



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

Planning Board Minutes

January 2, 2018

The Planning Board met on Tuesday, January 2, 2018 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Michael Sorrentino Chair; Randi Holland; Terence Boland; Sean Hennigan; and David Shedd. Valerie Gingrich, Director of Planning & Conservation was also present. Carolyn Cronin, Assistant Planner was absent.

Minutes

The Planning Board reviewed the December 5, 2017 minutes.

Upon motion duly made and seconded, it was

VOTED: To approve the December 5, 2017 minutes as written

Form A

There were no ANR plans to review.

Matters of Appointment

**Continue Public Hearing – Conservation Subdivision Design #17-01 - Highland Estates
Map 10 Parcels 5, 5A, 6, 36, 37, 38, 39, 40, 50, 51 & 52 – Lily Oak Hill, LLC, Applicant**

A request to continue the public hearing was received.

MATERIALS CONSIDERED:

PLANS "Highland Estates, Subdivision of Land in Wilmington, Massachusetts" dated May 16, 2017

LETTER from Jack Szemplinski dated June 9, 2017

ENGINEERING MEMO dated July 10, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing to February 6, 2018 at 7:45 p.m. in Room 9 of the Town Hall.

**Public Hearing – 81G Application Amendment #17-02 for 21 Pomfret Road
Map 84 Parcel 50, Michael Welch, Applicant**

PRESENT IN INTEREST: Michael Newhouse, Esq.

MATERIALS CONSIDERED:

PLANS "Road Improvement Plan, Pomfret Road, Wilmington, Massachusetts", dated March 14, 2016 and last revised May 24, 2016

LETTER from Michael Welch dated December 7, 2017

ENGINEERING MEMO dated January 2, 2018

M. Newhouse provided the Board with some close-up shots of the lot and street. He said the request is to amend the previously approved 81G. M. Newhouse told the Board the owner of the property constructed a house on 2 Bernstein as well. He said there is roadwork that still needs to be completed and he asked the Board to extend the completion to July of 2018 as well as approve a change to the plan and one of the conditions pertaining to the occupancy permit. M. Newhouse explained the curb radius at the intersection of Bernstein and Pomfret has a relocated Verizon pole that is closer to the travel way and guywire anchor in the roadway. He said the builder contacted Verizon but didn't get anywhere with the request to move the pole therefore, the applicant would like the occupancy permit issued prior to final paving of the roadway while surety is held by the Town until everything is complete. M. Newhouse said he has discussed this with the Town Engineering and Planning Director.

M. Sorrentino read the comments into the record.

M. Sorrentino said drainage will be installed.

V. Gingrich reviewed the draft decision with the Board. D. Shedd asked what Verizon's response to the builder was and M. Newhouse said Verizon has responded in a cryptic way so he is not sure what Verizon actually means.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 81G Application Amendment #17-01.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions 81G Application Amendment #17-01 as follows:

At its meeting on January 2, 2018, the Planning Board voted to amend the decision issued on July 13, 2016 for the 81-G application and plan entitled: "Roadway Improvement Plan, Pomfret Road, Wilmington, Massachusetts" for Quality Additions & Remodeling, PO Box 819, Wilmington, MA 01887 dated March 14, 2016 and last revised May 24, 2016; Scale 1"=20' prepared by Luke J. Roy, PE of LJR Engineering, Inc., 234 Park Street, North Reading, MA 01864 concerning the property located at 21 Pomfret Road, and shown on Assessor's Map 84, Lot 50 subject to the Findings and Conditions below.

FINDINGS:

1. The Project includes roadway improvements to Pomfret Road from Bernstein Road through the frontage of 21 Pomfret Road, Map 84 Lot 50. Paving includes the entirety of Bernstein Road.
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 81-G 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.

