

Town of Wilmington  
Board of Appeals  
Minutes – December 12, 2018

The Board of Appeals held a meeting in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA. Daniel Veerman, Anthony Barletta, Thomas Siracusa, Jacquelyn Santini and Raymond Lepore were present.

The meeting was called to order at 6:30 p.m.

*Roll call:*  
*Chairman, Daniel Veerman*  
*Anthony Barletta, Member*  
*Jacquelyn Santini, Member*  
*Thomas Siracusa, Member*  
*Raymond Lepore, Member*

EXECUTIVE SESSION: For the purpose of discussing matters with respect to pending and/or threatened litigation in the matters of Tresca Brothers Sand & Gravel, et al. v ZBA; Eco-Site, et al. v ZBA, Sawyer v. Planning Board and Bettering, LLC, because an Open Meeting may have a detrimental effect on the Town's position in accordance with M.G.L. chapter 30A, section 21(a) 3. A motion was made by Thomas Siracusa and seconded by Jacquelyn Santini to go into executive session to discuss Tresca Brothers Sand & Gravel, et al. v ZBA and Eco-Site, et al. v ZBA only.

Regular meeting was called to order at 7:10 p.m.

Applicant requested continuance to January 9, 2019

Case 13-18                      Nouria Energy Retail Inc                      Map 044 Parcel 178D

To acquire a Special Permit in accordance with §3.5.14 Car Wash for property located on 220 Main Street.

Case 17-18                      Nouria Energy Retail Inc                      Map 044 Parcel 178D

To acquire a Special Permit in accordance with §6.6.6.12 Ground Water Protection District for property located on 220 Main Street.

Donald L. Conn, submitted a letter requesting a continuance to January 9, 2019. Anthony Barletta made a motion to continue to January 9, Jacquelyn Santini seconded. Voted unanimously.

Page 2  
12/12/18  
minutes

Continued from October 17, 2018

Case 7-18

Bettering LLC

Map 89 Parcel 6A

To acquire a Special Permit in accordance with S3.4.6, 6.1.3 and 6.1.4 to construct a forty-eight (48) bed rehabilitation facility over the site of the razed building for property located on 362 Middlesex Avenue.

List of documents submitted:

Memo from Paul Alunni, Town Engineer

Memo and approved site plan from the Planning Board

Letter dated 12/12/2018 from Hinckley Allen submitted by Susan Rogers

Suicide by Train- Washington Post article - submitted by Jim Buckley

Memo from Mark Bobrowski meets special permit criteria 12/12/2018

Attorney Mark Bobrowski was present along with Ben Osgood, Engineer, Ken Cram, Traffic Consultant and Ken Mayer, Program Director.

Ben Osgood went over the approved site plan. Some of the changes were, removed existing rear building, the septic system was approved, one-way entrance, moved patio to the side and added a surrounding fence, 8-foot fence along the back with plantings and wall, the largest fire truck can now go around the building and the lighting was proposed with zero light ending at the lot lines. He also went over the stormwater management plan, retention pond, tree boxes and tie in to municipal drainage. Daniel Veerman read the memo from the Town Engineer stating that all outstanding comments have been addressed, and they have no further comments on the project. Site Plan review has been completed and approved and the proposed septic system has been approved by the Board of Health.

Ken Cram the Traffic Engineer went over the Traffic study done in March, 2018 and a subsequent one done in April, 2018. He went over the data and answered questions from the Board. His conclusion was that this use was not a large generator of traffic, minimal addition.

