



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

Planning Board Minutes January 3, 2023

The Planning Board met on Tuesday January 3, 2023 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Terence Boland, Chair, Angela Marcolina and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present. Randi Holland and Sean Hennigan were absent.

Minutes

The Planning Board reviewed the November 1, 2022 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the November 1, 2022 minutes as written.

Form A

There were no ANR plans to review

Matters of Appointment

Public Hearing – 38 Upton Drive – Map R1 Parcel 18 - Sign Special Permit #22-04
DIV 36-38 Upton LLC, Applicant

PRESENT IN INTEREST: Matt Costa, Beals Associates
Benjamin Masselink, The Davis Companies

MATERIALS CONSIDERED:

PLAN "Plans to Accompany Special Permit – Upton Crossing, 38 Upton Drive, Wilmington, MA" dated November 15, 2022

M. Costa told the Board they are looking to install 2 free standing signs on the site. He showed the locations of the signs at the two separate entrances. He said at the CDTR meeting they were asked to provide sightlines to make sure the signs were outside of those sightlines. He said they will alter the sign on the east side and shift it west to provide a better sightline. He said the size is in compliance with the bylaws. There will be very small lighting to light up the sign. T. Boland asked if the only reason for this request is that there are going to be 2 signs on one property and B. Masselink said yes. There were no further comments from the Board or audience.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Sign Special Permit #22-04 for 38 Upton Drive to February 7, 2023 at 7:30 p.m. in the Town Hall Auditorium.

RECEIVED
TOWN CLERK
2023 FEB - 8 PM 3:06
TOWN OF WILMINGTON, MA

Continued Public Hearing –Site Plan Review #22-28 and Parking Relief Special Permit #22-05 for 99 Fordham Street – Map 79 Parcel 31B – Carlisle Capital Corporation, Applicant

PRESENT IN INTEREST – Attorney Jill Elmstrom Mann
Adam Binnie, Carlisle Capital Corporation
Bill Frisella, NorthPoint Construction
Benton Cole, Granite Engineering, LLC
Jeff Merritt, Granite Engineering, LLC

MATERIALS CONSIDERED:

PLAN “Demolition Plan” dated February 23, 2022

ENGINEERING MEMO dated October 31, 2022

LETTER from Jill Elmstrom Mann, Esq. dated November 30, 2022

Attorney J. Elmstrom Mann told the Board the Town did not meet the water main work and the applicant’s contractor has been there even during holidays completing its work so the only thing incomplete will be the top coat. She said the secondary driveway will be used for the next week or so. Attorney J. Elmstrom Mann asked that the fee for Site Plan Review approval be waived and V. Gingrich said she was not sure if the Board waived fees in the past but it would be up to them. T. Boland said to his knowledge the Board has not waived fees in the past. He said he is not inclined to waive the fee and the Board agreed. Resident, B. Cronin, 75 Park Street, asked what is being reviewed that has already been approved. Attorney J. Elmstrom Mann explained they had to provide the Board with an As-Built plan to show what was built before. She said there is no modification to the site plan. V. Gingrich said the February deadline is for the Planning Board to act on a decision of the application. She said the site plan itself has not changed at all and everything that was required is still being required. V. Gingrich said they applied to amend their conditions of approval because the Town’s water main work delayed their work. The deadline on the agenda is for the Board to make a decision on their application.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Site Plan Review #22-28 to February 28, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-28 and Parking Relief Special Permit #22-05 to February 7, 2023 at 7:35 p.m. in the Town Hall Auditorium.

**Public Hearing –6 Tobin Drive – Map 16 Parcle 22A – Definitive Subdivision #22-02
Khalib Khan, Applicant**

PRESENT IN INTEREST – Andy Pojasek, Dana Perkins
Khalib Khan

MATERIALS CONSIDERED:

PLAN “Definitive Subdivision, Rollins Road/Pembroke Street/Tobin Drive”, dated December 7, 2022

LETTERS from Andy Pojasek dated December 7, 2022

A. Pojasek told the Board they are proposing a subdivision of Rollins Road, Pembroke Street and Tobin Drive. He said the ultimate goal is to subdivide an existing residential lot at 6 Tobin Drive, approximately a 19-acre site. A. Pojasek said the site is accessed by Tobin Drive and

Day Street which are both private ways. He said originally, they looked at coming in on Day Street but due to limited frontage and serious wetland concerns it's best to come in off Rollins Road, Pembroke Street and Tobin Drive. All three roads currently exist. They are not proposing full subdivision roadways, but they are proposing to improve the existing roadways. A. Pojasek said they are requesting many waivers. He said at CDTR there were many comments, so they are asking for a continuance to address all concerns. T. Boland said he thought it would be a good idea to hold off on comments until the site walk. V. Gingrich said the site walk is 2:30 on Thursday and all Planning Board members are welcome. She said staff wanted to meet there even though many have been down there. They want to look at existing conditions, take measurements and look at constraints. She said at CDTR, they talked about the section of Tobin Drive that would be part of the subdivision that per zoning bylaw would be brought up to at least 20' roadway width.

A Marion Street resident asked what the plans are for the lot and how will it impact the wetlands. A. Pojasek said they are not proposing a full subdivision. He said a couple years ago they filed an ANRAD which locks in the existing wetlands line. He said back then they were looking at come in at Day Street. He said there are a lot of wetlands at the end of 2 Rollins Road. A. Pojasek said the improvements are all outside the 100' buffer and he doesn't expect an impact for one single-family house. The Marion Street resident said one house is not a concern. Resident D. Sullivan, 20 Rollins Road said he moved there 21 years ago because of the neighborhood and it is still the way it was back then. He said he remembers the applicant as a little boy, and he is supporting this project. He said he does not see why he has to jump through hurdles.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Plan #22-02 at 6 Tobin Drive to February 7, 2023 at 7:40 p.m. in the Town Hall Auditorium.

