



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

Planning Board Minutes

March 16, 2021

The Planning Board met jointly with the Finance Committee on Tuesday, March 16, 2021. Pursuant to Governor Baker's Orders Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A, §18, and imposing strict limitations on the number of people that may gather in one place, this meeting of the Wilmington Planning Board is being conducted via remote participation. **No in-person attendance of members of the public will be permitted,** but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to listen to this meeting while in progress may do so via telephone by dialing 1-646-558-8656 and enter meeting ID 823 9330 7261 and then pressing # on their keypad. A voice prompt will then ask the caller for a participant ID. This can be ignored by pressing # again to continue. The meeting will be broadcast on WCTV (Channel 9 –Comcast/xFinity or Channel 37 Verizon FiOS) and live streamed on wctv.org/live. Members of the public wishing to offer questions or comments as part of the public hearing can do so by dialing the previously stated number and pressing *9 on the keypad. The Zoom meeting facilitator will be notified that a caller is seeking to comment. Callers will be unmuted in the order they indicated a desire to speak. Once the caller has completed their comments they will be muted and the next caller will have an opportunity to speak. Everyone wishing to speak will be accommodated to allow full access to this important public hearing.

Following the review of zoning articles and taking public comment of said articles, the Planning Board members will be continuing into their own Zoom meeting to discuss recommendations. This meeting will be broadcast on WCTV (Channel 22 -Comcast/xFinity or Channel 38 Verizon FiOS) and live streamed on wctv.org/meetings. Members of the public wishing to listen to the audio of the Planning Board meeting by phone may do so by dialing 1-646-558-8656, entering Meeting ID 856 6091 8787 and then pressing # on their keypad. A voice prompt will then ask the caller for a participant ID. This can be ignored by pressing # again to continue. There will be no public participation.

Finance Chair, J. Doherty started the Finance meeting by reading the Governor's orders for the Open Meeting Law with strict limitations on the number of people that may gather in one place. He did roll call and the following members were present: Theresa Manganelli, Jonathan Dugas, Marianne Gallezzo, Michele Kincaid, Kevin Stokes, Leigh Martinson, Bernard Nally, Kevin Stokes and John Doherty said he was also present. J. Doherty asked Planning Board Chair, M. Sorrentino to do roll call. Planning Board members present in interest were: Sean Hennigan, Terence Boland, Angela Marcolina, Randi Holland and Michael Sorrentino was also present. J. Doherty asked everyone to identify themselves before they speak and members of the public give names and residential address. J. Doherty turned the meeting over to M. Sorrentino who read the Governor's orders for the Open Meeting Law with strict limitations on the number of people that may gather in one place.

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TOWN CLERK

ARTICLE 46: To see if the Town will vote to amend the Zoning By-law by creating a new Brew Pub use and amending Table 1 Principal Use Regulations as follows; or to take any other action related thereto:

Add a new Section 3.5.21:

3.5.21 Brew Pub: Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not to exceed 25 percent of the brew pub's production capacity.

Amend Table 1 Principal Use Regulations by adding a new use category 3.5.21 as follows:

PRINCIPAL USES	RESIDENTIAL DISTRICTS				NEIGHB OR-HOOD MIXED USE	BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			SITE PLAN REV	GWPD
	R10	R20	R60	O55	NM	NB	GB	CB	GI	HI	LI/O			
3.5.21 Brew Pub	No	No	No		Yes	No	Yes	Yes	No	Yes	No		R	*

Planning Board

M. Sorrentino explained this is a new use that came from the Economic Development Committee that residents have expressed the desire for. M. Sorrentino asked if any member from the Finance Committee or Planning Board has any questions. L. Martinson asked about the 25% volume sale to other establishments. He said his understanding of the state law is there is no such restriction for anyone with a farmer brewer's license. V. Gingrich said the intent is the use would be primarily a restaurant. She said there would only be a regular alcohol liquor license. It wouldn't be a farmer brewer license. V. Gingrich said the idea would be that it would be mostly a restaurant with the option for them to brew onsite but to limit capacity of offsite sales. J. O'Neil, IT Director reminded callers wishing to speak on any articles to dial *9 on their telephone keypad and that will indicate they wish to speak.

There were no questions or concerns from the Planning Board, Finance Committee, or audience.

ARTICLE 47: To see if the Town will vote to amend the Zoning By-law by deleting Section 3.8.4 and amending line 3.5.5 of Table 1 Principal Use Regulations as follows; or to take any other action related thereto:

PRINCIPAL USES	RESIDENTIAL DISTRICTS				NEIGHBORHOOD MIXED USE	BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			SITE PLAN REV	GWPD
	R10	R20	R60	O55	NM	NB	GB	CB	GI	HI	LI/O			
3.5.5 General Service Restaurant	No	No	No		Yes	No	Yes	Yes	No	Yes	No		R	*

Planning Board

M. Sorrentino explained this article will allow general service restaurants as of right in Neighborhood Mixed Use District, General Business, Central Business, and Highway Industrial instead of requiring a special permit. This article was developed in conjunction with the Economic Development Committee to eliminate barriers for uses that residents want to see more of.

There were no questions or concerns from the Planning Board, Finance Committee, or audience.

ARTICLE 48: To see if the Town will vote to amend the Zoning By-law by Amending Section 6.6.8.1 as follows; or to take any other action related thereto:

- 6.6.8.1 **Special Permit Granting Authority** - The special permit granting authority (SPGA) under this By-law shall be the Zoning Board of Appeals, except that the Planning Board shall be the SPGA for Section 6.6.7.7 non-residential uses. Special permits shall be granted in accordance with M.G.L. Chapter 40A, Section 9 and Section 10.5 of the Zoning By-law. Such special permits shall be granted if the SPGA determines, in conjunction with the other Town agencies indicated in Section 10.5.9, that the intent of this By-law, as well as its criteria, are met. In making such a determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree and threat to water quality which would result if the control measures fail.

