



IN CITY COUNCIL

Marlborough, Mass., JUNE 21, 2021

ORDERED:

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IN CITY COUNCIL

DECISION ON AN AMENDMENT TO A SPECIAL PERMIT

Mina Property Group LLC

and

New England Auto Max, Inc.

DECISION ON AN AMENDMENT TO A SPECIAL PERMIT

ORDER NO. 17/21-1006800K

The City Council of the City of Marlborough hereby **GRANTS** the Application for Special Permit to Mina Property Group LLC (the "Applicant") and New England Auto Max, Inc d/b/a AutoMax Service Center (the "Tenant") to amend an existing special permit to conduct a business owned and operated by Tenant for the service, repair, and minor refinishing of automotive cars and trucks on land owned by the Applicant at 408 Maple Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. Mina Property Group is a Limited Liability Company organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a principal place of business at 1199 Worcester Road, Framingham, MA 01701 hereinafter referred to as the "Applicant".
2. New England AutoMax, Inc. d/b/a Automax Service Center is a corporation organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a usual place of business at 1199 Worcester Road, Framingham, MA 01701 hereinafter referred to as the "Tenant".
3. The Applicant is the owner of land in Marlborough, MA shown as Lots #7 and #8 in Plan Book #56, Plan #20, dated November 23, 1887 and recorded in the Middlesex South District Registry of Deeds said land owned being owned by the Applicant described in said Registry of Deeds in Book 44518 Page 294. Said Lots #7 and #8 are further known as 408 Maple Street, Marlborough, MA, as shown on the City of Marlborough Assessors Maps as a portion of Map 93, Parcel 65 (hereinafter referred to as the "Site").
4. On December 4, 2017, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate an automobile service station at the Site (the "Use") in accordance with Article V, § 650-17, and § 650-18(A)(25) of the Zoning Ordinance of the City of Marlborough, as further described in a document recorded at the Middlesex South Registry of Deeds in Book 70535, Page 186 (the "Original Special Permit.").



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5. The Applicant, on or about April 15, 2021 filed with the City Clerk of the City of Marlborough, an application to amend Condition No. 20 of the Original Special Permit in order to increase the allowed signage, under the provisions of MGL Chapter. 40A § 9 and the Marlborough Zoning Ordinance (the "Application").
6. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a copy of the existing special permit dated December 4, 2017, and revised site plans for the Site in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit attached hereto as "Attachment A".
7. 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 the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
8. Pursuant to the Rules and Regulations of the City Council 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.
9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on May 24, 2021. The public hearing was held at 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, MGL Chapter 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 May 24, 2021.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use and the requested additional signage to be placed on the building and such issues with the City Council and members of the public.
11. At the public hearing, no members of the public spoke about the Use or submitted written comments about the use.
12. On June 17, 2021, the Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs and Housing Committee ("Urban Affairs") regarding the building and proposed signage changes.



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13. Tenant AutoMax Service Center currently conducts its business at 408 Maple Street, Marlborough, MA.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
- B. The City Council finds that the proposed Use of the Site, with the increased signage set forth in the conditions below, 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 in this Decision and in the Original Special Permit. 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 in this Decision and in the Original Special Permit.
- C. The City Council incorporates by reference Finding C in the Original Special Permit.
- D. The City Council incorporates by reference Finding D in the Original Special Permit.
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant an amendment to amend Conditions 1, 20, and 27 of the Original Special Permit, as follows:

By amending Condition No. 1 by inserting the following sentence at the end of the original condition:

1. Incorporated into this amended special permit are plans as amended. See **"Attachment A"**.

By amending Condition No. 20 by inserting the following paragraphs at the end of the original condition:

20. Existing Signage. Existing street signage currently erected on the subject property is a monument-type sign that is consistent in size, lay-out and design, as is other existing signage on Route 85. The existing sign on Route 85 shall be replaced with the name Meineke. The additional existing Automax signage shall also be merely replaced with the name Meineke Service Center on the front of the building and shall meet the lighting criteria as set forth in the Special Permit.



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New Signage. Upon granting of this Amendment there will be new additional signage of similar construction consistent with the existing signage currently on the building on the side of the front left corner of the building facing Route 85 and 5 new signs over the 5 service bays.

