

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: February 18, 2021

Time: 7:00 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2021 FEB 11 P 3:49

This meeting will be held virtually with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

Order No.20-1008100: That the City Council consider the feasibility of adopting a process whereby murals will be allowed in the city as a means to further the cultural and artistic value of the city's downtown district. Submitted by Councilor Perlman

Order No.21-1008162: Application for Special Permit by Attorney Brian Falk on behalf of Speedy Auto Repair, Inc., to relocate an existing body shop from 315 Maple Street to 412-418 Maple Street in the Commercial Automotive District with land area less than one acre in addition the property contains a preexisting nonconforming structure on the site and therefore the change of use requires a special permit.

PUBLIC HEARING: JANUARY 25, 2021

Order No.20-1007995B: Request for Extension of Time by Attorney Falk to May 28, 2021 re: Application for Special Permit by WP Marlborough MA Owner, LLC (Wayside Residential), 339 Boston Post Road East, to construct a multifamily dwelling residential project (McGee Farm)  
Time to Act Expires: March 31, 2021

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



## IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 14, 2020

### ORDERED:

That the City Council consider the feasibility of adopting a process whereby murals will be allowed in the city as a means to further the cultural and artistic value of the city's downtown district, be and is herewith refer to **URBAN AFFARIS COMMITTEE**.

(Submitted by Councilor Perlman)

**Yea: 10 – Nay: 1**

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

**Nay: Ossing.**

ADOPTED

ORDER NO. 20-1008100



*Marlborough City Council*  
*Samantha Perlman*  
*City Councilor-At-Large*  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

January 20, 2021

Honorable Members  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: Proposed Mural Ordinance

Dear Honorable Members:

I am writing regarding the proposed mural ordinance that will solidify Marlborough as a coveted place to live, work and play. The story to increase arts in Marlborough and add murals existed far before my time. In 2008, Olde Marlborough, Inc. presented a downtown mural proposal and prior to that Marlborough had established an Office of Cultural Affairs dating back to the late 1970s.

Marlborough residents value arts and culture in our City. Our City has received positive feedback about both the decorated lightboxes funded by the Cultural Council and the Museum in the Streets. Enabling murals will also provide a multifaceted identity for our city that brings our community together—residents, local government, schools, nonprofits, and businesses.

Adding murals will attract and retain local businesses, revitalize the neighborhoods where they are located and increase foot traffic. Especially during this pandemic, we need to support our small businesses and provide socially distant activities to our residents. Murals will add value to our efforts to build new housing and bring young professionals and overall economic development into the city.

I recommend revising the city sign ordinance to define murals as separate from signs or advertisements and to establish a Public Art Commission that would be tasked to review the murals. This Commission, as seen in other communities, will be representative of different city departments, entities, and residents, including artists to ensure the best review process.

I look forward to discussing the proposal details at the Urban Affairs Committee meeting.

Sincerely,

A handwritten signature in cursive script that reads "Samantha Perlman".

Samantha Perlman  
City Councilor At-Large

Introduced by:

Councilor Samantha Perlman

**AN ORDINANCE AMENDING CHAPTER 19 OF THE MARLBOROUGH MUNICIPAL CODE TO ADD ARTICLE VII RE PUBLIC ART COMMISSION**

CITY COUNCIL  
CITY OF MARLBOROUGH

January XX, 2021

Be It Ordained by the City Council of the City of Marlborough that Chapter 19 of the Marlborough Municipal Code is hereby amended to add Article VII to read as follows.

**ARTICLE VII. – PUBLIC ART COMMISSION**

**§ 19-52 – Establishment and Purpose**

A Public Art Commission, in accordance with the General Laws of the Commonwealth and the Charter of the City, is hereby established. The Commission is charged with acting in an advisory capacity to evaluate, advocate, and facilitate matters of public art.

**§ 19-53 – Membership**

The Public Art Commission shall consist of 7 members to be appointed by the Mayor, subject to confirmation by the City Council. The Mayor shall initially appoint 2 members for one year, 3 members for two years and 2 members for three years, and annually thereafter, the Mayor shall appoint said members for three-year terms from the time of their appointment or until their successors are qualified. Membership shall include at least One (1) member of the Marlborough Cultural Council, One (1) local artist, and One (1) designee from the Marlborough Cultural District.

**§ 19-54 – Rules and regulations**

The Commission shall have power to organize and conduct its business under such rules and regulations as it may deem proper, provided that the same are not inconsistent with the laws of the Commonwealth or the Charter and ordinances of the City. It may adopt all reasonable regulations regarding the use of the land and buildings under its permanent or temporary control.

A. Removal of members: Any member of the Commission may be removed by the Mayor and City Council for cause, stated in writing, after a hearing and vote of the City Council.

B. Vacancies: All vacancies in the Public Art Commission caused by death, resignation or otherwise shall be filled by the Mayor in the manner provided for an original appointment, and the person appointed shall hold office for the residue of the unexpired term.

