



TOWN OF WILMINGTON  
121 GLEN ROAD  
WILMINGTON, MASSACHUSETTS

PLANNING & CONSERVATION  
DEPARTMENT

(978) 658-8238  
(978) 658-3311

**Planning Board Minutes  
September 5, 2017**

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

**Minutes**

The Planning Board reviewed the August 1, 2017 minutes.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the August 1, 2017 minutes as written.

**Form A**

5 Pine Ridge Road & 23R North Street – Map 88 Parcels 36 & 41A “Plan of Land in Wilmington, Massachusetts”, Dilek Plummer, Applicant

V. Gingrich told the Board the applicant is taking the back of their lot and conveying it so the abutting property owner can correct a driveway encroachment.

Upon motion duly made and seconded it was

VOTED: To receive and approve and endorse

## **Matters of Appointment**

### **Continued Public Hearing – Site Plan Review #17-12 & Stormwater Management Permit #17-11 for 375 Ballardvale Street –Map R3 Parcel 50A - Mark Beaudry for FedEx Ground, Applicant**

PRESENT IN INTEREST: Mark Beaudry, Meridian Associates  
Jamie McMannus, Howland Development  
Michael Cameron, PDA Associates

#### **MATERIALS CONSIDERED:**

PLANS "Site Plan Review Submittal, Fedex Ground – Site Improvements, 375 Ballardvale Street, Wilmington, Massachusetts 01887", dated July 6, 2017,  
LETTER from Mark Beaudry dated July 6, 2017  
Engineering memo dated July 28, 2017

M. Beaudry, told the Board he met with P. Alunni. He said they added four stormwater treatment units. The engineer asked for an upgrade to one of the units as well and that change was added to the plan. They added two drywell units for the roof runoff.

M. Sorrentino said the Town Engineer is satisfied.

M. Beaudry requested the hearing be closed. R. Holland asked if there was any change to the exterior of the building. M. Beaudry said they did a bit of grading. R. Holland said she is concerned about the fact that the lockers are outdoors.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the deadline for action to Site Plan Review #17-12 and SMP #17-11 to October 31, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Site Plan Review #17-12 and SMP #17-11.

### **Public Hearing – Site Plan Review #17-07 and Stormwater Management Permit #17-08 for 100, 102, & 104 West Street - Map 71 Parcels 3, 4, & 5 – Global Montello Group Corp., Applicant**

A request to continue was received.

#### **MATERIALS CONSIDERED:**

PLANS "Permit Site Plans for All Town Market, 100, 102 & 104 West Street, Wilmington, MA 01887", dated June 13, 2017  
STORMWATER MANAGEMENT REPORT dated June 15, 2017  
TRAFFIC IMPACT and ACCESS STUDY  
Residents form letters (26), Face Book Community Board correspondence

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline to October 31, 2017.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing to October 3, 2017 at 7:45 p.m. in the Town Hall Auditorium.

**Continued Public Hearing – Site Plan Review #17-06 and Stormwater Management Permit #17-07 for 319A Andover Street - Map R1 Parcel 118 - Gregg Roberts, Applicant**

PRESENT IN INTEREST: Andrew Pojasek, Dana Perkins  
Gregg Roberts

**MATERIALS CONSIDERED:**

PLANS "Proposed Industrial Building, 319 Andover Street", dated May 11, 2017 and last revised July 17, 2017, "Existing Drainage Divide" dated April 24, 2017 & "Existing Drainage Divide" dated July 17, 2017, "Conceptual Building Plan" dated July 17, 2017

STORMWATER MANAGEMENT PLAN dated June 12, 2017

LETTER from Andrew Pojasek dated June 19, 2017 & July 17, 2017

HYDROLOGICAL ANALYSIS – EXISTING CONDITIONS

A. Pojasek told the Board after they met with the Board in July and received their comments and concerns, they submitted revised plans but they are still in the process of working on the stormwater design. A. Pojasek described the project as a three-bay warehouse that will be leased out for storage. This will be a third party and not part of the repair shop. The main changes were with stormwater. He said the site sits in a bowl. A. Pojasek said the infiltrator is designed for a 100 year storm and he pointed out the re-design. He addressed the comments received from the Town Engineer. A. Pojasek said floor drains will be installed but it's not typical to require floor drains.

M. Sorrentino read comments into the record.

M. Sorrentino said the new building will have floor drains tied to the tight tank. A. Pojasek showed the contractors yard and said he believes this project is an improvement to the area. He said they are hoping to keep all the parking spots in the rear of the property. He feels growing grass and removing shrubs is an improvement. The Board discussed the amount of impervious coverage. R. Holland asked how they get to the warehouse with the overhead doors. G. Roberts said there is not as much free space as the Board thinks. He said a lot of trucks come dropping off parts. He said there are five employees, and customers pull in for estimates. He said he knows there are no extra spots. R. Holland pointed out he is asking for four times the coverage of what is allowed by the Groundwater Protection District. A. Pojasek responded saying they would like to continue in order to address engineering comments and would look for guidance.

V. Gingrich told the applicant the Board typically asks for a landscape plan.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline to October 31, 2017.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing to October 3, 2017 at 7:30 p.m. in the Town Hall Auditorium.

**Continue Public Hearing – Conservation Subdivision Design #17-01 - Highland Estates Map 10 Parcels 5, 5A, 6, 36, 37, 38, 39, 40, 50, 51 & 52 – Lily Oak Hill, LLC, Applicant**

A request to continue the public hearing was received.

**MATERIALS CONSIDERED:**

PLANS "Highland Estates, Subdivision of Land in Wilmington, Massachusetts" dated May 16, 2017

LETTER from Jack Szemplinski dated June 9, 2017

Engineering memo dated July 10, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing to October 3, 2017 at 8:45 p.m. in the Town Hall Auditorium.

**Public Hearing – Sign Special Permit #17-04 for 200 Ballardvale Street – Map R2 Parcel 7 Wayne Moda, Applicant**

PRESENT IN INTEREST: Todd Hanna  
Wayne Moda

**MATERIALS CONSIDERED:**

PLANS "200 Ballardvale, Wilmington, MA, Sign Proposal"

ELEVATIONS "200 Ballardvale, Wilmington, MA" dated August 2, 2017

W. Moda told the Board they want a sign on the south side of the building facing the highway. He said this is the company's headquarters but nobody knows they are there because they are not visible. T. Hanna told the Board the company is global with its headquarters located on Ballardvale Street. He told the Board there are four tenants in the building and as their company grows, they are occupying more of the building.

M. Sorrentino told the applicant that the Board has no issue with the request. He asked what signage their company has elsewhere and W. Moda said they have a 2 ½ sq.ft. sign on the directory sign. T. Hanna said the company develops software that grabs information off 1099s or other forms for companies. He said they have offices all over the world but corporate is in Wilmington.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Sign Special Permit #17-04 for 200 Ballardvale Street.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Sign Special Permit #17-04 for one 34" x 142" (33 sf) secondary wall sign which exceeds the size allowance of the Zoning Bylaw, filed with the Planning Board on August 10, 2017. Said property is located at 200 Ballardvale Street and shown on Assessor's Map R2 Parcel 7.

The public hearing was opened and closed on September 5, 2017. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.2 of the Zoning By-Laws of the Town of Wilmington. Approval is subject to the following Findings and Conditions:

**MATERIALS:**

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

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

**FINDINGS:**

1. The signage to be erected is on a parcel on Map R2 Parcel 7 on the Town of Wilmington's Assessor's Map.
2. The Planning Board determined that the secondary wall sign should be permitted in the public interest.
3. The sign proposal as set forth in the Special Permit and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards and guidelines of Section 6.3 of the Wilmington Zoning By-Laws and the Board's Special Permit Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

**CONDITIONS:**

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

**General:**

1. This Special Permit granted for Sovos at 200 Ballardvale Street shall be valid for this tenant and this proposed sign only. Any change in tenant or change in signage shall be reviewed by the Planning Board.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If the signs have not been erected within two (2) years of a special permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or the two-year period shall run from the date of the final decision on the appeal.

4. This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review or other Special Permits.
5. The provisions of this conditional approval shall apply to and be binding upon the applicant, its employees and all tenants. The permit expires upon transfer of the property.
6. Bylaw Exceptions: (Section 6.3.6.1.) "Granted" one secondary wall sign on the southern face of the building measuring 34" x 142" (33 sf).
7. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

**Public Hearing – Sign Special Permit #17-05 for 206 Ballardvale Street  
Map R2 Parcel 7D, Wayne Moda, Applicant**

PRESENT IN INTEREST: Ted Jarvis

**MATERIALS CONSIDERED:**

PLANS "Pancho's Cantina, Wilmington, MA" dated July 31, 2017

T. Jarvis told the Board there will be a new Mexican restaurant and they would like an additional sign at the back door. He said in the back of the building there will be a burrito bar for lunch service.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Sign Special Permit #17-05 for 206 Ballardvale Street.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Sign Special Permit #17-05 for one 39.6" x 120" (33 sf) secondary wall sign which exceeds the size allowance of the Zoning Bylaw, filed with the Planning Board on August 10, 2017. Said property is located at 206 Ballardvale Street and shown on Assessor's Map R2 Parcel 7D.

The public hearing was opened and closed on September 5, 2017. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.2 of the Zoning By-Laws of the Town of Wilmington. Approval is subject to the following Findings and Conditions:

**MATERIALS:**

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

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

**FINDINGS:**

1. The signage to be erected is on a parcel on Map R2 Parcel 7D on the Town of Wilmington's Assessor's Map.

2. The Planning Board determined that the secondary wall sign should be permitted in the public interest.
3. The sign proposal as set forth in the Special Permit and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards and guidelines of Section 6.3 of the Wilmington Zoning By-Laws and the Board's Special Permit Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

**CONDITIONS:**

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

**General:**

8. This Special Permit granted for Pancho's Cantina at 206 Ballardvale Street shall be valid for this tenant and this proposed sign only. Any change in tenant or change in signage shall be reviewed by the Planning Board.
9. 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.
10. If the signs have not been erected within two (2) years of a special permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or the two-year period shall run from the date of the final decision on the appeal.
11. This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review or other Special Permits.
12. The provisions of this conditional approval shall apply to and be binding upon the applicant, its employees and all tenants. The permit expires upon transfer of the property.
13. Bylaw Exceptions: (Section 6.3.6.1.) "Granted" one secondary sign at the rear entrance measuring 39.6" x 120" (33 sf).
14. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

**Public Hearing – Site Plan Review #17-13 for 299 Main Street - Map 42 Parcel 22,  
Stephen Jensen for 299 Main Street Offices, LLC, Applicant**

PRESENT IN INTEREST: John F. McQuilken, Jr.  
Steve Jensen

**MATERIALS CONSIDERED:**

PLANS "Plan of Land, 299 Main Street, Wilmington, MA 01887" dated August 9, 2017

FLOOR PLANS "Proposed Entry At; 299 Main Street, Wilmington, MA" dated March 11, 2017  
and last revised August 8, 2017

Engineering memo dated September 5, 2017

J. McQuilken told the Board the applicant will be adding a vestibule out front to make it handicap accessible and he is proposing to add a permeable dumpster pad.

M. Sorrentino asked if they are taking over the entire building. S. Jensen said he will be occupying the second floor. R. Holland asked if the egress is being redesigned to accommodate the lift and M. Sorrentino asked what the lift will look like. S. Jensen told the Board he has no pictures with him but he will provide small renditions of the plan. M. Sorrentino asked about the catch basin and asked about an oil-grease separation device. J. McQuilken said he has no problems with any of the conditions. V. Gingrich asked the applicant to submit a simple stormwater permit application at the time of building permit.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing to October 3, 2017 at 7:40 p.m. in the Town Hall Auditorium.

### **Board of Appeals**

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

#### Case 24-17: 4 Elwood Rd.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

#### Case 25-17: 8 West Jamaica Ave.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval conditional upon the Applicant filing a 81-G Roadway Improvement Plan with the Planning Board.

#### Case 26-17: 55 Chestnut St.

Upon motion duly made and seconded, it was unanimously

VOTED: The addition should be redesigned to be more conforming with front yard requirements. Extending the nonconformity would be detrimental to the neighborhood.

#### Case 27-17: 299 Main St.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.



## Old Business

The Planning Board reviewed the July 11, 2017 minutes.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the July 11, 2017 minutes as revised.

## New Business

### **Decision for Public Hearing – Site Plan Review #17-11 & Stormwater Management Permit #17-10 for 730 Main Street – Map 39 Parcels 8 & 8A – Steven Savage for DSM Coating Resins, Applicant**

PRESENT IN INTEREST: Jym Bagtaz

#### **MATERIALS CONSIDERED:**

PLANS “Polyol Tank Upgrade, DSM Coating Resins, 730 Main Street, Wilmington, MA 01887”, dated December 12, 2016 and last revised May 30, 2017, “Security & Locker Building Plans”

Engineering memo dated July 31, 2017

There was a brief discussion of the conditions of approval.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions the above referenced Site Plan Review Application #17-11 for 730 Main Street as as follows:

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closed on August 1, 2017, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by DSM Coating Resins, under the provisions of Section 6.5 of the Zoning By-Laws of the Town of Wilmington and Board’s Site Plan Review Rules and Regulations, to consider the contemplated site plan development for property addressed at 730 Main Street (Assessors Map 39, Parcels 8 & 8A, as shown on plan set entitled: “Polyol Tank Upgrade Site Plan, 730 Main Street, Wilmington, MA” prepared by Nicola Facendola, PE; Level Design Group, 249 South St., Unit 1, Plainville MA, 02762; dated December 12, 2016 and last revised July 27, 2017, (the “Site Plan”) (the “Project”), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

#### **MATERIALS:**

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

<u>Date submitted</u>	<u>Description</u>
1. August 1, 2017	"Polyol Tank Equipment Arrangement" prepared by Spec Process Engineering & Construction, 17 A St., Burlington, MA, 01803 dated May 23, 2017 and revised on July 26, 2017.
2. August 1, 2017	"Stormwater Pollution Prevention Plan" prepared by Capaccio Environmental Engineering, Inc., 293 Boston Post Rd., Marlborough, MA, 01752 dated February 2017.

**FINDINGS:**

1. The Project site is located at Map 39 Parcels 8 & 8A.
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. If there is an appeal, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this approval shall apply to and be binding upon the applicant, its employees and all successors and assigns in interest or contract.
5. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the applicant must submit revised plans to the Planning Board for approval.

**PRIOR TO ENDORSEMENT OF THE PLANS:**

6. Plans shall be revised to include all conditions of Site Plan approval.

### **PRIOR TO CONSTRUCTION:**

7. Prior to the commencement of construction, erosion controls shall be installed in accordance with the Stormwater Management Plan and shall be inspected by the Department of Planning & Conservation at least two business days prior to the start of construction.
8. Prior to the commencement of construction, erosion controls shall be installed in accordance with the Stormwater Management Plan and the latest NPDES Construction General Permit and corresponding Stormwater Pollution Prevention Plan. A copy of the NPDES Stormwater Pollution Prevention Plan shall be kept on-site during construction activities and a copy submitted to the Department of Planning & Conservation.

### **DURING CONSTRUCTION**

9. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to backfilling any proposed underground stormwater management system or installation of any other critical design components.

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

10. As-Built Plans in form(s) and format(s) acceptable to the Town shall be submitted to the Engineering Director and Director of Planning and Conservation.
11. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of a Certificate of Occupancy. In the event that winter season conditions prohibit final landscaping and/or finish paving course from being installed prior to tenant occupancy, the Applicant may post a bond, in a form and amount acceptable to the Planning Board and Town Engineering Director, covering the cost of completion. This will be considered on a case by case basis. The Applicant must have received all other required Department sign off on Occupancy prior to eligibility.

### **POST OCCUPANCY:**

12. The Applicant shall maintain or replace landscaping as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping in presentable and healthy condition.
13. The Applicant shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed and enclosures locked.
14. The Applicant shall use good housekeeping practices as outlined in the Operation and Maintenance Plan to maintain the site and keep it in good working condition. The Applicant shall provide copies of completed maintenance and inspection logs for the construction period and copies of logs of the long term pollution prevention plan to the Department of Planning & Conservation.
15. The Project shall be operated in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project and located within the site shall be the Applicant's responsibility.
16. Snow in excess of the areas provided for snow storage on the Site Plan is to be removed from the site within five (5) days of a snow event. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.

17. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project and located within the site shall be the Owner's responsibility.

