



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

Planning Board Minutes November 13, 2018

The Planning Board met on Tuesday, November 13, 2018 at 7:30 p.m. the Town Hall Auditorium. The following members were present: Michael Sorrentino, Chair; Randi Holland; Terence Boland; and Sean Hennigan. Valerie Gingrich, Director of Planning & Conservation and Sierra Pelletier, Assistant Planner were also present. David Shedd was absent.

Minutes

The Planning Board reviewed the October 2, 2018 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the October 2, 2018 minutes as written

Form A

Mink Run Road – Map 11 Parcel 61B, “Plan of Land in Wilmington, Massachusetts (Middlesex County)”, Ken Chisholm, Applicant

MATERIALS CONSIDERED:

PLANS “Plan of Land in Wilmington, Massachusetts (Middlesex County)”, dated September 18, 2018

V. Gingrich told the Board it saw an ANR for 3 parcels in the spring and this is the remainder of land from that. She said this will be three additional building lots off Mink Run Road. V. Gingrich told the Board that Planning and Engineering checked the plans and everything was included on the plans. M. Sorrentino asked if it met frontage and V. Gingrich said yes and there is a hammerhead lot that goes to the rear.

Upon motion duly made and seconded it was

VOTED: To receive the ANR Plan and Application #18-07 for Mink Run Road – Map 11 Parcel 61B “Plan of Land in Wilmington, Massachusetts (Middlesex County)” dated September 18, 2018, Kenneth Chisholm, Applicant

Upon motion duly made and seconded it was

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #18-07 for Mink Run Road – Map 11 Parcel 61B “Plan of Land, Wilmington, Massachusetts (Middlesex County)” dated September 18, 2018, Kenneth Chisholm, Applicant

The Board endorsed the plan.

Matters of Appointment

Continued Site Plan Review #18-09 and Stormwater Management Permit #18-09 for 220 Main Street, Map 44 Parcel 178D – Richard Williams, Williams & Sparages for Nouria Retail Energy, Inc. and JAM Enterprises, LLC, Applicant

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

MATERIALS CONSIDERED:

PLANS "Existing Conditions Plan" prepared by Richard L. Williams, P.E., dated June 26, 2018

REVIEW LETTER dated July 31, 2018

ENGINEERING MEMO dated August 6, 2018

E-MAIL from Denise Buxton for Donald Conn dated September 5, 2018

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for Site Plan Review #18-09 and Stormwater Management Permit #18-09 to December 31, 2018

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #18-09 and Stormwater Management Permit #18-09 for 220 Main Street to December 4, 2018 at 7:30 p.m. in Room 9 of the Town Hall.

Public Hearing – Sign Special Permit #18-05 for 401 Andover Street - Map R3 Parcel 8 Stephen Wright, Applicant

PRESENT IN INTEREST: Stephen Wright

MATERIALS CONSIDERED:

SIGN SPECIFICATION: Two 24" x 36" granite signs reading "Spruce Farm" inlayed in rock at sides of the entrance to the property.

S. Wright told the Board he would like to install granite signs at the entrance of the property with low landscaping walls. V. Gingrich said she drove by and it looks good out there. She said there are low landscaping walls at the entrance. V. Gingrich said some brush was cleared so you can see down the road when pulling out.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing and approve the Sign Special Permit #18-05 for two 24" x 36" (6 sq. ft.) granite signs reading "Spruce Farm" inlayed in rock walls at both sides of the entrance to the property. The application was filed with the Planning Board on October 17, 2018. Said property is located at 401 Andover Street and shown on Assessor's Map R3 Parcel 8.

The public hearing was opened and closed on November 13, 2018. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.2 of the Zoning Bylaws of the Town of Wilmington. Approval is subject to the following Findings and Conditions:

MATERIALS:

The following materials in addition to the Sign Specifications were submitted into the public record:

Date submitted
None

Description
None

FINDINGS:

1. The signage to be erected is on a parcel on Map R3 Parcel 8 on the Town of Wilmington's Assessor's Map.
2. The Planning Board determined that the signs should be permitted in the public interest.
3. The application materials comply with the requirements of Section 6.3 of the Wilmington Zoning Bylaws and the Board's Special Permit 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. This Special Permit shall be valid for this applicant and this proposed sign only. Any change in applicant or change in signage shall be reviewed by the Planning Board.
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 the sign has not been erected within two (2) years of a special permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or the two-year period shall run from the date of the final decision on the appeal.
4. This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review or other Special Permits.
5. The provisions of this conditional approval shall apply to and be binding upon the applicant, its employees and all tenants.
6. Bylaw Exception: (Section 6.3.5.1) "Granted" two signs located at the entrance identifying a residential development, measuring 24" x 36" (6 sq. ft.).
7. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

Continued Public Hearing – Site Plan Review #18-12 and Stormwater Management Permit #18-11 for 911 Main Street - Map 25 Parcel 4 - M.T. Pokkets Realty Trust, Applicant

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

MATERIALS CONSIDERED:

PLANS "Site Plan Review, 917 Main Street, Wilmington, MA" dated August 15, 2018

ENGINEERING MEMO dated September 5, 2018

LETTER from Michael J. Newhouse dated November 8, 2018

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline to December 31, 2018 for Site Plan Review #18-12 and Stormwater Management Permit #18-11 for 911 Main Street.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #18-12 and Stormwater Management Permit #18-11 for 911 Main Street to December 4, 2018 at 7:45 p.m. in Room 9 of the Town Hall.

Continued Public Hearing – 81G Application #18-01 for Sherwood Road Map 8 Parcel 18 - Jonathan Langone, Applicant

PRESENT IN INTEREST: Doug Lees, Land Engineering & Environmental Services
Jonathan Langone

MATERIALS CONSIDERED:

PLANS "Sherwood Road Improvement Plan in Wilmington, Massachusetts" dated August 14, 2018

ENGINEERING MEMOS dated September 5, 2018 and November 5, 2018

D. Lees said last month before the Board, they had a lively discussion with the Board and neighbors and received a lot of comments. He said they also were in front of the Conservation Commission. He explained the water flow in the area. D. Lees said some of the changes include the replacement of a swale on Sherwood Road with a grass strip to make a more natural drainage pattern. He said they came up with a schematic to replace the existing clay pipe that exists there today. There is no new runoff and no new inlet. The new pipe will be within the right-of-way to make it easier for the Town to maintain in the future.

