

HEARINGS, MEETINGS, LICENSES

4/04/16



The Middleborough Board of Selectmen will hold a public hearing on **Monday, March 28, 2016 at 8:15 PM** in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, for the purpose of discussing an application filed by **Denise Margolin, City Limits Auto Brokers** for a **Class II Automobile Dealer's License** for the premises located at **35 Harding Street, Middleboro, MA, Assessors Map 47, Lot 535**. Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN
March 17, 2016

The Middleboro Gazette Newspaper

MEMORANDUM

TO: Planning Board
Conservation Commission
Building Commissioner
Health Officer

FROM: Colleen Lieb
Acting - Executive Assistant to the Board of Selectmen

DATE: March 29, 2016

SUBJECT: **Class II Automobile Dealer's License Application**
City Limits Auto Brokers
35 Harding Street

Attached is an application for a Class II Automobile Dealer license.

This application will be heard by the Board of Selectmen at its meeting on **April 4, 2016 at 7:45 PM.**

All remarks or concerns regarding the request must be returned to the Selectmen's office no later than **Friday April 1, 2016 by 12 Noon.**

Thank you.

Attachments



Town of Middleborough
20 Centre Street, Second Floor
Middleborough, Massachusetts 02346

Robert J. Whalen
Building Commissioner
Tel. 508-946-2426
Fax 508-946-2305

March 31, 2016

Middleborough Board of Selectmen
Middleborough Town Offices
10 Nickerson Ave
Middleborough, MA 02346

RE: City Limits Auto Brokers of 35 Harding Street, Assessors Map: 047 Lot: 535,
located in the GU District WRPD/Z4.

Honorable Board,

I have reviewed the request of Denise Margolin for City Limits Auto Brokers of 35 Harding Street for a class II automobile dealer's license application. The proposed parking spaces #1 & 2 need to be relocated as the Middleborough Zoning Bylaw requires a landscape buffer along the front and side property lines.

Middleborough Zoning Bylaw states:

5.6 LANDSCAPING AND SCREENING – GU, GUX and GUA DISTRICTS

5.6.1 General. The following shall apply:

1. A landscaped buffer zone shall be provided not less than twenty (25') feet in depth along the street line and not less than fifteen (15') feet in depth along a side or rear lot line.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

APPLICATION FOR LICENSE OR LICENSING TRANSACTION
(PLEASE TYPE OR PRINT CLEARLY)

DATE 11-23-15

NAME OF APPLICANT Denise Margolin

ADDRESS OF APPLICANT 195 Tremont St., Mansfield, MA 02048

ASSESSORS MAP & LOT _____

DAYTIME TELEPHONE 774-244-1154

EMAIL ADDRESS _____

NAME OF BUSINESS City Limits Auto Brokers

OWNER OF PROPERTY TO BE LICENSED Albert Dias

ADDRESS OF PROPERTY TO BE LICENSED 35 Harding St., Middleboro, MA 02346

ASSESSORS MAP & LOT Map 47 Lot 535

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____

Class I Automobile Dealer License _____

Class II Automobile Dealer License X

Class III Automobile Dealer License _____

Weekday Entertainment _____

Sunday Entertainment _____

WRPD _____

Earth Removal Permit _____

Liquor License _____

Pawnbroker _____

Automatic Amusement Device _____

Other _____

Anticipated Start Date for Business: Upon issuance of license

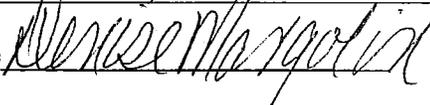
Days & Hours of Operation: Sunday thru Saturday 10:00 a.m. to 7:00 p.m.

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?

If yes, explain:

Yes, currently licensed in Norfolk, MA 02058

Signature



Please bring to the Treasurer/Collector's office @ the Town Hall Annex, 20 Center Street, 3rd floor to obtain confirmation/signature that no outstanding taxes/municipal charges exist.

Dear Treasurer/Collector:

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? _____

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Middleborough

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? Denise Margolin d/b/a City Limits Auto Brokers
.....

Business address of concern. No. 35 Harding.....St.,
.....Middleborough.....City — Town.

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

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

Denise Margolin.....

195 Tremont Street, Mansfield, MA 02048.....

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

Secretary

Treasurer

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. The business will consist of a portion of the property at 35 Harding Street, Middleboro, MA. The vehicles will be displayed in the southeast corner of the lot as shown on the attached plan. There will be only two vehicles on display at any time. The office will be in the front of the existing office area of the building as shown on the attached plan.

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? ... n/a (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 ... Norfolk, MA
Did you receive a license? ... YES (Yes or No) For what year?

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. 195 Tremont St., Mansfield, MA 02048

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. Denise Margolin

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 fifty 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 owner 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.