

# Meeting Packet

## Sign Special Permit Amendment

### Shell Station

### 431 Lincoln Street

In Urban Affairs

July 11, 2023

7:30 PM

- Posting
- Order
- Building Commissioner's Determination
- Sign Special Permit Application
- Rendering of Karine's Pizza & Deli Sign
- Original Sign Special Permit Decision
- Public Hearing Transcript

## City of Marlborough Public Meeting Posting

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**Meeting Name:** City Council Urban Affairs Committee  
**Date:** July 11, 2023  
**Time:** 7:30 PM  
**Location:** City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

2023 JUN 30 PM 4: 15

This meeting will be held in the City Council Chamber. Public attendance is permitted. The meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

05-08-2023 – Order No.23-1008890: Application for Special Permit from Andy Fitz, on behalf of JP Morgan Chase Bank to install a Drive-Thru ATM for the Chase Bank branch to be located at 189 Boston Post Road West.

PUBLIC HEARING: JUNE 5, 2023

04-24-2023- Order No.23-1008721F: Proposed Ordinance amendments to Chapter 650 “Zoning” relative to certain provisions concerning mixed use and affordable housing.

05-08-2023- Order No.23-1008889 X20-1007948H: Communication from Atty. Falk with application to AMEND an Electronic Sign Special Permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street. The sign panels, on both faces of the existing sign will advertise food options within the Shell station convenience store.

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.**



## IN CITY COUNCIL

Marlborough, Mass., MAY 8, 2023

### ORDERED:

That there being no objection thereto set **MONDAY MAY 22, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Sign Special Permit Amendment from Attorney Brian Falk, on behalf of Lincoln Street 431, LLC, to amend an EMC Sign Permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

ADOPTED

ORDER NO. 23-1008889  
X 20-1007948H



*City of Marlborough*  
**MASSACHUSETTS**  
01752

**BUILDING DEPARTMENT**

CITY HALL  
140 MAIN STREET  
MARLBOROUGH, MA 01752  
TEL. (508) 460-3776 FACSIMILE (508) 460-3736  
BUILDING\_DEPT@MARLBOROUGH-MA.GOV

BUILDING COMMISSIONER  
ZONING ENFORCEMENT OFFICER

TIN HTWAY

**ZONING DETERMINATION**

April 21, 2023

ViewPoint Signs and Awnings  
C/O Brian R. Falk, Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com

RE: 431 LINCOLN STREET  
SIGN DENIAL  
MODIFICATION OF SPECIAL PERMIT

To Whom It May Concern:

A request to change the message panel of the existing non-EMC portion at the bottom of the pylon sign to advertise food options at the Shell Station convenience store. Please reference Section 526-9 (K) Gasoline station signs (2)(b)[2]Bonus area[d]. Modification of the approved pylon sign requires a new approval from the Special Permit Granting Authority, Marlborough City Council. The original approval special permit Order No. 20-1007948H, on September 14, 2020.

Best Regards,

A handwritten signature in blue ink, appearing to read "Tin Htway".

Tin Htway  
Building Commissioner

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# MIRICK O'CONNELL

A T T O R N E Y S   A T   L A W

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2023 APR 21 AM 11:33

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2023 APR 21 AM 11:33

**Brian R. Falk**  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com  
t 508.929.1678  
f 508.983.6256

April 20, 2023

**VIA HAND DELIVERY**

Councilor Michael Ossing, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: 431 Lincoln Street (Shell Station);  
EMC Sign Special Permit Amendment

Dear Councilor Ossing:

On behalf of my client Lincoln Street 431, LLC (Manager William Camuso), I submit the enclosed application to amend an EMC sign special permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street. These sign panels (on both faces of the existing sign) will advertise food options within the Shell station convenience store.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

cc: Client

{Client Matter 28625/00001/A8274165.DOCX}

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MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com



# City of Marlborough

## MARLBOROUGH CITY COUNCIL

### ELECTRONIC MESSAGE CENTER SIGNS AND DIGITAL DISPLAY SIGNS SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

#### SIGN SPECIAL PERMIT

INSTRUCTIONS: This application must be completed 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 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):

431 Lincoln Street

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

Free standing sign (15' by 6') with EMC gasoline price panels, allowed by special permit

Gasoline canopy Shell logos (3' by 3')

---

Wall sign on building (8' by 33")

---

Gasoline pump top signs

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

No

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4. Names of business or activity applying for sign:

Lincoln Street 431, LLC (William Camuso, Manager)

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5. Applicant:

Brian Falk, Esq.

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Street/City/Zip Code:

Mirick O'Connell

---

100 Front Street, Worcester, MA 01608

---

6. Building Owner:

Lincoln Street 431, LLC (William Camuso, Manager)

Street/City/Zip Code:

87 Walkers Brook Drive

Reading, MA 01867

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

Building Owner.

E-mail: billcamuso@gmail.com Business: 508-485-9772 Mobile: 978-846-0255

Agent/Owner of Business where sign will be located.

E-mail: same Business: \_\_\_\_\_ Mobile: \_\_\_\_\_

Applicant.

E-mail: bfalk@mirickoconnell.com Business: 508-929-1678 Mobile: \_\_\_\_\_

8. Applicant is (please check).

Business Owner: X 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 Sign Special Permit. 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 Sign Special Permit Application. Applicant shall pay for advertising of Hearing. Applicant shall obtain a certified 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 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

4/20/2023  
\_\_\_\_\_  
Date

Lincoln Street 431, LLC, by its attorney  
  
\_\_\_\_\_  
Property Owner Signature

4/20/2023  
\_\_\_\_\_  
Date

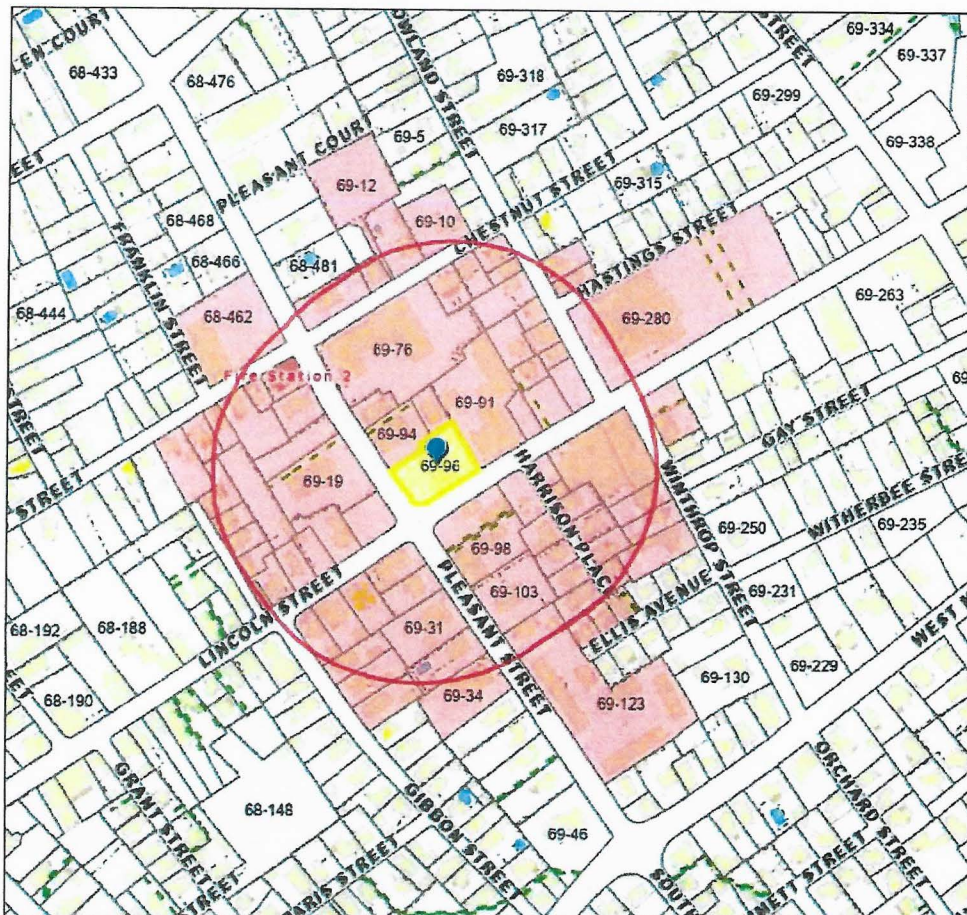
**NOTE: New Electronic Message Center Signs or Digital Display Signs may not be erected until the City Council Sign Special Permit has been granted and building permit has been issued by the Building Department.**



*City of Marlborough*  
Office of the Assessors  
140 Main Street  
Marlborough, Massachusetts 01752  
TDD (508) 460-3610  
Phone: (508) 460-3779

### ABUTTERS LIST MAP

(69-96) 431 LINCOLN ST – SPECIAL PERMIT 400 FT







**CERTIFIED ABUTTERS LIST**  
**(69-96) 431 LINCOLN STREET : SPECIAL PERMIT 400 FT**

*City of Marlborough*  
**Office of the Assessors**  
**140 Main Street**  
**Marlborough, Massachusetts 01752**  
**TDD (508) 460-3610**  
**Phone: (508) 460-3779**

PARCEL_#	GIS NUMBER	CAMA #	PROPERTY ADDRESS	OWNER NAME	CO-OWNER	OWNER ADDRESS	O_CITY	O_STATE	O_ZIP	USE_CODE
68-166	M_194990_899443	68-166	469 LINCOLN ST	469 LINCOLN LLC		111 RIPLEY AVE	MARLBOROUGH	MA	01752	3250
68-167	M_194999_899453	68-167	467 LINCOLN ST	ALONGE GIUSEPPE	STACEY ALONGE	10 MARYCHRIS DR	HUDSON	MA	01749	1040
68-168	M_194986_899467	68-168	9 LINCOLN CT	PEREZ YOVANI ABSALON QUINONEZ	ROXANA QUINONEZ	9 LINCOLN CT APT 2	MARLBOROUGH	MA	01752	1110
68-169	M_194979_899481	68-169-	13 LINCOLN CT	13 LINCOLN COURT LLC		58 PARK ST	FRAMINGHAM	MA	01702-6673	995
68-169	M_194979_899481	68-169-1-A	13 LINCOLN CT #A	BROMLEY PATRICK M	SHAUN H BROMLEY	13 LINCOLN CT #A	MARLBOROUGH	MA	01752	1020
68-169	M_194979_899481	68-169-1-B	13 LINCOLN CT #B	ETIENNE VERTIDA	HENRI LOUIS	13 LINCOLN CT #B	MARLBOROUGH	MA	01752	1020
68-170	M_194971_899494	68-170	17 LINCOLN CT	QUINTAO MIKEIAS S		17 LINCOLN CT	MARLBOROUGH	MA	01752	1040
68-171	M_194987_899511	68-171	461-A LINCOLN ST	VALARIOTI JOSEPH A		101 PRESTON ST	MARLBOROUGH	MA	01752	3910
68-172	M_194962_899514	68-172	21 LINCOLN CT	ALVES ERICK		21 LINCOLN CT	MARLBOROUGH	MA	01752	1010
68-173	M_194985_899554	68-173	116 CHESTNUT ST	RIZZELLI LIBERA LI EST		116 CHESTNUT ST	MARLBOROUGH	MA	01752	1010
68-174	M_195005_899590	68-174	98 PLEASANT ST	CITY OF MARLBOROUGH	FIRE STATION 2	140 MAIN ST	MARLBOROUGH	MA	01752	9351
68-175	M_194988_899579	68-175	112 CHESTNUT ST	BASANTE JAIRO		112 CHESTNUT ST APT 2	MARLBOROUGH	MA	01752	1040
68-176	M_194962_899557	68-176	120 CHESTNUT ST	SILVA ROBERTA ROCHA		120 CHESTNUT ST	MARLBOROUGH	MA	01752	1040
68-177	M_194950_899550	68-177	124 CHESTNUT ST	ATOCHA-TORRES OMAR		124 CHESTNUT ST	MARLBOROUGH	MA	01752	1010
68-178	M_194938_899531	68-178	130 CHESTNUT ST	136 CHESTNUT LLC		635 STOW RD	MARLBOROUGH	MA	01752	1040
68-462	M_194967_899612	68-462-1-101	110 PLEASANT ST #101	GENEST JEFFREY		58 RANGELY RD	NEWTON	MA	02465	1020
68-462	M_194967_899612	68-462-1-102	110 PLEASANT ST #102	LEZAMA-AMADOR NELSON RAFAEL		110 PLEASANT ST #102	MARLBOROUGH	MA	01752	1020
68-462	M_194967_899612	68-462-1-103	110 PLEASANT ST #103	GIGLIO BRIAN J		110 PLEASANT ST #103	MARLBOROUGH	MA	01752	1020
68-462	M_194967_899612	68-462-1-201	110 PLEASANT ST #201	LACONTE CHELSEA ALLISON		110 PLEASANT ST #201	MARLBOROUGH	MA	01752	1020
68-462	M_194967_899612	68-462-1-202	110 PLEASANT ST #202	SAJNACKI MACIEJ A	ZOFIA SAJNACKA	110 PLEASANT ST #202	MARLBOROUGH	MA	01752	1020
68-462	M_194967_899612	68-462-1-203	110 PLEASANT ST #203	ANCTIL CHANDLER		110 PLEASANT ST #203	MARLBOROUGH	MA	01752	1020
68-462	M_194967_899612	68-462-1-204	110 PLEASANT ST #204	GIBBEL REBECCA E TR	SABRINA F CAMPBELL TR	106 PARK PLACE	BROOKLYN	NY	11217	1020
68-462	M_194967_899612	68-462-1-205	110 PLEASANT ST #205	DIAZ JUAN HERNAN PARRA		110 PLEASANT ST #205	MARLBOROUGH	MA	01752	1020

69-108	M_195226_899536	69-108-1-207	406 LINCOLN ST #207	HAIMINIS SARA	BARBARA PARU	406 LINCOLN ST #207	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-208	406 LINCOLN ST #208	BEM KAZIMIERZ		406 LINCOLN ST #208	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-209	406 LINCOLN ST #209	DALY JOSEPHINE S	KEVIN J DALY	406 LINCOLN ST #209	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-210	406 LINCOLN ST #210	COGNETTA PHILLIP J III		406 LINCOLN ST #210	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-211	406 LINCOLN ST #211	FURST KATHARINE J	ARTHUR Y FURST	406 LINCOLN ST #211	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-301	406 LINCOLN ST #301	PLICHON GILLES J	GERMAIN A PLICHON	406 LINCOLN ST #301	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-302	406 LINCOLN ST #302	MILLER ALEXANDER B		406 LINCOLN ST #302	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-303	406 LINCOLN ST #303	HACKER HEATHER		406 LINCOLN ST #303	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-304	406 LINCOLN ST #304	EATON ROBERT P TR	DEBRA A WALLACE TR	406 LINCOLN ST #304	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-305	406 LINCOLN ST #305	OLIVEIRA SAMANTHA M		406 LINCOLN ST #305	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-306	406 LINCOLN ST #306	GUILLOT SEBASTIEN P		406 LINCOLN ST #306	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-307	406 LINCOLN ST #307	PELLETIER BARBARA		406 LINCOLN ST #307	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-308	406 LINCOLN ST #308	DURANT DAVID E		406 LINCOLN ST #308	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-309	406 LINCOLN ST #309	NEVINS SCOTT A	BRIAN E STONE	406 LINCOLN ST #309	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-310	406 LINCOLN ST #310	BAILLARGEON DONALD KENNETH	DAVID MICHAEL BERTI	406 LINCOLN ST #310	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-311	406 LINCOLN ST #311	LEDEBUR PETER M	JESSICA M JONES	406 LINCOLN ST #311	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-312	406 LINCOLN ST #312	ALEXANDRA GRAY HENDERSON		406 LINCOLN ST #312	MARLBOROUGH	MA	01752	1020
69-108	M_195226_899536	69-108-1-408	406 LINCOLN ST #408	MUSOROFITI CHRISTOPHER TR	HEATHER MUSOROFITI TR	289 FARM RD	MARLBOROUGH	MA	01752	3221
69-108	M_195226_899536	69-108-CM-	406 LINCOLN ST	FAIRBANKS DEVELOPMENT LLC		8 COLLEGE AVE	ARLINGTON	MA	02474	995
69-11	M_195079_899684	69-11	77 CHESTNUT ST	BORGES RUI P	JOSE H BORGES	77 CHESTNUT ST	MARLBOROUGH	MA	01752	1010
69-110	M_195208_899507	69-110	57 HARRISON PL	S00 NICOLE G		57 HARRISON PL	MARLBOROUGH	MA	01752	1010
69-111	M_195218_899492	69-111	51 HARRISON PL	LOPEZ DIDIER TRUSTEE	51 HARRISON PLACE REALTY TRUST		FRAMINGHAM	MA	01701	1040
69-112	M_195250_899507	69-112	50 WINTHROP ST	BURKE PAUL J TR	HOWLAND REALTY TRUST	101 PARMENTER RD	FRAMINGHAM	MA	01701	1040
69-113	M_195228_899477	69-113	45 HARRISON PL	MEJIA BREMO A TR	LEOMAR REALTY TRUST	PO BOX 523	FRAMINGHAM	MA	01704	1040
69-114	M_195258_899493	69-114	46 WINTHROP ST	VARGAS JAQUELINE A		46 WINTHROP ST	MARLBOROUGH	MA	01752	1010
69-115	M_195262_899474	69-115	42 WINTHROP ST	PIETRASIAK HENRY D	JANET L PIETRASIAK	41 BROOKWAY DR	SHREWSBURY	MA	01545	1050
69-116	M_195232_899459	69-116	43 HARRISON PL	CABANA PAOLA E		43 HARRISON PL	MARLBOROUGH	MA	01752	1010
69-120	M_195237_899438	69-120	17 ELLIS AVE	RUMSEY FORREST J JR	ANNA M RUMSEY	17 ELLIS AVE	MARLBOROUGH	MA	01752	1010
69-121	M_195224_899429	69-121	21 ELLIS AVE	CARPENTER VIRGINIA MARY	HAROLD EDMUND CARPENTER JR	21 ELLIS AVE	MARLBOROUGH	MA	01752	1010
69-122	M_195211_899420	69-122	25 ELLIS AVE	BAKER DENISE		25 ELLIS AVE	MARLBOROUGH	MA	01752	1010
69-123	M_195259_899368	69-123	29 PLEASANT ST	CITY OF MARLBOROUGH	HOUSING AUTHORITY	255 MAIN ST	MARLBOROUGH	MA	01752	9701
69-15	M_195037_899643	69-15	87 CHESTNUT ST	7-ELEVEN INC		3200 HACKBERRY RD	IRVING	TX	75063	3250
69-17	M_195066_899660	69-17	83 CHESTNUT ST	ESTES CHARLES III TR	CONNIE M ESTES TR	250 STOW RD	MARLBOROUGH	MA	01752	1050
69-18	M_195015_899569	69-18	96 PLEASANT ST	CARUSO JOSEPH C TRUSTEE	CARUSO ANTONIA TRUSTEE	145 FLORENCE ROAD	WALTHAM	MA	02154	1040

