

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: January 9, 2018

Time: 5:30 PM

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 JAN -3 A 10:45

10-30-2017 – **Order No. 17-1007068:** Application for Sign Special Permit, Mobil, 656 Boston Post Road East, in which the four manual price panels will be removed and replaced with two LED price panels for regular and diesel prices.

-REFER TO URBAN AFFAIRS

-PUBLIC HEARING: December 18, 2017

10-30-2017 – **Order No. 17-1007069:** Application for Sign Special Permit, Halfway Café, 820 Boston Post Road East, for proposed new 90" x 96" x 15" double sided U.L. listed LED internally illuminated sign with 31" x 66" electronic message board.

-REFER TO URBAN AFFAIRS

-PUBLIC HEARING: December 18, 2017

09-25-2017 – **Order No. 17-1007030B:** Proposed Amendment to Zoning Ordinance, Designating and Authorizing Certain Councilors to Sign Special Permit Extension Agreements.

Section 650-59.C(11), entitled "Extension of time for action; leave to withdraw," is hereby amended in subsection (a) by inserting at the end thereof the following:-- For purposes of administrative convenience, the Council hereby designates and authorizes its President or, in his or her absence or incapacity, its Vice-President, to sign the extension agreement on behalf of the Council, without the necessity of a formal vote being taken at a regular Council meeting.

-REFER TO URBAN AFFAIRS & PLANNING BOARD

-PUBLIC HEARING: October 30, 2017

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., OCTOBER 30, 2017

ORDERED:

That there being no objection thereto set **MONDAY, DECEMBER 18, 2017** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, Mobil, 656 Boston Post Road East, in which the four manual price panels will be removed and replaced with two LED price panels for regular and diesel prices, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

Ninety days after public hearing is 03/18/17 which falls on a Sunday, therefore 03/19/17 would be considered the 90th day.

ADOPTED

*Closed - Carried over
to 2018-2019 Session
No opposition*

ORDER NO. 17-1007068

CAROLYN A. PARKER

CONSULTING

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

October 24, 2017

13

2017 OCT 25 A 10: 22

City of Marlborough
140 Main Street
Marlborough, MA 01752

Attn: City Council

12/1/16
ADV
VA

Mobil
656 Boston Post Road East
Marlborough, MA 01752
Delivery: Regular Mail

Dear Council Members,

Global Companies, LLC the owner of the gas station and convenience store located at 656 Boston Post Road, Marlborough, MA proposes to make changes to their site signage. They will remove the (4) four existing manual price panels (gasoline & diesel) from the main pylon sign and install (2) two new LED price panels. The overall square footage will remain the same. They will also remove and replace the State regulated manual pump toppers (prices on the fuel dispensers) and install new LED pump toppers (4) four 3-product prices and (4) four 3+1 with diesel prices. Per the Building Department denial email of our application we are required to receive a Special Permit from the City Council to allow for LED signs.

Enclosed please find (1) one Sign Special Permit Application, (1) one copy of the Denial email from the Building Department, (1) one copy of the existing/proposed pylon sign, (1) one copy each of the LED pump toppers and (1) one copy of the Owner Authorization letter allowing me to file for this hearing. Lastly, please find (1) one copy of the Certified List of Abutters, it is my understanding that I will send out the abutter notifications. Please put us on the October 30, 2017 City Council meeting to accept the proposal and then on the November 13, 2017 meeting where I will be in attendance to discuss the sign changes. If you have any questions or require additional information please call me at (774) 239-2781 to discuss. Thank you in advance for your time in helping to expedite this matter.

Sincerely,


Carolyn A. Parker

Cc: JSP Land Development

SPECIALIZING IN THE PETROLEUM INDUSTRY

Project Management, Permit Expediting, Drafting & Fire Suppression Plans



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):

656 BOSTON POST ROAD

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

(2) "MOBIL" CANOPY LOGO'S $13.6 SF \times 2 = 27.2 SF$
(1) "ALLTOWN" WALL SIGN $48.0 SF \times 1 = 48.0 SF$
(1) "AUTO WASH" CAR WASH SIGN $20.0 SF \times 1 = 20.0 SF$
(1) FREESTANDING SIGN $74.6 SF \times 1 = 74.6 SF$

* MAINTAIN OVERALL SITE SF 189.8 SF

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

4. Names of business or activity applying for sign:

MOBIL

5. Applicant: JSP LAND DEVELOPMENT
C/O CAROLYN PARKER CONSULTING

Street/City/Zip Code:

3 LORION AVENUE

WORCESTER, MA 01606

774-239-2781

cap consulting@verizon.net

6. Building Owner:

GLOBAL MONTELLO GROUP CORP. / GLOBAL COMPANIES LLC
Street/City/Zip Code: 800 SOUTH STREET, SUITE 200
WALTHAM, MA 02454

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

Building Owner. SEE AGENT

E-mail: _____ Business: _____ Mobile: _____

Agent/Owner of Business where sign will be located.