C. Compensation: Such Commissioners shall serve without compensation.

**§ 19-55 – Other Departments to Render Service**

The various departments of the City shall render such service to the Commission as they may be required to perform by the City Council from time to time.

**§ 19-56 – Annual Report**

The Public Art Commission shall, at least once a year, render a report of its administration to the City Council and shall render such further reports as may be required of it by the City Council from time to time.

**§ 19-57 – Clerk; recordkeepings; meeting**

Such Commissioners shall meet immediately after their appointment and confirmation and elect one of their members who shall act as Clerk and who shall keep a record of their proceedings; in each year thereafter, such Commission shall meet in the month of February for the election of the Clerk. Such Commission shall vote to determine the time and place of other meetings.

This ordinance shall take effect upon approval by the City Council.



# Proposed Mural Ordinance

*Creatively making Marlborough a place to live, work and play*

Presented to the Urban Affairs Committee

January X, 2021

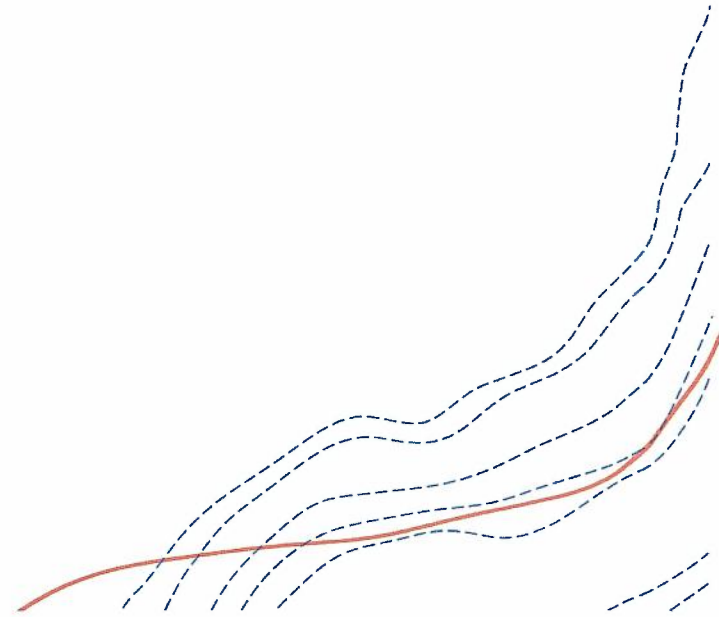




# Overview

**Purpose:** Develop a clear process for murals in the City of Marlborough

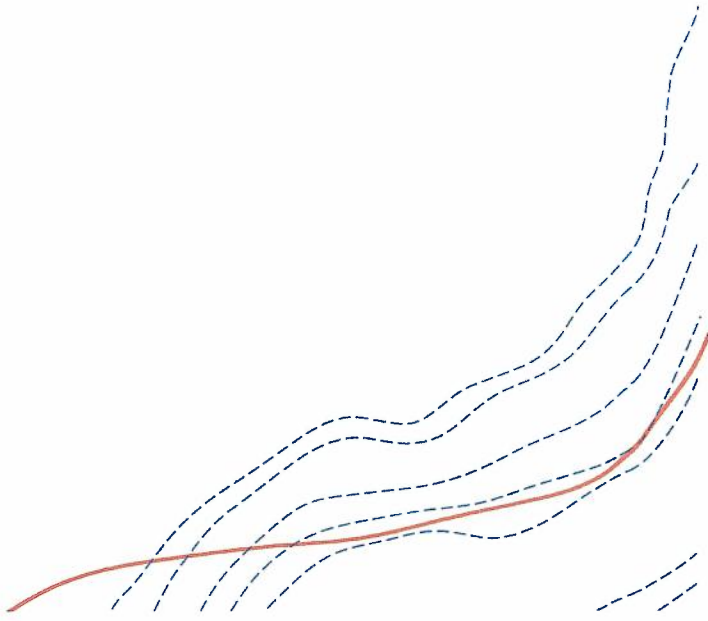
- +Why Murals?
- +Background
- +Proposed Changes





# What is a Mural?


## +Mural

- +A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message.
- 





# Why Murals?: Wayfinding in the best sense

- + Arts have a home here in Marlborough
    - + Supports the legacy of the Office for Cultural Affairs established by the City in the late 1970s and our current Cultural District designation
    - + Continues successful arts and culture initiatives i.e., Museum in the Street, the painted lightboxes, rail trail art on Hudson side
  - + Brings economic development and boost the local economy
- 