69-86	M_195190_899606	69-86	14 HOWLAND ST	BARRERA DIMAS	OLGA ESCOBAR	14 HOWLAND ST	MARLBOROUGH	MA	01752	1010
69-87	M_195173_899594	69-87	3 HOWE CT	HAMILTON STREET LLC		1 TURNER RIDGE RD	MARLBOROUGH	MA	01752	1040
69-91	M_195140_899574	69-91	419 LINCOLN ST	419 LINCOLN ST LLC		419 LINCOLN ST	MARLBOROUGH	MA	01752	4000
69-93	M_195067_899570	69-93	87 PLEASANT ST	BOUFFARD MARCEL R TR	CAROL TRUST	170 GLEN ST	MARLBOROUGH	MA	01752	1040
69-94	M_195084_899552	69-94	83 PLEASANT ST	BASSWOOD PROPERTIES LLC		325 AYER RD #202A	HARVARD	MA	01451	1120
69-95	M_195106_899568	69-95	83-A PLEASANT ST	PJ PROPERTIES LLC		6 RIDGE RD	HUDSON	MA	01749	1040
69-97	M_195134_899496	69-97	424 LINCOLN ST	PALMOKS LLC		424 LINCOLN ST	MARLBOROUGH	MA	01752	3340
69-98	M_195147_899475	69-98	55 PLEASANT ST	ATB PROPERTIES LLC		50H BRIGHAM ST	MARLBOROUGH	MA	01752	1120
69-99	M_195169_899510	69-99	42D LINCOLN ST	JRY REALTY LLC		42D LINCOLN ST	MARLBOROUGH	MA	01752	3300