E-mail: capconsulting@ Business: — Mobile: 774-239-2781

Applicant. verizon.net

E-mail: SAME Business: — Mobile: —

8. Applicant is (please check).

Business Owner: _____ Tenant: _____ Other (describe): AGENT FOR OWNER

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.

Carolyn Parker
Applicant Signature

10/20/17
Date

SEE ATTACHED
Property Owner Signature

4/18/17
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.

X DENIAL EMAIL

Carolyn Parker

From: Pamela Wilderman <pwilderman@marlborough-ma.gov>
Sent: Wednesday, October 11, 2017 1:15 PM
To: Carolyn Parker
Subject: RE: Digital Display sign for Mobil at 656 Boston Post Rd East Marlborough MA

Any electronic message board. Their next meeting is October 16 and again on October 30. You would have to have the application into the City Clerk's office no later than 5 pm on the Thursday before. I would suggest that you could speak to the clerk's office at 508 460-3775 to further information.

Pamela A. Wilderman
Code Enforcement Officer
City of Marlborough
140 Main Street
Marlborough, MA 01752
508 460-3765
508 460-3736 (fax)
pwilderman@marlborough-ma.gov

From: Carolyn Parker [mailto:cappermits@CarolynParkerConsulting.Com]
Sent: Wednesday, October 11, 2017 12:28 PM
To: Pamela Wilderman <pwilderman@marlborough-ma.gov>
Subject: RE: Digital Display sign for Mobil at 656 Boston Post Rd East Marlborough MA

Pamela,

Is this strictly for the LED price signs??

So If we want to install LED pump toppers too – see attached

Let me know Carolyn – also when do they meet? Deadline??

Carolyn A. Parker Consulting
3 Lorion Avenue
Worcester, MA 01606
774-239-2781
cappermits@carolynparkerconsulting.com

From: Pamela Wilderman [mailto:pwilderman@marlborough-ma.gov]
Sent: Wednesday, October 11, 2017 12:14 PM
To: capconsulting@verizon.net
Subject: Digital Display sign for Mobil at 656 Boston Post Rd East Marlborough MA

Good afternoon:

Please be advised that the installation of any digital display sign requires the approval of the City of Marlborough City Council. An application can be obtained at http://www.marlborough-ma.gov/Gen/MarlboroughMA_CityClerks/Sign%20Permit%20Ordinance.pdf

Additionally the regulations can be found at <https://ecode360.com/30524975>

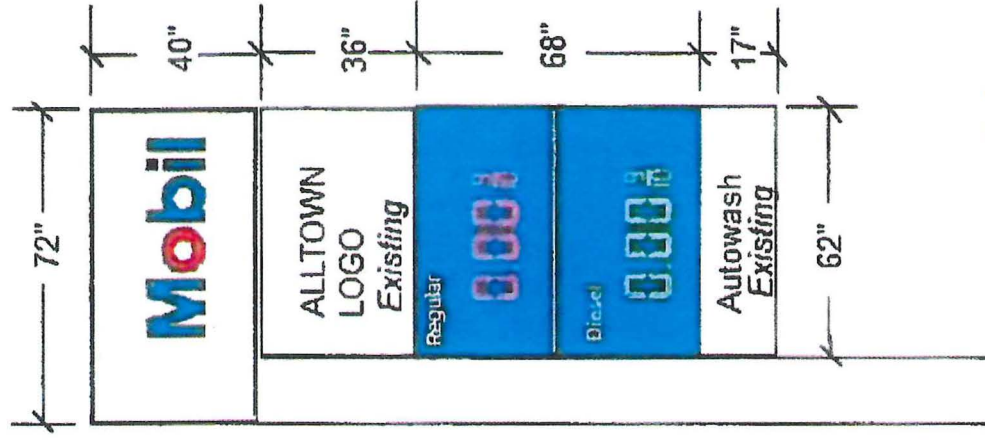
Please be advised that no approval of the application submitted on September 28, 2017 can take place until such time as the City Council has reviewed and approved the design.

Pamela A. Wilderman
Code Enforcement Officer
City of Marlborough
140 Main Street
Marlborough, MA 01752
508 460-3765
508 460-3736 (fax)
pwilderman@marlborough-ma.gov

SCOPE: REMOVE (4) MANUAL PRICE PANELS.
 INSTALL (2) LED PRICE PANELS FOR
 REGULAR AND DIESEL PRICES.



