



## **TOWN of WILMINGTON**

### **DEPARTMENT OF PLANNING & CONSERVATION**

121 GLEN ROAD, WILMINGTON, MA 01887 [www.wilmingtonma.gov](http://www.wilmingtonma.gov) (978) 658-8238

#### **Planning Board Minutes**

**January 8, 2019**

The Planning Board met on Tuesday, January 8, 2019 at 7:30 p.m. in Room 9 of the Town Hall. The following members were present: Michael Sorrentino, Chair; Randi Holland; Terence Boland; David Shedd; and Sean Hennigan. Valerie Gingrich, Director of Planning & Conservation and Sierra Pelletier, Assistant Planner were also present.

#### **Minutes**

The Planning Board reviewed the November 13, 2018 & December 4, 2018 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the November 13, 2018 & December 4, 2018 minutes as written

#### **Form A**

There were no ANR plans to review

#### **Matters of Appointment**

**Continued Site Plan Review #18-09 and Stormwater Management Permit #18-09 for 220 Main Street, Map 44 Parcel 178D – Richard Williams, Williams & Sparages for Nouria Retail Energy, Inc. and JAM Enterprises, LLC, Applicant**

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

#### **MATERIALS CONSIDERED:**

PLANS "Existing Conditions Plan" prepared by Richard L. Williams, P.E., dated June 26, 2018

REVIEW LETTERS dated July 31, 2018 and January 2, 2019

ENGINEERING MEMO dated August 6, 2018, September 27, 2018, October 30, 2018 and December 17, 2018

E-MAIL from Denise Buxton for Donald Conn dated September 5, 2018, November 13, 2018, December 3, 2018, and January 4, 2019

LETTERS from Richard Williams dated December 2, 2018 and December 21, 2018

V. Gingrich said the applicant's engineer submitted new material December 21, 2018 but they did not include the Planning Department's comments so the plans will need to be revised. They will be meeting with Planning and Engineering this week to review comments.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for Site Plan Review #18-09 and Stormwater Management Permit #18-09 to February 28, 2019.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #18-09 and Stormwater Management Permit #18-09 for 220 Main Street to February 5, 2019 at 7:30 p.m. in the Town Hall Auditorium.

**Continued Public Hearing - Site Plan Review #18-15, Stormwater Management Permit #18-13 and Multi-Family Special Permit #18-01 for 635 Main Street – Map 40 Parcel 1 Massachusetts Equity Investors, LLC, Applicant**

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

**MATERIALS CONSIDERED:**

PLANS "635-645 Main Street, Wilmington, MA" dated October 18, 2018

ELEVATIONS "Wilmington Town Houses, 635 Main Street, Wilmington, MA" dated September 17, 2018

COMPARATIVE DRAINAGE ANALYSIS dated October 16, 2018

ENGINEERING MEMO dated November 13, 2018

LETTERS from Jon Tilton dated November 27, 2018, and January 2, 2019

Upon motion duly made and seconded, with four in favor and one abstention (D. Shedd) it was

VOTED: To extend the action deadline for Site Plan Review #18-15, Stormwater Management Permit #18-13, and Multi-Family Special Permit #18-01 for 635 Main Street to February 28, 2019.

Upon motion duly made and seconded, with four in favor and one abstention (D. Shedd) it was

VOTED: To continue the public hearing for Site Plan Review #18-15, Stormwater Management Permit #18-13, and Multi-Family Special Permit #18-01 for 635 Main Street to February 5, 2019 at 8:00 p.m. in the Town Hall Auditorium.

**Continued Public Hearing - Site Plan Review #18-16, Stormwater Management Permit #18-14 and Multi-Family Special Permit #18-02 for 203 Lowell Street – Map 48 Parcel 73 Massachusetts Equity Investors, LLC, Applicant**

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

**MATERIALS CONSIDERED:**

PLANS "Site Development Plan, 203 Lowell Street, Wilmington, Massachusetts" dated October 18, 2018 and Site Plan Application Narrative

STORMWATER MANAGEMENT & EROSION CONTROL PLAN dated October 18, 2018

REVIEW LETTER dated November 7, 2018

ENGINEERING MEMO dated November 13, 2018

LETTERS from Doug Lees dated November 28, 2018 and January 3, 2018

Upon motion duly made and seconded, with four in favor and one abstention (D. Shedd) it was

VOTED: To extend the action deadline for Site Plan Review #18-16, Stormwater Management Permit #18-14, and Multi-Family Special Permit #18-02 for 203 Lowell Street to February 28, 2019.

