

Town of Wilmington
Board of Appeals
Minutes – April 12, 2017

The Board of Appeals held a meeting in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA. The meeting was called to order at: 7:00 p.m. Edward Loud, Daniel Veerman, Thomas Siracusa and Jacquelyn Santini were present.

The next regularly scheduled Board of Appeals meeting will be May 10, 2017, at 7:00 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.

The Board reviewed and approved the minutes from March 8, 2017.

The Chairman informed all present that where only four (4) members were present to hear cases then any applicant had the option to request that their case be continued until such time as all five (5) members of the Board were present. The Chairman described the different voting and approval requirements for a four (4) member and a five (5) member Board.

Case 9-17 Global Montello Group c/o M. Newhouse Map 71 Parcel 3,4,5

To acquire a Special Permit in accordance with §3.5.5 General Service Restaurant, for property located on 102-104 West Street.

Case 10-17 Global Montello Group c/o M. Newhouse Map 71 Parcel 3,4,5

To acquire a Special Permit in accordance with §3.5.4 Limited Service Restaurant, for property located on 102-104 West Street.

Case 11-17 Global Montello Group c/o M. Newhouse Map 71 Parcel 3,4,5

To acquire a Special Permit in accordance with §3.5.14 Auto Service/Car Wash, for property located on 102-104 West Street.

Attorney Michael Newhouse represented Global Montello Group, along with consultant Michael Caira. Present for Global were, Larry Strain, Kevin Doyle, Alan Roscoe, Stacey Hickey and Rebecca Brown. Chairman Edward Loud let the applicants know that there were only four members present and any decision by the Board had to be unanimous. They agreed to proceed. Michael Newhouse gave a summary of the project. The property stretched from 100 to 104 West Street and contained 4.62 acres of land in a General Business Zone. They have decided

not to connect to sewer and would be constructing septic systems. They are proposing two buildings, the front building, 4,820 square feet, would have the gas pumps in front and would be Phase 1. The second building, 3,000 square feet, would be Phase II and they do not have a time frame for when construction would begin. Alan Roscoe gave a presentation of how the site would be used. They are proposing two driveways on West Street and one in only driveway on Lowell Street. They have not applied to Planning for Site Plan Review nor the Conservation Commission to address the wetlands on the property. Rebecca Brown went over her traffic study but no formal Traffic report was submitted. Edward Loud mentioned that this intersection was graded "F". It was explained by Rebecca that it would still be an "F" with a plus. They wanted to widen West Street in front of this property to get additional stacking for the light at the intersection. They went over trip counts, busy times, added wait times, etc. The following abutters and interested parties made comment: Gary DePalma, Bonnie Mounsey, Charles Benson, Robert Peterson, Jim Miceli, Barbara Calla, Steve Mauriello, Janice Ruggiero, Bart Zaino, Michelle Conde, Shannon Cole, Robin Anderson, Christina Portillo, Bob Surran, Nancy Murphy, Joyce Butler, Michael Bodnar, Anthony DiFraia, Lisa Randell, Ken Cram, Michelle Demeo, Pam Daigle and Gail Marlowe. All the abutters objected to this proposal for these reasons: Intersection was an "F" and would remain so. There were enough gas stations, dunkin donuts, sub shops and pizza places in Town. This was directly off the highway and would become a "truck stop". The residential area was surrounded by an apartment complex, storage facility, industrial zone, daycare facility, assisted living complex and a 24 hour gas station, dunkin donuts, subway and convenience store. They talked about the crime in the neighborhood, break-ins to the residential homes, the drug problem at the 24 hour gas station and the numerous traffic accidents at this intersection. Robert Peterson stated that this was a preposterous proposal and he didn't recall the Board ever making a decision on a Special Permit before Site Plan Review was completed. Jim Miceli has been in contact with the department of Transportation and this intersection with Route 93 will not be re-constructed anytime soon. The neighbors also talked about the noise of the additional traffic going in and out of the site, the lights that would be on 24 hours a day, the smell of gasoline coming from the pumps and that the proposal was of no benefit to the neighborhood. There are no sidewalks on West Street or Lowell Street and this is a safety hazard to the residents and their children. Michael Newhouse and Michael Caira explained that this would not be a "truck stop", it is not a destination use but a pass by use. The zoning allows some uses by right and the neighbors would have no avenue to address their concerns. Edward Loud stated that he could not vote on the Special Permits until,

Site Plan Review was complete, a traffic report was compiled and completed, some kind of noise study was done and some kind of report from the Police Chief on the crime/drug use presently at this intersection. He gave the applicant the option of withdrawing or continuing the hearing. Daniel Veerman's main concern was what potentially could go on this site by right and the neighbors should consider all options. Daniel Veerman made a motion to continue to June 14, 2017, Thomas Siracusa seconded. Voted unanimously.

Case 12-17

Michael Welch

Map 35 Parcel 15

To acquire a Special Permit in accordance with §6.1.6.4 (to demolish and reconstruct a single family dwelling meeting all setback requirements, except the side yard along a right of way) for property located on 15 South Street.

Attorney Michael Newhouse was present along with Michael Welch. He is proposing to demolish an existing nonconforming dwelling and rebuilding a new dwelling meeting all the setback requirements except for the front yard setback along the right-of-way. The Planning Board recommended approval. No abutters made comment. Jacquelyn Santini made a motion to approve the Special Permit in accordance with to demolish and rebuild a dwelling meeting all the setback requirements except the side yard along a right-of-way, as presented, no more detrimental to the neighborhood than the existing nonconforming dwelling, Thomas Siracusa seconded. Voted unanimously.

Case 13-17

Michael Welch

Map 34 Parcel 78

To acquire a Special Permit in accordance with §6.1.6.4 (to demolish and reconstruct a single family dwelling 44 feet from the front yard on Bernstein Road and 30 feet from the front yard on Pomfret Road) for property located on 2 Bernstein Road.

Attorney Michael Newhouse was present along with Michael Welch. He is proposing to demolish and reconstruct a dwelling 44 feet from Bernstein and 30 feet from Pomfret Road. This is an R60 zone and a 50-foot setback is required. The Planning Board recommended approval. A letter was submitted from abutter, Gaetano Mirabella in favor of the proposal. Abutter Steve and Karen Mauriello had a concern about a safety vehicle not being able to make the turn onto Pomfret

from Bernstein Road because of the utility pole close to the road. Jacquelyn Santini made a motion to approve the Special Permit in accordance with §6.1.6.4 to demolish and reconstruct a single family dwelling 44 feet from Bernstein Road and 30 feet from Pomfret Road, as presented, no more detrimental to the neighborhood than the existing nonconforming dwelling, Thomas Siracusa seconded. Voted unanimously.

Case 14-17

Michael & Sharon Capasso

Map 44 Parcel 85

To acquire a Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located on 20 Baker Street.

Michael Capasso was present along with Bob Griffin. This lot is in the Ground Water Protection District. The proposed addition will exceed 23% impervious surface. They will add a 500 square foot drywell to accommodate the ground water runoff. The Town Engineer recommended approval. The Planning Board recommended approval. No abutters made comment. Jacquelyn Santini made a motion to approve the Special Permit in accordance with §6.6.7.7 Ground Water Protection District, as presented, Daniel Veerman seconded. Voted unanimously.

Motion to adjourn at 10:10 p.m. by Daniel Veerman, seconded by Edward Loud. Voted unanimously.



Recording: Toni La Rivee, Secretary
Board of Appeals