**DECISION ON AN ELECTRONIC MESSAGE BOARD SIGN**

 **SPECIAL PERMIT**

**IN CITY COUNCIL**

Sign Special Permit

Lincoln St. LLC 431

431 Lincoln Street

Order No. 20-1007948

**DECISION ON AN LED SIGN SPECIAL PERMIT**

**CITY COUNCIL ORDER NO. 20-1007948**

The City Council of the City of Marlborough hereby GRANTS the application for a Sign Special Permit to Marlborough Shell, William Camuso, 87 Walkers Brook Drive, Reading, MA 01867 in which the manual price panels will be removed and replaced with electronic price panels for regular and diesel prices, Order No. 20-1007948, and 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 431 Lincoln Street in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 69, Parcel 96 (the “Site”) is Lincoln St. LLC 431, 431 Lincoln Street, Marlborough, MA 01752
2. Applicant filed applications and were issued sign permits by the Marlborough Inspectional Services Department for the installation of two (2) flat wall signs and four (4) pump topper signs at the Shell gas station but were denied approval for the electronic message board; digital display sign for an electronic gas pricing sign.
3. By letter dated February 7, 2020, the City of Marlborough Code Officer notified the Applicant in writing that, in order for the Applicant to install an Electronic Sign showing current gas prices at the Site, the Applicant would need to obtain from the Marlborough City Council an electronic message center; digital display sign special permit under Section 526-13, entitled “Electronic Message Center Signs and Digital Display Signs,” of the Sign Ordinance.
4. By application dated February 19, 2020, the Applicant submitted to the City Clerk for the City of Marlborough an Electronic Message Sign Permit Application (the “Application”). The Applicant seeks an electronic, digital display sign special permit pursuant to Section 526-13 to install a changeable, digital LED sign showing current gas prices at the Site.
5. In connection with the Application, the Applicant submitted a picture of the Site depicting the sign as presently installed on the Site and the proposed 24” LED electronic pricing panels for Regular Gas and 12” LED electronic pricing panels for Diesel Gas.
6. The Marlborough City Council held a public hearing on the Application on Monday, July 20, 2020.
7. The Applicant presented testimony at the public hearing that the changeable portion of the Sign would be used to only advertise gas prices which the Applicant stated is crucial to the success of its business. There is no one else speaking in favor. There are no questions from the public. There is no one speaking in opposition; although the Ward Councilor submitted testimony that his constituents had concerns regarding the brightness of the illumination overall at the site; and, more specifically, the lights installed on the top of the new canopy covering the new gas pumps. That part of the Public Hearing is closed.
8. The Applicant further presented its Application at the Urban Affairs Committee meeting held on August 4, 2020. The Committee agreed to recommend approval of the Application.

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

1. 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.
2. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the Sign Ordinance.
3. The City Council finds, pursuant to Section 526-13.B(16) of the Sign Ordinance, that: 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 Sign Ordinance.
4. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby GRANTS the Applicant an Electronic Message Center; Digital Display, LED Sign Special Permit, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

CONDITIONS

1. The Sign shall be operated in accordance with the Sign Ordinance of the City of Marlborough and shall be turned off when the service station is not open for business and other 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 Electronic Message Board Center Sign; Digital Display LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

ADOPTED

In City Council

Order No. 2020-1007948

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST: