



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 18, 2023

ORDERED:

IN CITY COUNCIL
NOTICE OF DECISION
GRANT OF SPECIAL PERMIT

Special Permit Application of:
Marco Realty Trust
Rick Marino, Trustee
19 Mechanic Street
Marlborough, MA 01752
Order No. 23-1008926F

Locus:
13-15 Mechanic Street
Marlborough, MA 01752
Assessors Map 378, Parcel(s) 69

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Rick Marino, Trustee of Marco Realty Trust, with a mailing address of 19 Mechanic Street, Marlborough, MA, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: **September 18, 2023.**

The Decision of the City Council was filed in the Office of the City Clerk of Marlborough on the **20th** day of **September 2023.**

That an appeal challenging the Special Permit was filed within the 20-day period.

Given at Marlborough this **28th** day of **May 2025.**

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY
ATTEST:


City Clerk



IN CITY COUNCIL

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IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

ORDER NO. 23-1008926F

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Marco Realty Trust (the "Applicant") for an automobile repair use at 13-15 Mechanic Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Rick Marino, Trustee of Marco Realty Trust, is a Massachusetts real estate trust with an address of 19 Mechanic Street, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 13-15 Mechanic Street, Marlborough, Massachusetts, being shown as Parcel 378 on Assessors Map 69 (the "Site").
3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes a change of the preexisting nonconforming glass repair use of the Site to an automobile repair use to complement and serve as part of an expansion of the current automobile repair use on the adjacent property located at 19 Mechanic Street, Marlborough, MA, including making certain non-structural modifications to the existing garage at the Site, improving the front façade, installing two garage doors along the side of the garage, new bathroom, equipment storage platform, and three automotive lifts, all within the current structural envelope (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of an existing metal commercial garage to contain the general automotive repair operation, accessory parking area, and front landscaped area along Mechanic Street.
4. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.



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5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled “Certified Plot Plan in Marlborough, MA” prepared for: Marco Realty Trust prepared by J.D. Marquedant & Associates, Inc., dated March 8, 2023, site plan entitled “13-15 Mechanic Street” Proposed Conditions and Erosion Control, Plan of Land prepared for: Marco Realty Trust prepared by J.D. Marquedant & Associates, Inc with a last revised date of July 3, 2023 and architectural drawings and plans entitled “Renovations to: Professional Automotive - 13 Mechanic St Shop”, prepared by Context Studios LLC dated December 22, 2022, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit (collectively, the “Plans”), attached hereto as **“ATTACHMENT A”**.
6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. The Site has an area of 8,843 square feet +/- as shown on the Plans.
8. The Site has hosted various residential and commercial uses, most recently a variety of glass repair service uses, since the early 1980s.
9. The Site was rezoned from Residential Business to Marlborough Village in 2014. Following this Zoning Map amendment, the Site became preexisting nonconforming with respect to use.
10. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, July 24, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on July 24, 2023.
12. The Applicant, and the Applicant’s representatives, presented testimony at the public hearing detailing the Use, the former history of the use of the locus, describing the impact of the Use and proposed non-structural modifications on the neighborhood, and traffic.



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13. As part of the public hearing, approximately 75 people attended the hearing, and many voiced their support for the Use. Numerous letters were received in support of the Use. A letter with concerns about the Use negatively affecting one's property was submitted by a commercial neighbor, whose opposition to the Use was noted at the public hearing.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed non-structural modifications to the garage and the general auto repair use would not be substantially more detrimental to the neighborhood than the existing glass repair use of the Site.
- C. The City Council finds that the preexisting nonconforming use of the Site has not been abandoned or not used for a period of two years or more.
- D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming use, as no changes are proposed to the footprint of the building or the Site with the exception of certain improvements to be made to the front façade of the garage (cement brickface and molding identical to 19 Mechanic Street garage).
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to change the preexisting nonconforming glass repair use of the Site to an automobile repair use to complement and serve as part of an expansion of the current automobile repair use on the adjacent property located at 19 Mechanic Street, Marlborough, MA, including making certain non-structural modifications to the existing garage at the Site, improving the front façade, installing two garage doors along the side of the garage, new bathroom, equipment storage platform, and three automotive lifts, all within the current structural envelope, as shown on the Plans, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. Construction in Accordance with Applicable Laws. Construction at the Site is to be in accordance with all applicable building codes and zoning regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.



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2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed, and approved by the City Council as the Special Permit Granting Authority. Site Plan Review shall consider among other things drainage, curbing, parking, construction of a retaining wall and guard rail along with signage and plantings.
3. Landscaping: As part of Site Plan Review, additional plantings may be required beyond that specified in the Zoning Ordinance in order to improve the Site appearance on this prominent and visible section of Main Street.
4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
5. Access. The Applicant shall maintain and provide access to 7-9 Mechanic Street Right of Way in accordance with any applicable instrument/plan of record.
6. Operations. All auto repair activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street, and no deliveries of materials or equipment or shipments from the Site shall be permitted on Sunday. The operating hours shall be limited to Monday through Saturday from 7:00 AM to 7:00 PM. There shall be no operation of the Use on Sunday. The sale of vehicles is prohibited on the Site. Outdoor storage is prohibited on the Site.
7. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
8. Signs. Signage at the Site shall comply with the City's Sign Ordinance with any free-standing sign at the Site's driveway entrance being substantially the same as the sign shown in the photo attached hereto as "ATTACHMENT B".