M. Sorrentino read Engineering comments into the record.

Resident, J. Downs, 9 Sherwood Road, asked if the existing drain pipe will be removed. D. Lees explained the existing drain pipe will be removed and a new pipe will be brought in. J. Downs asked where the exit of the pipe will connect. D. Lees said it will empty into the same wetland area. J. Downs said he should have the permission of the people who will receive the water. He explained his concern. D. Lees said the pipe outlet is in the wetlands. J. Down asked if the pipe is being changed, shouldn't the applicant receive permission from the people whose property it's on and the people it will impact? He explained where the water currently flows. D. Lees said the existing conditions will not be changed. The pipe is only being

rerouted. He said there is no water being added. Resident, C. Sylvester, 10 Sherwood Road, said 40% of his driveway is under water. He expressed concerns that adding another driveway and home beside his will increase water on his property. D. Lees said the beginning of the street is paved and toward the wetland it is hardpack. C. Sylvester disagreed and said there is no pavement. M. Sorrentino said that will not increase the water on his property. C. Sylvester said that no pavement on the street. M. Sorrentino said runoff will not increase. Resident, D. Sylvester, 10 Sherwood Road, said the pipe is covered with leaves which is diverting the water to flow in her driveway. She said her septic system is going to fail. M. Sorrentino asked if the way it is now is making the situation worse. D. Sylvester said she believes the water is being diverted because there is more water in the driveway. D. Sylvester said her understanding of wetlands is you cannot do anything to them. She said she cannot clean the pipe because it is not on her land. M. Sorrentino asked D. Lees how putting in the new structure will alter the flow of water. D. Lees said the flow will be going in the same direction so the water will be going toward the wetland and M. Sorrentino asked what will be done on the house lot to keep water on the applicant's property. D. Lees said there is roof runoff recharge and an infiltration trench along the side of the driveway. M. Sorrentino asked how much recharge there will be since this is already in a wet area. D. Lees said the house is up higher than the wetlands and there is nice sandy area in the back. He said the water should dissipate. D. Lees said that at 10 Sherwood Road the wetland flag stops at their lot line.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for 81G Application #18-01 for Sherwood Road to December 31, 2018.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 81G Application #18-01 for Sherwood Road to December 4, 2018 at 8:00 p.m. in Room 9 at the Town Hall.

**Continued Public Hearing – Definitive Subdivision #18-02, Site Plan Review #18-06
Stormwater Management Permit #18-08 for 362 Middlesex Avenue - Map 89 Parcel 6A
Benjamin Osgood for Bettering LLC, Applicant**

PRESENT IN INTEREST: Benjamin Osgood, Ranger Engineering & Design
Paul Kneeland

MATERIALS CONSIDERED:

PLANS "Definitive Plan, 362 Middlesex Avenue, Wilmington, MA" prepared by Benjamin C. Osgood; P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844, dated May 25, 2018 and last revised October 30, 2018

PHOTOMETRICS PLAN dated October 30, 2018

STORMWATER REPORT dated May 9, 2018

STORMWATER MANAGEMENT REPORT dated May 30, 2018

TRAFFIC IMPACT STUDY dated May 2, 2018

MEMORANDUM from Kenneth P. Cram, Bayside Engineering dated May 24, 2018

ENGINEERING MEMO dated September 11, 2018

LETTERS from Benjamin Osgood dated July 24, 2018, Sept. 18, 2018 and Oct. 30, 2018

LETTERS from Paul Kneeland dated August 7, 2018 and September 5, 2018

B. Osgood said since the last meeting they basically made changes to address concerns. He said he provided drainage and lighting plans with an engineer stamp. He said he addressed all the comments of all the departments and it does not warrant a review of everything.

M. Sorrentino said the Town Engineer has no comments because all concerns have been addressed.

M. Sorrentino asked if the pavement thickness has been revised and B. Osgood said it has. M. Sorrentino invited the audience to ask questions or express concerns urging them to keep it to Site Plan Review.

Resident, F. West, 2 Birchwood Road, said if someone is coming out of the driveway and a tractor trailer or big truck is coming from I-93 and traffic is stopped, the tractor trailer may be prohibited from going in the site. He said if a tractor trailer cannot make that turn and a train comes, that can create safety issues. B. Osgood said he doubts a tractor trailer would be going to the site. B. Osgood said they do not believe there will be tractor trailers coming in to the facility and he believes there is enough room if that scenario happens. F. West asked if there is a snow wall and when the snow melts, where does the water go? B. Osgood said the snow water will runoff toward the railroad track and will not create an adverse condition for the railroad.

Resident, A. Saragosa, 25 Marcia Road, said he looked at what is typical in the Town of Wilmington. He looked at the construction in Town over the last 20 years to see if anything similar was built. He said this will be atypical to Wilmington. He said he looked at One Church Street. M. Sorrentino reminded him this site meets zoning. A. Saragosa pointed out other areas like the walk-in clinic on Rte. 62 and said there is no residential near it. A. Saragosa said he feels the building is too big for the site. Resident, MJ Byrnes, 9 Pinewood Road, asked what assurances abutters will receive that this structure won't pose future hardship to future tenants that could go in there. MJ Byrnes said if the first tenant leaves you don't want the next tenant to go to a site that was tenant specific. V. Gingrich said future tenants will make the site work for their use. MJ Byrnes said that she would like more buffer between the structure itself and the residents abutting the site. Resident, E. Sawyer, 15 Lawrence Street, said Concerned Citizens submitted a letter. M. Sorrentino said he will read it once all residents have had a turn to speak. Resident, K. McKneeley, 9 Shady Lane Drive, said they were told there were only three other facilities like this that abut residential neighborhoods and asked what guidelines were used for lighting. She asked if he looked at the other facilities. B. Osgood said there is a certain amount of lighting needed for a parking lot to make it safe for people using it and you want to light the lot to a minimum and you don't want the light to wash over the property line. He said lighting does not flow over the adjacent property lines and does not light the ground on adjacent properties. M. Sorrentino told K. McKneeley that she may have missed the meeting when the applicant submitted a lighting plan. K. McKneeley asked if the MBTA was notified and B. Osgood said they were part of the abutter list that received notification. She asked if they could see that and B. Osgood said yes. Resident, J. Sawyer, 58 Lawrence Street, said all the measurements are not here and asked what the setback is where the fence is. B. Osgood said the road is 16' at the top and 24' at the entrance of the subdivision. He said the zoning sheet shows the zoning line and said it is zoned General Business. V. Gingrich said the zoning goes to the center line whenever it meets a right-of-way. J. Sawyer asked about the sideline setback. V. Gingrich pointed out it is a side yard setback. B. Osgood explained the side yard setback on sheet 4 of the plan set.

