



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 20, 2021

ORDERED:

That the Petition from William Camuso on behalf of Camuso Enterprises, LLC, to operate a gas station (Shell Station) at 431 Lincoln Street on a 24-hour basis pursuant to Chapter 342 of the Code of the City of Marlborough, is carried over to the 2022/2023 Legislative Session, be and is herewith **APPROVED**.

(IN URBAN AFFAIRS COMMITTEE)

ADOPTED

ORDER NO. 20/21-1008046B



IN CITY COUNCIL

Marlborough, Mass., _____ JUNE 22, 2020

ORDERED:

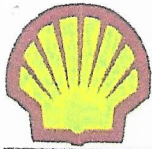
That there being no objection thereto set **MONDAY JULY 20, 2020** as the **DATE FOR PUBLIC HEARING**, on the Request from William Camuso on behalf of Camuso Enterprises, LLC, to operate a gas station (Shell Station) at 431 Lincoln Street on a 24-hour basis pursuant to Chapter 342 §2(c) of the Code of the City of Marlborough, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 11 – Nay: 0

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

ADOPTED

ORDER NO. 20-1008046



Camuso Enterprises, LLC
Leigh Enterprises, Ltd.
C-Shell Enterprises, Ltd.

87 Walkers Brook Drive, Reading, MA 01867
Phone 781-942-7170

Marlborough City Council
140 Main Street
Marlborough, Ma. 01752

June 11, 2020

Re; 431 Lincoln St.

Dear City Council,

I am writing this letter to request for a permit to operate 24 hours per day. I purchased the location in May of 2005 and it was operating 24 then. We have been continuously operating 24 since then. I also own the Shell at 413 Lakeside, since December 1994, and have also operated that 24 since then. I also operated the Shell at 342 Boston Post Road from December or 1999 until September of 2019 when I left there.

I was unaware that I needed a permit to operate 24 hours until last evening, and as of today I will be open from 6 AM -11PM. I feel that operating 24 hours per day gives our customers the flexibility to visit us when it is most convenient for them. We try and operate a clean and safe facility and have had very few problems thru out the years. We use the slow period in the middle of the night to do a deep cleaning and disinfecting of the entire store. Shortly after 4 AM we start getting busy with landscapers and contractors starting their day and I am hoping to not lose this valuable business.

Thank you in advance for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Camuso', with a long, sweeping underline.

William Camuso

CITY COUNCIL URBAN AFFAIRS COMMITTEE REPORT

Meeting Name: City Council Urban Affairs Committee

Date: August 4, 2020

Time: 7:30 PM

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

The Chair opened the meeting.

As a member was participating remotely, Chair Robey called the roll.

Present: Chair Robey; Councilors Doucette, Navin, Landers and Wagner (Remote).

Also Present: Councilors Irish and Ossing Perlman; William Camuso, Assistant Solicitor Jason Piques

Order No. 20-20-1007948: Application for Electronic Message Board gas pricing sign from William Camuso for Lincoln 431 LLC, Shell Station.

Public Hearing: had been continued from March 23, 2020 and was closed July 20, 2020

The chair reviewed communications received from Melissa Irish, 46 Pleasant St. stating they are against the granting and one from Mr. Camuso showing the station with the band lighting on canopy turned off. Questions were asked about dimming of this LED sign; there is a sensor so that during day it can be intensified and lowered during night. It was also clarified that the sign's top part showing the Shell logo remains internally illuminated with the change to the 3 price panels which will become 2 smaller LED signs. It was pointed out by Jason Piques, Asst. Solicitor that having a condition related to canopy lighting in the LED Sign Permit would be difficult to enforce.

Councilor Doucette moved to approve the LED Sign Special Permit; 2nd by Chair. The 2 conditions were read into the record.

The Chair called the Roll.

All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved 5-0

Chair will ask for a Suspension at Aug 24 Council meeting to refer to legal to be put in proper legal form for final vote on Sept. 14.

Order No. 20-1008046: Request from William Camuso on behalf of Camuso Enterprises, LLC to operate a gas station, Shell Station at 431 Lincoln St on a 24-hour basis pursuant to chapter 342, s.2 of the Code of the City of Marlborough

Chair stated she had talked to Commissioner Cooke and he is suggesting that the petitioner provide a current photometric planned provide an updated plan showing less illumination and less light going out past lot line. She also reviewed a condition suggested by legal department because of public safety issues at site: City Council reserves the right to review, modify, suspend, or revoke this permit for failure to comply with any terms and condition of the permit and/or maintain public health, peace or safety including but not limited to any extended hours operation which become a focal point for police attention.