EXISTING PYLON SIGN



PROPOSED PYLON SIGN

656 BOSTON POST RD
 MARLBOROUGH, MA

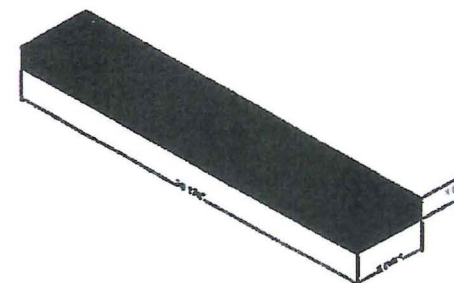
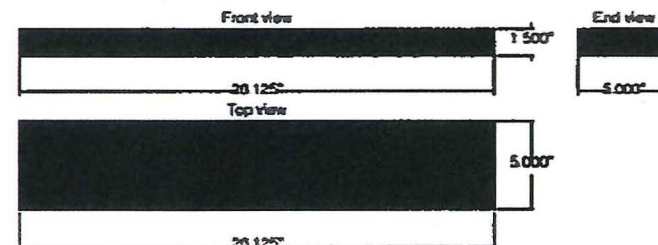
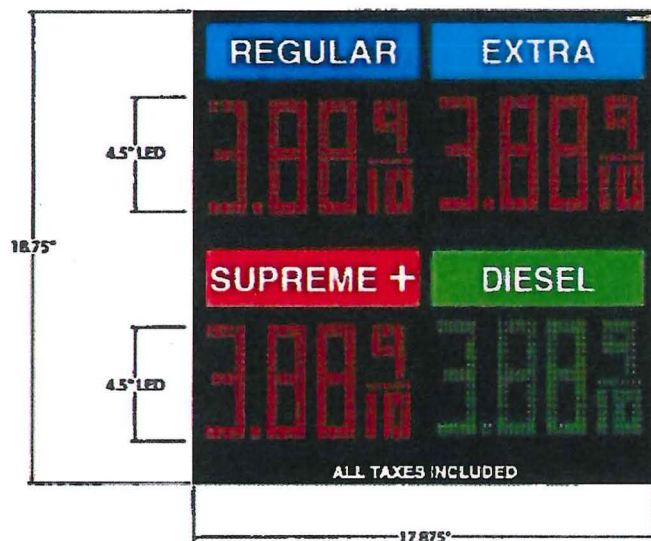


Client	Install Location	Sales
Petroleum Equipment Service Larry Misiaszek 440 Harvey Road Manchester, NH 03103 (603) 935-9330 larrymisiaszek@wildcopec.com	TBA	Scottie Burnham 816-387-4202 scottie@sunshine.us.com

Jan 18, 2017

11931

Ovation base



* Same layout both sides



Cabinet Specs	Label Specs	Other
Digit Size & Style: 4.5" LED	Non Backlit Label Panel -	
Digit Color: Red	Label Cap Height & Style: Helvetica Bold	* Label colors for representation only
Overall Cabinet Size: 18.75" h x 17.875" w x 5" d	'REGULAR' Label Panel Color: 97 Bristol Blue	
Cabinet Color: Black	'EXTRA' Label Panel Color: 57 Olympic Blue	
Single or Double Face: Double	'SUPREME + ' Label Panel Color: 73 Dark Red	
Build type: New cabinet	'DIESEL' Label Panel Color: 76 Holly Green	
	Label Type Color: White	

This original drawing is provided as part of a planned project and is not to be distributed, copied or reproduced without the written permission of Sunshine Electronics Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL, STATE, ELECTRICAL AND BUILDING CODES. Sunshine Electronics Display Corporation has no responsibility for wire loads, transformers or electrical details. These are the sole responsibility of the Buyer/User. * Actual LED size and configuration may vary.



656 BOSTON POST RD
MARK BOROUGHS, MA

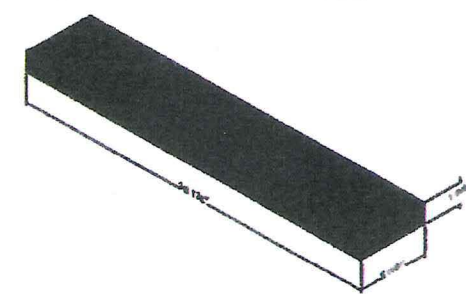
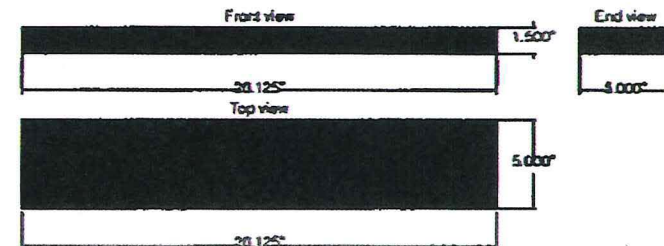
QTY: 4



Client	Install Location	Sales
Petroleum Equipment Service Larry Misiaszek 440 Harvey Road Manchester, NH 03103 (603) 935-9330 larrymisiaszek@wildcopes.com	TBA	Scottie Burnham 816-387-4202 scottie@sunshine.us.com