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9. Noise and Air Quality. The Applicant shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.
10. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 10 – Nay: 1

Yea: Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Nay: Wagner.

Signed by City Council President
Michael H. Ossing

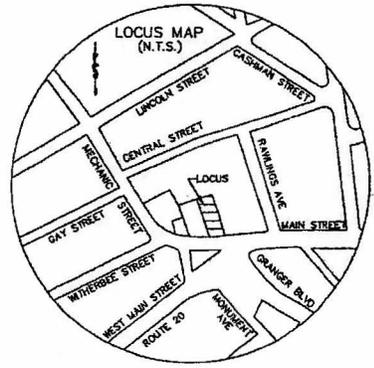
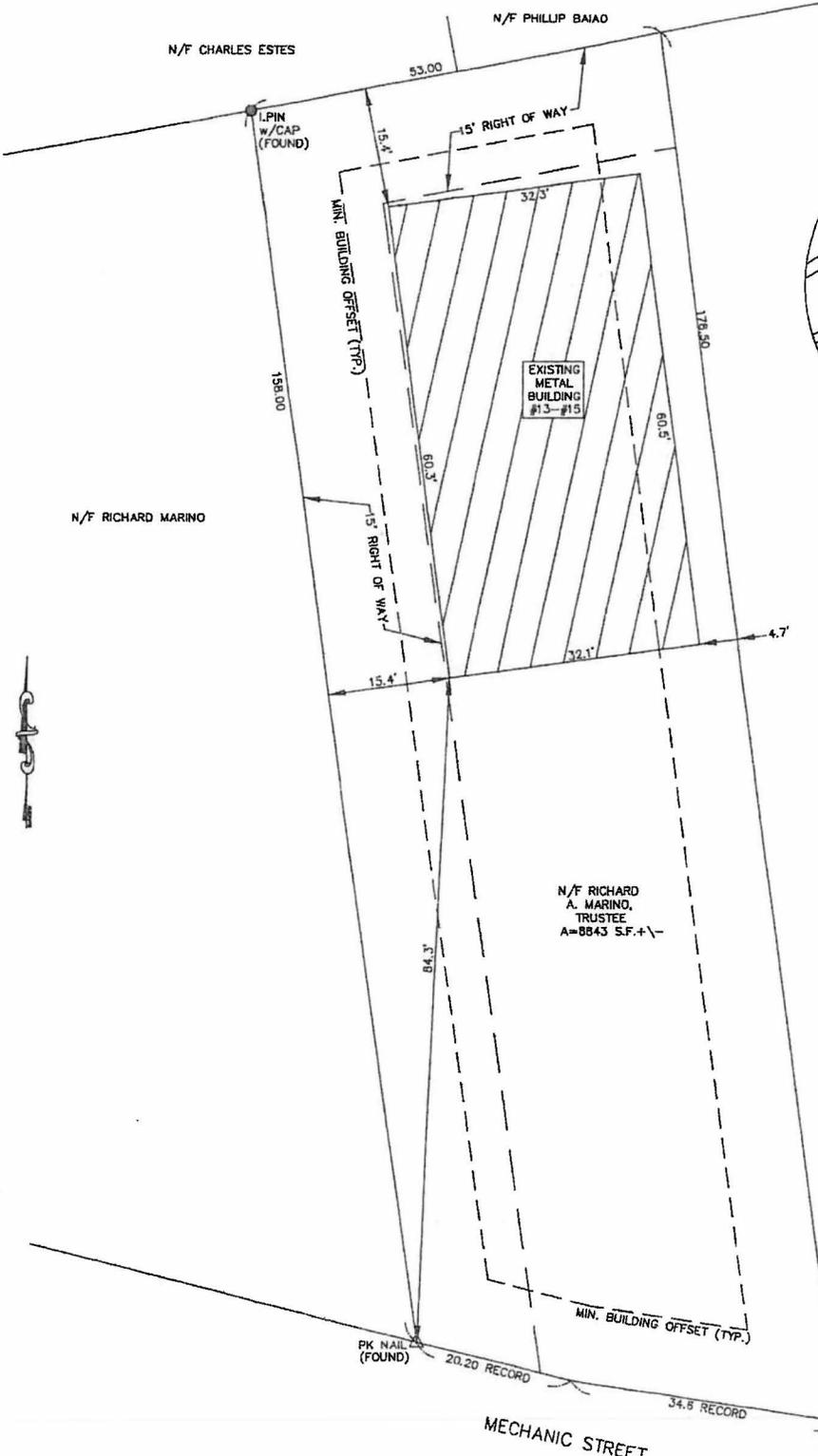
ADOPTED
In City Council
23-1008926F

ORDER NO. 23-1008926B

ATTACHMENT

A

OFFSETS FROM THE EXISTING STRUCTURE ARE NOT TO BE USED TO ESTABLISH LOT LINES OR CORNERS



N/F RICHARD MARINO

N/F RICHARD A. MARINO, TRUSTEE
A=8843 S.F.+/-

N/F CHRISTOS PANAGIOTOPOULOS

I CERTIFY THAT THE EXISTING BUILDING IS LOCATED ON THE LOT AS SHOWN
ALSO THAT THE LOT FALLS WITHIN AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (SEE COMMUNITY PANEL #25017C0481F EFFECTIVE 7/7/2014)

