

3/21/11
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TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
SLedoux@acton-ma.gov
Fax 978-929-6611

Steven L. Ledoux
Town Manager

Acton Beacon
BY FAX

Atten: Legals

Please place the following ad in the Thursday, March 10, 2011 in the Legal Section of the ACTON BEACON. Please bill the applicant at the address listed below:

Mr. Fabio R. Moreira
188 Main Street
Acton, MA 01720

Very truly yours,

Christine M. Joyce
Town Manager's Office

C: Applicant
Filed: *ClassII/bin cmj*

TOWN OF ACTON
NOTICE OF HEARING

Notice is hereby given that the Board of Selectmen will hold a public hearing in in the Francis Faulkner Hearing Room, in the Town Hall on Monday, March 21, 2011 at 7:55 P.M. on the application of Way Auto Sales, Inc. d/b/a Smart Deal for a Class II Dealer's License at 140 Great Road, Acton, MA.

Acton Board of Selectmen

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

TO: Building, Police, Fire, Board of Health, Tax Collector

FROM: Christine Joyce, Town Manager's Office

SUBJECT: Class II Application 140 Great Road

Please find attached the request for a Class II License at 140 Great Road.

Please submit your comments MARCH 16, 2011

263-8025

THE COMMONWEALTH OF MASSACHUSETTS

Town of Acton

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? WAY AUTO SALES INC

DBA/ SMART DEAL

Business address of concern. No. 140 Great Rd St.,

Acton 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.

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

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Fabio R. MOREIRA 188 Main St Acton

Secretary Lukiane Mason MOREIRA 188 Main St Acton

Treasurer Fabio Romeu MOREIRA 188 Main St Acton

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? No

Is your principal business the buying and selling of second hand motor vehicles? Yes

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.

STAND ALONE BUILDING with 1 show room, 1 OFFICE
1 Repair BAY and 1 powder ROOM

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

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1?
(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 MA

Did you receive a license? Yes For what year? 2001 - 2010
(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. Jalro Romu Mowry
(Duly authorized to represent the concern herein mentioned)

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.....

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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 an appropriate decree. The decision of the justice shall be final.

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No.

Class License No.

Name

St. and No.

City — Town

Date Issued

Remarks

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Christine Joyce

From: Robert Craig
Sent: Monday, March 07, 2011 2:13 PM
To: Christine Joyce; Frank Widmayer; Kevin Lyons; Board of Health; Collector Department
Subject: RE: Class II - Way Auto Sales (former location of Acton Import)

Please be advised that I have no comment or objection to this license application.

Robert C. Craig
Fire Chief
Acton Fire Department
978-929-7414
978-266-2885(FAX)

-----Original Message-----

From: Christine Joyce
Sent: Monday, March 07, 2011 12:24 PM
To: Frank Widmayer; Robert Craig; Kevin Lyons; Board of Health; Collector Department
Subject: Class II - Way Auto Sales (former location of Acton Import)

-----Original Message-----

From: ATH-MGR-COPIER@acton-ma.gov [<mailto:ATH-MGR-COPIER@acton-ma.gov>]
Sent: Monday, March 07, 2011 11:58 AM
To: Christine Joyce
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: machine location not set
Device Name: ATH-MGR-COPIER

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Christine Joyce

From: Doug Halley
Sent: Friday, March 11, 2011 1:40 PM
To: Christine Joyce
Cc: Sheryl Ball
Subject: RE: Class II - Way Auto Sales (former location of Acton Import)

The Health Department has no comments regarding the application for a class II license at 140 Great Road. They are currently in compliance with Health regulations.

-----Original Message-----

From: Christine Joyce
Sent: Monday, March 07, 2011 12:24 PM
To: Frank Widmayer; Robert Craig; Kevin Lyons; Board of Health; Collector Department
Subject: Class II - Way Auto Sales (former location of Acton Import)

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From: ATH-MGR-COPIER@acton-ma.gov [<mailto:ATH-MGR-COPIER@acton-ma.gov>]
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Christine Joyce

From: Frank Widmayer
Sent: Monday, March 14, 2011 3:27 PM
To: Christine Joyce
Subject: RE: Class II - Way Auto Sales (former location of Acton Import)

I have no objection to the transfer of the Class II license to Way Auto Sales D/B/A Smart Deal.

Frank J. Widmayer III
Chief of Police
978-263-2911

-----Original Message-----

From: Christine Joyce
Sent: Monday, March 07, 2011 12:24 PM
To: Frank Widmayer; Robert Craig; Kevin Lyons; Board of Health; Collector Department
Subject: Class II - Way Auto Sales (former location of Acton Import)

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