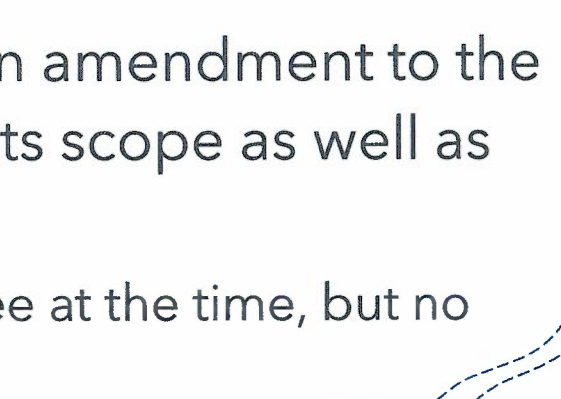


# Why Murals Continued?

- + Increased foot traffic
  - + Builds pride and social value in the community
  - + Establishes Marlborough even more as a destination to visit
  - + Opportunities for community partnerships
  - + Well timed with commitments to revitalizing downtown and Lincoln Street as well as the new library
- 



# Background

- + In April 2008, Bob Kane as part of Olde Marlborough, Inc., put forth a proposal for murals in the downtown area to the City Council
  - + City Solicitor at that time recommended an amendment to the sign ordinance to exempt public art from its scope as well as create language to approach public art
    - + Proposal had reached Urban Affairs Committee at the time, but no further action was taken by the City Council
- 

# Mural Communities

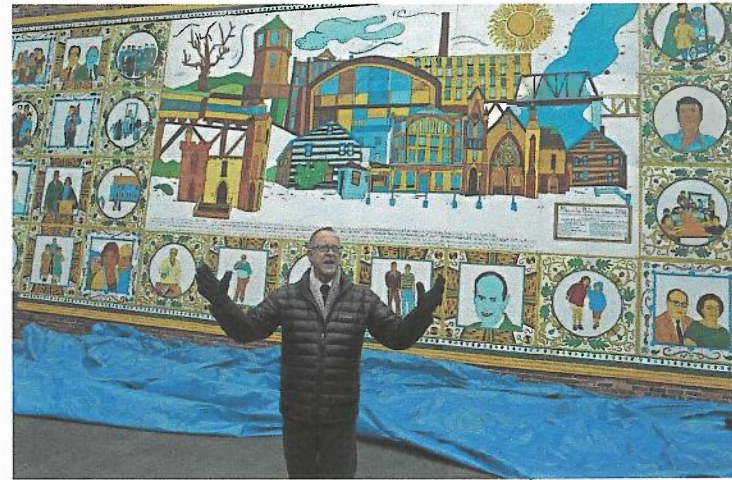
## Lynn

*Eastern Bank Parking Lot  
451 Broad Street, Lynn, MA*



## Haverhill

*86 Washington Street  
Downtown Haverhill, MA*



# Mural Communities

## Salem

## Framingham

199 Concord Street  
Framingham, MA

**OPEN AIR MUSEUM** @URBAN.ART.MUSEUM

**Artists Name + Country**

- 1. ZALAS - PR
- 2. ADELE - NETHERLANDS
- 3. GOLDEN - VENEZUELA
- 4. KRAVE - USA
- 5. CPWON - CHILE
- 6. SPOK BRILLOR - SPAIN
- 7. HOXOH - USA
- 8. SPROGS - BRAZIL
- 9. RUBEN UBIERA - D.R.
- 10. MARA MOLTEN - U.S.A.
- 11. PIZEL PANCHO - ITALY
- 12. CHORBOOGIE - USA
- 13. CHORBOOGIE - USA
- 14. COMMUNITY MURAL
- 15. DON PRYK - PR
- 16. BIGSMO - PR
- 17. SILVIA LOPEZ CHAVEZ - D.R.
- 18. JEFF HENRIQUEZ - PR
- 19. RUBEN UBIERA - D.R.
- 20. GLEO - COLOMBIA
- 21. KRAVE - U.S.A.
- 22. RUBEN UBIERA - D.R.
- 23. VERONICA RIVERA - PR
- 24. TRENG - PR
- 25. NEW ENGLAND ARTISTS WALL (50 MURALS)\*\*
- 26. GOLDEN - VENEZUELA
- 27. EL CENIS - CHILE
- 28. COMMUNITY MURAL
- 29. RELVY - SPAIN
- 30. OKUDA SAN MIGUEL - SPAIN
- 31. PAOLA DELFIN - MEXICO
- 32. MARIELA ALFARAS - ARGENTINA
- 33. THE M.I.A. - U.S.A.
- 34. ESOTERIC - U.S.A.
- 35. MR. COPE - U.K.
- 36. CZR PRZ - U.S.A.
- 37. NEW ENGLAND ARTISTS\*\*
- 38. LENA MCCARTHY
- 39. EMILY KWONG
- 40. RIVY FERNANDEZ
- 41. JAYLEEN CALDERON
- 42. KESHA DELBON
- 43. CARLY CUMMINGS
- 44. GEOBANY RODRIGUEZ
- 45. SCOTT DEBUS
- 46. GIO FIVE
- 47. JAMIE CHAN
- 48. SAGE VANGELIN
- 49. EESH HERRICK
- 50. DUAN ZAHRA
- 51. ELLIOT PORTMAN
- 52. ANGELA GONZALEZ
- 53. ANDREW TROCICHO
- 54. JOSE SANTANA FIRPO
- 55. MATTARA FITTS
- 56. KIMBERLY BARRICLA
- 57. MICHAELA SAVELL
- 58. SUSAN DODGE
- 59. JESSICA TODD
- 60. NIKI MCCULLOCH
- 61. MASSIMO AND CARLO MONGIARDO
- 62. HEATHER MAES
- 63. CLAUDIA LA BIANCA - ITA
- 64. COPE - U.S.A.