Planning Board

M. Sorrentino said this article makes the Planning Board the special permit granting authority for non-residential uses proposing over 15% impervious coverage in the Groundwater Protection District. Currently the Board of Appeals grants the special permits, but since commercial and industrial developments already come to the Planning Board for site plan review, they can get the special permit while undergoing site plan review instead of needing to apply to an additional Board. He said the idea is to streamline this since the Board of Appeals waits for the Planning Board to make a recommendation.

There were no questions or concerns from the Planning Board, Finance Committee, or audience.

ARTICLE 49: To see if the Town will vote to amend the Zoning Map of the Town of Wilmington by rezoning the following parcels from Residence 20 to Residence 10; or to take any other action related thereto.

Map 19, Parcels: 13A, 13B, 13C, 13D, 13E, 14, 15, 16A, 17A, 17B, 18, 18A, 18B, 18C, 18D, 21, 22, 22A, 22B, 22C, 22D, 22E, 23A

Planning Board

M. Sorrentino said this article rezones the parcels around Mozart Ave, Bailey Rd. and Marrietta Ave. from R20 to R10 to better reflect the existing lot sizes of approximately 10,000-13,000 square feet.

Town Manager, J. Hull asked that the Chair check with IT Director J. O'Neil to see if there were member of the public wanting to speak. J. O'Neil said there was nobody in the audience waiting to speak.

There were no questions or concerns from the Planning Board, Finance Committee, or audience.

ARTICLE 50: To see if the Town will vote to authorize the Selectman to enter into an agreement, the terms of which shall be determined by the Selectman, to sell, convey or otherwise dispose of all or part of the following described parcel: Map 40, Lot 100 and Map 40, Lot 101.

This land is adjacent to a lot that we already own and is also adjacent to a lot we are building our future home on (15 Parker St). These two small lots would square off the land and give our young children direct access to the neighborhood behind the house that is being built for us, keeping them safely off busy Parker St. If we were to purchase the land we have no intentions on building, but the exact opposite, where we would be assured that nobody else would build there securing precious undeveloped land.
or take any other action related thereto.

As Petitioned for by Brendan Finn and others

M. Sorrentino asked if the petitioner was present to discuss the article. A. & B. Finn, 9 Bicknell Road, Billerica, introduced themselves. A. Finn said they are building a house on 15 Parker Street. She said they are asking the Town for the disposition of two parcels Map 40 Parcels 100 & 101. She said both lots are 2,500 sq.ft. and they are off Morton Street which is a paper road. The lots are directly behind Map 40 Parcel 88, which is 15 Parker Street where they are building their home. She said those two lots would allow them to square off their land and expand their back yard. They are not looking to create a back yard on the entire space because there are a lot of trees that provide privacy. They want the land to level off their yard and expand 15 ft. to have a bigger back yard for their kids to enjoy.

M. Sorrentino asked if there were questions from the public and there were none.

Finance Committee member, T. Manganelli said the lots behind the lot the petitioners are building their home on are labeled unbuildable and asked the petitioners if there is a reason for that. M. Sorrentino asked V. Gingrich to answer the question. V. Gingrich said the lots themselves would not be buildable because they are too small but grouped with other lots there could be potential development. M. Sorrentino asked what the zoning in that area is and V. Gingrich said R20. She said you would need 20,000 sq.ft. for a buildable lot with 125 ft. of frontage. M. Sorrentino said the land would have to be declared as surplus. Town Manager, J. Hull explained that the Property Review Board which is comprised of a number of Department Heads and will meet tomorrow and make a recommendation to him. He will make a recommendation to Town Meeting if the land shall be deemed surplus to the town's needs and the Assessor will establish a minimum value on the parcel. He said there is a bid process where those individuals seeking to purchase a property must submit bids that at least match the value established by the Assessor. M. Sorrentino said there are several of these articles regarding the purchasing of sale of Town Owned Land so the Town Manager does not have to keep repeating what was he said about the bid process.

J. O'Neil, IT Director said there was a caller wishing to speak. Resident, L. Brophy, 21 Parker Street, said she lives across from the new home that is being built. She said the lot between them is a paper version of Fairmont Avenue. She said she has no issue with the Town lots being used for the enjoyment of the property owner but she is concerned about future use if they are combined with other lots and become a buildable lot. A. Finn said they have no

intention of building on that lot. She said they just want to have it for the back yard since the house will be built so close to the property line. L. Brophy said she understands but if the property is sold, the new buyer may want to combine the lots to build and front on Fairmont Avenue and bring it through to Parker Street. She said the traffic on Parker Street to get out on to Rte. 129 is a little congested and used as a cut-through. L. Brophy said she doesn't know the rules for a paper street but she's concerned. Resident, D. Romano, 417 Andover Street, asked what the sq. footage of the lots are and if it would could even be subdivided. B. Finn said there are two lots and each are only 25' x 100'. There is only 2,500 sq.ft per lot which is below the buildable allowance for that area. He said a house would not be allowed if they were combined. He said their intention is to have access to the back development and to make sure nobody else builds there. M. Sorrentino asked the size of their existing lot. A. Finn said it is a half an acre. M. Sorrentino said it meets zoning. M. Sorrentino asked if there were more questions. J. O'Neil said there was no other members in the audience wishing to speak.

There were no questions or concerns from the Planning Board, Finance Committee.

ARTICLE 52: To see if the Town will vote to disposition of town-owned land on Lake Street – Map 55 Lot 228A. (55-228A), or take any other action related thereto.

As Petitioned for by Michael & Hailey O'Connor and others

M. Sorrentino asked if someone was available to speak about the article. M. O'Connor, 21 Lake Street, and H. (Litchfield) O'Connor said they are petitioning to buy the piece of land across the street from their house. She said that her husband's grandparents used to own across the street. It is a small piece of land that they would like to buy back and own legally so they can enjoy it. She said it is not big enough to build anything but they want to keep it back in the family. She said his grandparents sold it back to the Town in the 1980's for taxes but her husband's family has always taken care of it. Town Manager, J. Hull said it is a pie shaped piece of property right on Silver Lake. Finance Committee member B. Nally asked how many acres and H. (Litchfield) O'Connor said 0.04 acres. M. Sorrentino asked J. O'Neill if anyone in the public wanted to speak.

