

CITY OF MARLBOROUGH MEETING POSTING

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 JUL 12 A 11: 23

Meeting Name: City Council Urban Affairs Committee

Date: July 19, 2016

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

5/23/16 - Order No.16-1006579: Application by Back Bay Sign, 65 Industrial Way, Wilmington, MA on behalf of CareWell Urgent Care for a Special Permit to place a 29" x 99" LED illuminated Message Board Sign on a freestanding sign at 757 Boston Post Road East for the UMass Memorial Walk-In Urgent Care Center.

Public Hearing opened and closed on June 20, 2016

4/4/16 - Order No.16-1006517: Application by Vrej Askanian to operate an LED illuminated changeable gas pricing sign at Discount Gas Station located at 50 Main Street.

Public Hearing opened and closed on April 25, 2016

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.

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit

Carewell Urgent Care

757 Boston Post Road East

Order No. 16-1006579

DECISION ON A SIGN ORDINANCE SPECIAL PERMIT

CITY COUNCIL ORDER NO. 16-1006483B

The City Council of the City of Marlborough hereby GRANTS the application for a Sign Ordinance Special Permit to Carewell Urgent Care (the "Applicant") for the property located at 757 Boston Post Road East in Marlborough Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The owner of the property located at 757 Boston Post Road East in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 61, Parcel305 (the "Site") is "Route 20 Marlboro Properties LLC."
2. On May 12, 2016, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Applicant seeks a Sign Ordinance Special Permit pursuant to Section 526-13 of the Code of the City of Marlborough, entitled "Electronic Message Center Signs and Digital Display Signs" (the "EMC and Digital Display Sign Ordinance"), to operate a free-standing sign to include a light emitting diode message sign (the "Sign) at the Site.
3. The Sign overall is 19.94 square feet (99" wide by 29" high) with a double-faced color emitting diode message sign located below an internally illuminated sign on an free-standing pylon sign approximately 25 high. The Sign installer is Back Bay Sign 65 Industrial Way Unit I Wilmington, MA 01887.
4. In connection with the Application, the Applicant has submitted schematic design plans of the Site and signage, which plans show the Sign and location of the Sign on the Site.
5. The Marlborough City Council held a public hearing on the Application on Monday, June 20, 2016.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.
7. The Applicant further presented its Application at the Urban Affairs Committee meeting held on

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the sign complies with the standards set forth in Section 526-13B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate: and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 - 1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough. The Sign shall conform to the Sign Ordinance of the City of Marlborough without a request, or need, for a variance.
 - 2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the plan entitled "Carewell Urgent Care prepared by Back Bay Sign Dated 1-21, 2016", are incorporated into and become part of this Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

ADOPTED
In City Council
Order No. 16-1006579
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

Marlborough, Mass., _____

MAY 23, 2016

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 20, 2016** as **DATE FOR PUBLIC HEARING** On the Application for LED Sign Special Permit, Back Bay Sign on behalf of Carewell Urgent Care, 757 Boston Post Rd. East, to place a free-standing LED sign, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

Ninety days after public hearing is 09/18/16 which falls on a Sunday, therefore 07/19/16 would be considered the 90th day.

ADOPTED

ORDER NO. 16-1006579



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 MAY 12 P 4: 03

MARLBOROUGH CITY COUNCIL

LED SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

VA
P. H. 6/20/16
ADJ

LED SIGN SPECIAL PERMIT

INSTRUCTIONS: This application must be filled out and submitted to the City Council. Applicant must attach to this application a copy of the Building Commissioner's decision detailing the requirements and reason for City Council action. This application form must be signed by the applicant or his authorized agent (and the owner of the property if the owner is not the applicant) prior to submittal to the City Council.

1. Location of the property where sign is located: Street and Number:

757 Boston Post Road

2. What other signs exist on the property (type, size, location):

North elevation: 64" x 136" Channel letter wall sign, East Elevation: 52" x 110 1/2" channel letter wall sign, West Elevation: 16" x 96" cabinet sign. LED Message board will be installed on a double-pole pylon sign with a 48" x 78" sign cabinet above.

3. Are there other signs on the property of similar type to what is requested in the LED Sign Permit Application? If so, please state size and location.

Freestanding double-pole pylon sign located perpendicular with the street. LED message board will be mounted under a 48" x 78" sign cabinet.

4. Names of business or activity applying for sign:

Cavenell Urgent Care

5. Applicant:

Back Bay Sign

Street/City/Zip Code:

65 Industrial Way Unit I Wilmington, MA 01887

6. Building Owner:

Route 20 Marlboro Properties, LLC
Street/City/Zip Code:
50 Cabot St Suite 200
Needham, MA 02494

7. Contact Information. Please provide an E-mail address as well as Business and Mobile telephone numbers.

Building Owner.

E-mail: RK Centers Business: 781-320-0001 Mobile: _____

Agent/Owner of Business where sign will be located.

E-mail: _____ Business: _____ Mobile: _____

Applicant.

E-mail: jayparillo@hotmail.com Business: 617-230-4434 Mobile: _____

8. Applicant is (please check).

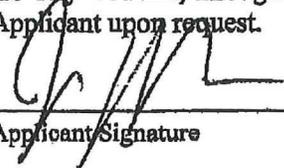
Business Owner: _____ Tenant: _____ Other (describe): sign contractor

Required Attachments

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with plans and renderings to assist the City Council in its deliberations on the application for a Special Permit for an LED Sign. Other pertinent information may be submitted with this application and may be required by the City Council.

The City Council will hold a Public Hearing on the Application for an LED Sign. Applicant shall pay for advertising of Hearing. Applicant shall obtain abutters' list from the Assessors' Office to attach to this application. Applicant shall notify abutters of Hearing and provide proof of mailing prior to the Hearing.

