

Urban Affairs Packet

March 17, 2021

Speedy Auto Repair, Inc.

Special Permit for Auto Body Shop
412-418 Maple Street in CA Zone
with a land area of less than One Acre
in addition to a pre-existing, nonconforming
structure on the site

Revised

3/16/21

Draft Decision

Exhibits

_____, 2021

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. #20-1008162

Application of:
Speedy Auto Repair, Inc.

Locus:
412 - 418 Maple Street, Marlborough, MA
Parcels 66A & 68 on Assessors Map 93

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Speedy Auto Repair, Inc., with a mailing address of 315 Maple Street, Marlborough, MA, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2021

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2021.

APPEALS

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
Speedy Auto Repair, Inc.

Locus:
412 - 418 Maple Street, Marlborough, MA
Parcels 66A & 68 on Assessors Map 93

**DECISION ON A SPECIAL PERMIT
ORDER NO. 20-1008162**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Speedy Auto Repair, Inc. (the "Applicant") for an auto repair use at 412 - 418 Maple Street in the Commercial Automotive Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Speedy Auto Repair, Inc., is a Massachusetts corporation with an address of 315 Maple Street, Marlborough, MA 01752.
2. The Applicant is the prospective owner of the property located at 412 - 418 Maple Street, Marlborough, Massachusetts, being shown as Parcels 66A & 68 on Assessors Map 93 (the "Site").
3. In accordance with Article V, Section 650-17 and Section 650-18.A(25), of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes an auto repair use at the Site on a parcel with an area of less than one acre, and in accordance with Article IV, Section 650-12.B, of the Zoning Ordinance, the Applicant proposes a change in use of a preexisting nonconforming structure at the Site from retail / small engine repair to auto repair (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of a building containing the auto repair operation, accessory parking, ~~accessory~~ storage ~~buildingsstructures~~, and landscaped areas.
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.

5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a site plan entitled “Existing Condition Plan of Land in Marlborough, MA” by Hancock Associates, with the last revision date of November 23, 2021, in accordance with Rule 5 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of drawings of the exterior of the site (collectively the “Plans”) attached hereto as **“Attachment A.”**

6. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

7. The Site is located in the Commercial Automotive Zoning District.

8. The Site has an area of 33,059 square feet +/- as shown on the Plans.

9. The Site’s principal building is a preexisting nonconforming structure with respect to the front yard setbacks. The Site is preexisting nonconforming with respect to lot coverage.

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, January 25, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street, and by remote access in accordance with Section 17(d) of Chapter 53 of the Acts of 2020 and “An Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20” issued by Governor Charles D. Baker on March 12, 2020. The public hearing was conducted by remote participation, allowing the City Council, members of the public, and the Applicant to participate in the hearing through real-time audio and video conferencing, telephone access, and live internet streaming. The hearing was closed on January 25, 2021.

12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.

13. At the public hearing, no members of the public spoke in opposition to the Use.

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 change in use of the Site from a retail / small engine repair use to an auto repair use would not be substantially more detrimental to the neighborhood than the existing use of the Site.

C. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

D. 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 for an auto repair use at 412 – 418 Maple Street on a parcel with an area of less than one acre, and a change in use of a preexisting nonconforming structure at 412 – 418 Maple Street from retail / small engine repair to auto repair as shown on the Plans filed, 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 of all structures on 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, and shall be built according to the Site Plan as may be amended during Site Plan Review.

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, including the architectural impacts of the building and the use of storage structures, 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 Site Plan submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may approve engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, or increase the size of the building, all as shown on the Site Plan.

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. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

6. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process. Exterior lighting at the Site shall be shut off outside of business hours, except for lighting necessary for security and emergency access.

7. Signs. Signage at the Site shall be flat wall signs and comply with the City's Sign Ordinance, specifically Section 526-9, Nonresidence Districts, of the Code of the City of Marlborough.

8. Indoor Repairs. Auto repairs shall take place indoors, with the exception of minor, non-nuisance repair work and the temporary storage of vehicles undergoing repairs at the Site. The Applicant shall use and maintain in good working order an indoor paint spray booth or similar technology.

9. Fencing. The Applicant shall install solid fencing to screen areas of the Site used ~~to vehicles for the storage of vehicles under repair~~ from the view of abutting properties and public ways, and shall maintain the fencing in good repair. The fencing shall comply with the requirements of all applicable City Ordinances. Dumpsters shall be stored inside the fenced area. Fencing and gates at the Site shall be designed to prevent vehicles from using the Site as a pass-through between Maple Street and Walker Street.

10. Noise and Air Quality. The Applicant, its successors and/or assigns, shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.

11. Paint Waste. Any excess paint at the Site shall be stored in a secure container provided by a professional waste removal vendor, and the container shall be removed and replaced by the vendor as needed.

12. Curb Cuts. The Site shall have two (2) curb cuts, with one (1) along Maple Street and one (1) along Walker Street. The existing curb cut along Walker Street closest to the corner of Maple Street shall be eliminated.

13. Landscaping. The Applicant, its successor and/or assigns, shall improve the landscaping at the site, adding new landscaped areas as shown on the sketch plan attached hereto as "Attachment B." A detailed landscaping plan for the Site shall be reviewed and further conditioned during the Site Plan Review process. The landscaping be sufficient, in the opinion of the Site Plan Review Committee, to improve the aesthetics of the corner of Maple Street and Walker Street during all seasons with adequate trees and shrubs.