There were no further questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 54: To see if the Town will vote to amend the Zoning By-laws and associated Zoning Map of the Town of Wilmington by voting to rezone from Residential 60 (R60) to Residential 20 (R20), the following described parcel of land:

The land at and known as 417 Andover Street, Wilmington Ma. 01887, Middlesex County, MA as more fully described in a deed recorded in Middlesex North District Registry of Deeds Book 23986, Page 154, said premises containing 19.379 square feet of land on Assessors Map R3, Parcel 15.

Beginning at a stone bound on Andover Street, which is one hundred twelve (112) Feet North of the corner of Andover Street and the road leading into Foster's Pond – North 65 degrees East two hundred seventeen (217) feet to a stone bound on the shore of Foster's Pond. Then in a Northerly direction along the shore of said pond one hundred (100) feet to an iron pipe. Then South sixty-five degrees West in a line parallel to the first mentioned line one hundred sixty-eight (168) feet to an iron pipe in Andover Street. The distance between the two parallel

lines mentioned being one hundred (100) feet. Then in a Southerly direction along Andover Street one hundred twenty-four and 35/100 (124.35) feet to the point of beginning.
or take any other action related thereto.

As Petitioned for by David M. Romano and others

M. Sorrentino asked if the petitioner was present to discuss the article. D. Romano, 417 Andover Street, presented his slides. He would like to rezone from R60 to R20. He said in 1940's it was carved off. That area used to be all R60. He said the lot is narrow and showed the google map to give everyone an idea of the location. He said his house is across from Town Forest. D. Romano showed the zoning map. He showed a survey of his property done in 2020. He said the key elements are the side setbacks and width of the lot. He said his lot is currently zoned R60 and is nonconforming. He is hoping to rebuild the house and would like it to be conforming and if it's R20 it will be conforming. He said he would like to eventually rebuild his home as a single family and this rezoning will help so he doesn't need a special permit. It will give him a large building envelope when he designs his home. M. Sorrentino asked if he approached any neighbors. He said they support this rezoning. M. Sorrentino asked if any others wanted to be rezoned. D. Romano said some of the neighbors rezoned years ago. M. Sorrentino said he is trying to prevent spot zoning. D. Romano said he talked to the Planning Director and suggested allowing her to speak to the matter. M. Sorrentino asked V. Gingrich to comment. She said she spoke to D. Romano and she told him if he rezoned to R20, it would be an extension of the district to the north of his parcel rather than R10 where there is no R10 zoning in that area. J. O'Neil said there are no members of the public that wish to speak.

There were no questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 55: To see if the Town will vote to acquire land behind 12 Ohio Street Wilmington

Hello neighbor,

We are looking to acquire the land behind our home at 12 Ohio Street. This property is currently town owned but after speaking to multiple parties at the Wilmington Town Hall it is believed that the property had once belonged to our home however it was never claimed. Being able to purchase this property would bring our lot to almost the same size as the rest of the neighborhood.

Our intent is to be able to clean up the area beside and behind our home and to be able to finally give our children a proper and safe backyard. Thank you for your time and support – We are looking forward to having our family grow in this great neighborhood.
or take any other action related thereto.

As Petitioned for by Tanya and Carlos Miranda and others

M. Sorrentino asked if the petitioner was present to discuss the article.

T. & C Miranda, 12 Ohio Street, T. said they purchased their home a year ago. She said coming from the city, they wanted to give their kids a great back yard. She said there are two lots behind their home, in total maybe 6,000 sq.ft. She said there are many downed trees and they would like to clean it up and make it a safe environment for their kids to play. T. Miranda said they spoke to all their neighbors and their neighbors would like to see the area cleaned up. She said their yard is all septic tank so they can't put any play structures or pool on it. M.

Sorrentino asked if the lot extends onto the neighbor's lot and T. Miranda said it does not. She said it was their understanding that the owner lived in Pennsylvania and never took care of it. She said if they were able to purchase the lot, it would make their lot the same size as everyone else's. M. Sorrentino asked if anyone in attendance had questions and J. O'Neil said there is a caller. L. Roche, 16 Ohio Street, said she is the direct abutter and asked if there were any chance of any structure being built on that lot. T. Miranda said they have no intention to build. L. Roche said she understands the petitioner's intent but her question is for down the road, if someone else purchase the property could they put up a structure? M. Sorrentino asked the Planning Director if it would become a buildable lot and V. Gingrich said the lot doesn't meet zoning for a buildable lot in itself and even combined with the other lot it doesn't meet zoning. The caller was satisfied. M. Sorrentino asked if there were any other callers waiting to speak and J. O'Neil said there were none and explained how the audience could speak.

There were no questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 56: To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement, the terms of which shall be determined by the Selectmen, to sell, convey or otherwise dispose of any land within the parcel depicted by Assessors Map 6 as Map 6 Parcels 149 and 150 in which the Town might claim a right, title or interest to, following a determination made by the Town Manager that such land is not needed for any municipal purpose, in accordance with Chapter 3, Section 16 of the Bylaws of the Inhabitants of the Town of Wilmington Revised and other applicable law, or take any other action related thereto. A true copy of Map 6 is on file with the Town Clerk's Office.

As Petitioned for by Craig Newhouse and others

M. Sorrentino asked if the petitioner was present to discuss the article. C. Newhouse, 5 Emma Way, said he owns the green highlighted lots and he would like to buy the yellow area shown as 6-149, which will allow one buildable lot. He said the current zoning is R20 and the total sq. ft. when added to his parcels would be approximately 30,000 sq.ft. M. Sorrentino asked C. Newhouse to identify which street are paper streets and which streets are actual streets. C. Newhouse said Mary Street is partially constructed and Stanley Street is paper. M. Sorrentino asked if there were questions.