After the close of the Public Hearing, Applicant shall submit a draft LED Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided to Applicant upon request.


Applicant Signature

5/10/16
Date

David A. Beber
Property Owner Signature

5/11/2016
Date

RK CENTERS
50 CABOT STREET, SUITE 200
NEEDHAM, MA 02494

Landlord (RK Centers)
Tenant Plan Approval
Subject to Receipt
of All Required
Building Department Permit
and Zoning Approvals 

City of Marlborough
Commonwealth of Massachusetts



Pamela A. Wilderman
Code Enforcement
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3765
Fax: (508) 460-3736
Email: pwilderman@marlborough-ma.gov

May 6, 2016

Edward M. Clancy, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Carewell Urgent Care
LED Message Sign Application
757 Boston Post Road East

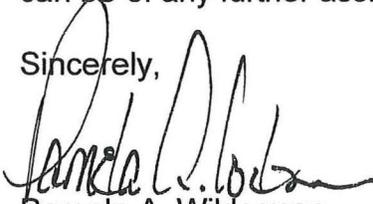
Dear President Clancy and Members:

Attached please find an application for a LED Message Board sign submitted by Back Bay Sign Company on behalf of their client, UMass Memorial. All of their other signs have been approved.

I have reviewed the application for conformance to Chapter 526 of the City Code with regards to allowable height and square footage and the sign is well within the allowable calculations.

As always, please feel free to contact this office if you have any questions or if I can be of any further assistance to you.

Sincerely,


Pamela A. Wilderman
Code Enforcement Officer

cc: Back Bay Sign
File



CITY OF MARLBOROUGH

**Building Department
(508) 460-3776**

**BUILDING
PERMIT
JOB WEATHER CARD**

PERMIT NO **BP-2016-000558**
ISSUE DATE **04/28/2016**
APPLICANT **Back Bay Signs**

PERMIT TO

AT (LOCATION) **757 Boston Post Road East, MARLBOROUGH, MA** ZONING DISTRICT Bldg. Type: **Commercial**

SUBDIVISION MAP BLOCK LOT **61-30** BUILDING IS TO BE: **CONST TYPE** USE GROUP

WORK DESCRIPTION
Free Standing LED Message Sign "Carewell Urgent Care", Length 99", Width 29", Height 25', Area 20 SQFT.

CONTRACTOR
LICENSE **0000**
Construction Supervisor
SIGN INSTALLATION

AREA (SQ FT) **10,967,405.6** EST COST(\$)**1000.00** PERMIT FEE (\$)**50.00**

OWNER **ROUTE 20 MARLBORO PROPERTIES LLC**
ADDRESS **C/O RK CENTERS**

BUILDING DEPT BY
PHONE

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE		
	OTHER:	

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.



Pylon Sign - LED Message Board

City of Marlborough BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752

APR 28 2016

Date: April 21 2016

Permit No. BP-2016-000558

Address/Location of Sign 757 Boston Post Rd

Name of Business Carewell Urgent Care

Name of Owner of Business Carewell Urgent Care Telephone 617-230-4434

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 99" Width 29" Height (Free Standing) 25' Area 20

Location of Sign on Bld. North South East West

Dimensions Façade:

FRONT: 56' SIDE: 67'

Length _____ Width _____ Area _____

Signature of Responsible Party Telephone 617-230-4434

Installer Company Back Bay Sign Telephone 617-230-4434

Email jay.parillo@hotmail.com

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

Signature

Date 4/16/16

Cost of Sign(s) _____

Permit Fee \$ 50.00



CareWell
URGENT CARE

Landlord (FK Centers)
 Tenant Plan Approval
 Subject to Receipt
 of All Required
 Building Department Permit
 and Zoning Approvals
PRS
 5/11/16

757 Boston Post Road, Marlborough, MA

BBS BACK BAY SIGN
 65 Industrial Way Wilmington, MA
 tel.978.203.0570 • fax.978.203.0573
 www.backbaysign.com

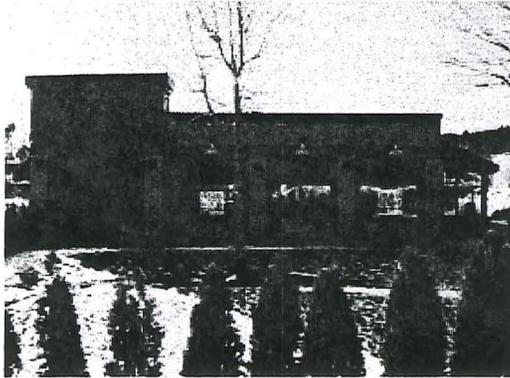
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Rev#	Revision Notes	DATE	BY
1	Initial sketch.	1/21/16	MB
1	Permit Sketch		
Customer Approval <input checked="" type="checkbox"/>		Date	

Customer: CareWell
 Contact Name: David Lowe
 Contact Tel: 617-302-4194
 Site Address: 757 Boston Post Rd
 Marlborough, MA

Job#: -----
 Project Mgr: PD
 Account Rep: PD
 Date: 1/21/2016
 Page: 1 of 6

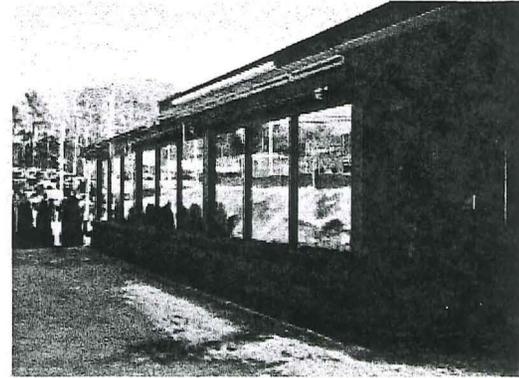
North Elevation



East Elevation



West Elevation



EXISTING CONDITIONS

Main ID Pylon



Landlord (FK Centers)
 Tenant Plan Approval
 Subject to Receipt
 of All Required Permit
 Building Department Approval
 and Zoning Approvals
MB
 5/11/16