**THE ALLEY**

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Downloadable Mural Map for Walking Tour

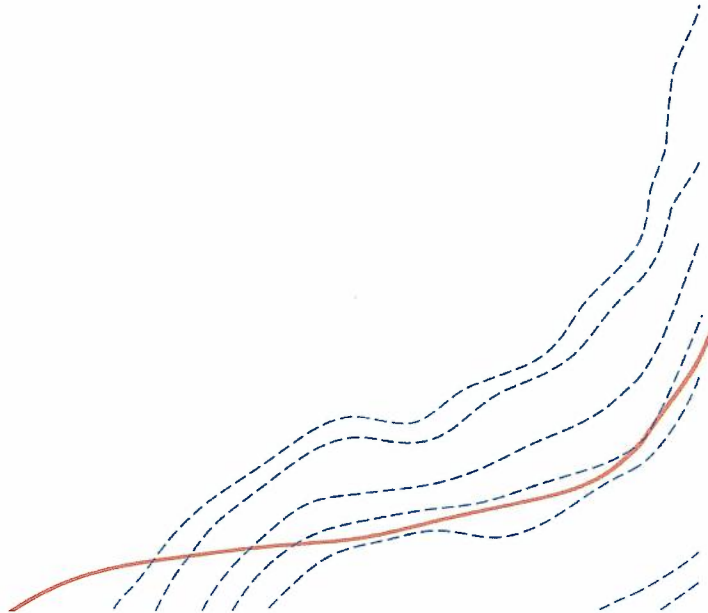


# Proposed Changes

- + Revise the sign ordinance to allow for murals by indicating it as separate from a painted advertisement/sign
  - + Amend Sign Ordinance
    - + Amend the sign ordinance (Chapter 526), specifically 526 4-A "Method of construction. No sign (except a mural) shall be painted or posted directly on the exterior surface of any wall. All exterior signs, except awning signs, shall be painted, posted or otherwise securely affixed to a substantial intermediary removable surface which shall be securely affixed to the building."
  - + Include clear definition of mural into the city code
    - + Adding a definition for murals into § 526-2 Definitions.
      - + Mural: A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message.



# Proposed Changes

- + Develop a Public Art Commission to review proposals for murals
    - + Amending Chapter 19 of Code to add Article VII Re: Public Art Commission
- 



## 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 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 20-1008162



Site Plan Review  
Recommendations

Speedy Auto Repair, Inc.  
Proposed Draft  
Special Permit Decision

In Urban Affairs

February 1, 2021

## City Council

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**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](mailto:tdipersio@marlborough-ma.gov)



**From:** Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>

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

**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>

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

Speedy Auto Repair, Inc.  
Proposed Draft  
Special Permit Decision

In Urban Affairs

February 1, 2021

## City Council

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**From:** Falk, Brian R. <bfalk@MirickOConnell.com>  
**Sent:** Tuesday, January 26, 2021 10:27 PM  
**To:** City Council  
**Subject:** Speedy Auto - Special Permit Decision  
**Attachments:** Special Permit Decision, 412-418 Maple (A6956699x7A575).docx

Greetings,

Attached is a draft decision for the Speedy Auto Repair special permit. We look forward to meeting with Urban Affairs on this matter.

Brian

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**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](http://www.mirickoconnell.com)

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\_\_\_\_\_, 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**

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**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 buildings, 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 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 comply with the City's Sign Ordinance.

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 fencing to screen areas of the Site used to vehicles 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.

10. Noise and Air Quality. The Applicant, its successors and 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. 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: \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_  
Signed by City Council President  
Michael H. Ossing

ADOPTED  
In City Council  
Order No. 20-1008162

**Attachment A**

---

# 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

**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 1<sup>st</sup> 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

\$250<sup>00</sup>/<sub>xx</sub>



**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   X
- 1 SET FIRE CHIEF   X
- 1 SET CITY ENGINEER   X
- 1 SET DIRECTOR OF PLANNING   X
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED)   X
- 1 SET BUILDING COMMISSIONER   X
- 12 SETS OFFICE OF THE CITY COUNCIL   X
- 3 SETS OFFICE OF THE CITY CLERK   X   (**MUST be Original** & 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.