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 by July 31, 2018 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, with the exception of the curb radius at the corner of Pomfret Road and Berstein Road, which may be reduced at the discretion of the Director of Planning & Conservation and Town Engineer subject to final coordination of a utility pole at the intersection.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT/CONSTRUCTION:

4. At least one week prior to the commencement of earth moving activities, the applicant or designated authority shall schedule a pre-construction meeting with the Department of Planning & Conservation and the Engineering Division.
5. 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:

6. 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 and prior to backfilling any proposed stormwater management system.
7. Prior to the issuance of a Certificate of Occupancy for 21 Pomfret Road, final As-Built Plans for the construction of 21 Pomfret, in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Town Engineer and Director of Planning, and all roadway improvements shall be completed with the exception of final paving and intersection curb radius which shall be completed prior to July 31, 2018.
8. The Operation & Maintenance Plan shall be recorded.

POST OCCUPANCY:

9. Prior to the release of surety, the final course of pavement and intersection curb radius shall be completed and final As-Built Plans for the roadway improvement project, in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Town Engineer and Director of Planning and Conservation. All paving must be inspected by the Engineering Division and the applicant shall give reasonable notice prior to commencement of the work.

10. All maintenance responsibilities for any drainage structures installed for this project will remain with the Owner of 21 Pomfret Road.

Continued Public Hearing – Site Plan Review #17-14 & Stormwater Management Permit #17-12 for 1 Burlington Avenue – Map 30 Parcels 13 & 18, Eugene T. Sullivan for GFI/Big Joe LLC, Applicant

A request to continue the public hearing was received.

MATERIALS CONSIDERED:

PLANS “New Drive-in Door, 1 Burlington Avenue, Wilmington, MA 01887”, dated September 7, 2017, and “ALT/ACSM Land Title Survey” dated June 19, 2007
LETTER from Eugene T. Sullivan dated September 7, 2017
ENGINEERING MEMO dated September 28, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline to March 30, 2018 for Site Plan Review #17-14 and SMP #17-12.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #17-14 and SMP #17-12 to March 6, 2018 at 7:45 p.m.

Public Hearing – Preliminary Subdivision #17-01 for 362 Middlesex Avenue Map 89 Parcel 6A, Bettering LLC by Manager, Kenneth Ingber, Applicant

PRESENT IN INTEREST: Ben Osgood, Ranger Engineering & Design, LLC
Mark Bobrowski, Esq.

MATERIALS CONSIDERED:

PLANS “Preliminary Subdivision Plan, 362 Middlesex Avenue, Wilmington, MA 01887”, dated November 7, 2017,
ENGINEERING MEMO dated January 2, 2018

M. Bobrowski introduced himself and B. Osgood and thanked the Board for having a draft decision ready. He said he reviewed it and it appears fine.

B. Osgood told the Board about the property saying it is 2.8 acres with a structure in the rear north corner of the property. This property had a retail building a couple of years ago which has since been demolished. There are a couple of residential homes on the north and west side of the property. B. Osgood said the property is zoned General Business. He said the applicant proposes to build a small cul-de-sac and subdivision. He said the property has the required frontages and 50 ft. rear set back from the residential neighbors. B. Osgood said there is a 2% slope from Middlesex Avenue to the cul-de-sac. He told the Board the applicant will extend the water line. He said there will be a small drainage area.

M. Bobrowski said because of the December 16, 2017, Town Meeting voting to change the zoning, the applicant needed to act. The zoning is frozen if the Preliminary Subdivision is filed

prior to Town Meeting and if a Definitive Subdivision is filed within seven months following Preliminary Subdivision approval. M. Bobrowski told the Board the applicant will be looking for some waivers and they will be shown on the Definitive Subdivision Plan.

M. Sorrentino read comments into the record.

B. Osgood responded that calculations were figured and will submit them during the Definitive process.

D. Shedd questioned if the drainage will tie into the existing drainage. B. Osgood responded saying infiltration will be conducted and no more water will go into the drainage system than before development. R. Holland asked about lot 2, the existing garage and asked what will happen with the building. B. Osgood said the applicant is not sure what will happen with the building at this point.

V. Gingrich explained the preliminary subdivision process to the audience. She said at this stage the plan is not approving anything to be built. She said that will happen when the Definitive Subdivision is filed.

