



**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9612  
Fax (978) 264-9630

CONTINUED TO  
March 13, 06  
3/13 (4)  
2/13  
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**Don P. Johnson**  
Town Manager

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January 26, 2006

Acton Beacon  
BY FAX

Atten: LEGAL AD DIVISION

Please place the following ad in the Thursday February 2, 2006 legal Section of the Acton Beacon.  
Please bill the applicant at the address listed below:

Leo Bertolami  
6 Proctor Street  
Acton, MA 01720  
978-430-4000 (cell)

Christine M. Joyce  
Town Manager's Office

**LEGALS:**  
**PLEASE CONFIRM TO ME @ 978-264-9612**

CC: Applicant  
Filed: *Class/bin cmj*

**TOWN OF ACTON**  
**NOTICE OF HEARING**

Notice is hereby given that the Board of Selectmen will hold a public hearing in the Faulkner Room in the Town Hall on Monday, February 13, 2006 at 7:45 p.m. on the application of Acton Suzuki, Rent-A-Car, Inc., for a Class I Dealer's License at 50 Powder Mill Road, Acton, MA.

**Acton Board of Selectmen**



**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9612  
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**Don P. Johnson**  
Town Manager

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January 26, 2006

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Mr. Leo Bertolami  
6 Procter Street  
Acton, MA 01720

Dear Mr. Bertolami:

Enclosed please find copies of the advertisements that have been placed, at your expense, in the Acton Beacon on February 2, 2006. Your hearing is scheduled for February 13, 2006 at 7:45 P.M. in the Faulkner Room of the Town Hall. If you have any questions prior to that date, please call the office.

Very truly yours,

  
Christine Joyce  
Town Manager's Office

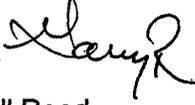
Enc. Advertisement  
Cc: File

TOWN OF ACTON

Building Department

INTERDEPARTMENTAL COMMUNICATION

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**To:** Board of Selectmen      **Date:** February 8, 2006  
**From:** Garry A. Rhodes, Building Commissioner   
**Subject:** Class I, License Application 50 Powdermill Road

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I have reviewed the application and I am recommending the Board deny the request to establish a vehicle sale USE in the thirty-foot area adjacent to the street. It is my opinion the request if granted would create a zoning violation.

The property is located in the Powder Mill District. The lot is currently paved between the existing building/foundation and the street layout. The existing paving is nonconforming in that Acton Zoning Bylaw § 6.7.2 requires a thirty-foot setback of all paved surfaces, except access driveways, from the street.

The existing paving has served as parking to support the USES within the building. The paving would be ACCESSORY to the retail and other USES within the building.

The applicant is proposing to change a nonconforming ACCESSORY USE (parking) to a nonconforming principle USE (vehicle sales). In my opinion such a change is not allowed under the Zoning Bylaw.

**Inter-Departmental  
TOWN MANAGER'S OFFICE**

**11/18/05**

**TO:** Building, Police, Fire, Board of Health

**FROM:** Christine Joyce, Town Manager's Office

**SUBJECT:** Class 1 Application- 50 Powder Mill Road

Please find attached the request for a Class 1 License at 50 Powder Mill Road.

The hearing is scheduled for February 13, 2006 at 7:45

THE COMMONWEALTH OF MASSACHUSETTS

Town Acton OF \_\_\_\_\_

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a..... class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Acton Suzuki Rent-A-Car, Inc.

Business address of concern. No. 50 Powder Mill Road St., Acton, MA. 01720 City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Corporation

3. If an individual, state full name and residential address. n/a

4. If a co-partnership, state full names and residential addresses of the persons composing it. n/a

5. If an association or a corporation, state full names and residential addresses of the principal officers. President Leo Bertolami Secretary TBD Treasurer Leo Bertolami

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes If so, is your principal business the sale of new motor vehicles? Rental Vehicles, Sales, Leasing Is your principal business the buying and selling of second hand motor vehicles? no Is your principal business that of a motor vehicle junk dealer? no

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Land and building will associated parking at 50 Powder Mill  
Road, Route 62 (See attached plan)

8. Are you a recognized agent of a motor vehicle manufacturer? **yes**  
(Yes or No)

If so, state name of manufacturer **American Suzuki Motors**

9. Have you a signed contract as required by Section 58, Class 1? **yes**  
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? **yes**  
(Yes or No)

If so, in what city — town **Acton, Concord, Maynard, Hudson, Hyannis**

Did you receive a license? **yes** For what year? **1976-2006**  
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? **no**  
(Yes or No)

Sign your name in full. *Lucas B. Baldwin*  
(Duly authorized to represent the concern herein mentioned)

6 Proctor Street, Acton, MA. 01720  
Residence.

**IMPORTANT**

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation ..... (Approved or Disapproved)

License No. .... granted ..... 19 .... Fee \$ .....