Tax Collector

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

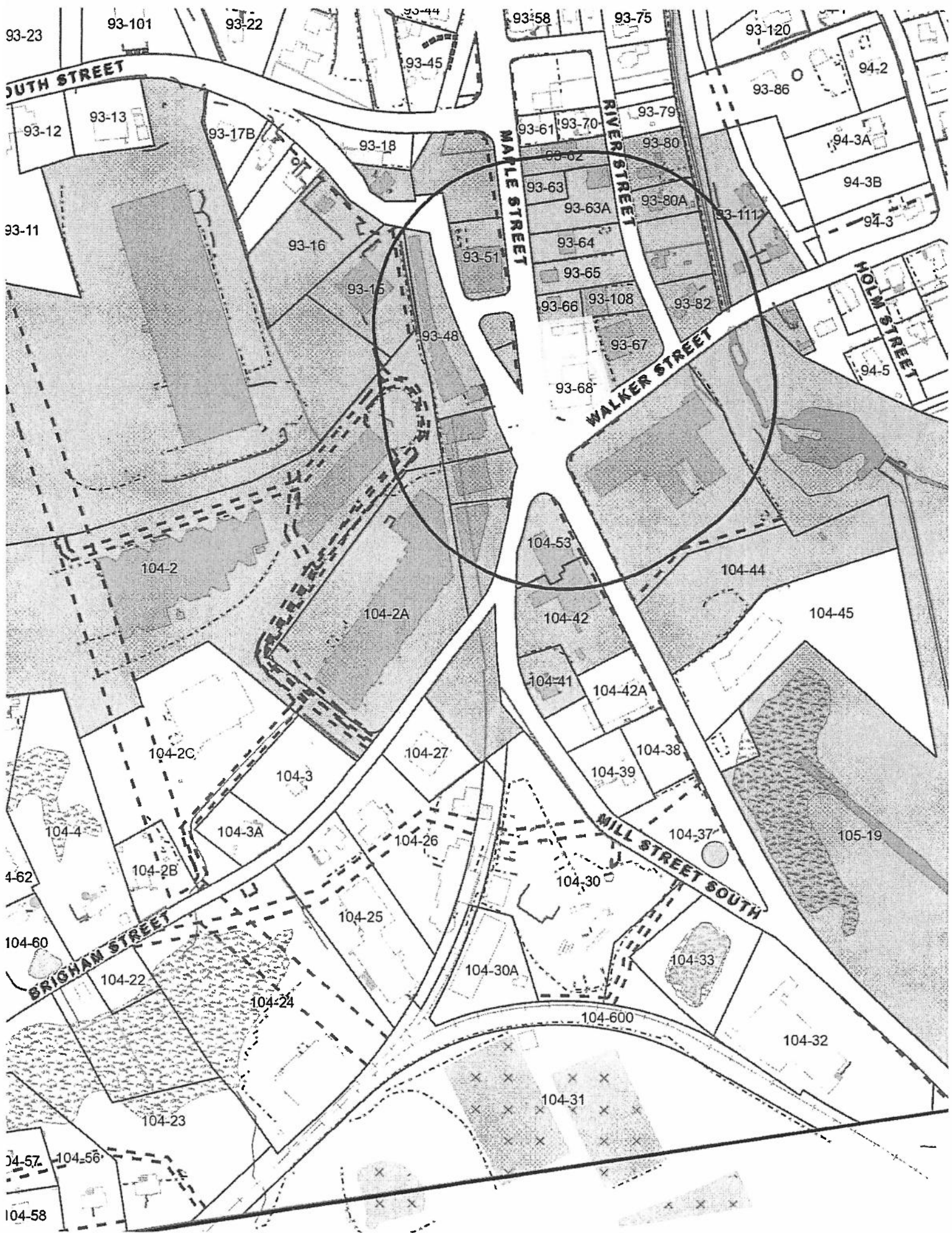
Parcel Number	GIS Number	Carna Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip
104-2	M_196366_897 892	104-2	41-53 BRIGHAM ST	SBLO BRIGHAM BUSINESS PARK LLC		C/O LINCOLN PROPERTY CO	534 KING ST	LITTLETON	MA	01460
104-29	M_196561_897 800	104-29	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. Amato Jr.  
Valley of Assessor  
Dan W. W. W.*

93-48	M_196537_898 062	93-48	83 MILL ST CENTRAL	SKB DEVELOPME NT LLC		103 MECHANIC ST	UNIT E2	MARLBOROUGH	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		MARLBOROUGH	MA	01752
93-67A	M_196702_897 954	93-67A	420 MAPLE ST	MARLBOROUGH MAPLE REAL ESTATE TR		PO BOX 95	ATTN CREATIVE DEVELOPME NT	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_898 162	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		MARLBOROUGH	MA	01752

93-83	M_196792_898 070	93-83	35 WALKER ST	CAFERELLI DAVID J		35 WALKER ST		MARLBOROUGH MA	01752
93-85	M_196781_898 124	93-85	58 WALKER ST	FERRO MICHAEL F TR		56 WALKER ST		MARLBOROUGH 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



