

SECOND HAND MOTOR VEHICLE DEALER LICENSE APPLICATION

Nonrefundable Application Fee \$550.00

Date June 3, 2015

FOR CITY CLERK'S OFFICE ONLY	
Date Recorded _____	Amount Paid _____

New Application
 Renewing Application with Additions or Changes
 Renewing Application with NO Additions or Changes
 Amending Existing License

Check one: Class 1 Class 2 Class 3

Vehicles stored: 0 inside
16 outside

Business (DBA) Name: American Auto Gallery Phone: 617-440-6651

Business Address (in Somerville): 654 Mystic Avenue, Somerville, MA 02145
682 Mystic Avenue, Somerville, MA 02145

Applicant's Federal Employer Identification Number: 46-0627833

Applicant's Legal Name: FMS Auto Sales, LLC

Mailing Name (who we should send correspondence to): FMS Auto Sales, LLC, d/b/a American Auto Gallery

Mailing Address (with Zip Code): 682 Mystic Avenue, Somerville, MA 02145

Emergency Contact: Fadi Suleiman Phone: 617-669-2950

Type of Business (Check Only One and Provide the Names Indicated):

Sole Proprietor: Name of Owner: _____

Partnership (inc. LLP): Name of Partnership: _____

Names of All Partners Who Own More Than 10%: _____

Trust: Name of Trust: _____

Names of All Trustees Who Own More Than 10%: _____

Corporation: Name of Corporation: _____

Name of President: _____

Name of Secretary: _____ Name of Treasurer: _____

LLC: Name of LLC: FMS Auto Sales, LLC

Names of All Managers Who Own More Than 10%: Fadi Suleiman

Other (Attach a Description of the Form of Ownership and the Names of Owners)

CITY CLERK'S OFFICE
 SOMERVILLE, MA
 2015 JUN -8 PM 3:14

Are you engaged principally in the business of buying, selling or exchanging motor vehicles? Y X N __

Is your principal business the sale of new motor vehicles? Y __ N X

If yes, are you a recognized agent of a motor vehicle manufacturer, or do you have authority to sell the vehicles of a motor vehicle manufacturer via a written contract? Y __ N __

If yes, provide the name of the manufacturer(s): _____

Is your principal business the buying and selling of second hand motor vehicles? Y X N __

If yes, have you obtained a \$25,000 bond pursuant to MGL c. 140 § 58, for this business, at this location? Y X N __

If yes, do you have access to a repair facility to comply with the warranty obligations imposed by MGL c. 90 § 7N¼? Y X N __

If yes, provide the name of the repair facility: Highland Automotive, Harvard Street Garage and American Auto Gallery

Is your principal business that of a motor vehicle junk dealer? Y __ N X

Have you ever obtained a license to deal in second hand motor vehicles or parts? Y X N __

If yes, list year, city and state 2013, Somerville, MA

Have you ever been denied a license to deal in second hand motor vehicles or parts? Y __ N X

If yes, list year, city and state _____

Have you ever had a license to deal in second hand motor vehicles or parts revoked or suspended? Y __ N X

If yes, list year, city and state _____

I request permission to store 0 vehicles inside the building, and 16 vehicles on the parking lot.

Attach a scaled site plan drawing of your property, showing exactly where you will store each of the vehicles you wish to park on the premises. Include a plan for both the inside of the building and the outside parking lot. Include the dimensions for each space.

The hours of operation for used car dealers are Monday through Friday, 8 AM to 6 PM, Saturday, 8 AM to 2 PM, and Sunday, Closed. If you require different hours of operation, list them and explain: 9:00am until 7:00pm Mondays through Thursdays, 9:00am until 6:00pm

Fridays and Saturdays, noon until 5:00pm on Sundays

654 and 682 Mystic Avenue

Addendum to Second Hand Motor Vehicle Dealer License Application.

The Applicant, FMS Auto Sales, LLC, d/b/a American Auto Gallery, proposes to expand its existing used car dealership at 682 Mystic Avenue to the abutting premises at 654 Mystic Avenue. Applicant is filing this application to amend its existing license to include the 654 Mystic Avenue property. On April 1, 2015, Applicant received a Special Permit with Site Plan Review from the Somerville Zoning Board of Appeals to park 16 motor vehicles outside at 654 Mystic Avenue (see decision filed herewith).

Applicant will park 16 motor vehicles outside for sale 654 Mystic Avenue, and will use the existing building there as an office. The vehicles at the premises will not be regularly running or moving, but will mostly be parked there for inventory purposes. All vehicle service will continue to happen at 682 Mystic Avenue.

The proposed use is compatible with the busy Mystic Avenue thoroughfare, the many other automobile uses on Mystic Avenue, and the presence of I-93 across the street from the premises.