14. Parking. Parking areas for vehicles under repair, employees, and customers shall be orderly and in designated striped areas, to be defined during the Site Plan Review process. The Applicant, its successors and/or assigns, shall not park vehicles under repair or employee vehicles off of the Site along public ways.

15. Vehicle Sales. The Site may not be used for the sale of vehicles.

16. Storage Structures. The current use of the storage structures located on the Site as a self-service storage facility, defined in Section 650-5 of the Zoning Ordinance, shall be subject to Site Plan Review, taking into consideration parking requirements, landscaping, and screening.

13-17. 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: ___ - Nay: ___ -Absent - ___

Yea: _____, _____, _____, _____, _____, _____, _____, _____,

Nay: _____, _____,

Absent: _____, _____,

ADOPTED

Signed by City Council President
Michael H. Ossing

In City Council
Order No. 20-1008162

Attachment A

Browser tabs: Alltown Site Plan (A6952173x7A), Marlborough, MA, Post Attendee - Zoom, Accelerating Climate Resiliency, Shared Practices for Engagemen..., UrbanAffairsPostingPacket21-02

Address: <https://www.axisgis.com/MarlboroughMA/>

Marlborough, MA

Contact

Map features and labels:

- planting strip and street trees
- foundation plantings
- Solid fence to screen storage
- Heavily landscaped gateway plantings

Map interface elements:

- Search, Additons, Layers
- Scale: 0, 20, 40ft
- Coordinates: X: -71.53977, Y: 42.33284
- Time: 11:20 AM, 2/18/2021



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 21, 2020

ORDERED:

That there being no objection thereto set **MONDAY, JANUARY 25, 2021** as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Speedy Auto Repair, Inc., to relocate an existing auto body shop from 315 Maple Street to 412-418 Maple Street in the Commercial Automotive Zoning District; with a land area of less than one acre in addition to a preexisting nonconforming structure on the site, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 11 – Nay: 0

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

Ninety days after public hearing is 04/25/21 which falls on a Sunday, therefore 04/26/21 would be considered the 90th day.

ADOPTED

ORDER NO. 20-1008162

City Council

From: Falk, Brian R. <bfalk@MirickOConnell.com>
Sent: Friday, March 12, 2021 10:48 AM
To: City Council
Cc: Kathleen Robey; Jeffrey Cooke
Subject: 412-418 Maple Street

Greetings,

As an update, we received information from Building Commissioner Jeffrey Cooke regarding the storage units at this site. We understood from our seller that the units were preexisting nonconforming or exempt from enforcement. After discussing the issue with Mr. Cooke, we have reached out to the seller for additional information concerning the units.

As a small business, Speedy Auto hopes to maintain the rental income from the units to support the project and the beautification of the site. With new fencing and landscaping, the units would be screened from public view. But we understand that the use of the units must comply with zoning.

Once we resolve a few questions with the seller, we will send along a further revised special permit decision that addresses the issues discussed at the last Urban Affairs meeting and addresses the storage units. I have that revised draft in hand and may be emailing it to you shortly, but I am waiting on feedback from my client before submitting.

Thanks, and I will keep you posted.

Brian

MIRICK O'CONNELL
ATTORNEYS AT LAW

BRIAN R. FALK

Partner

Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street | Worcester | MA | 01608-1477
t 508.929.1678 | f 508.983.6256
bfalk@mirickoconnell.com | Bio



Please visit our website: www.mirickoconnell.com

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MIRICK O'CONNELL

A T T O R N E Y S A T L A W

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

December 16, 2020

VIA EMAIL

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Speedy Auto Repair; 412 – 418 Maple Street;
Special Permit Application for an Auto Body Repair Use

Dear Councilor Ossing:

On behalf of my client Speedy Auto Repair Inc. (Iraja "Junior" Oliveira), I respectfully submit the enclosed application for a special permit to relocate the existing Speedy Auto Repair auto body shop from 315 Maple Street to 412 – 418 Maple Street.

While this property is located in the Commercial Automotive Zoning District, it has a land area of less than one acre, and therefore any auto repair use requires a special permit, pursuant to Section 650-18.A(25) of the Zoning Ordinance. In addition, the property contains a preexisting, nonconforming structure and therefore a change of use requires a special permit pursuant to Section 650-12.B of the Zoning Ordinance and M.G.L. c. 40A, Section 6. The use will also require Site Plan Approval from the Site Plan Committee.

Speedy Auto Repair is excited about the opportunity to expand in a new location. We look forward to our public hearing.

Thank you for your time and attention to this matter.

Very truly yours,



Brian R. Falk

BRF/

Encl.

cc: Client

Client Matter 30893/00001/A6891075.DOCX

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP
WORCESTER | WESTBOROUGH | BOSTON
www.mirickoconnell.com

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Speedy Auto Repair Inc. (Iraja Oliveira), 315 Maple Street, Marlborough, MA

2. Specific Location of property including Assessor's Plate and Parcel Number.

412-418 Maple Street Parcel 93-68 and Parcel 93-66A

3. Name and address of owner of land if other than Petitioner or Applicant:

Nolan Cassidy Maple Street, LLC, P. O. Box 348, Montgomery Center, VT 05471

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

V 650-18.A(25)

Article IV Section 650-12.B Paragraph V 650-17, Sub-paragraph _____

6. Zoning District in which property in question is located:

Commercial Automotive (CA)

7. Specific reason(s) for seeking Special Permit

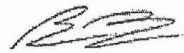
The Applicant seeks to relocate the existing Speedy Auto Repair auto body shop from 315 Maple Street to

412-418 Maple Street. An auto repair use on a lot with less than 1 acre requires a special permit. The property

also contains a preexisting nonconforming structure, and a change of use of such a structure requires a special permit.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.



