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.

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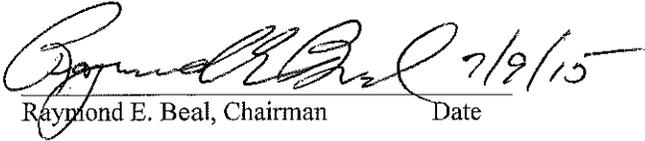
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In making this determination, the Board specifically found that the granting of this Special Permit would not contravene the purpose of the Protective Bylaws or the provisions of Chapter 40A of the Massachusetts General Laws.

Voted and executed,

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

 7/9/15
Raymond E. Beal, Chairman Date

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