



## TOWN of WILMINGTON

### DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 [www.wilmingtonma.gov](http://www.wilmingtonma.gov) (978) 658-8238

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TOWN OF WILMINGTON, MA

### Planning Board Minutes November 8, 2023

The Planning Board met on Wednesday November 8, 2023 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Terence Boland, Chair, Randi Holland, Sean Hennigan, and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present. Angela Marcolina was absent.

#### Minutes

The Planning Board reviewed the September 5, 2023 and October 3, 2023 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the September 5, 2023 and October 3, 2023 minutes as written.

#### Form A

None

#### Matters of Appointment

**Continued Public Hearing – Site Plan Review #23-01, Stormwater Management Permit #23-01 for 90 Eames Street - Map 38 Parcel 3A - Eames Street LLC, Applicant**

A request to extend the deadline and continue the public hearing was received.

#### MATERIALS CONSIDERED:

LETTER from Attorney Robert G. Peterson dated October 30, 2023

V. Gingrich told the Board this is in litigation, and they are still trying to work out the details.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to March 31, 2024 for Site Plan Review #23-01 and Stormwater Management Permit #23-01.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-01 and Stormwater Management Permit #23-01 for 90 Eames Street to March 12, 2024 at 7:30 p.m. in the Town Hall Auditorium.

**Continued Public Hearing – Lee Avenue – Map 58 Parcel 25 - 81G Roadway Improvement Plan Application #23-01 and Stormwater Management Permit #23-10 – Joseph Shamon, Applicant**

PRESENT IN INTEREST: Luke Roy, LJR Engineering  
Joseph Shamon

**MATERIALS CONSIDERED:**

PLAN: "Roadway Improvement Plan, Lee Avenue, Town of Wilmington" dated April 1, 2023 and last revised September 18, 2023,  
STORMWATER ANALYSIS dated April 2023 and last revised September 2023  
PLANNING REVIEW LETTER dated July 31, 2023  
ENGINEERING MEMO dated October 3, 2023  
LETTER for Luke Roy dated September 18, 2023

L. Roy told the Board there were a few remaining comments that Engineering. He said he met with the Town Engineer and understands that they are things that could be conditioned. He prepared an earth work plan and submitted that to the Town Engineer. They have not submitted revised plans. T. Boland said the Board was looking at the drainage basin and the maintenance of it. He asked if everyone is okay with the road layout and V. Gingrich said Public Safety and DPW did not have any remaining comments about the roadway. T. Boland said the last remaining item is maintenance of the drainage basin. L. Roy said they have a proposed easement line running tight to the edge of the basin so they will be widening it from 25' to 30' to give a little room on the outer edge of the basin. T. Boland asked if that would give the Town better access in case it was accepted. V. Gingrich said the Town Engineer wanted that in the conditions for better access. S. Hennigan asked if he understood correctly that the easement is for the town so that the town will maintain the drainage easement. V. Gingrich said the homeowner will be responsible for the operation and maintenance of the stormwater management. She said if the street is accepted, then it could become the responsibility of the Town or a shared responsibility with the homeowner mowing the lawn weekly and DPW takes on the less regular maintenance. S. Hennigan said this was discussed at the last meeting, that homeowners don't keep up with the maintenance and that causes more issues. V. Gingrich reiterated it would be the responsibility of the homeowner, but the town asks for an easement for access and maintenance and typically the easement language is worded that the town can go in but is not obligated to. S. Hennigan said if it's accepted it would have to go to town meeting and the Board has no idea now if that will ever happen. V. Gingrich said it will require a street acceptance plan and it will require the folks that have rights on Lee Avenue to buy in and give up those rights so it can become a public way. R. Holland asked if it is for Lee Avenue and Perry Avenue but T. Boland said Perry Avenue is not being built so it would just be Lee Avenue. P. Moser asked what condition addresses the street acceptance plan and V. Gingrich said it is #23. S. Hennigan asked about the emergency spill way and L. Roy said it's a spill way from the stormwater basin and is designed so the 100-year storm doesn't reach that point but if the outlet is clogged it would direct it to the emergency overflow rather than breaching somewhere else in an uncontrolled way. S. Hennigan asked if they would submit new plans. T. Boland said prior to endorsement the only change to the plan is the easement. There are a number of things that need to be done such as the O&M Plan, the spill way and some details.