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65 Industrial Way Wilmington, MA
 tel.978.203.0570 • fax.978.203.0573

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Customer Approval <input checked="" type="checkbox"/> Date _____			

Customer: CareWell
Contact Name: David Lowe
Contact Tel: 617-302-4194
Site Address: 757 Boston Post Rd
Marlborough, MA

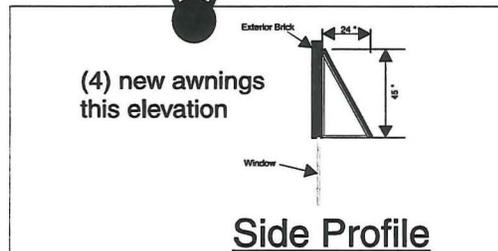
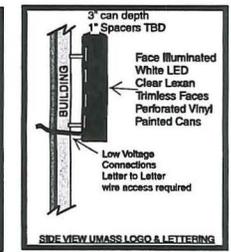
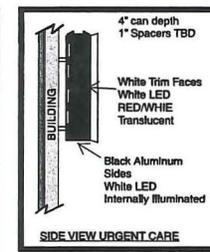
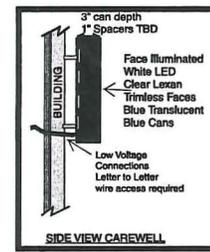
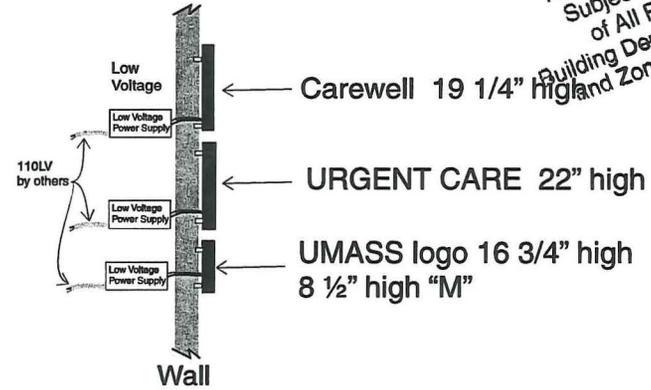
Job#: -----
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 2 of 6



North Elevation: 56 Linear Feet



Landlord (FK Centers)
Tenant Plan Approval
Subject to Receipt
of All Required
Building Department Permit
and Zoning Approvals
DCS
5/11/16



COLOR DETAILS	
	RED PMS 186
	Blue PMS 2955
	Umass Logo PMS 072
	Black

PROPOSED SIGN **SIGN AREA: 60.5 SQ.FT.** **DRAWING SCALE: 1/4" = 1'-0"**
 Wall Mounted Face illuminated Channel letters, sign cabinet

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 65 Industrial Way Wilmington, MA
 tel.978.203.0570 • fax.978.203.0573
 www.backbaysign.com

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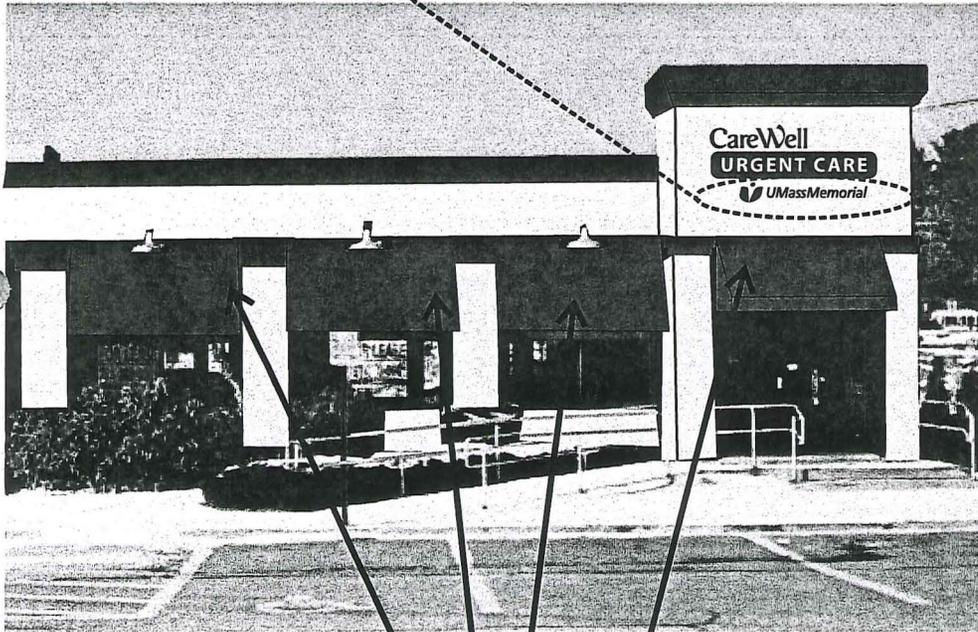
Customer Approval Date _____

Customer: CareWell
Contact Name: David Lowe
Contact Tel: 617-302-4194
Site Address: 757 Boston Post Rd
Marlborough, MA

