

Town of Wilmington  
Board of Appeals  
Minutes — January 16, 2019

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

The meeting was called to order at 7:00 p.m.

Applicant requested continuance to February 13, 2019

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

To acquire a Special Permit in accordance with S3.5.14 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 S6.6.6.12 Ground Water Protection District for property located on 220 Main Street.

Attorney Conn submitted a Letter/email requesting a Continuance for 2/13/19  
Anthony Barletta Made the Motion to Continue  
Jacquelyn Santini Second the Motion  
Voted Unanimous to continue

**Continued from December 12, 2018**

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 Parra requested a continuance for February 13, 2019  
Anthony Barletta made a motion to continue  
Jacquelyn Santini Seconded  
Voted Unanimously

To acquire a Special Permit in accordance with §3.4.6, 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.

Wilmington Police Chief, Michael Begonis, addressed the meeting on his discussions with other Police Chiefs in several towns/cities that had a similar Rehab facility in their town in which the facilities are For-Profit, as requested by the Board at the December meeting. All towns/cities reported no vagrancy issues, no transport issues, no overtime needed for police and fire and no spike in neighborhood crime. Chief Begonis stated that Andrew House in Stoughton, MA did experience some problem with the communication between the Center's Director and the local Police but not until after 2017 at which time the facility changed directors. Chief Begonis made the following recommendations.

1. Facility have regular meetings and open line of communication with the police department regarding security issues.  
-Attorney Bobrowski agreed with this condition
2. Chief stated he would want cameras on the outside of the building  
- Attorney Bobrowski stated that outside cameras were acceptable.
3. Chief stated he would like the facility to work closely with the Community and Wilmington Substance Abuse Staff  
-Applicant Agreed
4. Chief requested facility intake hours be scheduled for normal business hours  
-Applicant Agreed with the exception of admittance via ambulance from hospitals

5. Chief requested any patients leaving the facility would be accompanied by staff members  
Whether for breaks and/or release  
-Applicant agreed
6. Chief requested that Wilmington Residents have preference for beds at the facility  
-Applicant Agreed
7. Chief stated facility should be in patient only  
-Applicant Agreed
8. Chief requested the Police be notified in the event a patient is leaving the facility without authorized release (on own accord) elopement  
-Applicant agreed if the patient refused transport the Police would be notified

Chair stated all above conditions set forth by the Police Chief be applied if granted

-Applicant Agreed

9. Chief requested information regarding indigent patients

-Applicant stated 10 percent of Net Profits would be set aside for scholarship funds for indigent patients

10 - Support for local addiction programs, keep an open dialog between the Town and the facility and work together.

Following his presentation the Chief submitted his proposal regarding the same

Anthony Barletta stated he received the summary and supporting documents from Attorney Bobrowski that was submitted to the Board.

He stated that he would like to see the following conditions incorporated into the decision by the Board.

1. The Facility be a 48 Bed in patient facility based on the applicants Overview Submitted to the BOA entitled " Overview- Mayflower Recovery" and will not increase nor change to an outpatient facility and/or methadone clinic

-applicant Agreed

2. The Special Permit be allowed only to the current Applicant -Executive Director. Should there be a change in owner and/or director the applicant must come back to the BOA.

-Applicant disagreed with this condition on the basis that the hiring and firing is done in house but agreed to meet with the Board should this change.

3. Some kind of condition to require the applicant to come back before the Board after 5 years to review and maybe place additional conditions if warranted due to undue burden on the Town due to the operation of the community.

Attorney Bobrowski stated that it could be problematic but this condition could be revisited.

4. Requested the building plans be changed to look more like a residential building - not changing the height or size of the building just the outside façade.

The applicant had no problem with having this redesigned.

5. Requested a review of the rear landscape by a landscape architect showing a prospective of the growth of plantings at the rear of the building facing the residential abutters. And a report illustrating 1yr, 3yr and 10 yr projections for the trees.

-Applicant Agreed

6. Requests a donation be given back to the town

-Applicant agrees that 10 percent of the net profits would be given to indigent patients

7. Any future change in use will require strict adherence to the parking regulations and other Town Zoning and Planning requirements.

**Applicant Agreed**

Anthony Barletta Submitted his conditions to the Board.

Thomas Siracusa asked if the building could be redesigned to a one story.

Attorney Bobrowski stated no. The proposed building was two-story and a three story building could be built on this lot by right. He further stated that it is not financially reasonable to change at this juncture. Thomas Siracusa stated that he would like to see a one story structure and that it would be more in harmony with the general area.

