



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 5, 2021

ORDERED:

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IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT SPEEDY AUTO REPAIR, INC.

DECISION ON A SPECIAL PERMIT ORDER NO. 20/21-1008162C

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, storage structures, 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, 2020, in accordance with 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."



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6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. The Site 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 be 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.



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- 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 Plans 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 Plans 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 Plans.



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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 the auto repair use operating 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 (but not limited to) Section 526-9, Nonresidence Districts, of the Code of the City of Marlborough. The LED sign on the south side of the building shall be removed prior to occupancy. No LED signs shall be allowed at the Site without the approval of the City Council.
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.



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9. Fencing. The Applicant shall install solid fencing to screen areas of the Site used for the storage of vehicles under repair from the view of abutting properties and public ways and shall maintain the fencing in good repair. No other outdoor storage shall be permitted at the Site inside or outside of fenced areas. 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, Solvents, and Hazardous Materials Waste. Any excess paint, solvents, or hazardous materials 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 shall 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, and shall be more robust than is required by the Zoning Ordinance.
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.



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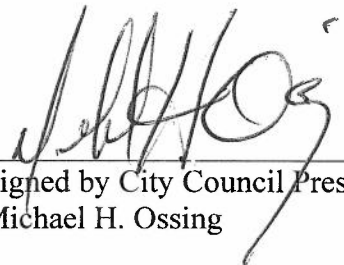
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17. Operating Hours. The maximum operating hours of the auto repair use shall be Monday through Saturday from 8:00 AM to 6:00 PM.
18. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the 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: 11 – Nay: 0

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



Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
20/21-1008162C

ATTACHMENT

A

418 MAPLE STREET

Marlborough, Massachusetts 01752

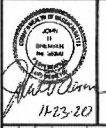
PREPARED FOR SPEEDY AUTO REPAIR, INC.

315B Maple Street
Marlborough Massachusetts 01752

HANCOCK ASSOCIATES

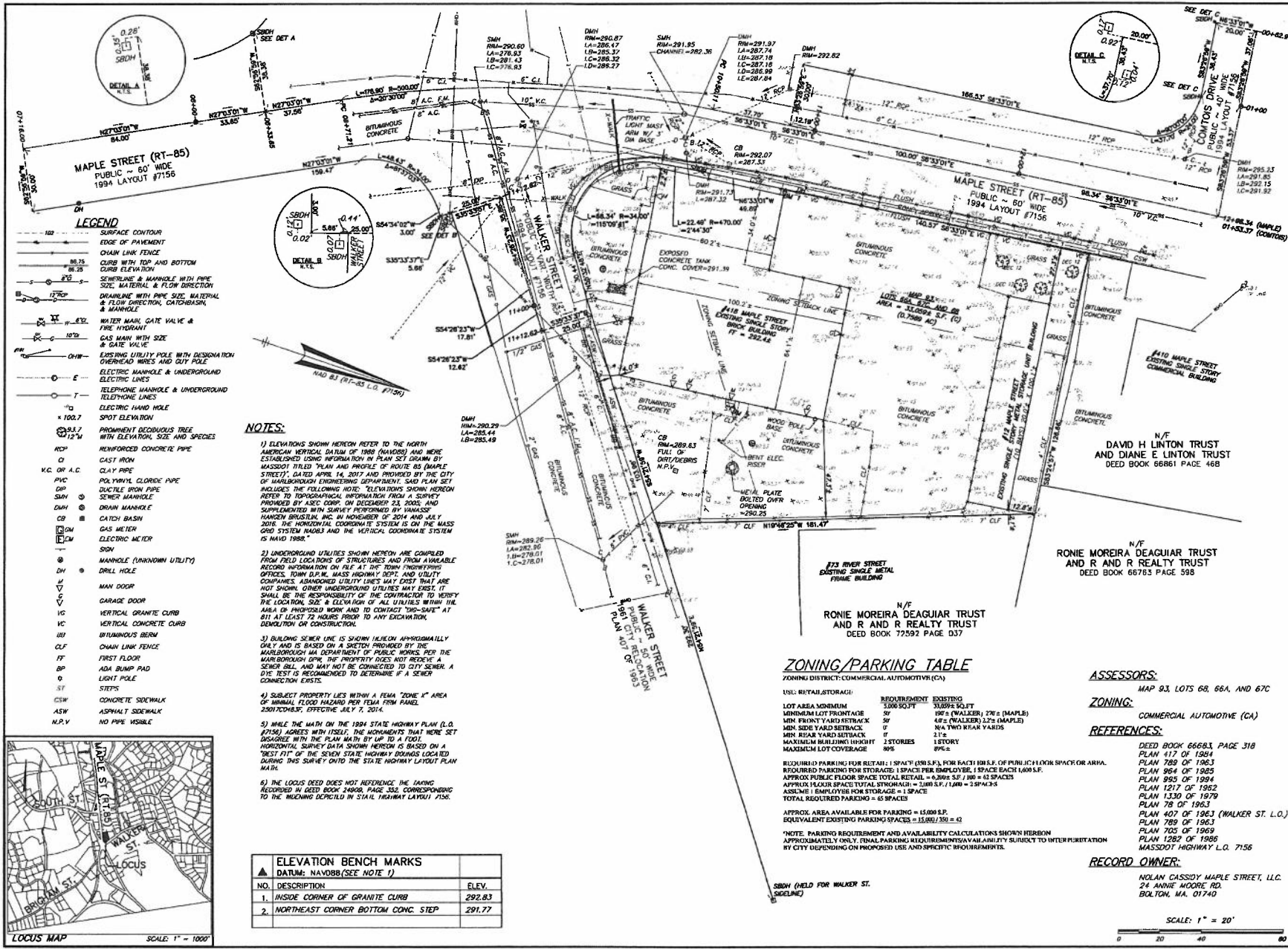
Civil Engineers
Land Surveyors
Landscape Architects
Wetland Scientists

