

Town of Wilmington
Board of Appeals
Minutes — June 8, 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 July 13, 2016, 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 May 11, 2016.

Continued

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 along with Alex Rothchild. Acentech had submitted the Second Phase Peer Review Acoustical, Arcadis had submitted the May 17, 2016 Sound Mitigation Plan for the Proposed Operation at 90 Eames Street and Attorney Alan Lipkind, for Benevento submitted emailed comments. Attorney Spears reviewed the Second Peer Review by Acentech and assured the Board that the operation would not exceed EP noise criteria. If necessary, the 8 foot fence barrier could be raised to 12 feet, and all 33 conditions of the Planning Board and 9 conditions of the Storm Water permit would be met. Attorney Lipkind asked where the Central Dust Collector would be housed. Alex Rothchild said that it was a roof top unit that could be enclosed. Robert Peterson stated that he had read the report and would like to see all motors and blowers inside and any truck traffic be prohibited to take a left onto Woburn Street. Greg Tocci commented that the noise barrier was not a fence but a cement barrier and that any conditions should have some kind of regulations and inspections. William Schneider stated that the blowers and fans on the building are very noisy. Edward Loud made a motion to close the public hearing, Anthony Barletta seconded. Voted unanimously. Board Discussion: Edward Loud stated he was not in favor of the proposal. He had no issue with the noise, but he was not satisfied with the truck

traffic making the left-hand turn from Eames Street on Woburn Street. He was also not pleased that the ash truck was not part of the demonstration. It was larger than the trucks used in the video demonstration. Anthony Barletta was in favor of the proposal but wanted plenty of time to work on the decision with all the conditions. Charles Boyle stated that he had already sent most of the file to Town Counsel and Town Counsel would be helping with drafting the decision. Charles Boyle was also in favor of the proposal. He reminded the Board that the Town's June 2015 Transportation Master Plan Study concluded that this use at the site would not significantly impact traffic in the area. He felt that the noise study and peer review satisfied any further concerns he might have. Daniel Veerman stated he was not in favor of the applications. As an initial matter, he made clear that the arguments of the applicant's Business competitor were not persuasive to him as they were purely motivated by financial competition. Regardless, Mr. Veerman stated that although he was not opposed to the particular business of the applicant, he felt it was inappropriate and obnoxious to this particular site, especially given the general area's long history of environmental problems; specifically but not limited to its proximity to a nearby Superfund site and contamination to the ground water in the vicinity. Mr. Veerman was concerned with not only the traffic impact, but the potential hazard the use posed with regard to any outdoor operation, and the potential hazard to the groundwater. Mr. Veerman was clear that he was not opposed to the applicants use per se, but he was opposed to it in this historically sensitive area. Thomas Siracusa stated he was having a hard time voting on something with so many conditions, and how would they be regulated. He also felt that a 5:00 a.m. start time was unreasonable. Edward Loud made a motion to deny the Special Permit in accordance with §3.6.6 Manufacturing use for property located on 90 Eames Street, Thomas Siracusa seconded. Voted 3 to approve the motion - Edward Loud, Daniel Veerman, Thomas Siracusa and 2 to deny the motion - Charles Boyle, Anthony Barletta- motion carried. Edward Loud made a motion to deny the Special Permit in accordance with §6.6.7.7 Ground Water Protection District for property located at 90 Eames Street, Thomas Siracusa seconded - Voted 3 to approve the motion, Edward Loud, Daniel Veerman, Thomas Siracusa - 2 to deny the motion, Charles Boyle, Anthony Barletta - motion carried.

Case 7-16

Mapvale LLC

Map R2 Parcel 7C

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

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 was present for the application. He agreed to start over. He stated that Site Plan Review was completed and the Conservation Commission had issued an Order of Conditions. He made a presentation showing the site, the underground infiltration system and green space. The building was 11,000 square feet and was on the corner of Ballardvale Street and Route 125. Parking was already on site, and the building would be a one story retail/restaurant building. The use falls under retail store under 30,000 square feet. Edward Loud asked if the grade was staying the same. Ryan stated that it might be raised approximately 6 inches from the existing grade. No abutters made comment. Edward Loud made a motion to approve the Special Permit in accordance with §6.6.7.7 Ground Water Protection District, Daniel Veerman seconded. Voted unanimously. Edward Loud made a motion to approve the Special Permit in accordance with §3.5.1.1 Retail Store under 30,000 square feet, Daniel Veerman seconded. Voted unanimously.

Case 12-16

Balquin LLC

Map R2 Parcel 7D

To acquire a Special Permit in accordance with §3.5.5 General Service Restaurant in a Highway Industrial District for property located on 206 Ballardvale Street.

Michael Caira was present for the applicant. He stated that a Special Permit was needed for a general service restaurant. There was a family restaurant very interested in opening at this site. No abutters made comment. The Planning Board recommended approval. Daniel Veerman made a motion to approve the Special Permit in accordance with §3.5.5 General Service Restaurant in a Highway Industrial District, Edward Loud seconded. Voted unanimously.

Case 14-16

Matthew Breen c/o R. Peterson

Map R1 Parcel 6D

To acquire a variance from Standard Dimensional Regulations Table II, §5.3.4.5 to construct a garage 37.10 feet from the side lot line when 40 feet is required for property located on 8 Emerald Avenue.

Attorney Peterson submitted an email requesting this case be continued to July 13, 2016. Edward Loud made a motion to continue to July 13, Daniel Veerman seconded. Voted unanimously to continue to July 13, 2016.

New

Case 16-16

Michael Welch

Map 84 Parcel 50

To acquire 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 placed on or made part of the Official Map for property located on 21 Pomfret Road.

Michael Welch was present along with Kristen Costa. Pomfret Road is not paved nor is it on the Official Map. They are seeking relief to building on this lot, and would be paving from Bernstein Road through the frontage of this lot. The Planning Board has closed the hearing on the 81G. No abutters made comment. Edward Loud made a motion to grant 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 placed on or made part of the Official Map as present on the plan dated March 14, 2016 by LJR Engineering Inc., Thomas Siracusa seconded. Voted unanimously.

Case 17-16

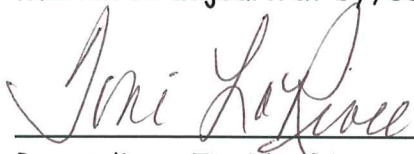
Anthony DiNuccio

Map 48 Parcel 49

To acquire a Special Permit in accordance with §6.1.6.4 to increase a nonconforming structure (to construct a second floor addition) for property located on 18 Brentwood Avenue.

Anthony DiNuccio was present along with Phil Lochiatto. He stated he wanted to construct a second floor to the dwelling. The back left corner of the existing dwelling was only 18 feet from the rear lot line and 20 feet is required, making the dwelling nonconforming. The above ground pool would be removed, and the deck would be reconfigured to meet the setback requirements. Edward Loud made a motion to grant the Special Permit in accordance with §6.1.6.4 to increase a nonconforming structure, to construct a second floor addition, no more detrimental to the neighborhood than the existing nonconforming structure, as presented on a plan dated March 21, 2016 but Massachusetts Survey Consultants, Daniel Veerman seconded. Voted unanimously.

Motion to adjourn at by, seconded by. 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