



TOWN OF WILMINGTON, MASSACHUSETTS

PLANNING & CONSERVATION
DEPARTMENT

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**Planning Board Minutes
May 3, 2016**

The Planning Board met on Tuesday, May 3, 2016 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Michael Sorrentino Chair; Randi Holland; Terence Boland; David Shedd; and Sean Hennigan. Valerie Gingrich, Director of Planning & Conservation and Carolyn Cronin, Assistant Planner were also present.

Minutes

The Planning Board reviewed minutes from March 8, 2016.

Upon motion duly made and seconded with four in favor and one abstention (D. Shedd) it was

VOTED: To approve the March 8, 2016 minutes as written.

The Planning Board reviewed minutes from April 5, 2016.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the April 5, 2016 minutes as written.

Form A

There were no ANR plans to review

Matters of Appointment

Continued Public Hearing - Garden of Eden Definitive Subdivision #16-01 & Stormwater Management Permit #16-01- Map 2 Parcels 201-206, 223-225 and Map 3 Parcels 207-222, Joseph Langone, Applicant

PRESENT IN INTEREST – Joseph Langone
Doug Lees, Land Engineering

MATERIALS CONSIDERED:

PLANS "Site Development Plan, Garden of Eden, Wilmington, Massachusetts" dated January 7, 2016 and last revised March 21, 2016, "Sketch Plan in Wilmington, Massachusetts" dated June 11, 2015 last revised August 13, 2015

ELEVATIONS - various pages with different dates
STORMWATER POLLUTION PREVENTION PLAN dated January 4, 2016
COMMENTS from DPW dated January 26, 2016, Fire Department dated January 26, 2016
LETTERS to applicant from Planning Director dated January 26, 2016, April 4, 2016
J. Langone told the Board there were a few changes he asked V. Gingrich to make to the draft decision. He said he was waiting for the Board of Health's approval and said he spoke with J. Magaldi who helped him choose two different street trees. D. Shedd asked what the radius is and D. Lees answered 8' but he said the applicant also included lot A. M. Sorrentino asked if the Town will take over the maintenance for stormwater since the first sentence in condition 10 under the section "PRIOR TO ENDORSEMENT AND ISSUANCE OF A BUILDING PERMIT" says that once open space is transferred. V. Gingrich explained once the roadway is accepted, the Town will take responsibility for stormwater. Until then, there will be a construction and maintenance easement for the applicant to maintain stormwater in the open space. M. Sorrentino said he expected each parcel to be pinned.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Definitive Subdivision #16-01 and Stormwater Management Permit #16-01 for Garden of Eden.

Continued Public Hearing - Definitive Subdivision #16-02 and Stormwater Management Permit #16-02 for Nelson Acres - Map 57 Parcel 54E- James Brothers & George Brothers, Applicant

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

MATERIALS CONSIDERED:

PLANS "Ava Lane, Wilmington, MA" dated January 19, 2016
DRAINAGE REPORT dated February 4, 2016
ELEVATIONS dated December 31, 2015
LETTER from Richard W. Stuart dated February 23, 2016
COMMENTS from DPW dated March 7, 2016

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline to June 30, 2016

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for Nelson Acres Definitive Subdivision and Stormwater Management Permit to June 7, 2016 at 7:30 p.m. in Room 9 of the Town Hall.

Continued Public Hearing - Site Plan Review #16-01 and Stormwater Management Permit #16-03 for 196 Ballardvale Street - Map R2 Parcel 7E - Paul Kneeland for Mapvale LLC, Applicant

PRESENT IN INTEREST – Ryan Bianchetto, Allen & Major
Paul Kneeland, Mapvale LLC

MATERIALS CONSIDERED:

PLANS "Site Development Plans for New Retail Parcel, 196 Ballardvale Street, Wilmington, MA" dated February 10, 2016 and last revised May 24, 2016.
EXTERIOR ELEVATIONS "196 Ballardvale St" dated March 31, 2016
TRAFFIC IMPACT AND ACCESS STUDY dated January 25, 2016 – draft
DRAINAGE REPORT dated February 10, 2016 last revised April 20, 2016
LETTER from Ryan Bianchetto dated February 11, 2016 and two letters dated April 20, 2016
COMMENTS from DPW dated March 7, 2016 and May 3, 2016

R. Bianchetto told the Board all concerns regarding stormwater were addressed and a revised drainage report was submitted. He said he also resubmitted a full set of plans. R. Bianchetto told the Board that the applicant hired an architect to make changes to the elevations and said a traffic study was submitted. He said the footprint changed slightly with the building having a jut out.