**Daniel Veerman opened the meeting to the public with conditions that discussions be limited to issues of security and information requested from the last meeting.**

The following abutters and interested parties made comments: Christine Pendergast, Sandra Fitzler, Patrick Scanlon, Charles Smith, Patricia Xavier, M.J. Byrnes, Gerry Bruno, Mary Giroux, Anthony Saragosa, David Robertson, Fiona Logan, Adrian Reguera, Suzanne Sullivan, Jackie Barnett and Janice Sawyer. All expressed concern regarding security issues; concerns for crime in neighborhood, concerns for rise in police and fire calls; concerns for medical/drug waste removal.

Mary Giroux spoke in favor of the proposal stating that all security measures were in place and the applicant had satisfied all conditions the Town has requested.

Daniel Veerman closed public hearing.

Anthony Barletta made a motion to approve the Special Permit in accordance with §3.4.6, 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. With the following conditions:

1. All conditions presented by Chief Begonis.
2. 48 bed facility as described in Overview - Mayflower Recovery submitted by Attorney Mark Bobrowski
3. Conditioned to applicant or property owner

4. Limited review of security and **NON**>>>>? in five years.
5. 24-hour trained security on site.
6. Contract with private ambulance company with any changes provided to the Fire and Police Departments.
7. Engage a landscape architect to review land and trees at rear of building and provide Board with projected 1yr, 3yr and 10 yr growths.
8. New design of building exterior breaking up monolithic façade.
9. Any future changes in use will adhere strictly to the Regulations of the Town.
10. 10% of the revenue - scholarship toward indigent permits needing treatment.
11. Run facility as set forth in Mayflower Recovery.
12. Applicant will allocate \$2,000 to direct abutters and \$1,000 to indirect abutter for landscaping on their property.

Seconded by Jacquelyn Santini who then moved to amend the conditions to repositioning the building.

Anthony Barletta seconded the amendment.

Thomas Siracusa stated he did not think this proposal was in harmony with the neighborhood. Daniel Veerman, Anthony Barletta and Jacquelyn Santini voted yes, Thomas Siracusa and Raymond Lepore voted No - the amendment Passes

Voting- Daniel Veerman, Anthony Barletta and Jacquelyn Santini voted Yes  
Thomas Siracusa and Raymond Lepore voted No  
Application is Denied

Tom Siracusa stated that his denial is based on the height of the structure proposed - he wanted a one story structure . Raymond Lepore concurred with Thomas Siracusa.

#### List of Documents Submitted:

1. Elevation and Façade Renderings of Building submitted by Atty. Bobrowski
2. A. Barletta List of Proposed Conditions
3. Chief Begonis' Research regarding similar Facilities
4. Overview-Mayflower Recovery submitted by Atty. Bobrowski

Applicant states to chairman that they will file an appeal and would need advance notice from the Town Clerk within 20 days from Filing with the Clerk

Attorney Silverstein stated that he can prepare all documents within one week; the Board will review at the next meeting to be held on February 13, 2019 and will file by the next business day.

Applicant requests a Reasonable Accommodation be heard by the board in February, 2019

BOA agrees to hear the Reasonable Accommodation on 2/27/19

Motion to Approve Minutes from BOA Meetings dated 12/12/18 made by Anthony Barletta  
2<sup>nd</sup> by Ray Lepore

## NEW

Case 1-19	Mapvale LLC	Map R2 Parcel 7E
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To acquire a Special Permit in accordance with §3.5.1.1 Retail under 30,000 s.f. for property located on 196 Ballardvale Street.

Case 2-19	Mapvale LLC	Map R2 Parcel 7E
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To acquire a Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located on 196 Ballardvale Street.

Anthony Barletta Made a Motion to Continue Cases 1-19 and 2-19 to February 13, 2019  
Jacquelyn Santini Seconded  
Voted Unanimously

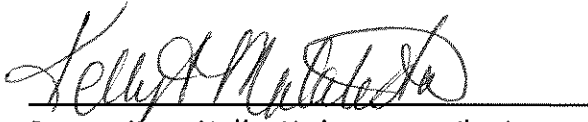
## Minutes

Anthony Barletta made a Motion to Approve the Minutes from 11/14/2018  
Jacquelyn Santini Seconded  
Voted Unanimously

Anthony Barletta made a Motion to Approve the Minutes from 12/12/2018  
Ray Lepore Seconded  
Voted Unanimously

Jacquelyn Santini made a motion to adjourn the meeting  
Thomas Siracusa Seconded  
Voted Unanimously

Meeting adjourned at 11:18 PM

A handwritten signature in black ink, appearing to read "Kelly Malatesta", is written over a horizontal line.

Recording: Kelly Malatesta, Clerk  
Board of Appeals