Town of Wilmington

Board of Appeals

Minutes – February 27, 2019

The Board of Appeals held a meeting in The Auditorium at the Town Hall, 121 Glen Road, Wilmington, MA. The meeting was called to order at: 7:05 p.m. Attorney Jonathan Silverstein, Daniel Veerman, Anthony Barletta, Thomas Siracusa, Jacquelyn Santini and Raymond Lepore were present.

Case 7-18 Bettering, LLC Map 89 Parcel 6A

362 Middlesex Ave.

To acquire a Special Permit to construct a forty-eight (48) bed Rehabilitation facility over the site of the building property located at 362 Middlesex Avenue.

Thomas Siracusa made a motion to approve the Decision to Deny the Special Permit

Jacquelyn Santini Seconds the Motion

Voted Unanimously

Daniel Veerman states that the Board will now Review and Evaluate the Procedure for addressing the Applicant’s request for Reasonable Accommodations under the Federal Americans with Disabilities Act and /or Fair Housing Act and potentially schedule a meeting to allow or deny the applicants reasonable accommodations. Suzanne Sullivan approached the board and requested to be heard under a point of order. Chairman Veerman stated this was not a public hearing. As Miss Sullivan is not a member of the board, the point of order was itself out of order. Regardless, Chairman Veerman allowed her to state her question which was addressed by town Counsel. Miss Sullivan thereafter refused to take her seat and continued addressing the board in an aggressive manner at which point chairman Veerman ruled her out of order. She refused to sit down. The meeting was then adjourned by proper motion, seconded and voted on, as there was not a requested police officer present.

Chairman Veerman Makes a Motion to adjourn the meeting to await security at 7:10 PM

Jacquelyn Santini Seconds the Motion

Voted unanimously

All 5 members as well as Town Counsel leave the room, fifteen minutes later a sergeant responded, and soon after a second officer appeared.

Chairman Veerman re-convenes the meeting at 7:26 PM

Town Counsel, Attorney Jonathan Silverstein explains Reasonable Accommodations and recommends that the Board set a Meeting to vote on the applicant’s request for Reasonable Accommodations. Thomas Siracusa states that he does not feel that the Board of Appeals has jurisdiction in voting for or against Reasonable Accommodations. He also states that the Town has no bylaws indicating who is responsible to make a decision on Reasonable Accommodations.

During this discussion/explanation a number of the residents present were incessantly shouting and making a vocal demonstration throughout the entirety of the meeting. The majority of the residents were holding paper signs and rattling them making noise throughout the meeting. Two residents in particular, Suzanne Sullivan and Robert Fasulo, refused to stop shouting at the board when asked repeatedly and ultimately were peaceably removed from the meeting.

Ray Lepore makes a motion not to schedule a meeting to address, allow or deny Applicant’s Reasonable Accommodations on the basis that the Board of appeals has no jurisdiction on whether or not to allow Reasonable Accommodations.

Thomas Siracusa Seconds the Motion

Thomas Siracusa, Ray Lepore and Jacquelyn Santini –yes

Daniel Veerman, Anthony Barletta-no

Majority Vote is not to allow a meeting to allow or deny Reasonable Accommodations

Jacquelyn Santini Makes a Motion to Adjourn at 8:15 PM

Anthony Barletta seconds

Meeting adjourned at 8:15 PM

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Recording: Kelly Malatesta, Secretary

Board of Appeals

The next regularly scheduled Board of Appeals meeting will be March 13, 2019, at 7:00 p.m. in Room 9 at the Town Hall, 121 Glen Road, Wilmington, MA.