**Decision for Site Plan Review #17-10, Stormwater Management Permit #17-09, and Sign Special Permit #17-03 for 212 Main Street - Map 44 Parcel 178C – Bohler Engineering for McDonald's USA, LLC, James Meehan, Trustee of D.J. and J. W. Realty Trust, Applicant**

**MATERIALS CONSIDERED:**

PLANS "Site Development Plans for proposed McDonald's with drive-thru, 212 Main Street", dated May 8, 2017

STORMWATER MEMO dated June 14, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Sign Special Permit #17-03 for one 14 SF (4.0' x 3.5') "M" logo wall sign located on the non-drive-thru side of the building, filed with the Planning Board on June 16, 2017. Said property is located at 212 Main Street and shown on Assessor's Map 44 Parcel 178C.

The public hearing was opened and closed on July 11, 2017. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.2 of the Zoning By-Laws of the Town of Wilmington. Approval is subject to the following Findings and Conditions:

**MATERIALS:**

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

<u>Date submitted</u>	<u>Description</u>
1. June 16, 2017	"Remodel Drawings & Elevations" prepared by SkyBorne Technologies, PO Box 875, Westford, MA, 01886 dated May 16, 2017 and revised on June 23, 2017.

**FINDINGS:**

1. The signage to be erected is on a parcel on Map 44 Parcel 178C on the Town of Wilmington's Assessor's Map.
2. The Planning Board determined that the additional secondary signage should be permitted in the public interest.
3. The sign proposal as set forth in the Special Permit and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards and guidelines of Section 6.3 of the Wilmington Zoning By-Laws and the Board's Special Permit Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

**CONDITIONS:**

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

**GENERAL:**

15. This Special Permit granted for McDonald's at 212 Main Street shall be valid for this tenant and this proposed sign only. Any change in tenant or change in signage shall be reviewed by the Planning Board.
16. 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.
17. If the signs have not been erected within two (2) years of a special permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or the two-year period shall run from the date of the final decision on the appeal.
18. This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review or other Special Permits.
19. The provisions of this conditional approval shall apply to and be binding upon the applicant, its employees and all tenants. The permit expires upon transfer of the property.
20. Bylaw Exceptions: (Section 6.3.6.1.) "Granted" one additional secondary wall sign on the south side of the building measuring 4' by 3.5' (14 SF) of an "M" logo.
21. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

Upon motion duly made and seconded, it was unanimously

VOTED: To endorse the plans for Site Plan Review #17-10.

**Decision for Amendment Over 55 Housing Special Permit #17-02 401 Andover Street  
Map R3 Parcels 8 & 10 – Stephen Wright, Applicant**

**MATERIALS CONSIDERED:**

PLANS "Site Plan, Over 55 Housing, Spruce Farm"; dated March 6, 2017 and last revised April 24, 2017

Engineering memo dated July 31, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions, the Special Permit to amend the decision for construction of an Over 55 Housing project with 27 units at 401 Andover Street, as shown on a site plan entitled: "Site Plan, Over 55 Housing, Spruce Farm" dated March 6, 2017 and last revised April 24, 2017, registered Professional Engineer: Luke J. Roy, LJR Engineering, Inc., 234 Park Street, North Reading, MA 01864. Approval is as follows:

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closing on August 1, 2017, by a motion duly made and seconded, it was voted:

"We the Wilmington Planning Board, as requested by Verneice Starling for Estate of Verneice Hensey and Lisa P. Chisholm, owners, and Spruce Farm, LLC, applicant, under the provisions of the Board's Special Permit Rules and Regulations, to consider the amended decision for site plan development for property addressed 401 Andover Street (Assessors Map R3 Parcels 8 & 10), as shown on the plan set sheet entitled: "Site Plan, Over 55 Housing, Spruce Farm" prepared by Luke J. Roy, P.E, dated March 6, 2017 and last revised April 24, 2017, (the "Plan") (the "Project"), do hereby vote to APPROVE the Special Permit, subject to the Findings and Conditions below.

## **MATERIALS:**

The following materials in addition to the Amendment request were submitted into the public record:

<u>Date Submitted</u>	<u>Description</u>
1. None	

## **PROCEDURAL HISTORY**

1. The original Special Permit #17-01 decision for Over 55 Housing was issued on June 9, 2017 following a public hearing with the Planning Board that opened on April 4, 2017 and closed on June 6, 2017.
2. An application to amend the Special Permit #17-01 decision was made by the above-referenced owners and applicant, and filed with the Planning Board on July 12, 2017. This Special Permit #17-02 requested to amend the Decision dated June 9, 2017 in regard to the required sight distance easement from the adjacent property at 399 Andover Street for the Project driveway.
3. A public hearing on the Special Permit application was opened and closed on August 1, 2017.
4. The amendment request materials were reviewed by the Planning Board and the departments represented in the Community Development Technical Review. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

## **FINDINGS:**

1. The Project site is shown on Map R3 Parcels 8 & 10.
2. 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.
3. The Project is subject to an Order of Conditions issued by the Wilmington Conservation Commission.
4. All conditions and waivers of the Special Permit #17-01 approved June 6, 2017 remain in full force and effect except as indicated below.
5. No changes are made to the approved Plan.