The attorney for Applicant is:

Adam Dash, Esq.
Adam Dash & Associates
48 Grove Street, Suite 304
Somerville, MA 02144
(617) 625-7373
dash@adamdashlaw.com

BOND DEPARTMENT

AGENCY: 20-1159 Phil Richard Insurance Inc

CONTINUATION CERTIFICATE	BOND S-818262
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Principal:
FMS Auto Sales LLC dba American Auto Gallery
682 Mystic Ave
Somerville, MA 02145

Obligee:
City of Somerville
City Hall
93 Highland Ave
Somerville MA 02143

Bond Term in Months: 12 **Effective Date:** 9/25/2014 **Expiration Date:** 9/25/2015
Penalty Amount: \$25,000 **Type of Bond:** License
Classification: Used Motor Vehicle Dealer MA

Remarks:

It is hereby agreed that the captioned numbered Bond is continued in force in the above amount for the period of the continued term stated above and is subject to all the covenants and conditions of said Bond.

This continuation shall be deemed a part of the original Bond, and not a new obligation, no matter how long the Bond has been in force or how many premiums are paid for the Bond, unless otherwise provided for by statute or ordinance applicable.

In witness whereof, the company has caused this instrument to be duly signed, sealed and dated as of the above "continuation effective date".

NGM INSURANCE COMPANY

By:



Attorney-in-fact



This Continuation Certificate needs to be filed with the obligee. No other proof of renewal has been sent to any other party.

Direct Bill

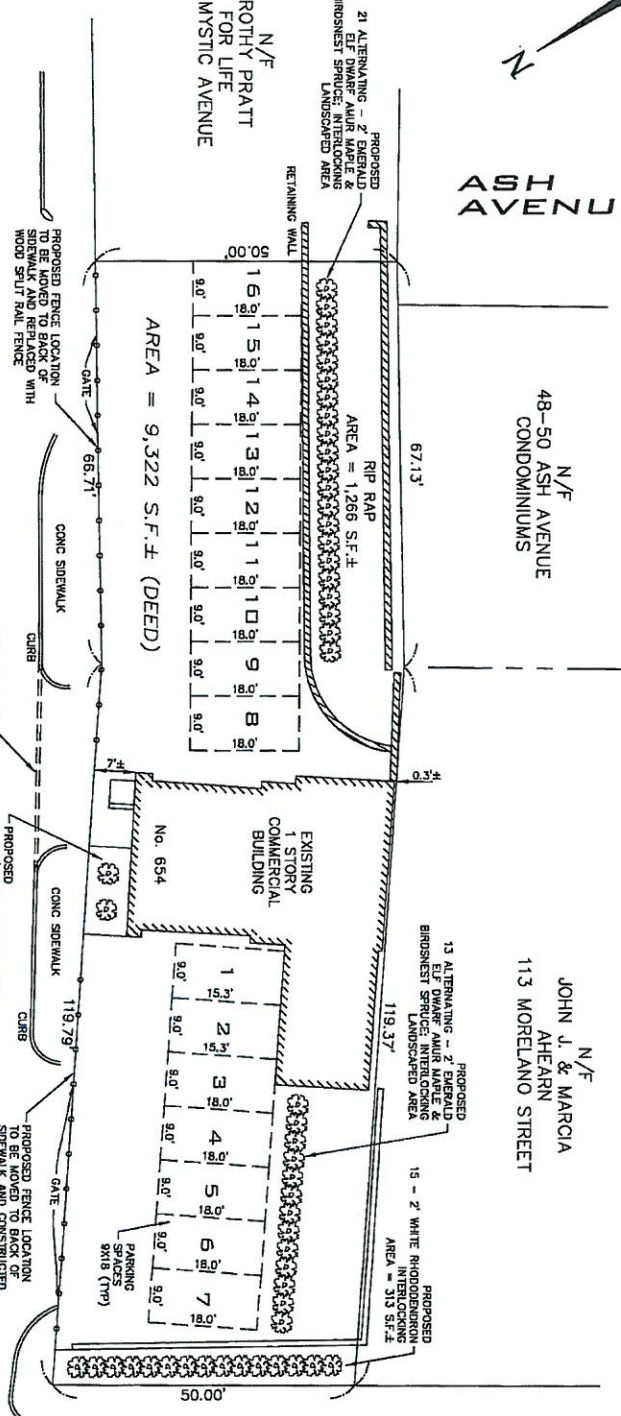


ASH AVENUE

N/F
48-50 ASH AVENUE
CONDOMINIUMS

N/F
JOHN J. & MARCIA
AHEARN
113 MORELAND STREET

N/F
DOROTHY PRATT
FOR LIFE
640 MYSTIC AVENUE



MORELAND STREET

MYSTIC AVENUE

SURVEYOR'S CERTIFICATION:
TO: MAX SULIEMAN

I CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE GENERALLY ACCEPTABLE PRACTICES OF LAND SURVEYORS IN THE COMMONWEALTH OF MASSACHUSETTS FOR A PLAN AND SURVEY OF THIS TYPE. THIS CERTIFICATION IS MADE ONLY TO THE ABOVE NAMED INDIVIDUAL(S) AND IS NULL AND VOID UPON ANY FURTHER CONVEYANCE OF THIS PLAN.