185 CENTRE STREET, DANVERS, MA 01923
VOICE (978) 777-3962, FAX (978) 774-7818
WWW.HANCOCKASSOCIATES.COM



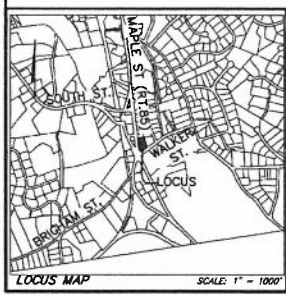
EXISTING CONDITION PLAN OF LAND IN MARLBOROUGH, MA

DATE: 1/23/20 DRAWN BY: JLS
SCALE: 1" = 20' CHECK BY: JLS
LAYOUT: EC
SHEET: 1 OF 1
PROJECT NO.: 24297



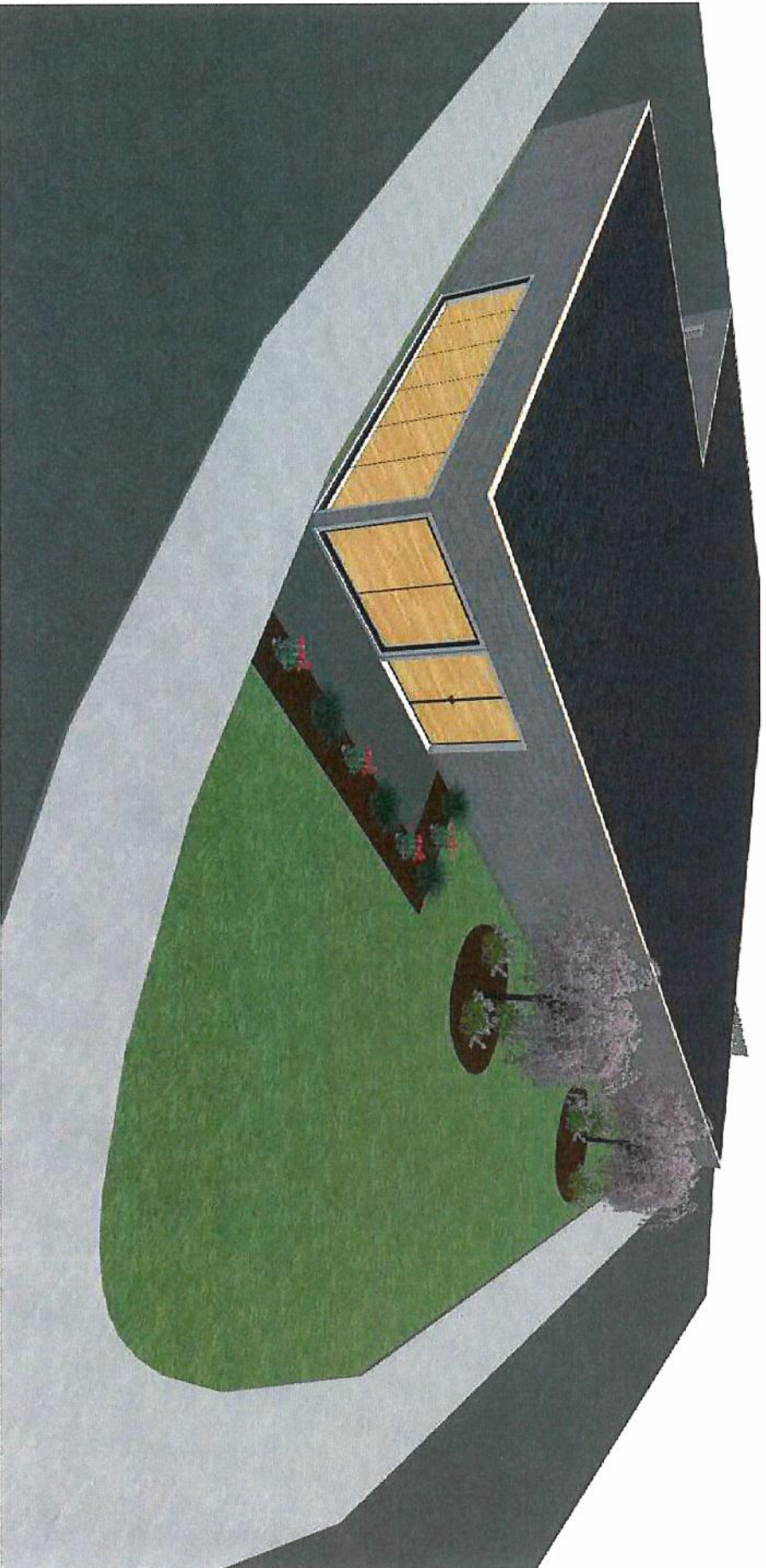
ELEVATION BENCH MARKS
DATUM: NAVD83 (SEE NOTE 1)

