



## **TOWN of WILMINGTON**

### **DEPARTMENT OF PLANNING & CONSERVATION**

121 GLEN ROAD, WILMINGTON, MA 01887 [www.wilmingtonma.gov](http://www.wilmingtonma.gov) (978) 658-8238

### **Planning Board Minutes December 5, 2017**

The Planning Board met on Tuesday, December 5, 2017 at 7:30 p.m. in Room 9 of the Town Hall. The following members were present: Michael Sorrentino Chair; Randi Holland; Terence Boland; Sean Hennigan; and David Shedd. Valerie Gingrich, Director of Planning & Conservation and Carolyn Cronin, Assistant Planner were also present.

#### **Minutes**

The Planning Board reviewed the November 7, 2017 minutes.

Upon motion duly made and seconded, it was

VOTED: To approve the November 7, 2017 minutes as written

#### **Form A**

**Chestnut Street – Map 13 Parcel 5 “Plan of Land in Wilmington, MA”, Debra M. (McGuinness) Coddington, Applicant**

PRESENT IN INTEREST: John Coddington

#### **MATERIALS CONSIDERED:**

PLANS “Plan of Land in Wilmington, MA”, dated September 25, 2017

J. Coddington told the Board the plan is taking a large parcel and creating two lots in accordance with current regulations. V. Gingrich said the applicant is seeking to create a hammerhead lot. C. Cronin showed the Board the land swap on the plan and said there is a land swap with a non-buildable lot in the rear. J. Coddington said there is a pinch point that didn't meet the width requirements on one of the lots and that is the reason for the land swap.

Upon motion duly made and seconded it was

VOTED: To receive the ANR Plan and Application #17-08 for Chestnut Street – Map 13 Parcel 5 “Plan of Land in Wilmington, MA” dated September 25, 2017, Debra M. (McGuinness) Coddington, Applicant

Upon motion duly made and seconded it was

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #17-08 for Chestnut Street – Map 13 Parcel 5 “Plan of Land in

Wilmington, MA" dated September 25, 2017, Debra M. (McGuinness) Coddington, Applicant

The Board endorsed the plan.

**100, 102, and 104 West Street - Map 71 Parcels 3, 4, & 5 "Approval – Not Required Plan, #100 - #104 West Street, Wilmington, Mass." Michael J. Newhouse for the, Applicant**

PRESENT IN INTEREST: Michael J. Newhouse, Esq.

MATERIALS CONSIDERED:

PLANS "Approval – Not Required Plan, #100 - #104 West Street, Wilmington, Mass.", dated November 20, 2017

M. Newhouse said the property is owned by the Gutierrez family and they are dividing this parcel into two legal zoning lots.

Upon motion duly made and seconded it was

VOTED: To receive the ANR Plan and Application #17-09 for 100, 102, and 104 West Street - Map 71 Parcels 3, 4, & 5 "Approval – Not Required Plan, #100 - #104 West Street, Wilmington, Mass.", dated November 20, 2017, Michael J. Newhouse for the Applicant

Upon motion duly made and seconded it was

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #17-09 for 100, 102, and 104 West Street - Map 71 Parcels 3, 4, & 5 "Approval – Not Required Plan, #100 - #104 West Street, Wilmington, Mass.", dated November 20, 2017, Michael J. Newhouse for the Applicant

The Board endorsed the plan.

### **Matters of Appointment**

**Continued Public Hearing – Site Plan Review #17-16 – Stormwater Management Permit #17-14 for 80 Main Street – Map 45 Parcel 173 – Michael Newhouse for Center Development Corp., Applicant**

PRESENT IN INTEREST: Michael J. Newhouse  
Luke Roy, LJR Engineering

MATERIALS CONSIDERED:

PLANS "Site Plan, 80 Main Street, Town of Wilmington, MA", dated October 11, 2017  
ARCHITECTURAL DRAWINGS dated October 3, 2017  
Engineering memo dated November 1, 2017

M. Newhouse was brief explaining that all concerns have been addressed.

L. Roy told the Board one thing discussed at the last meeting was future plans to subdivide the parcel and the plan indicates the lot line for the future subdivision. He summarized the current lot as a whole and as subdivided with respect to open space and future plans of the site and everything is shown on the revised plan. Architectural drawings were also submitted. L. Roy said they hired a wetland scientist. He said there is a draft easement provided for the monument. The granite curbing will be on Main Street and any work within the highway layout is subject to MassDOT. L. Roy said the water and sewer will connect and that is also shown on the plan. He said he added a notation to the plan regarding sidewalk reconstruction. L. Roy told the Board there will be granite curbing at the entrance of Glen Road. The calculations for the grass channel swale were submitted. L. Roy told the Board he had discussions with the Town Engineer and said there have been several follow-up comments. He told the Board any concerns can be addressed.