93-23 93-101 93-22 93-44 93-58 93-75 93-120  
93-12 93-13 93-17B 93-18 93-45 93-61 93-70 93-79 93-86 94-2  
93-11 93-16 93-15 93-51 93-62 93-80 93-80A 93-111 94-3A 94-3B  
93-48 93-63 93-64 93-65 93-66 93-108 93-67 93-68 94-3  
94-5  
104-2 104-2A 104-53 104-44 104-45  
104-42 104-41 104-42A 104-38  
104-27 104-39 104-37  
104-2C 104-3 104-26 104-30 105-19  
104-4 104-3A 104-25 104-30A 104-33  
104-2B 104-24 104-32  
104-60 104-22 104-23 104-31 104-600  
104-57 104-56 104-58

SOUTH STREET

MAPLE STREET

RIVER STREET

WALKER STREET

HOLLON STREET

BRIGHAM STREET

MILL STREET SOUTH

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 CENTRE STREET, DANVERS, MA 01923  
VOICE (978) 777-3050, FAX (978) 774-7816  
WWW.HANCOCKASSOCIATES.COM



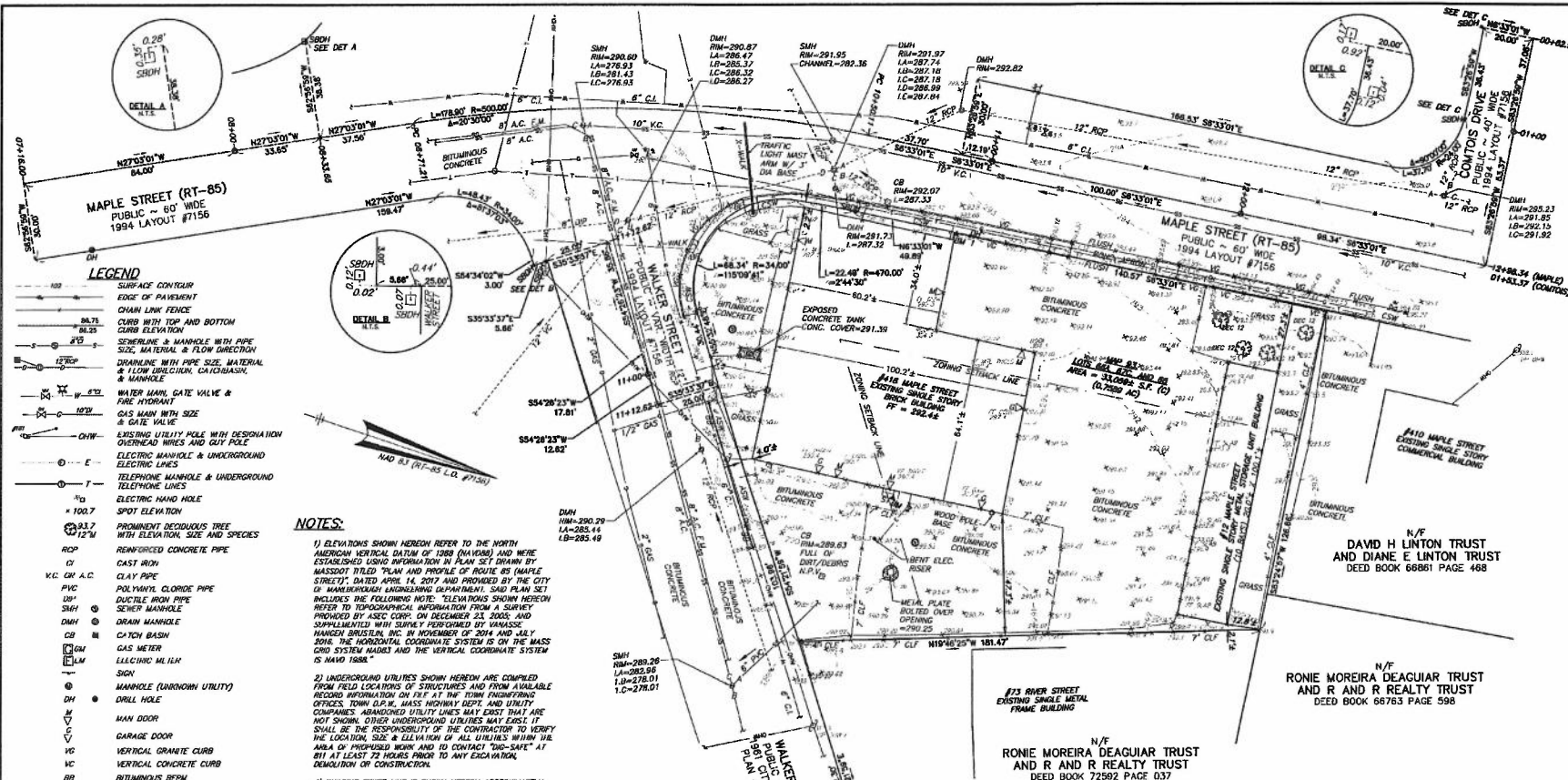
NO.	APP.	DATE	ISSUE/REVISION DESCRIPTION