All signage at the subject location shall comply with the existing City of Marlborough sign ordinance, without variance, and shall be as shown on the Building Plan.

By amending Condition No. 27 by inserting the following paragraph at the end of the original condition:

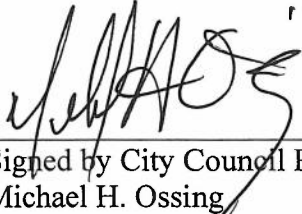
27. All plans, renderings and other documentation provided by the Applicant as part of this Amendment of a Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee are herein incorporated into and become a part of this Amendment of Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

All other conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this Decision.

In accordance with the provisions of Massachusetts General Laws Chapter 40A, §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 a Building Permit is issued. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and 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
17/21-1006800K

ORDER NO. 17/21-1006800K

ATTACHMENT

A

FRONT ELEVATION
MEINEKE
 408 Maple St
 Marlborough, MA 01752



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 contents are the property
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 written consent.

INITIAL LAYOUT:
 October 26, 2020
 REVISIONS:
 10282020
 010521

Sq. Ft. Signage: 49.50
 Signage Allowance: 49.50 Sq. Ft.
 Based on Comments from
 Sign Permit Application BP-2020-001659

72.00"

PROOF



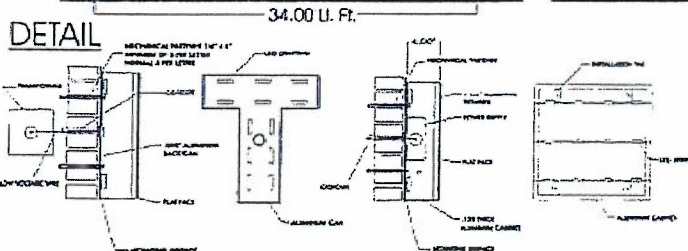
FONT: Franklin Gothic Demi (W/ CUSTOM MODIFICATIONS)

IMPOSED IMAGERY



EXISTING CONDITIONS

DETAIL



SPECIFICATIONS
 SINGLE-SIDED ILLUMINATED
 ALUMINUM CABINET

Quantity: See above
 Size: As in drawing
 Face Color: White
 Vinyl Colors: Black
 Face: Flat
 Cabinet Interior: Gloss White
 Cabinet Color: Black
 Retainer: 1.5"
 Illumination: LED
 Flush to Wall

SPECIFICATIONS
 ILLUMINATED
 CHANNEL

Quantity: See above
 Size: As in drawing
 Trim: 1"
 Trim Color: Black
 Return Color: Black
 Face Color: As in Drawing
 Face: Flat
 Letter Interior: Gloss White
 Illumination: LED
 Mounting: Flush to Wall

COLOR: PAINT AND VINYL

PAINT: (YELLOW) PMS 109 C VINYL: (YELLOW) 3M 3630-15	PAINT: (RED) PMS 185 C VINYL: (RED) 3M 3630-33
PAINT: (BLACK) PMS BLACK VINYL: (BLACK) 3M 3650-22	PAINT: (WHITE) PMS WHITE VINYL: (WHITE) 3M 3630-20

Owner/Landlord Approval _____



14-10

SIDE A ELEVATION
MEINEKE
 408 Maple St
 Marlborough, MA 01752

INITIAL LAYOUT: October 26, 2020
REVISIONS: 010521

UL Underwriters Laboratories Inc.
 UL File # E225370
 Copyright © 2018
 This device has been tested and approved for use in accordance with the requirements of the National Electrical Code (NEC) and the National Fire Protection Association (NFPA) and is listed for use in the United States.

ADDITIONAL/INFORMATIVE ALUMINUM PANEL
 50.00 Sq. Ft. (10.00 Sq. Ft. Each)
 80.00" TYP.

Brakes
Oil Change
Tune-Up
Check Engine Light
Tires/Alignment

Sq. Ft. Signage: 76.30
 Signage Allowance: 76.66 Sq. Ft.
 Based on Comments from Sign Permit Application SP-2010-001668

18.00" TYP.
 16.00" TYP.