M. Sorrentino read comments into the record.

P. Kneeland said he is at the site often and agrees the traffic coming out from across the street is tough. He said the traffic study reflects the problem and he realizes there is a much larger problem but he is not sure what the long-term solution is. He would like the Town's assistance. P. Kneeland said he will contribute \$5,000 for the Town to study the area. R. Holland commented that people can turn left without issue and P. Kneeland said people can turn left except at the end of the day when companies are letting out of work. D. Shedd asked if there is a lot of pedestrian activity in that area and P. Kneeland answered when the restaurant opens, there will be people crossing the street. V. Gingrich pointed out that if pedestrian activity increases, cars are taken off Ballardvale Street but improvements need to be made to facilitate pedestrian movement. P. Kneeland told the Board he is not the owner of the property at 200 Ballardvale Street but the owner does recognize that there needs to be a formal drive aisle but there is no solution yet. V. Gingrich said the Town Engineer feels it may be an improvement if the drive aisle width is decreased. P. Kneeland said he could use guardrails, maybe a rumble strip. R. Bianchetto did not feel the applicant needed to worry about sewer flow studies prior to having specific tenants.

M. Sorrentino said he would like it memorialized if the two restaurants will be built. He said the Town Engineer wants to know that there is enough capacity. V. Gingrich asked P. Kneeland if the signs on the architecture are placeholders and he answered that he will come back another time for the signs. He said they are working out exterior finishes. R. Holland said she is happy with the architecture. V. Gingrich told P. Kneeland the signs will require special permits as proposed. She pointed out where the landscape area has become a swale. The easement should be shown on the revised plans. There was a brief discussion as to whether the Board should close or continue the public hearing. V. Gingrich advised the Board to continue the public hearing and close it at its next meeting. She told the Board it could issue a decision at the same time.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline to June 30, 2016 for Site Plan Review #16-01 and Stormwater Management Permit #16-03.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #16-01 and Stormwater Management Permit #16-03 to June 7, 2016 at 7:45 p.m.

**Public Hearing – 81G Application #16-02 and Stormwater Management Permit #16-04
21 Pomfret Road – Map 84 Parcel 50 – Clifton and Elena Hall, Applicants**

PRESENT IN INTEREST – Luke Roy

MATERIALS CONSIDERED:

PLANS “Roadway Improvement Plan, Pomfret Road, Wilmington, Massachusetts” dated March 14, 2016 and last revised May 24, 2016

DRAINAGE CALCULATIONS dated March 2016

REVIEW LETTER from the Planning Director dated April 26, 2016

COMMENTS from DPW dated May 2, 2016

L. Roy told the Board the applicant is proposing to improve 300' of an existing unconstructed way accessed through McDonald Road. He said this property is in the residential 60 zone. L. Roy said the purpose of the 81G Application is to create access and improve frontage to a 1,200 sq.ft. home. The applicant proposes to construct 300' of a 20' wide paved way. The required 42' radius is provided. There is an 8" water main that was installed by the McGrane Road developer and there are two existing hydrants to either side of the property. L. Roy told the Board several test holes have been dug and it is very sandy material. There are shallow grass swale areas for infiltration. The applicant is proposing Town water and an on-site septic for the home. He said he will meet with the Town Engineer next week in hopes of addressing concerns. L. Roy said he is showing some driveway openings for the property and for another resident on the street. Drainage is subsurface roof drainage. M. Sorrentino asked if #2 Bernstien is staying and asked if there are three lots. L. Roy explained it encroaches on the other lot because an addition was added years ago.

M. Sorrentino read comments into the record.

L. Roy said the plan shows the proposed roadway in front of the lot. He will pull the turnaround several feet away to accommodate snow storage. L. Roy said drainage concerns will be addressed and will meet with the Town Engineer. He said all concerns regarding the abutting property owner will be addressed. M. Sorrentino asked that the driveway be shifted and asked that pins be shown in every corner. L. Roy agreed to add the pins to the plan and shift the driveway. Resident, C. Fleming, 17 Royal Street, said he has a stone bound on his property and asked if the proposed road is servicing two homes. He asked if there is a possibility of a third home being constructed. L. Roy said the property is not subdividable. C. Fleming said he wants to make sure that the drainage swale can accommodate a tough winter. He asked how deep the percolation goes. L. Roy said he did not hit any ledge and most of the holes were 8 to 9 feet. L. Roy said it is mostly medium to fine sand. The water table is 4 ½ feet. C. Fleming said he could have up to 3' of water in his cellar if his pump quit working. He said he is very concerned about having water problems.

M. Sorrentino said it would be nice to have trees along the property line where the road ends and L. Roy said they would do some planting. C. Fleming asked if the majority of the trees will be cleared and L. Roy answered yes. Resident, B. Connelly, 23 Pomfret Road said the access to the home currently under construction should stay on Bernstein Road. L. Roy said the 20' is standard and used on similar projects. D. Shedd asked how the low point in the road will be drained and L. Roy said each side will have a gap in the berm with some riprap stone. R.

Holland said Cape Cod berm does not work after one storm. L. Roy said he will propose a compromise. D. Shedd has concerns that the drainage will not work in the winter at the low point. L. Roy said the riprap areas will have to be kept cleared. C. Fleming said when they built another house, they had to do a lot of pumping. B. Connelly told the Board he is not alright with proposed construction and even more upset that there will be drainage in front of his house.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline to June 30, 2016 for 81G Application #16-02 and Stormwater Management Permit #16-04 for 21 Pomfret Road.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing to June 7, 2016 at 8:15 p.m. for 81G Application #16-02 and Stormwater Management Permit #16-04 for 21 Pomfret Road.

Board of Appeals

At its meeting on Tuesday, May 3, 2016, the Planning Board voted to recommend as follows:

Case 12-16: 206 Ballardvale Street

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Case 13-16: 101 Middlesex Ave.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Case 14-16: 8 Emerald Avenue

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend that the Applicant either decrease the size of the garage or reconfigure its location to meet the setbacks.

Case 15-16: 1 Jewel Drive

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. Site Plan Review is required by the Planning Board for a change in use.

Old Business

There was no Old Business to discuss.

New Business

Decision Garden of Eden Definitive Subdivision #16-01 & Stormwater Management Permit #16-01- Map 2 Parcels 201-206, 223-225 and Map 3 Parcels 207-222, Joseph Langone, Applicant

PRESENT IN INTEREST – Joseph Langone
Doug Lees, Land Engineering

MATERIALS CONSIDERED:

PLANS "Site Development Plan, Garden of Eden, Wilmington, Massachusetts" dated January 7, 2016 and last revised March 21, 2016, "Sketch Plan in Wilmington, Massachusetts" dated June 11, 2015 last revised August 13, 2015

ELEVATIONS - various pages with different dates

STORMWATER POLLUTION PREVENTION PLAN dated January 4, 2016

COMMENTS from DPW dated January 26, 2016, Fire Department dated January 26, 2016

LETTERS to applicant from Planning Director dated January 26, 2016, April 4, 2016

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions and waivers the Definitive Subdivision, plan entitled: "Definitive Subdivision Plan, Garden of Eden, Wilmington, Massachusetts" dated: January 7, 2016 and last revised March 21, 2016, prepared by Professional Land Surveyor: Douglas E. Lees: Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsboro, MA 01878; property is shown on Chestnut Street, Assessor's Map 2 Parcels 201-206 & 223-225 and Map 3 Parcels 207-222. The proposed subdivision is for twenty-six (26) buildable lots. Approval is subject to the following standard and special conditions and waivers:

PROCEDURAL HISTORY

1. Application for Definitive Subdivision approval pursuant to M.G.L. Chapter 41, Section 81-L was made by the above-referenced owner and filed with the Planning Board on January 7, 2016. Definitive Subdivision Plan entitled: "Definitive Subdivision Plan, Garden of Eden, Wilmington, MA" (Plans) Sheets 1 through 17; scale 1" = 40' and 1" = 100'; dated January 7, 2016 and last revised March 21, 2016 and Sheet 13 last revised March 31, 2016, prepared by Douglas E. Lees, P.E, P.L.S. of Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsboro, MA 01879; concerning the property located off Chestnut Street and shown as Assessor's Map 2 Parcels 201-206, 223-225, and Assessor's Map 3 Parcels 207-222 and containing twenty-six (26) lots.
2. A public hearing on the Definitive Subdivision application was first held on February 2, 2016. The public hearing was continued to March 8, 2016, April 5, 2016, and the public hearing closed on May 3, 2016.
3. This Definitive Subdivision application is accompanied and augmented by the following: "Definitive Subdivision Application, Garden of Eden Subdivision" Project Narrative dated January 7, 2016; "Stormwater Management & Erosion Control Plan" Dated January 7, 2016 and revised March 21, 2016; "Traffic Assessment, Garden of Eden Residential Subdivision" dated March 17, 2016 prepared by Kim Eric Hazarvartian, Ph.D., P.E.,

PTOE, of TEPP LLC; "Stormwater Pollution Prevention Plan (SWPPP), Garden of Eden, 281 Chestnut Street, dated January 4, 2016 and SWPPP revised and dated February 25, 2016, prepared by Land Engineering & Environmental Services, Inc.; "Waiver Request, Garden of Eden" dated February 26, 2016 and revised dated March 21, 2016; Typical Architectural Elevations, "New Colonial Home" dated October 23, 2013, "New Home" dated March 19, 2015, "New Home" dated August 7, 2014, "New Colonial Style Home" dated August 5, 2015; "Conservation Fence Plan, Lot 3 Green Meadow Drive," "Trail's End Plan, Garden of Eden," "Compost Area Detail" all dated April 5, 2015 prepared by Land Engineering & Environmental Services, Inc.

4. The plans and other submission material 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

The Planning Board determined that the proposed project has less detrimental impact on the property and surrounding area than a conventional development proposed for the tract after consideration of factors defined in the Conservation Subdivision Design Special Permit.

The Planning Board determined that the Definitive Subdivision Plan does not substantially vary from the Concept Plan presented and approved in the Conservation Subdivision Design Special Permit issued on January 5, 2016.

DECISION

STANDARD CONDITIONS:

1. Subdivision shall be constructed in accordance with the requirements of the Subdivision Rules and Regulations (with the exception of the waivers listed below) and any other applicable regulations of the Town of Wilmington, including:
 - (a) State Wetlands Protection Act.
 - (b) Title 5 and local regulations of the Board of Health.
 - (c) Requirements of the Water and Sewer Department and Fire Department.
2. Any modification to the approved plans must receive the prior approval of the Planning Board.
3. The conditions of approval of this subdivision shall be placed on the original plans prior to endorsement by the Planning Board.
4. Following the statutory 20-day appeal period, the Planning Board will sign the original subdivision plans, which shall be recorded at the Middlesex North Registry of Deeds. Prior to the endorsement of plans, the following items must be submitted for approval by the Planning Board:
 - (a) A Covenant to secure the construction of ways and installation of municipal services, including required description of mortgages and assents of mortgages.
 - (b) Required Covenant shall reflect a condition that the work under the approved subdivision plan shall be completed within three years of the date of approval of

the plan. One year extensions may be available upon request and approval of the Planning Board. Failure to complete the work prior to the deadline shall require a new application and Definitive Plan in accordance with the then in effect Rules and Regulations to be filed with and approved by the Board unless an extension of time is requested and granted.

- (c) Acceptable form of grants of easements.
5. Within 5 days of the transfer of ownership of the subdivision the Planning Board shall be notified in writing of the new property owner's name and address.
 6. At least one week prior to the start of work, a pre-construction conference shall be scheduled with the Department of Planning & Conservation, Engineering Division, and any other Town Department to review the construction schedule, permitted drawings, and permit conditions.
 7. At the time of the pre-construction conference, the developer may also be required to submit a 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 by-law) for review and approval by the Planning Board or its agent.
 8. Developer shall be required to show evidence that all required local, state or federal permits and approvals have been obtained at the time of the pre-construction conference.
 9. The developer shall assume the cost of construction monitoring. An estimate of hours required and costs of monitoring shall be provided at the time of the pre-construction conference. The developer shall, prior to the start of construction, be required to place on deposit with the Planning Board an amount sufficient to cover the anticipated cost of monitoring by the Planning Board or its agent.
 10. Prior to the release of any lots within the subdivision, the following conditions shall be met:
 - (a) The Wilmington Board of Health shall have approved on-site septic system plans.
 - (b) The construction of the roadways shown on the subdivision plan shall be completed through the binder course according to the Phasing Plan.
 - (c) Acceptable form and amount of surety shall be on deposit with the Planning Board along with a proposed schedule of releases. If partial release of surety is to be requested, the Planning Board may, at its discretion, require deposits to be broken down in amounts of anticipated requests for release.
 11. A maintenance guarantee of 10% of the total value of the work within the subdivision shall be held by the Planning Board for 18 months following completion of streets and municipal services or until the streets are accepted by the Town.
 12. Developer shall maintain fee interest in the roadway until such time as it is transferred to the Town. As-Built Plans and Street Acceptance Plans in accordance with the Town Subdivision Control regulations and Section 11.2.3 of the Town of Wilmington Stormwater Management Regulation will be required.

13. The developer will be responsible for informing each buyer via written statement contained in the property deed that the homeowner acknowledges that trees planted within 20 feet of the front property line on private lots are protected as Public Shade Trees and are not to be cut without a public shade tree hearing as defined in M.G.L. Chapter 87. In addition, the developer agrees to complete Wilmington's 'Private Property Street Tree Planting Form' supplying the original to Wilmington DPW and a copy to the Planning Department.
14. Upon completion of work in the subdivision and prior to final release of surety, the developer shall submit As-Built Plans and Street Acceptance plans for review and approval by the Planning Board. As-Built Plans must include the trails.
15. Blasting materials, if needed, must be reviewed for ground water contaminants with the Board of Health and Fire Department.
16. During construction work will not start before 7:00 a.m and be completed by 7:00 p.m. Monday through Friday. No work is allowed on Sundays and Holidays. Construction equipment will not be started before 7:00 a.m.
17. All Stormwater basins and related structures shall be maintained by the Applicant until such time as the Street is accepted.
18. Notice of the start of construction will be distributed to abutting properties two weeks prior to the commencement of construction.

SPECIAL CONDITIONS:

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

1. 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 in this subdivision shall be twenty-six (26).
 - b The tract of land on which the single family structures are to be located shall not be altered or used except as granted by the Conservation Subdivision Design Special Permit issued January 5, 2016.
2. Minimum lot size to be no less than 20,000 square feet.
3. At least 50% of the required setbacks for the underlying R-60 district shall be maintained in the CSD except as noted in Condition 17 below.
 - a Side and rear yard setbacks no less than 12.5 feet;
 - b Front yard setbacks no less than 25 feet.
4. Lot frontage shall not be less than 50 feet.

PRIOR TO ENDORSEMENT AND ISSUANCE OF A BUILDING PERMIT:

5. Prior to endorsement of Definitive Subdivision plans, the plans shall be revised to include revisions required by this Decision and by the Conservation Commission.

6. Prior to endorsement, the Plans shall be revised to incorporate the changes shown on the plans submitted to the Planning Board at their April 5, 2016 meeting entitled, "Conservation Fence Plan, Lot 3 Green Meadow Drive," "Trail's End Plan" "Compost Area Detail" all dated April 5, 2015 prepared by Land Engineering & Environmental Services, Inc.
7. Prior to endorsement, the Plans shall be revised to include permanent bounds/property markers at each residential lot line intersecting with the public Open Space.
8. Prior to endorsement, the Plans shall be revised to include at least two varieties of street trees to be planted along the proposed roadway.
9. Prior to endorsement, the Plan set shall be revised to include Special Permit Conditions on the cover sheet as required by the Special Permit issued January 8, 2016.
10. Legal documents for transfer of the open space and maintenance of stormwater drainage shall be submitted to the Town for review and approval. The proposed open space shall be conveyed to the Town of Wilmington under the care, custody, and control of the Conservation Commission prior to the release of any lots. Prior to conveyance of the open space, any solid waste or dumping in the open space must be removed.

PRIOR TO CONSTRUCTION AND ISSUANCE OF A BUILDING PERMIT:

11. The applicant shall demonstrate compliance with NPDES permit filing requirements and shall submit one (1) copy of the checklist for the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation AND one (1) copy to the Engineering Department prior to commencing construction.
12. 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 meeting.
13. Tree clearing shall be kept to the absolute minimum. The tree line shown on the approved plans for the proposed roadway shall be flagged prior to clearing. The center-line of the road shall be staked prior to any clearing.
14. Prior to the issuance of a building permit for each lot, proposed tree cutting shall be reviewed by the Department of Planning & Conservation and the Tree Warden. The Tree Warden shall have the opportunity to identify additional dead or dying trees on the lot or on Conservation land that should be removed due to proximity to proposed homes.
15. The trails shall be laid out in the field by the developer or his representative in consultation with the Director of Planning & Conservation prior to construction.
16. The applicant must maintain the construction entrance in an appropriate manner throughout the course of construction to prevent sediment from accumulating in Chestnut Street. Street sweeping and replacement of the stones for the construction entrance may be needed from time to time throughout the phases of the construction.
17. Homes exceeding 2,750 s.f. of usable living area excluding basements, garages and attics shall contain side yard setbacks of at least 20 feet. Calculations of usable living area shall

be included with each building permit application. The developer is encouraged to provide outdoor living spaces, such as porches, on the front of residential structures, facing the street.

18. Homes with driveways in excess of 150 feet (Lot 14, 18, 22) shall be constructed with sprinkler systems according to the requirements of the Wilmington Fire Department.

PRIOR TO OCCUPANCY:

19. Illumination of the street lights shall be light emitting diodes (LED) for improved energy efficiency. The lights shall be illuminated throughout the Definitive Subdivision prior to request for first occupancy permit. Developer shall pay any electricity charges until street acceptance.
20. Prior to issuance of the first Certificate of Occupancy, all open space improvements shall be completed (trails, parking area, parking area signage, open space perimeter tags, and trail markers). Final trail signage plan shall be reviewed and approved by the Department of Planning & Conservation prior to installation. Four-inch diameter metal tags with white background and green letters to be placed on trees along the perimeter of the open space at no more than 150-foot intervals for boundary demarcation. GIS information for the constructed trails shall be provided to the Engineering Division.
21. Prior to occupancy for each building lot, permanent bounds/markers shall be installed at each residential lot line corner intersecting with the public Open Space.

WAIVERS:

The Planning Board has reviewed the request for waivers of the Subdivision Rules and Regulations and approves or denies the same as specifically contained hereinafter.