**EXISTING CONDITION PLAN OF LAND IN MARLBOROUGH, MA**

DATE: 1/23/20 DRAWN BY: JLI  
SCALE: 1" = 20' CHECK BY: JMS

NO. 242875X.dwg  
LAYOUT: EC  
SHEET: 1 OF 1  
PROJECT NO.: 24297

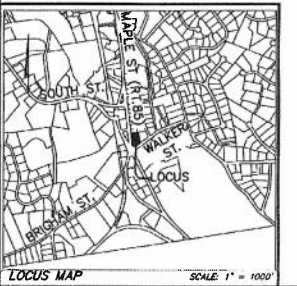
NO. 242875X.dwg  
LAYOUT: EC  
SHEET: 1 OF 1  
PROJECT NO.: 24297



- LEGEND**
- 100 SURFACE CONTOUR
  - SIDE OF PAVEMENT
  - CHAIN LINK FENCE
  - CURB WITH TOP AND BOTTOM CURB ELEVATION
  - SCHEDULE & MANHOLE WITH PIPE SIZE, MATERIAL & FLOW DIRECTION
  - DRAINLINE WITH PIPE SIZE, MATERIAL & FLOW DIRECTION, CATCHBASIN, & MANHOLE
  - WATER MAIN, GATE VALVE & FIRE HYDRANT
  - GAS MAIN WITH SIZE & GATE VALVE
  - OHW EXISTING UTILITY POLE WITH DESIGNATION OVERHEAD WIRES AND CUP POLE
  - E ELECTRIC MANHOLE & UNDERGROUND ELECTRIC LINES
  - T TELEPHONE MANHOLE & UNDERGROUND TELEPHONE LINES
  - H ELECTRIC HAND HOLE
  - 100.7 SPOT ELEVATION
  - 83.7 12" M PROMINENT DECADUOUS TREE WITH ELEVATION, SIZE AND SPECIES
  - RCP REINFORCED CONCRETE PIPE
  - CI CAST IRON
  - K/C CLAY PIPE
  - PVC POLYETHYLENE GLYCOLIDE PIPE
  - DUCTILE IRON PIPE
  - SMH SEWER MANHOLE
  - DMH DRAIN MANHOLE
  - CB CATCH BASIN
  - CM GAS METER
  - GWM GAS WORKING MANHOLE
  - SHV MANHOLE (UNKNOWN UTILITY)
  - DH DRILL HOLE
  - M MAN DOOR
  - G GARAGE DOOR
  - VC VERTICAL GRANITE CURB
  - VC VERTICAL CONCRETE CURB
  - BC BITUMINOUS BEEM
  - CLF CHAIN LINK FENCE
  - FF FIRST FLOOR
  - BP ADA BUMP PAD
  - SL LIGHT POLE
  - ST SILT/S
  - CSW CONCRETILE SIDEWALK
  - ASW ASPHALT SIDEWALK
  - N.P.V NO PIPE VISIBLE

**NOTES:**

- ELEVATIONS SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) AND WERE ESTABLISHED USING INFORMATION IN PLAN SET DRAWN BY MASSDOT TITLED "PLAN AND PROFILE OF ROUTE 85 (MAPLE STREET)", DATED APRIL 14, 2017 AND PROVIDED BY THE CITY OF MARLBOROUGH ENGINEERING DEPARTMENT. SAID PLAN SET INCLUDES THE FOLLOWING NOTE: "ELEVATIONS SHOWN HEREON REFER TO TOPOGRAPHICAL INFORMATION FROM A SURVEY PERFORMED BY ASFC CORP. ON DECEMBER 23, 2008, AND SUPPLEMENTED WITH SURVEY INFORMATION BY VANASSE HANGEN BRIDGEN, INC. IN NOVEMBER OF 2014 AND JULY 2016. THE HORIZONTAL COORDINATE SYSTEM IS ON THE MASS GRID SYSTEM NAD83 AND THE VERTICAL COORDINATE SYSTEM IS NAVD 1988."
- UNDERGROUND UTILITIES SHOWN HEREON ARE COMPILED FROM FIELD LOCATIONS OF STRUCTURES AND FROM AVAILABLE RECORDED INFORMATION ON FILE AT THE TOWN ENGINEERING OFFICES, TOWN CLERK, 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 & ELEVATION OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DUG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.
- BUILDING SEWER LINE IS SHOWN HEREON APPROXIMATELY ONLY AND IS BASED ON A SKETCH PROVIDED BY THE MARLBOROUGH MA DEPARTMENT OF PUBLIC WORKS. PER THE MARLBOROUGH EPHE, THE PROPERTY DOES NOT RECEIVE A SEWER BILL, AND MAY NOT BE CONNECTED TO CITY SEWER. A DYE TEST IS RECOMMENDED TO DETERMINE IF A SEWER CONNECTION EXISTS.
- SUBJECT PROPERTY LIES WITHIN A FEMA "ZONE X" AREA OF ANNUAL FLOOD HAZARD PER FEMA FIRM PANEL 250170048S, EFFECTIVE JULY 7, 2014.
- WHILE THE MAP ON THE 1984 STATE HIGHWAY PLAN (L.O. 07350) AGREES WITH THESE, THE MONUMENTS THAT WERE SET DOUBLE WITH THE PLAN MAIN BY UP TO 1.0 FEET. HORIZONTAL SURVEY DATA SHOWN HEREON IS BASED ON A "BEST FIT" OF THE SEVEN STATE HIGHWAY BOUNDARIES LOCATED DURING THIS SURVEY ONTO THE STATE HIGHWAY LAYOUT PLAN MATR.
- THE LOCUS DEED DOES NOT REFERENCE THE TAKING RECORDED IN DEED BOOK 24088, PAGE 352, CORRESPONDING TO THE MONUMENT DEPICTED IN STATE HIGHWAY LAYOUT PLAN MATR.



