



## 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

May 2, 2023

The Planning Board met on Tuesday May 2, 2023 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Terence Boland, Chair, Randi Holland, Sean Hennigan, Angela Marcolina and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present.

#### Minutes

The Planning Board reviewed the March 21, 2023 & April 4, 2023 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the March 21, 2023 & April 4, 2023 minutes as written.

#### Form A

There were no ANR plans to review.

#### Matters of Appointment

**Continued Public Hearing – 230, 234, & 240 Ballardvale Street – Map R2 Parcels 23E, 23F and 23G - Site Plan review #23-03 and Stormwater Management Permit #23-02  
Atlantic Oliver Ballardvale LLC, Applicant**

PRESENT IN INTEREST: Michael J. Newhouse, Esq.  
John Wicker Granite State Engineering

#### MATERIALS CONSIDERED:

PLAN "Non-Residential Site, 230, 234 & 240 Ballardvale Street, Wilmington, Massachusetts, Middlesex County" dated January 12, 2023 and last revised April 17, 2023, "Fire Truck Exhibit" dated January 12, 2023 and last revised April 17, 2023, Concept 1 dated March 21, 2023 and last revised April 17, 2023

CCTV Report dated received March 24, 2023

RESPONSE LETTERS from Michael Lambert dated April 18, 2023 and May 1, 2023

DRAINAGE PIPE CCTV INSPECTION at 230, 234, & 240 Ballardvale Street MEMO from Brenton Cole dated May 1, 2023

Attorney M. Newhouse told the Board he had no presentation since there was a draft decision. The Board had no questions. V. Gingrich said there is a change in wording in condition number 7, Prior to Endorsement.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #23-03 and Stormwater Management Permit #23-02 for 230, 234, 240 Ballardvale Street.

RECEIVED  
TOWN CLERK  
2023 AUG -4 AM 11:02  
TOWN OF WILMINGTON, MA

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #23-03 for 230, 234 & 240 Ballardvale Street as shown on plan entitled "Non-Residential Site Plan, 230, 234 & 240 Ballardvale Street, Tax Map R2 Lots 23E, 23F, 23G, 230-240 Ballardvale Street, Wilmington, Massachusetts, Middlesex County", dated January 12, 2023, last revised April 17, 2023, prepared by Brenton Cole, P.E., Granite Engineering, 150 Dow Street, Suite 421, Manchester, New Hampshire 03101. Said property is located at 230, 234 & 240 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R2 Parcels 23E, 23F, 23G.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on February 7, 2023 and closing on May 2, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by John Adair, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the construction of a dedicated paved overnight/long-term storage area and associated stormwater management facilities, as shown on plan entitled "Non-Residential Site Plan, 230, 234 & 240 Ballardvale Street, Tax Map R2 Lots 23E, 23F, 23G, 230-240 Ballardvale Street, Wilmington, Massachusetts, Middlesex County", dated January 12, 2023, last revised April 17, 2023, prepared by Brenton Cole, P.E., Granite Engineering, 150 Dow Street, Suite 421, Manchester, New Hampshire 03101, submitted on January 13, 2022, (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:

##### Description

"Long-Term Pollution Prevention Plan & Operation and Maintenance (O&M) Manual" received January 13, 2023, prepared by Granite Engineering, LLC

"Fire Truck Exhibit" dated January 12, 2023, last revised April 17, 2023, prepared by Brenton Cole, Granite Engineering

"Stormwater Management Report" dated January 12, 2023, last revised March 21, 2023, prepared by Granite Engineering, LLC

CCTV Report and "Overview Plan" dated January 12, 2023, prepared by Brenton Cole, Granite Engineering

"Concept 1" dated March 21, 2023, last revised April 17, 2023, prepared by Granite Engineering

"Concept 2" dated March 21, 2023, prepared by Granite Engineering

### **FINDINGS:**

1. The Project site is shown on Map R2 Parcels 23E, 23F, 23G on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

### **CONDITIONS:**

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

#### **GENERAL:**

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.