### **AMENDMENTS TO DECISION ISSUED JUNE 9, 2017**

1. Delete Condition #15 of the Decision dated June 9, 2017.
2. Revise Condition #17 of the Decision dated June 9, 2017 to read, "Following the 20 day appeal period, the Planning Board will sign the plans, and the Special Permit Decision shall be recorded at the Middlesex North Registry of Deeds."
3. Delete Condition #20 of the Decision dated June 9, 2017.
4. Add a new condition under "Prior to Occupancy" stating, "The Applicant shall clear vegetation within and along the Andover Street right-of-way south of the Project site in coordination with DPW to provide as much sight distance as possible at the Project driveway. Additional clearing on private property to improve sight distance should be investigated."
5. Add a new condition under "Prior to Occupancy" stating, "The Applicant shall obtain an easement or license agreement from the adjacent property owner at 399 Andover Street to clear and keep free from obstruction the sight distance area shown in the 'Supplemental Sight Distance Evaluation, Proposed Residential Development, 401 Andover Street, Wilmington, MA' prepared by Rebecca Brown, PE of Greenman-Pederson, Inc., dated May 18, 2017. The applicant shall document their best efforts to secure the easement or agreement and provide evidence of such efforts to the satisfaction of the Director of Planning and Conservation. If an agreement or easement cannot be secured after best efforts are made, the Applicant shall install radar speed indicator signs in both directions on Andover Street in the vicinity of the project area in a location approved by the Department of Public Works and Police Department."

### **AMENDED DECISION**

In view of the foregoing, the Planning Board hereby decides that the aforesaid property is a proper parcel to be developed under Section 9 of the Wilmington Zoning Bylaws. It is therefore decided to grant a Special Permit for the development of twenty-seven (27) units in accordance with the Site Plan entitled: "Site Plan, Over 55 Housing, Spruce Farm" prepared by Luke J. Roy, P.E, dated March 6, 2017 and last revised April 24, 2017, and the terms and conditions stated below. The following shall be required at the Applicant's sole expense, unless otherwise noted:

1. The Project shall be constructed and operated in accordance with the approved Site Plan.
2. Notwithstanding any future amendment to the Wilmington Zoning Bylaw, Massachusetts G.L. c. 40A, or any other legislative act:
  - a The maximum number of dwelling units to be constructed under this Special Permit shall be twenty-seven (27).
  - b The tract of land on which the structures are to be located shall not be altered or used except
    - i as granted by this Special Permit;
    - ii as shown on the Site Plan entitled: "Site Plan, Over 55 Housing, Spruce Farm" prepared by Luke J. Roy, P.E, dated March 6, 2017 and last revised April 24, 2017, as referenced above; and
    - iii as in accordance with subsequent amendments to the Special Permit.