Signature of Petitioner or Applicant
Brian R. Falk, Attorney for Applicant
Address: Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608

Telephone No. (508) 929-1678

Date: 12/16/2020

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Speedy Auto Repair, Inc.

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Speedy Auto Repair Inc. Address: 315 Maple Street

Project Name: Speedy Auto Repair Address: 412-418 Maple Street

1. PROPOSED USE: (describe) Auto body repair

2. EXPANSION OR NEW: New use in an existing structure

3. SIZE: floor area sq. ft. 8,560 1st floor 8,560 all floors 8,560

buildings 1 # stories 1 lot area (s.f.) 33,059

4. LOT COVERAGE: 89% %Landscaped area: 11 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 6 Peak period: 8

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 6 Peak period: 8

(B) How many service vehicles will service the development and on what schedule?

Occasional deliveries during normal business hours.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Standard downward-facing light fixtures

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.
Same as other uses in the Commercial Automotive District.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Noise during business hours from automobiles and repair equipment.

9. AIR: What sources of potential air pollution will exist at the development? _____

Auto exhaust.

10. WATER AND SEWER: Describe any unusual generation of waste. None.

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? Excess paint is stored in a secure container provided by a professional waste removal vendor. Once full, the container is removed and replaced by the vendor.

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 11 DEC 2020

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Speedy Auto Repair

Project Use Summary: Auto body repair

Project Street Address: 412-418 Maple Street

Plate: 93 Parcel: 68 and 66A

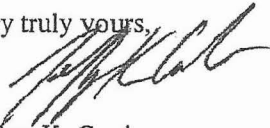
Applicant/Developer Name: Speedy Auto Repair Inc.

Plan Date: 11/23/2020 Revision Date: _____

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,


Jeffrey K. Cooke
Acting Director of Planning

Application Fee to submit to
City Clerk's office

\$250⁰⁰/_{xx}



**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Steven W. Kerrigan
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

| | | |
|---------|---|--|
| 1 SET | POLICE CHIEF | <u> X </u> |
| 1 SET | FIRE CHIEF | <u> X </u> |
| 1 SET | CITY ENGINEER | <u> X </u> |
| 1 SET | DIRECTOR OF PLANNING | <u> X </u> |
| 1 SET | CONSERVATION OFFICER (IF WETLANDS AFFECTED) | <u> X </u> |
| 1 SET | BUILDING COMMISSIONER | <u> X </u> |
| 12 SETS | OFFICE OF THE CITY COUNCIL | <u> X </u> |
| 3 SETS | OFFICE OF THE CITY CLERK | <u> X </u> (<u>MUST be Original</u> & 2 Complete Sets) |

*** Filed via email, in accordance with Section 17 of Chapter 53 of the Acts of 2020.**

Signature

12/16/2020

Date

Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan
City Clerk*

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Steven W. Kerrigan
City Clerk**



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

Speedy Auto Repair Inc.

Owner Name/Officer Name of LLC or Corporation

Iraja Oliveira

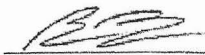
Owner/Officer Complete Address and Telephone Number