The Chair reviewed the conditions from a 2002 order for Exxon to operate a station on Lakeside Avenue to see if those would be appropriate for this site. It was agreed that items 7 where 2 employees must be on the premises, one would pump gas for disabled/elderly and #8 petitioner shall

CITY COUNCIL URBAN AFFAIRS COMMITTEE REPORT

have appropriate signs directing disabled/elderly customers to designated pump are not necessary for this site.

Councilor Doucette moved to have the petitioner provide a current photometric plan and an updated plan showing less illumination and less bleed, to have the chair create a draft order for discussion at next meeting with all the conditions and postpone in committee to a date to be set when petitioner has the information to finalize an appropriate condition.

The Chair called the Roll.

All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved 5-0

Order No. 20-1007975: Proposed Zoning Amendment to Chapter 650 to add new Section 38 to create Large-Scale Ground Mounted Solar Photovoltaic Overlay District

Public Hearing: June 8, 2020

Time Expires: Sept. 6, 2020

The Chair reviewed the document showing 2 items recommended from July 28th meeting and two additional changes made by Solicitor where a new viii was added to Section D, item 4b and a sentence that was at end of vii was moved to be a stand-alone sentence at end of Section.

Councilor Doucette moved to approve as amended the changes to Chapter 650 to insert a new Section 38 titled Large-Scale Ground Mounted Solar Photovoltaic Overlay District.

The Chair called the Roll.

All in favor: Wagner/Remote; Navin, Doucette, Landers and Robey – Approved 5-0

This will be in proper legal form on agenda, **Chair will ask for Suspension to vote on this at August 24 meeting.**

Motion made, seconded, to adjourn. The Chair called the Roll:

All in favor: Landers; Navin; Doucette; Wagner/Remote; Robey – Adjourned at 8:40 PM.

Reported by: Chair Robey

For Agenda: August 24, 2020

City Council Urban Affairs Committee
Monday August 16, 2021; 6:30 PM–Council Chambers
Minutes and Report

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Landers, Councilor Wagner, Councilor Doucette, and Councilor Navin. Other councilors present were Councilor Ossing and Councilor Irish. Others attending this meeting are included with each order's information.

Order No. 21-1008307: Application for Special Permit from Attorney Brangwyn on behalf of Raising Cane's Restaurants, LLC to construct and operate a restaurant with two drive-thru service lanes on site at 141 Boston Post Road West.

Attending the meeting were Michael Brangwyn, Attorney w/Fletcher Tilton and Eric Dubrule, Bohler Engineering and Jason Adams, McMahan Association (traffic plan). Attorney Brangwyn briefly discussed the plans for the site and Raising Cane's operations. He brought up a letter received from William Squires, Attorney w/Mints on behalf of abutter, McDonald's Corporation. Mr. Dubrule discussed the letter in more detail.

The chair reviewed the comments from Department Managers as well as the letter from William Squires which asked that the committee continue the hearing to allow representatives of McDonald's to attend or if we vote on this to include the five conditions recommended in the letter. Committee members were comfortable with what we had for information and were ready to proceed.

The chair reviewed the draft Special Permit pointing out that this will go back to Site Plan review committee for their final sign-off if this Special Permit is approved. Discussion was held on the hours of operation, both at restaurant and the drive-thru but in end no changes were recommended.

Councilor Landers moved to recommend approval of the draft Special Permit as submitted; the chair seconded. Motion carried 5-0. The chair will ask for a Suspension of Rules at the August 23 Council meeting to have this referred to solicitor to be placed in proper form.

Order No. 21-1008345: Application for Special Permit by Attorney Falk on behalf of Dasilva Landscaping Inc. to construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17.

Presenting was Attorney Falk. He mentioned changes to conditions based on comments from the public hearing. The chair reviewed the comments received from Department Managers and then asked if anyone needed a full review of the conditions. Councilor Doucette asked for clarification of the Locus Map on the Proposed Site Plan; Attorney Falk clarified that Number 17 should be in the bottom row, 4th block from Farm Road. It will be corrected for Site Plan Review Committee's final approval. The dates on Findings of Fact #5 need to be filled in and will be updated to match the revision to the Site Plan.

Councilor Doucette moved to recommend approval of the Special Permit with the amended Site Plan; chair seconded. The motion carried 5-0. The chair will ask for a Suspension of Rules at the August 23 Council meeting to have this referred to solicitor to be placed in proper form.

Order No. 21-1008346: Application for Special Permit by Attorney Falk on behalf of Lourival Masonry, LLC to construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18.

The chair read a Disclosure of Appearance of Conflict of Interest from Councilor Doucette. Presenting was Attorney Falk. He mentioned changes to conditions based on comments from the public hearing. The chair reviewed the comments received from Department Managers and asked if anyone needed a full review of the conditions.