There were no questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 57: To see if the Town will vote to Dispose of Town-owned property at 848 Woburn Street, Wilmington

To Whom it May Concern,

Keith Edwards with Brookfield Properties said develops and Operates more than 625 properties and 325MM square feet of high-quality, sustainability-focused real estate assets around the globe. Our team employs a fresh approach, unparalleled creativity and relentless innovation to the planning, development, and management of our buildings. In conjunction with local contractors, Brookfield Properties has developed a +\$4.0MM capital plan to upgrade the property with a focus on improving the appearance, functionality, and efficiency of the building. Because the property has not been properly maintained or renovated since 1974,

planned capital improvement include ADA and Fire Life Safety system updates, enhancing the building profile through façade and landscaping improvements, and parking lot and truck court upgrades. The current configuration lacks suitable car parking, which is a critical piece to improve the functionality of this building. With the inclusion of the additional city-owned parcel, the site offers more efficient traffic flow, enhanced safety through separate car and the truck traffic and parking, and the ability to attract multiple tenants and long-term jobs to the building and the Town of Wilmington.

We are excited about pursuing the Proposed Transaction and are prepared to discuss any aspect of it with you. Should you have any questions, please contact Philip Verre at Philip.verre@CushWake.com

or take any other action related thereto.

As Petitioned for by Philip Thomas Verre and others

M. Sorrentino asked if the petitioner was present to discuss the article. K. Edwards of Brookfield Properties said they are the owner of the former Wilmington Cold Storage at Fordham Road. He said they are seeking to purchase the land to the west of their property of 848 Woburn Street. He said they purchased the property in December of 2020. K. Edwards said they are looking to invest capital into the property. They would like to remove automobile parking from the truck port area on the south side and relocate it to the west of the building at Woburn Street.

M. Sorrentino asked if there are questions. P. Verre, 133 Salem Street, Boston, Massachusetts, with Cushman and Wakefield, representing Brookfield property and leasing of 12 Industrial Way. He said there is a lot of truck traffic daily and to ensure employee safety and maximize the building, they need to proceed with their plan. M. Sorrentino said the property would have to be declared as surplus. P. Verre said after discussions with the Planning Board's colleagues, he believes it was already deemed surplus. He said the previous owner sold it to the Town. J. O'Neil said there are no further questions.

There were no questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 58: To see if the Town of Wilmington will vote to amend the Zoning By-laws of the Town of Wilmington and Associated Zoning Map of the Town of Wilmington by voting to rezone from General Business (GB) to Neighborhood Mixed Use (NM) the parcels of land identified as Parcels 11 & 13 on Town of Wilmington Assessors Map 40.

For a more particular description of the subject premises, see deed recorded at the Middlesex North District Registry of Deeds at Book 35186, Page 80.

or take any other action related thereto.

As Petitioned for by Jonathan Main and others

M. Sorrentino asked if the petitioner was present to discuss the article. Attorney R. Peterson said he represents J. Main, a Wilmington resident and owns Map 40 Parcels 11 and 13. He said they are looking to rezone the parcels from General Business to Neighborhood Mixed-Use. Attorney R. Peterson said the rezone would allow the construction of residential housing on the parcel. He said J. Main is an experienced residential developer and would like to construct something similar to what he constructed in Wakefield across the street from Lake

Quannapowitt and that is what he he'd like to build adjacent to Yentile Farm. He said development of this parcel does have challenges as portions of it are wet but residential would be much more beneficial to the Town.

M. Sorrentino asked if there were any questions. J. O'Neill said there are no questions from the audience. M. Sorrentino asked if V. Gingrich wanted to speak and she said she did not. J. Hull said that parcel was wet and he was under the impression that no substantial development could take place. He asked if the land was assessed and Attorney R. Peterson said that J. Main holds a degree in environmental sciences and is confident the property can be developed. J. Main, 398 Chestnut Street, said he constructed two similar projects in Wakefield, both abutting wetlands. He said he worked with the Town and his projects were developed responsibly and did not hinder the Town. Finance Committee member, L. Martinson, 99 Marion Street, asked how big and how many units will it be. He asked if a traffic study was conducted. He said Cross Street is short and can be challenging at times. He said with the money going into the Butters Row Bridge come 2022, he said he is curious as to the traffic impact. He asked what the plans are mitigating that. J. Main said he hired a botanist to flag the wetlands but have not filed for an ANRAD so they don't have the number of units that would fit on the site. He said his goal is just to see if the Town will rezone the property. He said for both projects in Wakefield, he hired a traffic advisory committee to provide a traffic impact study to the Town. M. Sorrentino said there will be a peer review for traffic and wetlands. He said there will be a lot to consider in order to rezone and how it affects its surroundings and the Town in general. L. Martinson asked J. Main how many units he would have to put in to break even. J. Main said he is not sure because construction costs have fluctuated in the last year. L. Martinson asked what number he used in his model to determine he wanted to buy the property. J. Main said it ranged from 15 to 25 units. K. Caria, 258 Woburn Street, asked if they are apartments or condominiums. He also asked if there will be an affordable component to it. J. Main said they would be apartments so there would be a buy and hold. He said with respect to the affordable component, it will be up to the Town's regulations. M. Sorrentino asked V. Gingrich if a percentage would be required and V. Gingrich said 15% of the units would need to be affordable. Attorney R. Peterson added that the parcel is zoned General Business so there are many uses available for the site but residential use would be the best use across from the park.

There were no further questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 59: To see if the Town will vote to authorize the Selectman to enter into an agreement, the terms of which shall be determined by the Selectman, to sell, convey or otherwise dispose of all or part of the following described parcel: following a determination made by the Town Manager that the land is not needed for any municipal purpose, and in accordance with Chapter 3, Section 16 of the By-Laws of the Inhabitants of the Town of Wilmington Revised and other applicable law; the parcel being located on Aldrich Road, and described in the Town of Wilmington Assessor's records as Map 9 Lot 56; or take any other action related thereto.