Upon motion duly made and seconded, with four in favor and one abstention (D. Shedd) it was

VOTED: To continue the public hearing for Site Plan Review #18-16, Stormwater Management Permit #18-14, and Multi-Family Special Permit #18-02 for 203 Lowell Street to February 5, 2019 at 8:15 p.m. in the Town Hall Auditorium.

**Public Hearing - Site Plan Review #18-17 & Stormwater Management Permit #18-16  
196 Ballardvale Street, Map R2 Parcel 7E, MAPVALE LLC, Applicant**

PRESENT IN INTEREST: Benjamin Osgood, Ranger Engineering & Design

**MATERIALS CONSIDERED:**

PLANS "Site Plan, 196 Ballardvale Street, Wilmington, MA" dated December 7, 2018  
BUILDING ELEVATIONS dated December 1, 2017 and last revised December 7, 2018  
STORMWATER MANAGEMENT REPORT dated December 7, 2018  
TURNING PLAN dated December 7, 2018  
PLANNING DEPARTMENT comment letter dated January 2, 2019  
ENGINEERING MEMO dated January 8, 2019

B. Osgood told the Board a similar project on this property was approved by the Planning Board about three years ago. He said the permit expired six months ago. B. Osgood said the property is an 80,000 sf. lot on the corner of Ballardvale Street and Rte. 125. It was cut out of 200 Ballardvale Street which is the large office complex on the corner of Rte. 125 and I-93. B. Osgood said most of the property is parking that services 200 Ballardvale Street. He said there is green space along Rte. 125 and Ballardvale Street. He said there is a wetland within the right-of-way of Rte. 125 and a wetland across the street. B. Osgood said the applicant is proposing a 9,912 sf. retail building and he showed and explained the layout. He said the entrance is proposed where it is now and there are easements for access. He said the building is divided into six tenant spaces with a proposed drive-thru on the east side with 13-cars worth of stacking between the drive-thru window and where you enter the queue. He said there are 48 parking spaces and another 50 spaces on the south portion of the property that would be leased back to 200 Ballardvale Street. He said there is sufficient parking for both properties. B. Osgood talked about the grading and drainage plan. He said the grade is being kept the same and they are expanding on the east side. B. Osgood said the site drains into the wetlands. He said the grass allows the water to flow to the wetlands. The drainage will be the same in the post development system. In the front it flows into treatment swales, into subsurface treatment infiltration chamber, into manholes, into vortex chamber, and discharges into the existing stormwater system that is part of the parking lot. B. Osgood explained the existing and proposed utility services. He showed the landscape plan with trees and shrubbery. Most of the area will be grass and riverrock around the building. He showed the snow storage areas around the outside of the landscaped area. B. Osgood showed the dumpster facility and said a dumpster truck can come in access the dumpster and drive out. The service doors are in the back and there is some handicap parking in the front of the building. B. Osgood showed additional handicap spaces along a walkway that would be used to access the building. He said this is a little different than what was submitted previously because he has started making revisions. V. Gingrich asked if an edge was added to define the main drive aisle and B. Osgood said a 2' barrier of a curb with riverrock in between was added. He said the drive-aisle widths have all been delineated on the plan. He said he received comments from both Planning and Engineering and they were addressed and revised plans will be submitted Friday. He said they still need to go before the Conservation Commission. M. Sorrentino said one comment is to update the Traffic Study and B. Osgood said he spoke with the engineer that conducted the original study and he will update it. He said he contacted the Water Department for a peer review engineer for the water system and that's in progress. He said he contacted a peer reviewer for water and sewer. B. Osgood told

the Board a burger joint is proposed for the drive-thru. He said there might be enough parking for another small restaurant /coffee shop with 15 to 20 seats. B. Osgood said the architecture is similar to what was built down the street. V. Gingrich said the drive-thru window shifted from the back of the building to the side with the new proposal. B. Osgood said they changed some of the circulation. They added a "DO NOT ENTER" sign for safety purposes. He showed a turning radius plan with the fire truck safely traveling around the building. B. Osgood also showed the photometric plan.

