

**Town of Wilmington  
Board of Appeals  
Minutes - May 12, 2021**

The Board of Appeals held a virtual meeting via zoom. The meeting was called to order at 7:00 PM. Daniel Veerman, Anthony Barletta, Jacquelyn Santini, Thomas Siracusa were present.

Dan Veerman opens the meeting at 7:00 PM and reads into record Governor Baker's Order regarding virtual meetings with instructions to participate in the meeting to the public.

Continued from April 14, 2021 meeting:

Case 5-21                                      Deanna Wright                                      Map 44, Parcel 106  
1 Baker Street

Deanna Wright present: Dan Veerman states that this case was continued to await Town Counsel's opinion on whether this case is a variance or a special permit. Dan Veerman states that town counsel states that this should be a request for a Special Permit and not a variance. Tony Barletta asks if the applicant has new plans showing a smaller porch; he states that he requested the applicant bring these during the April meeting. The applicant states that she did not realize she needed new plans but would like to construct the front porch requested but is willing to scale down the size if needed.

Dan Veerman opens the public meeting/ no comments/ closed.

Jacquelyn Santini states that she does not believe that the board should grant the special permit as the applicant is requesting this to make her home daycare business access better. Jacquelyn states that she does not agree with this as this is a residential neighborhood which should not cater to business needs.

Anthony Barletta makes a motion to approve Case 5-21 for a Special Permit to extend a nonconforming structure as it is no more detrimental to the neighborhood.

Thomas Siracusa seconds the motion.

Roll Call Vote is 4 members to 1 for approval; Jacquelyn Santini is a No  
Case 5-21 is approved with majority vote.

Case 8-21                                      Sheila Williams                                      Map 34, Parcel 9  
90 Grove Avenue

Sheila Williams and Kristin Costa present for the applicant

The board discusses the memo from town Counsel with the applicants; Dan Veerman, Tom Siracusa and Ray Lepore agree with counsel's decision that this case should be a matter of right through the building inspector and not a special permit as they are not extending further into the nonconformity. Jacquelyn Santini and Tony Barletta disagree with counsel currently but agree to allow for a withdraw of this matter and defer to the building inspector.

Anthony Barletta makes a motion to withdraw Case 8-21

Thomas Siracusa 2nds the motion

Roll call vote is unanimous to withdraw.

Case 7-21                                      Sheila Williams                                      Map 34, Parcel 9

90 Grove Avenue

Sheila Williams and Kristin Costa present for the applicant and request a Special Permit for the Ground Water Protection District. Kristin Costa states that the plan for the infiltration/ recharge system has been approved by the Engineering dept. Dan Veerman reads the Engineer and Planning Boards memos to approve.

Opens and closes public hearing as there are no public comments.

Jacquelyn Santini makes a motion to approve Case 7-21 for the Ground Water Protection District

Ray Lepore seconds the motion.

Roll call vote is unanimous to approve Case 7-21

Case 9-21

Daniel and Diane Foley

Map 28, Parcel 33

7 Towpath Drive

Applicants present and state that their plan for the recharge system has been approved by the engineering department as they would like to have an above ground pool installed. Dan Veerman reads the engineering and planning departments memo for approval.

Opens and closes public meeting as there are no comments.

Tony Barletta makes a motion to approve Case 9-21 for a Special Permit for the Ground water protection District.

Jacquelyn Santini seconds the motion.

Roll call vote is unanimous to approve Case 9-21

Case 10-21

Matthew Luther

Map 40, Parcel 190

625 Main Street

Applicant and Attorney Paul Feldman present. Attorney Feldman states that they are seeking a Special Permit to allow for General Manufacturing in a General Industrial Zone. Feldman states that the applicant would like to purchase the property and open a Kitchen Counter Manufacturing Company-MKL Stone; states that there is ample parking and there would be no structural changes to the building/ states there would be approximately 2 company vans for the installer's and 3 to 4 employees inside the building. There will be a stone cutting machine which uses water and a recycling system for that water/ Tony Barletta asks if there will be air handlers and or noise fans as this will be near future apartments/ Atty. states there will be minimal noise emanating from the building. Tom Siracusa asks where the sediment will be disposed. Attorney states that the machine packages the sediment for disposal, and it is then placed into a separate dumpster.

