



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**FEBRUARY 5, 2018**

Regular meeting of the City Council held on Monday, February 5, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, and Irish. Absent: Landers. Meeting adjourned at 8:30 PM.

City Council President Clancy recognized Officer Zachary Attaway who was recently promoted to Sergeant.

**ORDERED:** That the Minutes of the City Council meeting JANUARY, 22, 2018, **FILE AS AMENDED**; adopted.

**ORDERED:** That the Communication from City Councilor Delano - Proposed Zoning Amendments – for Medical and Recreational Marijuana, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY FEBRUARY 26, 2017**; adopted.

**ORDERED:** Communication from the Mayor re: various mid-year transfer requests which moves funds from and to various accounts as noted in the attached refer to **FINANCE COMMITTEE**; adopted.

| CITY OF MARLBOROUGH<br>BUDGET TRANSFERS -- |             |  |        |                           |              |   |        |                        |                      |
|--|-------------|--|--------|---------------------------|--------------|---|--------|------------------------|----------------------|
| DEPT:                                      |             | Department of Public Works/Public Facilities |        |                           |              | FISCAL YEAR:                                |        | 2018                   |                      |
| FROM ACCOUNT:                              |             |  |        |                           |              | TO ACCOUNT:                                 |        |                        |                      |
| Available<br>Balance                       | Amount      | Org Code                                     | Object | Account Description:      | Amount       | Org Code                                    | Object | Account Description:   | Available<br>Balance |
| \$344,704.28                               | \$75,000.00 | 61090001                                     | 50740  | Equipment Operator        | \$75,000.00  | 14001304                                    | 53140  | Contract Services      | \$275,639.06         |
| Reason:                                    |             | Vacant Position                              |        |                           |              | Anticipated cost to cover remainder of FY18 |        |                        |                      |
| \$93,541.10                                | \$25,000.00 | 11920001                                     | 50292  | Building Maint. Craftsman | \$25,000.00  | 11920006                                    | 52469  | Repair & Maint. Bldgs. | \$99,531.71          |
| Reason:                                    |             | Vacant Position                              |        |                           |              | Anticipated cost to cover remainder of FY18 |        |                        |                      |
| \$84,370.56                                | \$60,000.00 | 14001406                                     | 54830  | Fuel & Lubricants         | \$60,000.00  | 11920006                                    | 53420  | Telephone Services     | \$26,828.65          |
| Reason:                                    |             | Decrease cost of fuel                        |        |                           |              | Anticipated cost to cover remainder of FY18 |        |                        |                      |
| \$160,000.00                               | Total       |  |        |                           | \$160,000.00 | Total                                       |        |                        |                      |

|                   | CITY OF MARLBOROUGH<br>BUDGET TRANSFERS -- |                 |  |                         |  |              |   |        |                      |  |                   |
|-------------------|--|-----------------|--|-------------------------|--|--------------|---|--------|----------------------|--|-------------------|
|                   | DEPT:                                      |                 | Department of Public Works/Public Facilities |                         |  |              | FISCAL YEAR:                                |        | 2018                 |  |                   |
|                   |  |                 | FROM ACCOUNT:                                |                         |  |              | TO ACCOUNT:                                 |        |                      |  |                   |
| Available Balance | Amount                                     | Org Code        | Object                                       | Account Description:    |  | Amount       | Org Code                                    | Object | Account Description: |  | Available Balance |
|                   |  |                 |  |                         |  |              |   |        |                      |  |                   |
| \$34,140.35       | \$10,000.00                                | 14001002        | 50062  | Finance Asst.           |  | \$88,000.00  | 14001505                                    | 54610  | General Materials    |  | \$42.21           |
|                   | Reason:                                    | Vacant Position |  |                         |  |              | Anticipated cost to cover remainder of FY18 |        |                      |  |                   |
| \$35,837.09       | \$18,000.00                                | 14001002        | 50770  | Senior Clerk            |  |              |   |        |                      |  |                   |
|                   | Reason:                                    | Vacant Position |  |                         |  |              |   |        |                      |  |                   |
| \$178,022.19      | \$60,000.00                                | 14001101        | 50710  | Jr. Civil Engineer      |  |              |   |        |                      |  |                   |
|                   | Reason:                                    | Vacant Position |  |                         |  |              |   |        |                      |  |                   |
| \$401,441.82      | \$60,000.00                                | 14001503        | 50740  | Equipment Operators     |  | \$79,000.00  | 14001506                                    | 54640  | Park Maintance       |  | \$13.07           |
|                   | Reason:                                    | Vacant Position |  |                         |  |              | Anticipated cost to cover remainder of FY18 |        |                      |  |                   |
| \$131,784.22      | \$19,000.00                                | 60085001        | 50850  | Sewage Tr Plt Operators |  |              |   |        |                      |  |                   |
|                   | Reason:                                    | Vacant Position |  |                         |  |              |   |        |                      |  |                   |
|                   |  |                 |  |                         |  |              |   |        |                      |  |                   |
|                   | \$167,000.00                               | Total           |  |                         |  | \$167,000.00 | Total                                       |        |                      |  |                   |