#### **PRIOR TO ENDORSEMENT:**

7. The Applicant shall CCTV the existing drain pipe (to outfall) and the Applicant's Engineer shall provide a findings memorandum as detailed in the Town Engineer's Review Letter dated April 4, 2023 to the Engineering Division and the Department of Planning & Conservation for review.

#### **PRIOR TO THE START OF CONSTRUCTION:**

8. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction meeting.
9. Parcels 23E, 23F, and 23G shall be combined to be one lot.
10. At the time of the pre-construction meeting, the Applicant shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
11. The Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
12. Erosion controls shall be installed around all areas of work as a limit of disturbance and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
13. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

#### **DURING CONSTRUCTION:**

14. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.
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.
16. It is the responsibility of the Applicant to adhere to the Town's Earth Removal Bylaw (Section 32 of the Town's Inhabitant By-laws) and file for a permit through the Board of Selectmen, if necessary.

#### **PRIOR TO OCCUPANCY:**

17. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
18. Prior to the issuance of Occupancy, As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
19. 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 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 signoffs on Occupancy prior to eligibility.

#### **POST CONSTRUCTION:**

20. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash.
21. The Owner shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.

22. The Owner 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 Owner 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.
23. 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 shall be the Owner's responsibility.
24. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
25. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
26. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Upon motion duly made and seconded it was unanimously

VOTED: To issue Stormwater Management Permit as follows:

**DECISION OF THE WILMINGTON PLANNING BOARD  
AS PERMIT GRANTING AUTHORITY FOR STORMWATER MANAGEMENT PERMITS  
UNDER SECTION 51 OF THE BYLAWS OF THE INHABITANTS OF THE TOWN OF  
WILMINGTON**

May 3, 2023

ISSUED for Property located at 230, 234, 240 Ballardvale Street, Wilmington, Massachusetts (Map R2 Parcels 23E, 23F, 23G)

Case No.: Stormwater Management Permit #23-02

Applicant: John Adair, Atlantic Oliver Ballardvale LLC, 303 Congress Street, Boston, MA 02210

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Non-Residential Site Plan, 230, 234 & 240 Ballardvale Street, Tax Map R2 Lots 23E, 23F, 23G, 230-240 Ballardvale Street, Wilmington, Massachusetts, Middlesex County", dated January 12, 2023, last revised April 17, 2023, prepared by Brenton Cole, P.E., Granite Engineering, 150 Dow Street, Suite 421, Manchester, New Hampshire 03101. Said property is located at 230, 234, 240 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R2 Parcels 23E, 23F, 23G, material originally submitted on (original submission date), subject to the following conditions:

**MATERIALS:**

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

Description

"Long-Term Pollution Prevention Plan & Operation and Maintenance (O&M) Manual" received January 13, 2023, prepared by Granite Engineering, LLC

“Fire Truck Exhibit” dated January 12, 2023, prepared by Brenton Cole, Granite Engineering

“Stormwater Management Report” dated January 12, 2023, last revised March 21, 2023, prepared by Granite Engineering, LLC

CCTV Report and “Overview Plan” dated January 12, 2023, prepared by Brenton Cole, Granite Engineering

“Concept 1” dated March 21, 2023, last revised April 17, 2023, prepared by Granite Engineering

“Concept 2” dated March 21, 2023, prepared by Granite Engineering

## **STANDARD CONDITIONS**

1. Waivers granted: None
2. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
3. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
4. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
5. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
6. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on June 2, 2020.

## **SPECIAL CONDITIONS**

1. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
2. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
3. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.

4. The Stormwater Management Operation and Maintenance (O&M) Plan shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

ISSUED ON MAY 3, 2023

**Continued Public Hearing – Birch Street Definitive Subdivision #22-01 and Stormwater Management Permit #22-12 – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 Haralambos Katsikis, Applicant**

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

**MATERIALS CONSIDERED:**

LETTER from Attorney Michael J. Newhouse dated April 26, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to June 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to June 6, 2023 at 7:35 p.m. in the Town Hall Auditorium.