THE FIELD WORK WAS COMPLETED ON: DECEMBER 15, 2014
DATE OF PLAN: DECEMBER 16, 2014
REVISED DATE: MAY 29, 2015

RICHARD J. MEDE, JR. P.L.S.



ASSESSOR'S MAP/BLOCK/LOT: 46/C/1
CURRENT OWNER: FIELDOM REALTY TRUST
TITLE REFERENCE: BK 17295 PG 011
PLAN REFERENCE: PLAN BK 7 PG 42 & 43
PLAN 793 of 1987

THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION AND IS NOT A CERTIFICATION TO THE TITLE OF THE LANDS SHOWN. THE OWNERSHIP OF ABUTTING PROPERTIES IS ACCORDING TO ASSASSORS RECORDS. THIS PLAN MAY OR MAY NOT SHOW ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESUMPTIVE.

PREPARED FOR:
MAX SULIEMAN
654 MYSTIC AVENUE
SOMERVILLE, MA 02144

PREPARED BY:

**MEDFORD
ENGINEERING
& SURVEY**
ANGELO B. VENEZIANO ASSOCIATES
15 HALL STREET, MEDFORD, MA 02155
781-396-4466 fax: 781-396-8052

PARKING PLAN
654 MYSTIC AVE
SOMERVILLE, MA.
(MIDDLESEX COUNTY)

DRAWN	CHECKED	FILE No.
CAV	RJM	19019

Somerville Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

RE: FMS Auto Sales, LLC, d/b/a American Auto Gallery
682 and 654 Mystic Avenue, Somerville, MA

Dear Aldermen:

I am submitting this letter of recommendation in support of the application of FMS Auto Sales, LLC, d/b/a American Auto Gallery to amend its existing Second Hand Motor Vehicle Dealer License at 682 Mystic Avenue, Somerville, MA to include the property located at 654 Mystic Avenue, Somerville, MA.

FMS Auto Sales, LLC, d/b/a American Auto Gallery and its Manager, Fadi Suleiman, both have high professional and personal integrity. I encourage you to approve said application.

My relationship to this business is as a neighbor

Thank you.

Sincerely,

Marcia Ahern

Name: Marcia Ahern
Address: 113 Moreland St.
Telephone Number: 617-595-2246
Date: May 16, 15

Somerville Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

RE: FMS Auto Sales, LLC, d/b/a American Auto Gallery
682 and 654 Mystic Avenue, Somerville, MA

Dear Aldermen:

I am submitting this letter of recommendation in support of the application of FMS Auto Sales, LLC, d/b/a American Auto Gallery to amend its existing Second Hand Motor Vehicle Dealer License at 682 Mystic Avenue, Somerville, MA to include the property located at 654 Mystic Avenue, Somerville, MA.

FMS Auto Sales, LLC, d/b/a American Auto Gallery and its Manager, Fadi Suleiman, both have high professional and personal integrity. I encourage you to approve said application.

My relationship to this business is as a Neighbor

Thank you.

