



TOWN OF WILMINGTON
BOARD OF APPEALS

NOTICE OF HEARING

Case: 20-16

Applicant: Town of Wilmington

Location 135 Andover Street Map R1 Parcel 3

A public hearing will be held at: Town Hall, 121 Glen Road, Room 9

Date: August 10, 2016

Time: 7:00 p.m.

Request: To acquire a variance from Standard Dimensional Regulations Table II §5.2.5 to replace to underground fuel storage tanks (underground tanks were originally built under §5.3.1) with two new aboveground fuel storage tanks, 17.5 feet from the lot line when 25 feet is required.

Wilmington Board of Appeals

RECEIVED
TOWN CLERK

2016 JUL 13 PM 3:02

TOWN OF WILMINGTON, MA

TOWN OF WILMINGTON
BOARD OF APPEALS

CASE #: 2016

APPLICATION FOR HEARING

LOCATION: 115 Andover St / 135 Andover St, Wilmington, MA 01887 LOT AREA: 105.37 Acres

ASSESSOR'S MAP # : R1	PARCEL # : R1-3	ZONING DISTRICT: R60	GWPD <input checked="" type="checkbox"/>
-----------------------	-----------------	----------------------	--

APPLICANT: Wilmington Department of Public Works - Jamie Magaldi TELEPHONE #: 978-658-4481

ADDRESS: 135 Andover St, Wilmington, MA 01887

OWNER'S NAME: Town of Wilmington, MA TELEPHONE #: 978-658-3311

ADDRESS: 121 Glen Rd, Wilmington, MA 01887

AS OWNER OF THE SUBJECT PROPERTY, I HEREBY AUTHORIZE THE ABOVENAMED APPLICANT TO ACT ON MY BEHALF IN ALL MATTERS RELATIVE TO THIS APPLICATION.

D. Jeffrey M. Hull
TOWN
Signature of Owner

Deed to the property is recorded in the Middlesex Registry of Deeds:
(This information must be provided and can be found on the property tax bill or the Assessor's online database.)

BOOK 00761 PAGE 0109 DATE 03/30/1928 Land Is Registered

CERTIFICATE NO. _____ BOOK _____ PAGE _____ DATE _____

LAND COURT PLAN NO. _____ BOOK _____ PAGE _____ DATE _____

NATURE OF YOUR REQUEST

- Special Permit
- Variance - Explain Hardship: See attached Page
- Appeal IOB Decision (REQUIRED) _____
- Amend _____
- Other _____

ZONING BYLAW SECTION: 5.2.5 side yard set.
5 Dimensional Regulations, 5.3.1 Setback of Structures

PROVIDE A WRITTEN DESCRIPTION OF THE PROPOSED WORK/ACTIVITY.
See Attached

Signature of Applicant/or representative *[Signature]*



TOWN OF WILMINGTON
DEPARTMENT OF PUBLIC WORKS
Engineering Division
(978) 658-4499

July 13, 2016

Zoning Board of Appeals
121 Glen Road
Wilmington, MA 01887

Subject : **Variance Request**
Aboveground Fuel Storage Tank
135 Andover Street, DPW Garage Facility

Dear Board Members:

On behalf of the Town Department of Public Works, please accept the enclosed application and supporting documentation for consideration of a variance from the Town's Zoning Bylaw Section 5.3.1 *Setback of Structures*. The Wilmington Department of Public Works is proposing to replace two (2) underground fuel storage tanks with two (2) new aboveground fuel storage tanks. The above ground storage tanks are considered a structure and, as proposed, will require a variance from the 25 FT (minimum) property line setback zoning requirement. The above ground storage tanks are proposed within the same general area as the existing tanks for numerous reasons outlined in the attached Memorandum.

Enclosed please find the following information for your review:

1. Completed Application for Hearing – Town of Wilmington Zoning Board of Appeals Variance Request;
2. Memorandum prepared by Weston and Sampson, Inc., dated July 12, 2016. RE: Variance Hardship Summary;
3. Plan Set prepared by Weston and Sampson, Inc. (3 sheet set, reduced to 11x17)
4. Certified list of Abutters

Please feel free to contact the Engineering Division at 978-658-4499, if you have any questions regarding this matter.

Thank you for your consideration.