|                         |             |  |        |                       |  |             |  |          |                            |  |  |  |           |
|-------------------------|-------------|--|--------|-----------------------|--|-------------|--|----------|----------------------------|--|--|--|-----------|
|                         |             | CITY OF MARLBOROUGH<br>BUDGET TRANSFERS -- |        |                       |  |             |  |          |                            |  |  |  |           |
| DEPT: Police Department |             |  |        |                       |  |             |  | FY: 2018 |                            |  |  |  |           |
|                         |             | FROM ACCOUNT:                              |        |                       |  |             | TO ACCOUNT:  |          |                            |  |  |  |           |
| Available               |             |  |        |                       |  |             |  |          |                            |  |  |  | Available |
| Balance                 | Amount      | Org Code                                   | Object | Account Description:  |  | Amount      | Org Code   | Object   | Account Description:       |  |  |  | Balance   |
|                         |             |  |        |                       |  |             |  |          |                            |  |  |  |           |
| \$372,563               | \$15,000.00 | 12100003                                   | 51440  | Educational Incentive |  | \$10,000.00 | 12100006   | 52560    | Vehicle Maintenance & Repa |  |  |  | \$17,399  |
|                         | Reason:     | Surplus due to vacant positions            |        |                       |  |             | 2 additonal cruisers in fleet, repairs to older cruisers |          |                            |  |  |  |           |
|                         |             |  |        |                       |  |             |  |          |                            |  |  |  |           |
|                         |             |  |        |                       |  | \$5,000     | 12100005   | 54220    | Office Supplies/Expenses   |  |  |  | \$9,589   |
|                         | Reason:     |  |        |                       |  |             | Ammo, accreditation, additional class trainings          |          |                            |  |  |  |           |
|                         |             |  |        |                       |  |             |  |          |                            |  |  |  |           |
|                         | \$15,000.00 | Total                                      |        |                       |  | \$15,000.00 | Total  |          |                            |  |  |  |           |

| CITY OF MARLBOROUGH<br>BUDGET TRANSFERS -- |             |   |        |                         |             |  |              |                       |                      |
|--|-------------|---|--------|-------------------------|-------------|--|--------------|-----------------------|----------------------|
|  | DEPT:       | Various   |        |                         |             |  | FISCAL YEAR: | 2018                  |                      |
|  |             | FROM ACCOUNT:                                       |        |                         |             |  | TO ACCOUNT:  |                       |                      |
| Available<br>Balance                       | Amount      | Org Code  | Object | Account Description:    | Amount      | Org Code                                     | Object       | Account Description:  | Available<br>Balance |
| \$15,000.00                                | \$15,000.00 | 15410006  | 57075  | COA Transportation      | \$9,900.00  | 11520006                                     | 57380        | Conference & Training | \$3,289.70           |
|  | Reason:     | Received grant funding that has been used instead   |        |                         |             | To fund an opportunity expense not budgeted  |              |                       |                      |
| \$14,240.00                                | \$12,000.00 | 11620006  | 53871  | Pollworkers             | \$25,000.00 | 15430006                                     | 57710        | Veterans Benefits     | \$59,995.48          |
|  |             | City wide preliminary municipal election not needed |        |                         |             | More veterans seeking services than budgeted |              |                       |                      |
| \$3,206.55                                 | \$2,000.00  | 11620003  | 51460  | Constables at Polls     |             |  |              |                       |                      |
|  | Reason:     | City wide preliminary municipal election not needed |        |                         |             |  |              |                       |                      |
| \$29,729.12                                | \$4,000.00  | 16100003  | 50860  | Full Time Library Clerk |             |  |              |                       |                      |
|  | Reason:     | Available due to vacancies                          |        |                         |             |  |              |                       |                      |
| \$19,709.38                                | \$1,900.00  | 16100003  | 51262  | Library Pages           |             |  |              |                       |                      |
|  | Reason:     | Available due to vacancies                          |        |                         |             |  |              |                       |                      |
|  | \$34,900.00 | Total   |        |                         | \$34,900.00 | Total  |              |                       |                      |