Applicant states that he realizes that this board's normal practice is to await the Planning Board's memo for approval but since the site plan will not be completed until 6/1/21 he would like to request the boards decision be based on site plan approval as the seller would be more apt to extend the closing date.

Dan Veerman opens and closes public meeting/ no comments.

Raymond Lepore makes a motion to approve Case 10-21 for a Special Permit to allow the use of general manufacturing in a general industrial zone.

Dan Veerman moves this motion out of order as Ray Lepore is no longer in attendance due to technical difficulties.

Anthony Barletta makes a motion to approve Case 10-21 with the condition that Site Plan is completed and approved.

Tom Siracusa 2nds the motion

Roll Call Vote is a 4-member unanimous to approve Case 10-21 as Raymond Lepore is absent for the vote.

Case 11-21  
26 Upton Dr.

Attorney Michael Dolan is present for the applicant and states they are requesting a Special Permit to allow the use of Control Measures in the Ground Water Protection District and explains the project. Dan Veerman reads the Engineering and Planning board's memo for approval into record. Dan Veerman opens and closes the public meeting-no comments.

Jacquelyn Santini makes a motion to Approve Case 11-21 for a Special Permit S. 6.6.8.1 to all the use of Control Measures in the GWPD

Tom Siracusa 2nds the motion

Roll call vote is unanimous to approve Case 11-21

Case 12-21 Cellco Partnership d/b/a Verizon Wireless Map 90, Parcel 10  
26 Upton Dr.

Attorney Dan Klasnick present for applicant-Verizon Wireless and states they are seeking a Special Permit S. 6.6.7.7 for the Ground Water Protection District for a Cell Tower and explains the recharge system that will be put in place. Dan Veerman reads Planning Board and Engineering Departments Memo for approval of this matter.

Dan Veerman opens and closes public meeting-no comments.

Tony Barletta makes a motion to approve Case 12-21 for the GWPD.

Jacquelyn Santini seconds the motion.

Roll call vote is unanimous to approve Case 12-21

Case 13-21  
23 Miller Road

Applicant Chris Donattio present and states that he wishes to withdraw this case and have the Building Inspector issue the permit as discussed earlier during this meeting.

Jacquelyn Santini makes a motion to withdraw case 13-21

Tom Siracusa seconds the motion.

Roll call vote is unanimous to withdraw case 13-21

Case 14-21  
78 Grove Ave.

Applicant Shawn Stalker present and states that he is seeking a Special Permit for the Ground Water Protection District and states that he has a recharge system plan which has been approved by the Engineering Dept. Dan Veerman reads Planning Board and Engineering Dept's memo for approval.

Opens and closes public meeting as there are no comments.

Tony Barletta makes a motion to approve Case 14-21 for the GWPD.

**Jacquelyn Santini seconds the motion.**

Roll call vote is unanimous to approve Case 14-21

Case 15-21  
78 Grove Ave.

Applicant Shawn Stalker states that he would like to withdraw this case for a special permit to extend a nonconforming structure to have the building inspector issue the permit as discussed earlier.

Jacquelyn Santini makes a motion to withdraw Case 15-21

Tom Siracusa seconds the motion.

Roll call vote is unanimous to withdraw Case 15-21

Tom Siracusa states that the new guidelines regarding Special Permits and Variances from Town Counsel is concerning due to the Special Permits which have been granted in the past.

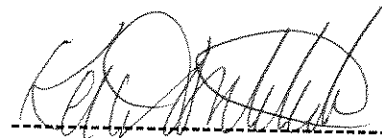
Tony Barletta states that he disagrees with Town Counsel's interpretation of the Special Permit/ Variance criteria and asks if Town Counsel could speak with the board members with regards to same. Dan Veerman requests that the clerk reach out to Town Counsel to schedule a zoom meeting regarding same.

Board members agree to continue the approval of the April 14, 2021 minutes until the June 9, 2021 meeting as some members have not had a chance to review them at this time.

Jacquelyn Santini makes a motion to adjourn at 9:15 PM

Tom Siracusa seconds the motion.

Roll call vote is unanimous to adjourn.



Kelly A Malatesta  
Recording Secretary