Continued Public Hearing – Site Plan Review #22-19 and Stormwater Management Permit #22-15 for 40-50 Fordham Road - Map 91 Parcels 131 & 131A, Map 99 Parcel 1 - Anne R. Garr for HRP Fordham, LLC, Applicant

PRESENT IN INTEREST – Rich O'Connell, RJO'Connell Associates
Brendan Godfrey, Hilco Redevelopment

MATERIALS CONSIDERED:

PLAN "Site Plan for Tenant Improvement At 40-50 Fordham Road Wilmington, MA, Assessors Map 91 Lots 131 & 131A, Assessors Map 99 Lot 1" dated January 13, 2020 and last revised September 16, 2022

NARRATIVE dated September 16, 2022

TRAFFIC MEMO dated September 16, 2022

PARKING BREAKDOWN received September 21, 2022

R. O'Connell told the Board he has an old plan from when most of the improvements were done. He said some of the site is in North Reading. He discussed the truck loading area in the back of the site. R. O'Connell said in May he came before the Board for Site Plan Review Waiver to construct a ramp in to the Cranberry building. He showed how the project turned out. He said UPS wants to construct a bump-out in the back of their building. He said there were few comments at CDTR meeting. V. Gingrich said they prepared a decision with standard

conditions. V. Gingrich said R. O'Connell questioned the recording of the O&M Plan and she told him he could provide the recorded information since it was previously recorded.

Upon motion duly made and seconded it was

VOTED: To close the public hearing for Site Plan Review #22-19 for 40-50 Fordham Road as shown on plan entitled "Site Plan for Tenant Improvements at 40-50 Fordham Road Wilmington, MA, Assessors Map 91 Lots 131 & 131A, Assessors Map 99 Lot 1"; dated September 20, 2022, prepared by Richard J. O'Connell, P.E., RJO'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180. Said property is located at 40-50 Fordham Road, Wilmington, MA 01887 and shown on Assessor's Map 91 Parcels 131 & 131A and Map 99 Parcel 1.

Upon motion duly made and seconded it was

VOTED: To approve with conditions Site Plan Review #22-19 for 40-50 Fordham Road as shown on plan entitled "Site Plan for Tenant Improvements at 40-50 Fordham Road Wilmington, MA, Assessors Map 91 Lots 131 & 131A, Assessors Map 99 Lot 1"; dated September 20, 2022, prepared by Richard J. O'Connell, P.E., RJO'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180. Said property is located at 40-50 Fordham Road, Wilmington, MA 01887 and shown on Assessor's Map 91 Parcels 131 & 131A and Map 99 Parcel 1.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on November 1, 2022 and closing on January 3, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Anne Garr, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the modification of the loading area and surrounding parking area to install a portable docking center, as shown on plan entitled "Site Plan for Tenant Improvements at 40-50 Fordham Road Wilmington, MA, Assessors Map 91 Lots 131 & 131A, Assessors Map 99 Lot 1"; dated September 20, 2022, prepared by Richard J. O'Connell, P.E., RJO'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180, submitted on October 7, 2022, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

The following materials in addition to the Site Plan were submitted into the public record:

Description

Traffic Impact Assessment/Traffic Monitoring Program dated September 16, 2022, prepared by Shaun P. Kelly, Vanasse & Associates, Inc.

Parking Breakdown charts received September 21, 2022

FINDINGS:

1. The Project site is shown on Map 91 Parcels 131 & 131A and Map 99 Parcel 1 on the Site Plan.

2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

GENERAL:

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.

PRIOR TO ENDORSEMENT:

7. The plan set should include a signature block for the Planning Board, placed on the right side of every sheet in a consistent location. There should be five (5) lines for signatures and one (1) line for the date.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

8. The Wilmington Fire Department shall review and approve building plans.

PRIOR TO THE START OF CONSTRUCTION:

9. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction meeting.

10. At the time of the pre-construction meeting, the Applicant shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
11. The Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
12. Erosion controls shall be installed around all areas of work as a limit of disturbance and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
13. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

DURING CONSTRUCTION:

14. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.
15. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to backfilling any proposed underground stormwater management system or installation of any other critical design components.
16. It is the responsibility of the Applicant to adhere to the Town's Earth Removal Bylaw (Section 32 of the Town's Inhabitant By-laws) and file for a permit through the Board of Selectmen, if necessary.

PRIOR TO OCCUPANCY:

17. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
18. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
19. Prior to the issuance of Occupancy, As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
20. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of a Certificate of Occupancy. In the event that winter season conditions prohibit final landscaping and/or finish paving course from being installed prior to occupancy, the Applicant may post a bond, in a form and amount acceptable to the Director of Planning & Conservation and Town Engineer, covering the cost of completion. This will be considered on a case-by-case basis. The Applicant must have received all other required Department signoffs on Occupancy prior to eligibility.

POST CONSTRUCTION:

21. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Project site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed and enclosures locked.
22. Dumpster service shall only occur during business hours.
23. The Owner shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
24. The Owner shall use good housekeeping practices as outlined in the Operation and Maintenance Plan to maintain the site and keep it in good working condition. The Owner shall provide copies of completed maintenance and inspection logs for the construction

period and copies of logs of the long-term pollution prevention plan to the Department of Planning & Conservation.

