



## 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

April 25, 2018

The Planning Board met on Tuesday, April 25, 2018 at 7:00 p.m. in the Auditorium, Town Hall jointly with the Finance Committee to hear Article on the Special Town Meeting Warrant for Annual Town Meeting, May 5, 2018. The following members were present: Michael Sorrentino, Chairman; Randi Holland; Terence Boland; Sean Hennigan; and David Shedd. Valerie Gingrich, Director of Planning & Conservation was also present.

Theresa Manganelli, Finance Committee Chair, called the meeting to order and turned it over to Michael Sorrentino to chair the Planning Board public hearing on zoning, sale of Town-owned land and other articles of interest to the Planning Board.

ARTICLE 1: To see if the town will vote to eliminate multi-family housing in the central business district and neighborhood mixed use districts defined in the Wilmington zoning bylaw as follows:

1. To rescind and delete from the Wilmington Zoning Bylaw Section 3.8.15 Multi-Family use in the Neighborhood Mixed Use District in its entirety, and
2. To rescind and delete from the Wilmington Zoning Bylaw Section 3.8.11 Multi-Family use in the Central Business District in its entirety, and
3. To amend Table 1 Principal Use Regulations with respect to the line under the caption "RESIDENTIAL USES" entitled "3.3.5 Multi-Family Housing" to read "R-10, No: R-20, No: R-60, No: N/M-No: NB-No: GB-No: CB-No: GI-No: HI-No: LI/O-No: Site Plan Review-R"

Or take any other action in relation thereto.

M. McCoy said at last year's Town Meeting he supported rezoning articles proposed by M. Welch, R. Stuart, S. Wright and M. Newhouse. He stated he is not opposed to development but he is opposed to mixed zones. He talked about the building across the street from Lucci's where the school busses park and J. Langone's new project at the old Walpole Fencing on Lowell Street. He talked about M. Welch's proposed development on Main Street. M. McCoy asked if M. Welch submitted a Preliminary Subdivision for Main Street to the Planning Board and M. Sorrentino said no. He said in 2017, M. Welch went to Town Meeting and received approval of his article but he has not submitted a plan or pulled a building permit. M. McCoy said he will have the potential for 680 units on Main Street or Sciarappa Farm. He talked about the restrictions if these were in a residential zone. M. McCoy said he eliminated the multi-family aspect with this article. He said multi-family development will put a burden on the town. M. McCoy said he supported a new High School and when he asked about the seating capacity at the High School, he was told it is 96 seats away from full capacity. He closed by saying he received 370 signatures on his petition for a Special Town Meeting.

Resident, K. MacDonald, 140 Andover Street, said he is running for Town Moderator and asked if the Board asked Town Council if there will be any liability on the Town should this article pass and V. Gingrich said not specifically. She said there are certain things that can be done to reserve the rights and both 635 Main Street and 168 Lowell Street filed ANR plans to preserve the zoning that is currently in place. V. Gingrich said she is not sure what liability the

Town would have, if any. K. MacDonald asked if the article passes at Town Meeting, what will happen if legal action is brought against the Town by people who did not know enough to file a preliminary plan to reserve their rights? Town Council, L. Ross, said he did not research the title but as for liability, zoning changes happen all the time and are legislative changes and there would not be Town liability. K. MacDonald said he is concerned that the two Board's do not have a list to make an informative decision about the article.

M. Sorrentino said this is not a Planning Board article. It was brought forward by an individual. K. MacDonald said the Board is here to vote tonight and it would be nice if they look at information on the Registry of Deeds for the properties that changed hands and identify the people this will affect.

M. McCoy said we all live in this community and would like to keep the small town feel. He thinks this Neighborhood Mixed Use is disastrous making our town a city. He said the people in town control the destiny.

S. Sullivan, 60 Lawrence Street, asked how many districts have an inclusionary requirement for affordability. V. Gingrich said the over 55 has the requirement for 10% affordability and there is density bonus for over 25. S. Sullivan said in 2003 the McGregor created an affordable housing plan and she was on the citizens committee. She said she supports this bylaw change and we are close to our 40B number and the purpose is not to support what is going on at Sciarappa and the town should not allow any more dense development. T. Manganelli said there seems to be some confusion about Neighborhood Mixed-Use and asked if the Planning Director could explain it. V. Gingrich said it was created two years ago and it goes back to the Master Plan where certain areas in town were outlined for a village type of feeling. There were three areas; one was Perry's Corner at the intersection of Lowell Street and Woburn Street, one at Main Street and the other was north Wilmington at Elias. They are existing because there are already grocery stores and restaurants, and commercial activity. The idea was to add some housing to that area. She said you cannot walk to restaurants in certain areas of town and that is what they wanted to create. The idea was that individuals would not have to drive but could walk to a restaurant or store. The idea was to add multi-family to commercial and not to residential districts. Historically, Perry's Corner was a Blacksmith's Shop and other shops with houses intertwined. Historically it was a village. She said they added Multi-Family uses that was in the Central Business to General Business and allowed it by Special Permit through the Planning Board. V. Gingrich said it was created for very specific places to add residential to a commercial area.