D. Webber, 6 Perry Avenue, asked if the emergency spillway is the same as the overflow and L. Roy said it will not be activated unless the outlet structure is clogged or if there is some event or an issue where exceeds the 100-year storm. He said if there is an overflow it won't cause a bigger issue. D. Webber asked if it could be pointed in a different direction and L. Roy said the

overflow is directed toward the wetland in the rear and he said there is a little flexibility, but it can be moved 5 or 10 feet to the south. D. Webber said naturally it wants to go that way but asked if it can be turned as much as possible to point it toward Lowell Street so that it won't spill toward Perry Avenue. L. Roy said they follow engineering guidelines and standards. He said there is an intermittent stream and J. Webber interrupted and said it is not intermittent, it is constantly running and because of the pollution that comes down, he can't even grow vegetables in his garden. L. Roy said he was pointing out the flow direction from south to north. D. Webber said it is not intermittent and J. Webber said there is constant water flow. D. Webber asked what other methods people use other than an overflow that looks like that. L. Roy said this is an infiltration basin which is common. He said there are other BMPs other than an infiltration basin. You can have bioretention areas or wet swales and underground systems, but they are all going to have some sort of overflow or means of spillway. D. Webber asked if he looked into any other bioretention or wet swale and L. Roy said they look at what will be most efficient and in this case the easiest to maintain. D. Webber asked what the town's preferred method for managing stormwater is and V. Gingrich said depending what the goal is, different BMPs are used so it depends on what you are trying to achieve. T. Boland said the Town Engineer is tough on stormwater management and he worked with the applicant's engineer, and this is the best it can be given the circumstances. He said with the process that the town went through, they use all the different BMPs as appropriate so after the Town Engineer went through it, it was determined this was the best way it could be done. J. Webber said the next time it overflows he hopes the office won't mind that he requests they come see for themselves and he said his neighbor would agree. Resident J. McGrath, 22 Perry Avenue, told the Board she lived on Perry Avenue for 43 years and the water comes off Lowell Street and she feels the extra retention pond will help and what they are doing on Lowell Street will help also. She said the water flows into her yard and she feels any drainage storage will help because it will give the water a direction. J. McGrath doesn't believe this project will hurt the area. D. Webber asked when the project on Lowell Street will be done and J. McGrath answered 3 ½ years. L. Roy asked if there is a modification needed because they are currently before the Conservation Commission, could it be a field change after being reviewed by the Planning Director. The Board said they would leave it up to the Planning Director unless it is substantial. J. Shamon was questioning the wording of substantial and why it would be determined only by the Planning Director when S. Hennigan said it is either, V. Gingrich decides if it is substantial, or the applicant can come before the Planning Board with its changes.

Upon motion duly made and seconded with four in favor and one abstention (S. Hennigan) it was

**VOTED:** To close the public hearing for 81G Roadway Improvement Plan Application #23-01 and Stormwater Management Permit #23-10.

Upon motion duly made and seconded with four in favor and one abstention (S. Hennigan) it was

**VOTED:** To approve with conditions an 81G application and plan entitled, "Roadway Improvement Plan, Lee Avenue, Town of Wilmington" dated April 1, 2023, last revised September 18, 2023, scale 1" = 20', prepared by Luke J. Roy, P.E., LJR Engineering, Inc., 234 Park Street, North Reading, MA 01864, concerning the property located on Lee Avenue, and shown on Assessor's Map 58, Parcel 25, subject to the Findings and Conditions below.

## **MATERIALS:**

The following materials in addition to the Road Improvement Plan were submitted into the public record:

1. Fire Truck Turning Exhibit prepared by LJR Engineering, Inc. dated April 1, 2023
2. "Lee Avenue Roadway Improvements, Wilmington, Massachusetts, Stormwater Analysis" prepared by LJR Engineering, Inc., dated April 2023 and last revised September 2023.
3. Project Narrative prepared by Joseph J. Shamon, Jr., dated June 27, 2023.
4. Letters from Luke J. Roy, LJR Engineering, Inc., dated August 18, 2023, and September 18, 2023.