25. The Project shall be operated in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project shall be the Owner's responsibility.
26. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
27. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
28. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Upon motion duly made and seconded it was

VOTED: To issues Stormwater Management Permit #22-15 for 40-50 Fordham Road as follows:

**DECISION OF THE WILMINGTON PLANNING BOARD
AS PERMIT GRANTING AUTHORITY FOR STORMWATER MANAGEMENT PERMITS
UNDER SECTION 51 OF THE BYLAWS OF THE INHABITANTS OF THE TOWN OF
WILMINGTON**

January 6, 2023

ISSUED for Property located at 40-50 Fordham Road, Wilmington, Massachusetts (Map 91 Parcels 131 & 131A and Map 99 Parcel 1)

Case No.: Stormwater Management Permit #22-15

Applicant: Anne R. Garr, General Counsel, Hilco Redevelopment Partners (HRP)
111 S. Wacker Drive, Suite 3000, Chicago Illinois 60606

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Site Plan for Tenant Improvements at 40-50 Fordham Road Wilmington, MA, Assessors Map 91 Lots 131 & 131A, Assessors Map 99 Lot 1"; dated September 20, 2022, prepared by Richard J. O'Connell, P.E., RJO'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180, Wilmington, MA 01887 and shown on Assessor's Map 91 Parcels 131 & 131A and Map 99 Parcel 1, material originally submitted on October 7, 2022, subject to the following conditions:

MATERIALS:

The following materials in addition to the Site Plan were submitted into the public record:

Description

Traffic Impact Assessment/Traffic Monitoring Program dated September 16, 2022, prepared by Shaun P. Kelly, Vanasse & Associates, Inc.

Parking Breakdown charts received September 21, 2022

STANDARD CONDITIONS

1. Waivers granted: None
2. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
3. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
4. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
5. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
6. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on June 2, 2020.

SPECIAL CONDITIONS

1. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
2. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
3. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
4. The Stormwater Management Operation and Maintenance (O&M) Plan shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

ISSUED ON JANUARY 6, 2023

Continued Public Hearing – Birch Street Definitive Subdivision #22-01 and Stormwater Management Permit #22-12 – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 Haralambos Katsikis, Applicant

A request to extend the action deadline and continue the public hearing was received.

MATERIALS CONSIDERED:

LETTER from Attorney Michael J. Newhouse dated December 29, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to February 28, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to February 7, 2023 at 7:50 p.m. in the Town Hall Auditorium.

Continued Public Hearing – Site Plan Review #22-15, Stormwater Management Permit #22-11, Ground Water Protection District Special Permit #22-03, Inclusionary Housing Special Permit #22-01 and Multi-Family Special Permit #22-01 for Cross Street - Map 40 Parcel 11 – One Cross, LLC, Applicant

PRESENT IN INTEREST: Robert G. Peterson, Jr. Esq.
Ben Minnix, Eaglebrook Engineering

MATERIALS CONSIDERED:
None

Attorney R. Peterson, Jr. said they received approval from the Conservation Commission in December. They submitted a check for traffic review. He understands the board is waiting for the sewer analysis and they have addressed all other concerns. V. Gingrich said the traffic peer review is underway and they are meeting with Green tomorrow and hopefully they will be able to send report. She said she wanted to update the Board on the trip generation letter since the number of units changed. B. Minnix told Board they have not submitted anything new. He said the sewer analysis is almost complete but he wants to submit everything at once. He said he updated the plans with he change in the drain line. He explained the change in the drain line.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to February 28, 2023 for Site Plan Review #22-15, and Stormwater Management Permit #22-11.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-15, Stormwater Management Permit #22-11, Groundwater Protection District Special Permit #22-03, Multi-Family Special Permit #22-01 and Inclusionary Housing Special Permit #22-01 for Cross Street to February 7, 2023 at 7:55 p.m. in Room 9 of the Town Hall.

Continued Public Hearing – Definitive Subdivision #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street - Map 5 Parcels 2J, 3, 3A, 3C, 3D, & 3E - Craig Newhouse, Applicant

A request to extend the action deadline and continue the public hearing for Eagleview Drive Definitive Subdivision #21-15

MATERIALS CONSIDERED:

PLAN "Definitive Subdivision Plan, Eagleview Subdivision, Marion Street, Wilmington, Massachusetts" dated December 8, 2021 and last revised December 14, 2022

STORMWATER MANAGEMENT REPORT dated December 8, 2021 and last revised December 14, 2022

RESPONSE TO COMMENTS from Craig Newhouse dated December 20, 2022

E-MAIL from Kristen Costa dated January 3, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street to February 28, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive to February 7, 2023 at 8:00 p.m. in the Town Hall Auditorium

Continued Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street - Map 44 Parcel 178B Gabriel Schuchman Alrig USA Development, LLC, Applicant

A request to extend the action deadline and continue the public hearing was received.

MATERIALS CONSIDERED:

E-MAIL from Jake Modestow dated December 29, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to February 28, 2023 for Site Plan Review #22-16, Stormwater Management Permit #22-13

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street, Map 44 Parcel 178B to February 7, 2023 at 8:10 p.m. in the Town Auditorium.