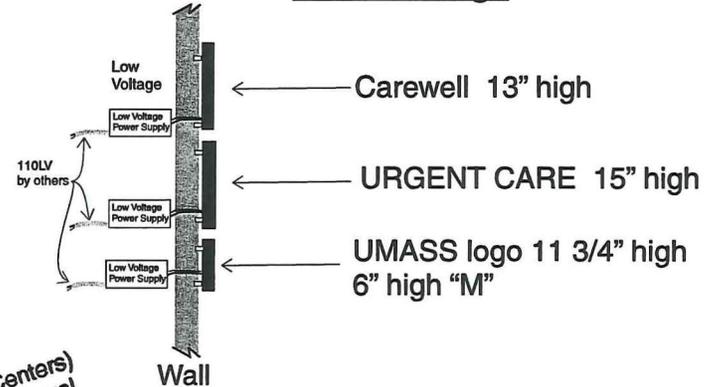
Job#: -----
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 3 of 6

East Elevation - Channel Letters

UMASS TO BE
INSTALLED AT A LATER
DATE

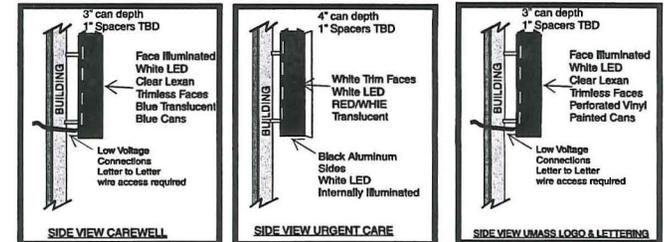


East Elevation: 67 Linear Feet

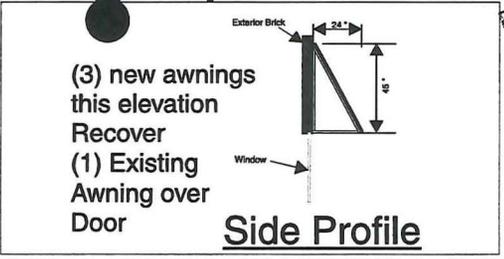


Landlord (PK Centers)
Tenant Plan Approval
Subject to Receipt
of All Required
Building Department Permit
and Zoning Approvals

DRS
3/11/16



COLOR DETAILS	
	RED PMS 186
	Blue PMS 2955
	Umass Logo PMS 072
	Black



(3) new awnings
this elevation
Recover
(1) Existing
Awning over
Door

PROPOSED SIGN **SIGN AREA: 40 SQ.FT.** **DRAWING SCALE: 1/4" = 1'-0"**

Wall Mounted Face illuminated Channel letters, sign cabinet

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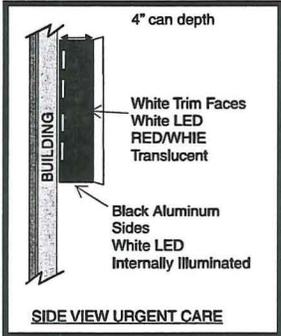
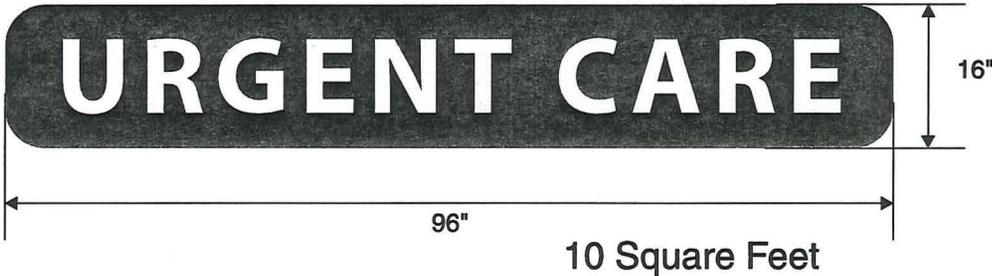
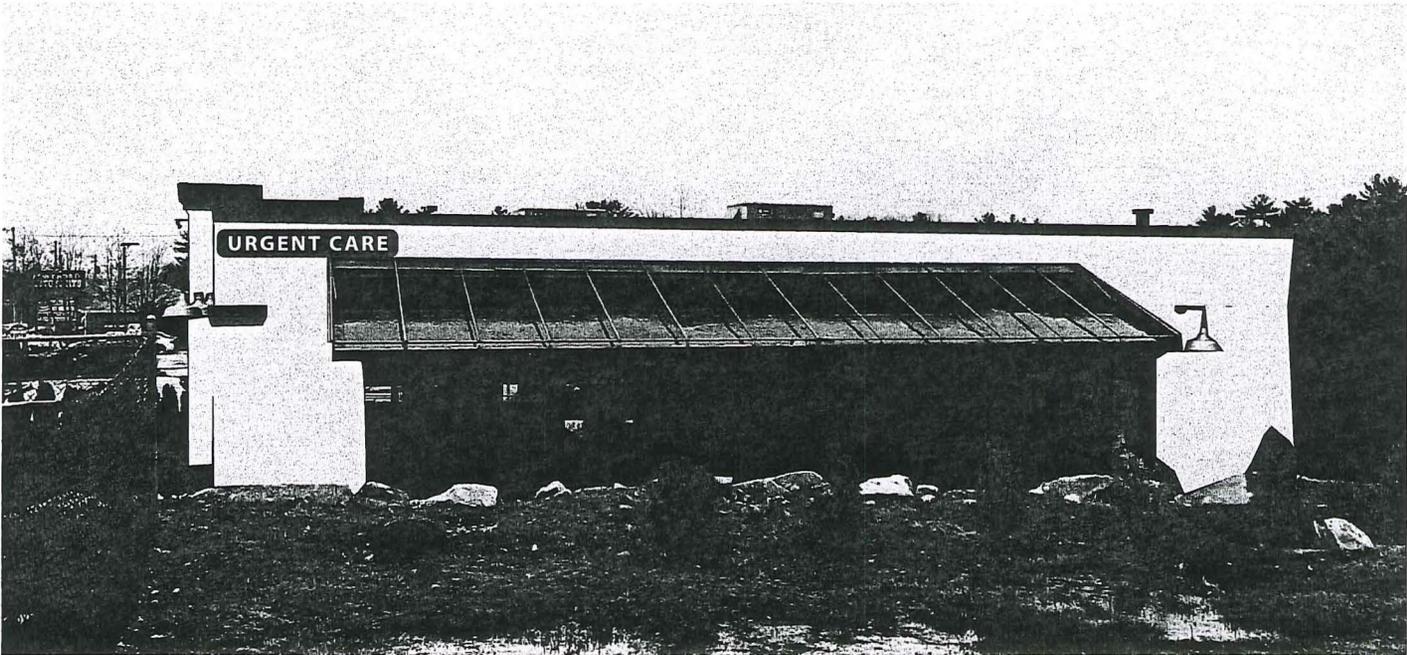
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1	Permit Sketch		