**ELEVATION BENCH MARKS**  
DATUM: NAVD88 (SEE NOTE 1)

NO.	DESCRIPTION	ELEV.
1.	INSIDE CORNER OF GRANITE CURB	292.83
2.	NORTHEAST CORNER BOTTOM CONC. SILEP	291.71

**ZONING/PARKING TABLE**

ZONING DISTRICT: COMMERCIAL AUTOMOTIVE (CA)

USE: RETAIL/STORAGE	REQUIREMENT	EXISTING
LOT AREA MINIMUM	1,000 SQ. FT.	SUBJECT TO P.T.
MINIMUM FRONT SETBACK	50'	100' (WALKER) 270' (MAPLE)
MIN. FRONT YARD SETBACK	50'	40' (WALKER) 12' (MAPLE)
MIN. SIDE AND REAR SETBACK	0'	MIN. TWO REAR YARDS
MIN. REAR YARD SETBACK	0'	21'
MAXIMUM BUILDING HEIGHT	3 STORIES	1 STORY
MAXIMUM LOT COVERAGE	80%	89% ±

REQUIRED PARKING FOR RETAIL: 1 SPACE (50 S.F.) FOR EACH 100 S.F. OF PUBLIC FLOOR SPACE OR AREA.  
REQUIRED PARKING FOR STORAGE: 1 SPACE PER EMPLOYEE, 1 SPACE PER 1,000 S.F.  
APPROX. PUBLIC FLOOR SPACE TOTAL RETAIL = 2,000 S.F. / 100 = 20 SPACES  
APPROX. PUBLIC FLOOR SPACE TOTAL STORAGE = 2,000 S.F. / 1,000 = 2 SPACES  
ASSUME 1 EMPLOYEE PER STORAGE = 1 SPACE  
TOTAL REQUIRED PARKING = 22 SPACES  
APPROX. AREA AVAILABLE FOR PARKING = 15,000 S.F.  
EQUIVALENT EXISTING PARKING SPACES = 15,000 / 350 = 42

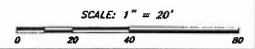
\*NOTE: PARKING REQUIREMENT AND AVAILABILITY CALCULATIONS SHOWN HEREON APPROXIMATELY ONLY. FINAL PARKING REQUIREMENTS/AVAILABILITY SUBJECT TO INTERPRETATION BY CITY DEPENDING ON PROPOSED USE AND SPECIFIC REQUIREMENTS.

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

**ZONING:**  
COMMERCIAL AUTOMOTIVE (CA)

**REFERENCES:**  
DEED BOOK 65683, PAGE 318  
PLAN 417 OF 1984  
PLAN 789 OF 1963  
PLAN 954 OF 1985  
PLAN 995 OF 1994  
PLAN 1217 OF 1982  
PLAN 1330 OF 1979  
PLAN 78 OF 1963  
PLAN 407 OF 1983 (WALKER ST. L.O.)  
PLAN 789 OF 1963  
PLAN 705 OF 1969  
PLAN 1282 OF 1996  
MASSDOT HIGHWAY L.O. 7156

**RECORD OWNER:**  
NOAN CASSIDY MAPLE STREET, LLC.  
24 ANNE MOORE RD.  
BOLTON, MA. 01740







CITY OF MARLBOROUGH  
*Office of the City Council*  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610


**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

Order No. 2020-1007995B  
Application for Special Permit by  
WP Marlborough MA Owner, LLC (Wayside Residential)  
339 Boston Post Road East  
Multifamily Dwelling Residential Project

The Decision of the Special Permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on May 28, 2021.

By: \_\_\_\_\_  
Michael H. Ossing, City Council President,  
acting on behalf of, and at the direction of,  
the special permit granting authority:  
**Marlborough City Council**

  
By: \_\_\_\_\_  
Brian R. Falk, Esq.  
**For Petitioner**