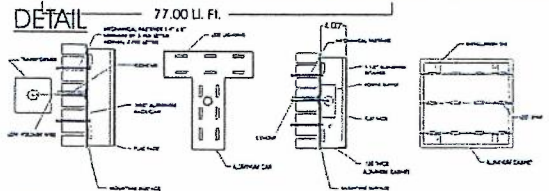
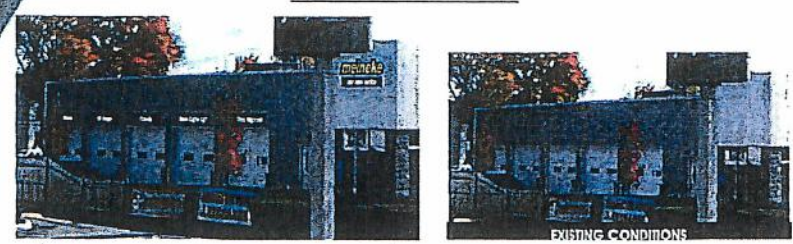
COLOR: PAINT AND VINYL

PAINT: (YELLOW) PMS 107 C VINYL: (YELLOW) 3M 3630-15	PAINT: (RED) PMS 185 C VINYL: (RED) 3M 3630-33
PAINT: (BLACK) PMS BLACK VINYL: (BLACK) 3M 3630-22	PAINT: (WHITE) PMS WHITE VINYL: (WHITE) 3M 3630-20

PROOF



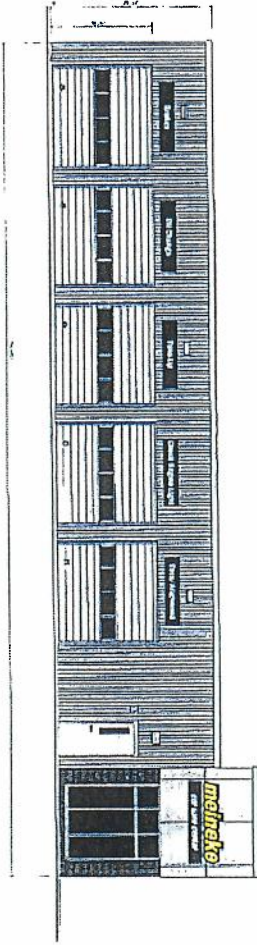
IMPOSED IMAGERY



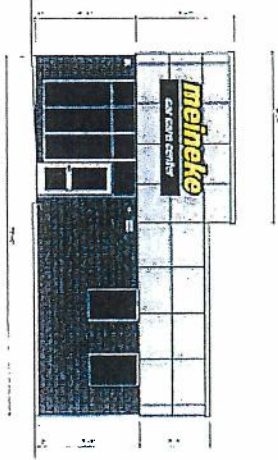
SPECIFICATIONS SINGLE-SIDED ILLUMINATED ALUMINUM CABINET	SPECIFICATIONS ILLUMINATED CHANNEL
Quantity: See above	Quantity: See above
Size: As in drawing	Size: As in drawing
Face Color: White	Face Color: White
Vinyl Colors: Black	Vinyl Colors: Black
Face: Flat	Face: Flat
Cabinet Interior: Gloss White	Cabinet Interior: Gloss White
Cabinet Color: Black	Cabinet Color: Black
Retainer: 1.5"	Retainer: 1.5"
Illumination: LED	Illumination: LED
Mounting: Flush to Wall	Mounting: Flush to Wall

Owner/Landlord Approval
 6801 Mount Hermon Church Rd. Ste C. Durham, NC 27705 • (P) 919-552-8689 • (F) 919-557-1322





FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



BACK ELEVATION

REAR ELEVATION

GROUND SIGN - REFACE

MEINEKE
408 Maple St
Marlborough, MA 01752



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Sq. Ft. Signage: N/A
Signage Allowance: Replacing the Existing Face