NO.	DESCRIPTION	ELEV.
1.	INSIDE CORNER OF GRANITE CURB	292.83
2.	NORTHEAST CORNER BOTTOM CONC. STEP	291.77



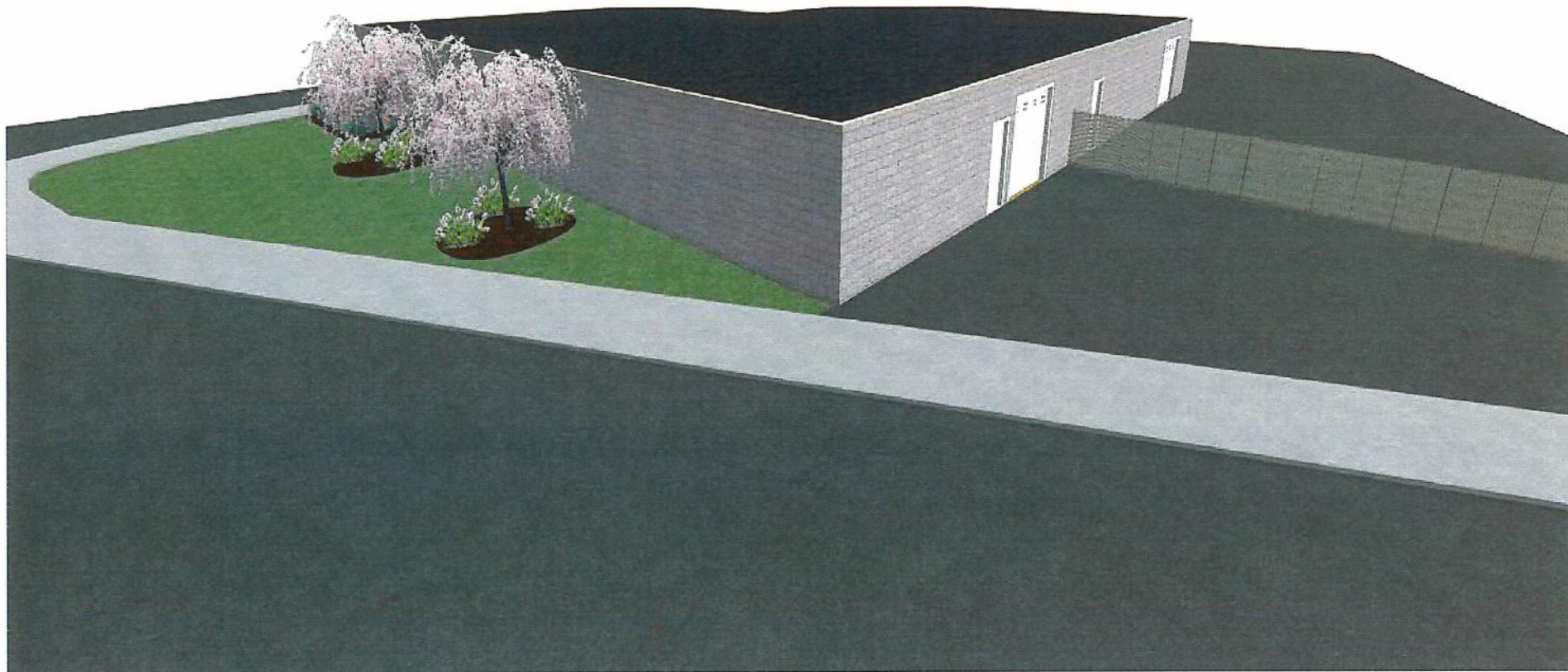


SPEEDY
AUTO BODY





SPEEDY
AUTO BODY



ATTACHMENT

B



planting strip and street trees

foundation plantings

Solid fence to screen storage

Heavily landscaped gateway plantings

CONTOIS DRIVE

MAPLE STREET

MILL STREET CENTRAL

WALKER STREET

50
4807 SF

49
3947 SF

66A
9149 SF

68
21343 SF

670
3495 SF

67
20042 SF

108
10309 SF

305

295

295

957

10.28

113.03

181.4

280

067

364.12

131.68

52.76

63.68

87

72

66
8864 SF

113

140

24.87

9.57

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