315 Maple Street

Marlborough, MA 01752

Signature of Applicant

Attorney on behalf of Applicant, if applicable



Brian R. Falk

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Eileen Brustol

Tax Collector

ABUTTERS 412 MAPLE ST (93-66A) AND 418 MAPLE ST (93-68) - 400 FT

| Parcel Number | GIS Number | Cama Number | Property Address | Owner Name | Co-Owner Name | Owner Address | Owner Address 2 | Owner City | Owner State | Owner Zip |
|---------------|---------------------|-------------|--------------------|---|---------------|-------------------------|-----------------|---------------|-------------|-----------|
| 104-2 | M_196366_897 892 | 104-2 | 41-53 BRIGHAM ST | SBLO BRIGHAM BUSINESS PARK LLC | | C/O LINCOLN PROPERTY CO | 534 KING ST | LITTLETON | MA | 01460 |
| 104-29 | M_196561_897 800 | 104-29 | 20 BRIGHAM ST | VIGEANT STEPHEN TR | | PO BOX 57 | | MARLBOROUGH | MA | 01752 |
| 104-2A | M_196494_897 864 | 104-2A | 19 BRIGHAM ST | SBLO BRIGHAM BUSINESS PARK LLC | | C/O LINCOLN PROPERTY CO | 534 KING ST | LITTLETON | MA | 01460 |
| 104-41 | M_196616_897 810 | 104-41 | 148 MILL ST SOUTH | ARCIERI ROBERT TR | | 75 EAST MAIN ST | | WESTBOROUGH | MA | 01581 |
| 104-42 | M_196630_897 856 | 104-42 | 417 MAPLE ST | A & S DEVELOPMENT LLC | | 186 MAIN ST | | MARLBOROUGH | MA | 01752 |
| 104-43 | M_196564_897 910 | 104-43 | 115 MILL ST SOUTH | ELMS AUBREY E | | 115 MILL ST SOUTH | | MARLBOROUGH | MA | 01752 |
| 104-44 | M_196775_897 899 | 104-44 | 424 MAPLE ST | EMPIRE MANAGEMENT MARLBORO HOLDINGS LLC | | 171 GREAT RD | | ACTON | MA | 01720 |
| 104-50 | M_196558_897 989 | 104-50 | 87 MILL ST CENTRAL | SLAAM LLC | | 15 FORBES AVE | | MARLBOROUGH | MA | 01752 |
| 104-51 | M_196565_897 958 | 104-51 | 109 MILL ST SOUTH | B & B WHOLESALE TIRE CO | | 109 MILL ST SOUTH | | MARLBOROUGH | MA | 01752 |
| 104-53 | M_196613_897 911 | 104-53 | 415 MAPLE ST | VIGEANT JOAN M TR | | 3 LAUREL ST | | PAXTON | MA | 01612 |
| 93-106 | M_196497_898 175 | 93-106 | 28 MILL ST CENTRAL | ADVOCATES INC | | 1881 WORCESTER RD | | FRAMINGHAM | MA | 01701 |
| 93-108 | M_196661_898 089 | 93-108 | 69 RIVER ST | DEAGUIAR RONIE MOREIRA TR | | 69 RIVER ST | | MARLBOROUGH | MA | 01752 |
| 93-111 | M_196751_898 151 | 93-111 | 56 WALKER ST | FERRO MICHAEL F | | 56 WALKER ST | | MARLBOROUGH | MA | 01752 |
| 93-14 | M_196318_898 054 | 93-14 | 413-417 SOUTH ST | ICBP IV HOLDINGS 32 LLC | | ONE SANSOME ST STE 1500 | | SAN FRANCISCO | CA | 94104 |
| 93-15 | M_196487_898 096 | 93-15 | 35 MILL ST CENTRAL | FLORIO JAMES D TR | | 63 SHERBURN CIR | | WESTON | MA | 02493 |
| 93-16 | M_196418_898 113 | 93-16 | 23 MILL ST CENTRAL | DESOUZA VINICIUS | | 23 MILL ST CENTRAL | | MARLBOROUGH | MA | 01752 |