K. MacDonald said he has a lot of respect for McCoy because he puts a lot of effort into the actions he puts forward and many residents love him. He said he means no disrespect to M. McCoy but the Board is taking an action and he would like Town Council to say if it would be prudent to take no action tonight and make a recommendation Saturday prior to the meeting. M. Sorrentino asked what the Board would be waiting for to make its decision and K. MacDonald said case law so the town is not at risk for liability exposure and feels the Board should take no action tonight but convene prior to Town Meeting and vote there.

M. Champoux, from the Board of Selectman said he views current zoning as a set of tools and Neighborhood Mixed-Use District and the Central Business District that allow for this kind of development are just tools there for the Planning Board and Zoning Board of Appeals to have access. He said there has been a tremendous amount of discussion regarding affordable and senior housing for the last several years. He said a dense, village style area with walking paths or ease of walking to services where those individuals have access to shopping, haircut,

or bank makes a lot of sense. He said when he looks at his future, he and his wife would downsize but would like to remain in Wilmington so he thinks the way the Zoning Bylaw is written, it provides for the possibility of people to have a choice. He said nobody wants Wilmington to be overdeveloped and we want to keep Wilmington a Town but he believes there is a way to do that. He said the way zoning is written, provides the Planning Board the tools needed to keep Wilmington a Town and he strongly suggested the Planning Board disapprove the article.

B. Nally asked what impact of zoning and the Town would there be if this article passes and V. Gingrich said if Multi-Family is eliminated from Neighborhood Mixed-Use and Central Business zones, you would eliminate the possibility of constructing condominiums or apartments in town by zoning but condominiums and apartments would still be constructed through 40B comprehensive permit process. She said once we are below 10% which in 2020, our numbers show that we will be, you would not see construction of smaller units for people to downsize or people to enter the housing market for first time home buyers that makes more sense, but instead you will see developments through the state process through the 40B process. T. Manganelli asked if the article passes and residential is removed from the zoning district leaving only commercial, what will happen if Article 53 passes which is the request to rezone the Sciarappa Farm? V. Gingrich said if Multi-Family is no longer included in the Neighborhood Mixed-Use District and the Sciarappa Farm is rezoned to Neighborhood Mixed-Use, they will not be able to construct Multi-Family, and they will only be able to construct commercial uses such as office, retail, and those types of general business.

McCoy said everything the Planning Director said is correct. He asked how many units the Town is away from the 10% and said we are down 70 units. V. Gingrich said it is an estimate but that would be her guess. M. McCoy said he would welcome a 40B. He said if there was 140 unit 40B, the Town would not have to worry about the 10% stock ever again. M. McCoy said a 40B would be a God-sent to the community and people would embrace it.

D. Shedd said a couple of years ago when Mixed-Use was first discussed and creating the village type districts, he envisioned, people walking to the train and ideally get more cars off the road. He said if there are areas that are friendlier for people to walk and biking to trains, it seemed like a good idea. He said the neighborhood village is being done in Concord and Winchester now. D. Shedd said that is what he envisioned for Wilmington as well. M. McCoy said that is smart-growth.

K. MacDonald said he understands what M. McCoy is doing. He said he took a lot of heat when he said Wilmington High School was not properly sized. He went to the library and counted the yearbooks 1978 through 1981 and when he counted the graduates, there were over 1,200 students. K. MacDonald said the capacity of Wilmington High School, when it was proposed, was 960. He said M. McCoy's motivation is to lessen the impact to the high school and town services. He asked if the article could be adjusted so that residential housing could be included in a Mixed-Use Zone but limited to senior housing? M. McCoy said he would be opposed to that and said there is nothing the Bylaw that creates senior housing.

M. Sorrentino said the Board has been working towards establishing affordable housing and keep with the smart-growth. He said the Board is trying to go with the needs of how the economy changes. M. Sorrentino said the Board will reconvene in Room 9 to discuss the article but he is speaking for the Board when he says the Board is against the article for many reasons and one is the way the article was presented. He said zoning should go through the Planning Board so there could be discussions and public hearings for people to express how

they feel about the article. He said having this article presented at a Special Town Meeting is inappropriate. He said you cannot change zoning every time you don't agree or don't like the way something is zoned.