- c The entire tract of land and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit. If applicant petitions for amendment to this Special Permit, he must submit all plans and information to the change as required by applicable rules.
3. If no substantial construction has commenced within two (2) years of approval, approval shall lapse and a new application, fees and a public hearing shall be required.
4. Any changes to the Site Plan shall be subject to the Special Permit review process.
5. Within five days of transfer of ownership of the property, the Planning Board shall be notified in writing of the new property owner's name and addresses.
6. The project drive/roadway shall be named Hensey Way.
7. As required by Section 9.6.2, the project shall include three (3) affordable two-bedroom dwelling units to be counted on the Town's Subsidized Housing Inventory (SHI) with the Department of Housing and Community Development (DHCD). The affordable units shall be Units 10, 17, and 24. The affordable units shall be deed restricted and marketed as required by the Department of Housing and Community Development to count on the SHI.
8. The fair marketing plan for the three (3) affordable units shall include a local preference for Wilmington residents as allowed by DHCD.
9. Open Space shown on the Site Plan shall be deed restricted in accordance with Section 9.12.2 of the Zoning Bylaw.
10. Maintenance of the premises, including but not limited to roadway maintenance and repair, snow plowing and removal, landscaping, trash removal/recycling, and any other amenities associated with the Project shall remain the responsibility of the owner. No dumpsters shall be permitted on the site. The owner shall be responsible for all trash collection.
11. The Project's stormwater management system shall be inspected, operated, and maintained 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.
12. All domestic water mains and services constructed for the project on the project site shall meet the requirements of the Town's Water and Sewer Division and shall remain private. The operation, maintenance, repair, and replacement of all water pipes, mains, fittings, and appurtenances on the property shall be the owner's responsibility.
13. All landscaping, fencing, and lighting shall be maintained by the Owner for the duration of the use.
14. The site shall be maintained in a clean and tidy condition, clear of debris and trash.
15. Snow shall be stored in designated areas only. Any snow exceeding on-site capacity shall be removed from the site.

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

16. Following the 20 day appeal period, the Planning Board will sign the plans, and the Special Permit Decision shall be recorded at the Middlesex North Registry of Deeds.
17. Prior to endorsement, the plans shall be revised to show any changes required by the Wilmington Conservation Commission.
18. Prior to endorsement of the plans, the Applicant shall submit a phasing plan and schedule for the project to the Department of Planning and Conservation.
19. Prior to endorsement, the plan shall be revised to include additional street light fixtures along the proposed project drive/roadway.



20. Prior to endorsement, the plan shall be revised to remove open space shading from the proposed septic system location.
21. Prior to endorsement, the plan shall be revised to provide a wider access path to Infiltration Basin #3.
22. Prior to endorsement, the plans shall be revised to show additional landscaping between units 6 and 7.
23. Prior to endorsement, the plans shall be revised to avoid street tree plantings in proximity to proposed septic systems.
24. Prior to endorsement, the plans shall be revised to minimize grading and disturbance immediately upgradient of the bordering vegetated wetland area that is adjacent to the common area shown on the plan.
25. Prior to endorsement, these conditions of approval of the Special Permit shall be listed on the cover page of the Site Plan set.
26. Prior to endorsement, the plans shall be revised to show the berm abutting Foster's Pond Road on the grading and landscaping plan.

**PRIOR TO START OF CONSTRUCTION/DURING CONSTRUCTION:**

27. At least one week prior to the start of work, a pre-construction conference shall be scheduled with the Department of Planning & Conservation and Engineering Division to review the construction schedule, permitted drawings, and permit conditions.
28. At the time of the pre-construction conference, the developer will be required to submit a schedule of work, project contacts, soil erosion and sedimentation control plan, information on plans for stockpiling of earth materials and/or any plans for hauling of earth materials (if approved under the earth removal bylaw) for review by the Planning Department and Engineering Division.
29. At the time of the pre-construction conference, the developer shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
30. Prior to the start of construction, 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.
31. Prior to construction, the applicant shall install erosion controls to be inspected by the Department of Planning & Conservation and Engineering Division.
32. Notice of start of construction shall be distributed to abutting properties two weeks prior to the commencement of construction.
33. During construction, work shall not start before 7:00AM and be shall be completed by 7:00PM Monday-Friday. No work is allowed on Sundays and Holidays. Work on Saturdays may be permitted with written consent from the Department of Public Works. Construction equipment shall not be started prior to 7:00AM.
34. The Applicant or designated authority shall give reasonable notice to the Engineering Division for inspection prior to installing any utility, roadway sub-base, pavement, proposed stormwater management system or installation of other critical design components identified during the preconstruction conference.
35. The Applicant shall maintain the construction entrance in an appropriate manner throughout the course of construction to prevent sediment from accumulating in Andover Street. Street sweeping and replacement of the stones for the construction entrance may be needed from time to time throughout the phases of construction. The Applicant will be

responsible for immediate removal of any sediment tracked onto Andover Street during the course of construction, as directed by Town staff.