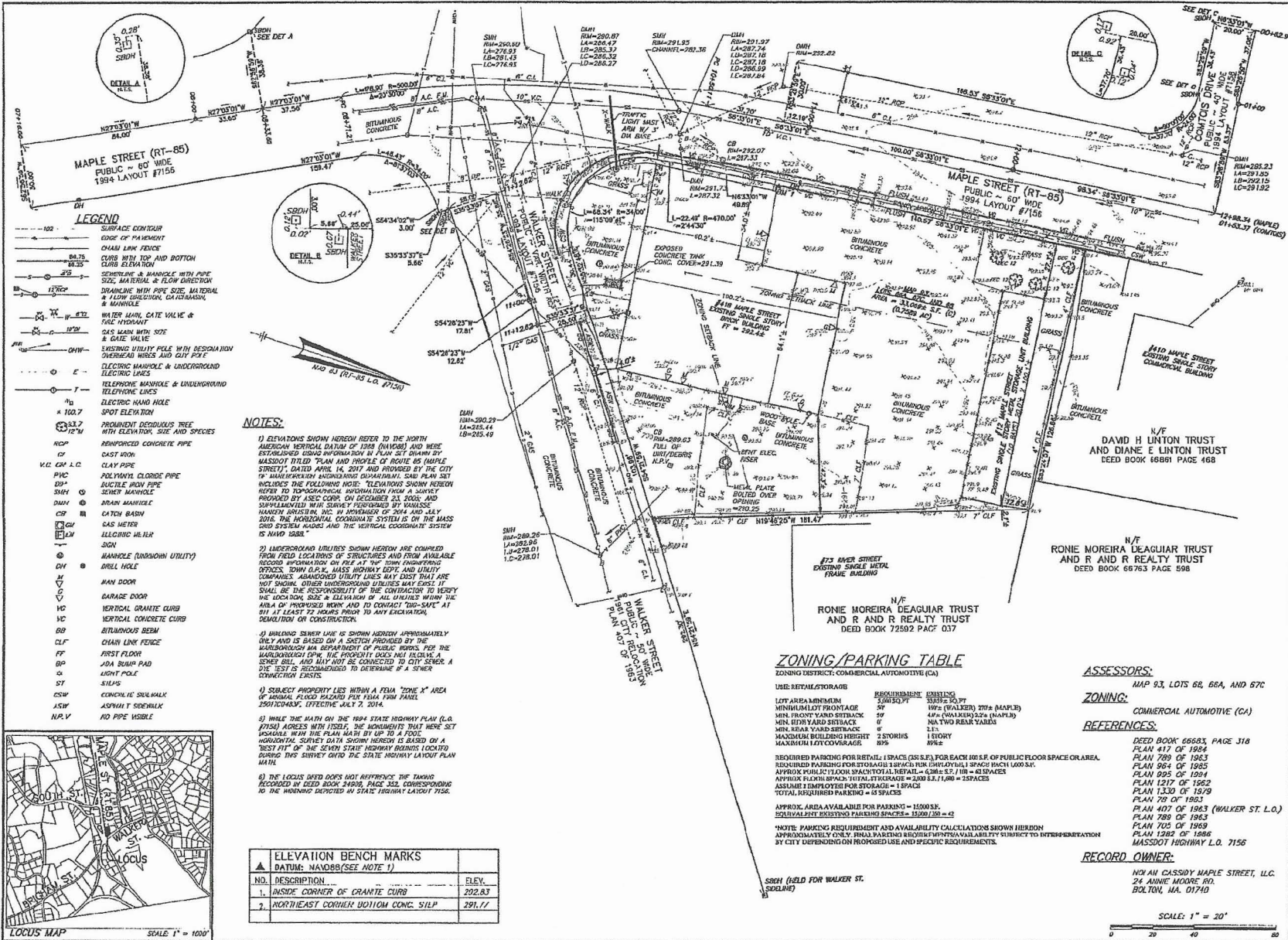
MARLBOROUGH ASSESSORS

*Charles C. Conway
Deputy Assessor
D. W. W. W.*

| | | | | | | | | | | |
|--------|---------------------|--------|-----------------------|---|--|---------------------------|--------------------------------------|-----------------------|----|------------|
| 93-48 | M_196537_898 062 | 93-48 | 83 MILL ST CENTRAL | SKB DEVELOPME N T LLC | | 103 MECHANIC ST | UNIT E2 | MARLBOROU G MA | | 01752 |
| 93-49 | M_196587_898 044 | 93-49 | MAPLE ST | COMMONWEA LTH OF MASSACHUSE TTS | | 10 PARK PLAZA STE 4160 | | BOSTON | MA | 02116 |
| 93-50 | M_196578_898 067 | 93-50 | 413 MAPLE ST | COMMONWEA LTH OF MASSACHUSE TTS | | 10 PARK PLAZA STE 4160 | | BOSTON | MA | 02116 |
| 93-51 | M_196566_898 120 | 93-51 | 405 MAPLE ST | GENTILOTTI JAMES G | | 27 EDWARDS RD | | MENDON | MA | 01756 |
| 93-52 | M_196550_898 181 | 93-52 | 401 MAPLE ST | GENTILOTTI GERALD D TR | | 27 EDWARDS RD | | MENDON | MA | 01756 |
| 93-62 | M_196626_898 195 | 93-62 | 386 MAPLE ST | MINA PROPERTY GROUP LLC | | C/O HOWARD WILNER | 1199 WORCESTER RD | FRAMINGHAM | MA | 01701 |
| 93-63 | M_196612_898 171 | 93-63 | 390 MAPLE ST | MINA PROPERTY GROUP LLC | | C/O HOWARD WILNER | 1199 WORCESTER RD | FRAMINGHAM | MA | 01701 |
| 93-63A | M_196650_898 165 | 93-63A | 398-400 MAPLE ST | MINA PROPERTY GROUP LLC | | C/O HOWARD WILNER | 1199 WORCESTER RD | FRAMINGHAM | MA | 01701 |
| 93-64 | M_196635_898 131 | 93-64 | 402 MAPLE ST | BOSTON OIL CHANGE LLC | | 25 MAIN ST | | HARTFORD | CT | 06106 |
| 93-65 | M_196640_898 109 | 93-65 | 408 MAPLE ST | MINA PROPERTY GROUP LLC | | C/O HOWARD WILNER | 1199 WORCESTER RD | FRAMINGHAM | MA | 01701 |
| 93-66 | M_196623_898 084 | 93-66 | 410 MAPLE ST | LINTON DAVID H TR | | 110 WHITE TAIL LN | | LANCASTER | MA | 01523 |
| 93-67 | M_196672_898 056 | 93-67 | 73 RIVER ST | DEAGUIAR RONIE MOREIRA TR | | 69 RIVER ST | | MARLBOROU G MA | | 01752 |
| 93-67A | M_196702_897 954 | 93-67A | 420 MAPLE ST | MARLBOROU G MAPLE REAL ESTATE TR | | PO BOX 95 | ATTN CREATIVE DEVELOPME N T | NEWTON UPPER FALLS | MA | 02464 |
| 93-80 | M_196694_898 193 | 93-80 | 50 RIVER ST | MERCURIO JOSEPH F | | 16 BAKER ST | | MILFORD | CT | 06461 |
| 93-80A | M_196700_898 152 | 93-80A | 54 RIVER ST | PANTA MAYBELLINE | | 50 FLAGG RD | | WESTFORD | MA | 01886-3415 |
| 93-81 | M_196708_898 127 | 93-81 | 68 RIVER ST | JOSEPHSON LINDA E | | 49 PINE ST | | HUDSON | MA | 01749 |
| 93-82 | M_196719_898 087 | 93-82 | 6 WALKER ST | TUTTLE JUNE E TR | | 6 WALKER ST | | MARLBOROU G MA | | 01752 |

| | | | | | | | | | | |
|-------|---------------------|-------|-----------------------|--|--|----------------------------|--|------------------|----|------------|
| 93-83 | M_196792_898 070 | 93-83 | 35 WALKER ST | CAFERELLI DAVID J | | 35 WALKER ST | | MARLBOROUGH H | MA | 01752 |
| 93-85 | M_196781_898 124 | 93-85 | 58 WALKER ST | FERRO MICHAEL F TR | | 58 WALKER ST | | MARLBOROUGH H | MA | 01752 |
| 999-1 | M_196634_898 455 | 999-1 | SUDBURY WATER SHED | METROPOLITAN DISTRICT COMMISSION | | 251 CAUSEWAY ST STE 900 | | BOSTON | MA | 02114-2104 |
| 999-3 | M_197056_897 734 | 999-3 | SUDBURY WATER SHED | MDC | | 251 CAUSEWAY ST STE 900 | | BOSTON | MA | 02114-2104 |