M. Sorrentino read the concerned citizens' letter dated November 12, 2018 and received November 13, 2018

E. Sawyer said he is representing himself. He said the letter called out more procedural aspects and said when the original preliminary plan was submitted, he quoted Attorney M. Brobrowski and said it all hinges on the definitive plan and in this case it's important. The dates plans are submitted are very significant. He asked B. Osgood if he reviewed the Town's requirements. M. Sorrentino asked if he was talking about the submission that established the freeze on zoning. E. Sawyer said he was talking about the preliminary plan. V. Gingrich said they did submit the Definitive Plan within the seven month window. She said it was submitted June 12, 2018 and the preliminary plan on November 27, 2017. E. Sawyer said with that plan there are specific requirements and then the engineer had to amend the plan. V. Gingrich explained the process of submittal and revising plans. She said amending would happen after the applicant receives approval and revising plans happen during the submittal process. He pointed out required plan elements that were missing and asked if it was a definitive plan or just a rough draft. He said you cannot leave out elements and call it a definitive plan. V. Gingrich said when an application comes in, the department reviews it for completeness and this plan was treated like every other plan. B. Osgood explained the applicant is going through three processes: the definitive plan, site plan and stormwater. He said the layout of the roadway is not much different than what was submitted in the preliminary plan. He said most comments have been about site plan and stormwater. B. Osgood said the applicant met the submittal requirements for the definitive plan. E. Sawyer said it was not a complete definitive plan because it has to include the form and content of the town. He said when he looked at the railroad, it is a side line so there is a 20' setback requirement. B. Osgood said that is not a public way. V. Gingrich said the setback is for the building, not the pavement. She said it's a front yard setback along the public way and the railroad right-of-way is not considered a public way so it would be a side yard. Resident, M. McCoy, 11 Treasure Hill Road, said the previous gentleman has valid points. He said as Board members you have the power to get Town Counsel's opinion. M. McCoy said take that letter and ask Town Counsel to give their opinion and it would be a great move if the Board did that. M. Sorrentino thanked him for his comments and asked if anyone else wanted to speak. There were no other comments from the audience so M. Sorrentino took a motion to close the public hearing.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Definitive Subdivision #18-02, Site Plan Review #18-06, Stormwater Management Permit #18-08 for 362 Middlesex Avenue.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions and waivers a Definitive Subdivision plan entitled "Definitive Plan, 362 Middlesex Avenue, Wilmington, MA", Sheets 1 through 15, dated May 25, 2018 and last revised October 30, 2018, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844; property location is 362 Middlesex Avenue and shown as Assessor's Map 89 Parcel 6A. The proposed subdivision is for the purpose of creating a roadway. Approval is subject to the following standard and special conditions and waivers:

PROCEDURAL HISTORY

1. Application for Definitive Subdivision approval pursuant to M.G.L. Chapter 41, Section 81-L was made by the above-referenced owner and filed with the Planning Board on June 12, 2018, plan entitled "Definitive Plan, 362 Middlesex Avenue, Wilmington, MA", Sheets 1 through 15, dated May 25, 2018 and last revised October 30, 2018, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844; property location is 362 Middlesex Avenue and shown as Assessor's Map 89 Parcel 6A.
2. A public hearing for the Definitive Subdivision application was opened on July 10, 2018 and closed on November 13, 2018.
3. The plans and other submitted materials were reviewed by the Planning Board and the departments represented in the Community Development Technical Review Team. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

MATERIALS:

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

	<u>Date Submitted</u>	<u>Description</u>
1.	June 12, 2018	Memorandum from Kenneth P. Cram, Bayside Engineering dated May 24, 2018.
2.	June 12, 2018	Stormwater Management Report, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844 and dated May 30, 2018.
3.	June 21, 2018	Traffic Impact and Access Study, prepared by Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801 and dated May 2, 2018.
4.	July 24, 2018	Letter from Benjamin C. Osgood, Jr., P.E. dated July 24, 2018.
5.	July 24, 2018	Architectural Renderings and Floor Plan, prepared by Bettering LLC, 355 Middlesex Avenue, Wilmington, MA 10887 and dated April 12, 2018 and last revised July 20, 2018.
6.	July 24, 2018	Phase 1 Environmental Site Assessment, prepared by Geolnsight, Inc., 186 Granite Street, 3 rd floor, Suite A, Manchester, NH 03101 and dated February 22, 2018.
7.	August 16, 2018	"Proposed Conditions Aerial Image (2018)" prepared by ASB Design Group, LLC and dated August 11, 2018.

8. August 22, 2018 Letter from Benjamin C. Osgood, Jr., P.E. dated August 22, 2018.
9. September 18, 2018 "362 Middlesex Ave Lighting Layout Version A" prepared by RAB Lighting, 170 Ludlow Avenue, Northvale, NJ 07647 and dated August 28, 2018.
10. September 18, 2018 Letter from Benjamin Osgood, Jr., P.E. dated September 18, 2018.
11. September 27, 2018 "362 Middlesex Ave Lighting Layout Version D" prepared by RAB Lighting, 170 Ludlow Avenue, Northvale, NJ 07647 and dated September 26, 2018.
12. September 27, 2018 "Turning Radius Plan CS2701", Sheets 1 and 2, Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844 and dated September 27, 2018.
13. September 27, 2018 Stormwater Management Report, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844 and dated September 17, 2018.
14. October 31, 2018 Letter from Benjamin Osgood, Jr., P.E. dated October 30, 2018.
15. November 6, 2018 Photometrics Plan, prepared by Gregory D. Bridenbaugh, P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844, dated October 30, 2018.

DECISION

STANDARD CONDITIONS:

1. Subdivision shall be constructed in accordance with the requirements of the Subdivision Rules and Regulations (with the exception of the waivers listed below) and any other applicable regulations of the Town of Wilmington, including without limitation:
 - 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.
2. Any modification to the approved plans must receive the prior approval of the Planning Board in accordance with G.L. c.41, §81W.
3. The conditions of approval of this subdivision and waivers granted shall be placed on the original plans prior to endorsement by the Planning Board.