Customer Approval X _____ Date _____

Customer: CareWell
Contact Name: David Lowe
Contact Tel: 617-302-4194
**Site Address: 757 Boston Post Rd
Marlborough, MA**

Job#: -----
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 4 of 6

West Elevation:67 Linear Feet



Landlord (RK Centers)
 Tenant Plan Approval
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 and Zoning Approvals
ASB 5/11/16

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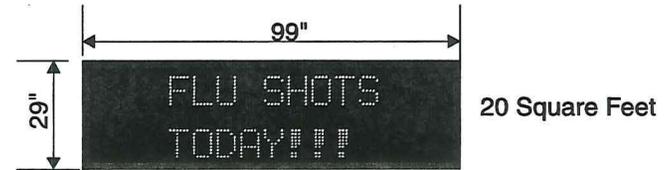
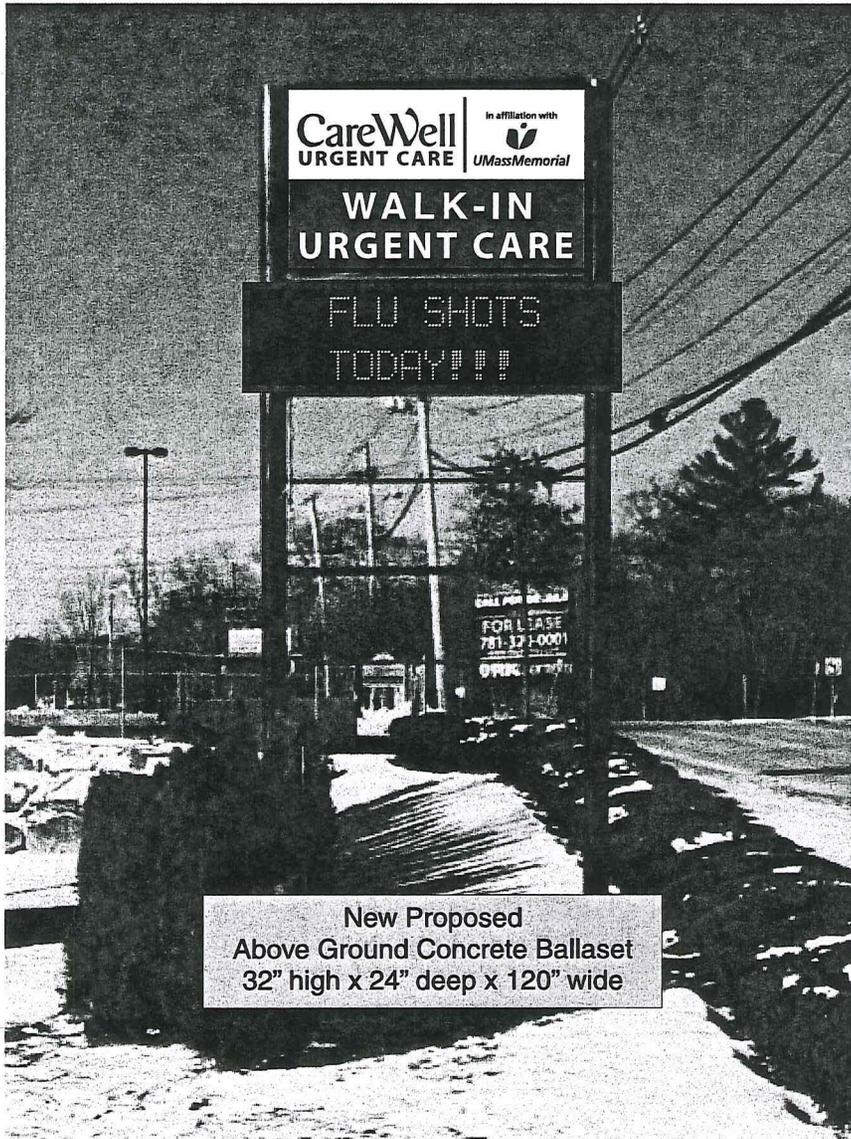
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Site Address: 757 Boston Post Rd
Marlborough, MA

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Account Rep: PD
Date: 1/21/2016
Page: 5 of 6

Main ID Pylon



Top View



Landlord (HK Centers)
 Tenant Plan Approval
 Subject to Receipt
 of All Required
 Building Department Permit
 and Zoning Approvals
9/23/16

PROPOSED SIGN	SIGN AREA: 46 SQ.FT.	DRAWING SCALE: 1/4" = 1'-0"
1 - 78"x 48"x 6" Internally Illuminated Double Faced Sign Cabinet with Lexan faces and Translucent Vinyl.		
2 - Single Faced 99"x 29" LED Message Boards. Electrical by others.		