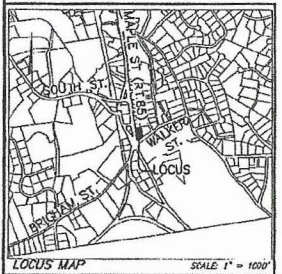


- LEGEND**
- 102 — SURFACE CONTOUR
 - EDGE OF PAVEMENT
 - CHAIN LINK FENCE
 - CURB WITH TOP AND BOTTOM CURB ELEVATION
 - 20 — SEWERLINE & MANHOLE WITH PIPE SIZE, MATERIAL & FLOW DIRECTION
 - 12" — DRAINAGE WITH PIPE SIZE, MATERIAL & FLOW DIRECTION, CATCH BASIN, & MANHOLE
 - 12" — WATER MAIN, GATE VALVE & FIRE HYDRANT
 - GAS MAIN WITH SIZE & GATE VALVE
 - 4" — EXISTING UTILITY POLE WITH DESIGNATION OVERHEAD WIRES AND CITY PREFIX
 - E — ELECTRIC MANHOLE & UNDERGROUND ELECTRIC LINES
 - T — TELEPHONE MANHOLE & UNDERGROUND TELEPHONE LINES
 - 10 — SPOT ELEVATION
 - 100.7 — PROMINENT DECIDUOUS TREE WITH ELEVATION, SIZE AND SPECIES
 - RCP — REINFORCED CONCRETE PIPE
 - C — CAST IRON
 - V.C. 12" A.C. — CLAY PIPE
 - PVC — POLYETHYLENE CHLORIDE PIPE
 - DP — DUCTILE IRON PIPE
 - SMH — SINKER MANHOLE
 - DMH — DRAIN MANHOLE
 - CB — CATCH BASIN
 - CM — GAS METER
 - ILM — ILLUMINATE WALKER SIGN
 - U — UNDERGROUND UTILITIES SHOWN HEREON ARE COMPILED FROM FIELD LOCATIONS OF STRUCTURES AND FROM AVAILABLE RECORD INFORMATION ON FILE AT THE TOWN ENGINEERING OFFICES. TOWN D.P.W., MASS HIGHWAY DEPT. AND UTILITY COMPANIES' ABANDONED UTILITY LINES MAY EXIST THAT ARE NOT SHOWN. OTHER UNDERGROUND UTILITIES MAY EXIST. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION, SIZE & DEPTH OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DIG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.
 - B — BUILDING SINKER LINE IS SHOWN HEREON APPROXIMATELY ONLY AND IS BASED ON A SKETCH PROVIDED BY THE MARLBOROUGH MA DEPARTMENT OF PUBLIC WORKS. PER THE MARLBOROUGH DPW, THE PROPERTY DOES NOT INCLUDE A SINKER LINE, AND MAY NOT BE CONNECTED TO CITY SEWER. A "TEST" IS RECOMMENDED TO DETERMINE IF A SINKER CONNECTION EXISTS.
 - 1) SUBJECT PROPERTY LIES WITHIN A FEMA "ZONE X" AREA OF ANNUAL FLOOD RISK OF 1% FROM FLOOD 2501TC043V, EFFECTIVE JULY 7, 2014.
 - 2) WHILE THE MAP ON THE 1994 STATE HIGHWAY PLAN (L.O. 7154) AGREES WITH THIS, THE MONUMENTS THAT WERE SET CORNER WITH THE PLAN MAP BY UP TO A FOUR (4) FOOT HORIZONTAL SURVEY DATA SHOWN HEREON IS BASED ON A "TEST" PIT OF THE SEVEN STATE HIGHWAY BRIDGE LOCATED DURING THIS SURVEY AND THE STATE HIGHWAY LAYOUT PLAN MAP.
 - 3) THE LOCUS DEED DOES NOT REPRESENT THE TAKING RECORDED IN DEED BOOK 1489, PAGE 352, CORRESPONDING TO THE MONUMENTS DEPICTED IN STATE HIGHWAY LAYOUT 7154.

NOTES:

- ELEVATIONS SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) AND WERE ESTABLISHED USING INFORMATION BY PLAN SET DRAWING BY MASSDOT TITLED "PLAN AND PROFILE OF ROUTE 85 (MAPLE STREET)", DATED APRIL 14, 2017 AND PROVIDED BY THE CITY OF MARLBOROUGH ENGINEERING DEPARTMENT. THIS PLAN SET INCLUDES THE FOLLOWING NOTE: "ELEVATIONS SHOWN HEREON REFER TO TOPOGRAPHICAL INFORMATION FROM A SURVEY PERFORMED BY JAMES COOK, ON OCTOBER 21, 1984, AND SUPPLEMENTED WITH SURVEY PERFORMED BY WANNASSE MARSHY ENGINEERING, INC. IN JANUARY OF 2004 AND JULY 2016. THE HORIZONTAL COORDINATE SYSTEM IS ON THE MASS 830 SYSTEM NODES AND THE "VERTICAL COORDINATE" SYSTEM IS NAVD 1988."
- UNDERGROUND UTILITIES SHOWN HEREON ARE COMPILED FROM FIELD LOCATIONS OF STRUCTURES AND FROM AVAILABLE RECORD INFORMATION ON FILE AT THE TOWN ENGINEERING OFFICES. TOWN D.P.W., MASS HIGHWAY DEPT. AND UTILITY COMPANIES' ABANDONED UTILITY LINES MAY EXIST THAT ARE NOT SHOWN. OTHER UNDERGROUND UTILITIES MAY EXIST. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION, SIZE & DEPTH OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DIG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.
- BUILDING SINKER LINE IS SHOWN HEREON APPROXIMATELY ONLY AND IS BASED ON A SKETCH PROVIDED BY THE MARLBOROUGH MA DEPARTMENT OF PUBLIC WORKS. PER THE MARLBOROUGH DPW, THE PROPERTY DOES NOT INCLUDE A SINKER LINE, AND MAY NOT BE CONNECTED TO CITY SEWER. A "TEST" IS RECOMMENDED TO DETERMINE IF A SINKER CONNECTION EXISTS.
- SUBJECT PROPERTY LIES WITHIN A FEMA "ZONE X" AREA OF ANNUAL FLOOD RISK OF 1% FROM FLOOD 2501TC043V, EFFECTIVE JULY 7, 2014.
- WHILE THE MAP ON THE 1994 STATE HIGHWAY PLAN (L.O. 7154) AGREES WITH THIS, THE MONUMENTS THAT WERE SET CORNER WITH THE PLAN MAP BY UP TO A FOUR (4) FOOT HORIZONTAL SURVEY DATA SHOWN HEREON IS BASED ON A "TEST" PIT OF THE SEVEN STATE HIGHWAY BRIDGE LOCATED DURING THIS SURVEY AND THE STATE HIGHWAY LAYOUT PLAN MAP.
- THE LOCUS DEED DOES NOT REPRESENT THE TAKING RECORDED IN DEED BOOK 1489, PAGE 352, CORRESPONDING TO THE MONUMENTS DEPICTED IN STATE HIGHWAY LAYOUT 7154.

| ELEVATION BENCH MARKS | | |
|----------------------------|------------------------------------|--------|
| DATUM: NAVD83 (SEE NOTE 1) | | |
| NO. | DESCRIPTION | ELEV. |
| 1. | INSIDE CORNER OF GRANITE CURB | 202.83 |
| 2. | NORTHEAST CORNER BOTTOM CONC. SILL | 291.11 |



418 MAPLE STREET

Marlborough, Massachusetts 01752

PREPARED FOR
SPEEDY AUTO REPAIR, INC.
315B Maple Street
Marlborough Massachusetts 01752

HANCOCK ASSOCIATES
Civil Engineers
Land Surveyors
Landscape Architects
Wetland Scientists

185 CENTER STREET, DANVERS, MA 01923
VOICE (978) 777-3264 FAX (978) 774-7818
WWW.HANCOCKASSOCIATES.COM

| NO. | REV. | DATE | ISSUE/REVISION DESCRIPTION |
|-----|------|------|----------------------------|
| | | | |

EXISTING CONDITION PLAN OF LAND IN MARLBOROUGH, MA

DATE: 11/23/20 DRAWN BY: JH
SCALE: 1" = 20' CHECK BY: JH

RECORD OWNER:
NOY AN CASSOBY MAPLE STREET, LLC
24 ANNIE MOORE RD.
BOLTON, MA. 01740

SCALE: 1" = 20'

PROJECT NO: 24297

ZONING/PARKING TABLE

ZONING DISTRICT: COMMERCIAL AUTOMOTIVE (CA)

| USE | RETAIL/STORAGE | REQUIREMENT | EXISTING |
|-------------------------|----------------|---------------------------|---------------------------|
| LOT AREA MINIMUM | 5000 SQ. FT. | 5375 SQ. FT. | 5375 SQ. FT. |
| MINIMUM LOT FRONTAGE | 50' | 46' (WALKER) 270' (MAPLE) | 46' (WALKER) 524' (MAPLE) |
| MIN. FRONT YARD SETBACK | 50' | 40' | 40' |
| MIN. REAR YARD SETBACK | 50' | NA | NA |
| MIN. REAR YARD SETBACK | 50' | 21' | 21' |
| MAXIMUM BUILDING HEIGHT | 2 STORIES | 1 STORY | 1 STORY |
| MAXIMUM LOT COVERAGE | 80% | 80% | 80% |

REQUIRED PARKING FOR RETAIL: 1 SPACE (25 S.F.) FOR EACH 100 S.F. OF PUBLIC FLOOR SPACE OR AREA.
REQUIRED PARKING FOR STORAGE: 1 SPACE PER EMPLOYEE (1 SPACE PER 1600 S.F.)
APPROX. PUBLIC FLOOR SPACE TOTAL RETAIL = 4306 S.F. / 110 = 43 SPACES
APPROX. FLOOR SPACE TOTAL STORAGE = 2,000 S.F. / 1,600 = 1 SPACES
ASSUMED EMPLOYEES FOR STORAGE = 1 SPACES
TOTAL REQUIRED PARKING = 43 SPACES

APPROX. AREA AVAILABLE FOR PARKING = 15,000 S.F.
SUFFICIENT EXISTING PARKING SPACES = 15,000 / 350 = 43

*NOTE: PARKING REQUIREMENT AND AVAILABILITY CALCULATIONS SHOWN HEREON APPROXIMATELY ONLY. FINAL PARKING REQUIREMENT AVAILABILITY SUBJECT TO REPRESENTATION BY CITY DEPENDING ON PROPOSED USE AND SPECIFIC REQUIREMENTS.