4. Following the statutory 20-day appeal period, the Planning Board will sign the original subdivision plans, which shall be recorded at the Middlesex North Registry of Deeds. Prior to the endorsement of plans, the following items must be submitted for approval by the Planning Board:
 - a. A Covenant or financial surety, in a form and amount acceptable to the Planning Board, to secure the construction of ways and installation of municipal services, including required description of mortgages and assents of mortgages.
 - b. Required Covenant shall reflect a condition that the work under the approved subdivision plan shall be completed within one year from the date of approval of the plan. Failure to complete the work prior to that deadline shall require a new application and Definitive Plan in accordance with the then in effect Rules and Regulations to be filed with and approved by the Board unless an extension of time is requested and granted.
 - c. Acceptable form of grants of easements.
5. Within 5 days of the transfer of ownership of the subdivision, the Planning Board shall be notified in writing of the new property owner's name and address.
6. A financial surety of 10% of the total value of the work within the subdivision shall be held by the Planning Board for 18 months following completion of streets and municipal services to ensure maintenance of the subdivision infrastructure.
7. Prior to the start of work under the approved subdivision, a pre-construction conference shall be scheduled with the designated agent specified by the Planning Board, the Town Engineer (or his designee) and any other involved Community Development departments. The developer shall submit a construction schedule at the time of the pre-construction conference.
8. At the time of the pre-construction conference, the Applicant may also be required to submit a 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 by-law) for review and approval by the Planning Board or its agent.
9. The Applicant shall be required to show evidence that all required local, state or federal permits and approvals have been obtained at the time of the pre-construction conference.
10. The Applicant shall assume the cost of construction monitoring and other consultant costs and fees incurred in connection with ensuring compliance with these conditions. An estimate of hours required and costs of monitoring shall be provided at the time of the pre-construction conference. The Applicant shall, prior to the start of construction, be required to place on deposit with the Planning Board an amount sufficient to cover the anticipated cost of monitoring by the Planning Board or its agent. Any remaining funds at the conclusion of the 18-month monitoring period set forth in Condition 6 shall be returned to the Applicant. If additional funds are required, the Applicant shall provide such funds within 14 days to the Department of Planning & Conservation.
11. Prior to the release of any lots within the subdivision, the following conditions shall be met:
 - a. The Wilmington Board of Health shall have approved on-site septic system plans.

- b. The construction of the roadways shown on the subdivision plan shall be completed through the binder course according to the Phasing Plan.
 - c. Acceptable form and amount of surety shall be on deposit with the Planning Board along with a proposed schedule of releases. If partial release of surety is to be requested, the Planning Board may, at its discretion, require deposits to be broken down in amounts of anticipated requests for release.
12. The Applicant has agreed to maintain fee interest in the roadway. As-built plans shall be submitted for review prior to the final release of surety.
13. During construction work will not start before 7:00 a.m. and will be completed by 7:00 p.m. Monday through Friday. No work is allowed on Sundays and Holidays. Construction equipment will not be started before 7:00 a.m.
14. Blasting materials, if needed, must be reviewed for ground water contaminants with the Board of Health and Fire Department.
15. Notice of the start of construction will be distributed to abutting properties seven days prior to the commencement of construction.

SPECIAL CONDITIONS:

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

16. All conditions of the Site Plan Approval, #18-06, dated November 15, 2018 remain in full force and effect.
17. The Applicant has agreed that the proposed roadway will remain a private way that is privately maintained.
18. All rooftop mechanical equipment shall be appropriately screened. Specifications for the screening shall be provided to the Department of Planning & Conservation and Town Engineer. If such screening is deemed to be inadequate, the Applicant shall appear before the Planning Board at a duly posted meeting to obtain the Planning Board's approval of the screening.
19. Prior to endorsement, the Plans shall be revised to include any Special Permit Conditions on the cover sheet.
20. Prior to endorsement, the Plans shall be revised to include a roadway name that is approved by the Town Engineer, Town Assessor, Fire Department, Police Department and Department of Planning & Conservation.
21. Prior to the issuance of a Building Permit, an Approval Not Required Plan shall be submitted combining the two proposed lots.
22. The applicant shall demonstrate compliance with NPDES permit filing requirements and shall submit one (1) copy of the checklist for the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation AND one (1) copy to the Engineering Division prior to commencing construction.

23. The Applicant or designated authority shall give reasonable notice to the Engineering Division for inspection prior to installing any utility, roadway sub-base, pavement, proposed stormwater management system or installation of other critical design components identified during the preconstruction meeting.
24. All maintenance responsibility for drainage structures installed for this project within the private property lines will remain with the Owner.

WAIVERS:

The Planning Board has reviewed the request for waivers of the Subdivision Rules and Regulations and approves or denies the same as specifically contained hereinafter.

1. Approves a waiver of Section V (B) paragraph 2 to allow pavement width of 32' and right-of-way width of 50' for a non-residential subdivision street.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions Site Plan Review #18-06 for 362 Middlesex Avenue as shown on plan entitled, "Definitive Plan, 362 Middlesex Avenue, Wilmington, MA 01887", Sheets 1 through 15, dated May 25, 2018 and last revised October 30, 2018, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844. Said property is located at 362 Middlesex Avenue, Wilmington, MA 01887 and shown on Assessor's Map 89 Parcel 6A.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on July 10, 2018, and closing on November 13, 2018, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Paul Kneeland, Bettering LLC, 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 contemplated site plan development for property addressed at 362 Middlesex Avenue for a new roadway and a 48 bed rehabilitation facility with 53 parking spaces as shown on plan entitled "Definitive Plan, 362 Middlesex Avenue, Wilmington, MA 01887", Sheets 1 through 15, dated May 25, 2018 and last revised October 30, 2018, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844, submitted on June 12, 2018, (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:

<u>Date submitted</u>	<u>Description</u>
1. June 12, 2018	Memorandum from Kenneth P. Cram, Bayside Engineering dated May 24, 2018.