| CITY OF MARLBOROUGH<br>BUDGET TRANSFERS -- |             |                                      |        |                           |             |                                    |              |                          |                      |
|--|-------------|--------------------------------------|--------|---------------------------|-------------|------------------------------------|--------------|--------------------------|----------------------|
|  | DEPT:       | Various                              |        |                           |             |                                    | FISCAL YEAR: | 2018                     |                      |
|  |             | FROM ACCOUNT:                        |        |                           |             |                                    | TO ACCOUNT:  |                          |                      |
| Available<br>Balance                       | Amount      | Org Code                             | Object | Account Description:      | Amount      | Org Code                           | Object       | Account Description:     | Available<br>Balance |
| \$26,705.00                                | \$2,400.00  | 12410004                             | 53140  | Bldg-Contract Services    | \$2,400.00  | 12410001                           | 50090        | Building Commissioner    | \$30,937.17          |
|  | Reason:     | Outside services not needed thus far |        |                           |             | To fund position thru June 30th    |              |                          |                      |
| \$851.42                                   | \$700.00    | 14920003                             | 51920  | Recreation Sick Leave Buy | \$700.00    | 15430001                           | 50080        | Veterans Director        | \$21,206.52          |
|  |             | Less sick leave bought than budgeted |        |                           |             | To fund position thru June 30th    |              |                          |                      |
| \$500,000.00                               | \$92,860.00 | 11990006                             | 57820  | Reserve for Salaries      | \$8,600.00  | 11350002                           | 50550        | Auditor Head Clerk       | \$24,522.20          |
|  | Reason:     |                                      |        |                           |             | Retirement payout                  |              |                          |                      |
|  |             |                                      |        |                           | \$3,000.00  | 11350003                           | 51920        | Auditor Sick Leave Buy   | \$6.48               |
|  | Reason:     |                                      |        |                           |             | Retirement payout                  |              |                          |                      |
|  |             |                                      |        |                           | \$1,880.00  | 11350003                           | 51430        | Auditor Longevity        | \$2.93               |
|  | Reason:     |                                      |        |                           |             | Retirement payout                  |              |                          |                      |
|  |             |                                      |        |                           | \$2,550.00  | 11330002                           | 50062        | Treasurer Finance Asst   | \$53,765.96          |
|  |             |                                      |        |                           |             | Retirement payout                  |              |                          |                      |
|  |             |                                      |        |                           | \$22,100.00 | 11330003                           | 51920        | Treasurer Sick Leave Buy | \$2.72               |
|  |             |                                      |        |                           |             | Retirement payout                  |              |                          |                      |
|  |             |                                      |        |                           | \$110.00    | 11330003                           | 51430        | Treasurer Longevity      | \$1,268.27           |
|  |             |                                      |        |                           |             | Retirement payout                  |              |                          |                      |
|  |             |                                      |        |                           | \$15,270.00 | 12100001                           | 50420        | Police Officers          | \$1,564,674.91       |
|  |             |                                      |        |                           |             | Retirement payout                  |              |                          |                      |
|  |             |                                      |        |                           | \$34,350.00 | 12100003                           | 51920        | Police Sick Leave Buy    | \$0.00               |
|  |             |                                      |        |                           |             | Retirement payout                  |              |                          |                      |
|  |             |                                      |        |                           | \$5,000.00  | 12100001                           | 50140        | Police Chief             | \$69,691.70          |
|  |             |                                      |        |                           |             | Accreditation stipend per contract |              |                          |                      |
|  | \$95,960.00 | Total                                |        |                           | \$95,960.00 | Total                              |              |                          |                      |