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT:**

36. Prior to the issuance of the first building permit, the Local Affordable Unit Application for the three (3) affordable housing units shall be approved by the Department of Housing and Community Development.
37. Prior to the issuance of the first building permit, the roadway shall be constructed through binder course and stormwater management components associated with the roadway shall be completed. In addition, an acceptable form of surety shall be provided for the completion of the roadway and associated infrastructure.
38. Prior to the issuance of a building permit, an ANR plan shall be submitted to combine the two project parcels.
39. Homeowners Association (HOA) documents shall be submitted for review prior to the issuance of the first building permit. The HOA documents shall include the stormwater management Operation and Maintenance Plan and the existing use of Foster's Pond Road by others.

#### **PRIOR TO ISSUANCE OF OCCUPANCY:**

40. Prior to the issuance of the first Certificate of Occupancy, the Regulatory Agreement for the three affordable units, in a form acceptable to the Town and DHCD shall be recorded.
41. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall record a permanent deed restriction, in a form acceptable to the Town, for the open space shown on the approved site plan in accordance with Section 9.12.2 of the Zoning Bylaw.
42. Prior to the issuance of the first Certificate of Occupancy in each construction phase, street lights shall be illuminated for the phase in which the Occupancy is requested.
43. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall submit a progress as-built plan of the roadway and associated infrastructure.
44. The Applicant shall clear vegetation within and along the Andover Street right-of-way south of the Project site in coordination with DPW to provide as much sight distance as possible at the Project driveway. Additional clearing on private property to improve sight distance should be investigated.
45. The Applicant shall obtain an easement or license agreement from the adjacent property owner at 399 Andover Street to clear and keep free from obstruction the sight distance area shown in the "Supplemental Sight Distance Evaluation, Proposed Residential Development, 401 Andover Street, Wilmington, MA" prepared by Rebecca Brown, PE of Greenman-Pederson, Inc., dated May 18, 2017. The applicant shall document their best efforts to secure the easement or agreement and provide evidence of such efforts to the satisfaction of the Director of Planning and Conservation. If an agreement or easement cannot be secured after best efforts are made, the Applicant shall install radar speed indicator signs in both directions on Andover Street in the vicinity of the project area in a location approved by the Department of Public Works and Police Department.
46. Prior to the issuance of the last Certificate of Occupancy for the property, final As-Built Plans for the project, in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineering Division and Department of Planning and Conservation.

**WAIVERS:**

The Planning Board has reviewed the request for waivers from Section 9 of the Wilmington Zoning Bylaw and:

1. Approves a waiver of Section 9.12.3 of Zoning Bylaw to allow the percentage of the open space that is wetland to exceed the percentage of the entire tract that is wetland. The Planning Board finds that a waiver of this requirement will promote the purpose of the bylaw.

**Request to waive Site Plan Review for 330 Ballardvale Street – Map R3 Parcel 26A  
Monogram Gourmet Foods, Applicant**

PRESENT IN INTEREST: Ryan Vechinski

R. Vechinski told the Board that Monogram Foods would be installing a concrete pad and two columns outside the building to support the refrigerator

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review and filing fees for 330 Ballardvale Street to install a concrete pad and two 12" by 12" columns outside the building to support new refrigeration equipment

**Request to waive Site Plan Review for 250 Ballardvale Street – Map R2 Parcel 23B  
Mark Beaudry for James McManus – Howland Development, Applicant**

PRESENT IN INTEREST: James McMannus, Howland Development

J. McMannus told the Board a second egress is needed because of a new tenant. He told the Board his new tenant needs to be out of their existing building by October 1, 2017.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review and filing fees for 250 Ballardvale Street to install a new emergency egress door and associated exterior stairwell and concrete walkway on the front of the building

**Request to release lots 26, 27, 28, & 29 for Murray Hill Def. Sub. #14-01  
Map 4 Parcels 4K, 6 & 7, Craig S. Newhouse, C.S. Newhouse Builders, Inc.**

Upon motion duly made and seconded, it was unanimously

VOTED: To approve release lots 26, 27, 28, and 29 for Phase II. Surety was previously presented in the form of a business check.

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

**MATERIALS CONSIDERED:**

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

Upon motion duly made and seconded, it was unanimously

VOTED: To table endorsing the plan for Site Plan Review #17-02 for 33 Industrial Way

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

Upon motion duly made and seconded, it was unanimously

VOTED: To adjourn the meeting at 10:05 p.m.

NEXT MEETING is October 3, 2017

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cheryl Licciardi".

Cheryl Licciardi  
Recording Clerk