2. June 12, 2018 Stormwater Management Report, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844 and dated May 30, 2018.
3. June 21, 2018 Traffic Impact and Access Study, prepared by Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801 and dated May 2, 2018.
4. July 24, 2018 Letter from Benjamin C. Osgood, Jr., P.E. dated July 24, 2018.
5. July 24, 2018 Architectural Renderings and Floor Plan, prepared by Bettering LLC, 355 Middlesex Avenue, Wilmington, MA 10887 and dated April 12, 2018 and last revised July 20, 2018.
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7. August 16, 2018 "Proposed Conditions Aerial Image (2018)" prepared by ASB Design Group, LLC and dated August 11, 2018.
8. August 22, 2018 Letter from Benjamin C. Osgood, Jr., P.E. dated August 22, 2018.
9. September 18, 2018 "362 Middlesex Ave Lighting Layout Version A" prepared by RAB Lighting, 170 Ludlow Avenue, Northvale, NJ 07647 and dated August 28, 2018.
10. September 18, 2018 Letter from Benjamin Osgood, Jr., P.E. dated September 18, 2018.
11. September 27, 2018 "362 Middlesex Ave Lighting Layout Version D" prepared by RAB Lighting, 170 Ludlow Avenue, Northvale, NJ 07647 and dated September 26, 2018.
12. September 27, 2018 "Turning Radius Plan CS2701", Sheets 1 and 2, Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844 and dated September 27, 2018.
13. September 27, 2018 Stormwater Management Report, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844 and dated September 17, 2018.
14. October 31, 2018 Letter from Benjamin Osgood, Jr., P.E. dated October 30, 2018.

15. November 6, 2018

Photometrics Plan, prepared by Gregory D. Bridenbaugh, P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844, dated October 30, 2018.

FINDINGS:

1. The Project site is shown on Map 89 Parcel 6A 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.
5. The Project requires a Use Special Permit from the Board of Appeals.

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.
7. During construction work will not start before 7:00 a.m. and will be completed by 7:00 p.m. Monday through Friday. No work is allowed on Sundays and Holidays. Construction equipment will not be started before 7:00 a.m.

PRIOR TO ENDORSEMENT OF THE PLAN:

8. Following review by the Wilmington Board of Appeals, the applicant must revise the Site Plan to show all changes (if any) required by the Board of Appeals.
9. The Special Permit required for the proposed use must be granted, recorded and added to the Site Plan.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

10. The Wilmington Fire Department shall review and approve all building plans.
11. The applicant shall file an Approval Not Required Plan to combine the parcels.

PRIOR TO START OF CONSTRUCTION:

12. 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 conference.
13. A Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
14. Erosion controls shall be installed in accordance with the Stormwater Management Plan and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
15. Abutting property owners shall be notified in writing at least seven (7) days prior to the start of construction.
16. The rear property line shall be staked out.

PRIOR TO OCCUPANCY:

17. All rooftop mechanical equipment shall be appropriately screened. Specifications for the screening shall be provided to the Department of Planning & Conservation and Town Engineer. If such screening is deemed to be inadequate, the Applicant shall appear before the Planning Board at a duly posted meeting to obtain the Planning Board's approval of the screening.
18. As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
19. 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.
20. 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 tenant occupancy, the Applicant may post a bond, in a form and amount acceptable to the Planning Board 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 sign offs on Occupancy prior to eligibility.

POST CONSTRUCTION:

21. Trash pick-up on the site shall occur during normal business hours.

22. The Applicant shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
23. The Applicant 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.
24. The Applicant 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 Applicant 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.
25. 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 and located within the site shall be the Applicant's responsibility.
26. Snow in excess of the areas provided for snow storage on the Site Plan is to be removed from the site within five (5) days of a snow event. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
27. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project and located within the site shall be the Owner's responsibility.
28. Final As-Built Plans in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineer and Director of Planning & Conservation.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions, Stormwater Management Permit #18-08 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 15, 2018

ISSUED for Property located at 362 Middlesex Avenue, Wilmington, Massachusetts (Map 89 Parcel 6A)

Case No.: Stormwater Management Permit #18-08

Applicant: Mr. Paul Kneeland, Bettering LLC, 355 Middlesex Avenue, Suite 7, Wilmington, MA 01887

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and plan entitled, "Definitive Plan, 362 Middlesex Avenue, Wilmington, MA 01887", Sheets 1 through 15, dated May 25, 2018 and last revised October 30, 2018, prepared by Benjamin C. Osgood, Jr., P.E., Ranger Engineering & Design, LLC, 13 Branch Street, Suite 101, Methuen, MA 01844; material submitted on June 12, 2018, subject to the following conditions:

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 October 2, 2018.

Special Conditions

1. A Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
2. Erosion controls shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of construction.
3. 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.
4. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
5. The Operation and Maintenance Plan shall be recorded prior to issuance of a Certificate of Occupancy.

Public Hearing – Sign Special Permit #18-06 – 200 Ballardvale Street - Map R3 Parcel 8 Raymond Dion, Applicant

PRESENT IN INTEREST: Raymond Dion

MATERIALS CONSIDERED:

SIGN SPECIFICATION: sign reading "Verizon"

There was no discussion.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing and approve the Sign Special Permit #18-06 for one 3'3" x 15' (48.75 sf) wall sign reading "Verizon" replacing the existing Verizon Wireless sign on the building, which exceeds the length allowance of the Zoning Bylaw for wall signs above the first floor. The application was filed with the Planning Board on October 17, 2018. Said property is located at 200 Ballardvale Street and shown on Assessor's Map R2 Parcel 7.

The public hearing was opened and closed on November 13, 2018. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.2 of the Zoning Bylaws of the Town of Wilmington. Approval is subject to the following Findings and Conditions:

MATERIALS:

The following materials in addition to the Sign Specifications were submitted into the public record:

<u>Date submitted</u>	<u>Description</u>
None	None

FINDINGS:

1. The signage to be erected is on a parcel on Map R2 Parcel 7 on the Town of Wilmington's Assessor's Map.
2. The Planning Board determined that the wall sign should be permitted in the public interest.
3. The application materials comply with the requirements of Section 6.3 of the Wilmington Zoning Bylaws and the Board's Special Permit 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. This Special Permit shall be valid for this tenant (Verizon) and this proposed sign only. Any change in applicant or change in signage shall be reviewed by the Planning Board.
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 the sign has not been erected within two (2) years of a special permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or the two-year period shall run from the date of the final decision on the appeal.
4. This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review or other Special Permits.
5. The provisions of this conditional approval shall apply to and be binding upon the applicant, its employees and all tenants.