Councilor Doucette moved to recommend approval of the Special Permit; the chair seconded. The motion carried 5-0. The chair will ask for a Suspension of Rules at the August 23 Council meeting to have this referred to solicitor to be placed in proper form.

Order No. 21-1008353: Application for Site Plan Review and Approval from Attorney Falk on behalf of Global Montello Group Corp., to add a patio with seating next to its newly renovated Alltown Convenience Store, 656 Boston Post Road East within the Wayside Zoning District.

Attorney Falk introduced Kevin Doyle, VP Construction for Global and Zack Poisson, Bohler Engineering. He went through some slides describing the revised site improvements including a 12 seat outdoor patio and connecting the site to the city trail system with pedestrian/bike path, and adding a few seats indoors to comply with code requiring indoor seats if having outdoor seats.

The chair reviewed the draft Site Plan approval and the proposed amendments provided by Priscilla Ryder, Conservation Officer. Her recommended changes included: *B. Construction, #1 adding in City Engineer as member of preconstruction meeting; deleting #3 in its entirety as it is not needed and renumbering; D General Provisions, adding new #7 to read "As this trail will allow public to access through Alltown Fresh property and connect the city's public trail to the sidewalk, the applicant will allow for the city's appropriate trail signage to be attached to sign posts along the way. These shall be installed by the Conservation Officer in conjunction with the project team prior to the issuance of the occupancy permit."*

The petitioner met with professional Site Plan members for informal review, but the City Council has jurisdiction over final site plan approval in the Wayside Zoning District.

Councilor Doucette moved to recommend approval of the Site Plan with conditions as amended; the chair seconded. The motion carried 5-0. The chair will check to see if the site plan decision document should be forwarded to the Solicitor to place placed on the next agenda in proper form. If so, chair will ask for suspension of the rules at the August 23 Council meeting to do so. If not, she will ask for a suspension to approve the Site Plan as amended.

Order No. 20-1008046: request from William Camuso on behalf of Camuso enterprises, LLC to operate a gas station, Shell Station, 431 Lincoln St. on a 24-hour basis pursuant to Chapter 342, s2 of the Code of City of Marlborough.

Mr. Camuso was present as petitioner. The chair reminded members that this had been on hold since August 24, 2020 when the City Council approved a Message Board electronic sign for the station and held the 24-hour request in committee awaiting a photometric analysis due to concerns about the brightness of the lights at the station. The station lights have been changed to reduce the overall brightness of the site and were reviewed by city engineer. The chair read his email stating he had visited site, that he would defer to Commissioner Htway for a final zoning decision, but felt the lights were less bright and appear to be in compliance with general requirements of the city code.

If this waiver request is approved, it would be done as an order to grant an exemption to the city code which states gas stations are allowed to open for business no earlier than 6:00 am and close no later than 11:00 pm daily. Councilor Doucette asked if we could approve this 24-hour operation for a one year test and extend if no issues; the chair said it was possible. The chair read thru a council order from 2002 which included multiple conditions. Discussion occurred around the need to have an employee available to help a handicapped customer if there was only one employee inside the store. It was felt the employee could lock the door, go help customer, and return to store.

Councilor Irish stated he was opposed to the 24-hour operation of this station. He did support a compromise for longer hours but not 24-hour.

Councilor Doucette moved to postpone this in committee so the chair can draft a document listing the conditions as discussed; the chair seconded. The motion carried 5-0.

It was moved and seconded to adjourn. The vote was 5-0 and the meeting adjourned at 7:45 pm.

Katie Robey

Chair, Urban Affairs Committee

For agenda: August 23, 2021 with 4 Suspension of Rules requests

City Council

From: Tin Htway
Sent: Monday, August 16, 2021 9:59 PM
To: Thomas DiPersio
Cc: City Council; David Giorgi; Kevin Breen; Jason Grossfield; John Garside; Priscilla Ryder
Subject: Re: TO MANAGERS: City Council Urban Affairs Committee to meet August 16, 2021 in Council Chamber, 2nd Floor, City Hall, 140 Main Street - Posting Agenda Attached

I concur with City Engineer DiPersio that the lighting levels conform with the lighting standards in the City General Code 650-47.

Best Regards,

Tin Htway, CBO
Building Commissioner
Marlborough Building Department
140 Main St. 2nd Floor, City Hall
Marlborough, MA 01752
(508) 460-3776 x30208

Sent from iPhone, apologies for any typos.

On Aug 16, 2021, at 1:55 PM, Thomas DiPersio <tdipersio@marlborough-ma.gov> wrote:

To the Urban Affairs Committee,

Regarding **Order No.: 21-1008046**, Request from William Camuso on behalf of Camuso Enterprises, LLC to operate a gas station on a 24-hour basis, I have the following comments:

I have visited the site again during darkness to view the station light levels. The applicant has made adjustments to the lighting since it was last viewed in January and it is less bright than it was at that time. I will defer to Commissioner Htway for final zoning decision, but in my opinion the lighting appears to be in compliance with the general requirements of City Code Section 650-47.