Resident, M.J. Byrnes, 9 Pinewood Road, asked if there is a dual zone for that property and asked if the setback is from her property line or from the zoning line? She told the Board there was an etching firm on the property and said there is contamination on the site and asked that there won't be a spread of contamination. M. Sorrentino asked V. Gingrich about any contamination. V. Gingrich said she would check with the Board of Health.

Resident, J. Joe Xavier, 40 Oakdale Road, asked if the applicant has met all requirements and M. Sorrentino said yes, there are minimal requirements at this stage.

Resident, M. Feeney, 5 Arlene Avenue, asked what can make this not be approved. M. Sorrentino said it would probably go to court if denied. He said the Board of Appeals would have to have a good reason to deny it. She said a town full of people not wanting it is a good reason. She asked about the decision letter dated January 5, 2018. M. Sorrentino told the resident the Board has no reason to disapprove it. R. Holland explained that MassDEP would oversee the cleanup process if there is contamination. M. Feeney, asked when the plan was submitted. V. Gingrich answered November 27, 2017.

Resident, J. Byrnes, 9 Pinewood Road, asked about the septic systems. B. Osgood said they will be abandoned or upgraded. J. Byrnes asked about the one in the northwest corner of the property. B. Osgood said the building does not have an occupancy permit and anything constructed will have a new system installed.

Resident, E. Loud, Sr., 4 Valyn Lane, said he looked at the plans and asked when the fire safety will look at the plans and asked if the the cul-de-sac will be wide enough for a fire truck? V. Gingrich said the Fire Department Deputy Chief was at the Community Development Technical Review meeting and had no issues. E. Loud, Sr. said if this is the same plan as the original detox center with 48 beds, how will they put in the septic system. M. Sorrentino said that will all be discussed at the Definitive Subdivision phase. E. Loud, Sr. asked when the Definitive Subdivision plan will be submitted and M. Bobrowski said the applicant has seven months to file.

Resident. F. West, 2 Birchwood Road, said M. Bobrowski asked for waivers and he wanted to know what waivers he is looking for. M. Bobrowski said the proposed building could be small and more discreet and there will be a discussion with the Board to see what waivers they will accept. F. West said when housing was proposed at the old Whitefield School, septic for only 24 beds was allowed and asked what the difference is?

E. Loud, Jr. asked if uses need to be defined with a Definitive Subdivision Plan. V. Gingrich said it is the division of the lots so the applicant does not need to show uses.

Resident, R. Doucette, 260 Middlesex Avenue, asked each member to say why they are voting for or against the Preliminary Subdivision. M. Sorrentino explained the Board has no reason to vote against it. He said it meets the Town's zoning requirements .

J. Xavier said there is no consideration for parking. V. Gingrich and M. Sorrentino said they meet the requirements. D. Shedd said he has many concerns but for the purpose of this meeting, all requirements have been met. J. Xavier said it is allowed by law even if the applicant does not build it the way proposed. D. Shedd said it can stay two lots and the applicant can build something entirely different.

Resident, J. Robeiro, 2 Judith Road, expressed great concern and she asked once the Preliminary Subdivision is approved, when does the applicant say they want it to be used as one lot? V. Gingrich explained the applicant will need to go through Site Plan Review process.

M. Bobrowski suggested it might be beneficial to read case law on Broken Stone Company – it is about a similar issue.

M. Feeney asked if anything ever got this far and then not happened and everyone responded yes.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Preliminary Subdivision #17-01 for 362 Middlesex Avenue.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Preliminary Subdivision for 362 Middlesex Avenue (Map 89 Parcel 6A), plan entitled: "Preliminary Subdivision Plan, 362 Middlesex Avenue, Wilmington, Massachusetts" dated: November 7, 2017, prepared by Timothy J. Winings, P.L.S. and Benjamin C. Osgood, P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844. Approval is subject to the following conditions:

CONDITIONS:

1. The Definitive Subdivision Plan shall include major features of land such as:
 - a. Walls: Several stone walls and concrete block walls are located on the property, and appear to be shown on the plans, however they are not specifically identified and the applicant's engineer should label the walls appropriately.