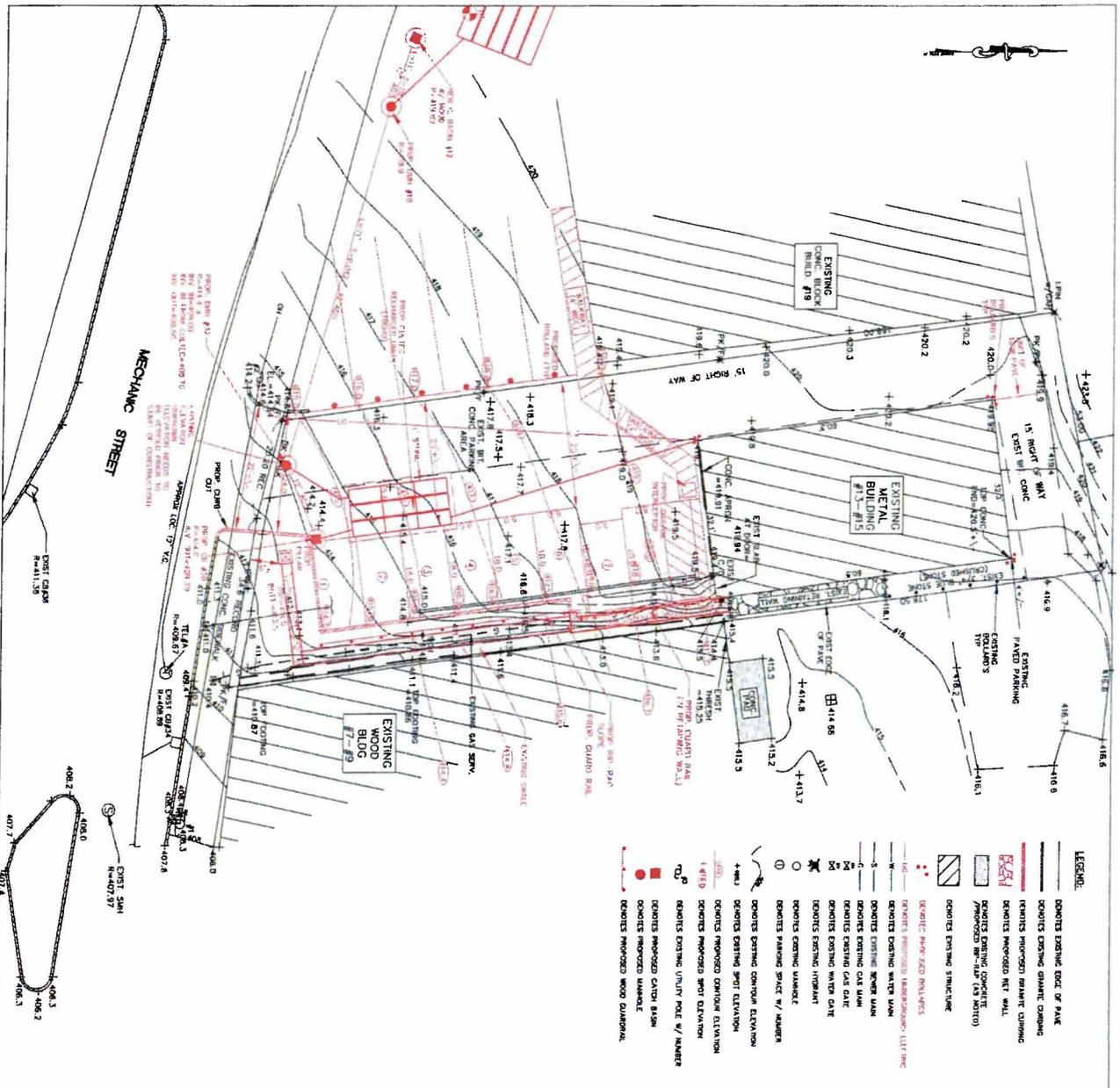


Joseph B. Marquedant

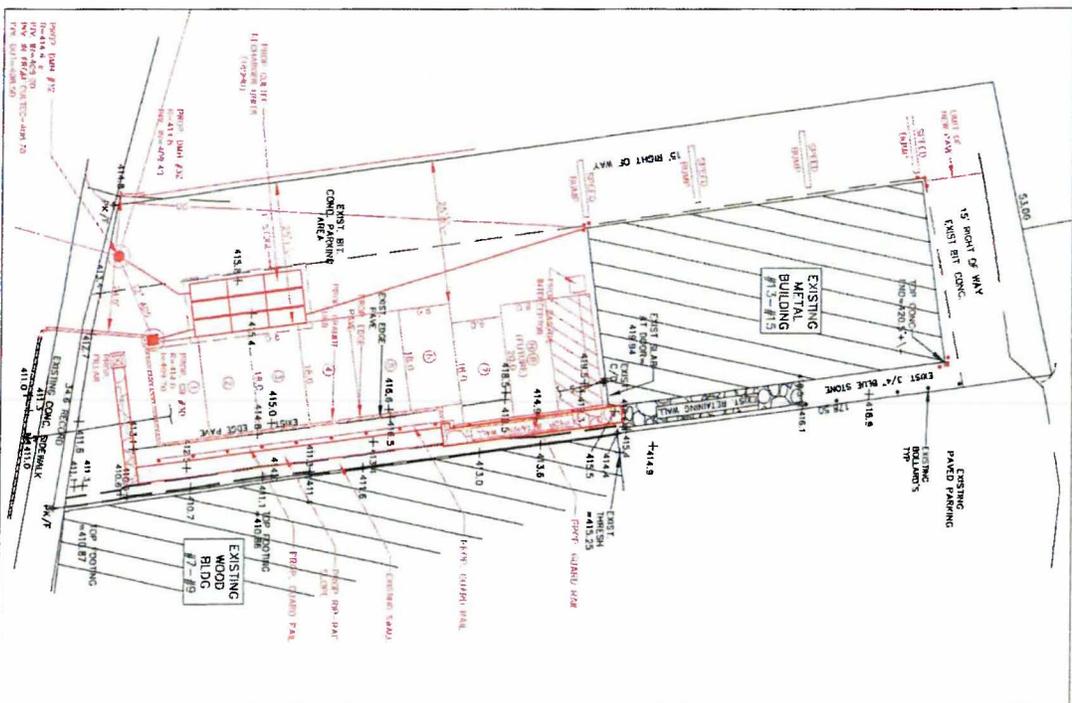
- NOTES:
- 1) SEE PLAN #596 OF 1944
 - 2) SEE DEED BOOK 80589 PAGE 102
 - 3) THIS PLAN REFERS TO MARLBOROUGH ZONE DISTRICT "MY" WITH 5,000 S.F. LOT AREA, 25' FRONTAGE, 10' FRONT, 10' SIDE, AND 10' REAR YARD SETBACKS
 - 4) THIS PLAN REFERS TO MARLBOROUGH ASSESSOR PLATE 69 PARCEL 378