BBS BACK BAY SIGN
 65 Industrial Way Wilmington, MA
 tel.978.203.0570 • fax.978.203.0573
www.backbaysign.com

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Marlborough, MA

Job#: -----
Project Mgr: PD
Account Rep: PD
Date: 1/21/2016
Page: 6 of 6

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit

Discount Gas

50 Main Street

Order No. 16-1006517

DECISION ON A SIGN ORDINANCE SPECIAL PERMIT

CITY COUNCIL ORDER NO. 16-1006517

The City Council of the City of Marlborough hereby GRANTS the application for a Sign Ordinance Special Permit to Vrej Askanian, Discount Gas (the "Applicant") for the property located at 50 Main Street in Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The owner of the property located at 50 Main Street in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 70, Parcel 226 (the "Site") is Vrej Askanian, 231 N. Oxford Street, Auburn, MA 01501.
2. City of Marlborough Building Permit No. BP-2016-000198 issued on March 1, 2016 for a Freestanding Sign "Discount Gas" Length 3", Width 8", Height 14."
3. On March 1, 2016, City of Marlborough Code Officer notified Applicant that a Planning Board Variance and a City Council Special Permit are in order to use the LED pricing sign.
4. On March 21, 2016, the Applicant was granted a Marlborough Planning Board Variance with conditions that the sign be turned off when the service station is not open for business and that all other extraneous signage be removed from the site.
5. On March 29, 2016, the Applicant submitted to the City Clerk for the City of Marlborough an EMC/Digital Display LED Sign Permit Application (the "Application"). The Applicant seeks a Sign Ordinance Special Permit pursuant to Section 526-13 of the Code of the City of Marlborough, entitled "Electronic Message Center Signs and Digital Display Signs" (the "EMC and Digital Display Sign Ordinance"), to operate a free-standing sign consisting of an LED (light emitting diode) changeable gas pricing sign (the "Sign") at the Site.
6. In connection with the Application, the Applicant has submitted a picture of the Site and the sign as presently installed on the Site.
7. The Marlborough City Council held a public hearing on the Application on Monday, April 25, 2016. The Public Hearing was closed on April 25, 2016.
8. The Applicant presented testimony at the public hearing that the changeable portion of the sign will be used to advertise gas prices which is crucial to the success of his business. John Rowe, Rowe Funeral Home, 57 Main Street, submitted that although not opposed to the sign, it should

not be operational until Applicant completes required site work. Applicant testified that he continues to work with the Site Plan Review Committee on all items.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the sign complies with the standards set forth in Section 526-13B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough and in compliance with the Variance issued by the Marlborough Planning Board;
 2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the City Council's Urban Affairs Committee are incorporated into and become part of this Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

ADOPTED
In City Council
Order No. 16-1006517
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

Marlborough, Mass., APRIL 4, 2016

ORDERED:

That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** Application for LED Sign Permit, Discount Gas, 50 Main St, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

Ninety days after public hearing is 07/24/16 which falls on a Sunday, therefore 07/25/16 would be considered the 90th day.

ADOPTED

ORDER NO. 16-1006517



City of Marlborough

12

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MARLBOROUGH CITY COUNCIL

2016 MAR 29 P 1:46

LED SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

LED SIGN SPECIAL PERMIT

UA p.w. 4/25/16
ADV

INSTRUCTIONS: This application must be filled out and submitted to the City Council. Applicant must attach to this application a copy of the Building Commissioner's decision detailing the requirements and reason for City Council action. This application form must be signed by the applicant or his authorized agent (and the owner of the property if the owner is not the applicant) prior to submittal to the City Council.

1. Location of the property where sign is located: Street and Number:

50 MAIN ST

2. What other signs exist on the property (type, size, location):

NONE

3. Are there other signs on the property of similar type to what is requested in the LED Sign Permit Application? If so, please state size and location.

NO

4. Names of business or activity applying for sign:

DISCOUNT GAS

5. Applicant:

NREJ ASKANIAN

Street/City/Zip Code:

50 MAIN ST MARLBORO MA 01752

6. Building Owner:

VREJ ASKANIAN
Street/City/Zip Code:
SAME

7. Contact Information. Please provide an E-mail address as well as Business and Mobile telephone numbers.

Building Owner.

E-mail: ASKANIANVREJ@HOTMAIL.COM Business: 5084607771 Mobile: 5089047721
Agent/Owner of Business where sign will be located.

E-mail: _____ Business: _____ Mobile: _____

Applicant.

E-mail: _____ Business: _____ Mobile: _____

8. Applicant is (please check).

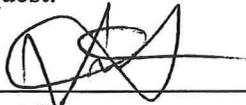
Business Owner: _____ Tenant: _____ Other (describe): _____

Required Attachments

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with plans and renderings to assist the City Council in its deliberations on the application for a Special Permit for an LED Sign. Other pertinent information may be submitted with this application and may be required by the City Council.

The City Council will hold a Public Hearing on the Application for an LED Sign. Applicant will be responsible for advertising and mailing costs.

After the close of the Public Hearing, Applicant shall submit a draft LED Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided upon request.



Applicant Signature

3-29-16

Date

Property Owner Signature

Date

NOTE: New LED Sign(s) may not be erected until the City Council LED Sign Special Permit has been granted and building permit has been issued by the Building Department.

City of Marlborough

Commonwealth of Massachusetts



PLANNING BOARD

Barbara L. Fenby, Chair

Colleen M. Hughes

Philip J. Hodge

Edward F. Coveney

Sean N. Fay

Shawn McCarthy

Brian DuPont

Melissa Peltier - Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: MPeltier@marlborough-ma.gov

March 23, 2016

Vraj Askanian
Discount Gas
50 Main Street
Marlborough, MA 01752

Mr. Askanian

At the regularly scheduled meeting of the Marlborough Planning Board on March 21, 2016, the Board took the following action.

8. Signs:

A. Discount Gas, 50 Main Street, Internal Illumination

Ms. Hughes read the denial letter from Code Enforcement Officer Wilderman into the record. In attendance to discuss the variance request were Ms. Grace Kanoon and Mr. Vrej Askanian.