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant acceptance from the Executive Office of Elder Affairs in the amount of \$65,019.00 to provide exercise programs, transportation, additional enrichment opportunities for seniors and administrative support; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant acceptance from the Commonwealth of Massachusetts Emergency Management Agency (MEMA) in the amount of \$9,460.00 awarded to the Fire Department to purchase additional personal protective equipment; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY18 Student Awareness of Fire Education (S.A.F.E.) & FY18 Senior Safe grants awarded to the Fire Department in the amounts of \$5,407.00 & \$2,813.00 respectively to create student and senior awareness of Fire Safety programs; adopted.

ORDERED: That the Appointments of Christopher Russ & Greg Gallagher to the Planning Board for five-year terms to expire the first Monday in February 2023 and to thank Brian Dupont for his time on the Planning Board as he's not seeking reappointment, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointments of Barbara Fenby, Colleen Hughes, Sean Fay and Philip Hodge to the Planning Board for five-years terms which expire on the first Monday in February 2023, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication and documents from the Metropolitan Area Planning Council re: 1) Multifamily Design Review Guidelines 2) Multifamily Development Review Criteria, 3) Background information on TDR, 4) MA Subsidized Housing Inventory for Marlborough & 5) Housing Needs Assessment, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Application for LED Sign Special Permit, Mobil Gas Station, 656 Boston Post Road East, in proper legal form, **MOVED TO ITEM 23**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Application for LED Sign Special Permit, Halfway Café, 820 Boston Post Road East, in proper legal form, **MOVED TO ITEM 24**; adopted.

ORDERED: That the Apex Sign Request of Dalla Nails, 115 Apex Drive, Unit 1, pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That the Apex Sign Request of Batteries and Bulbs, 58 Apex Drive for (2) signs pursuant to Section 650-35H, **APPROVED**; adopted.

ORDERED: That the Apex Sign Request of MindTrek Sign, 169-11 Apex Drive pursuant to Section 650-35H, **APPROVED**.

ORDERED: That the Minutes, Conservation Commission, December 7, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, December 18, 2017, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, November 4, 2017 & December 12, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, December 19, 2017, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Ashley Gaulin & Robin Houde, 25 Shane's Lane, pothole or other road defect.
- b. Laurie Wynne, 151 Cameron Drive, residential mailbox claim 2(b).
- c. Thomas Oblak, 87 Fox Run Road, Bolton, pothole or other road defect.
- d. Carrie Pinkerton, PO Box 14670, Lexington, KY, other property damage and/or personal injury.
- e. Leslie Ruggiero, 122 Taylor Road, residential mailbox claim 2(a).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee**  
**Monday January 29, 2018**  
**In Council Chambers**

Finance Committee Members Present: Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilor Clancy.

The meeting convened at 7:00 PM.

- 1. Order No. 18-1007152 – Transfer \$32,960.00 to Fund the Assistant Building Commissioner Position** - The Finance Committee reviewed the Mayor's letter dated January 18, 2018 requesting the transfer of \$32,960.00 from the Building Department Local Inspector account to the Assistant Building Commissioner account. The Assistant Building Commissioner position is necessary for the Building Department to be able to retain an experienced local inspector who will also assist with the management of the Department. The Finance Committee voted 5 - 0 to approve the transfer.

**The Finance Committee agreed to support suspending the rules at the February 5, 2018 City Council meeting to approve the transfer.**

**The Finance Committee adjourned at 7:09 PM.**

**Suspension of the Rules requested – granted.**

ORDERED: That the transfer request in the amount of \$32,960.00 which moves funds from Local Inspector to Assistant Building Commissioner to fund the position of Assistant Building Commissioner, **APPROVED**; adopted.