Continued Public Hearing – Site Plan Review #22-22, Stormwater Management Permit #22-16, Ground Water Protection District #22-07 & Sign Special Permit #22-02 for 800 Salem Street - Map R1 Parcel 24 - David Wilkonson for WCV-800 Salem LLC, Applicant

PRESENT IN INTEREST: Matt Costa, Beals Associates
David Wilkinson, Camber Development
Brandon Nelson, Camber Development

MATERIALS CONSIDERED:

PLAN "Plans to Accompany Permit Documents for Warehouse Facility, 800 Salem Street, Wilmington, Massachusetts" dated December 20, 2022

STORMWATER MANAGEMENT REPORT dated December 2022

TRAFFIC IMPACT ASSESSMENT dated September 2022

OPERATION & MAINTENANCE CONTROL PLAN dated October 6, 2022 and last revised December 20, 2022

RESPONSE TO PLANNING COMMENTS from Matthew Costa dated December 20, 2022

RESPONSE TO ENGINEERING COMMENTS from Matthew Costa dated December 20, 2022

RESPONSE TO TRAFFIC COMMENTS from Jeffrey Dirk, Vanasse & Associates dated December 20, 2022

M. Costa told the Board he received comment letters from Planning, Engineering, TEC, and LEC. He said they worked with the peer reviewers to address the comments. He said they walked the site with R. Kirby of LEC and had a meeting with V. Gingrich, P. Alunni and TEC. He thinks they adequately addressed all the comments. M. Costa said he spoke with TEC and they are in agreement. He said there is not much of a change with the layout. They added a left turn lane at the south westerly entrance on Salem Street. He shifted the roadway over onto the site. He decreased curb cuts and added a concrete island in the middle and that allows a second lane for vehicles to turn left. T. Boland asked about the raised curb that was discussed at the previous meeting and the M. Costa said it was discussed with the Town Engineer and he shut down that approach because it was a bad idea. He said there is a potential to add a sidewalk. He said they graded that area to include a 10' shoulder at the edge of the road with 5' for guardrail. He said drainage along Salem Street will flow. They added substantial amount of landscaping. They will put in a pollinator seed mix around the perimeter of the property that can be mowed annually. He said there is water fire tank and pump house. There was concern about the diesel-powered pump house in the riverfront area. They will have containment in line with federal and state regulations. He said they agreed to most of the comments and made necessary changes. T. Boland asked how long the truck lane is and if it is 1 tractor trailer or 2 tractor trailer lengths long and M. Costa said it is one 18-wheeler truck long. V. Gingrich said the parking lot sidewalk is probably not necessary. She said there is some minor stuff like landscaping details that need to be addressed. V. Gingrich said TEC is reviewing the turn lane and will provide some language for the draft decisions. V. Gingrich asked if they have a spec of the actual signs and M. Costa said no, they only have the location. T. Boland said it is two signs on one property, but the size is within the bylaws and M. Costa said yes. M. Costa said the signs are 10' X 38'. T. Boland asked that they at least submit a generic sign. P. Moser said at the last meeting it was discussed the building grade was raised a bit. M. Costa said the elevation is 90.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to February 28, 2023 for Site Plan Review #22-22, Stormwater Management Permit #22-16, Groundwater Protection District Special

Permit #22-07 and Sign Special Permit #22-02 for 800 Salem Street, Map R1 Parcel 24 to February 7, 2023 at 8:20 p.m. in the Town Hall Auditorium.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-22, Stormwater Management Permit #22-16, Groundwater Protection District Special Permit #22-07 and Sign Special Permit #22-02 for 800 Salem Street, Map R1 Parcel 24 to February 7, 2023 at 8:20 p.m. in the Town Hall Auditorium.

Continued Public Hearing – Site Plan Review #22-24, Stormwater Management Permit #22-18 and Parking Relief Special Permit #22-04 for 326 Ballardvale Street - Map R3 Parcel 25A Hamid Jaffari for Reading Municipal, Applicant

A request to extend the deadline and continue the public hearing was received.

PRESENT IN INTEREST: Robert G. Peterson, Esq.
Hamid Jaffari, RMLD
Tim Williams, Allen & Major

MATERIALS CONSIDERED:

PLAN "Site Development Plans for, Public Utility Development, 326 Ballardvale Street, Wilmington, MA" dated September 6, 2022 and last revised October 6, 2022
DRAINAGE REPORT dated October 6, 2022 and last revised December 23, 2022
RESPONSE LETTER from T. Williams dated December 23, 2022
ENGINEERING MEMO dated November 1, 2022

Attorney R. Peterson said there were some outstanding issues. He said he submitted a response letter, but the Town Engineer has not reviewed it yet. He believes all concerns at this time have been addressed. He said they were waiting for the hydraulic analysis, and he has a letter for Kleinfelder. He said there is enough water pressure in the area to serve the proposed use. He has discussed the hydrant location with Deputy Chief Pozzi and it is acceptable. He believes that all concerns are addressed.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to January 31, 2023 for Site Plan Review #22-24 and Stormwater Management Permit #22-18 for 326 Ballardvale Street to February 28, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-24 and Stormwater Management Permit #22-18 for 326 Ballardvale Street to February 7, 2023 at 8:30 p.m. in the Town Hall Auditorium.

Public Hearing – 625 Main Street – Map 40 Parcel 2A - Site Plan Review #22-27
Attorney Michael R. Dolan for DISH Wireless L.L.C., Applicant

PRESENT IN INTEREST: Michael Dolan, Esq.