1. Approves a waiver of Section III(C) paragraph 2.r to allow the Applicant to omit the required identification of all existing trees with trunks over twelve inches in diameter within the minimum front, side, and rear yards and all other trees which are to be retained. Individual lots will be reviewed for tree clearing prior to construction.
2. Approves a waiver of Section IV(A) paragraph 2.e to allow an intersection radius of less than thirty feet at Chestnut Street and Green Meadow Drive. The right of way follows the existing property line at the south side of the intersection, which has been designed to provide maximum sight distance and minimal disturbance in the Riverfront Area.
3. Approves a waiver of Section IV(A) paragraph 2.f to allow the subdivision to be laid out without intersecting cross streets.
4. Approves a waiver of Section IV(A) paragraph 3.a and Section V.B paragraph 2 to allow the subdivision to be constructed with less than the minimum right of way of 50 feet and less than the minimum pavement width of 32 feet for minor roads; Green Meadow Drive will be constructed with a pavement width of 24 feet and a minimum right of way width of 40 feet.

5. Approves a waiver of Section IV(A) paragraph 5.a to allow a dead end street to exceed 500 maximum length. Green Meadow Drive is approximately 1,700 feet in length.
6. Approves a waiver of Section IV(J) to allow the subdivision to be built without installation of a fire alarm pull box every 1000 feet or fraction thereof. Fire alarm pull boxes will not be installed.
7. Approves a waiver of Section V(C) paragraph 3.d.2 to allow the use of HDPE pipe instead of the required RCP pipe.
8. Approves a waiver of Section V(D) paragraph 1, Section V(F) paragraph 1, and Section IV(H) to allow for the subdivision to be constructed without a grass strip between the roadway and the sidewalk. The sidewalk will be constructed along the roadway, separated by a curb, with grass on the outer side of the sidewalk.
9. Approves a waiver of Section V(E) paragraph 1 to allow the subdivision to be constructed with 6" Vertical Granite Curbing throughout the subdivision in place of 7" curb.

Decision – 81G Application #16-01 – 8 Dunton Road – Map 31 Parcels 40 & 41 – Jill Elmstrom for Asset Redevelopment Corp., Applicant

PRESENT IN INTEREST – Jill Elmstrom, Esq.

MATERIALS CONSIDERED:

PLANS "Site Plan for Asset Redevelopment at 8 Dunton Road, Map 31 Lot 40, Wilmington, Massachusetts" dated December 30, 2015

DRAINAGE CALCULATIONS dated January 28, 2016

REVIEW LETTER from the Planning Director dated April 1, 2016

COMMENTS from DPW dated March 31, 2016

V. Gingrich told the Board the draft decision is prepared but pointed out condition 11. She said the Inspector of Buildings and she have discussed combining lots with common ownership in the past. She told the applicant the town would like an ANR plan. J. Elmstrom said that is a problem because of the expense and if there was a justification, that would be different. She said the parcels are already on one deed. They are nonconforming lots so it is impossible to divide them. V. Gingrich said that the assessor can combine them with the deed. She said it would be just to clean it up. V. Gingrich said this case is different. M. Sorrentino told the Board they would be deleting condition 11 of the draft decision. J. Elmstrom told the Board the Zoning Board of Appeals decision was filed with Town Clerk.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions an 81-G application and plan entitled: " Site Plan" for Asset Redevelopment at 8 Dunton Road, Map 31 Lot 40, Wilmington MA, dated December 30, 2015; Scale 1"=20' prepared by Professional Engineer: Clayton A. Morin, ESS, 70 Bailey Court, Haverhill, MA 01832 concerning the property located on 8 Dunton Road and shown on Assessor's Map 31 Parcels 40 & 41 subject to the Findings and Conditions below.

MATERIALS:

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

1. Drainage Calculations, 8 Dunton Road, Wilmington, MA, dated January 28, 2016.

FINDINGS:

1. The Project includes roadway improvements to Dunton Road from Grand Street through the frontage of 8 Dunton Road, Map 31, Lots 40 & 41.
2. The Roadway Improvement 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 Chapter 41 Section 81-G of the MA General Laws.
3. 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:

1. Roadway improvements shall be constructed in accordance with any other applicable regulations of the Town of Wilmington.
2. Roadway improvements shall be constructed within one year from the date of this approval, unless an extension is granted by the Planning Board.
3. Any modification to the approved plans must receive the prior approval of the Planning Board.