INITIAL LAYOUT: October 26, 2020

REVISIONS:
I 10272020
II 10282020
III 01052020
IV 01062020
V 020821

COLOR: PAINT AND VINYL

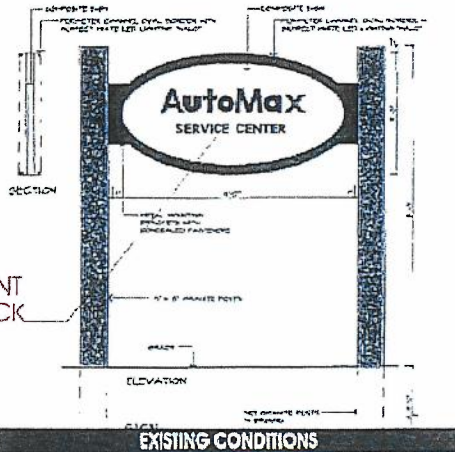
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VINYL: (YELLOW) 3M 3630-15	VINYL: (RED) 3M 3630-33
PAINT: (BLACK) PMS BLACK	PAINT: (WHITE) PMS WHITE
VINYL: (BLACK) 3M 3630-22	VINYL: (WHITE) 3M 3630-20

HAYNES
LIENECK
& SMITH
ARCHITECTS

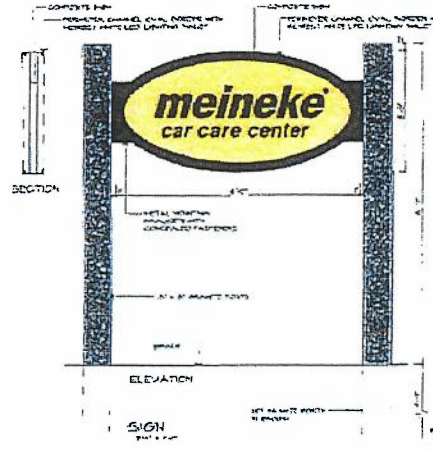
PROJECT: 2
FREESTANDING SIGN
408 MAPLE STREET
MARLBOROUGH, MASSACHUSETTS

HAYNES
LIENECK
& SMITH
ARCHITECTS

PROJECT: 2
FREESTANDING SIGN
408 MAPLE STREET
MARLBOROUGH, MASSACHUSETTS



NOTE: REMOVE AND DISPOSE OF EXISTING OVAL INSERTS AND PAINT EXISTING CABINET BLACK



PROOF
NOTE: ENGINEERING REQUIREMENTS MAY ALTER FOOTER, POLE AND PRICE



18.00 Sq. Ft.
FLAT FACE (1/8\"/>

NOTE: PRODUCTION FILE TO BE USED SUPPLIED BY CLIENT

SPECIFICATIONS
NON-ILLUMINATED PANEL REPLACEMENTS

IMPOSED IMAGERY

Quantity: See above
Size: As in drawing
Face Color: As in drawing
Vinyl Colors: As in drawing
Face: Flat
Material: 1/8\"/>