**Continued Public Hearing – Definitive Subdivision #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street - Map 5 Parcels 2J, 3, 3A, 3C, 3D, & 3E - Craig Newhouse, Applicant**

PRESENT IN INTEREST: Kristen Costa, L.A. Associates  
Craig Newhouse  
Patrick Bower

**MATERIALS CONSIDERED:**

PLAN "Definitive Subdivision Plan, Eagleview Subdivision, Marion Street, Wilmington, Massachusetts" dated December 8, 2021 and last revised December 14, 2022, Grading and Stormwater Management Report, Eagleview Subdivision, Marion Street, Wilmington, Massachusetts, dated December 8, 2021 and last revised April 14, 2023

Response to Planning Board Comments from Craig Newhouse dated April 17, 2023

Drainage sheet dated December 8, 2021 and last revised December 14, 2022

WAIVER REQUEST from C. Newhouse dated February 15, 2023

CROSS SECTIONS ROADWAY WETLAND CROSSING dated February 15, 2023

ROADWAY-CROSSING received February 16, 2023

ENGINEERING MEMO dated May 2, 2023

P. Bower told the Board he hasn't had time to review the Engineering memo so he will be presenting information from as of a couple weeks ago. He said there were a number of things in the Town Engineer's memo that he would consider house keeping issues, i.e. clarification of setbacks from basins to wetlands, existing wells and things of that nature. He said there are

two box culverts. P. Bower said the last time they were before the Board they were seeking a waiver from roadway width from 28' to 26' at the wetland crossing and that is incorporated in the plan. He said one of the concerns was with the box culvert at the wetland crossings. There was comment about the culvert being askew. He said he provided additional detail. The supplier they will be using is Shea Concrete. He said they provided additional detail regarding the guardrail. He said they will be using the same type of guardrail as throughout the project. He talked about the erosion control plan that has a lot more added detail. He said there was a comment regarding the stormwater. T. Boland said the Town Engineer's first comment is the same as the last memo which states:

"The revised plan set and accompanying documents are still under Engineering Division review. The response to comment letter indicates that there are critical items still outstanding (for example the hydraulic water study). As such, the Engineering Division reserves comment on the entire subdivision design until these items are received. We would like to note for the Board the following regarding the stormwater management design:

Eagleview Definitive Subdivision May 2, 2023 Engineering Review No. 5

A. The revised design does not meet the State Stormwater Policy, nor does the design meet the Town's Local Comprehensive Stormwater Bylaw and Regulations.

B. The Engineering Division remains concerned with offsite flood impacts resulting from the proposed development. Hydrological computations show an increase in peak rate of runoff and total runoff volume in the post development condition to abutting property, resource areas and points of analysis in all storm events analyzed. As such, the design does not comply with the Town's Subdivision Regulation Section VI: Design Standards. part H. Stormwater Management, item 2. The design also does not comply with the State Stormwater Policy (the Policy) Standard 2.

C. The design does not comply with the Policy's Volume 1 Chapter 1, Standards 1, 2, 3, 4, and 8, Volume 2 Chapter 2, and Volume 3 Chapter 1.

D. Water quality volume calculations must be provided for each treatment BMP in accordance with Appendix E (Local Regulations) and Volume 3 Chapter 1 of the Policy. BMPs must be designed in accordance with Volume 2 Chapter 2 to receive full TSS removal credit.

E. TSS removal worksheets provided are incorrect.

F. The extended dry detention basins were not designed correctly and do not meet the Policy. Volume 2 Chapter 2 of the Policy states that extended dry detention basins are not appropriate for this type of development. The proposed BMP locations do not meet the minimum contributing area requirements. Further, maximum side slope requirements, and exterior embankment widths, do not meet Volume 2 Chapter 2 of the Policy. Lastly, pretreatment requirements have not been met.