Paul M. Alunni, PE
Town Engineer

engineering, energy,
planning, permitting,
design, construction,
operation, maintenance

Five Centennial Drive
Peabody, MA 01960-7985
tel: 978-532-1900 fax: 978-977-0100
www.westonandsampson.com

Weston&Sampson[®]

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Jamie Fair, PE, Weston & Sampson
CC: Jamie M. Magaldi, PE, MCA, Wilmington Department of Public Works
DATE: 7/12/2016
SUBJECT: Wilmington, MA DPW UST Removal and Replacement Project
ZBA Variance Hardship Summary

The Town of Wilmington is proposing to replace two (2) 10,000 gallon underground storage tanks with two (2) new 10,000 gallon double-walled 2-hour fire rated, UL 2085 listed, aboveground storage tanks. This will be a significant improvement, as the site is located within the Town's Groundwater Protection District, and aboveground tanks are significantly less susceptible to leaking in comparison to underground tanks. The USTs were installed in August 1986, and are due to be removed and replaced, as they will be 30 years old next month.

The new aboveground tanks are proposed to be located in the same area as the existing underground storage tanks, which is approximately 25 feet away from the existing fuel island and approximately 17.5 feet away from the northern side property line. This proposed location is within the Town's 25 foot property line setback and the NFPA 30A 25 foot setback from a lot line that can be built upon. As shown in the attached plans, the new aboveground tanks will be the same distance from the property line as the existing underground tanks (approximately 17.5 feet). Due to the site layout and configuration, the only other place that the tanks can be placed, that is outside of the property line setback, would be in an area to the west of the main DPW building, located approximately 120 feet away from the existing fuel island, see attached proposed plan.

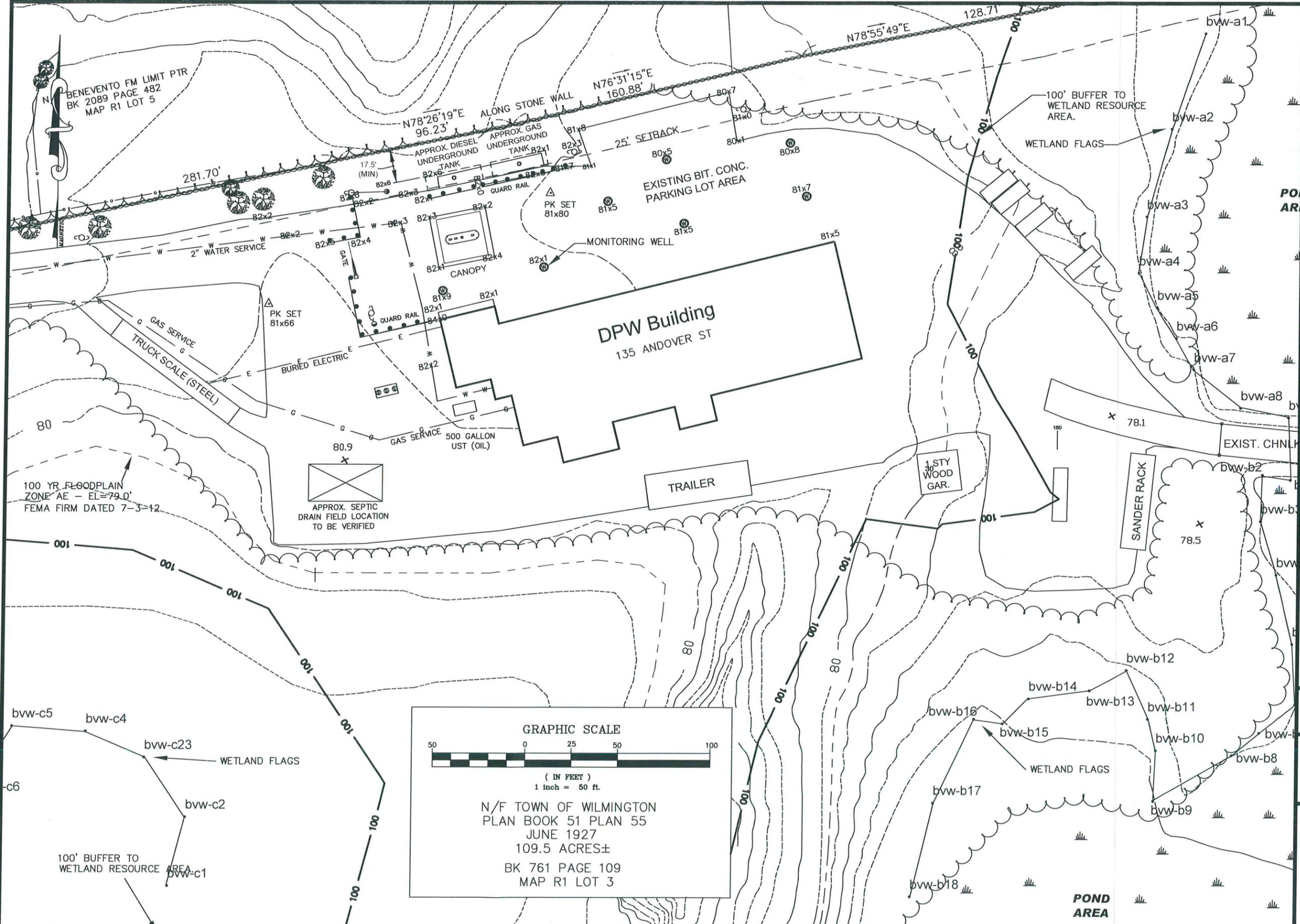
This alternate location is not preferred because it will require significantly more underground fuel piping, increasing the risk of a potential fuel leak, and because it will significantly increase the cost of the work, estimated to be on the order of \$35,000 or more. For these reasons, placing the new aboveground storage tanks in the same location as the existing underground storage tanks minimizes environmental impact and economic burden on the Town. In addition, the setback variance request is consistent with Massachusetts General Law (MGL), Chapter 40A, Section 10, which states the following:

"with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law..."

Installing the new aboveground fuel tanks farther away from the fuel island would significantly increase the length of underground fuel piping, placing substantial hardship on the Town due to the

increased risk of a leak from the piping, which would degrade the soil quality and potentially the Town's drinking water supply. The additional pipe would also place a financial hardship on the Town due to the project cost increase, estimated at \$35,000 or more.

Based on the above, we believe granting a variance from the property line setback for the new above ground tanks will be the most protective option for the soil/groundwater, is significantly less expensive, and is consistent with MGL, 40A, Section 10.



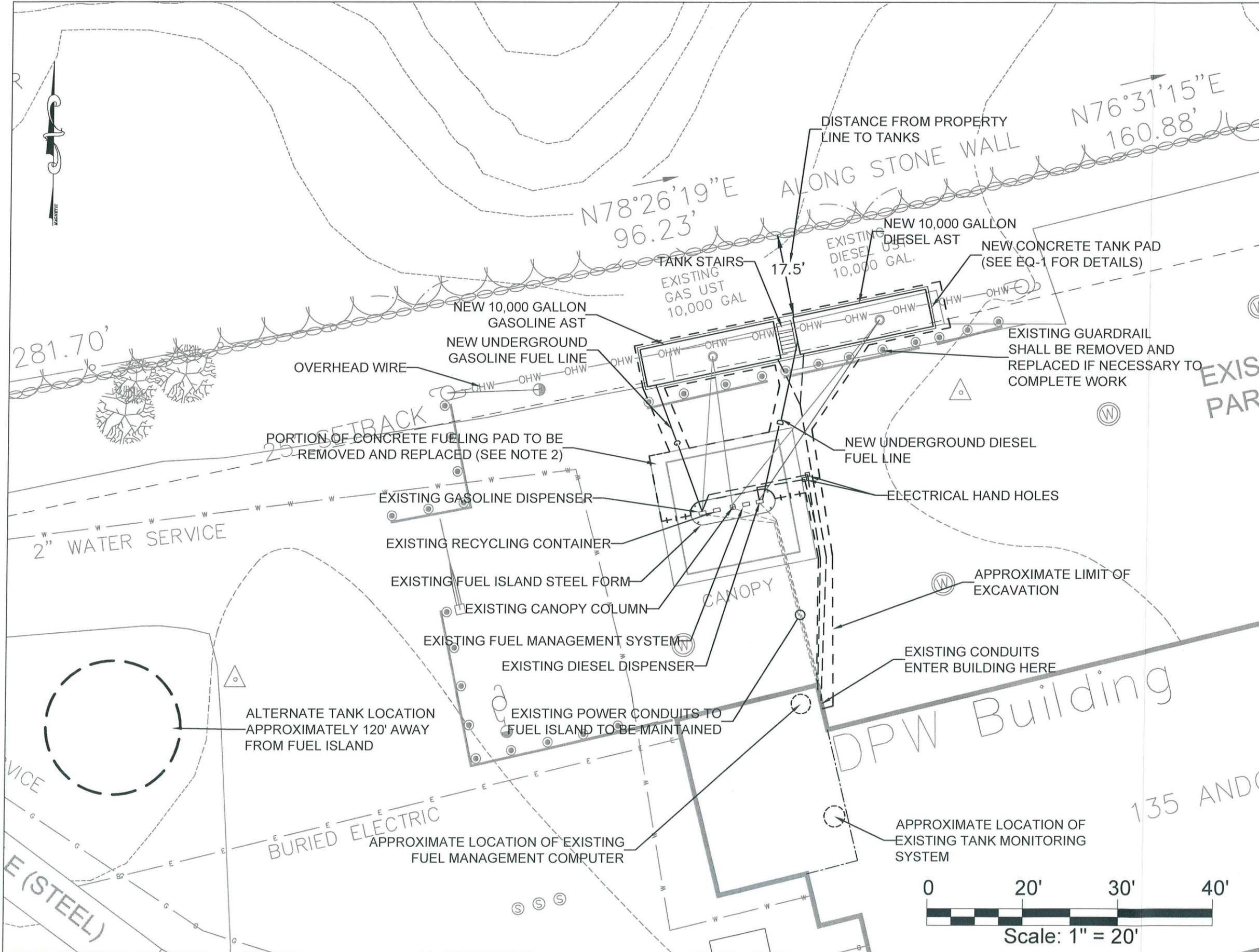
SURVEY: AL,WH
 DRAWN: AP,WH
 CHECKED: AP,DO
 SCALE: 1"=50'

#135 ANDOVER STREET
 DPW SITE PLAN
 EXISTING CONDITIONS
 AUGUST 2012

SITE
S~1

SHEET
C-1

GRAPHIC SCALE
 (IN FEET)
 1 inch = 50 ft.
 N/F TOWN OF WILMINGTON
 PLAN BOOK 51 PLAN 55
 JUNE 1927
 109.5 ACRES±
 BK 761 PAGE 109
 MAP R1 LOT 3



WILMINGTON DPW
FUEL SYSTEM

WILMINGTON, MASS.
INCORPORATED 1730

UST REMOVAL AND
REPLACEMENT

Weston & Sampson

5 Centennial Drive Peabody, MA
(617) 412-4480 (800) Sampson
www.westonandsampson.com

ZBA VARIANCE

Date: July 1, 2016

Scale:

Drawn By: TJC

Reviewed By: JRF

Checked By: JRF

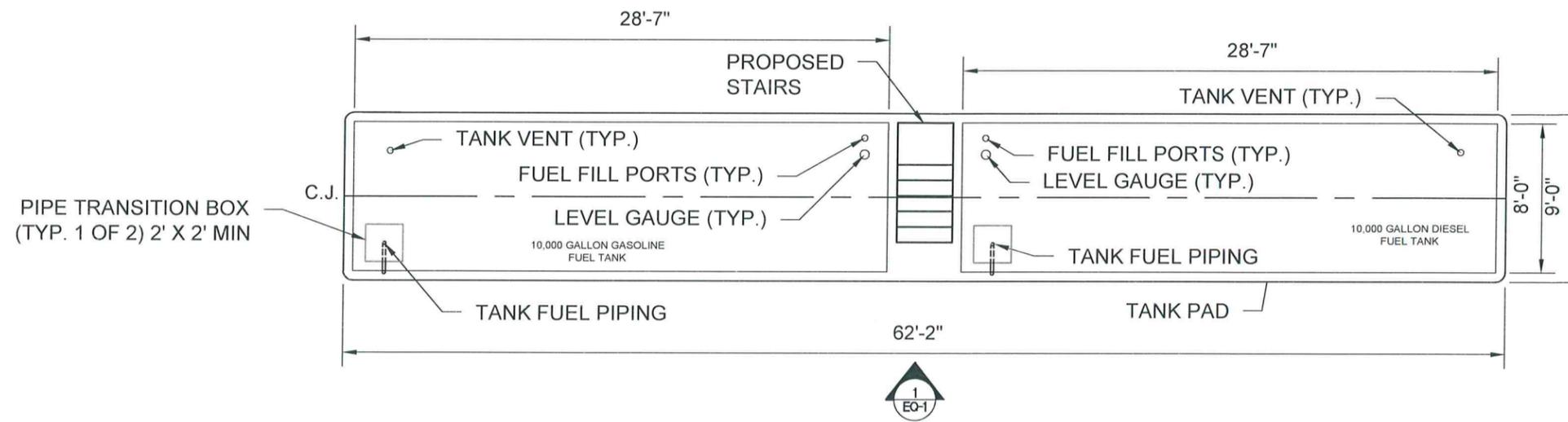
Approved By: JRF

Drawing Title:

PROPOSED CIVIL SITE PLAN

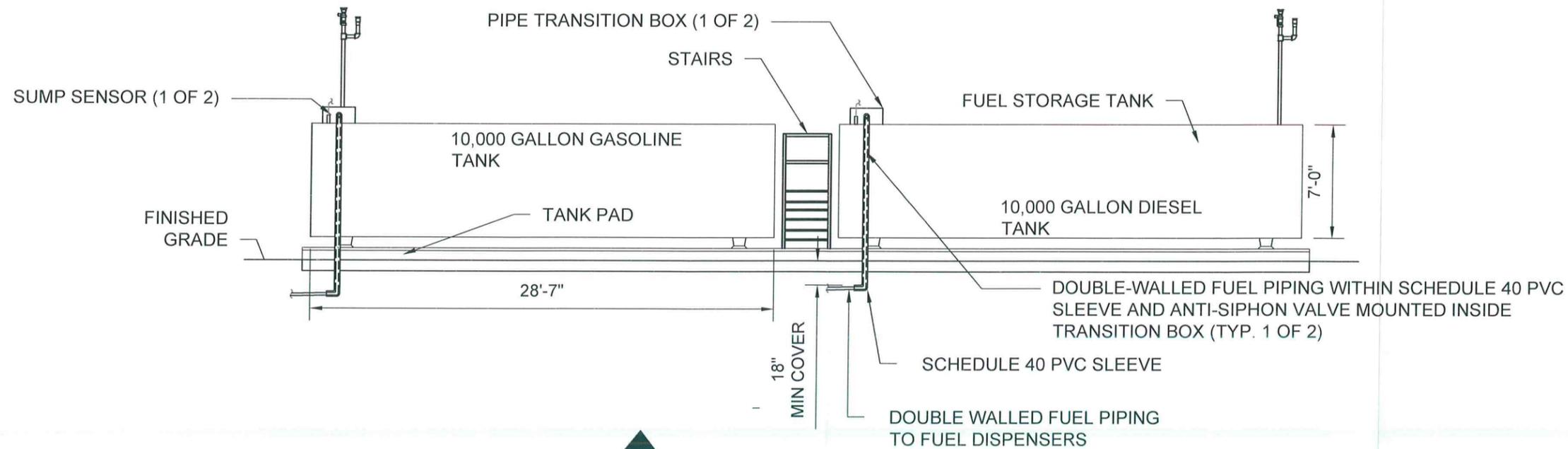
Sheet Number:

C-2



NEW ABOVEGROUND STORAGE TANK PLAN

SCALE: 1/4" = 1'-0"



AST ELEVATION

SCALE: 1/4" = 1'-0"



WILMINGTON DPW
FUEL SYSTEM



UST REMOVAL AND
REPLACEMENT

Weston & Sampson

5 Centennial Drive Peabody, MA
(617) 412-4480 (800) Sampson
www.westonandsampson.com

ZBA VARIANCE

Date: July 1, 2016

Scale:

Drawn By: TJC

Reviewed By: JRF

Checked By: JRF

Approved By: JRF

Drawing Title:

**FUEL TANKS
PLAN AND
ELEVATION**

Sheet Number:

EQ-1