As Petitioned for by Michael Faulkingham and others

M. Sorrentino asked if the petitioner was present to discuss the article. M. Faulkingham, 203 Aldrich Road, said this parcel is land locked and he would like to add it to his property. M. Sorrentino asked if there were any questions. J. O'Neil said there are none. M. Sorrentino said the land needs to be declared surplus.

There were no questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 60: To see if the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington as follows:

By rezoning from Residential 60 (R60) to Highway Industrial (HI) the land shown as Parcel 2A on Assessor's Map R1; the land shown as Parcel 19A on Assessor's Map R2; and the land shown as Parcels 24 and 24A on Assessor's Map 103, and further by rezoning from General Industrial (GI) to Highway Industrial (HI) the land shown as Parcel 1A on Assessor's Map R1, all of which premises are a portion of the land described in a deed recorded at the Middlesex North District Registry of Deeds in Book 15876, Page 245, or do anything in relation thereto.

As Petitioned for by Michael J. Newhouse and others

M. Sorrentino asked if the petitioner was present to discuss the article. Attorney M. Newhouse, 136 Glen Road with a law practice at 80 Main Street. He introduced M. Caira who also represents North American Realty and Casey Birch. M. Sorrentino asked if Article 61 goes with Article 60 and M. Newhouse said it stands on its own but it is related. M. Sorrentino asked if they should be discussed together. M. Caira said he represents North American Realty whose property is the subject of this rezone. They own approximately 40 acres of land on Rte. 125 directly across from Ballardvale Street near the I 93 Interchange. They also own a smaller parcel on the opposite side or the Ballardvale side of Rte. 125, which is a part of the rezoning but not part of any development. He said in early 2020, they were contacted by the property owner looking for assistance in rezoning that would be compatible to the town. He said last year the applicant submitted an article. The article was withdrawn. He said the Town wanted to purchase a portion of the property for enhancing aquifer protection. That portion was the back parcel, R1-1, i.e., 13.2 acres. At their recommendation, their client agreed to delay the rezoning until this year in order to work with the Town in an effort to accommodate the Town's environmental interest. As a result, they reduced the scope of rezoning and by submission of a companion article, which would gift to the Town, the 13.2 acre parcel that abuts Town owned property that has been on DPW Superintendent, M. Woods radar for some time. M. Caira said the passage of both articles would foster economic development in an ideal area of Town and would be complimentary to similarly zoned parcels across the street and would satisfy the environmental objectives as outline by Town Officials to improve aquifer protection and to do so at no cost to the Town. M. Caira said the property owner has a record in Town as a good, solid, corporate citizen. He founded Intellisense Corp., located on Jonspin Road. He is recognized as an expert in mico-electro mechanical systems. He serves on numerous non-profit boards and is a member of the MIT Corporation, the Board of Fellows of Harvard Medical school, and engineering advisory Boards at USC, Portland State University and MIT. M. Caira asked Attorney M. Newhouse to address zoning. M. Newhouse showed R1-6A that is zoned R60 but the color is yellow because it is town owned property. M. Newhouse showed a map of how the parcels would look if both articles pass at Town meeting. He said R2-19A and R1-2A would be rezoned to HI which is across the street from 200 Ballardvale Street, Agfa property and 196 Ballardvale, Street is the retail strip and it is already across the street from property zoned HI. The parcel being gifted to the Town, R1-1, would be contiguous with what the town already owns. He showed the Principle Use Regulations Table from the Zoning Bylaw. M. Newhouse showed the first of their conceptual plans showing a proposed hotel with a restaurant in front. It would be a general service restaurant with 100

seats or more and on the same sight are a couple more smaller restaurants. The second concept plan was of a retail facility up to 60,000 sq.ft., compatible with a couple of limited service restaurants. The final concept plan showed the same 60,000 sq.ft. retail facility with a separate 3-story medical office facility. He showed an Ariel photo of the project site and the proposed development is approximately 9 acres. He said it is across from 200 Ballardvale Street. He said if the rezoning is adopted at Town Meeting, there would be one condition that his client would get a curb-cut permit prior to gifting the land to the town. M. Sorrentino asked if Article 60 does not pass, then Article 61 goes away. M. Newhouse said it does not go away. M. Newhouse said it will not go away but they would have to see if it is necessary. He said his client is aware of the Town's interest in protecting its aquifer. M. Sorrentino said at Town Meeting random articles come up so the land in Article 61 is not being gifted, it is just giving the Selectman the ability to accept the gift. M. Sorrentino said everything depends on getting the curb-cut and asked if he thought he would be able to get a curb-cut because the previous rezoning in a different area, that became a breaking point. M. Newhouse said the client has spent considerable amount of resources to develop the conceptual plans and wetland delineation that he does not believe that will be an issue. G. DePalma, 46 Swain Road, said he has concerns with the project because the area is dense now with traffic issues. He said he would oppose this project until they know what will go there such as type of hotel or name of the hotel. He feels it will cause more issues in the area. T. Boland asked the rational for the other three parcels that were included. M. Newhouse said the pie shaped piece one is not part of the development scenario and they believe it is of limited value of the development. It is contiguous with HI zoning and thought it made sense to include it. The same goes for M103 P24. He said he could not find M103 P24A on the GIS map. He said it is across Woburn Street. M. Cairra addressed the concerns of G. DePalma saying in 2008 the HI Zone was established, specifically to keep traffic off the main arteries and main roadways. The changes allowed things like Target. The HI Zone was created to allow larger opportunities to be put in the outskirts of town and to accommodate the traffic. He said this was the goal or objective of the Planning Board. He said that area is zoned for residential and you don't want residence right off the highway. K. Soli, Soli Engineering, said they have been in contact with DOT and they would have an additional review authority and they are confident they can prepare a plan and have offsite mitigation that would accommodate this parcel. He said the current access is off Ainsworth Road. M. Sorrentino said he wanted to address what M. Cairra said regarding the 2008 rezoning. He said back in 2008 there was a lot more office spaces in that area. The idea was that this zoning would bring things like restaurants, dry cleaners, etc. to that area so people would not have to go across town during their lunch break to run errands or if they needed a muffler repair, they could drop their car off and go to work. Since that time, things have changed and there are no longer many offices. He said as a Board they will need to consider the changes to that area as they review this article. L. Martinson, 99 Marion Street, said there is a traffic light there and the petitioner is asking for a curb-cut to control the traffic where the traffic light is. K. Soli said that is correct.