G. Setback requirements for infiltration basins have not been met. Infiltration basins must be 50 ft from title 5 soil absorption systems and bordering vegetated wetland lines.

H. The hydrologic evaluation provided for the proposed culvert is insufficient. Watershed maps should be provided for review as is typical. Further, a hydraulic culvert design for both culverts should be provided, as is customary for this type of development.”

T. Boland said he is stopping the presentation because of the Town Engineer's concerns. He said the Board will not be able to go against his recommendation for Stormwater Management. C. Newhouse said he met what he believes is the best manageable practice. He said he wants to give the Town what they need but they are not sure how to handle it. He said they have tried reaching out to the Town Engineer and he said the previous version with the wet swales was unacceptable. C. Newhouse doesn't know what more to do. K. Costa said they have two professional engineers that have reached out to the Town Engineer, and they are frustrated. He is not giving specifics as to what is wrong. C. Newhouse said the project is close to being designed at this point and they are willing to have another meeting with the Town Engineer. K. Costa said the previous version with wet swales, was something their second engineer ran by the Town Engineer and got the impression the approach was going to be fine. She said their revision was based on that and when the Town Engineer saw it, he didn't like it. C. Newhouse said he got the fact that the town Engineer doesn't want to design it for them. He said it's not always easy meeting with the Town Engineer. He said he's hoping to make it all work so that the Town Engineer is satisfied. K. Costa said they have two professional engineers that feel this complies. She said maybe it's some interpretation to some degree. C. Newhouse said they are close and asked the Board to consider the design and T. Boland said he can't move without the Town Engineer feeling this design is in compliance. V. Gingrich said the Town Engineer is still reviewing it and his last memo was pretty in depth. K. Costa said there wasn't specifics about what was wrong “with”. V. Gingrich said he is still reviewing it and wanted to outline big picture issues and convey that it's not there yet. She said they are happy to set up a meeting to review the project. K. Costa said she didn't understand why they need another traffic peer review. V. Gingrich said the first letter had a certain distance and the second letter had a revised distance. V. Gingrich said the first letter showed trimming vegetation on someone's private property so you need to show you can. She said the minimum site distance changed from the first letter to the second needs to be looked at by a traffic engineer. K. Costa said they will accommodate P. Alunni. T. Boland said if there is a simple explanation the Board will accept that as well. V. Gingrich said one of the issues is the off-site flooding impacts. She suggested the applicant and their team read through the comments and then they will setup a meeting with the Town Engineer.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street to June 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive to June 6, 2023 at 7:40 p.m. in the Town Hall Auditorium

**Public Hearing – 885 & 889 Woburn Street - Map 37 Parcel 4 & 4A - Site Plan Review #23-04  
Stormwater Management Permit #23-03 and Parking Special Permit #23-01 - 887 Woburn, LLC,  
Anthony C. Martignetti, Applicant**

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

**MATERIALS CONSIDERED:**

LETTER from Attorney R. Peterson dated May 2, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #23-04 and Stormwater Management Permit #23-03 for 885 & 889 Woburn Street, Map 37 Parcels 4 & 4A to June 20, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-04 and Stormwater Management Permit #23-03 for 885 & 889 Woburn Street, Map 37 Parcels 4 & 4A to June 6, 2023 at 7:45 p.m. in the Town Hall Auditorium.

**Continued Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street - Map 44 Parcel 178B  
Gabriel Schuchman Alrig USA Development, LLC, Applicant**

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

**MATERIALS CONSIDERED:**

LETTER from Jake Modestow dated April 28, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #22-16 and Stormwater Management Permit #22-13 for 208 Main Street to June 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street, Map 44 Parcel 178B to June 6, 2023 at 7:55 p.m. in the Town Auditorium.