|             |             |  |        |                      |             |          |                               |                        |  |           |
|-------------|-------------|--|--------|----------------------|-------------|----------|-------------------------------|------------------------|--|-----------|
|             |             | CITY OF MARLBOROUGH  |        |                      |             |          |                               |                        |  |           |
|             |             | BUDGET TRANSFERS --  |        |                      |             |          |                               |                        |  |           |
|             | DEPT:       | Inspections  |        |                      |             |          | FISCAL YEAR:                  | 2018                   |  |           |
|             |             |  |        |                      |             |          |                               |                        |  |           |
|             |             | FROM ACCOUNT:  |        |                      |             |          | TO ACCOUNT:                   |                        |  |           |
| Available   |             |  |        |                      |             |          |                               |                        |  | Available |
| Balance     | Amount      | Org Code   | Object | Account Description: | Amount      | Org Code | Object                        | Account Description:   |  | Balance   |
|             |             |  |        |                      |             |          |                               |                        |  |           |
| \$83,662.63 | \$32,960.00 | 12410001   | 50260  | Local Inspector      | \$32,960.00 | 12410001 | 50095                         | Asst Bldg Commissioner |  | \$0.00    |
|             |             |  |        |                      |             |          |                               |                        |  |           |
|             | Reason:     | Funds available due to creation of new position and vacancy of Building Commissioner |        |                      |             |          | To fund through June 30, 2018 |                        |  |           |
|             |             |  |        |                      |             |          |                               |                        |  |           |
|             |             |  |        |                      |             |          |                               |                        |  |           |
|             | \$32,960.00 | Total  |        |                      | \$32,960.00 | Total    |                               |                        |  |           |

ORDERED: That the City Council Urban Affairs Committee meet with DPW Commissioner Ghiloni and Police Chief Giorgi to consider replacing the seasonal (winter) all night parking ban in the City of Marlborough with an ordinance providing for a Declaration of a Snow Emergency during which no parking of vehicles would be allowed on any streets or ways that are plowed by the City. The objective would be to make life easier for city residents by allowing them to park on the streets during the winter season, except during snow events or other hazardous conditions requiring that the streets be clear of vehicles, **DENIED**; adopted.

**Suspension of the Rules requested to remove from Table – granted.**

ORDERED: That the City Council Operations and Oversight Committee meet with DPW Commissioner Ghiloni, Fire Chief Breen and Police Chief Giorgi to reconsider the seasonal (winter) all night parking ban in the City of Marlborough and whether parking shall be allowed on streets deemed wide enough so as not to constitute a hazard to city emergency vehicles if residents are allowed to park on the street during the winter season or even if they are deemed to be parked illegally during snow emergencies, refer to **OPERATIONS & OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Appointment of William Dunbar to the Conservation Commission for a three-year term, **APPROVED**; adopted.

ORDERED: That the Appointment of Joseph Bisol to the Council on Aging for a four-year term, refer to **APPROVED**; adopted.

ORDERED:

**DECISION ON AN LED SIGN SPECIAL PERMIT  
IN CITY COUNCIL**

LED Sign Special Permit  
Global Montello Group Corp.  
656 Boston Post Road East  
Order No. 17/18-1007068D

**DECISION ON AN LED SIGN SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 17/18-1007068D**

The City Council of the City of Marlborough hereby **GRANTS** the application for Sign Special Permit to Global Montello Group Corp., 800 South Street, Suite 500, Waltham, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions.

**PROCEDURAL FINDINGS**

1. The owner of the property located at 656 Boston Post Road East in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 61, Parcel 2 (the "Site"), is Global Montello Group Corp., 800 South Street, Suite 500, Waltham, MA 02454 (the "Owner"). A Mobil gas station and a convenience store are located at the Site.
2. By application dated September 28, 2017, JSP Land Development (the "Applicant"), on behalf of the Owner, applied to the Building Commissioner for approval of changes to signage at the Mobil gas station.
3. On October 11, 2017, the City of Marlborough Code Enforcement Officer notified the Applicant in writing that, in order for the Owner to use an LED (light emitting diode) sign showing current gas prices at the Site, the Applicant would need to obtain from the Marlborough City Council an LED sign special permit under Section 526-13, entitled "Electronic Message Center Signs and Digital Display Signs," of the Sign Ordinance.
4. By application dated October 24, 2017, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Application seeks an LED sign special permit pursuant to Section 526-13, in order for the Owner to use an LED sign displaying current fuel prices at the Site as well as LED pump toppers displaying current fuel prices on the fuel pump dispensers.
5. In connection with the Application, the Applicant submitted a picture of the existing pylon sign at the Site and a drawing of the LED sign as proposed for the Site (the "Pylon Sign") in which the four manual price panels in the main pylon sign is proposed to be removed and replaced with two LED price panels for regular gas and diesel prices.
6. Also in connection with the Application, the Applicant also submitted a drawing of new LED pump toppers proposed to be installed on 4 fuel pump dispensers displaying prices for 3 gas products, and a drawing of new LED pump toppers proposed to be installed on 4 other fuel pump dispensers displaying prices for 4 fuel products (3 gas and 1 diesel) (the "Pump Topper Signs").