CERTIFIED PLOT PLAN
IN
MARLBOROUGH, MASSACHUSETTS
PREPARED FOR: MARCO REALTY TRUST
SCALE: 1"=10' DATE: MARCH 8, 2023
PREPARED BY: J.D. MARQUEDANT & ASSOCIATES INC.
LAND SURVEYING
34 HAYDEN ROWE STREET, SUITE 203
HOPKINTON, MA. 01748
508 435-4145

DATE	DESCRIPTION	BY



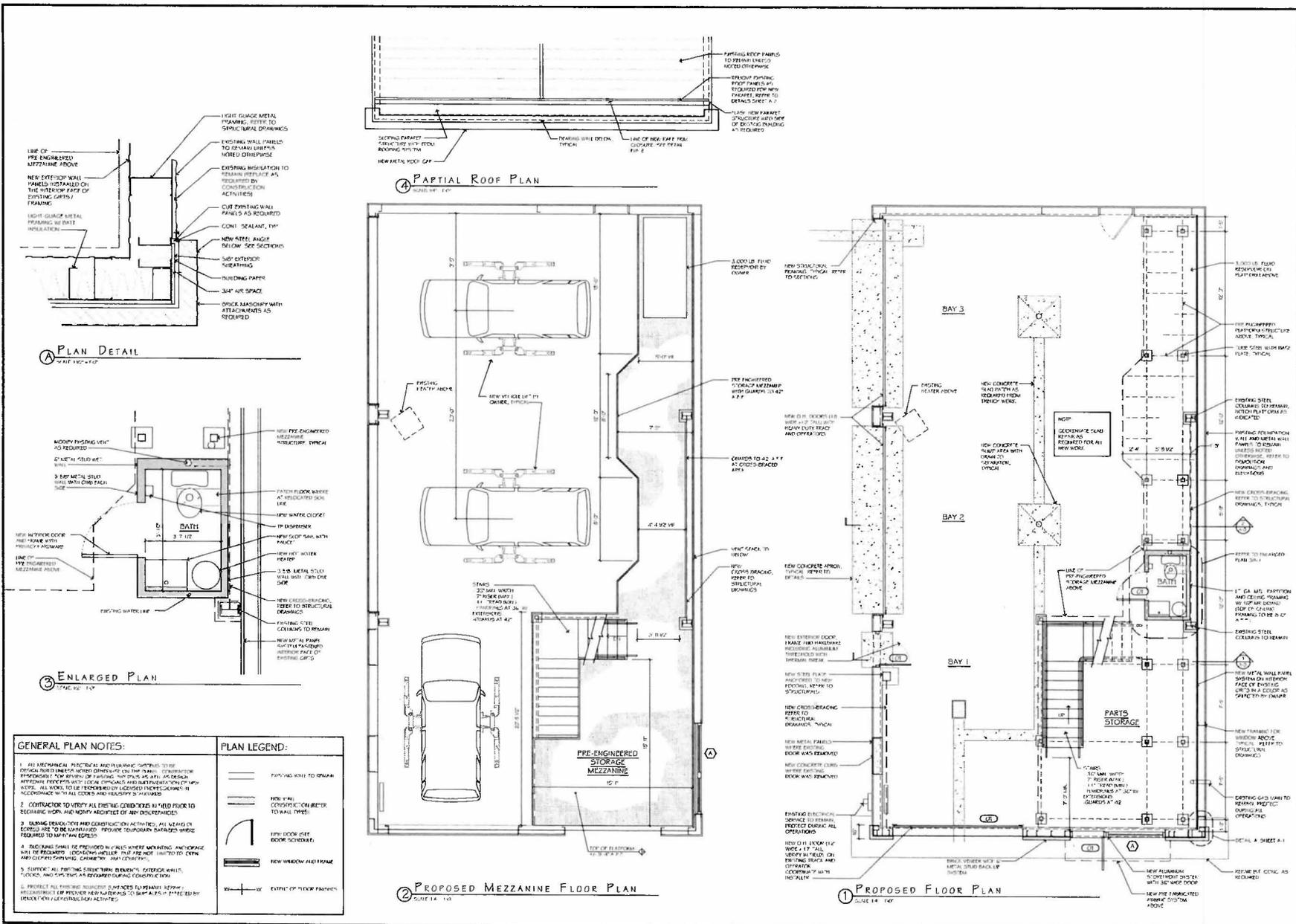
- LEGEND:**
- DEPOINTS EXISTING EDGE OF PAVK
 - DEPOINTS EXISTING GRANITE CURBING
 - DEPOINTS PROPOSED GRANITE CURBING
 - DEPOINTS PROPOSED RET. WALL
 - DEPOINTS EXISTING CONCRETE PROPOSED BR-140 (AS NOTED)
 - DEPOINTS EXISTING STRUCTURE
 - DEPOINTS PROPOSED STRUCTURE
 - DEPOINTS PROPOSED PARKING SPOTS
 - DEPOINTS EXISTING WATER MAIN
 - DEPOINTS EXISTING SEWER MAIN
 - DEPOINTS EXISTING GAS MAIN
 - DEPOINTS EXISTING GAS DATE
 - DEPOINTS EXISTING WATER DATE
 - DEPOINTS EXISTING HYDRANT
 - DEPOINTS EXISTING MANHOLE
 - DEPOINTS EXISTING STREET W/ NUMBER
 - DEPOINTS EXISTING CONDUIT ELEVATION
 - DEPOINTS EXISTING SPOT ELEVATION
 - DEPOINTS PROPOSED CONDUIT ELEVATION
 - DEPOINTS PROPOSED SPOT ELEVATION
 - DEPOINTS EXISTING UTILITY POLE W/ NUMBER
 - DEPOINTS PROPOSED CATCH BASIN
 - DEPOINTS EXISTING MANHOLE
 - DEPOINTS PROPOSED MANHOLE