- b. Monuments: All found existing survey monuments used in the boundary solution shall be shown on the Definitive Plan.
 - c. Trees (> 6" caliper): The plans depict only one tree located on the site as being greater than 6". Additional trees greater than 6" were observed to be located on the site.
 - d. Wooded areas: The plans indicate an edge of tree line, which does appear to reflect the edge of tree canopy observed at the site.
2. The Definitive Subdivision Plan shall include current owners of abutting land.
 3. The Definitive Subdivision Plan shall include information regarding the drain line crossing the front of the subject parcel, from 360 Middlesex Ave (Map 79 Lot 28) which connects to drainage located in Middlesex Avenue. The applicant should investigate the existence of any easement or legal rights that may be associated with this drain line.
 4. The Definitive Subdivision Plan shall include calculations showing compliance with Section 5.2.1 of the zoning regulations, which excludes the area of the lot where the distance between lot lines is less than 50'.
 5. The Definitive Subdivision Plan shall include the 50' side yard setback requirement (abutting residential zoned land), near land shown as Map 79 Lot 26.
 6. The Definitive Subdivision Plan shall show the required landscape buffer to residential property.
 7. The Definitive Subdivision Plan shall include information on proposed and existing sanitary systems. The Plan shall be filed with the Board of Health.
 8. The proposed detention basin located at the front right portion of the parcel shall meet the standard design criteria of the DEP Stormwater Policy for use as a BMP. The Applicant's representative is encouraged to review Volume 2 Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook of the Policy and select an appropriate BMP for collecting runoff from the contributing drainage area for the Definitive Subdivision Plan.
 9. The proposed drainage design indicates a connection to the Town's existing drainage infrastructure in Middlesex Avenue. As a part of the Definitive Subdivision Plan, the applicant's engineer should review and analyze the existing drainage system network to demonstrate that the capacity and integrity will not be compromised as a result of the additional flow from the proposed development.
 10. The Definitive Subdivision Plan shall include a roadway profile labeled with existing and proposed grades, drainage structures, and the proposed water main.
 11. The Definitive Subdivision submission shall include a list of waivers requested for the project.

12. During the Definitive Subdivision process, the Applicant will need to contact the Town water distribution consultant to determine if adequate water pressure and flow exists for the proposed projects demand.
13. The Definitive Subdivision Plan shall illustrate the existing gas main in Middlesex Avenue (size, material, and location).
14. The Definitive Subdivision shall be designed in accordance with the requirements of the Subdivision Rules and Regulations and any other applicable regulations of the Town of Wilmington, including:
 - (a) State Wetlands Protection Act.
 - (b) Title 5 and local regulations of the Board of Health.
 - (c) Requirements of the Water and Sewer Department and Fire Department.

Board of Appeals

At its meeting on Tuesday, January 2, 2018, the Planning Board voted to recommend as follows:

Case 01-18: 34 Andover St.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Case 02-18: 7 Burt Rd.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Case 03-18: 140-150 Middlesex Ave.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Old Business

There was no Old Business to discuss.

New Business

**Request to release surety for 81G Application #17-01 – 8 West Jamaica Avenue
Map 70 Parcel 21 - David McCue, Applicant**

A request to release surety was received.

MATERIALS CONSIDERED:
LETTER from Dave McCue dated December 6, 2017

ENGINEERING MEMO dated January 2, 2018

Upon motion duly made and seconded, it was unanimously

VOTED: To deny the request to release surety until the As-Built plan is submitted.

**Request to release final surety for Definitive Subdivision #03-04 - 112 Marion Street
Map 16 Parcel 30A & Map 4 Parcel 4 – Craig Newhouse, Applicant**

A request to release final surety was received.