Owner/Landlord Approval _____



SITE PLAN

MEINEKE

408 Maple St
Marlborough, MA 01752

 Underwriters Laboratories Inc.
UL File #E225670

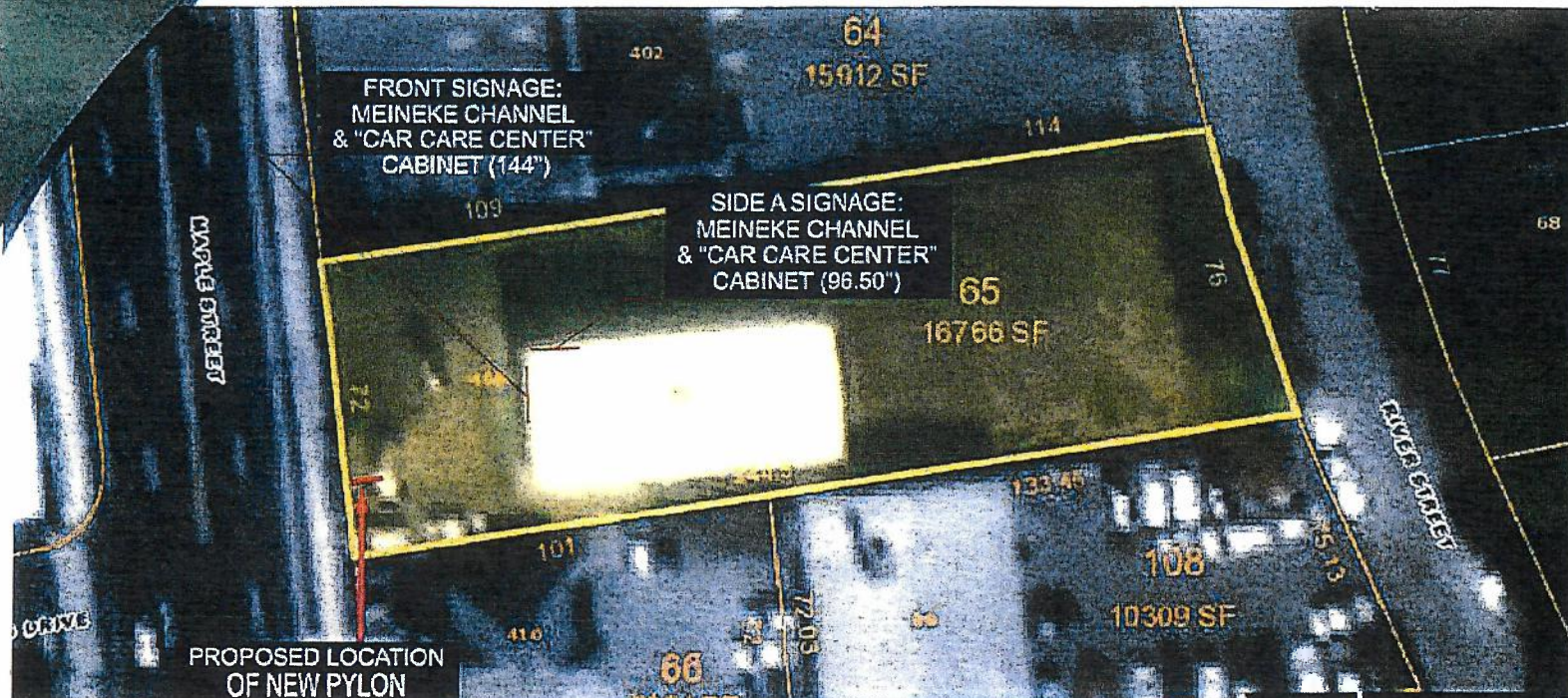
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INITIAL LAYOUT: October 26, 2020

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SITE PLAN



Owner/Landlord Approval _____

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14-14

ENTIRE SITE

MEINEKE

**408 Maple St
Marlborough, MA 01752**



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INITIAL LAYOUT:
October 26, 2020

REVISIONS:
10272020
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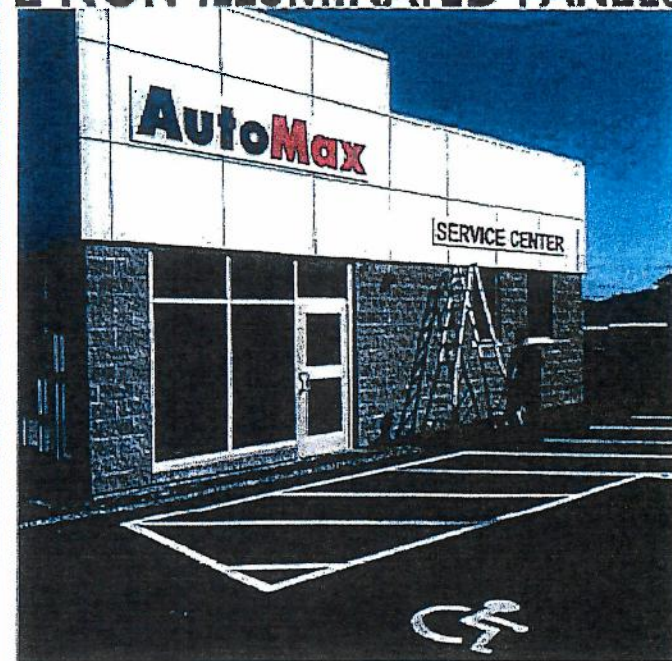
11 11 11 V

REMOVAL AND LEAVE WITH OWNER PLAN

GROUND:

FRONT ELEVATION:

2 NON-ILLUMINATED PANELS 2 NON-ILLUMINATED PANELS



Owner/Landlord Approval _____

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