

Town of Wilmington
Board of Appeals
Minutes – February 14, 2018

The Board of Appeals held a meeting in Auditorium at the Town Hall, 121 Glen Road, Wilmington, MA. The meeting was called to order at: 7:10 p.m. Daniel Veerman, Anthony Barletta, Thomas Siracusa, Jacquelyn Santini and Raymond Lepore were present.

Continued from 12/20/201

Case 28-17

Michael Welch

Map 54 Parcel 41

To acquire a Special Permit in accordance with §6.1.6.4 (to demolish a single story dwelling and construct a two-story dwelling, 8 feet from the side yard lot line, 7 feet from Glen Road and 12 feet from Rhodes Street) for property located on 95 Glen Road.

List of documents submitted.

Jackie Welch submitted a new plot plan along with new dwelling elevations. She requested a continuance to March 14, 2018. Raymond Lepore made a motion to continue to March 14, 2018, Jacequelyn Santini seconded. Voted unanimously.

Case 4-18

Ida B. Elfman F. T. c/o Phil Taylor, Esq.

Map 26 Parcel 70

To acquire a Special Permit in accordance with §6.1.6.4 (to construct a second floor addition to an existing nonconforming structure) for property located on 827 Main Street.

Case 5-18

Ida B. Elfman F.T. c/o Phil Taylor Esq.

Map 26 Parcel 70

To acquire a variance from Standard Dimensional Regulations (Table II) §5.2.5 for an addition 5.8 feet from the side yard lot line when 20 feet is required for property located 827 Main Street.

Attorney Phil Taylor was present for the applicant. He stated that the existing home was a four room, one story nonconforming structure. He wants to construct a second floor addition for storage, at this time. The roof needs to be replaced and the owner would like to do the construction all at once. There will be a 2 foot

overhang to the rear of the dwelling where the existing deck is located. This will be cantilevered so that supporting beams can be placed supporting the second floor addition. The proposed 7x 14.5 addition to the front encroaches into the side yard setback and requires a variance. This addition is to bump out the living space and add a stairway to the second floor. Daniel Veerman asked Attorney Taylor to articulate the hardship. He stated the unique shape of the lot - it narrows towards the front of the lot. It was configured this way when the lot was subdivided with existing dwellings located on the lot. Soil conditions - the septic system can only go at this location. Daniel Veerman explained that the septic system was not a hardship in the soil conditions criteria. Anthony Barletta explained that if the addition was cut back by 1.2 feet, the need for a variance would go away and he could come under the special permit criteria. No abutters made comment. The Planning Board recommended disapproval. Jacquelyn Santini and Anthony Barletta were not in favor of the variance but had no problem with the special permit request. Raymond Lepore stated that no abutters objected and he had no problem with the variance request. Anthony Barletta suggested that a new plan be submitted before the Board made a decision, Thomas Siracusa agreed. Jacqueline Santini made a motion to continue both cases to March 14, 2018, Thomas Siracusa seconded. Voted unanimously.

Case 6-18

Michael Camoscio

Map 90 Parcel 93

To acquire a Special Permit in accordance with §6.1.6.4 (to construct a second floor addition to an existing nonconforming structure 24 feet from the front yard lot line when 24.4 feet is required, sec §5.3.1 average of adjoining lots) for property located on 19 Dorothy Avenue.

Michael Camoscio was present and stated he wanted to construct a second floor to the existing dwelling and add a two-car garage. He had the average front yard setback calculated out, 24.4 feet and one corner of the dwelling was too close to the front lot line. The Planning Board recommended approval. No abutters made comment. Jacquelyn Santini made a motion to approve the Special Permit to construct a second floor addition 24 feet front the front yard lot line when 24.4 feet is required, no more detrimental to the neighborhood than the existing nonconforming dwelling, Raymond Lepore seconded. Voted unanimously.

Case 7-18

Bettering LLC

Map 89 Parcel 6A

To acquire a Special Permit in accordance with §3.4.6, 6.1.3 and 6.1.4 to construct a forty-eight (48) bed rehabilitation facility over the site of the razed building for property located on 362 Middlesex Avenue.

List of documents submitted.

Copy of memo to Al Spaulding, Building Commissioner
Fact sheet - Medical SUD Treatment

Attorney Mark Bobrowski and Ben Osgood, Engineer were present for the applicant. He submitted the above listed documents. He went over the fact sheet and what they were planning to construct on the site. He stated that this was just a preliminary meeting and he would be applying to Site Plan Review and do the whole process together and when it was completed to everyone's satisfaction, the Board would rendered its decision. The applicant agreed to waive any objection to continuances until the project went through site plan and all the town boards before being voted on at the ZBA and also waived all rights to constructive approval. He further stated that he would be doing a Traffic Report and he showed, the submitted plan, a plan meeting all the requirements of the special permit criteria and a plan, with potential waivers from the Planning Board that he would like to see constructed. Raymond Lepore stated that he had check out the property and the existing septic systems on the site and he wanted to see what kind of system was being proposed for the 48 beds and cafeteria. Attorney Bobrowski stated that all this would be forthcoming in the coming months. He was cognizant of the fact that this was just the start of the project and review. Daniel Veerman asked the applicant if the entire center could give Wilmington residents in need preference in treatment, and also asked the applicant to check to see whether the local authorities could be notified if a patient were to leave before their treatment was completed, and if HIPPA regulations would prevent this, even if a patient were to consent to releasing said notification. Anthony Barletta wanted to know what other uses for the site were considered. Ben Osgood stated that he had been working on this project for eight to nine months. Raymond Lepore, Thomas Siracusa and Jacquelyn Santini felt that there was not enough information given with the application. Chairman Veerman repeatedly

cautioned the audience and other members regarding using anecdotal experiences and prejudicial references regarding substance abuse detox centers as well as blanket statements about crime and repeatedly warned about staying on topic and discussing issues germane to the application. He repeatedly ruled individuals out of order and prevented such statements from being cited and considered. The following abutters made comments: Adam Hecht, Jeff Wood, Kim McNely, Joe Byrnes, Kelly Richards, Jerry Bruno, Jenny Charbonnier, M. J. Byrnes, Adriana Reguera, Kevin Brander, Susan Rogers, Curtis Gifford, Jackie Rubeiro, Tricia Xavier, Karl Sagal, Francis LeFleur, Michael McCoy, Dave Robertson, Michael Shay, Frank West, Ted Hurley and Theresa Fallon. Most were in favor of a Detox Facility but not at this site. Further questions that were asked: School study - effects this site might have to the High School. Security Plan - What was the proposed plan and what level of security would be in place. Traffic Study - keep in mind the grade crossing at the RR tracks. In 1997 a 21E was done at the site, will a new one be done, are there any buried tanks? No sirens at night - bus stop for school was a few yards away. What would the security be off-site and what would the elevations of the building be. Could the septic system have parking on top of the septic and what kind of chemicals would be used on site and go into the septic. Adriana Regura submitted a letter indicating that this type of treatment was not effective and Dr. Sarah Wakeman, Medical Director of the Substance Use Disorders Initiative at MGH stated "the only treatment proven to cut the death rate by half or more and the one that reduces the risk of relapse the most is not a bed in a rehab facility but long term outpatient treatment. A motion to continue to Wednesday, April 25, 2018 was made by Thomas Siracusa, Jacquelyn Santini seconded. Voted unanimously.

The Board reviewed and approved the minutes from December 20, 2017 and January 10, 2018.

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

Motion to adjourn at 11:30 p.m. by Anthony Barletta, seconded by Jacquelyn Santini. Voted unanimously.


Recording: Toni La Rivee, Secretary
Board of Appeals