

Town of Wilmington
Board of Appeals
Minutes – April 13, 2016

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. Charles E. Boyle, Edward Loud, Daniel Veerman, Anthony Barletta and Thomas Siracusa were present.

The next regularly scheduled Board of Appeals meeting will be May 11, 2016, at 7:00 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.

Requesting a continuance to June 8, 2016

Case 7-16	Mapvale LLC	Map R2 Parcel 7C
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To acquire a Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located on 196 Ballardvale Street.

Case 10-16	Mapvale LLC	Map R2 Parcel 7C
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To acquire a Special Permit in accordance with §3.5.1.1 Retail Store under 30,000 s.f. for property located on 196 Ballardvale Street.

Ryan Bianchetto submitted a letter requesting both cases be continued to June 8, 2016. Edward Loud made a motion to continue to June 8, 2016, Daniel Veerman seconded. So voted.

Continued from January, 2016

Case 20-15	Tresca Brothers	Map 38 Parcel 3A & B
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To acquire a Special Permit in accordance with §3.6.6 Manufacturing use in a General Industrial Zone for property located on 90 Eames Street.

Case 21-15	Tresca Brothers	Map 38 Parcel 3A & B
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To acquire a Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located on 90 Eames Street.

Attorney Scott Spears was present and reviewed the Peer review-tailgate slamming and additional mitigation. Alex Rothchild submitted a summary of the Peer Review, and what mitigation they would be proposing. Scott Spears re-

iterated that they would meet the sound requirements under DEP regulations, they could not exceed the limit of standards and also, a post startup testing would be implemented to verify sound levels. Eric Wood from Acentech was present to answer any questions the Board might have regarding the noise peer review. There was much discussion between the Board, Eric Wood, Alex Rothchild and Scott Spears. Attorney Lipkin requested by email a copy of the Cadna files from Arcadis and re-iterated his request. After some discussion between the Board, Attorney Spears and Attorney Lipkin, Charles Boyle ruled that this material would not be furnished to Tocci. The objective of the Peer Review was to review the peer review done by Arcadis, the rebutted review done by Tocci and the proposed mitigation by Arcadis. Anthony Barletta felt that the Peer Review done by Acentech need to go further and it would be irresponsible to accept the acoustic analysis without completing the peer review. Attorney Spears asked the Board to articulate exactly what they wanted to complete the review. Anthony Barletta made a motion to continue the cases to allow the peer review by Acentech to complete his review with the information that was supplied to him by Alex Rothchild and get back to the Board on June 8, 2016, Thomas Siracusa seconded. Voted to continue to June 8, 2016.

New

Case 5-16

John Mangano

Map 55 Parcel 252

To acquire a Special Permit in accordance with §6.1.6.4 to increase a nonconforming structure (to demolish and construct a new dwelling no closer than the existing dwelling, 17 feet from the front lot line, 7 and 8.4 feet from the side lot lines) for property located on 100 Maplewood Avenue.

John Mangano was present along with Kristen Costa. They want to demolish the existing nonconforming dwelling and rebuild a new dwelling 14.4 ft. from the front, 7 ft. from one side, 8.4 ft. from the other side. The existing lot has 4, 284 s.f. of area in an R10 zone. Kristen submitted photos of other dwelling in the area. Abutter Jean Levitt asked what would be done about the leaning tree on the property and Mr. Mangano stated he would remove it. Dennis Bourrell asked about the height and style of house as most of the dwelling in the neighborhood were ranches. John Stevens asked if the rodents would be taken care of at the time of demolition and Mr. Mangano said yes. Anthony Barletta was concerned about the height of the proposed house and the discrepancy between the plan and plot plan. Edward Loud made a motion to grant the Special Permit in accordance with §6.1.6.4 to demolish and construct a new dwelling no closer than the existing dwelling, 17 feet from the front lot line and 7 and 8.4 feet from the side lot lines, with the stipulation, no more than five stairs at the front entrance, Thomas Siracusa seconded. Voted unanimously.

To acquire relief from MGL, Ch 41, Section 81E for the issuance of a permit for the erection of a building on a lot not in a subdivision approved under the subdivision control law and on a lot not on a way placed on or made part of the Official Map for property located on 8 Dunton Road.

Attorney Jill Mann was present for the applicant. She stated that the existing dwelling was built in 1945, the Town voted in the Official Map in 1973, and Subdivision in 1953. Dunton Road is not on the Official Map and she was requesting relief under §81Y to construct a roadway from Grand Street through the frontage of the property. The proposed dwelling would meet all the dimensional requirements of the Bylaw, the water main has been installed and a fire hydrant will be placed in front of this property. Abutters Ken Lifton, Michelle Drazdowski and Gene Sutherland had questions about the roadway, required setbacks and the balance of the unpaved portion of Dunton Road. The Board read a 4 page email from Joanne Cavallaro but felt that most of the questions were answer in the presentation by Attorney Mann. Edward Loud made a motion to allow relief from MGL, Ch 41, Section 81Y for the issuance of a permit for the erection of a building on a lot not in a subdivision approved under the subdivision control law and on a lot not on a way place on or made part of the Official Map, Thomas Siracusa seconded. Voted unanimously.

To acquire a Special Permit in accordance with §4.1.9 for a carnival to run from June 30, 2016 through July 3, 2016, for property located on 140-150 Middlesex Avenue.

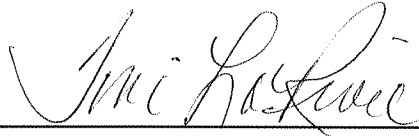
Daniel Veerman recused himself from the entirety of the discussion on the application, as well as abstaining from the vote. He left the room prior to the beginning of the hearing and did not return.

Town Manager, Jeff Hull was present and stated that an RFP for the carnival went out to five vendors with an April 20, 2016 deadline. The Town tried to address as many of the issues that came up at the prior hearing with the 4th of July Committee which was denied. The scaled down the days from five to four, the hours of operation to 9 hours less, the rides between 12-14, with at least eight kiddie rides and 2 adult rides, 12 concessions and games, subject to Town review and approval. Layout would meet Fire and Police approval, School Street and a portion of Middlesex Avenue would be closed to all but residents. Edward Loud asked if the Police was still committed to extra officers and Chief Begonis said yes. Anthony Barletta felt this was a very positive proposal making it a smaller, community event. Thomas Siracusa asked what is the backup-plan in the event

there are no bidders. Jeff Hull stated that the days would be cut down to two, Friday and Saturday, Event Days. Edward Loud made a motion to grant the Special Permit in accordance with §4.1.9 for a carnival to run from June 30, 2016 through July 3, 2016, as presented, Thomas Siracusa seconded. Voted unanimously.

The Board reviewed and approved the minutes from February 10, March 9, and March 24, 2016.

Motion to adjourn at 9:45 p.m. by Edward Loud, seconded by Thomas Siracusa. Voted unanimously.

A handwritten signature in cursive script, reading "Toni La Rivee", written over a horizontal line.

Recording: Toni La Rivee, Secretary
Board of Appeals