1'-3/8" MECHANIC STREET
 1'-3/8" MECHANIC STREET
 PREPARED FOR: MARIO DE LUCA
 PREPARED BY: JO. MARRAS & ASSOCIATES INC.
 34 HANCOCK BLVD. SUITE 203
 HANCOCK, MA 01930

NO.	DATE	DESCRIPTION
1	7/7/21	
2	7/7/21	
3	7/7/21	
4	7/7/21	
5	7/7/21	
6	7/7/21	
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8	7/7/21	
9	7/7/21	
10	7/7/21	

SHEET 3 OF 6
 05/24



Renovations to:

Professional Automotive - 13 Mechanic St Shop

**13 Mechanic Street
Marlborough Ma**

Architecture / Construction Management

CONTEXT STUDIOS!
Framingham, MA 01702
TEL: 508-881-0000
FAX: 508-881-0001
www.contextstudios.com

REVISIONS

NO.	DATE	DESCRIPTION	BY

TITLE PROPOSED PLANS

Scope of Documents:

- Drawings issued for permit and construction purposes as indicated on these documents only. Documents are submitted in nature and represent best known information as of the date indicated.
- The Client shall release, defend and indemnify the design firm, Context Studios LLC, with respect to the following:
 - Changes made to the drawings by anyone other than the design firm, Context Studios LLC.
 - Failure by the Contractor to build in accordance with the drawings and local and state building codes.
 - Any aspect of the work performed by the Contractor that would reasonably have been included in the course of Construction Administration Work performed by the design firm, Context Studios LLC.
 - Any condition existing conditions that affect the work.

Copyright Notice:

Information contained on or otherwise related to the drawings remain the intellectual property of:

Context Studios LLC 2 5 2 2 2 2 2 2

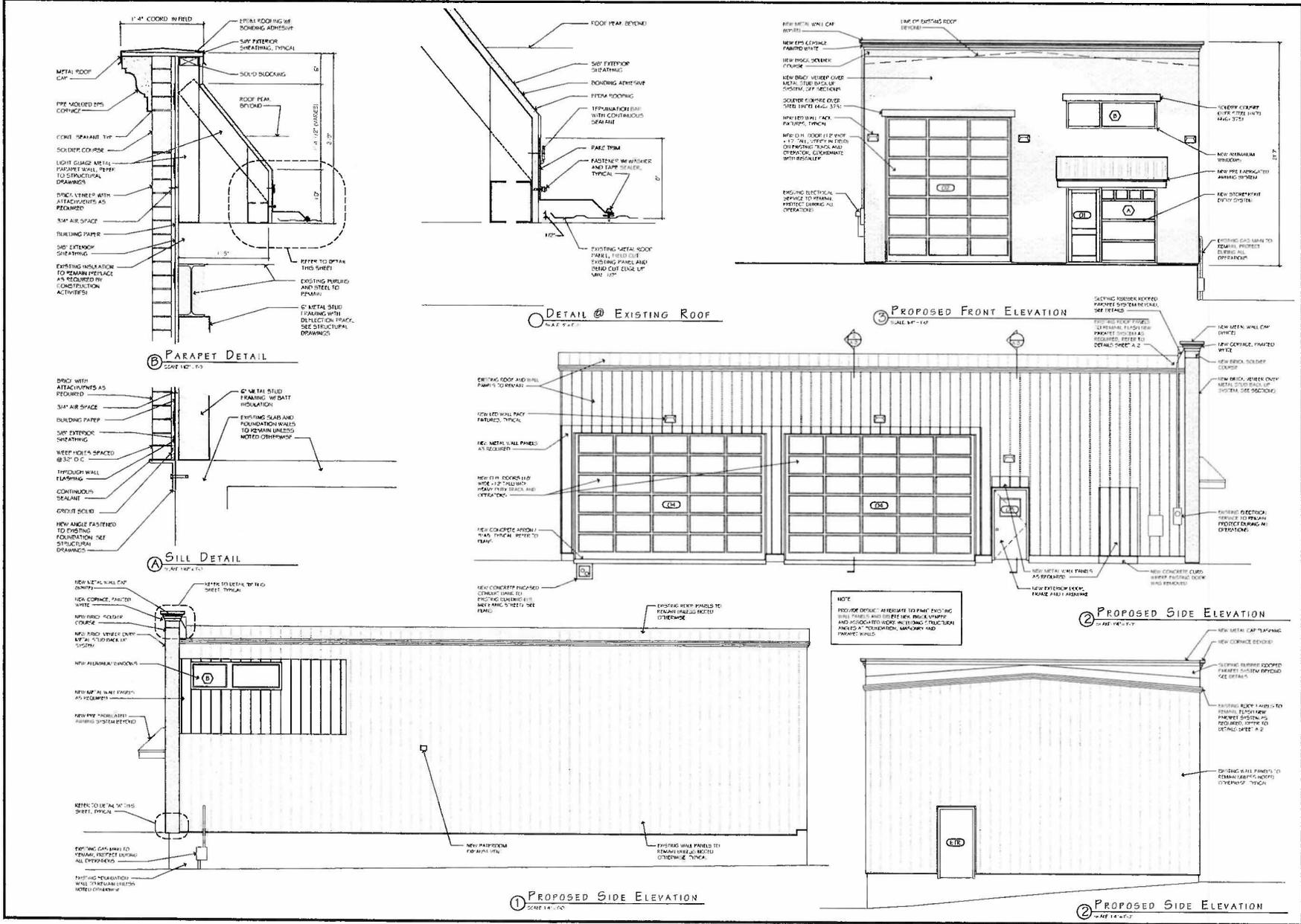
SCALE AS NOTED

DATE 29 DECEMBER 2022

DRAWN SHEET

CHECKED A-1

D.R.



Renovations to:

Professional Automotive - 13 Mechanic St Shop

**13 Mechanic Street
Marlborough Ma**

Architecture / Construction Management

CONTEXT STUDIOS

Franklin, MA 01702
Tel: 508-400-3364
Fax: 508-370-3370
www.contextstudios.com

REVISIONS

NO.	DATE	DESCRIPTION	BY

TITLE

PROPOSED ELEVATIONS

Scope of Documents:
Drawings issued for permit and construction purposes as indicated on these documents only. Documents are schematic in nature and represent best known information as of the date indicated.

The Client shall release, defend, and indemnify the design firm, Context Studios LLC, with respect to the following:

- Changes made to the drawings by anyone other than the design firm, Context Studios LLC.
- Errors by the Contractor to build in accordance with the drawings and local and state building codes.
- Any aspect of the work affected by the lack of the design firm's review of shop drawings, product data, or samples.
- Errors or omissions, if any, on the part of the design firm that would reasonably have been revealed in the course of Construction Administration if not performed by the design firm, Context Studios LLC.

Copyright Notice:
Information contained on otherwise unmarked in the drawings remains the intellectual property of Context Studios LLC. © 2022-2023