D. Romano asked if there is a preferred plan out of the several conceptual plans presented. M. Newhouse said the property was purchased many years ago and the owner would like it to be profitable to him. He will put in what is marketable for him but suites the town. He said they are looking to explore all those possibilities. M. Newhouse said the parcel 103-24 is an abandoned Rail Road bed. He said 103-24A is distant and they intend to omit it from the motion on the floor at Town Meeting.

M. Sorrentino asked if there were questions from the public and there were none. J. O' Neil said there are no members in public wishing to speak.

There were no further questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 62: To see if the Town will vote to amend Section 3.5.8 of Table 1 of the Principal Use Regulations of the Town of Wilmington (Funeral Home) by deleting the word "No" under the Zoning Classification R-10 and by replacing the deleted word "No" with the letter "PB".

The AMENDED Section 3.5.8 of Table 1 of the Principal Use Regulations of the Town of Wilmington shall thereafter appear as follows:

PRINCIPAL USES	RESIDENTIAL DISTRICTS				NEIGHBORHOOD MIXED USE	BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			SITE PLAN REV	GWPD
	R10	R20	R60	O55	NM	NB	GB	CB	GI	HI	LI/O			
3.5.8 Funeral Home	PB	No	No		Yes	No	Yes	No	No	No	No	R		*

or take any other action related thereto.

As Petitioned for by Margaret McKenna and others

M. Sorrentino asked if the petitioner was present to discuss the article. Attorney R. Peterson representing M. McKenna asked to address Articles 62 and 63 together. M. Sorrentino welcomed that suggestion. R Peterson said M. McKenna will be relocating her funeral home to 168-172 Middlesex Avenue. He said the property was McMahan's Funeral Home for 54 years until late 1970's. R. Peterson asked J. O'Neil to share the Assessor's map. He said 168-172 Middlesex Avenue has two buildings and was owned by the McMahons up to the late 1970's. He pointed out Nichol's Funeral home at the corner of Wildwood Street and Middlesex Avenue. He said the property is in the R10 zone and Funeral Homes are prohibited. He said he submitted two articles to possible accomplish this. One would allow the use by special permit from the Planning Board. He said the second article would change the designation of the property from R10 to Neighborhood Mixed-Use. He said he has concerns of the willingness of the Attorney General to uphold that article. His concern is that it be designated as spot zoning. M. McKenna would raze the existing building and construct a new funeral home on that site. He said it has more advantages than her existing site as there is substantially more parking. He said most of the parking for her current location is done in the rear of the library parking lot. J. O'Neil said there was a caller wishing to speak. M. Sorrentino allowed it. P. Malaragni, 176 Middlesex Avenue, said he is in favor of this and it would only better the town. J. O'Neil said there are no other callers waiting. R. Peterson said M. McKenna does a tremendous service for the town and since this parcel was used as a funeral home for over half a century, the relocation of M. McKenna's business would not only be beneficial to her but to the town as well.

There were no questions or concerns from the Planning Board, Finance Committee, or the audience.

ARTICLE 63: To see if the Town will vote to amend the Zoning By-laws of the Town of Wilmington and Associated Zoning Map of the Town of Wilmington by voting to rezone from Residential (R-10) to Neighborhood Mixed Use (NM) the parcel of land identified as Parcel 15 on Town of Wilmington Assessors Map 66.

For a more particular description of the subject premises, see the deed recorded at the Middlesex North District Registry of Deeds at Book 34026, Page 6.

or take any other action related thereto.

As Petitioned for by Margaret McKenna and others

This article was discussed with the previous article.

ARTICLE 64: To see if the Town will vote to amend the Zoning By-law of the Town of Wilmington as follows:

By amending Section 3.5.19 of Table 1 Principal Use Regulations as follows:

By deleting the word "No" and inserting in its place "PB" in the column described as "HI", thereby making Pet Care Facilities allowed by Planning Board Special Permit in the Highway Industrial ("HI") District; and

By deleting "PB" and inserting in its place the word "No" in the column described as "NM", thereby eliminating Pet Care Facilities as a permitted use in the Neighborhood Mixed Use District

And further to amend Section 3.5.19 by deleting it in its entirety and inserting the following in its place:

3.5.19 Pet Care Facility – A facility for the care of domestic pets (a) which provides either boarding or day care services, or (b) which provides three or more of the following services: grooming services, retail sales related to pet products, veterinary care services, pet training classes, and any other use related to domestic pet care not specifically set forth in this Section which, in the opinion of the Planning Board, constitutes domestic pet care services and complies with the intent and purpose of this By-law and Section 3.8.14.

And further to amend Section 3.8.14 as follows:

3.8.14 Pet Care Facilities in a General Business District, Highway Industrial District, or a General Industrial District shall be allowed only by Special Permit from the Planning Board, and further only upon Site Plan Approval by the Town of Wilmington Planning Board. Pet Care Facilities shall also be subject to the following minimum Special Permit criteria:

Use to be allowed in the General Business District, Highway Industrial District, or a General Industrial District only.

Pet Care Facilities shall have a minimum of 3,000 square feet of area, inclusive of all floors dedicated to any use allowed by this Section, and exclusive of any exterior area.

Such use shall be subject to any and all Rules and Regulations as may from time to time be promulgated by the Board of Health and further subject to the Approval of the Health Director.

or take any other action related thereto.