Please contact me with any questions.
Thank you

Thomas DiPersio, Jr., PE, PLS
City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov

<image001.jpg>

From: City Council citycouncil@marlborough-ma.gov

Sent: Thursday, August 5, 2021 4:09 PM

To: David Giorgi dgiorgi@marlborough-ma.gov; Kevin Breen kbreen@marlborough-ma.gov; Thomas DiPersio tdipersio@marlborough-ma.gov; Tin Htway thtway@marlborough-ma.gov; Jason Grossfield jgrossfield@marlborough-ma.gov; John Garside jgarside@marlborough-ma.gov; Priscilla Ryder pryder@marlborough-ma.gov

Cc: Mayor mayor@marlborough-ma.gov; Patricia Bernard pbernard@marlborough-ma.gov; Ryan Egan regan@marlborough-ma.gov; Kathleen Robey atlarge_4@marlborough-ma.gov

Subject: TO MANAGERS: City Council Urban Affairs Committee to meet August 16, 2021 in Council Chamber, 2nd Floor, City Hall, 140 Main Street - Posting Agenda Attached

Importance: High

City Council

From: Ethan Lippitt
Sent: Friday, August 27, 2021 10:31 AM
To: Karen Boule; City Council
Cc: Tin Htway
Subject: FW: Stop Work At 431 Lincoln St.
Attachments: 1.jpg; 2.jpg; 3.jpg; 4.jpg; 5.jpg; 6.jpg; 7.jpg

From: Ethan Lippitt
Sent: Thursday, August 26, 2021 4:54 PM
To: Tin Htway <tthtway@marlborough-ma.gov>; William Paynton <wpaynton@marlborough-ma.gov>; John Cain <jcain@marlborough-ma.gov>; Laurent Lemieux <llemieux@marlborough-ma.gov>
Cc: Anthony Rodriguez <arodriguez@marlborough-ma.gov>; Iliana Cabrera-Serrano <icserrano@marlborough-ma.gov>; Pamela Wilderman <pwilderman@marlborough-ma.gov>; Cassandra Cavalieri <ccavalieri@marlborough-ma.gov>; Jeffrey Gogan <jgogan@marlborough-ma.gov>; Nicholas Corcoran <ncorcoran@marlborough-ma.gov>
Subject: Stop Work At 431 Lincoln St.

Team:
Today I issued a stop work order to 431 Lincoln Street for a mechanical system that was installed and electrified without permit or license.

The system itself was installed by the owner of the property for removal of the grease laden vapors from the fryer that they have. There is no hood for this location, and the exhaust is too close to the sidewalk for a proper installation.

They do have an electric pizza oven that is exhausting hot air but may only be causing an issue due to the grease in the air from the fryer.

I have ordered them to remove the fryer and clean up the space behind the pizza oven on the wall in the immediacy.

I have stated that the stop work will remain on the building until a permit is paid for related to the work that was completed without permit and/or license.

Fines and Fees are as follows.

\$300.00 for Electrical work without a Permit.
\$300.00 for Electrical work without a License.
\$300.00 for Mechanical work without a Permit.

All permits should be a double fee.

Nick Corcoran from the board of health is going to be swinging through today to ensure compliance with the sanitation code related to this situation.

Best,
Ethan



WAGYI
6+ UP
PER GALLON
ALL GRADES

PIZZA
Buy 5 Get 1 Free!

AIR

City Council

From: Kathleen Robey
Sent: Thursday, December 9, 2021 12:40 PM
To: City Council
Subject: items to check

Karen,

Yesterday I flew to DC and had an early flight. My husband noticed his car was low on gas and stopped at the Shell station on corner of Mechanic and Lincoln St. As it was 5:45 am, I told him that he wouldn't find it open. However, as we pulled up there was someone inside and 2 other cars getting gas.

This is station asking for 24 hour operation. Why are they open when the code clearly states: All **gasoline stations**, car washes or car wash operations located in the City shall open for business no earlier than 6:00 a.m. and close no later than 11:00 p.m. daily?

I also received a message from Rebecca Burgio, one of the neighbors to 260 Mechanic, Paul Tunnera property stating she has footage of a city maintenance truck coming to 260 Mechanic St. to service Paul Tunnera's sanding truck. Why would the city do that? Even if he is a contractor with city, shouldn't he be responsible for his own vehicle?

Neighbors are not happy at all with the number of vehicles stored at this property, which is supposed to be a residential home where **one commercial** vehicle is allowed to park on site.

Katie Robey
Councilor at-Large