Jan 18, 2017 11931

Ovation base



* Same layout both sides



Cabinet Specs	Label Specs	Other
Digit Size & Style: 4.5" LED	Non Backlit Label Panel	* Label colors for representation only
Digit Color: Red	Label Cap Height & Style: Helvetica Bold	
Overall Cabinet Size: 9.375"h x 26"w x 5"d	'REGULAR' Label Panel Color: 97 Bristol Blue	
Cabinet Color: Black	'EXTRA' Label Panel Color: 57 Olympic Blue	
Single or Double Face: Double	'SUPREME +' Label Panel Color: 73 Dark Red	
Build type: New cabinet	Label Type Color: White	

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Sunshine Electronic Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL, STATE, ELECTRICAL AND BUILDING CODES. Sunshine Electronic Display Corporation has no responsibility for wind loads, fasteners or electrical details. These are the sole responsibility of the Signmaker. * Actual LED size and configuration may vary.



656 BOSTON POST RD
MARLBOROUGH, MA

Google Maps Pomphrey Dr



Image capture: Oct 2016 © 2017 Google United States

Marlborough, Massachusetts

 Google, Inc.

Street View - Oct 2016

FUEL DISPENSERS



*656 BOSTON POST RD
MARLBOROUGH, MA*

Owner Authorization

This correspondence serves as confirmation that JSP Land Development (JSP) and their agents are hereby authorized to serve as agent of Global Companies, LLC and their subsidiaries (Global Alliance, Alliance Energy, Global Montello, etc.). JSP's authority and their agent's authority is limited to project permitting on the behalf of Global Companies, LLC. Representation of the owner's interests by JSP and their agents is authorized for submittal of written materials, personal correspondence, and representation at public meetings/hearings.

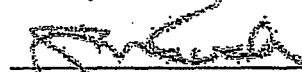
Authorization

Global Companies, LLC

Owner of Record

Jamie Cook, Director

Name, Title



Authorized Signature

04/18/17

Date



IN CITY COUNCIL

Marlborough, Mass., ~~DECEMBER 18, 2017~~

ORDERED:

That the PUBLIC HEARING on the On the Application for Sign Special Permit, Mobil, 656 Boston Post Road East, in which the four manual price panels will be removed and replaced with two LED price panels for regular and diesel prices, all were heard who wish to be heard, hearing closed at 8:10 p.m.

Councilors Present: Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

Carolyn Parker, of 3 Lorion Avenue, Worcester, MA, appeared on behalf of Global Oil on their application to change the manual price signs to LED at this location, Mobil, 656 Boston Post Road East. This gas station has four manual price panels which must be changed at least once or twice a day. They want to replace the four manual price panels with two LED price signs while maintaining the same square footage. On the fuel dispenser, the State requires prices must be displayed there and they are currently also manual and the station would like to change these to LED as well.

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION

There is no one speaking in opposition. That part of the Public Hearing is closed.

QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Doucette asked when the price is set for the gas itself, is the price change performed at one location and then propagated throughout the signs or are there multiple steps and each sign changed individually. Ms. Parker indicated that the large sign will change and then the prices at the dispensers follow shortly thereafter. Also, the prices can be changed from Global Oil's main location as well.

✓ **MOTION made by Councilor Delano and seconded to carry over to the 2018-2019 Legislative Session-CARRIES.**

There are no further questions from members of City Council. That part of the Public Hearing is closed.

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

ADOPTED

ORDER NO. 17-1007068B



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 30, 2017

ORDERED:

That there being no objection thereto set **MONDAY, DECEMBER 18, 2017** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, Halfway Café, 820 Boston Post Road East, for proposed new 90" x 96" x 15" double sided U.L. listed LED internally illuminated sign w/ 31" x 66" electronic message board, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

Ninety days after public hearing is 03/18/17 which falls on a Sunday, therefore 03/19/17 would be considered the 90th day.

*Closed - Carried over to
2018-2019 Session
No Opposition*

ADOPTED

ORDER NO. 17-1007069



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MARLBOROUGH CITY COUNCIL

2017 OCT 26 A 9 29

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):

820 Boston Post Road

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

(1) Awning w/ logo

(1) Existing Pylon - EMC to be added to

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:

N/A

4. Names of business or activity applying for sign:

Halfway Cafe

5. Applicant:

~~Signarama~~ Signarama - Amy Lynch

Street/City/Zip Code:

130 Wood Rd

Braintree, MA 02184

6. Building Owner:

John Grasso

Street/City/Zip Code:

820 Boston Post Rd

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

Building Owner.

E-mail: John Grasso

Business: Halfway

Mobile: 781-820-5966

Agent/Owner of Business where sign will be located.

E-mail: same

Business: cafe

Mobile:

Applicant: Amy Lynch

E-mail: amyl1016@outlook.com

Business: Signarama

Mobile: 781-901-0180

8. Applicant is (please check).

Business Owner:

Tenant:

Other (describe):

Sign Company

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.