R. Holland asked about 84 Main Street's zoning. V. Gingrich said it will be discussed with Town Meeting zoning.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Site Plan Review #17-16 – Stormwater Management Permit #17-14 for 80 Main Street.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions Site Plan Review Application #17-16 as as follows:

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on November 7, 2017 and closing on December 5, 2017, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Center Development Corp., under the provisions of Section 6.5 of the Zoning By-Laws 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 80 Main Street (Assessors Map 45, Parcel 137, as shown on plan set entitled: "Site Plan, 80 Main Street, Wilmington, MA" prepared by Luke J. Roy, PE; LJR Engineering, Inc., 234 Park St., North Reading, MA, 01864; dated October 11, 2017 and last revised November 20, 2017, (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. October 12, 2017	"Stormwater Analysis, 80 Main Street, Site Plan Review" prepared by LJR Engineering, Inc., 234 Park St., North Reading, MA, 01864 dated October 2017.

2. October 12, 2017 "Proposed Law Office" Architectural and Floor Plans prepared by Paul L. Davies & Associates, Architects, Inc., 635 Rogers St., Lowell, MA 01852 dated October 3, 2017.
3. November 20, 2017 "Grassed Channel Calculation, 80 Main Street" prepared by LJR Engineering, Inc., 234 Park St., North Reading, MA, 01864 dated November 20, 2017.
4. November 20, 2017 Architectural and Floor Plans for the garage/apartment prepared by KDK Design received on November 20, 2017 and revision received on November 28, 2017.

### **FINDINGS:**

1. The Project site is located at Map 45 Parcel 137.
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 Special Permits from the Board of Appeals in accordance with Section 6.1.6.4., Nonconforming Structures (Application #32-17) and Section 6.6.7.7., Groundwater Protection District (Application #33-17).

### **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. If there is an appeal, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this approval shall apply to and be binding upon the applicant, its employees and all successors and assigns in interest or contract.

5. 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.

#### **PRIOR TO ENDORSEMENT OF THE PLANS:**

6. Following review by the Wilmington Conservation Commission, the applicant must revise the plans to show all changes required by the Commission.
7. Plans shall be revised to show a fence separating the residential and business districts as required by Section 5.2.6.1.
8. Plans shall be revised to show a cleanout (with detail) for the garage sewer lateral at the 45 degree bend (by Glen Road).
9. Plans shall be revised to correct the grass swale section detail by replacing the 6-inch loam label with a 10-inch loam label.
10. Plans shall be revised to show detectable panels for the sidewalk on either side of the Main Street driveway entrance.
11. Plans shall be revised to show that the garage sewer lateral has a minimum 3 feet of cover over the pipe
12. Plans shall be revised to include all conditions of Site Plan approval.

#### **PRIOR TO CONSTRUCTION:**

13. 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 business days prior to the start of construction.
14. Prior to the commencement of construction, erosion controls shall be installed in accordance with the Stormwater Management Plan and the latest NPDES Construction General Permit and corresponding Stormwater Pollution Prevention Plan, if applicable. If applicable, a copy of the NPDES Stormwater Pollution Prevention Plan shall be kept on-site during construction activities and a copy submitted to the Department of Planning & Conservation.

#### **DURING CONSTRUCTION**

15. 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.

#### **PRIOR TO THE ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**

16. The Applicant has agreed to grant an easement to the Town for landscaping and maintenance of the monument on the corner of Glen Road and Main Street. The easement shall be executed and recorded prior to occupancy.
17. As-Built Plans in form(s) and format(s) acceptable to the Town shall be submitted to the Engineering Director and Director of Planning and Conservation.
18. 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 Director of Planning & Conservation 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 off on Occupancy prior to eligibility.

**POST OCCUPANCY:**

19. The Applicant shall maintain or replace landscaping as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping in presentable and healthy condition.
20. The Applicant shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed and enclosures locked.
21. 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.
22. 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 Owner's responsibility.
23. 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.

**Public Hearing – Site Plan Review #17-17 – Stormwater Management Permit #17-15 for 730 Main Street – Map 39 Parcels 8 & 8A – Richard Cutts for DSM, Applicant**

PRESENT IN INTEREST: Richard Cutts  
Chris Remick

**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

STORMWATER REPORT dated October 18, 2017

Engineering e-mail dated December 1, 2017

R. Cutts told the Board the project involves removing an existing prefab building and replacing it with a new prefab building. He said the notes dealing with floodplain were added to the plan. R. Cutts told the Board there is a fire pond at the rear of the property. He told the Board he will

be attending the Conservation Commission meeting and is hopeful to receive approval. R. Cutts told the Board the wetland scientist flagged the wetlands. He said the Town Engineer asked for test pits. He told the Board the building will be used as a shower/changing room for employees. R. Cutts said there is 12" of loam and sand below the site. He said the plan is to take off the top soil and raise it with sand. He said the plan shows everything, even conservation requirements.

D. Shedd asked if the existing building is being demolished because it is in disrepair. C. Remick said the building is more of a trailer for employees to get cleaned up, showered and changed.

Upon motion duly made and seconded, it was unanimously

VOTED: To close public hearing for Site Plan Review #17-17 and Stormwater Management Permit #17-15 for 730 Main Street .