Sincerely,



Benjamin W. Bayadi

Name: _____

Address: 114 Moreland St

Telephone Number: 6176949348

Date: 5/11/15

SOMERVILLE, MA

Map	Bloc	Map	Blk	Lot	Stree	Grantee	Co grantee-s Name	Mailing Address	City	St Zip				
Map	Cut	Bloc	Cut	Lot	Number	Location	Alternate	Unit	Lot	Stree				
46	B	46	B	1	706	MYSTIC AVE			ANALETTO THOMAS ANTONIO TRUSTE	THOMAS A ANALETTO IRREVOC	2500 MYSTIC VALLEY PKWY #305	MEDFORD	MA	02155
46	B	46	B	2	114	MORELAND ST			BAYANI BENJAMIN P & CRISTINA M		114 MORELAND ST	SOMERVILLE	MA	02145
46	B	46	B	4	110	MORELAND ST			LYTLE-CAROLYN	COLEMAN PAUL JOSEPH	110 MORELAND ST	SOMERVILLE	MA	02145
46	B	46	B	5	108	MORELAND ST			CONCEICAO VICTOR	CONCEICAO DEBRA A	108 MORELAND ST	SOMERVILLE	MA	02145
46	B	46	B	6	106	MORELAND ST			MACVICAR THERESA & STEPHEN		106 MORELAND ST	SOMERVILLE	MA	02145
46	B	46	B	7	0	EAST ALBION ST			DELL'ISOLA MICHAEL J & DOREEN		41 EAST ALBION ST	SOMERVILLE	MA	02144
46	B	46	B	8	41	EAST ALBION ST			DELL'ISOLA MICHAEL J & DOREEN		41 EAST ALBION ST	SOMERVILLE	MA	02145
46	B	46	B	10	9	FREMONT ST			HALEY CAROL A & KENNETH J		105 FREMONT ST	SOMERVILLE	MA	02145
46	B	46	B	11	0	FREMONT ST			ROSENFELD ROBERT ETAL TRUSTEE	FIELDCOM REALTY TRUST	105 FREMONT ST	SOMERVILLE	MA	02145
46	C	46	C	1	654	MYSTIC AVE			PRATT DOROTHY FOR LIFE	PRATT CHARLES E REM	P O BOX 2307	WOBURN	MA	01888
46	C	46	C	2	640	MYSTIC AVE			WILLIAMSON BRUCE A FOR LIFE	WILLIAMSON PAUL A	29 PROSPECT ST	CHARLESTOWN	MA	02129
46	C	46	C	3	638	MYSTIC AVE			PATTERSON MICHAEL S	VIDES EMILY	638 MYSTIC AVE	SOMERVILLE	MA	02145
46	C	46	C	4	636	MYSTIC AVE			CORREIA LUISA N		636 MYSTIC AVE	SOMERVILLE	MA	02145
46	C	46	C	5	634	MYSTIC AVE			RESOURCES FOR HUMAN DEVELOPMEN		4700 WISSAHICKON AVE	PHILADELPHIA	PA	19144
46	C	46	C	7	3	EAST ALBION ST			MELENDEZ WILLIAM & NORMA		49 ASH AVE	SOMERVILLE	MA	02145
46	C	46	C	7	A	ASH AVE			TATEOSIAN NICOLE A		53 ASH AVE #1	SOMERVILLE	MA	02145
46	C	46	C	13	1	20070220			KERSANSKÉ BRENT		53 ASH AVE #2	SOMERVILLE	MA	02145
46	C	46	C	13	2	20070230			BHAKTA JIGNESH D		48 ASH AVE #A	SOMERVILLE	MA	02145
46	C	46	C	15	M	48-50 ASH AVE			PINGIARO LINDA S		48B ASH AVE	SOMERVILLE	MA	02145
46	C	46	C	15	48A	ASH AVE			STETLER COLEY		50 ASH AVE #50A	SOMERVILLE	MA	02143
46	C	46	C	15	48B	ASH AVE			DEMICHELE JAMES P		30 CEDAR CREEK RD	SUDBURY	MA	01776
46	C	46	C	15	50A	ASH AVE			PALAZZOLO PAUL S & THERESA		15 EAST ALBION ST	SOMERVILLE	MA	02145
46	C	46	C	15	50B	ASH AVE			GRIFFEL ERIC M		19 EAST ALBION ST	SOMERVILLE	MA	02145
46	C	46	C	17	15	EAST ALBION ST			HILL FREDERICK H II		105 MORELAND ST	SOMERVILLE	MA	02145
46	C	46	C	18	19	EAST ALBION ST			ESCOBAR DAYANA & NESTOR		107 MORELAND ST	SOMERVILLE	MA	02145
46	C	46	C	19	107	MORELAND ST			MORGAN KIRK		1 PINE GROVE AVE	WOBURN	MA	01801
46	C	46	C	20	105	MORELAND ST			RYKERSON SKYE		359 ARLINGTON STREET	WATERTOWN	MA	02472
46	C	46	C	21	109	MORELAND ST			AHEARN JOHN J & MARCIA		113 MORELAND ST	SOMERVILLE	MA	02145
46	C	46	C	22	109	MORELAND ST			MCKENNA BARBARA A TRUSTEE	41 ASH AVE REALTY TRUST	41 ASH AVE	SOMERVILLE	MA	02145
46	C	46	C	23	111	MORELAND ST			CAPASSO MICHAEL SHARON	CAPASSO SHARON	33 ASH AVE	SOMERVILLE	MA	02145
46	C	46	C	24	113	MORELAND ST			CAPASSO MICHAEL & SHARON		33 ASH AVE	SOMERVILLE	MA	02145
46	D	46	D	1	41	ASH AVE			O'BRIEN JAMES K & IONA M		37 ASH AVE	SOMERVILLE	MA	02145
46	D	46	D	2	3	ASH AVE			PANTANELLA DAVID A		39 ASH AVE	SOMERVILLE	MA	02145
46	D	46	D	26	39	ASH AVE			COMM OF MASS	C/O DIVISION OF CAPITAL A	ONE ASHBURTON PL 15TH FL	BOSTON	MA	02108
46	D	46	D	28	99731100	0			COHEN GEORGIANA & HEALY RICHR		99 MORELAND ST	SOMERVILLE	MA	02145
46	E	46	E	1	99	MORELAND ST			CRISPO ROBERT A		42 ASH AVE	SOMERVILLE	MA	02145
46	E	46	E	2	42	ASH AVE			SELA MEGHAN E & SHAVE ADAM D		40 ASH AVE	SOMERVILLE	MA	02145
46	E	46	E	3	40	ASH AVE			WITCHER CANDY J		36 ASH AVE	SOMERVILLE	MA	02145
46	E	46	E	4	36	ASH AVE			LOPEZ RODRIGO J	SABIA-LOPEZ JENNIFER	34 ASH AVE	SOMERVILLE	MA	02145
46	E	46	E	5	34	ASH AVE			ISIDOR YVES & MARIE N		91 MORELAND ST	SOMERVILLE	MA	02145
46	E	46	E	32	91	MORELAND ST			ZOLOTYKH DMITRIY		417 RALEIGH TAVERN LANE	NORTH ANDOVER	MA	01845
46	E	46	E	33	93	MORELAND ST			KERRIGAN JR PHILIP G	SANTORO KERRIGAN SARAH	97 MORELAND ST	SOMERVILLE	MA	02145
46	E	46	E	34	95	MORELAND ST			BENNETT LAURIE &	SHEA ELLEN M	97 MORELAND ST	SOMERVILLE	MA	02145
46	E	46	E	35	97	MORELAND ST			MACDONALD MARJORIE E		48 EAST ALBION ST	SOMERVILLE	MA	02145
46	F	46	F	2	48	EAST ALBION ST								