As Petitioned for by Michael J. Newhouse and others

M. Sorrentino asked if the petitioner was present to discuss the article. Attorney M. Newhouse asked J. O'Neil for the slides. He said he is representing a perspective pet care facility operator who has an established business in another town. She has been looking for something off I-93, which would be good for her and she believes it will be convenient for her customers. M. Newhouse showed the Principal Use Table and said he would like to eliminate Pet Care Facilities as they're defined in the bylaw from the Neighborhood Mixed-Use district and allow them in the Highway Industrial District by Planning Board Special Permit. He reminded the Board that Pet Care Facilities were regulated a few years ago when there was a sizable proposed Pet Care Facility to be located in the Neighborhood Mixed-Used district at the intersection of Lowell Street and Woburn Street. He said he wanted to reduce the minimum size from 15,000 sq.ft. to 3,000 sq.ft. He said they were mindful of the many other pet facilities that operate in Wilmington, i.e. a pet store, dog grooming service, veterinary and didn't want to render them non-conforming. L. Martinson, 99 Marion Street, asked why it was being removed from the Neighborhood Mixed-Use district rather than just adding it to the Highway Industrial district. M. Newhouse said larger pet care facilities offering things like boarding he was to may not belong in a residential area. M. Sorrentino asked J. O'Neil, if there are any callers waiting to speak. There were none.

There were no questions or concerns from the Planning Board, Finance Committee, or the audience.

M. Sorrentino turned the Public Hearing back over to the Chair of the Finance Committee and the Planning Board moved into a separate meeting to discuss recommendations on the articles presented.

Discussion and Vote on Recommendations of Warrant Articles for 2021 Annual Town Meeting as identified above.

M. Sorrentino said there are some articles that need more discussion.

ARTICLE 46: Amend the Zoning Bylaws by amending Table 1 Principal Use Regulations and creating a new Section 3.5.21 for a Brew Pub use

M. Sorrentino said it is a Planning Board article so the Board looks favorably on it.

Upon motion duly made and seconded, with four in favor and one recused (M. Sorrentino), it was

VOTED: To recommend approval (5-0).

ARTICLE 47: Amend the Zoning Bylaw by deleting Section 3.8.4 and allowing General Service Restaurants as of right in the Neighborhood Mixed Use District, Central Business District, General Business District, and Highway Industrial District

M. Sorrentino said it is a Planning Board article.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 48: Amend the Zoning Bylaw by amending Section 6.6.8.1 to designate the Planning Board as the special permit granting authority for Section 6.6.7.7 for non-residential uses

M. Sorrentino said this is a Planning Board article and asked for a vote. There was no discussion.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 49: Rezone from Residence 20 (R20) to Residence 10 (R10)
Map 19 Multiple Parcels : 13A, 13B, 13C, 13D, 13E, 14, 15, 16A, 17A, 17B, 18, 18A, 18B, 18C, 18D, 21, 22, 22A, 22B, 22C, 22D, 22E, 23A

M. Sorrentino read the article and asked for a vote.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 50: Disposition of Town-owned land – Map 40 Parcels 100 & 101
(petitioned)

M. Sorrentino read the article and said it depends on if it's declared surplus. V. Gingrich reminded the Chair that if the land is determined to be surplus, the Board recommends disposing the land or not. T. Boland said they already own a second buildable lot or enough land to combine and have a buildable lot next to theirs. V. Gingrich said the Board can also recommend restrictions if there are certain concerns. M. Sorrentino asked what value the land has to the Town. R. Holland said years ago when town-owned land was sold the town would add a deed restriction that the land could not be subdivided and added to another parcel. T. Boland said in this case you would have to put a restriction on combining. V. Gingrich explained they could get a frontage exception lot out of it. S. Hennigan said a resident called and asked if it's a buildable lot and the answer was no. M. Sorrentino said by itself it is not buildable but combined with another parcel it becomes buildable. There was discussion of the paper street. S. Hennigan said he has concerns if they can build. M. Sorrentino said what matters is what can happen in the future.

Upon motion duly made and seconded, it was unanimously

VOTED: To disapprove (5-0).

ARTICLE 52: Disposition of Town-owned land – Map 40 Parcels 100 & 101
(petitioned)

M. Sorrentino said it is not a buildable lot and the family owned it at one time but it was taken from nonpayment of taxes. M. Sorrentino said he thinks the Town should keep the land as it protects the lake. T. Boland asked if the parcels on either side are town-owned. V. Gingrich said they are not and they do belong to the house across the street.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval (5-0).

ARTICLE 54: Rezone from Residence 60 (R60) to Residence 20 (R20)
417 Andover Street

(petitioned)

M. Sorrentino read the article. T. Boland feels it's the right size for that area and his only concern is that is spot zoning.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 55: Disposition of Town-owned land – behind 12 Ohio Street

(petitioned)

M. Sorrentino asked if the deeds are all set in this area. V. Gingrich does not know. M. Sorrentino asked how the town ended up with this piece between two houses and V. Gingrich said she thinks it is for non-payment of taxes.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 56: Disposition of Town-owned land – Map 6 Parcels 149 & 150

(petitioned)

S. Hennigan asked if he will not be able to build without this lot. M. Sorrentino said that is correct. T. Boland asked if he will not get the circle in without these lots. M. Sorrentino asked if the 81G applies. V. Gingrich said he will be combining lots. She does not think it will trigger subdivision control. She said Mary Street was before her time with a half cul-de-sac. V. Gingrich said this will be an extension of Mary Street and they will have to do a wetland crossing. T. Boland asked if there are two other lots that are town-owned that would square off his lot. V. Gingrich said he has other lots that combined with the town-owned pieces will create that square. T. Boland asked if the town is likely to consider that surplus if a developer is creating a buildable lot. V. Gingrich said in this case the Town owns a lot of land back there and there are wetlands back there. She thinks there is a reason to keep it as resource protection. It could be a recreation area with trails. M. Sorrentino said back in the day the Town kept these little pieces thinking they could put affordable housing on it. V. Gingrich said she can see both sides. M. Sorrentino said what's the best use of the land. T. Boland said the house will go in the middle of 10 acres of town owned land.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval (5-0).