## **FINDINGS:**

1. The Project includes construction of a turn-around and widening of Lee Avenue.
2. The Roadway Improvement Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards and guidelines of Chapter 41 Section 81G of the MA General Laws.
3. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.
4. This permit does not grant or alter any property rights. It shall be the responsibility of the Applicant to ensure that it has the right and ability to undertake the work authorized under this permit.
5. Relief from the Official Map is required from the Wilmington Zoning Board of Appeals.

## **CONDITIONS:**

1. Roadway improvements shall be constructed in accordance with any other applicable regulations of the Town of Wilmington.
2. Roadway improvements shall be constructed within one (1) year from the date of this approval unless an extension is granted by the Planning Board.
3. Any modification to the approved plans must receive the prior approval of the Planning Board.
4. Any modifications to the approved plans resulting from the Conservation Commission's review shall be reviewed by the Director of Planning & Conservation to determine if they are substantial. If determined to be substantial, modifications shall be presented to the Planning Board as an amendment or new filing.
5. Maintenance responsibilities for all stormwater best management practices (BMPs) installed for this development shall remain with the owner of Map 58 Parcel25.

**PRIOR TO ENDORSEMENT OF THE PLAN:**

6. Operation and Maintenance Plan shall be revised to specify responsible party (for implementation) as the owner of Map 58 Parcel 25.
7. Operation and Maintenance Plan shall be revised to include inspection protocol and sediment/debris removal protocol for the outlet control structure, flared end section (outfall), and the emergency spillway of the infiltration basin.
8. A weir detail shall be provided for the emergency spillway to prevent seepage below the spillway elevation of 93.5.
9. The Applicant's Engineer shall evaluate v-notch weir type outlet control structure. Any changes to the outlet control structure shall be shown on the plan prior to endorsement.
10. The plan shall be revised with a wider easement (along the proposed driveway) to provide adequate access to the entire interior embankment of the proposed infiltration basin.

**PRIOR TO THE ISSUANCE OF A BUILDING PERMIT/CONSTRUCTION:**

11. It is the responsibility of the Applicant to adhere to the Town's Earth Removal Bylaw (Section 32 of the Town's Inhabitant By-laws) and file for a permit through the Board of Selectmen, if necessary.
12. At least one (1) week prior to the commencement of earth moving or land disturbing activities, the applicant or designated authority shall schedule a pre-construction meeting with the Department of Planning & Conservation and the Engineering Division.
13. At the time of the pre-construction conference, the developer will be required to submit a schedule of work, project contacts, soil erosion and sedimentation control plan, information on plans for stockpiling of earth materials and/or any plans for hauling of earth materials (if approved under the Earth Removal Bylaw) for review by the Department of Planning & Conservation and Engineering Division.
14. Prior to the commencement of construction, erosion controls shall be installed and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
15. Notice of start of construction shall be distributed to abutting properties and properties fronting on Lee Avenue two (2) weeks prior to the commencement of construction.
16. During construction work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.
17. Prior to the issuance of a building permit for the dwelling, the roadway shall be completed through binder course and an acceptable form of surety shall be provided for the completion of the roadway improvement project.

**PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

18. Easements in a form approved by Town Counsel for access and drainage shall be executed and provided to the Department of Planning and Conservation.
19. The Applicant or designated authority shall give reasonable notice (at least 24 hours) to the Engineering Division for inspection prior to installation of the proposed roadway section (i.e., sub-grade, grave base, binder, and wearing surface) and prior to backfilling any proposed stormwater management system.
20. Iron pins shall be installed at all lot corners.
21. Prior to the release of surety and the issuance of a Certificate of Occupancy for Map 58 Parcel 25, final As-Built Plans for the roadway improvement project and the house, in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineering Division and Director of Planning and Conservation.
22. The Operation & Maintenance Plan shall be recorded.
23. Prior to the release of surety and the issuance of a Certificate of Occupancy for Map 58 Parcel 25, Street Acceptance Plans in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineering Division and Department of Planning and Conservation.