Mr. Fay questioned several aspects about the site and signage, including but not limited to: Hours of operation, additional site signage and who the installing company is/was. After receiving answers to the questions the Board took the following action.

On a motion made by Mr. Fay seconded by Ms. Hughes it was voted to approve the requested variance for the sign as presented with the exception of any L.E.D. usage and with the conditions that the sign be turned off when the service station is not open for business and that all other extraneous signage is removed from the site. Motion carried.

The Board then directed the applicant to the City Council to appeal for the use of the L.E.D. portion of the sign.

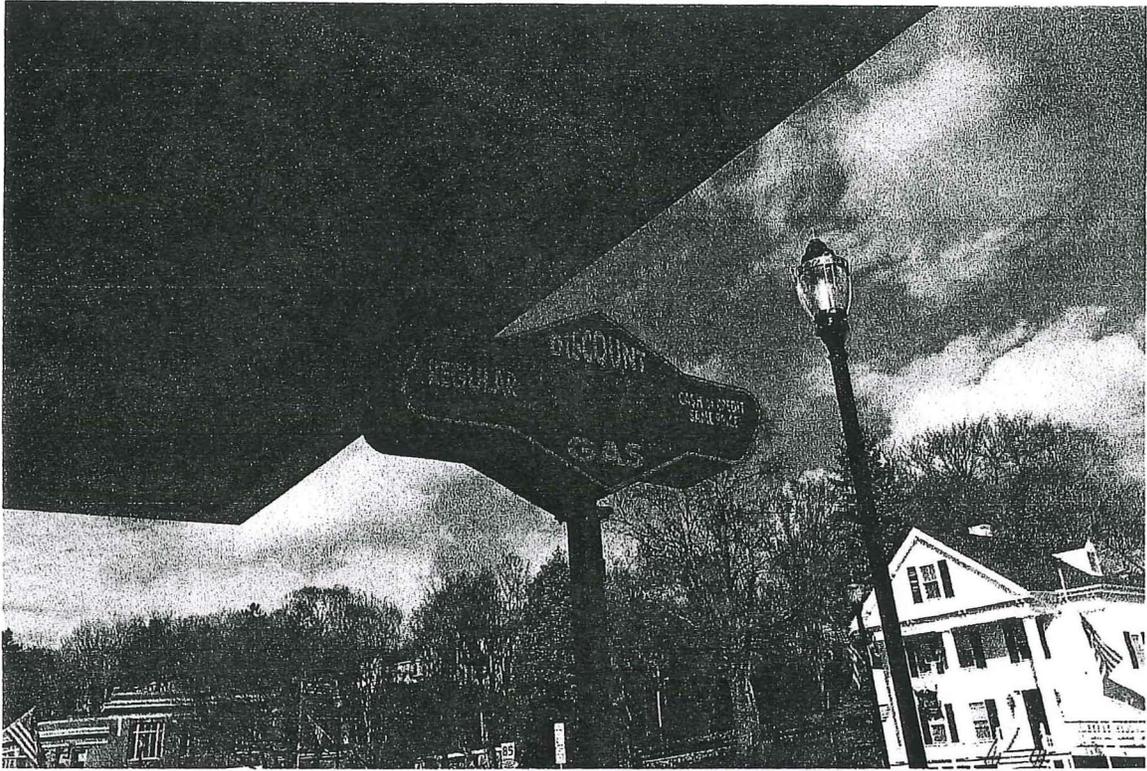
Should you have any questions or concerns regarding this information please do not hesitate to contact the Board Secretary as listed above.

Regards,

Barbara L. Fenby
Chairperson

/Map

50 MAIN ST MARLBORO



The proposed modification was referred back to the Engineering Department for additional information especially regarding the ability to produce the required documentation (engineering) in house as opposed to having to use an outside firm. The Board will await further information from the Engineering Department.

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None

7. Definitive Subdivision Submission: None

8. Signs:

A. Discount Gas, 50 Main Street, Internal Illumination

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The Board then directed the applicant to the City Council to appeal for the use of the L.E.D. portion of the sign.

9. Unfinished Business:

A. Blackhorse Farms Update (April 29, 2016)

City Engineer Pilachowski reported out to the Board that the developer has 2 lots built, 3 lots requested for permitting and 4 lots currently in front of the Conservation Commission for review. The developer is moving forward aggressively in an attempt to finish the subdivision in the time allotted.

B. Mauro Farms (April 12, 2016) Update/Request for Extension

Mr. Fay noted his conflict for the record.

Ms. Hughes read the correspondence from City Engineer Pilachowski into the record.

On a motion made by Mr. Fay, seconded by Ms. Hughes the correspondence was accepted and placed on file. Motion carried.

Mr. Daniel Ruiz was in attendance to discuss any issues with the Board.

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to allow for the extension of time to finish the subdivision until May 10, 2016. Motion carried.

CITY OF MARLBOROUGH
APPLICATION FOR SIGN APPEAL/VARIANCE TO PLANNING BOARD

8A



INSTRUCTIONS: (Ask Planning Board for assistance if necessary) This application must be filed with the Planning Board (which hears the appeal) within 30 days of the date of the decision of the Building Inspector from which appeal was taken. (See item #7 below) Applicant must attach to this application a copy of the Building Inspector's decision (usually a denial of a sign permit). This application form must be signed by the applicant or his authorized agent (and the owner of the property if the owner is not the applicant). The Planning Board agent will sign the form after the receipt of the \$25.00 filing fee (if check, make out to "City of Marlborough"). Please print clearly.