K. MacDonald asked if someone could amend the article to include senior housing? Attorney L. Ross said it is speculative but a minor amendment could pass. K. MacDonald asked M. McCoy if he would amend the article to exclude Multi-Family and add Senior Housing?

J. Hull said the Town heard from certain forums that people want to downsize and his concern is if the article passes, the Town will be going in the opposite direction. He said if there is a concern of the rezoning of the Sciarappa Farm, he would recommended residents be encouraged to vote no on that article. T. Marciello, Director of Elderly Services, said she is concerned and has had V. Gingrich at the Senior Center to educate seniors. She said in order for this to work, everyone needs to work together. A large majority of this town is over 65. T. Marciello said this article would make it so people will not be able to stay in town and it will definitely hurt the elders.

Resident, S. Sullivan, 60 Lawrence Street, said she supports this article because of the inclusionary part. She said the Whitefield School site would be great for senior housing. She loves the idea of smart growth but hates this bylaw. She said the town needs a Senior Housing Bylaw because 55 and over is not senior housing.

K. MacDonald asked the Board to clarify this zoning change to the Mixed-Use District isn't just focused on Sciarappa Farm but for the entire town and leave the town exposed to liability. He said we need 70 units for our 10% and it's incorrect to say that if we build a 40B we will be set for life because as developments happen the number increases so we are not set for life. J. Hull pointed out that Town Counsel indicated there is no liability on the Town. M. McCoy said for three decades Sciarappa Farm received tax relief. M. McCoy said this is no different than Annual Town Meeting.

There were no more questions or concerns from the audience

**The Planning Board reconvened in Room 9 to discuss and vote – Proposed Warrant Article for 2018 Special Town Meeting.**

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D. Shedd said he was glad M. Sorrentino said what he did because some of what M. McCoy said was not relevant to the article. V. Gingrich said several studies performed by the state show there is no correlation between Multi-Family Housing and school enrolment. R. Holland said the High School was designed for more than 1,000 students. R. Holland suggested folks vote no to rezone the farm. M. Sorrentino said a good example is Metro at Wilmington Station. Since that was built, people walk to the train all the time. V. Gingrich asked the Board to formally vote.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval.

## **Form A**

**168 Lowell Street – Map 58 Parcels 1 & 2, “Plan of Land in Wilmington, Massachusetts, 168 Lowell Street”, Richard Stuart, Applicant**

### **MATERIALS CONSIDERED:**

PLANS “Plan of Land in Wilmington, Massachusetts”, dated April 3, 2018

V. Gingrich said there is an ANR for 168 Lowell Street. She said the filing of an ANR plan freezes the uses for three years. She said they are also filing a Preliminary Subdivision Plan and that will preserve it for longer. The Preliminary Subdivision Plan preserves it for eight years.

Upon motion duly made and seconded it was

VOTED: To receive the ANR Plan and Application #18-03 for 168 Lowell Street – Map 58 Parcels 1 & 2 “Plan of Land in Wilmington, Massachusetts” dated April 3, 2018, Richard Stuart, Applicant

Upon motion duly made and seconded it was

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #18-03 for 168 Lowell Street – Map 58 Parcels 1 & 2 “Plan of Land in Wilmington, Massachusetts” dated April 3, 2018, Richard Stuart, Applicant

The Board endorsed the plan.

**635 Main Street – Map 40 Parcel 1 “Plan of Land in Wilmington, MA”, Jacqueline Welch, Applicant**

V. Gingrich said they are showing two lots, one large and one small to preserve the uses. D. Shedd asked if the Board has seen this development. R. Holland said the applicant came in with a plan to rezone.

Upon motion duly made and seconded it was

VOTED: To receive the ANR Plan and Application #18-04 for 635 Main Street – Map 40 Parcel 1 “Plan of Land in Wilmington, MA” dated April 4, 2018, Jacqueline Welch, Applicant

Upon motion duly made and seconded it was

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #18-04 for 635 Main Street – Map 40 Parcel 1 “Plan of Land in Wilmington, MA” dated April 4, 2018, Jacqueline Welch, Applicant

The Board endorsed the plan.

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

VOTED: To adjourn the meeting at 8:57 p.m.

NEXT PLANNING BOARD MEETING IS MAY 1, 2018

Respectfully submitted,

  
Cheryl Licciardi  
Recording Clerk