Amy M Lynen

Applicant Signature

10/24/17

Date

see attached

Property Owner Signature

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.



130 Wood Road
Braintree, MA 02184
781.849.1181 Office

(Date)

To whom it may concern,

I John, am the tenant at 820 Boston Post Rd, Marlboro, MA (address). 01752

By signing this document, I am giving permission for Signarama to pull permits and represent my company in any procedures that may coincide with the permit application process.

Print Name: John Grasso

Signature: [Signature]

I _____, am the landlord at _____ (address).

By signing this document, I am giving my approval on all signage proposed in this application.

Print Name: _____

Signature: _____

Amz10160@outlook.com

From: Pamela Wilderman <pwilderman@marlborough-ma.gov>
Sent: Wednesday, October 11, 2017 11:08 AM
To: AMZ10160@outlook.com
Subject: Halfway Cafe Sign

Good morning:

Please be advised that the installation of any digital display sign requires the approval of the City of Marlborough City Council. An application can be obtained at http://www.marlborough-ma.gov/Gen/MarlboroughMA_CityClerks/Sign%20Permit%20Ordinance.pdf

Additionally the regulations can be found at <https://ecode360.com/30524975>

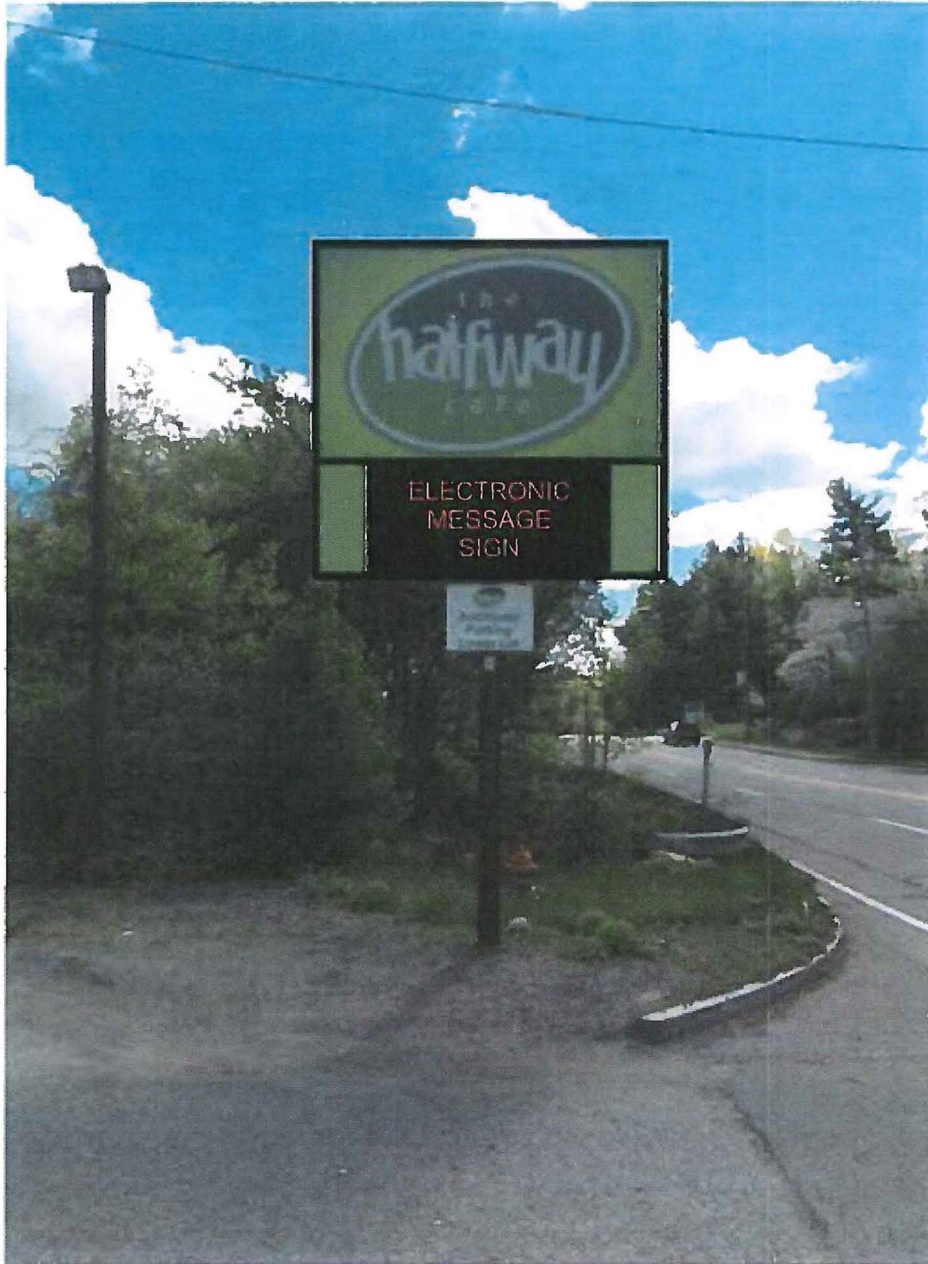
Please be advised that no approval of the application submitted on July 11, 2017 can take place until such time as the City Council has reviewed and approved the design.