1. Location of property where sign is located: Street & No: 50 MAIN ST.

What other signs exist on the property (type, size, location): (NONE) only movable
Board Sign

Are there other signs on the property of similar type to what is requested in appeal (size & location):
N/A

2. Name of business or activity applying for sign: DISCOUNT GAS

3. Applicant: VREJ ASKANIAN Street: 231 N. OXFORD ST. City: AUBURN, MA Zip: 01501

4. Building owner: VREJ ASKANIAN Street: Same City: Same Zip: _____

5. Tel. #'s Building owner: (508) 904-7771 Business with sign: 508 460-7771 Applicant: 508 904-7771

6. Applicant is Building Owner Tenant Other (describe): _____

7. Date of Building Inspector's decision from which appeal is taken: _____
 (Attach copy of denial of sign permit.)

8. The Section of the Sign Ordinance in question is: Chapter 163 Section: _____

Section Heading: _____

9. Description of Sign: Pre existing logo sign for Gas Station

10. Give a brief outline why permit was refused and what you want to do with the sign in question:

requesting variance for permit to light up the LED lights within the sign, for current-GAS PRICES

11. Other pertinent information may be submitted with this application and may be required by the Planning Board. You/representative must present your case in person before the Planning Board.

I hereby request a hearing before the Planning Board with reference to the above noted application.

Signed: [Signature] Date: 3-7-16 Building Owner: [Signature]
 Applicant

Received from the above applicant, the sum of \$25.00 made payable to "City of Marlborough" to apply against administrative costs.

Planning Board Agent: [Signature] Date: 3-8-16

Hearing Scheduled for: March 21, 2016

This is your official notification of hearing and receipt of filing fee.

check 1129

NEW SIGNS MAY NOT BE ERECTED UNTIL APPEAL HAS BEEN GRANTED AND PERMIT HAS BEEN ISSUED. form-sign-appea

City of Marlborough
Commonwealth of Massachusetts



Pamela A. Wilderman
Code Enforcement
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3765
Fax: (508) 460-3736
Email: pwilderma@marlborough-ma.gov

March 1, 2016

Vrej Askanian, Trustee
Grace Kanoon, Trustee
V & G Realty Trust
231 Oxford Street North
Auburn, MA 01501-1526

RE: LED Sign
50 Main Street
Marlborough, MA

Dear Mr. Askanian and Ms. Kanoon:

A review of the sign ordinance shows that in the Downtown Sign District (of which 50 Main Street is a part) internally illuminated signs are not allowed at all. This means that in order to continue to use your LED pricing sign you would first need to apply for and receive a variance from the Marlborough Planning Board and then apply to the City Council for the LED sign.

Attached please find an application for a sign variance which should be filled out and returned to Melissa Peltier at 508 460-3769 or mpeltier@marlborough-ma.gov to be placed on the next available Planning Board agenda.

I apologize for the confusion on this matter but unfortunately there are several different regulations governing signs in this district.

Sincerely,

Pamela A. Wilderman
Code Enforcement Officer

cc: City Council
Planning Board
File



Downtown Sign Ord.

IN CITY COUNCIL

JANUARY 13, 2003

Marlborough, Mass., PAGE 2 20

ORDERED:

- (b) **Number of Signs.**
 - [1] Flat wall signs: The number of flat wall signs shall be one per facade.
 - [2] Freestanding signs: The number of freestanding signs shall be one per structure.
- (c) **Lighting.**
 - [1] Interior illuminated signs: Interior illuminated signs are not allowed either on the exterior of the facade, on freestanding signs, or in the interior of windows.
 - [2] Back-lit awnings: Back-lit awnings are not allowed.
- (d) **Window Signs.**
 - [1] Permanent signs on windows cannot exceed 30% of the window area on the main floor and 40% of the window area on windows above the main floor.
 - [2] Permanent signs on doors cannot exceed four square feet per establishment.
 - [3] Temporary signs on windows cannot exceed 30% (thirty) of the window area, inclusive of permanent signs.
- (e) **Design Review Board.**
 - [1] Applications for all signs within the Downtown Business District shall be subject to the review and approval of the Marlborough Design Review Board.
 - [2] The Marlborough Historic Districts Commission shall serve as the Marlborough Design Review Board.
 - [3] The Marlborough Design Review Board shall adopt reasonable regulations for the review of sign applications for the Downtown Business District.
 - [4] The term of the Design Review Board shall be one year from the date of adoption of this amendment.

First reading, suspended; second reading, adopted; passage to be enrolled, adopted; passage to be ordained, adopted. No objection to passage in one evening. (Councilor Evangelous abstained)

**ADOPTED as amended
In City Council
Order No. 03-9898A
Adopted January 27, 2003**

**Approved by Mayor
William J. Mauro, Jr.
Date: January 30, 2003**

**A TRUE COPY
ATTEST:**

Jo Ann E. Reynolds
City Clerk



CITY OF MARLBOROUGH

Building Department
(508) 460-3776

**BUILDING
PERMIT
JOB WEATHER CARD**
PERMIT TO

PERMIT NO **BP-2016-000198**

ISSUE DATE **03/01/2016**

APPLICANT

AT (LOCATION) **50 MAIN ST, MARLBOROUGH, MA 01752** ZONING DISTRICT Bldg. Type: **Commercial**

SUBDIVISION MAP BLOCK LOT **70-226** BUILDING IS TO BE: CONST TYPE USE GROUP

WORK DESCRIPTION
Free Standing Sign "Discount Gas" Length 3", Width 8", Height 14", North.

CONTRACTOR
LICENSE **0000**
Construction Supervisor
SIGN INSTALLATION

AREA (SQ FT) **262,666,364** EST COST(\$) **100.00** PERMIT FEE (\$) **50.00**

OWNER **V & G Realty Trust**

BUILDING DEPT BY

ADDRESS **231 Oxford Street North**
Auburn MA 015011526

PHONE

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE
APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.
WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE		
	OTHER:	

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.