SCALE
AS NOTED

DATE
22 DECEMBER 2022

DRAWN SHEET
CS

CHECKED
DJI

A-2

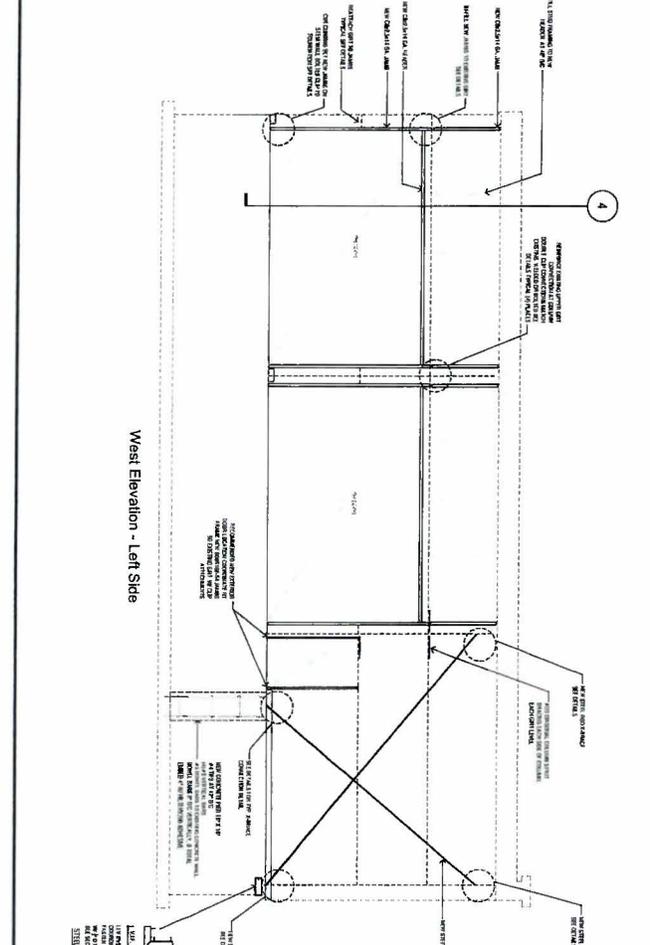
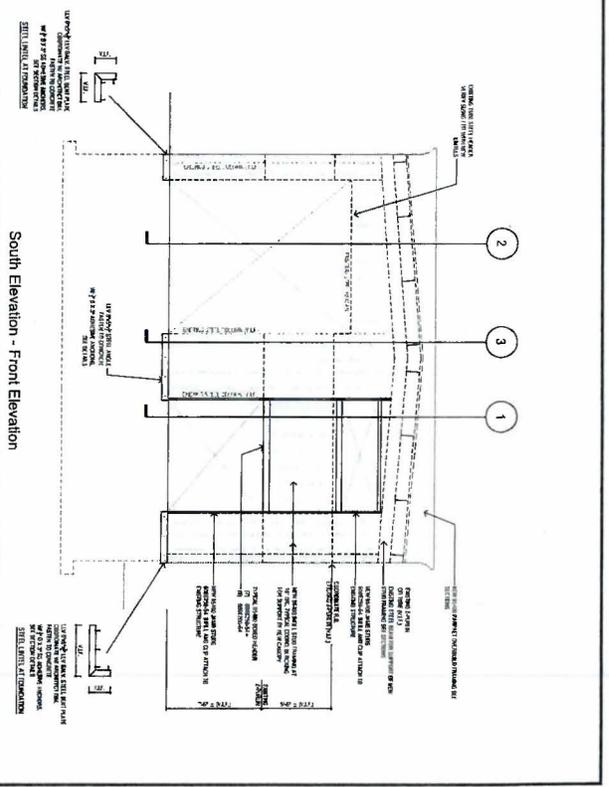
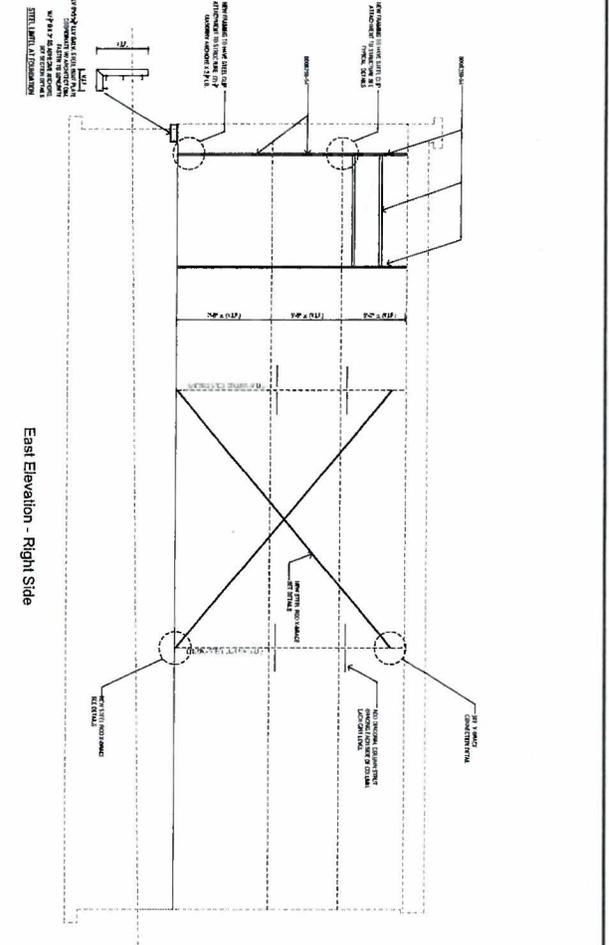


Reinforcing Engineers & Construction Consultants
 www.kapitulation.com
 19 Campbell St., Woburn, MA 01891
 Tel: 781-503-0241 Fax: 781-503-0247