MATERIALS CONSIDERED:

E-MAIL from Kristen Costa, L.A Associates, dated October 6, 2017

ENGINEERING MEMO dated January 2, 2018

Upon motion duly made and seconded, it was unanimously

VOTED: To release final surety in the amount of two thousand, seven hundred eight dollars and zero cents (\$2,708.00) plus interest.

**Request to waive Site Plan Review for 80 Rear Industrial Way – Map 56 Parcel 104
Arthur Kanavos for 80 Industrial Way LLC, Applicant**

A request to waive site plan review was received.

PRESENT IN INTEREST: Arthur Kanavos

MATERIALS CONSIDERED:

PLANS "AS-BUILT SITE PLAN"

PROPOSED RACK FLOOR PLAN dated November 6, 2017

FIRE CHIEF MEMO dated December 18, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review for 80R Industrial Way for the relocation of an emergency exit door located on the west side of the building to the north side of the building.

**Request to endorse Site Plan Review #17-17 for 730 Main Street - Map 39 Parcels 8 & 8A
Richard Cutts for DSM, Applicant**

A request to endorse plans for Site Plan Review #17-17 for 730 Main Street was received.

MATERIALS CONSIDERED:

PLANS "Locus Plan, Proposed Building Replacement DSM Resins, 730 Main Street, Wilmington, Massachusetts" prepared by Richard George Cutts, PE; Linden Engineering Partners, LLC, 100 TradeCenter, Suite G700, Woburn, MA, 01801-1851; dated October 18, 2017 and last revised November 8, 2017

FLOOR PLAN ELEVATIONS for Premanufactured Building prepared by Arthur L. Kay, Registered Architect, First String Space, Inc., 892 Railroad Ave. East, Pearson, GA, 31642 dated August 8, 2017 and revised on August 29, 2017 and FLOOR PLAN ELEVATIONS for

Connector Building prepared by Andrew R. Loverud, Registered Architect, Design-Science, 200 Baker Ave., Concord, MA, 01742 dated September 15, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To endorse plans entitled: "Locus Plan, Proposed Building Replacement DSM Resins, 730 Main Street, Wilmington, Massachusetts" prepared by Richard George Cutts, PE; Linden Engineering Partners, LLC, 100 TradeCenter, Suite G700, Woburn, MA, 01801-1851; dated October 18, 2017 and last revised November 8, 2017 and FLOOR PLAN ELEVATIONS for Premanufactured Building prepared by Arthur L. Kay, Registered Architect, First String Space, Inc., 892 Railroad Ave. East, Pearson, GA, 31642 dated August 8, 2017 and revised on August 29, 2017 and FLOOR PLAN ELEVATIONS for Connector Building prepared by Andrew R. Loverud, Registered Architect, Design-Science, 200 Baker Ave., Concord, MA, 01742 dated September 15, 2017

Discussion of proposed zoning changes

Board of Health Director, S. Newhouse, asked the Board to consider changing the zoning bylaw, section 6.9.3, Body Art overlay at the upcoming Town Meeting. She said she would like cosmetic tattooing taken out and added to Personal Service Shop. She explained the way the bylaw reads now it can only be done in the overlay district. She said a lot of cosmetic tattoo artists would prefer to operate in existing salons. She said the Board of Health regulates body art and would like to allow businesses to expand to allow cosmetic tattooing. R. Holland asked where the overlay district is. V. Gingrich said Ballardvale Street. S. Newhouse explained the tattooing she is referring to is for tattooing eyebrows, eyelashes, lipstick. It would be from the chest up. She said cosmetic tattooing also improves appearance for woman that have had breast reconstruction.

V. Gingrich said the idea is to take this type of tattooing out of the body art section and put it in beauty salons. R. Holland asked if the Board could add the definition. V. Gingrich agreed. S. Hennigan had no issue, nor did M. Sorrentino. All Board members were in agreeance.

There being no more business to come before the Board, it was unanimously

Upon motion duly made and seconded, it was unanimously

VOTED: To adjourn the meeting at 9:20 p.m.

NEXT PLANNING BOARD MEETING: February 6, 2018

Respectfully submitted,



Cheryl Licciardi
Recording Clerk