MATERIALS CONSIDERED:

PLAN "DISH Wireless L.L.C., Project Information, BOBOS00656A, Crown Dish BU#806612, 625 Main Street, Wilmington, MA 01887"; dated December 27, 2021, last revised November 16, 2022
STRUCTURAL ANALYSIS dated October 20, 2021
LETTER from Attorney M. Dolan dated November 23, 2022

Attorney M. Dolan told the Board Dish Wireless is proposing to add antennas to a 152' tower with the 3 panel antennas proposed at 135' with related equipment. The property is located in the General Industrial zoning district.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #22-27 for 625 Main Street as shown on plan entitled "DISH Wireless L.L.C., Project Information, BOBOS00656A, Crown Dish BU#806612, 625 Main Street, Wilmington, MA 01887"; dated December 27, 2021, last revised November 16, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845. Said property is located at 625 Main Street, Wilmington, MA 01887 and shown on Assessor's Map 40 Parcel 2A.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #22-27 for 625 Main Street as shown on plan entitled "DISH Wireless L.L.C., Project Information, BOBOS00656A, Crown Dish BU#806612, 625 Main Street, Wilmington, MA 01887"; dated December 27, 2021, last revised November 16, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845. Said property is located at 625 Main Street, Wilmington, MA 01887 and shown on Assessor's Map 40 Parcel 2A.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closing on January 3, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Michael Dolan, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the installation of wireless communications equipment on the existing monopole cell tower, as shown on plan entitled "DISH Wireless L.L.C., Project Information, BOBOS00656A, Crown Dish BU#806612, 625 Main Street, Wilmington, MA 01887"; dated December 27, 2021, last revised November 16, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

The following materials in addition to the Site Plan were submitted into the public record:

Description

Structural Analysis Report, prepared by Terry P. Styran, P.E., dated October 29, 2021

FINDINGS:

1. The Project site is shown on Map 40 Parcel 2A on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

GENERAL:

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.

PRIOR TO ENDORSEMENT:

7. There must be a signature block for the Planning Board members signatures on every sheet of the plans, including five (5) lines for signatures and one (1) line for the date. The location of the block must be consistent and on the right edge of every sheet.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

8. The Wilmington Fire Department shall review and approve building plans.

DURING CONSTRUCTION:

9. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.

POST CONSTRUCTION:

10. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Continued Public Hearing – 26 Upton Drive - Map R1 Parcel 18G - Site Plan Review #22-25 - DISH Wireless L.L.C., Applicant

PRESENT IN INTEREST: Michael Dolan, Esq.

MATERIALS CONSIDERED:

PLAN "DISH Wireless L.L.C., Project Information, BOBOS00795A, 26 Upton Drive, Wilmington, MA 01887"; dated December 11, 2021, last revised September 22, 2022

STRUCTURAL ANALYSIS dated October 3, 2021

LETTER from Attorney M. Dolan dated October 3, 2022

Attorney M. Dolan told the Board Dish Wireless is proposing to install antennas at 118' on a 150' monopole with all equipment in the existing compound. This is also in the General Industrial zoning district. V. Gingrich said the structural report showed it is pressing up against 99% capacity. She said a structural peer review was requested.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to February 28, 2023 for Site Plan Review #22-25 for 26 Upton.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-25 for 26 Upton Drive to February 7, 2023 at 8:40 in the Town Hall Auditorium extend

**Public Hearing – 377 Ballardvale Street – Map R3 Parcel 50B - Site Plan Review #22-26
Attorney Michael R. Dolan for DISH Wireless L.L.C., Applicant**

PRESENT IN INTEREST: Michael Dolan, Esq.

MATERIALS CONSIDERED:

PLAN "DISH Wireless L.L.C., Project Information, BOBOS00226A, Crown Castle BU#875010, 377 Ballardvale, Wilmington, MA 01887"; dated November 22, 2021, last revised November 17, 2022

STRUCTURAL ANALYSIS dated August 6, 2021

LETTER from Attorney M. Dolan dated November 23, 2022

Attorney M. Dolan told the Board Dish Wireless is proposing to install 3 antennas at 128' on a 150' monopole with all equipment within the existing compound. V. Gingrich said it may be within 100' of wetlands which would require a filing with the Conservation Commission.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #22-26 for 377 Ballardvale Street as shown on plan entitled "DISH Wireless L.L.C., Project Information, BOBOS00226A, Crown Castle BU#875010, 377 Ballardvale, Wilmington, MA 01887"; dated November 22, 2021, last revised November 17, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845. Said property is located at 377 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R3 Parcel 50B.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #22-26 for 377 Ballardvale Street as shown on plan entitled "DISH Wireless L.L.C., Project Information, BOBOS00226A, Crown Castle BU#875010, 377 Ballardvale, Wilmington, MA 01887"; dated November 22, 2021, last revised November 17, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845. Said property is located at 377 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R3 Parcel 50B.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closing on January 3, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Michael Dolan, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the installation of wireless communications equipment on the existing monopole cell tower, as shown on plan entitled "DISH Wireless L.L.C., Project Information, BOBOS00226A, Crown Castle BU#875010, 377 Ballardvale, Wilmington, MA 01887"; dated November 22, 2021, last revised November 17, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

The following materials in addition to the Site Plan were submitted into the public record:

Description

Structural Analysis Report, prepared by Terry P. Styran, P.E., dated August 6, 2021

FINDINGS:

1. The Project site is shown on Map R3 Parcel 50B on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

GENERAL:

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.

PRIOR TO ENDORSEMENT:

7. There must be a signature block for the Planning Board members signatures on every sheet of the plans, including five (5) lines for signatures and one (1) line for the date. The location of the block must be consistent and on the right edge of every sheet.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

8. The Wilmington Fire Department shall review and approve building plans.

DURING CONSTRUCTION:

9. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.