**POST OCCUPANCY:**

24. All maintenance responsibilities per the Operation and Maintenance Plan for all drainage structures installed for this project shall remain with the Owner of Map 58 Parcel 25.

**Continued Public Hearing – Birch Street Definitive Subdivision #22-01 and Stormwater Management Permit #22-12 – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 Haralambos Katsikis, Applicant**

A request to extend the deadline for action and continue the public hearing was received.

**MATERIALS CONSIDERED:**

LETTER from Attorney Michael J. Newhouse dated October 31, 2023

Upon motion duly made and seconded it was unanimously

**VOTED:** To extend the deadline for action for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to December 31, 2023.

Upon motion duly made and seconded it was unanimously

**VOTED:** To continue the public hearing for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to December 5, 2023 at 7:35 p.m. in the Town Hall Auditorium.

**Continued Public Hearing – 250 Andover Street - Map R1 Parcel 302 - Site Plan Review #23-13 and Stormwater Management Permit #23-12 - Stephen Albano, Applicant**

PRESENT IN INTEREST: Devin Howe, Luke Roy, LJR Engineering  
Chris Scott, The ASK Group, LLC

**MATERIALS CONSIDERED:**

PLAN “Plans to Accompany Permit Documents for Building Addition, 250 Andover Street, Wilmington, Massachusetts”, dated August 8, 2023, last revised October 25, 2023

LETTER from Devin Howe dated October 24, 2023

D. Howell said they received comments from various Town Departments, and he submitted a letter addressing comments and he can review the letter or proceed with other issues. V. Gingrich said the Town Engineer reviewed the plans and comment letter and was comfortable putting his additional comments as a condition in the decision. D. Howe said they reviewed the draft decision, and they would like condition #16 (The Applicant shall demonstrate compliance with NPDES Construction General Permit ....) stricken because those are for larger projects that disturb over an acre and this project will not disturb that much. V. Gingrich said that is one of the standard conditions so if it applies fine, if it doesn't that's fine too. D. Howe said he assumed it was but would like it removed so as not to cause confusion. D. Howe suggested adding the words if applicable if the Board feels the need to leave it. V. Gingrich said they will add that language.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #23-13 and Stormwater Management Permit #23-12 for 250 Andover Street.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #23-13 for 250 Andover Street as shown on plan entitled “Plans to Accompany Permit Documents for Building Addition, 250 Andover Street, Wilmington, Massachusetts”, dated August 8, 2023, last revised October 25, 2023, prepared by Devin P. Howe, P.E., Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116. Said property is located at 250 Andover Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 302.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on September 5, 2023 and closing on November 8, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Stephen Albano, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the construction of a 6,060 square foot addition to the existing building, as shown on plan entitled “Plans to Accompany Permit Documents for Building Addition, 250 Andover Street, Wilmington, Massachusetts”, dated August 8, 2023, last revised October 25, 2023, prepared by Devin P. Howe, P.E., Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, submitted on August 11, 2023, (the “Site Plan”) (the “Project”), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

## **MATERIALS:**

The following materials in addition to the Site Plan were submitted into the public record:

### Description

"Stormwater Management Report, 250 Andover Street" dated August 2023, prepared by Beals Associates, Inc.

"Operation and Maintenance Control Plan, 250 Andover Street" dated August 2023, prepared by Beals Associates, Inc.

Response to comments letter with attachments dated October 24, 2023, prepared by Devin P. Howe, P.E., Beals Associates, Inc.

## **FINDINGS:**

1. The Project site is shown on Map R1 Parcel 302 on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

## **CONDITIONS:**

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

## **GENERAL:**

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.