SOMERVILLE, MA

Map	Cut	Bloc	Cut	Lot	Lot	Stree	Grantee	Co grantees Name	Mailing Address	City	St Zip
Map	Cut	Bloc	Cut	Lot	Cut	Numbe	Location				
46	F			3		46	EAST ALBION ST	HOWELL CATHERINE & FOLEY MARK	46 EAST ALBION ST	SOMERVILLE	MA 02145
46	F			4		42	EAST ALBION ST	GLINES STEPHEN A JR	42 EAST ALBION ST	SOMERVILLE	MA 02145
46	F			6		98	MORELAND ST	MONTEIRO CHRISTOPHER TRUSTEE	PO BOX 477	MEDFORD	MA 02155
46	F			7		96	MORELAND ST	SALADYGA ANN MAURDEN	96 MORELAND ST	SOMERVILLE	MA 02145
46	F			8		94	MORELAND ST	BEST KELLY L	94 MORELAND ST	SOMERVILLE	MA 02145
46	F			9		92	MORELAND ST	DIFRAIA JAMES M & PATRICIA A	92 MORELAND ST	SOMERVILLE	MA 02145
57	A			1	1A	500	MYSTIC AVE	SOMERVILLE HOUSING AUTH	30 MEMORIAL RD	SOMERVILLE	MA 02145





City of Somerville, Massachusetts
Finance Department, Treasury Division

CERTIFICATE OF GOOD STANDING

Exact name of taxpayer/applicant's business: FMS Auto Sales, LLC, d/b/a American Auto

Gallery
Address of taxpayer/applicant's business in Somerville: 682 and 654 Mystic Avenue

Address of taxpayer/applicant's home in Somerville: N/A

Taxpayer/applicant's phone: day: 617-440-6651 evening: 617-669-2950

I, (print name) Fadi Suleiman, Manager, the undersigned Taxpayer, do hereby certify that all the information contained herein is true and correct and all taxes and fees due the City have been paid or that the Taxpayer has entered into an agreement to pay all taxes and fees and is current on said agreement.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY, this 3rd day of April June, 2015.
[Signature]
(Taxpayer's signature)

CITY'S ACKNOWLEDGEMENT

DATE OF ISSUANCE: _____ INCLUDES RELEVANT POSTINGS THROUGH: _____

TAXES AND ACCOUNT NUMBER(S) INCLUDED IN CERTIFICATE:

Real Estate Water/Sewer Personal Property Other: _____

10911 # 205053011 # _____ # _____

NOTES:

CLERK'S INITIALS: UPB

ORIGINAL STAMP:  UBanaws
6-8-15

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, Mass. 02111

Workers' Compensation Insurance Affidavit - General Businesses

Applicant information:

Name: FMS Auto Sales, LLC, d/b/a American Auto Gallery

Address: 682 Mystic Avenue.