POST CONSTRUCTION:

10. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Board of Appeals

Continued - Case 6-22 for 100-104 West Street - Map 71 Parcels 3 & 5 – 100 West Street LLC, Applicant

V. Gingrich said they will be before the Zoning Board of Appeals tomorrow talking about traffic mitigation, fire access, and probably give an update on sewer as well. With the sewer they are collecting flow data and doing flow testing and the town has asked for flow monitoring to make sure there is more than enough capacity. The town has asked for some actual data. For the fire access, the Fire Department asked for a small change. V. Gingrich said the applicant has dug their heels in about making changes and said they meet the fire code. There will be a discussion tomorrow to see if that change is warranted. V. Gingrich said town's traffic peer reviewer recommended a fair share of the intersection improvements at \$125,000.00. The applicant came back with \$90,000.00 and there is a discussion to be had. The applicant has started a draft decision. T. Boland doesn't like the idea that everyone else will pump during the day and this site will pump at night. P. Moser said it is being peer reviewed and the comments will go to Public Works. V. Gingrich said overnight pumping is not as much of a concern to them if there is capacity.

Case 1-23 for 12 Polk Street - Map 6 Parcel 40 – Mark Nelson, Applicant

V. Gingrich said there was a 2008 an Official Map variance granted by the Zoning Board of Appeals. She said to pull a building permit there must be frontage for the lot and you get that frontage from subdivision control, being on the official map, or having it become a public way. With a paper street, they can ask the Board of Appeals for relief to build without being on the official map but it be constructed with approval from the Planning Board and constructed as an 81G. In 2008 the Zoning Board of Appeals granted that approval so that it could go before the Planning Board as a 81G Roadway Improvement. V. Gingrich said within the last couple years a foundation was put on the parcel without a building permit or going through the 81G process. She said the Building Inspector issued an enforcement. She said the applicant has recently

applied to the Zoning Board of Appeals to amend that 2008 permit to have it not require that the roadway be build out as a 81G. V Gingrich recommended the Board's recommendation to Zoning Board of Appeals be that the applicant go through the 81G process. T. Boland asked if Tobin Drive is the same and V. Gingrich said similar. V. Gingrich said the official map is a reaction to houses being built on roadways that are not really there. P. Moser said Polk Street exists. V. Gingrich said there is a requirement that the roadway be built out the length of the frontage and there be a turn-around for public safety.

Upon motion duly made and seconded, it was by a vote of 3-0

VOTED: To recommend the Zoning Board of Appeals require an 81G Roadway Improvement submission and approval of the plan through the Planning Board to provide access and frontage.

Case 2-23 for 353 Middlesex Avenue - Map 79 Parcels 31B & 31E – Atlantic Oliver 353 Middlesex Avenue, LLC, Applicant

V. Gingrich told the Board this applicant was before the Board last month. She said they have egress existing stairs that don't meet side and rear setbacks of the building. They are proposing to add additional egress stairs for fire access that also don't meet the setback in the same way. They are requesting relief to put those stairs in. She said they were on the plan presented to the Board. She said the Fire Department wants the additional egress.

Upon motion duly made and seconded, it was by a vote of 3-0

VOTED: To recommend approval.

Old Business

There was no Old Business

New Business

Decision for 38 Upton Drive – Map R1 Parcel 18 – Site Plan Review #22-23 and Stormwater Management Permit #22-17 - Michael Cantalupa for DIV 36-38 Upton, LLC c/o The Davis Co. Applicant

PRESENT IN INTEREST: Matt Costa, Beals Associates
Benjamin Masselink, The Davis Companies

MATERIALS CONSIDERED:

PLAN "Plans to Accompany Permit Document for Upton Park" dated October 7, 2021 and last revised September 14, 2022

B. Masselink wanted to go over the draft decision and said under the uses and it says Manufacturing and research & development. He requested that it reflects the application that says warehouse/light industrial, limited manufacturing, general manufacturing, and R&D uses. T. Boland said that would go to whatever the zoning says in the bylaw and B. Masselink said yes and the special permits were approved at the Zoning Board of Appeals. The Board was fine with that. B. Masselink asked that #17 which is the signal timing condition, he asked that since they are being requested to get updated traffic counts, they be allowed to review them with the town prior to submitting to MassDOT to see if signal timing is warranted. B. Masselink said since the traffic counts are expected to be lower than last time, he would like the first

sentence to read: "prior to issuance of certificate of occupancy the applicant has agreed to review findings of traffic data in condition 16 with the town to confirm whether timing modifications are required. If the town deems modifications are required, the applicant agrees to submit signal timing..." They agreed. B. Masselink said MassDOT could take 5 years for review so he asked that they submit prior to certificate of occupancy but the actual work doesn't have to start. He said with #17 if the town does want the applicant to move forward with the timing, they will submit the application to MassDOT prior to certificate of occupancy but that the work doesn't have to begin before certificate of occupancy because they don't have control over MassDOT. M. Costa said they started the traffic counts, but they don't have control over MassDOT. V. Gingrich said having the signals retimed would alleviate pressure on that intersection. She said the town can't control what they do either. B. Masselink said V. Gingrich could reword the condition because they are just trying to have flexibility. He suggested adding a sentence to the end saying "the completion of MassDOT signals timing may occur after the certificate of occupancy. V. Gingrich said then that becomes a little open-ended. T. Boland said timing could be based on approval of the plan. V. Gingrich suggested "may occur after occupancy but before when". B. Masselink said he would love some timing that they could be held to but it's just out of their control. V. Gingrich suggested issuing a first certificate of occupancy and a last certificate of occupancy but B. Masselink said he is talking to two tenants and if MassDOT takes five years that could be an issue. He said the town's concern is that the work gets completed so he asked if they could post a \$50,000.00 bond. V. Gingrich said the town's concern is the tenants will be tying up the lights. V. Gingrich said this should happen before certificate of occupancy but she understands the applicants' concern. B. Masselink suggested the language that the applicant will confer with town to address traffic mitigation if timing of signal takes longer than usual. V. Gingrich suggested the applicant come back to amend it if you can't meet it. B. Masselink liked that idea with the flexibility that the tenants occupy, and they will have a ramp up period so could it say if not completed in one year after certificate of occupancy? V. Gingrich in a few months when this is revisited, it can be revised. B. Masselink said with #18 they agree with fund 25% of the potential intersection redesign and ask that there be some cap on that funding. He said he would propose \$10,000. V. Gingrich said it will be kept to Rte. 125 and Andover Street, Andover Street to Upton Drive. She said if the results show over capacity after you receive the new data, and you are funding the 25% design. V. Gingrich read the condition.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #22-23 for 38 Upton Drive as shown on plan entitled "Plans to Accompany Permit Documents for Upton Park, 36 & 38 Upton Drive, Wilmington, Massachusetts", dated October 7, 2021 and last revised September 14, 2022, prepared by Todd Morey, P.E., Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116 and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772. Said property is located at 38 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on November 1, 2022 and closing on December 6, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Michael Cantalupa, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the contemplated site plan development for property addressed at 38 Upton Drive to construct three industrial buildings with associated site improvements, for uses including Warehouse, Light Industrial, Limited Manufacturing, General Manufacturing and

