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

FAXED 9/23/04

10/19

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Don P. Johnson
Town Manager

September 23, 2004

Acton Beacon
BY FAX

Atten: Paula Buckley

Please place the following ad in the Thursday, October 7, 2004 legal Section of the Acton Beacon. Please bill the applicant at the address listed below:

Enterprise Rent-a-Car Company of Boston, Inc.
20 Main Street
Acton, MA 0l720 Atten: Brian Kimla

Christine M. Joyce
Town Manager's Office

LEGALS:
PLEASE CONFIRM BY PHONE TO ME @ 978-264-9612

CC: Applicant
Filed: *Classl/bin cmj*

TOWN OF ACTON
NOTICE OF HEARING

Notice is hereby given that the Board of Selectmen will hold a public hearing in Room 204 in the Town Hall on Tuesday, October 19, 2004 at 7:30 P.M. on the application Enterprise Rent-a-Car Company of Boston, Inc., for a Class II Dealer's License at 20 Main Street, Acton, MA.

Acton Board of Selectmen

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

Don P. Johnson
Town Manager

September 23, 2004

Mr. Brian Kimla
Enterprise Rent-a-Car Company of Boston, Inc.
20 Main Street
Acton, MA 0l720

Dear Mr. Kimla:

Enclosed please find a copy the advertisement that has been placed, at your expense, in the Acton Beacon for October 7th in conjunction with your application for a Class II License at 20 Main Street.

Your hearing is scheduled for October 19, 2004 at 7:30 P.M. in room 204 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

Inter-Departmental
TOWN MANAGER'S OFFICE

September 23, 2004

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

FROM: Christine Joyce, Town Manager's Office

SUBJECT: Class II Application- 20 Main Street

Please find attached the request for a Class II License at 20 Main Street

Please send comments for inclusion in the Board's Packet for October 19th.

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 2 (II) 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? ENTERPRISE RENT-A-CAR COMPANY OF BOSTON, INC.

Business address of concern. No. 20 MAIN STREET 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.

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.

VICE President BRADLEY R. CARR

VICE PRESIDENT BRIAN J. KIMLA

~~Secretary~~

Treasurer JON STUMPF

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.

WHOLESALE OF RENTAL VEHICLES

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? NO
(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? NO (Yes or No) For what year? 2003

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.
(Duly authorized to represent the concern herein mentioned)

Residence Cohasset, MA

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 any 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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FORM 53 HOBBS & WARREN, INC., PUBLISHERS - REVISED

TOWN OF ACTON
Health Department
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9634
Fax (978) 264-9630

September 27, 2004

To: Christine Joyce, Town Manager's Office

From: Heather Marceau, Health Agent

Re: Class II Application – 20 Main Street

Please be advised that after review of the paperwork for the Class II License requested by Enterprise Rent-A-Car, the Health Department has no concerns regarding this application.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (508) 264-9618
Fax (508) 264-9630

Collector's Office

INTERDEPARTMENTAL COMMUNICATION

Date October 4, 2004

TO: Christine Joyce

FROM Tax Collector's

SUBJECT: Class 11 Application – 20 Main Street

Enterprise Rent-A-Car is current with taxes.

Acton Police Department
InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police **Date**: October 4, 2004

To: Don Johnson, Town Manager

Subj: Class II Application – 20 Main Street

I have reviewed the application submitted by Enterprise Rent-A-Car Company.

I have no objection to the issuance of the license.

Frank J. Widmayer
Chief of Police

TOWN OF ACTON BOS

Building Department

INTERDEPARTMENTAL COMMUNICATION

To: **Town Manager's Office** ***Date:*** October 7, 2004

From: Garry A. Rhodes, Building Commissioner

Subject: Class II Application 20 Main Street

The applicant is requesting a Class II license for the property located at 20 Main Street. They would be allowed to do wholesale of vehicles at this property subject to Acton Zoning Bylaw Section 3.8.2.7. Section 3.8.2.7 limits wholesale of vehicles as an accessory use. The applicant should provide plans showing how they will comply with the Bylaw including how this operation is accessory and not a second primary use.

Section 3.8.2.7 provides as follows;

In the Light Industrial District and on contiguous adjacent land for which the Board of Appeals has previously granted a USE variance permitting a USE allowed in the Light Industrial District, the purchase of new vehicles; the wholesale, but not retail sale, of used vehicles; and the temporary outdoor storage of such new and used vehicles provided that:

The LOT, or the property consisting of two or more contiguous LOTS in single ownership, contains at least 15 acres.

Such USE is accessory to an operations center and offices of a vehicle rental or leasing company.

Such vehicles are at all times registered with the Commonwealth of Massachusetts Registry of Motor Vehicles while on the premises.

No such vehicle exceeds a gross vehicle weight of 10,000 pounds and a wheel base of 135 inches.

All such vehicles are stored in the rear yard out of sight and fully screened from view from any STREET.

All such vehicles are stored at least 200 feet away and fully screened from view from any pre-existing dwelling that is not on the same LOT or property.

The transport and loading/unloading of such vehicles to and from the LOT or property occurs only on weekdays between the hours of 6:00 AM and 9:00 PM.

The storage of such vehicles may use vacant or excess parking capacity that, regardless of the requirements of section 6 of this bylaw, is not needed for employees and customers of the businesses on the LOT or property.

INTEROFFICE MEMORANDUM

TO: CHRISTINE JOYCE, TOWN MANAGER'S OFFICE

FROM: ROBERT C. CRAIG, FIRE CHIEF

SUBJECT: CLASS II APPLICATION – 20 MAIN STREET

DATE: 10/14/04

CC:

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

Robert C. Craig

Fire Chief