**Continued Public Hearing – Site Plan Review #23-07 for 773 Salem Street - Map R1 Parcel 23  
Kristina Cottone Robinson for Smartlink, AT&T, Applicant 773 Salem Street**

PRESENT IN INTEREST: Kristina Cottone Robinson

**MATERIALS CONSIDERED:**

OPINION LETTER from B&T Group dated April 5, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to June 30, 2023 for Site Plan Review #23-07 for 773 Salem Street.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-07 for 773 Salem Street to June 6, 2023 at 8:00 in the Town Hall Auditorium.

**Continued Public Hearing – Site Plan Review #22-25 - 26 Upton Drive - Map R1 Parcel 18G  
DISH Wireless L.L.C., Applicant**

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

**MATERIALS CONSIDERED:**

E-MAIL from Attorney M. Dolan dated April 28, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Site Plan Review #22-25 for 26 Upton to June 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-25 for 26 Upton Drive to June 6, 2023 at 8:05 in the Town Hall Auditorium.

**Continued Public Hearing - Site Plan Review #23-08 and Stormwater Management  
Permit #23-06 - 100-110 Fordham Road - Map 91 Parcel 121 – Fordham Park LLC, Applicant**

A request to continue the public hearing was received.

**MATERIALS CONSIDERED:**

REQUEST TO CONTINUE from Jill Elmstrom Mann dated April 19, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-08 and Stormwater Management Permit #23-06 for 100-110 Fordham Road to June 6, 2023 at 8:10 p.m. in the Town Hall Auditorium.

**Board of Appeals**

At its meeting on May 2, 2023, the Planning Board (Board) voted to recommend as follows:

**Case 8-23: 4 Foley Farm Road – Map 35 Parcel 29**

J. Wierzbicki told the Board they are proposing a fireplace bump out that will go into the 25' side yard setback. She said the only addition is the fireplace bump out. T. Boland said they are requesting a variance and they did not list a hardship. P. Moser asked for an explanation and T. Boland said in order to be granted a variance, a variance is required to be in response to a hardship and this is more like a special permit. S. Hennigan said the applicant didn't list

anything for a hardship. V. Gingrich said there is specific requirements for a hardship like things such as soils, topography, lot shape, things that are out of their control.

Upon motion duly made and seconded, it was by a vote of 5-0

VOTED: To recommend disapproval. The applicant did not demonstrate a hardship.

### **Old Business**

#### **Board of Appeals Case 4-23 for 79 Nichols Street – Map 35 Parcel 29 Golden Realty Trust, Applicant**

V. Gingrich said revised plans were submitted. She said TEC is doing traffic peer review and site civil and stormwater peer review. She said they are hoping to have peer review and staff comments before the May 10<sup>th</sup> Zoning Board of Appeals meeting. T. Boland asked if the Zoning Board of Appeals has been meeting on this or if they have been waiting for the comments and V. Gingrich said there hasn't been a lot of discussion. She said they had an initial meeting where they introduced the product and they had a second meeting where they just authorized the peer review. T. Boland asked if they will be all single families and V. Gingrich said yes. V. Gingrich mentioned that they are proposing to be on sewer in a non-sewer district.

### **New Business**

#### **Request to release building lots 4 & 5 (Assessor's Map 10 Parcels 5D & 5E for 8 & 10 Darby Lane) Highland Estates Definitive Subdivision #19-02 - James Castellano, Applicant**

A request to release lots 4 & 5 Map 10 Parcels 5D & 5E for (8 & 10 Darby Lane) Highland Estates Definitive Subdivision #19-02 was received.

#### **MATERIALS CONSIDERED:**

PLAN "Septic System Plan, Highland Estates, #12 Darby Lane – Lot6, Wilmington, Massachusetts

V. Gingrich said since there are approved septic plans for the lots, they are ready for release.

Upon motion duly made and seconded it was unanimously

VOTED: To release lots 4 & 5 (Assessor's Map 10 Parcel 5D & 5E for 8 & 10 Darby Lane). Surety in the amount of two hundred forty thousand, one hundred twenty-three dollars and zero cents (\$240,123.00) had previously been presented in the form of a Tri-Party Agreement. The executed Form J, Release of Lots in Exchange for Provision of Surety, is enclosed and must be recorded at the Registry of Deeds.