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions Site Plan Review Application #17-17 as as follows:

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closed on December 5, 2017, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by DSM Coating Resins, Inc., under the provisions of Section 6.5 of the Zoning By-Laws 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 730 Main Street (Assessors Map 39, Parcels 8 & 8A, as shown on plan set entitled: "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, (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. November 9, 2017	"Floor Plan & Elevations" for Premanufactured Building prepared by Arthur L. Kay, Registered Architect, of First String Space, Inc., 892 Railroad Ave. East, Pearson, GA, 31642 dated August 8, 2017 and revised on August 29, 2017.
2. November 9, 2017	"Floor Plan & Elevations, Connector Building" prepared by Andrew R. Loverud, Registered Architect, of Design-Science, 200 Baker Ave., Concord, MA, 01742 dated September 15, 2017.

3. November 9, 2017 "Stormwater Report, DSM Coating Resins, Inc., 730 Main Street, Wilmington, MA" prepared by Linden Engineering Partners, LLC, 100 Tradecenter, Suite G700, Woburn, MA, 01801 dated October 18, 2017

**FINDINGS:**

6. The Project site is located at Map 39 Parcels 8 & 8A.
7. 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.
8. 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.
9. 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:**

24. The Project shall be constructed and operated in accordance with the Site Plan.
25. 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.
26. 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. If there is an appeal, the two-year period shall run from the date of the final decision on the appeal.
27. The provisions of this approval shall apply to and be binding upon the applicant, its employees and all successors and assigns in interest or contract.
28. 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.

**PRIOR TO ENDORSEMENT OF THE PLANS:**

29. Following review by the Wilmington Conservation Commission, the applicant must revise the plans to show all changes required by the Commission.
30. Plans shall be revised to include all conditions of Site Plan approval.
31. Planning Board signature blocks shall be added to the lower right hand corner of each plan sheet.



### **PRIOR TO CONSTRUCTION:**

32. 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 business days prior to the start of construction.
33. Prior to the commencement of construction, erosion controls shall be installed in accordance with the Stormwater Management Plan and the latest NPDES Construction General Permit and corresponding Stormwater Pollution Prevention Plan, if applicable. If applicable, a copy of the NPDES Stormwater Pollution Prevention Plan shall be kept on-site during construction activities and a copy submitted to the Department of Planning & Conservation.

### **DURING CONSTRUCTION**

34. 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.

### **PRIOR TO THE ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**

35. As-Built Plans in form(s) and format(s) acceptable to the Town shall be submitted to the Engineering Director and Director of Planning and Conservation.
36. 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 Engineering Director, 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 off on Occupancy prior to eligibility.

### **POST OCCUPANCY:**

37. The Applicant shall maintain or replace landscaping as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping in presentable and healthy condition.
38. The Applicant shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed and enclosures locked.
39. 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.
40. 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.

41. 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.
42. 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.

### **Board of Appeals**

At its meeting on Tuesday, December 5, 2017, the Planning Board voted to recommend as follows:

#### **Case 30-17: 15 McDonald Rd.**

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

#### **Case 31-17: 1 Russell Rd.**

Upon motion duly made and seconded, it was unanimously

VOTED: To not recommend approval. In the Board's opinion, a hardship has not been demonstrated.

#### **Case 32-17: 80 Main St.**

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

#### **Case 33-17: 80 Main St.**

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

### **Old Business**

**Request to endorse plans for Site Plan Review #17-02 for 33 Industrial Way  
Map 46 Parcel 109, Jeffrey A. Brem for Anuj Mohan, Applicant**

A request to endorse plans was received.

#### **MATERIALS CONSIDERED:**

PLANS "Proposed Site Plan Building Addition, Chemgenes, 33 Industrial Way, Wilmington, MA" dated March 2, 2017, Pre-Development Map "Chemgenes" dated March 2, 2017, and last revised June 26, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To deny the request to endorse plans and suggested the applicant request endorsement once all conditions of approval have been met.

### **New Business**

There was no New Business to discuss.

### **Planning Director's Comments**

V. Gingrich told the Board the Zoning Bylaw says both the Zoning Board of Appeals and Planning Board grant special permits. The Zoning Bylaw will be changed on the use chart to make things clearer to show who grants the special permit. She told the Board that the Pet Care section will be changed to correct an omission.

V. Gingrich told the Board that zoning will be corrected for 84 Main Street and she said the last change is for the sign section of the bylaw. She said there is more simplifying and clarifying. D. Shedd asked for the definition of temporary sign. V. Gingrich said temporary sign in the zoning bylaw means until the end of an event or six months. She said the placement of a sign is clarified. When there is a shared entrance, random wall signs will not be allowed. She told the Board the Planning Department will work on an affordable housing inclusionary zoning for the following Annual Town Meeting (2019).

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 9:12 p.m.

SPECIAL TOWN MEETING: December 16, 2017 at 10:30 a.m. in the High School Auditorium

NEXT PLANNING BOARD MEETING: January 2, 2018

Respectfully submitted,



Cheryl Licciardi  
Recording Clerk