**PRIOR TO ENDORSEMENT:**

7. The Stormwater Management Report shall be updated to include the filtration device proposed in the latest revised plan set.
8. The Operation and Maintenance (O&M) Plan shall be updated to include inspection and cleaning/maintenance protocol for the proposed filtration device. The O&M Plan shall be submitted to the Department of Planning and Conservation for review and approval.
9. The Applicant's Engineer shall confirm that the interior angle between the inlet and outlet pipe of the filtration device meets the minimum requirements specified on the detail sheet (59-degrees). The Plan detail and/or the proposed drain pipe configuration shall be revised if necessary.
10. The Applicant's Engineer shall confirm the depth of flow for the water quality event at the bypass structure to ensure that the water quality flow will pass through the filtration device and not bypass directly to the Town's drainage system.
11. The Applicant's Engineer shall provide a findings memorandum based on their review of the CCTV (video) of the existing 18-inch diameter RCP for review and approval by the Department of Public Works. Any necessary repairs to existing drain pipe(s) will be the responsibility of the Owner.
12. The Photometric Plan shall be included in the plan set.

**PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

13. The Wilmington Fire Department shall review and approve building plans.

**PRIOR TO THE START OF CONSTRUCTION:**

14. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction meeting.
15. At the time of the pre-construction meeting, the Applicant shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
16. The Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and if applicable, shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
17. Erosion controls shall be installed around all areas of work as a limit of disturbance and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
18. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

**DURING CONSTRUCTION:**

19. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.
20. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to backfilling any proposed underground stormwater management system or installation of any other critical design components.
21. It is the responsibility of the Applicant to adhere to the Town's Earth Removal Bylaw (Section 32 of the Town's Inhabitant By-laws) and file for a permit through the Board of Selectmen, if necessary.

**PRIOR TO OCCUPANCY:**

22. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
23. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
24. Prior to the issuance of Occupancy, As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
25. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of a Certificate of Occupancy. In the event that winter season conditions prohibit final landscaping and/or finish paving course from being installed prior to occupancy, the Applicant may post a bond, in a form and amount acceptable to the Director of Planning & Conservation and Town Engineer, covering the cost of completion. This will be considered on a case-by-case basis. The Applicant must have received all other required Department signoffs on Occupancy prior to eligibility.

**POST CONSTRUCTION:**

26. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Project site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed and enclosures locked.
27. Dumpster service shall only occur during business hours.
28. The Owner shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
29. The Owner shall use good housekeeping practices as outlined in the Operation and Maintenance Plan to maintain the site and keep it in good working condition. The Owner shall provide copies of completed maintenance and inspection logs for the construction period and copies of logs of the long-term pollution prevention plan to the Department of Planning & Conservation.
30. The Project shall be operated in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project shall be the Owner's responsibility.
31. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
32. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
33. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Upon motion duly made and seconded it was unanimously

VOTED: To issue the Stormwater Management Permit #23-12 for 250 Andover Street as follows:

**DECISION OF THE WILMINGTON PLANNING BOARD  
AS PERMIT GRANTING AUTHORITY FOR STORMWATER MANAGEMENT PERMITS  
UNDER SECTION 51 OF THE BYLAWS OF THE INHABITANTS OF THE TOWN OF  
WILMINGTON**

November 9, 2023

ISSUED for Property located at 250 Andover Street, Wilmington, MA (Map R1 Parcel 302)

Case No.: Stormwater Management Permit #23-12

Applicant: Stephen Albano, Ask Group, LLC, 79 Chestnut Hill Road, Amherst, NH 03031

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Plans to Accompany Permit Documents for Building Addition, 250 Andover Street, Wilmington, Massachusetts", dated August 8, 2023, last revised October 25, 2023, prepared by Devin P. Howe, P.E., Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116. Said property is located at 250 Andover Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 302, material originally submitted on August 11, 2023, subject to the following conditions:

**MATERIALS:**

The following materials in addition to the Site Plan were submitted into the public record:

Description

"Stormwater Management Report, 250 Andover Street" dated August 2023, prepared by Beals Associates, Inc.

"Operation and Maintenance Control Plan, 250 Andover Street" dated August 2023, prepared by Beals Associates, Inc.

Response to comments letter with attachments dated October 24, 2023, prepared by Devin P. Howe, P.E., Beals Associates, Inc.