**Request to endorse plan for 203 Lowell Street - Map 48 Parcel 73 – 203 Lowell Street Owner LLC, Applicant**

**MATERIALS CONSIDERED:**

PLAN "Wilmington Residential Special Permit Amendment, 203 Lowell Street, Wilmington, MA 01887" dated October 18, 2018 and last revised March 22, 2023

V. Gingrich told the Board the Planning Department will hold the plans until the appeal period is up. The appeal period is up May 18, 2023.

Upon motion duly made and seconded it was unanimously

**VOTED:** To endorse plan entitled "Wilmington Residential Special Permit Amendment, 203 Lowell Street, Wilmington, MA 01887", dated October 2018 and last revised March 22, 2023, prepared by Douglas E. Lees, P.E., P.L.S., Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsboro, MA 01879, Michael D'Angelo, R.L.A., MDLA, 840 Summer Street, Suite 201A, Boston, MA 02127, and Alberto Cabre, R.A., Joe The Architect, LLC, 343 Medford Street, Suite 4C, Somerville, MA 02145. Said property is located at 203 Lowell Street, Wilmington, MA 01887 and shown on Assessor's Map 48 Parcel 73.

**Discussion**

**As Of Right Multi-Family Zoning District to Comply with MBTA Communities Zoning Law**

V. Gingrich explained the requirements for Wilmington. She said Wilmington requirements would need the zoning district to have at least 50 acres with a capacity for 1,248 units and 50% of that unit capacity must be within ½ mile to one of the MBTA stations. We need a minimum gross density of 15 units per acre and that district must be in place by the end of 2024. She said recently the Town received a copy of the AG's advisory which states there is no option to opt out. It states, "communities shall have these districts" so if the Town does not comply, they would face civil enforcement action. She said she wanted to look at this with the Board to see where the town should be looking. She said the methodology behind this and since ½ the district need to be within ½ mile from the train station she started looking at Main Street. She said the ½ mile goes from Market Basket to the split of Main Street and Lowell Street. She said these areas make sense because folks would have commuting options. There is potential for less parking. She then talked about North Wilmington and staying between the commercial area. V. Gingrich said the town needs to avoid the flood plain area and Ground Water Protection District as well. V. Gingrich said Metro just avoids the Ground Water Protection District and just beyond Paul Kneeland's building 335 Main Street, just beyond that you will be out of the Groundwater Protection District. P. Moser asked about the 50-acre requirement compared to the circle. V. Gingrich said everyone will get a better sense as she goes on. She said in North Wilmington there is some floodplain but less Ground Water Protection District, especially in the commercial areas. She said she looked at a scenario where you grab Metro and north on Main Street on the west side continuing to EJs, Sunrise Market, Dunkin Donuts, Meineke, multi-tenant building, Dollar General, Speedway and including the Hyundai Dealership. She asked the Board if there is anything there, they felt strong about never changing and she said probably not. She told the Board she looked at the Jefferson Road approved 40B site in North Wilmington. She said it is already approved for multi-family. She said if that property is combined with the property in back, it's over 50 acres and if you have 3 stories you would need to come down to 1 ¼ parking spaces per unit. She told the Board you