7. The Marlborough City Council held a public hearing on the Application on Monday, December 18, 2017.
8. The Applicant presented testimony at the public hearing that the changeable portion of the Pylon Sign would be used to advertise gas prices which the Applicant stated is crucial to the success of the Owner's business. There was no one else speaking in favor, no questions from the public, and no one speaking in opposition.
9. The Applicant further presented its Application at the Urban Affairs Committee meeting held on January 9, 2018.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE  
FOLLOWING FINDINGS OF FACT 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 an LED sign special permit under Section 526-13 of the Sign Ordinance.
- B. The City Council finds that the proposed Pylon Sign and Pump Topper Signs (collectively, the "LED Signs") comply with the standards set forth in Section 526-13.B of the Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the LED Signs do not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the LED Signs do not substantially block visibility of signs on abutting lots; the LED Signs do 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 LED Signs is appropriate; and the dimensions of the LED Signs comply with the area limitations of the Sign Ordinance.
- D. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby GRANTS the Applicant an LED Sign Special Permit for the LED Signs, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Owner, its successors and/or assigns:

**CONDITIONS**

1. The LED Signs shall be operated in accordance with the Sign Ordinance of the City of Marlborough; and in addition, a) the LED Signs shall be turned off when the gas station is not open for business, b) the LED Signs shall only display numerical digits for the fuel prices and shall not display or depict any picture, whether moving or static, and c) all other extraneous signage shall be removed from the Site.



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 Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

**APPROVED;** adopted.

ORDERED:

**DECISION ON AN LED SIGN SPECIAL PERMIT  
IN CITY COUNCIL**

LED Sign Special Permit  
Boston Post Associates, LLC  
820 Boston Post Road East (Halfway Café)  
Order No. 17/18-1007069D

**DECISION ON AN LED SIGN SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 17/18-1007069D**

The City Council of the City of Marlborough hereby **GRANTS** the application for an LED Sign Special Permit to Boston Post Associates, LLC, 30 Eastbrook Road, Suite 303, Dedham, 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 820 Boston Post Road Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 61, Parcel 21 (the "Site"), is Boston Post Associates, LLC, 30 Eastbrook Road, Suite 303, Dedham, MA 02026 (the "Owner").
2. By application dated June 26, 2017, Signarama (the "Applicant"), on behalf of the Owner, applied to the Building Commissioner for approval of an LED sign at the Site.
3. On July 11, 2017, the City of Marlborough Code Enforcement Officer notified the Applicant in writing that, in order for the Owner to use an LED (light emitting diode) sign at the Site, the Applicant would need to obtain from the Marlborough City Council an LED sign special permit under Section 526-13, entitled "Electronic Message Center Signs and Digital Display Signs," of the Sign Ordinance.
4. By application dated October 24, 2017, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Applicant seeks an LED sign special permit pursuant to Section 526-13, to operate on an existing pole an internally illuminated LED sign with a 31" by 66" (14.2 square feet) electronic message board.
5. In connection with the Application, the Applicant has submitted a photograph of the existing pole sign at the Site and a photosimulation of the LED sign as proposed for the Site (the "Sign").

6. The Marlborough City Council held a public hearing on the Application on Monday, December 18, 2017.
7. The Applicant presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.
8. The Applicant further presented its Application at the Urban Affairs Committee meeting held on January 9, 2018.

**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 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 526-13.B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(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 the 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 an LED special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Owner, its successors and/or assigns:

**CONDITIONS**

1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough, and in addition the Sign shall at no time show or depict any picture, whether moving or static.
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 Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

**APPROVED;** adopted.

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 PM.