**STANDARD CONDITIONS**

1. Waivers granted: None
2. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
3. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
4. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.

5. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
6. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on June 2, 2020.

## **SPECIAL CONDITIONS**

1. Prior to endorsement, the Stormwater Management Report shall be updated to include the filtration device proposed in the latest revised plan set.
2. Prior to endorsement, the Operation and Maintenance (O&M) Plan shall be updated to include inspection and cleaning/maintenance protocol for the proposed filtration device. The O&M Plan shall be submitted to the Department of Planning and Conservation for review and approval.
3. Prior to endorsement, the Applicant's Engineer shall confirm that the interior angle between the inlet and outlet pipe of the filtration device meets the minimum requirements specified on the detail sheet (59-degrees). The Plan detail and/or the proposed drain pipe configuration shall be revised if necessary.
4. Prior to endorsement, the Applicant's Engineer shall confirm the depth of flow for the water quality event at the bypass structure to ensure that the water quality flow will pass through the filtration device and not bypass directly to the Town's drainage system.
5. Prior to endorsement, the Applicant's Engineer shall provide a findings memorandum based on their review of the CCTV (video) of the existing 18-inch diameter RCP for review and approval by the Department of Public Works. Any necessary repairs to existing drain pipe(s) will be the responsibility of the Owner.
6. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
7. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
8. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
9. The Stormwater Management Operation and Maintenance (O&M) Plan shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

ISSUED ON NOVEMBER 9, 2023

**Continued Public Hearing – 708R Woburn Street – Map 57 Parcel 54E - Conservation Subdivision Special Permit #23-01 – S&K Associates, Applicant**

A request to continue the public hearing was received.

**MATERIALS CONSIDERED:**

LETTER from Attorney Michael J. Newhouse, dated October 31, 2023

Upon motion duly made and seconded it was unanimously

**VOTED:** To continue the public hearing for Conservation Subdivision Design Special Permit #23-01 for 708R Woburn Street to December 5, 2023 at 7:40 p.m. in the Town Hall Auditorium.

**Continued Public Hearing – Definitive Subdivision #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street - Map 5 Parcels 2J, 3, 3A, 3C, 3D, & 3E - Craig Newhouse, Applicant**

A request to extend the action deadline and continue the public hearing was received.

**MATERIALS CONSIDERED:**

LETTER from C.S. Newhouse Builders dated October 31, 2023

Upon motion duly made and seconded it was unanimously

**VOTED:** To extend the deadline for action for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street to December 31, 2023.

Upon motion duly made and seconded it was unanimously

**VOTED:** To continue the public hearing for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive to December 5, 2023 at 7:50 p.m. in the Town Hall Auditorium

**Continued Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street - Map 44 Parcel 178B Gabriel Schuchman, Alrig USA Development, LLC, Applicant**

A request to extend the action deadline and continue the public hearing was received.

**MATERIALS CONSIDERED:**

PLAN "ALRIG USA, Proposed Multi-Tenant Development" dated August 30, 2022 and last revise October 16, 2023

TEC TRAFFIC PEER REVIEW dated October 31, 2023

Upon motion duly made and seconded it was unanimously

**VOTED:** To extend the action deadline for Site Plan Review #22-16 and Stormwater Management Permit #22-13 for 208 Main Street to December 31, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street, Map 44 Parcel 178B to December 5, 2023 at 7:45 p.m. in the Town Auditorium.

### **Board of Appeals**

#### **Case 19-23 for 409 Salem Street – Map 95 Block 8 Parcel 17J – Angelo Ciano, Applicant**

J. Wierzbicki told the Board they are in groundwater protection district and they are requesting to construct an addition. She said they are missing some information on their plans and they are before the Conservation Commission and the Town Engineer is reviewing the project. The Board believed it would be best to table any decision.

Upon motion duly made and seconded it was unanimously

VOTED: To table the discussion to the December 5, 2023 Planning Board meeting; more information is needed to make a proper recommendation. The Board was advised that the project is currently being reviewed by the Conservation Commission and the Town Engineer; revisions are underway.