Research & Development, as shown on plan entitled "Plans to Accompany Permit Documents for Upton Park, 36 & 38 Upton Drive, Wilmington, Massachusetts", dated October 7, 2021 and last revised September 14, 2022, prepared by Todd Morey, P.E., Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116 and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772, submitted on October 7, 2022, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

The following materials in addition to the Site Plan were submitted into the public record:

Updated Traffic Impact Assessment, dated September 14, 2022, prepared by Rebecca L. Brown, P.E., GPI

Traffic Engineering Peer Review Letter dated December 2, 2022, prepared by Kevin Dandrade, P.E., PTOE, TEC

Operation and Maintenance Control Plan dated October 7, 2021, last revised January 10, 2022

Vehicle Turning Analysis dated October 7, 2021

FINDINGS:

1. The Project site is shown on Map R1 Parcel 18 on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

GENERAL:

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.

5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.

PRIOR TO THE START OF CONSTRUCTION:

11. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Engineering Division of the Department of Public Works. The developer shall submit a construction schedule and list of 24 hour contacts at the time of the pre-construction meeting.
12. At the time of the pre-construction meeting, the Applicant shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
13. The Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
14. Erosion controls shall be installed around all areas of work as a limit of disturbance and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
15. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.
16. A street opening permit issued by the Department of Public Works is required for any work within a public or private right of way. The Applicant shall contact the Engineering Division prior to scheduling any work within the Right of Way.

DURING CONSTRUCTION:

17. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.
18. The Applicant shall give reasonable notice to the Engineering Division for observation prior to backfilling any proposed underground stormwater management system or installation of any other critical design components.
19. The Applicant shall maintain the construction entrance in an appropriate manner throughout the course of construction to prevent sediment from accumulating in Upton Drive. Street sweeping and replacement of the stones for the construction entrance may be needed from time to time throughout the phases of construction. The Applicant will be responsible for immediate removal of any sediment tracked onto Upton Drive during the course of construction, as directed by Town staff.

PRIOR TO OCCUPANCY:

20. Prior to the issuance of a Certificate of Occupancy, the Applicant shall obtain new traffic data for each intersection in the study area and compile the most recent three-year (2017-2019) crash data.
21. Prior to the issuance of a Certificate of Occupancy, the Applicant has agreed to review findings of traffic data in Condition #16 with the Town to confirm whether timing modifications are required. If the Town deems modifications are required, the applicant agrees to submit a signal timing modification plan and coordinate with MassDOT on signal timing modifications at the intersection of Route 125/Andover Street using the data collected in Condition #16. Signal timing modification plan shall include separate timing plan for the weekday PM peak hour.

- Prior to approaching MassDOT with new timings, the Applicant's engineer shall use the most recent crash data to identify any crash trends that may be related to clearance times (yellow and all-red).
22. Prior to the issuance of a Certificate of Occupancy, the Applicant shall update the capacity analysis using the newly collected data in Condition #16. If the analysis results continue to show over-capacity conditions for the movements at the signalized intersection, the Application has agreed to and shall fund a 25% design for intersection improvements at Route 125/Andover Street and Andover Street/Upton Drive in coordination with the Town of Wilmington and MassDOT.
 23. Prior to the issuance of a Certificate of Occupancy, all traffic mitigation measures shown on the conceptual improvement plan and documented in the Updated Traffic Impact Assessment dated September 14, 2022 prepared by Rebecca Brown, P.E., GPI and all roadway improvements shown on the plans shall be completed. Any additional design and survey necessary to implement these improvements shall be conducted by the Applicant.
 24. Prior to the issuance of a Certificate of Occupancy, in coordination with the Department of Public Works, the Applicant shall install roadway striping along the easterly end of Upton Drive to better define lanes and/or shoulders with accompanying graphical lane use signs.
 25. Prior to the issuance of a Certificate of Occupancy, a supplemental sign on Andover Street southbound, just north of Upton Drive shall be installed to alert drivers to the intended lane use between Upton Drive and Route 125.
 26. The Applicant shall install a toxic gas monitoring system inside the proposed warehouses.
 27. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
 28. All rooftop HVAC equipment shall be screened.
 29. Prior to the issuance of Occupancy, As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
 30. The Operation & Maintenance Plan shall be recorded at the registry of deeds.
 31. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of a Certificate of Occupancy. In the event that winter season conditions prohibit final landscaping and/or finish paving course from being installed prior to occupancy, the Applicant may post a bond, in a form and amount acceptable to the Director of Planning & Conservation and Town Engineer, covering the cost of completion. This will be considered on a case-by-case basis. The Applicant must have received all other required Department sign-offs on Occupancy prior to eligibility.