Pamela A. Wilderman
Code Enforcement Officer
City of Marlborough
140 Main Street
Marlborough, MA 01752
508 460-3765
508 460-3736 (fax)
pwilderman@marlborough-ma.gov

Existing Signage



proposed new 90" x 96" x 15" double sided
U.L. listed LED internally illuminated sign
w/ 31" x 66" electronic message board



building has 90' of frontage therefore a 45
square foot sign is allowed with 33.3% bonus
then a 60 square foot sign is allowed
 $90" \times 96" = 60$ square feet
25% maximum for electronic message center
 $31" \times 66" = 14.2$ square feet (15 s.f. allowed)

City of Marlborough, MA

140 Main St., Marlborough, MA 01752

Amended sign permit application

APPLICATION TO ERECT-INSTALL- or ALTER A SIGN

Marlborough
140 Main Street - Second Floor
Marlborough, MA 01752

Telephone 508-460-3776, Fax 508-460-3736, Web - WWW.Marlborough-ma.gov

WHAT MUST ACCOMPANY THIS APPLICATION?

- ___ (Always) ONE APPLICATION may be used for multiple signs at the same location.
- ___ (Always) A photo of the site showing any existing conditions, signs to remain, signs to be removed, proposed new signs.
- ___ (Always) Two sets of Sign Graphics for each sign showing dimensions, calculated area, material, illumination, method of attaching to the building and location on the building. Graphic shall also identify the street address for free standing signs, and per 120.H identification for the responsible party and the sign permit number.
- ___ (For freestanding, Pylon or Monument sign) A Sketch plot plan in sufficient detail to show the location on the lot and sight distance compliance as per zoning Chapter 200-47N.
- ___ (For signs that are constructed to meet structural standards of 780 CMR section 120.H): i.e. wind, seismic, structural and stress requirements, TWO SETS OF CONSTRUCTION DRAWINGS
- ___ A fee based on the size of the sign and calculations by the Building Department

Address/Location of Sign 820 Boston Post Road Zoning District B

Name of Owner AND / OR Business Tenant MACSWAY CAFE
ADDRESS: 820 Boston Post Rd Marlborough, MA 01752 Tel. No.: 508-450-0688

Width of business façade to be used for the sign area calculation. 90 FEET
Type of Sign: Flat Wall ☒, Free Standing ☒, Projecting ☐, Awning ☐, Banner ☐
Location of sign on the building: NORTH ☐ SOUTH ☐ EAST ☐ WEST ☐
Material of Sign LED ELECTRONIC SIGN

HAVE YOU READ AND UNDERSTAND THE MASS. CityPlaceTypeSTATE CityPlaceTypeBUILDING CODE (780 CMR) Section 120.H & the City of CityplaceMarlborough Sign Ordinance (Chapter 163)? - Yes ☒, No ☐ Will sign conform Yes ☒ No ☐
IS A VARIANCE REQUIRED? Yes ☐ No ☒ PLANNING BOARD Case No. _____
please provide copy of recorded variance w/application.

COST OF SIGN including Installation: \$ 17,055.66
A Wiring permit is needed if the sign is illuminated or if wiring alterations are contemplated (527-CMR 12.00)

APPLICANT/CONTRACTOR

SIGN ERECTOR/RESPONSIBLE PARTY SYGMAARANA
ADDRESS 130 WOOD ROAD BRAINTREE, MA 02187
Voice Phone 781-849-1181, email address MS@SYGMAARANA Fax 781-849-1193
- 82A-WIRE.COM

I hereby declare that I have authority to request this permit, that the statements and information on the foregoing are true and accurate to the best of my knowledge and belief, signed under the pains and penalties of perjury.

Michael Segur 6/26/17
SIGNATURE OF APPLICANT - DATE

Map ___ Parcel ___ SP-2009-___ Date Issued ___/___/___ Permit Fee: \$ _____

(rev 4/28/09)



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 18, 2017

ORDERED:

That the PUBLIC HEARING on the On the Application for Sign Special Permit, Halfway Café, 820 Boston Post Road East, for proposed new 90" x 96" x 15" double sided U.L. listed LED internally illuminated sign w/ 31" x 66" electronic message board, all were heard who wish to be heard, hearing closed at 8:05 p.m.