### **Old Business**

#### **Board of Appeals Case 4-23 for 79 Nichols Street – Map 35 Parcel 29 Golden Realty Trust, Applicant**

V. Gingrich told the Board there are revised plans. She said they worked on stormwater and it is being peer reviewed by TEC. She said staff is still reviewing and there is a ZBA hearing next week. V. Gingrich said the Board's recommendation on the sewer will be reiterated at that meeting by DPW.

### **New Business**

#### **Request to release building lot 3 & 1 (Assessor's Map 10 Lots 5C & 5 for 6 & 2 Darby Lane) Highland Estates Definitive Subdivision #19-02 - James Castellano, Applicant**

A request to release lots 3 & 1, Map 10 Parcels 5C & 5 for (6 & 2 Darby Lane) Highland Estates Definitive Subdivision #19-02 was received.

#### **MATERIALS CONSIDERED:**

PLAN "Septic System, Lot 3, Highland Estates, Tax Map 10 Lot 5C, #6 Darby Lane – Lot 3, Wilmington, Massachusetts" dated April 3, 2022 and last revised October 1, 2023 and Septic System Plan, Highland Estates, Tax Map 10 Lot 5, 2 Darby Lane – Lot 1, Wilmington, Massachusetts" dated April 3, 2022 and last revised October 6, 2023

V. Gingrich said these two lots have approved septic systems so they are ready for release.

Upon motion duly made and seconded it was unanimously

VOTED: To release lots 3 & 1 (Assessor's Map 10 Lots 5C & 5 for 6 & 2 Darby Lane). Surety in the amount of two hundred forty thousand, one hundred twenty-three dollars and zero cents (\$240,123.00) had previously been presented in the form of a Tri-Party

Agreement. The executed Form J, Release of Lots in Exchange for Provision of Surety, is enclosed and must be recorded at the Registry of Deeds.

**Request to endorse plan for 12 Industrial Way – Map 46 Parcel 134 – Keith Edwards, Applicant**

A request to endorse plans was received.

**MATERIALS CONSIDERED:**

PLAN “12 Industrial Way, Permit Drawings, 12 Industrial Way, Town of Wilmington, Middlesex County, Massachusetts”; dated May 11, 2023, last revised July 21, 2023  
E-MAIL for Construction Schedule from Nick Tuhacek dated October 25, 2023  
E-MAIL for project contacts from Dan D’Ambrosio dated October 27, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled “12 Industrial Way, Permit Drawings, 12 Industrial Way, Town of Wilmington, Middlesex County, Massachusetts”; dated May 11, 2023, last revised July 21, 2023, prepared by Ian C. Wisuri, P.L.S. and Frank Holmes, P.E., Langan Engineering and Environmental Services, Inc., 100 Cambridge Street, Suite 1310, Boston, MA 02114. Said property is located at 12 Industrial Way, Wilmington, MA 01887 and shown on Assessor’s Map 46 Parcels 134.

**Discussion**

**As Of Right Multi-Family Zoning District - MBTA Communities Zoning Requirements (Section 3A)**

V. Gingrich said she put the changes of the new district in the one drive and the goal is to submit it to the state tomorrow for a pre-approval. She said an application needs to be filled out for the ground floor requirement. She said the town needs to make a case for it. The Board is fine with V. Gingrich submitting to the state because they said it’s the best they can do. V. Gingrich said the state doesn’t need the three months but can take up to three months.

**Update on Construction Projects**

V. Gingrich said on McDonald Road they have made progress up there. They finished the water line extension, and they are supposed be having curbing installed next week. Sidewalks will go in before the snow.

**Next Year’s Planning Board’s Meeting Dates and Deadlines**

The Planning Board agreed with the draft dates.

There being no more business to come before the Board, it was unanimously  
VOTED: To adjourn the meeting at 8:38 p.m.

NEXT PLANNING BOARD MEETING: December 5, 2023

Respectfully submitted,

A handwritten signature in black ink, reading "Cheryl Licciardi". The signature is written in a cursive, flowing style.

Cheryl Licciardi  
Recording Clerk