

Town of Wilmington  
Board of Appeals  
Minutes – June 14, 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. Daniel Veerman, Thomas Siracusa, Jacquelyn Santini and Raymond Lepore were present.

*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.*

It was discussed that the August 9, 2017 would be cancelled and rescheduled for August 16, 2017.

The next regularly scheduled Board of Appeals meeting will be July 12, 2017, at 7:00 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.

Requesting a continuance to August 9, 2017.

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 submitted a letter requesting the three cases be continued to the hearing on August 9, 2017. Raymond Lepore made a motion to approve the continuations of three cases to the new scheduled meeting on August 16, 2017, Jacquelyn Santini seconded. Voted unanimously.

NEW

Case 19-17

James Smith

Map 21 Parcel 8B

To acquire a Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located 3 Cushing Drive.

James Smith was present and stated that he wanted to install an aboveground pool. He is meeting the setback requirements but he is in the Ground Water Protection District and over the 15% impervious. He will be adding additional infiltrators to the existing infiltration system. No abutters made comment. The Planning Board recommends approval. Raymond Lepore had looked at the proposed plan and stated the infiltrators were good. Jacquelyn Santini made a motion to approve the Special Permit in accordance with §6.6.7.7 Ground Water Protection District, Thomas Siracusa seconded. Voted unanimously.

Case 20-17

Michael Welch

Map 88 Parcel 93

To acquire a variance from Standard Dimensional Regulations (Table II) §5.2.3, to construct a new dwelling on a lot having insufficient lot width for property located on 5 High Street.

Michael Welch was present along with Attorney Michael Newhouse. He wants to construct a single family dwelling on a portion of 7 High Street, Lot 39. This lot complies with all setback and dimensional requirements except for lot width. The lot width requirement was added to the Zoning Bylaws on May 16, 1983 and this lot was created in 1938. Attorney Newhouse articulated the hardship - shape of lot, unique, the other lots in the neighborhood are square and meet the width requirement but have the required area and frontage. Raymond Lepore asked where the driveway would be located, it was right on the corner of Middlesex Avenue and High Street at the traffic lights and could an easement be created on the 7 High Street lot for access to the new lot. Attorney Newhouse explained that they would be proposing the driveway on Middlesex Avenue with Mass DOT. Abutters Paul Pricop, John Liston and John Gerhartz were opposed to the variance because of the driveway location being dangerous to come and go at this lot. A smaller house would fit better but the entering and exiting from this lot was not safe at this intersection and a large house would have a negative impact on Mr.

Liston property and shade his yard. Attorney Michael Newhouse heard and appreciated the neighbor's concerns, but sunlight is not at issue here and this lot meets the criteria of the Bylaw except for the width. The Planning Board recommended disapproval, no hardship and concerns about roadway and driveway safety. Attorney Newhouse felt that he had established a hardship and reminded the Board that the lot was established in 1938. The owner of the property, Alkhan Ruscamov stated that he had been exiting from this side of the property for many years. When the intersection and sidewalks were reconfigured, they blocked the driveway that had existed for many years. Daniel Veerman did not agree with the Planning Board and felt the applicant had articulated a hardship. Jacquelyn Santini, Thomas Siracusa and Raymond Lepore had concerns with the driveway location. Jacquelyn Santini made a motion to continue the hearing to July 12, 2017, so that the applicant could come back with the plan, which would be submitted to Mass DOT, showing the driveway location, Raymond Lepore seconded. Voted to continue to July 12, 2017.

Thomas Siracusa made a motion to put in a formal request to the Town Manager that he procure copies of Mark Bobrowski, Handbook of Massachusetts Land Use and Planning Law for each member of the Board of Appeals, Raymond Lepore seconded. Voted unanimously.

Motion to adjourn at 8:30 by Jacquelyn Santini, seconded by Thomas Siracusa. Voted unanimously.

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Recording: Toni La Rivee, Secretary  
Board of Appeals