POST CONSTRUCTION:

32. The Applicant has agreed to direct trucks under their control to use Jonspin Road as an alternative route to Upton Drive during weekday morning and evening peak commuter hours.
33. Once the project is approximately 75% occupied, traffic counts at the proposed site driveways and at the critical intersections along Andover Street (Upton Drive and Jonspin Road), shall be submitted to the Department of Planning & Conservation and DPW to confirm the actual traffic generated by the site and its impact on the adjacent roadway system.
34. The Owner shall be responsible for removing and maintaining vegetation along the site frontage consistently to ensure that sight lines remain unobstructed at the site driveway intersections with Upton Drive.
35. The Owner shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
36. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Project site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed and enclosures locked.

37. The Owner shall use good housekeeping practices as outlined in the Operation and Maintenance Plan to maintain the site and keep it in good working condition. The Owner shall provide copies of completed maintenance and inspection logs for the construction period and copies of logs of the long-term pollution prevention plan to the Department of Planning & Conservation.
38. The Project shall be operated in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project shall be the Owner's responsibility.
39. Snow shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
40. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
41. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Upon motion duly made and seconded it was unanimously

VOTED: Issue the Stormwater Management Permit #22-17 for 38 Upton Drive, Wilmington, Massachusetts (Map R1 Parcel 18) as follows:

**DECISION OF THE WILMINGTON PLANNING BOARD
AS PERMIT GRANTING AUTHORITY FOR STORMWATER MANAGEMENT PERMITS
UNDER SECTION 51 OF THE BYLAWS OF THE INHABITANTS OF THE TOWN OF
WILMINGTON**

January 6, 2023

ISSUED for Property located at 38 Upton Drive, Wilmington, Massachusetts (Map R1 Parcel 18)

Case No.: Stormwater Management Permit #22-17

Applicant: Michael A. Cantalupa, DIV 36-38 Upton, LLC c/o The Davis Companies, 125 High Street, 21st Floor, Boston, MA 02110

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and Plan entitled "Plans to Accompany Permit Documents for Upton Park, 36 & 38 Upton Drive, Wilmington, Massachusetts", dated October 7, 2021 and last revised September 14, 2022, prepared by Todd Morey, P.E., Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116 and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772. Said property is located at 38 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18, material originally submitted on October 7, 2022, subject to the following conditions:

MATERIALS:

The following materials in addition to the Site Plan were submitted into the public record:

Updated Traffic Impact Assessment, dated September 14, 2022, prepared by Rebecca L. Brown, P.E., GPI

Traffic Engineering Peer Review Letter dated December 2, 2022, prepared by Kevin Dandrade, P.E., PTOE, TEC

Operation and Maintenance Control Plan dated October 7, 2021, last revised January 10, 2022

Vehicle Turning Analysis dated October 7, 2021

STANDARD CONDITIONS

1. Waivers granted: None
2. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
3. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
4. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
5. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
6. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on June 2, 2020.

SPECIAL CONDITIONS

1. A Stormwater Pollution Prevention Plan shall be submitted prior to any land disturbing activity at the site.
2. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
3. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
4. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
5. The Stormwater Management System Operations and Maintenance (O&M) Manual, and Long-Term Pollution Prevention Plan (LTPPP) shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

ISSUED ON JANUARY 6, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled "Plans to Accompany Permit Documents for Upton Park, 36 & 38 Upton Drive, Wilmington, Massachusetts", dated October 7, 2021 and last revised

September 14, 2022, prepared by Todd Morey, P.E., Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116 and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772. Enclosed please find the Certificate of Approval for Site Plan Review.

Request to endorse 41 Westdale Avenue - Map 72 Parcel 5 & 16 - Non-Conforming Lot Special Permit #22-01 - Northeastern Development Corp., Applicant

MATERIALS CONSIDERED:

PLAN "Special Permit Plan, 41 Westdale Ave., Wilmington, Massachusetts" dated September 29, 2022 and last revised November 21, 2022

Because this was a Special Permit requiring four signatures and there were only three Board members present, the Board was unable to endorse the plan.
Upon motion duly made and seconded it was unanimously

VOTED: To table the request to endorse plan for the Special Permit #22-01 for a Non-Conforming Lot under Chapter 139 of the Acts of 1998, as shown on plans entitled, "Special Permit Plan" dated September 29, 2022, last revised November 21, 2022, prepared by Douglas E. Lees, P.L.S., Land Engineering & Environmental Services, Inc., 1 Bridgeview Circle, Tyngsboro, MA 01879. The application was filed with the Planning Board on October 7, 2022.

Request to initiate street acceptance for Green Meadow Drive - Joseph Langone, Northeastern Development Corp., Applicant

MATERIALS CONSIDERED:

LETTER from Joseph Langone dated December 14, 2022

Upon motion duly made and seconded it was

VOTED: To table the request to initiate street acceptance for Green Meadow Drive.

There being no more business to come before the Board, it was unanimously

VOTED: To adjourn the meeting at 9:34 p.m.

NEXT PLANNING BOARD MEETING: February 7, 2023

Respectfully submitted,~



Cheryl Licciardi
Recording Clerk