NO.	DATE	DESCRIPTION	BY

From Drawing Set

SCALE
 AS SHOWN
 DATE: 08/20/2013
 SHEET
S-1

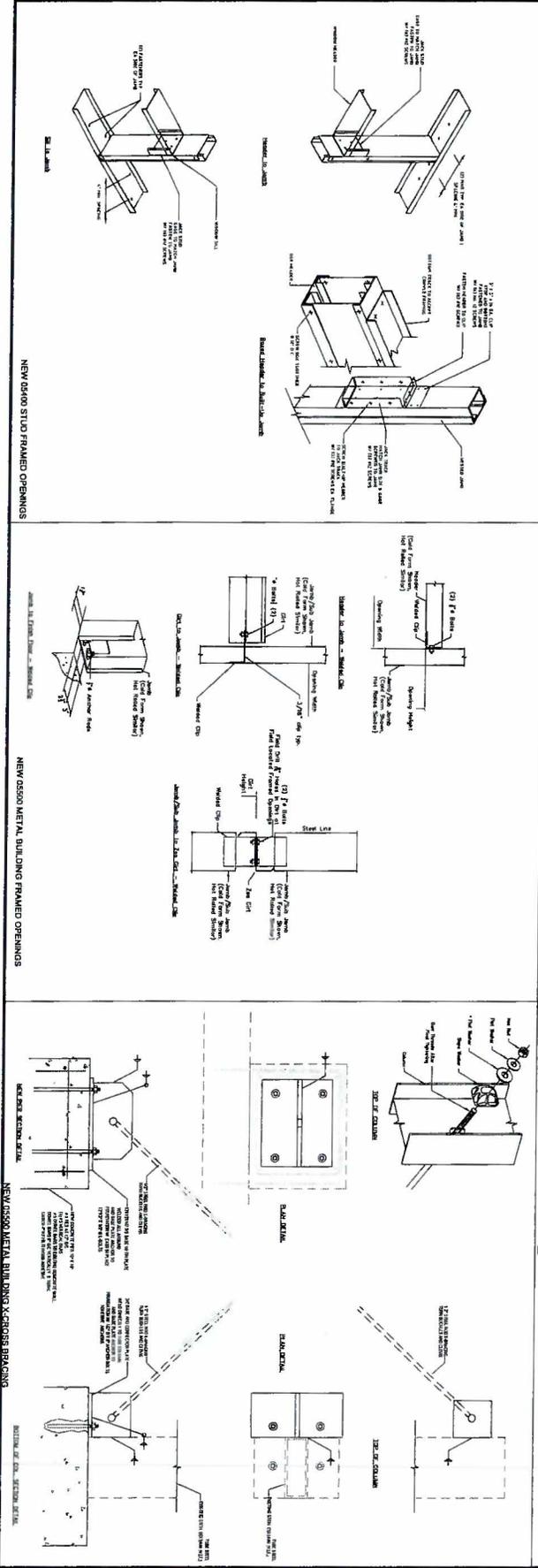
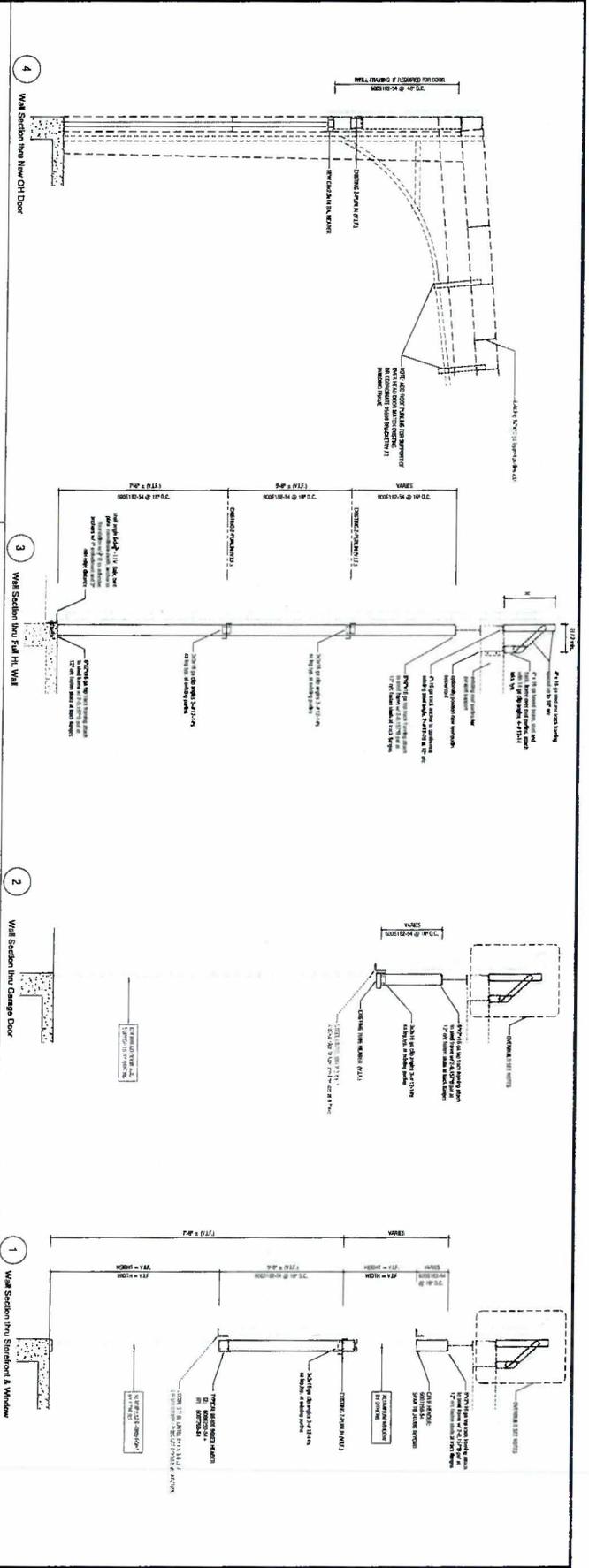


GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
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10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
11. CONSULTATION SHALL BE OBTAINED FOR ANY SPECIAL REQUIREMENTS.

INSTALLATION DETAILS

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
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11. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.



Professional Automotive
 13 Mechanic Street
 Marlborough Ma

NEPTUNUS
 NORTHWESTERN
 ENGINEERING CORP.
 Structural Engineers & Construction Consultants
 www.nwneptunus.com
 18 Cambridge St., Woburn, MA 01890
 Tel: 781-935-0221 Fax: 781-935-0229

NO.	DATE	DESCRIPTION	BY

TITLE

SCALE
 AS NOTED
 DATE
 December 22, 2022
 SHEET
S-2



ORDER NO. 23-1008926B

ATTACHMENT

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