City: Somerville State: MA Zip: 92145 Phone #: 617-440-6651

- I am an employer with 2 employees (full and/or part time). **Business Type:** Retail
 Restaurant/Bar/Eating Establishment
 Office and/or Sales (real estate, auto, etc.)
 Nonprofit
 Entertainment
 Manufacturing
 Health Care
 Other _____
- I am a sole proprietor or partnership and have no employees.
- We are a corporation that has exercised our right of exemption per c152 s1(4), and have no employees.
- We are a nonprofit organization staffed by volunteers and have no employees.

Workers' compensation insurance information (if applicable):

Insurance Company Name: A.I.M. Mutual Insurances Companies

Address: 54 Third Avenue, P.O. Box 4070


City: Burlington State: MA Zip: 01803 Phone #: 781-221-1600

Policy #: VWC-100-6018435-2015A Expiration Date: March 28, 2016

Applicant certification:

Failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one years' imprisonment as well as civil penalties in the form of a STOP WORK ORDER and a fine of \$100.00 a day against me. I understand that a copy of this statement may be forwarded to the Office of Investigations of the DIA for coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature:  Date: 06-03-2015

Print Name: Fadi M. Suleiman (Manager)

Official use only. Do not write in this area. To be completed by city or town official.

City or Town: _____ Permit/License #: _____

Contact Person: _____ Phone #: _____

<input type="checkbox"/>	Board of Health
<input type="checkbox"/>	Building Department
<input type="checkbox"/>	City/Town Clerk
<input type="checkbox"/>	Licensing Board
<input type="checkbox"/>	Selectmen's Office
<input type="checkbox"/>	Other _____



2015 APR -3 A 11: 34

CITY CLERK'S OFFICE
SOMERVILLE, MA

CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, CLERK
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)

Case #: ZBA 2014-125
Site: 654 Mystic Avenue
Date of Decision: April 1, 2015
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 3, 2015

ZBA DECISION

Applicant Name:	FMS-Auto-Sales,-LLC
Applicant Address:	682 Mystic Avenue, Somerville, MA 02145
Property Owner Name:	Fieldcom Realty Trust
Property Owner Address:	11 Wheeling Avenue, Woburn, MA 01880
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant, FMS Auto Sales LLC, and Owner, Fieldcom Realty Trust, seek a Special Permit with Site Plan Review under SZO §7.11.11.7.b to establish a used motor vehicle sales and service business.

<u>Zoning District/Ward:</u>	BB zone/Ward 4
<u>Zoning Approval Sought:</u>	§7.11.11.7.b
<u>Date of Application:</u>	December 17, 2014
<u>Date(s) of Public Hearing:</u>	1/21, 2/4, 2/18, 3/18 & 4/1/15
<u>Date of Decision:</u>	April 1, 2015
<u>Vote:</u>	5-0

Appeal #ZBA 2014-125 was opened before the Zoning Board of Appeals at Somerville City Hall on January 21, 2015. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After five hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

2015 400 - 3 A 11: 34

DESCRIPTION:

The Applicant proposes to establish a second location for an existing used car dealership, American Auto Gallery, which is currently located across Moreland Street at 682 Mystic Avenue. The Applicant's original proposal was to delineate 27 parking spaces on the lot, to park up to 27 motor vehicles for sale at this second location. The approval was for 16 motor vehicles. The existing building will be used as an office. No physical changes will be made to the property, only the change in use. The Applicant will repaint the existing signage for the new establishment. The vehicles on-site will not be regularly running or moving, and will likely remain parked at one consistent location until purchased.

FINDINGS FOR SPECIAL PERMIT:

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review."*

The size of the parcel and the intended use as a used car sales establishment is noted in the existing ordinance as requiring a Special Permit with Site Plan Review. The Applicant is choosing to proceed at risk because the proposed zoning ordinance for which a public hearing has been advertised will not allow for a change from an office to an auto-oriented use at this site. If the proposed ordinance is adopted, the allowance of the use will have to be reevaluated at that time.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

The proposal is consistent with the purpose of the Commercial Residential district, which is, "To establish and preserve general commercial and high density residential areas consisting of multi-family developments, shopping centers, commercial strips and automobile related establishments where customers reach individual businesses primarily by automobile."

This corridor is currently business and automobile oriented. While the new zoning will propose this portion of the corridor as residential, the auto orientation nature of the area will likely remain for the near future. Therefore, under the new zoning ordinance, this would still be an appropriate for the site.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".*

The parcel is located at the corner of Mystic Avenue and Moreland Street, across the street from Interstate 93 and the City of Medford. Behind, on the south side of this parcel, is a residential district composed primarily of single-family homes. This parcel acts as a buffer to Mystic Avenue, a major thoroughfare.

There will be no physical changes to the site and the use is consistent with the auto orientation of this corridor and the first location for this establishment is located across Moreland Street.