Councilors Present: Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

Amy Lynch appeared on behalf of Signarama and Halfway Café on their application for an Electronic Message Center (EMC) sign. They proposed the installation of an EMC board into the existing sign and building a cabinet around it. They will install the EMC into the sign so it remains within the requirements of the allowed square footage.

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION

There is no one speaking in opposition. That part of the Public Hearing is closed.

QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Tunnera asked when they planned to replace the sign, what was their timeframe. Ms. Lynch stated they hoped to replace as soon as possible but they needed to go through this application process as well as a building permit first. Councilor Tunnera asked how long their sign had been damaged. Their sign had been damaged for about six months and they were hoping to replace as soon as the approvals were in place.

✓ Councilor Delano stated the approval should be a quick process if their paperwork was in order. **MOTION made by Councilor Delano and seconded to carry over to the 2018-2019 Legislative Session-CARRIES.**

✓ Councilor Doucette asked about their electronic message board and its anticipated use. Would it be changed daily? John Grasso, Halfway Café, explained it would be changed for specials, general information and other details to reach the large number of people that drive by daily.

There are no further questions from members of City Council. That part of the Public Hearing is closed.

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

ADOPTED

ORDER NO. 17-1007069B



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 25, 2017

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-59.C(1 l), entitled "Extension of time for action; leave to withdraw," is hereby amended in subsection (a) by inserting at the end thereof the following:-- For purposes of administrative convenience, the Council hereby designates and authorizes its President or, in his or her absence or incapacity, its Vice-President, to sign the extension agreement on behalf of the Council, without the necessity of a formal vote being taken at a regular Council meeting.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY OCTOBER 30, 2017.**

ADOPTED

ORDER NO. 17-1007030

2017 SEP 21 A 10:05



City of Marlborough
Office of the City Council

140 MAIN STREET
MARLBOROUGH, MA 01752
TELEPHONE (508) 460-3711, FACSIMILE (508) 460-3710

September 21, 2017

Marlborough City Council
City Hall
Marlborough, MA 01752

RE: Proposed Amendment to Zoning Ordinance –
Designating and Authorizing Certain Councilors to Sign Special Permit Extension Agreements

Dear Fellow Councilors:

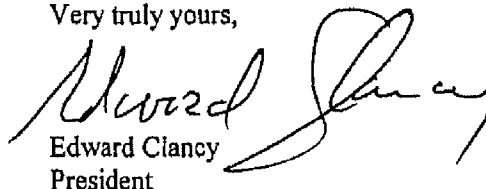
As the special permit granting authority for most special permits in the City of Marlborough, the City Council is often called upon to grant, by mutual agreement with the applicant, an extension of the deadline by which the Council must take final action on the application at hand. Our practice has been for the proposed extension agreement to be signed by the special permit applicant and placed on the Council agenda for a formal approval, which is generally if not always granted by unanimous vote.

This Council practice can sometimes run into challenges. For example, during the summer, the Council holds meetings only once during each of the months of July and August. During the winter months, the possibility exists that a blizzard or other weather conditions may result in the postponement of a Council meeting. These and other challenges can lead to difficulties for the Council, as a full body, to approve – in timely fashion – an extension agreement for any given special permit application.

Therefore, for purposes of the Council's administrative convenience, I am proposing an amendment to the City's zoning ordinance by which the Council would designate and authorize the person then serving in the position of its President or, in his or her absence or incapacity, in the position of its Vice-President, to sign a special permit extension agreement on behalf of the Council, without the necessity of a formal vote being taken at a regular Council meeting. The proposed amendment drafted by the Legal Department is attached for your review and deliberation.

Thank you for your consideration of this matter.

Very truly yours,


Edward Clancy
President

Enclosure

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-59.C(11), entitled "Extension of time for action; leave to withdraw," is hereby amended in subsection (a) by inserting at the end thereof the following:-- For purposes of administrative convenience, the Council hereby designates and authorizes its President or, in his or her absence or incapacity, its Vice-President, to sign the extension agreement on behalf of the Council, without the necessity of a formal vote being taken at a regular Council meeting.

ADOPTED

In City Council
Order No. 17-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 30, 2017

PAGE 1

ORDERED:

That the on the Public Hearing On the Proposed Amendment to Zoning Ordinance, Designating and Authorizing Certain Councilors to Sign Special Permit Extension Agreements, Order No. 17-1007030, hearing recessed at 8:10 p.m.

Councilors Present: Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Oram, Ossing & Robey.

Absent: Juairé

Edward Clancy, City Council President, spoke in favor of the proposed amendment to the zoning ordinance to authorize certain Councilors to sign special permit extension agreements. President Clancy proposed this change to the zoning ordinance primarily because of the limitations that are set for special permits. From the time City Council receives a special permit filing, there are sixty-five days to hold a public hearing. After the public hearing is held, the clock starts on a ninety day limitation to have a decision. A decision must be given within those ninety days, unless they receive a request from the applicant for an extension of time limitations.