6. Bylaw Exception: (Section 6.3.6.1.a) "Granted" one wall sign located above the first floor, measuring 3'3" x 15' (48.75 sf), installed to replace the existing wall sign.
7. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

Public Hearing - Site Plan Review #18-13 and Stormwater Management Permit #18-12 for 65 Industrial Way - 56 Parcel 122 - Arthur Kanavos for 65 Industrial Way LLC, Applicant

PRESENT IN INTEREST: Arthur Kanavos
Frederick W. Russell, Jr.

MATERIALS CONSIDERED:

PLANS "Plot Plan in Wilmington, Mass." dated October 16, 2018 and last revised October 30, 2018

BOARD of APPEALS DECISIONS: Case 73-90, Case 67-91, Case 97-92, Case 70-94
LETTER from Arthur W. Kanavos dated September 21, 2018

A. Kanavos said he is just trying to build a drive-in ramp where an existing overhead scissor door exists and he needs a forklift door as well. He said the tenant is an engineering firm. He said there will be no other exterior changes to the building other than the drive-in door and forklift door. V. Gingrich said A. Kanavos submitted a revised plan this morning and there is reference to a variance that gave permission for 9.9% open space but you are showing 7.6%, so she asked if there was another variance or if he needs to make some parking spaces into open space. A. Kanavos said there is extra parking but he has no control of when it will be used. He does not want to remove any parking to add open space. A. Kanavos asked if he needs to go back to Board of Appeals to reduce the amount of open space and V. Gingrich said yes. A. Kanavos asked how important the open space is to the Planning Board and asked if not having that open space creates a hardship for the Town. M. Sorrentino said the applicant was granted a variance for 9%, not 7%. V. Gingrich pointed out there are some awkward spaces that are just wasted space. V. Gingrich said you can play around with parking to get the open space. T. Boland showed the applicant how he could achieve the open space.

M. Sorrentino read comments into the record.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #18-13 and Stormwater Management Permit #18-12 for 65 Industrial Way to December 4, 2018 at 8:15 p.m. in Room 9 of the Town Hall.

Public Hearing – Site Plan Review #18-14 – 375 Ballardvale Street - Map R3 Parcel 50A Mark E. Beaudry for FedEx Ground, Applicant

PRESENT IN INTEREST: Drew Garvin

MATERIALS CONSIDERED:

PLANS "Site Plan for Bathroom Addition, 375 Ballardvale Street, Wilmington, Massachusetts 01887", Sheets 1 and 2, dated August 21, 2017 and last revised October 15, 2018,
FLOOR PLANS "FedEx Ground Renovation & Security Building", dated September 7, 2018
LETTER & NARRATIVE prepared by Meridian Associates, Inc., dated October 17, 2018

D. Garvin told the Board this project that received approval was to repave the FedEx facility lot. He said they paved the entire site and improved the drainage and added a new security building and locker shelter related to that building. D. Garvin said during construction, the plumbing inspector brought to light that a bathroom was necessary. He said they went before the Plumbing Board and it was dismissed. He said it is located where a sidewalk was previously approved at the rear of the security building. R. Holland asked if there is a fence or if it could be easily accessed, and D. Garvin said it is fenced in because it is a secure area.

M. Sorrentino said the only comment from the Town Engineer is that the plan labels utilities as proposed but they exist and asked that the plan be updated to reflect that.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing and approve with conditions Site Plan Review #18-14 for 375 Ballardvale Street as shown on plan entitled, "Site Plan for Bathroom Addition, 375 Ballardvale Street, Wilmington, Massachusetts 01887", Sheets 1 and 2, dated August 21, 2017 and last revised October 15, 2018, prepared by Mark E. Beaudry, P.E., Meridian Associates, 69 Milk Street, Suite 302, Westborough, MA 01581. Said property is located at 375 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R3 Parcel 50A.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) closing on November 13, 2018, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by FedEx Ground, 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 contemplated site plan development for property addressed at 375 Ballardvale Street for a bathroom addition as shown on plan entitled "Site Plan for Bathroom Addition, 375 Ballardvale Street, Wilmington, Massachusetts 01887", Sheets 1 and 2, dated October 15, 2018, prepared by Mark E. Beaudry, P.E., Meridian Associates, Inc., 69 Milk Street, Suite 302, Westborough, MA 01581, submitted on October 18, 2018, (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:

<u>Date submitted</u>	<u>Description</u>
October 18, 2018	Cover Letter and Project Narrative, prepared by Meridian Associates, Inc., 69 Milk Street, Suite 302, Westborough, MA 01581, dated October 17, 2018
October 29, 2018	Floor Plans entitled "FedEx Ground Renovation & Security Building", prepared by Planners Designers Architects, Inc., 16 Huron Drive, Natick, MA 01760, dated September 7, 2018

FINDINGS:

1. The Project site is shown on Map R3 Parcel 50A 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.
7. All maintenance responsibilities for any stormwater structures installed for this project will remain with the Owner.

PRIOR TO ENDORSEMENT:

8. The plans shall be revised to reflect utilities as existing rather than proposed.

PRIOR TO CONSTRUCTION AND ISSUANCE OF A BUILDING PERMIT:

9. The Wilmington Fire Department shall review and approve all building plans prior to construction.
10. Prior to the commencement of construction, erosion controls shall be installed in accordance with the Stormwater Management Plan and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.

PRIOR TO OCCUPANCY:

11. As-Built Plans in form(s) and format(s) acceptable to the Town shall be submitted to the Town Engineer and Director of Planning & Conservation.
12. 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.

POST CONSTRUCTION:

13. The Applicant shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
14. The Applicant 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.
15. The Applicant 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 Applicant 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.
16. 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 and located within the site shall be the Applicant's responsibility.
17. Snow in excess of the areas provided for snow storage on the Site Plan is to be removed from the site within five (5) days of a snow event. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
18. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project and located within the site shall be the Owner's responsibility.
19. Final As-Built Plans in form(s) and format(s) acceptable to the Town Engineering Director shall be submitted to the Town Engineer and Director of Planning & Conservation.