would need to go as high as 4 stories to get 2 parking spaces per unit. She said that is possible. V. Gingrich said they looked at 100 West Street and the storage facility and across the street to Regency. She said maybe that is an alternative. She asked if there are other places the town should look? A. Marcolina asked if units at West Street count and V. Gingrich said the town does not count units, instead you count the units generated from the district. P. Moser asked if this is legislature or a declaration from the state. V. Gingrich said it was legislated in a general way and then DHCD came up with compliance guidelines last year and recently the AG said they would be enforcing it. P. Moser asked if they expect the town's people to vote in favor and V. Gingrich said no but A. Marcolina said if they don't then they will be in violation of housing laws and then the town will not be eligible for other funding if it does not comply. S. Hennigan said there is a lot of Federal funding involved. V. Gingrich said DHCD brought up the question if it fails at Town Meeting, she was told she would need it on the next Town Meeting. She suggested that since the Board tried other rezoning at North Wilmington and was unsuccessful, it should try another area like West Street where there are already two 40Bs and a storage facility. She said she wanted to talk about the tradeoff between parking and heights and other locations. T. Boland asked about the 3-story and the 1 ¼ parking and said that would be part of the bylaw that would go to Town Meeting. T. Boland said if it needs to be within a ½ mile of a train station, and the train station is in the middle of a half mile wetland, it's impractical. P. Moser said he likes 3 stories and 1 ¼ parking. T. Boland said 4 stories will never pass at Town Meeting. P. Moser asked if the train station area could be counted as the 50 acres and V. Gingrich said no. There was a brief discussion of the area including 635 Main Street. T. Boland asked if residential and industrial areas needed to be avoided is that because it's a requirement and V. Gingrich said no. V. Gingrich said the town doesn't need to avoid any particular zoning, but the Board needs to think if it becomes housing will it be awkward. V., Gingrich said the 3-story 1 ¼ is preferable and T. Boland asked what is driving the 1 ¼. He asked if it is the 1248 and developable area and V. Gingrich said yes. She said this may or could happen some day in the future. P. Moser talked about the Main Street MBTA station and asked if the Sweet Heart site was included and V. Gingrich said no because that is all flood plain. V. Gingrich said that would require a special permit. She said it is part of the legislation that it must be as-of-right housing. She said the special permit for the floodplain is required by the Town bylaw. T. Boland asked what the reason for avoiding the other side of Main Street is when there is already multi-family housing on it. V. Gingrich said in her mind she feels people on that side are a bit more territorial about people keeping commercial 1<sup>st</sup> floors with potential for housing above. A. Marcolina suggested 1 Burlington Avenue and R. Holland said that's in a floodplain. V. Gingrich told the Board 1 Burlington is all floodplain. R. Holland said it would be interesting to see the reaction of other communities. A. Marcolina said she feels it will be adopted but nothing will come of it because she doesn't believe anyone will meet their goals. P. Moser said it will be controversial and contested. V. Gingrich asked how the Board would like to introduce this to the public. P. Moser asked if there was still a ceiling on affordable units and V. Gingrich said only 10% is allowed and you need to justify anything over 10% to show it is still economical. T. Boland asked if V. Gingrich has gone to the Select Board and she said that is her next stop. R. Holland asked if this is brought to Town Meeting and it fails repeatedly, what happens then? V. Gingrich said she didn't know but it's one way to find out. She asked if the Board thinks West Street is a better option than Middlesex Avenue. She said she believes that between Main Street and West Street it can work. A. Marcolina feels that North Wilmington is the better place but knows it will never pass. P. Moser said an informational session would be helpful and to have people complete a survey would be helpful. the consequences would have to hurt. He asked if we have talked to other towns and V. Gingrich said yes. P. Moser said he liked West Street. V. Gingrich suggested putting it out as options and getting feedback. V. Gingrich suggested the Board add 20 minutes to its regularly

scheduled meeting to have discussions with residents rather than hold a separate meeting. She said that surveys will go out as well as informational meetings. T. Boland suggested adding a 10-minute discussion to the beginning of the July meeting. S. Hennigan said he did not believe July was the best month since it's around the 4<sup>th</sup> of July.

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

VOTED: To adjourn the meeting at 9.28 p.m.

NEXT PLANNING BOARD MEETING: June 6, 2023

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cheryl Licciardi". The signature is fluid and cursive, with a large initial "C" and a stylized "L".

Cheryl Licciardi  
Recording Clerk