2015 APR -3 A 11: 34

CITY ENGINEER'S OFFICE
SOMERVILLE, MA

Design Guidelines for Business Zones

1. Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.
2. Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.
3. Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.
4. Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.
5. Provide roof types and slopes similar to those of existing buildings in the area.
6. Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.
7. When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.
8. Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.
9. Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.

The proposal does not alter the physical site or existing building; the existing conditions will remain with regard to the design of the building and where parking is located.

5. Functional Design: *The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."*

The proposal meets the accepted standards and criteria for a functional design. The Board has conditioned that vehicles shall not back out onto Mystic Avenue nor be located within the right-of-way.

6. Impact on Public Systems: *The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."*

The approval of a Special Permit with Site Plan Review shall be contingent upon a determination by the City Engineer that no adverse impact on public systems will result from the proposed project.

7. Environmental Impacts: *"The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which*



are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception."

As there are no proposed physical changes to the site, the use does not propose adverse impacts.

8. Consistency with Purposes: "Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

9. Preservation of Landform and Open Space: The Applicant has to ensure that "the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood."

The footprint will not be altered. The land form will not change as there are no proposed physical changes to the site. There are additional landscaped beds proposed that will increase the attractiveness of the site.

10. Relation of Buildings to Environment: The Applicant must ensure that "buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings."

There are no physical changes to the site that would alter the existing situation with regard to this relation.

11. Stormwater Drainage: The Applicant must demonstrate that "special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required."

While additional review is required of drainage plans, any approval of the Special Permit with Site Plan Review should be conditional upon approval by the City Engineer. Planning Staff therefore proposes a condition for the Applicant to demonstrate that the project meets the current City stormwater policy.

12. Historic or Architectural Significance: The project must be designed "with respect to Somerville's heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar



as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.

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CITY OF SOMERVILLE, MA

There is no historical or architectural significance to this site or building. The change in use will not impact the heritage of the city.

13. Enhancement of Appearance: *The Applicant must demonstrate that "the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting."*

The appearance of the site will improve slightly from its existing condition. There will be landscaping and a fence installed to beautify and screen the site.

14. Lighting: *With respect to lighting, the Applicant must ensure that "all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby."*

Lighting will be appropriate to the auto-centric use of the site.

15. Emergency Access: *The Applicant must ensure that "there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment."*

There is access to the site from multiple curb cuts along Mystic Avenue as well as Moreland Street.

16. Location of Access: *The Applicant must ensure that "the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion."*

Staff has conditioned that vehicles shall not encroach within the vehicular or pedestrian right-of-way and that vehicles shall not back out onto Mystic Avenue.

17. Utility Service: *The Applicant must ensure that "electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view."*

The project does not require alterations or an increase in utility service.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that "provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development."*

The project does not propose a detrimental affect to adjacent properties or the general neighborhood as the site will remain similar to existing conditions in that cars will be parked in an organized manner and there are no proposed physical changes.

19. Signage: *The Applicant must ensure that "the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings."*



Signage will remain consistent with the existing. The Applicant will retain the existing signage, therefore the same footprint and technology will be used.

20. Screening of Service Facilities: *The Applicant must ensure that "exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties."*

This will become a used car sale lot; there will be no service facilities.

21. Screening of Parking:

Screening can occur with dense landscaping or the appropriate fence height and still maintain visibility from Mystic Avenue. The updated site plan address is this issue.

22. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Commercial Sq. Ft.:</u>	870	870
<u>Estimated Employment:</u>	Unknown	Unknown
<u>Parking Spaces:</u>	Undetermined/many	16

The change in use does not oppose the SomerVision plan, nor does this project wholly comply with the goals and policies presented within. Since the change in use proposes to essentially retain the existing conditions, the Board does not find the proposal detrimental to the goals and policies outlined in the comprehensive plan. Rather, this proposal continues with a use similar to the existing and will likely serve as a transitional use for this site until the Winter Hill plan is completed. This plan will provide more detail regarding community vision for this area moving forward.



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CITY CLERK'S OFFICE
 SOMERVILLE, MA

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Josh Safdie seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for Special Permit with Site Plan Review to establish a used motor vehicle sales and service business. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(December 17, 2014)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(April 1, 2015)</td> <td>Plot plan submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(December 17, 2014)	Initial application submitted to the City Clerk's Office	(April 1, 2015)	Plot plan submitted to OSPCD
	Date (Stamp Date)				Submission					
(December 17, 2014)	Initial application submitted to the City Clerk's Office									
(April 1, 2015)	Plot plan submitted to OSPCD									
Any changes to the approved site plan or use that are not <i>de minimis</i> must receive SPGA approval.										
Site										
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy.	BP	Eng.							
3	The Applicant shall provide a site plan for Planning Staff review and approval with 16 parking spaces on the site that are aligned in a row to the left and right of the building.	CO	PIng							
4	Applicant shall not block access to the fire hydrant located along Mystic Avenue.	CO	PIng.							
5	The closing of the curb cut on Mystic Avenue is subject to the approval of Mass DOT.	CO	PIng.							
Traffic & Parking										
6	Vehicles shall not back out onto Mystic Ave nor shall vehicles be parked or stored in any manner on the Mystic Ave right-of-way (roadway and sidewalk).	CO	Traffic/pkg							
Public Safety										
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
8	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	PIng.							
Final Sign-Off										