ARTICLE 57: Disposition of Town-owned land – 848 Woburn Street

(petitioned)

M. Sorrentino recommended the Board approve the article.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 58: D Rezone from General Business (GB) to Neighborhood Mixed-Use (NM)
Map 40 Parcels 11 & 13

(petitioned)

S. Hennigan said he has concerns. M. Sorrentino said there is a lot going on and he thinks there needs to be more discussion. He said that is a tough spot and T. Boland said there is a lot of wetland to consider. S. Hennigan it's a tough spot with a lot of other businesses around it. M. Sorrentino said pointed out Yentile's was originally going to be an Over 55 and now it's a field. R. Holland pointed out the large development that was recently approved on Main Street as well. T. Boland asked what the impact would be if it were residential vs general business. V. Gingrich said she is looking forward to seeing their delineation because her understanding is it is very wet. She would like to see what they have for buildable area. She told the Board to think if it is going to be built on what they would rather see, multifamily or general business. M. Sorrentino said if he were in the Town meeting audience, he would be thinking why would we need more general business when there are a lot of empty stores. Residential might be the way to go but there is not a lot known. T. Boland asked why it's different than 635 Main Street. V. Gingrich said retail is on a national decline and we don't get office space anymore. M. Sorrentino asked if it floods during intense rain or if we even know anything about the drainage. T. Boland said you can see water. V. Gingrich said you can see standing water on the Main Street side. She said that intersection will be squared off more and they will add a signalized light there. M. Sorrentino asked if the Board thinks multi-family is the best use for the parcel. T. Boland believes it is better than general business and R. Holland agrees. She said if it's residential there will be some affordable units. T. Boland asked what was the zone for J. Langone's project of Lowell Street prior to it being rezoned. V. Gingrich said it was General Business to Neighborhood Mixed-Use.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (4-1).

ARTICLE 59: Disposition of Town-owned land – Aldrich Road - Map 9 Parcel 56

(petitioned)

M. Sorrentino said he is against this. T. Boland said he does not mind that the individual wants to purchase this property.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 60: Rezone from Residence 60 (R60) and General Industrial (GI) to Highway Industrial (HI), Map R1 Parcel 2A, Map R2 Parcel 19A
Map 103 Parcels 24 & 24A

(petitioned)

M. Sorrentino said he understands the Town wants the gift but there is too many pieces that he does not understand. M. Sorrentino asked if he owns former railroad property and V. Gingrich said yes. M. Sorrentino said that's a little surprising since the railroad doesn't usually give up land. T. Boland said there is a building on the lot 11 and the access is through Ainsworth. V. Gingrich said their rezoning would change their zoning but not their access. M. Sorrentino said it is close to the off ramp. T. Boland said if there is already a signal, why do we care. V. Gingrich said the parcel across 125 is zoned General Industrial and is non-buildable resource area.

M. Sorrentino said he is not in favor of it. T. Boland said it is going from Residential to Industrial Use. M. Sorrentino asked how many acres and A. Marcolina said 9. M. Sorrentino said that would be 6 houses. He asked what could be done in that area and V. Gingrich said retail, bank, restaurant, or hotel. M. Sorrentino said at the time the Board rezoned that area it was because they felt people working in that area should not have to drive across town to get lunch or do business. T. Boland said it is a drastic change. V. Gingrich told the Board there is a long list of possibilities, i.e., warehouse use, general manufacturing, limited manufacturing if it goes Highway Industrial. M. Sorrentino wants to keep it the way it is.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval (5-0).

ARTICLE 62: Amend Table 1 of the Principal Use Regulations by allowing Funeral Home use by special permit from the Planning Board in the Residence 10 (R10)

(petitioned)

R. Holland said P. Melaragni lives next door. Sean asked if there are homes behind it. M. Sorrentino asked what the existing funeral home is zoned. V. Gingrich said it is R20. M. Sorrentino said it makes him nervous. R. Holland said that whole area is R10. T. Boland asked what zones can funeral homes go in. V. Gingrich said Neighborhood Mixed-Use and General Business. M. Sorrentino asked what is being asked of the Board. T. Boland said take them one at a time. The first one R10 to Neighborhood Mixed-use - he is not in favor of. M. Sorrentino agrees to disapprove Article 63 and his reasoning is because the Board has not envisioned Neighborhood Mixed-Use there and because it's one parcel.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval (5-0).

ARTICLE 63: Rezone from Residential 10 (R10) to Neighborhood Mix-use (NM)

(petitioned)

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval (5-0).

ARTICLE 64: Amend Table 1 of the Principal Use Regulations, Section 3.5.19, and Section 3.8.14 regarding Pet Care Facilities

(petitioned)

V. Gingrich said it wouldn't have to be a stand-alone facility. It could be 3,000 sq. ft. in a complex somewhere and it would be allowing the use in highway industrial. T. Boland doesn't like it in a smaller space but then they are saying they want more space to run around. M. Sorrentino said it can go in HI with Special Permit from Planning Board and keep it in Neighborhood Mixed-Use with a special permit from Planning Board. R. Holland asked if the Board can make a recommendation with a component not changed. V. Gingrich said the Board can make a recommendation contingent on keeping Neighborhood Mixed-Use with Planning Board approval. V. Gingrich will let the petitioner know the Planning Board voted.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

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

VOTED: To adjourn the meeting at 10:01 p.m.

NEXT REGULAR PLANNING BOARD MEETING is April 6, 2021

SPECIAL REMINDERS: Annual Town Meeting – May 1, 2021 – 9:00 a.m.
Shriners Auditorium

Respectfully submitted, '


Cheryl Lucciardi
Recording Clerk