**Public Hearing - Site Plan Review #18-15, Stormwater Management Permit #18-13 and Multi-Family Special Permit #18-01 for 635 Main Street – Map 40 Parcel 1
Massachusetts Equity Investors, LLC, Applicant**

PRESENT IN INTEREST: Jon Tilton, Williams & Sparages
Jackie Welch
Michael Procopio
Michael Welch

MATERIALS CONSIDERED:

PLANS "635-645 Main Street, Wilmington, MA" dated October 18, 2018
ELEVATIONS "Wilmington Town Houses, 635 Main Street, Wilmington, MA" dated September 17, 2018
COMPARATIVE DRAINAGE ANALYSIS dated October 16, 2018
ENGINEERING MEMO dated November 13, 2018

J. Tilton explained the site as being off Rte. 38. He said it abuts the Salvation Army. Across the street is the Colonial Park Mall and in the back is the commuter train line. He said the applicant is proposing a 49 unit residential site with 10 townhouses in the front, with each one

having its own parking garage in the rear. There is a 39-unit, 3-story residential building in the back with a parking garage underneath. The garage has 49 spaces plus 29 spaces outside with additional 20 spaces for a total of 98 spaces which gives a two to one parking ratio. There is currently three entrances to the site. There is very little landscaping now. With this proposal, there is one entrance with an additional emergency gated access. He showed additional landscaping and an 8' white vinyl fence. There is no drainage on the site currently but this design has several subsurface drainage systems and he is in the process of working on drainage and he needs to do more testing to finalize the plan. He said that everything is contained on the site.

R. Holland asked what the buildings look like. J. Tilton showed renderings for the townhouse units. The back faces Main Street. In the rear is a larger three-story building with parking below. He said there will be a 7' high retaining wall on the rear building. He said the water table is high in back and with the garage underneath the building it had to be raised. M. Sorrentino asked what the height is and M. Procopio said 36'.

M. Sorrentino read the Planning Director's and Town Engineer's comments into the record.

J. Tilton said it is a work in progress. These comments will help us. M. Sorrentino asked if there will be affordable units and J. Welch said no.

Resident, E. Loud, 4 Valyn Lane, said when the rezoning for this property came to Town Meeting it was said that it was going to be affordable housing. He said this particular developer has come before the Selectman saying there is a crisis in town that we need affordable housing. He said here is an opportunity to add to our affordability. He asked the Planning Board to ask the applicants. J. Welch said it doesn't make sense for this site. E. Loud said at Town Meeting they said there will be affordable units. J. Welch said there will not be affordable units that will count toward the Town's affordable inventory, but the price for the townhouses will be in the \$400,000s and \$300,000s for the 3-story building and they will not be rentals.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #18-15, Stormwater Management Permit #18-13, and Multi-Family Special Permit #18-01 for 635 Main Street to December 4, 2018 at 8:30 p.m. in Room 9 of the Town Hall.

Public Hearing - Site Plan Review #18-16, Stormwater Management Permit #18-14 and Multi-Family Special Permit #18-012 for 203 Lowell Street – Map 48 Parcel 73 Massachusetts Equity Investors, LLC, Applicant

PRESENT IN INTEREST: Doug Lees, Land Engineering & Environmental Services
Jackie Welch
Michael Welch

MATERIALS CONSIDERED:

PLANS "Site Development Plan, 203 Lowell Street, Wilmington, Massachusetts" dated October 18, 2018 and Site Plan Application Narrative

STORMWATER MANAGEMENT & EROSION CONTROL PLAN dated October 18, 2018
ENGINEERING MEMO dated November 13, 2018

D. Lees said this site was previously approved for the Barking Dog Pet Care Facility and two restaurants at the corner of Lowell and Woburn Street, but that project did not go forward. This is a new applicant proposing a 57-unit, 3-story residential building in the back with parking underneath with a commercial/office building with retail on the corner of Woburn Street and Lowell Street. There is also a bank also on the site with a drive-thru. The original plan had an entrance off Woburn and Lowell Street but the improved plan has the entrance where the existing entrance is located. M. Sorrentino asked if there is a need for all the parking and D. Lees said at the suggestion of Town staff, parking was reduced with use of shared parking calculation. For the residential buildings there are a 120 spaces. M. Sorrentino asked how many spaces are required per unit and V. Gingrich said 2 per unit. D. Lees said parking was reduced doing shared parking. He said they need to do more test pits. D. Lees said there are two means of access, off Woburn Street and one on Lowell Street. M. Sorrentino asked if that is the same as the previously approved plan and D. Lees said originally the plan was approved for the entrance on Woburn Street closer to Lowell Street and there was a brief discussion. D. Lees said the town requested a traffic study. He respectfully requested waiving reading the comments until he has time to revise the plans to make the list of comments shorter. D. Lees continued to describe the site. He said they submitted a landscape plan, renderings, lighting plans, and now that will all be revised. M. Sorrentino asked if there will be rooftop air-conditioning units they should be shown on the renderings. M. Sorrentino said to make sure the HVAC is shown on the renderings. There was a brief discussion regarding the transportation improvements for the corner of Lowell and Woburn Street. R. Holland asked if the residential building is for rent and J. Welch said yes. T. Boland asked if there is a question on the open space percentage and D. Lees said yes. He said 30% for commercial and 40% for residential. He said he ended up with 38% and suggested they could do a weighted average. V. Gingrich stated that they will have to meet the 40%.

T. Boland asked how many tenants in the commercial building and J. Welch said there will be seven retail units on the first floor and two floors of office space. M. Sorrentino said signage is important. D. Lees said they will show the traffic flow plan and signage on revised plans. T. Boland said the first floor is 15' above grade as you drive in and M. Sorrentino asked what the heights are. T. Boland said he sees 94' as you turn left in the driveway and 109' for the first floor. He said it will be 10-11' higher than the landscaping. M. Sorrentino specified there will only be one drive-thru at the site.

Resident, E. Loud, 4 Valyn Lane, asked if the Board looked at the previous approval and he could have sworn that the Board approved the entrance parallel to Lucci's. M. Sorrentino said they will look at that. E. Loud asked if there will be a traffic study. M. Sorrentino said they have done a recent one. E. Loud asked how long a traffic study is valid for. He asked if there is any affordability at the site. J. Welch said they will try to see if they can make it work at this site. E. Loud said it's hard to go to the next developer and ask for affordable units when this developer isn't being asked to provide any. R. Holland said if it is rental they all count toward affordable but V. Gingrich said they count only if there are 25% affordable units. E. Loud said he was told there were going to be affordable units but found out there are not.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #18-16, Stormwater Management Permit #18-14, and Multi-Family Special Permit #18-02 for 203 Lowell Street to December 4, 2018 at 8:45 p.m. in Room 9 of the Town Hall.