Signed .....

.....  
.....  
.....  
.....  
.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

HIGH STREET

DAM

ASSABET RIVER

FLOW

EXISTING BUILDING #50

FOUNDATION OF OLD BUILDING

CONCRETE WALL W/DECORATIVE FENCE

UP

145

144

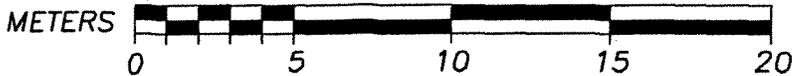
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142

EXISTING EDGE PAVEMENT

POWDER MILL ROAD (ROUTE 62)

SCALE: 1 INCH = 20 FEET



NOTE:

SITE IS WITHIN 100' WETLAND BUFFER AND 100' RIVERFRONT AREA.

DISPLAY PARKING DIAGRAM FOR ACTON SUZUKI RAC

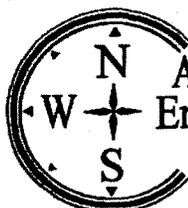
50 POWDER MILL ROAD ACTON, MASSACHUSETTS

PREPARED FOR: 6 PROCTOR ST SCALE: 1"=20'

AUTOPLEX REALTY, LLC ACTON, MA 01720 DATE: JANUARY 17, 2006



Handwritten signature and number 1-17-6



Acton Survey & Engineering, Inc.

Since 1967

97 GREAT ROAD P.O. BOX 666 ACTON, MA 01720 PH. (978) 263-3666 FAX (978) 635 0218

5781

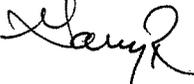
**TOWN OF ACTON**

**Building Department**

**INTERDEPARTMENTAL COMMUNICATION**

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**To:** Board of Selectmen      **Date:** February 8, 2006

**From:** Garry A. Rhodes, Building Commissioner 

**Subject:** Class I, License Application 50 Powdermill Road

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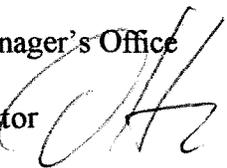
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## INTERDEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone 978-264-9634 - Fax 978-264-9630

January 30, 2006

TO: Christine Joyce, Town Manager's Office  
FROM: Doug Halley, Health Director   
SUBJECT: Class 1 Application – 50 Powder Mill Road

The Health Department has reviewed the Class 1 application submitted by Leo Bertolami for a business located at 50 Powdermill Road. The Department's only comment is if at any time this business stores 25 pounds or 25 gallons of hazardous material on-site it must get a permit from the Board of Health.

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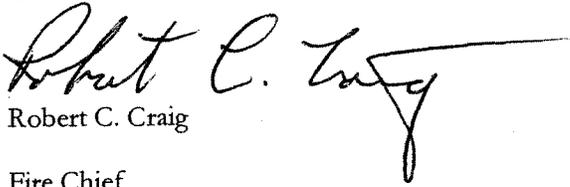
INTEROFFICE MEMORANDUM

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**TO:** CHRISTINE JOYCE, TOWN MANAGER'  
**FROM:** FIRE CHIEF  
**SUBJECT:** CLASS 1 APPLICATION-50 POWDER MILL ROAD  
**DATE:** 2/9/2006  
**CC:**

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Christine: Please be advised that I have no comment or objection to the issuance of this license.

  
Robert C. Craig

Fire Chief

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# Acton Police Department

## InterDepartmental Memo

**From:** Frank J. Widmayer, Chief of Police

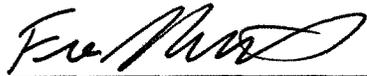
**Date:** February 7, 2006

**To:** Don Johnson, Town Manager

**Subj:** Acton Suzuki, 50 Powdermill Road

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I have reviewed the application submitted by Leo Bertolami and I have no objection to the issuance of the Class 1 license.



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Frank J. Widmayer  
Chief of Police



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5781