9	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Ping:	2015 APR - 3 A 11: 34 CITY CLERK'S OFFICE SOMERVILLE, MA
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Josh Safdie (Alt.)

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CITY CLERK'S OFFICE
SOMERVILLE, MA

Attest, by the Administrative Assistant:

Dawn M. Pereira
Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds 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.

Also in accordance with M.G.L. c. 40-A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds 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 person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



ANALETTO THOMAS ANTONIO TRUSTEE
THOMAS A ANALETTO IRREVOC TRUST
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MEDFORD, MA 02155

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PRATT CHARLES E REM
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CHARLESTOWN, MA 02129

PINGIARO LINDA S
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SOMERVILLE, MA 02145

BAYANI BENJAMIN P & CRISTINA M
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SOMERVILLE, MA 02145

WILLIAMSON BRUCE A FOR LIFE
WILLIAMSON PAUL A
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SOMERVILLE, MA 02145

STETLER COLEY
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CONCEICAO DEBRA A
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15 EAST ALBION ST
SOMERVILLE, MA 02145

MACVICAR THERESA & STEPHEN
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SOMERVILLE, MA 02145

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SOMERVILLE, MA 02145

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HOWELL CATHERINE & FOLEY MARK
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S/O ANTHONY GRISETO
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SOMERVILLE, MA 02145

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CJM REALTY TRUST
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MEDFORD, MA 02155

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SOMERVILLE, MA 02145

SALADYGA MICHAEL
SALADYGA ANN MAUREEN
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SOMERVILLE, MA 02145



CITY OF SOMERVILLE
Commonwealth of Massachusetts
93 Highland Avenue
Somerville, MA 02143
(617) 625-6600

License #: 1022
Docket #198141
Account ID: 798
Reference #: 1022

USED CAR DEALER CLASS 2

FMS AUTO SALES LLC
682 MYSTIC AVE
SOMERVILLE, MA 02145

License Expires: 12/31/2015

This is to certify that FMS AUTO SALES LLC, dba AMERICAN AUTO GALLERY,
has been granted a/an USED CAR DEALER CLASS 2 license in the City of Somerville, ONLY at the
following address: 682 MYSTIC AVE.

This license is issued subject to the provisions of the General Laws of the Commonwealth, all
ordinances of the City, and all regulations or conditions of the BOARD OF ALDERMEN, including
but not limited to any specific conditions listed below.

License Information:

Hours: M-TH 9-7P, F-SA 9-6P, SU 12-5P

Food Manager / Emergency Contact: FADI SULEIMAN 617-669-2950

20 VEHICLES OUTSIDE

Attest for the BOARD OF ALDERMEN:

This license is NOT Transferable, and no changes may be made to this license
without the approval of the BOARD OF ALDERMEN.
This license must be posted in a conspicuous place on the premises.



CITY OF SOMERVILLE
Commonwealth of Massachusetts
93 Highland Avenue
Somerville, MA 02143
(617) 625-6600

Garage

FMS AUTO SALES LLC
682 MYSTIC AVE
SOMERVILLE MA 02145

Docket #: 199221
File #: 15-798
License #: BL15-001023
License Expires: 04/30/2016

This is to certify that **FMS AUTO SALES LLC, dba AMERICAN AUTO GALLERY**, has been granted a/an **Garage** license in the City of Somerville. ONLY at the following address: 682 MYSTIC AVE .

This license is issued subject to the provisions of the General Laws of the Commonwealth, all ordinances of the City, and all regulations or conditions of the BOARD OF ALDERMEN, including but not limited to any specific conditions listed below.

License Information:

Proposed Hours of Operation: MO-FR 10AM-5PM. SA-SU CLOSED

of Vehicles Kept Inside: 2

of Vehicles Kept Outside: 0

Open to the public? No

Mechanical repairs? Yes

Autobody work? No

Spray Painting? No

Washing vehicles? Yes

Charging money to store vehicles? Yes

Storing unregistered vehicles? Yes

Maintaining or operating a tow vehicle at this location? No

Attest for the BOARD OF ALDERMEN:

This license is NOT Transferable. and no changes may be made to this license without the approval of the BOARD OF ALDERMEN.
This license must be posted in a conspicuous place on the premises.