PRIOR TO ENDORSEMENT OF THE ROADWAY IMPROVEMENT PLAN:

4. The plan shall be revised to show abutter information for all adjacent parcels.
5. The plan shall be revised to include two stone bounds on each side of the intersection of Dunton Road and Grand Street Right of Way.
6. The plan shall be revised to include additional detail demonstrating that roadway runoff will not enter the the driveway for 15 Grand Street.
7. The plan shall be revised to include top and bottom of wall elevations for the boulder wall shown on the plan. The plan shall note whether the wall is existing or proposed.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT/CONSTRUCTION:

8. At least one week prior to the commencement of earth moving activities, the applicant or designated authority shall schedule a pre-construction meeting with the Department of Planning & Conservation and the Engineering Division.

9. Prior to the commencement of earth moving activities, silt sack inserts shall be installed in both catch basins at the intersection of Dunton Road and Grand Street.
10. Prior to the issuance of a building permit for the dwelling, the roadway shall be completed through binder course and an acceptable form of surety shall be provided for the completion of the roadway improvement project.
11. Prior to construction and the issuance of a building permit, a Simple Stormwater Management Permit shall be obtained.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY:

12. Roadway improvements shall ensure that runoff from Dunton Road is not directed into the driveway located at 15 Grand Street.
13. Overflow from the proposed stone trench along the driveway for 8 Dunton Road shall be directed away from the abutting property at 17 Grand Street.
14. The Applicant or designated authority shall give reasonable notice (at least 24 hours) to the Engineering Division for inspection prior to installation of the proposed roadway section and prior to backfilling any proposed stormwater management system.
15. Prior to the release of surety and the issuance of a Certificate of Occupancy for 8 Dunton Road, final As-Built Plans for the roadway improvement project and the construction of 8 Dunton Road, in form(s) and format(s) acceptable to the Town Engineering Director shall be submitted to the Engineering Director and Director of Planning and Conservation.

POST OCCUPANCY:

16. All maintenance responsibilities for any drainage structures installed for this project that are within the private property lines will remain with the Owner.

**Request to waive Site Plan Review for 381 Middlesex Avenue – Map 88 Parcel 13
Michael Elia, Applicant**

A request to waive Site Plan Review was received.

PRESENT IN INTEREST – Michael Elia.

MATERIALS CONSIDERED:

PLAN "Site Plan, Assessors Map 88, Parcel 13 & 14" dated February 6, 1985 and last revised October 13, 1995

LETTER from Michael Elia dated April 27

V. Gingrich said the Board of Health is requiring the applicant to have more re Fridgeration. She said he is going before the Conservation Commission tomorrow. M. Sorrentino asked about the new fence. M. Elia told the Board a 6' fence will be installed. V. Gingrich suggested when doing the pad, all work should be done at the same time. M. Sorrentino asked if the refrigerator will be on the outside pad and M. Elia explained the plan. R. Holland asked if there

are two doors located at the loading dock. M. Elia explained to the Board how he receives his deliveries.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review and filing fees for 381 Middlesex Avenue. The project involves adding a 10'x22' concrete pad in a portion of the lot that is already paved. The concrete pad will be built to match the height of the present dock area. The two dumpsters that are now located where the pad will be built, will be moved to the end of the new concrete pad.

Request to waive Site Plan Review for 188 Main Street - Map 44 Parcel 177 – James Murray, Applicant

A request to waive Site Plan Review for 188 Main Street was received.

MATERIALS CONSIDERED:

LETTER from James Murray dated April 28, 2016

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review and filing fees for 188 Main Street, Suite 201A. The project involves converting 1,023 sq.ft of office space into 1,023 sq.ft. of personal service for a professional beauty salon. There will be no exterior work performed at the property.

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

VOTED: To adjourn the meeting at 9.30 p.m.

NEXT MEETING is June 7, 2015

Respectfully submitted,



Cheryl Licciardi
Recording Clerk