Board of Appeals

At its meeting on Tuesday, November 13, 2018 the Planning Board voted to recommend as follows:

V. Gingrich told the Board its approval of the 362 Middlesex project can serve as the Board's recommendation to the Board of Appeals, the project meets the requirements of the zoning bylaws.

Case 07-18: 362 Middlesex Avenue (Map 89 Parcel 6A)

Upon motion duly made and seconded, it was unanimously

VOTED: The proposed project at 362 Middlesex Avenue has been revised to satisfy the requirements of the Zoning Bylaw, Stormwater Bylaw, and Subdivision Regulations. As such, the project has received approval for site plan review, stormwater management, and definitive subdivision with appropriate conditions. The decisions for each approval are attached for reference.

Old Business

There was no Old Business to discuss

New Business

Decision for Public Hearing – 81G Application #18-02 for 1 Hudson Street Map 70 Parcel 82A - Robert Marini for Richard Rapacki, Applicant

MATERIALS CONSIDERED:

PLANS "Roadway Improvement Plan, 1 Hudson St., Wilmington, MA 01877" dated August 16, 2018

ENGINEERING MEMO dated September 27, 2018

V. Gingrich reminded the Board this is a paper street off Jordan Street off of Salem Street. Jordan deadends at 1 Hudson and they have a paved half circular driveway on their piece of the property. A piece of the full circle goes into the paper street and that's gravel. The homeowner would like to pave the gravel portion within the paper street and create more of a turn-around. DPW is in favor of it because it allows for an easier turn-around at the end of the street. The town asked for changes to the plan in the decision prior to endorsement and one change was the radius as pointed out at the last Planning Board meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions an 81-G application and plan entitled: "Roadway Improvement Plan, 1 Hudson St., Wilmington, MA 01877," dated: August 16, 2018, scale 1"=40', prepared by Robert E. Marini, P.E., NATIVetec, 31 Munroe Street, Lynn, MA 01901, concerning the property located on 1 Hudson Street and shown on Assessor's Map 70 Parcel 82A 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. "Existing Conditions, 1 Hudson St., Wilmington, MA 01877," dated August 14, 2018, prepared by William R. D'Etremont, Professional Land Surveyor, NATIVetec, 31 Munroe Street, Lynn, MA 01901.

FINDINGS:

1. The Project includes roadway improvements to Hudson Street along the frontage of the existing dwelling located at 1 Hudson Street, Map 70 Parcel 82A.
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 within one 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.

PRIOR TO ENDORSEMENT OF THE PLAN:

4. The plans shall be revised to include the radius of the turnaround.
5. The plans shall be revised to reflect the correct zip code for the property.
6. The plans shall be revised to include a revision date.
7. The plans shall be revised to include a signature block.

PRIOR TO CONSTRUCTION:

8. 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.
9. Prior to the commencement of earth moving activities, erosion controls shall be installed around all areas of work.
10. A Simple Stormwater Management Permit shall be obtained.

DURING CONSTRUCTION:

11. 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.

POST CONSTRUCTION:

12. An As-Built Plan for the roadway improvement project, in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineering Division and Department of Planning and Conservation.
13. All maintenance responsibilities for any drainage structures installed for this project will remain with the Owner.

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

A request to release for 81G Application #17-01 for 8 West Jamaica Avenue surety was received

ENGINEERING MEMO dated November 6, 2018
LETTER from David McCue dated October 26, 2018

V. Gingrich said this 81G Application was approved about a year ago now. The extension of West Jamaica to construct a single family home.

M. Sorrentino read the Engineering memo into the record.

Upon motion duly made and seconded, it was unanimously

VOTED: To release final surety in the amount of one thousand, two hundred seventy-one dollars and zero cents (\$1,271.00) plus interest for the above referenced project. Surety was in the form of an Official Bank Check from Santander.

Director's Report

V. Gingrich told the Board there were three workshops on inclusionary zoning held. She said they provided surveys, spoke to attendees and asked their opinions on different aspects of the idea. V. Gingrich explained what came back as resident's feedback and their feedback is right in the middle of what is being proposed. She said there is possibly a 15% affordable requirement for developments starting at 8 units or more. She said some local developers said there is a cost to providing affordable units so we can provide bonus market rate units on top of what they are already getting. She said we can offer market rate units to offset the cost and most people agreed. V. Gingrich said if we provide a density bonus of one additional market-rate unit for every one affordable unit, developers may agree to it. She said there will be folks that have concerns about giving any bonus units. V. Gingrich said another question is where this should be applied. Should it be everywhere in town or just certain districts? V. Gingrich said it will be hard to make this work in the single family subdivisions. M. Sorrentino said we have reviewed what we have for open areas or what is going to be proposed for open areas. He said Textron is the obvious parcel and V. Gingrich said she does not see that being a single family subdivision. She said the only significant one out there is Sciarappa. M. Sorrentino said all the old industrial buildings along Middlesex Avenue will be going away. V.

Gingrich said she thinks they will be something multi-family. She said it is harder to get single family houses to fit. She said she knows in other towns they allow a duplex that looks like a single family house to try to make it work. T. Boland asked if that was affordable and V. Gingrich said yes. V. Gingrich said with apartments there is less cost but you are going to lose money on affordable units no matter what, but with apartments, you may lose less. She said we can start with the multi-family districts. She talked about the plan the Board did years ago and the numbers are still accurate. The plan suggests eight or more units as a threshold and 15% affordable units, and the town could do off-site affordables but only if the Planning Board sees there is a reason and a public benefit. The plan did not recommend having a payment in lieu of providing units. V. Gingrich said she does not want the burden put on the town to collect payment and build affordable housing when developer are better at it. R. Holland suggested the town offer the land to developers to provide the affordable units and V. Gingrich explained that could also be tricky. She said there are mixed feelings about using town land for affordable housing and said she is still hopeful for putting something on the Saint Dorothy's site which is perfect for an Over 55 Housing development. V. Gingrich said this is a first step and we need more housing options.

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

VOTED: To adjourn the meeting at 11:10 p.m.

NEXT PLANNING BOARD MEETING: December 4, 2018

Respectfully submitted, ..



Cheryl Licciardi
Recording Clerk