President Clancy read the ordinance as currently written in § 650-59. Powers and procedures of special-permit-granting authorities; C. Rules; (11) Extension of time for action; leave to withdraw, subsection "(a) The period within which final action shall be taken may be extended for a definite period by mutual written agreement of the Council and the applicant, pursuant to MGL c. 40A, §9, as amended."

His request would add the following language to the end of that section so it would read as follows:

(a) The period within which final action shall be taken may be extended for a definite period by mutual written agreement of the Council and the applicant, pursuant to MGL c. 40A, §9, as amended. *For purposes of administrative convenience, the Council hereby designates and authorizes its President or, in his or her absence or incapacity, its Vice-President, to sign the extension agreement on behalf of the Council, without the necessity of a formal vote being taken at a regular Council meeting.*

President Clancy indicated it is a rare occasion to have requests for an Agreement to Extend Time Limitations from applicants. However, in the instance of a mid-summer lull with time ticking off the clock, they do not want the City Council to default on a special permit ruling. This would allow either the City Council President or Vice-President to sign an extension for the applicant for expediency purposes. He felt this was the best way to move forward.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 30, 2017

PAGE 2

ORDERED:

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION

There is no one speaking in opposition. That part of the Public Hearing is closed.

QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Doucette asked if there could be consideration of a maximum time window included in the amendment. President Clancy explained the applicant is the one requesting more time for their submission and it is not the City Council setting a time limitation.

✓ Councilor Elder confirmed the amendment as written, the only authorized signatories would be the President and Vice-President. He questioned to make the process smoother, could the wording be considered as the President or their designee? Since there could be an instance of both the President and Vice-President being away on vacation over the summer or some other similar conflict, the President could send a message to the City Council Secretary designating Councilor "X" as an authorized signatory. President Clancy thought that was a good amendment and the proposed wording could be changed to include, "*President or, in his or her absence or incapacity, its Vice-President or designee.*" This change could be further discussed when it appears before the Urban Affairs Committee.

There are no further questions from members of City Council. That part of the Public Hearing is closed.

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

ADOPTED

ORDER NO. 17-1007030A



IN CITY COUNCIL

Marlborough, Mass., ~~DECEMBER 18, 2017~~

ORDERED:

That the Communication from the Planning Board re: their decision of the Proposed Zoning Amendment-Section 650-59.C (11) as it pertains to Powers & Procedures of Special Granting Authority, Order No. 17-1007030, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND CARRY OVER TO THE 2018-2019 LEGISLATIVE SESSION.**

ADOPTED

ORDER NO. 17-1007030B



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 25, 2017

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-59.C(1 I), entitled "Extension of time for action; leave to withdraw," is hereby amended in subsection (a) by inserting at the end thereof the following:-- For purposes of administrative convenience, the Council hereby designates and authorizes its President or, in his or her absence or incapacity, its Vice-President, to sign the extension agreement on behalf of the Council, without the necessity of a formal vote being taken at a regular Council meeting.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY OCTOBER 30, 2017.**

ADOPTED

ORDER NO. 17-1007030

*Suspension
from President
Clancy
10/2/18/17*



City of Marlborough
Commonwealth of Massachusetts

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen Hughes
Philip Hodge
Sean N. Fay
Brian DuPont
George LaVenture

Krista Holmi, Administrator
Phone: (508) 624-6910 x33200
Fax: (508) 624-7699

Email: planning_board@marlborough-ma.gov
kholmi@marlborough-ma.gov

December 8, 2017

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

RE: Proposed Zoning Amendment – Section 650-59.C (11)
Powers and Procedures of Special Permit Granting Authorities

Dear President Clancy:

At its regularly scheduled Planning Board meeting on December 4, 2017, the Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. Fay, seconded by Mr. DuPont, the Board voted to make a negative recommendation to the City Council for the proposed zoning amendment, Section 650-59. C (11), entitled "Extension of time for action; leave to withdraw". Motion carried. (Mr. Hodge Abstained.)

In its decision, the Board noted the following concerns:

Enabling extension agreements by the Council President or Vice-President without the necessity of a formal vote reduces the transparency of the body and removes the discussion regarding the justification for the extension from public view. It was the consensus of the Board that extensions of special permits before the Council should be negotiated in public view, and open to Council discussion and debate.

Although the Board expressed its confidence in the current makeup of the Council and spoke highly of more experienced councilors and leadership, the makeup of the Council changes with each election. Consistent with prior concerns raised by the Planning Board concerning "discretionary" provisions, the Board members reiterated their reservations over discretionary powers of future, unknown Councilors, and future, unknown Council leadership. While the intent of the contemplated changes is to provide administrative convenience, the Board's consensus is that an expansion of power for administrative convenience could result in unintended consequences.

Sincerely,

Barbara L. Fenby/kh

Barbara L. Fenby
Chairperson

cc: City Clerk