ASSESSORS:
MAP 93, LOTS 68, 66A, AND 67C

ZONING:
COMMERCIAL AUTOMOTIVE (CA)

REFERENCES:
DEED BOOK 6693X, PAGE 318
PLAN 417 OF 1994
PLAN 799 OF 1963
PLAN 964 OF 1965
PLAN 995 OF 1991
PLAN 1217 OF 1982
PLAN 1330 OF 1979
PLAN 79 OF 1983
PLAN 407 OF 1963 (WALKER ST. L.O.)
PLAN 799 OF 1963
PLAN 705 OF 1969
PLAN 1282 OF 1986
MASSDOT HIGHWAY L.O. 7156

SRH (FIELD FOR WALKER ST. SIDLING)

SCALE: 1" = 20'

Site Plan Review
Recommendations

Speedy Auto Repair, Inc.
Proposed Draft
Special Permit Decision

In Urban Affairs

February 1, 2021

City Council

From: City Council
Sent: Thursday, January 28, 2021 5:36 PM
To: Falk, Brian R.
Cc: Kathleen Robey
Subject: Update from City Engineer DiPersio: Comments re: 412-418 Maple St. Special Permit Speedy Auto

From: Thomas DiPersio <tdipersio@marlborough-ma.gov>
Sent: Thursday, January 28, 2021 4:59 PM
To: Priscilla Ryder <pryder@marlborough-ma.gov>; City Council <citycouncil@marlborough-ma.gov>
Cc: Jeffrey Cooke <jcooke@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>; Patricia Bernard <pbernard@marlborough-ma.gov>
Subject: Re: Comments re: 412-418 Maple St. Special Permit Speedy Auto

All, Please note a minor correction to the comments below:

3. Curb cut - There are currently two curb-cuts on Walker Street (there is currently only one curb cut on Maple Street, which can remain). The curb cut on Walker Street nearest to the intersection will need to be eliminated, the other curb cut on Walker Street will need to have a narrower opening to meet zoning requirements.

thank you

Thomas DiPersio, Jr., PE, PLS

City Engineer

Department of Public Works

135 Neil Street

Marlborough, MA 01752

Phone:(508)624-6910x33200

tdipersio@marlborough-ma.gov



From: Priscilla Ryder <pryder@marlborough-ma.gov>

Sent: Thursday, January 28, 2021 4:37 PM

To: City Council <citycouncil@marlborough-ma.gov>

Cc: Thomas DiPersio <tdipersio@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>; Patricia Bernard <pbernard@marlborough-ma.gov>

Subject: Comments re: 412-418 Maple St. Special Permit Speedy Auto

Councilor Robey and Urban Affairs Committee:

At it's meeting on January 5, 2021 the Site Plan Review Committee reviewed the Special Permit application before you for the relocation of Speedy Auto Repair to 412-418 Maple St. In all cases where a property is slated to be reused, the Site Plan Review Committee works with the applicant to get the site into compliance with the current zoning requirements as much as is feasible given site constraints. On this property the Committee had the following recommendations to the applicant to improve the current site conditions to more closely meet the zoning code. These are as follows:

The plan we reviewed was titled: "Existing Conditions Plan of Land in Marlborough MA." Dated 11-23-2020, Prepared by: Hancock Associates.

1. Landscaping - the current landscaping does not meet the code. The corner at Maple St. and Walker St. is a prominent entrance to the city and should be landscaped in keeping with the park across the street and to improve this entrance gateway. Landscaping improvements are required both on Walker St. and Maple St. Removing asphalt and replacing it with landscaping will also improve the lot coverage which is currently non-conforming.
2. Building Aesthetics- In addition to the landscaping the building façade can be improved to make the building more appealing.
3. Curb cut- There are two curb-cuts on Maple St. The one closest to the intersection will need to be eliminated. The remaining one needs to have a narrower opening to meet the zoning requirements. The curb cut on Walker St. at the corner will need to be eliminated, the other curb cut will need to have a narrower opening as well to meet zoning requirements.
4. Sewer connection and stormwater improvements - The site plan review committee will be looking to verify sewer connections and also require improvements to the existing drainage system to improve runoff, as we do with all project under review.

Those were the comments the Committee conveyed to the applicant at the meeting. If the applicant makes any plan changes during your review to address the above, we would be happy to review and provide you with comments before you render a final decision. Otherwise, we will ensure these are addressed during the Site Plan Review process if City Council approves this special permit.

Let us know if you have any further questions.

On behalf of the Site Plan Review Committee,

Priscilla Ryder

Conservation/ Sustainability Officer

140 Main St., City Hall

Marlborough, MA 01752

508-460-3768

"Whenever there's a large spill of solar energy, it's just called a nice day" northern sun