The following abutters and interested parties made comments: Susan Rogers, Kimberly McNeeley, Jim Buckley, Patrick Pendergast, M. J. Byrnes, Mia Fitzgerald, J. McNeeley, Rachael Didomenico, Janine Goudreau, Michael McCoy, Anthony

Saragosa, Frank West, Casey Fissell, Suzanne Sullivan, Tricia Xavier, Adriana Reguera, Jenny Charbonnier, Phil Horan, Sandra Fitzler, Kelly Richards, Steve

Page 3

12/12/18

Minutes

DeMarco, Michael Shea, Debby Randall, Jeff Wood, Ethan Sawyer, Karen West, Jackie Rebeiro, Joe Xavier, Joe Byrnes, Paul Meimatis, and Casey Fissel. Most agreed that this type of facility is needed, but not at this location. The addressed concerns about the change of character of the neighborhood, move the location to a General Industrial area, too close to train, too close to residential neighborhood, neighborhood security and safety of neighborhood children and concerns about the transient population. Most of the people who spoke wanted the Board to deny the application. The applicant agreed to the following: Full time security guard on site and contract with private ambulance company. Chairman Veerman requested that every available bed be given first preference to a Wilmington resident and the applicant agreed. He also requested, if legally possible, there be a waiver or release be signed by an incoming patient agreeing to having the local police notified if that resident were to leave the program before the recommended treatment period had expired. The applicant indicated they would investigate this issue to see if such a waiver or release was legally possible, and if so, they agreed. Chairman Veerman stated he personally was prepared to vote on the application at this meeting, but as a courtesy to the two members who were requesting a continuance, he agreed to their request for a continued hearing. Further, in order to limit the subject matter on the continued hearing, Chairman Veerman asked the Town Manager at the hearing if there was any objection to the proposal by any Town department that needed to be fully vetted and discussed at the next meeting. The Town Manager indicated that no Town department had any objections to the proposal. The Chairman indicated that he would be limiting discussion at the upcoming hearing to matters not already discussed at length tonight. The Special Permit would be tied to this operator and if that changes, a new Special Permit would be required. The Special Permit would only be based on whatever building plans have been submitted, no new drawings will be accepted. No derogatory comments or issues from any Town Board according to the Town Manager. Anthony Barletta requested a written description of the proposed facility and how it would operate before he made a decision. He made a motion to continue to January 16, 2019, Jacki Santini seconded, Thomas Siracusa and Raymond Lepore voted no. Motion carried. Continued to January 16, 2019.

NEW

Case 19-18                      Lijun Zhu c/o F. Alex Parra, Esq.                      Map 062 Parcel 029

To appeal the decisions of the Inspector of Buildings dated September 14 and September 25, 2018, Airbnb strictly prohibited for property located on 7 Concord Street.

Attorney F. Alex Parra submitted a letter requesting a continuance to January 9, 2019. Anthony Barletta made a motion to continue to January 9, 2019, Jacquelyn Santini seconded. Voted unanimously.

Case 20-18                      Keith & Kellie DeAmbrose                      Map 087 Parcel 004H

To acquire a Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located on 10 Nelson Way.

Keith and Kellie DeAmbrose were present. He is proposing to enclose a room over the existing deck, which puts him over the 15% impervious. He is proposing to use an existing French drain. The Town Engineer and the Planning Board submitted memos recommending approval. No abutters made comment. Jacquelyn Santini made a motion to approve the Special Permit in accordance with §6.6.7.7 Ground Water Protection District, Raymond Lepore seconded. Voted unanimously.

Case 21-18                      Robert W. Bentley                      Map 100 Parcel 117

To acquire a Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located on 85 Park Street.

Robert Bentley was present and stated he is enclosing an existing porch and is the Ground Water Protection District. The Town Engineer and the Planning Board submitted memos recommending approval. No abutters made comment. Jacquelyn Santini made a motion to approve the Special Permit in accordance with §6.6.7.7 Ground Water Protection District, Thomas Siracusa seconded. Voted unanimously.

The next regularly scheduled Board of Appeals meeting will be January 16, 2019, at 7:00 p.m. in the auditorium at the Town Hall, 121 Glen Road, Wilmington, MA.

Page 5  
12/12/18  
Minutes

Motion to adjourn at by, seconded by. Voted unanimously.

A handwritten signature in cursive script, reading "Toni La Rivee", is written over a horizontal line.

Recording: Toni La Rivee, Secretary  
Board of Appeals