This is to certify that the owners listed above are as shown in the latest Assessors records.

*John H. Valade*  
 \_\_\_\_\_  
 JOHN VALADE, PRINCIPAL ASSESSOR  
 4/13/2023  
 \_\_\_\_\_  
 Date

**Description:**

- (Qty 2) Faces
- 3/16" White polycarbonate
- Graphics are surface applied translucent vinyl.

**Typeface:**

EgyptienneDBolExt

**Colors:**

- Faces - White Polycarbonate
- Graphics - Arlon Vivid Green translucent vinyl

**Installation:**

By Viewpoint. (TBD)



**E1** Elevation: #13335.1 (Qty 2) Faces  
Scale: 1 1/2" = 1'

Job:  
Shell  
Location:  
431 Lincoln Street - Marlboro, MA

Account Manager:  
Jeff Kwass  
File:  
Shell\_MarMA-431Lincoln\_Faces\_1.a1

Date:  
12.27.22 .75  
Designer:  
Mathew Hoard

Revisions:

Revisions:

THIS PROPOSAL DRAWING CONTAINS ORIGINAL ELEMENTS  
CREATED BY VIEWPOINT SIGN AND AWNING. ALL RIGHTS RESERVED.  
UNAUTHORIZED DUPLICATION OR REPRODUCTION IS PROHIBITED.

**ViewPoint**  
SIGN AND AWNING  
1.508.393.8200  
FAX 1.508.393.4244

Customer Approval

Acct. Manager Approval

Production Approval

TBD/VIF

THIS PROPOSAL DRAWING CONTAINS ORIGINAL ELEMENTS CREATED BY VIEWPOINT SIGN AND AWNING. ALL RIGHTS RESERVED. UNAUTHORIZED DUPLICATION OR REPRODUCTION IS PROHIBITED.



## IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 14, 2020

ORDERED:

PAGE 1

### **DECISION ON A LED SIGN SPECIAL PERMIT IN CITY COUNCIL**

LED Sign Special Permit  
Lincoln St. LLC, 431  
431 Lincoln Street  
Order No. 20-1007948H

### **DECISION ON AN LED SIGN SPECIAL PERMIT CITY COUNCIL ORDER NO. 20-1007948H**

The City Council of the City of Marlborough hereby **GRANTS** the application for a LED Sign Special Permit to Lincoln Street 431, LLC (the "Applicant") for the property located at 431 Lincoln Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions.

#### **FINDINGS OF FACT AND RULING**

1. The Applicant is the owner of the property located at 431 Lincoln Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 69, Parcel 96 (the "Site") and maintains a filling station with a convenience store.
2. The Applicant seeks a LED Sign 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 digital display sign (the "Sign") at the Site (the "Application").
3. The Sign is a +/- 75.3" x 72.9" double-faced sign with a red and green digital display consisting of a +/- 25.5" x 58.5" and a 13.8" x 34.9" LED Numeral signs displaying the price of fuel (the product specifications are attached hereto as **Exhibit A**). The total digital display area is 14.4 sq. ft. The Sign is to be located below an internally illuminated sign at the premises.
4. In connection with the Application, the Applicant submitted a photograph 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.
5. The Marlborough City Council held a public hearing on the Application on Monday, July 20, 2020.
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.



## IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 14, 2020

**ORDERED:**

PAGE 2

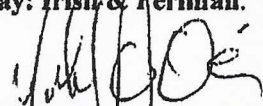
**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to application for a LED sign 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 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 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 Sign Ordinance of the City of Marlborough and shall be turned off when the service station is not open for business and 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.

Yea: 9 – Nay: 2

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

Nay: Irish & Perlman.

  
\_\_\_\_\_  
Signed by City Council President  
Michael H. Ossing

ADOPTED  
In City Council  
20-1007948H

**NEW RVI Evolution  
6' Mod Cabinets between  
Existing Poles.**



72 15/16"  
(1500mm)

EXISTING OAH TO REMAIN UNCHANGED

75 1/4"

75 1/4"



Regular  
2.34 9/10

Diesel  
2.34 9/10

**F7** SAVE ON EVERY FILL  
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Red LED  
Panel  
4'-10 1/2" x 2'-1 1/2"  
= 10.6 sq.

24" LED

12" LED

Green LED  
Panel  
2'-10 3/8" x 1'-3 5/4"  
= 3.8 sq.

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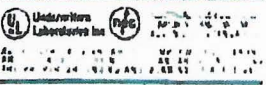
Building Quality Signage Since 1901

Revisions

1	
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Account Rep: **Dan Hull**  
Project Manager: **V. Hernandez**  
Drawn By: **Brian Essary**  
Project / Location:

**Shell**  
**RVI Evolution**  
**GLOBAL**



Landlord/Approve Date

Project Description: [Illegible text]

Project Location: [Illegible text]

Project Start Date: [Illegible text]

Project End Date: [Illegible text]

Job Number: **197105**  
Date: **10/01/19**  
File Name: **00197105.d**  
Sheet Number: **1** of **1**  
Design Number:

431



Regular

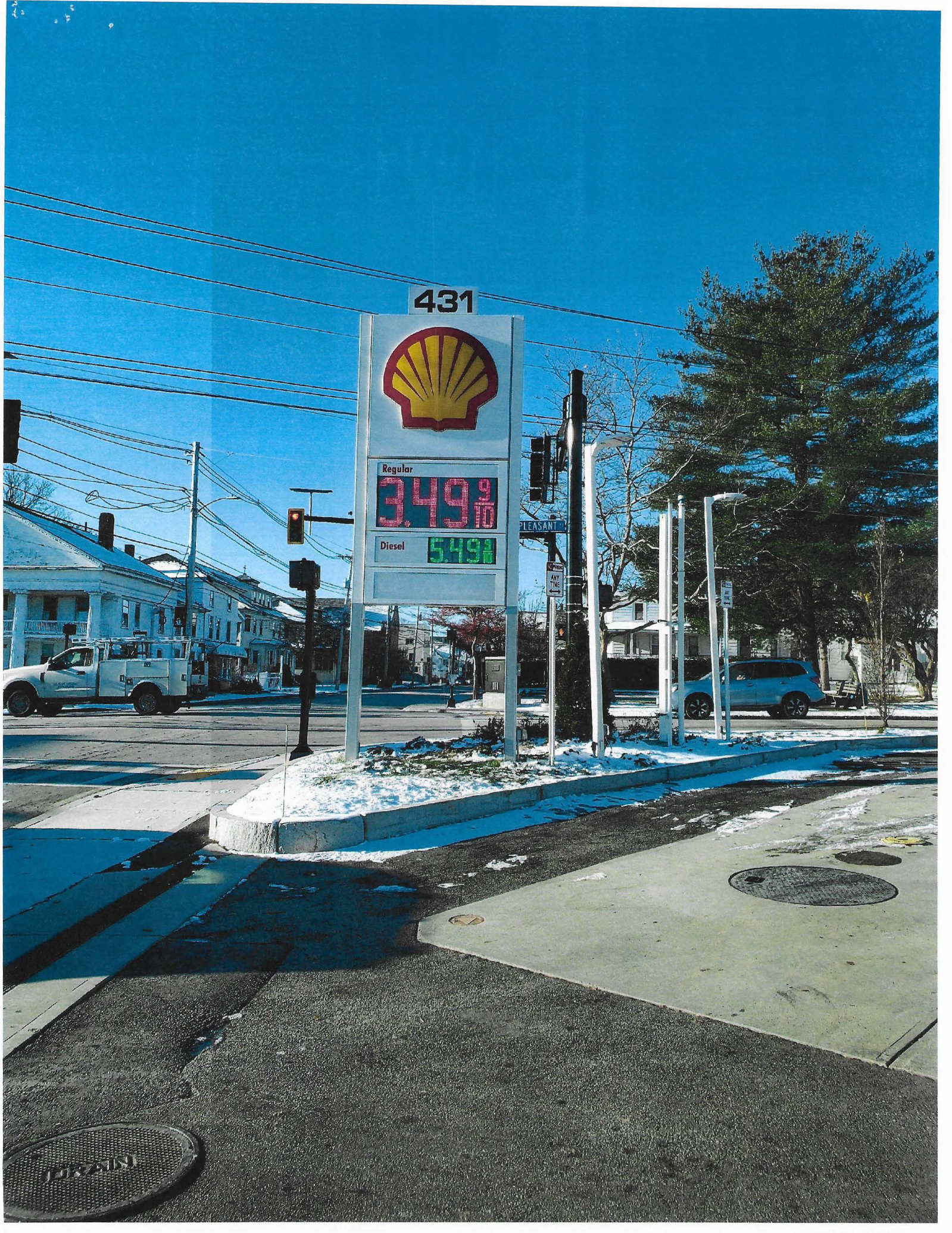
3.49<sup>9</sup>/<sub>10</sub>

Diesel

5.49<sup>9</sup>/<sub>10</sub>

PLEASANT ST

ANY TIME







# IN CITY COUNCIL

Marlborough, Mass., MAY 22, 2023

PAGE 1

## ORDERED:

That the PUBLIC HEARING on the Application for Modification of a Sign Special Permit from Attorney Brian Falk, on behalf of Lincoln Street 431, LLC, to amend an EMC Sign Permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street, Order No. 23-1008889, all were heard who wish to be heard, hearing closed at 8:55 PM.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

## PUBLIC SPEAKING IN FAVOR

Speaking in favor was attorney Brian Falk of Mirick O'Connell, 100 Front Street, Worcester, appearing on behalf of the applicant Lincoln Street 431, LLC. Mr. Falk introduced manager Bill Camuso who was also present.

They are seeking an amended sign special permit to add non digital panels to a digital LED sign that was approved by the City Council in 2021. This is Mr. Camuso's Shell station at the corner of Lincoln and Pleasant Streets. The proposed sign would be part of the pylon sign at the corner of those two streets. Mr. Falk displayed an image of the sign the City Council approved for the digital LED gas price panels in 2021 as required by the sign ordinance. The lower panel, which is now blank, the white blank at the bottom underneath the price panels, was previously part of this sign special permit and was advertising fuel. Mr. Falk displayed an image of the new panel that they would be looking to add into that blank space, changing out that bottom panel to advertise the food options in the convenience store on the property. Karine's Pizza and Deli has been operating inside the store for a few years and it would be helpful to the business and to the public to have this panel on the pylon side.

Mr. Falk provided a draft decision to the City Council that would amend the sign special permit. They believe the City Council can make all of the requisite findings under the sign ordinance for this amendment. Mr. Falk was available for questions.

## QUESTIONS FROM THE PUBLIC

There were no questions from the public.

## PUBLIC SPEAKING IN OPPOSITION

No one spoke in opposition.



## IN CITY COUNCIL

Marlborough, Mass., MAY 22, 2023

PAGE 2

### ORDERED:

#### QUESTIONS FROM CITY COUNCIL

Councilor Oram asked if the sign the applicant showed would have the opportunity to be changed hourly. Mr. Falk explained it is a non-digital panel, a typical panel, but the prior decision showed a different panel so that is why they are seeking an amendment. It is not digital, and it would not change.

Councilor Irish asked if the panel would be internally lit which Mr. Falk confirmed it would be illuminated. Councilor Irish asked if it will be constantly lit or will it be going out at the close of business. Mr. Falk responded it will be going out at the close of business hours like the other signs on the property.

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 23-1008889A  
X 20-1007948H