M. Sorrentino asked that he put up the architectural drawing and asked about signage. B. Osgood said they will have to come before the Board for Special Permits if needed. D. Shedd asked about the portion of parking lot that 200 Ballardvale Street was using and B. Osgood B. Osgood said that a portion of the parking will be leased back to 200 Ballardvale so they can meet their parking requirement. M. Sorrentino asked if the adjacent Ballardvale Street building is fully occupied and V. Gingrich said 206 Ballardvale Street is. M. Sorrentino meant 200 Ballardvale Street. M. Sorrentino said it would be nice to see an overview with all three buildings and B. Osgood said he would provide something. V. Gingrich said this lot is mostly parking lot today and B. Osgood said yes. M. Sorrentino asked if anyone in the audience had comments. No comments were made.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #18-17 and Stormwater Management Permit #18-16 for 196 Ballardvale Street to February 5, 2019 at 7:45 p.m. in the Town Hall Auditorium.

## **Board of Appeals**

At its meeting on Tuesday, January 8, 2019 the Planning Board voted to recommend as follows:

### Case 1-19: 196 Ballardvale Street, Map R2 Parcel 7E

Upon motion duly made and seconded, it was unanimously

VOTED: The Planning Board is currently reviewing this Project through Site Plan Review and will provide a recommendation after review is completed.

### Case 2-19: 196 Ballardvale Street, Map R2 Parcel 7E

Upon motion duly made and seconded, it was unanimously

VOTED: The Planning Board is currently reviewing this Project through Site Plan Review and will provide a recommendation after review is completed.

## **Old Business**

### **Inclusionary Zoning Update**

V. Gingrich talked about proposed zoning changes for this year's Town Meeting. She said the first one change is deleting the temporary moratorium on recreational marijuana establishments, Section 3.9, since last year the town voted to prohibit recreational marijuana establishments and the temporary moratorium expired December 31, 2018 so it is no longer

needed. Two other changes are regarding the Over 55 District. She said a proposal is changing Section 9.8.5 which has to do with local preference. She said the wording that is in our bylaw does not match up to what the state requires. V. Gingrich said we want our housing to meet the state requirements so it counts towards the 10%. She said we should strike what we have in the bylaws and add a reference that says "the maximum number of local preference units permitted by the Department of Housing and Community Development (DHCD) shall be provided. Applicants shall submit a marketing plan which describes how the affordable housing units will be marketed to potential homebuyers. M. Sorrentino asked if the wording could say the maximum number of local preference units permitted by the Department of Housing and Community Development shall be provided at the time of submission or review. He said his concern is if the law changes. He asked what it is now and V. Gingrich said 70% or 2 out of 3. V. Gingrich said they don't often or ever change. V. Gingrich continued saying the plan should meet all applicable state and federal laws and regulations so the affordable units are eligible to be placed on the town's Subsidized Housing Inventory. V. Gingrich said that way we are not defining but just referring back to the state requirements. V. Gingrich said it will be reviewed by Town Counsel for the wording. D. Shedd asked what we would do with the marketing plan information and V. Gingrich said that is the information that is reviewed regarding the price of the units and all the details on where they will be advertising the units and all technical information. T. Boland asked if there is a checklist of things we should expect to see. V. Gingrich said we can internally look at it and have a checklist. She said it is a state defined marketing plan. V. Gingrich said the developer's consultant puts it together, Planning reviews it and the State reviews it. V. Gingrich said the other change in the Over 55 District is the affordable requirement which is 10% was added as a sentence to the density allowance. She said the proposal is to move it down to the Affordable Housing section and make it 15%. V. Gingrich said the section is currently named Affordable Housing Density Bonus and is proposed to be renamed Affordable Housing. She said it covers the density requirements in addition to other things about affordable units. R. Holland asked if the density bonus will still be 25% and V. Gingrich said yes. T. Boland said all this is only within the Over 55 section and V. Gingrich said yes. R. Holland asked if in the current bylaw has any affordable components to any other district besides the Over 55 and V. Gingrich said no. R. Holland suggested that section 9.8 be included in its entirety. V. Gingrich asked if she should keep the track changes on during the Joint Public Hearing and the Board agreed. V. Gingrich said hopefully the Inclusionary Zoning Bylaw episode is running on WCTV. She said she got a few helpful comments back regarding the draft. She said the current draft has an 8 unit threshold. She said the minimum lot size for multi-family is 25,000 sf. She said the density is 1 unit per 4,000 sf. So 25,000 divided by 4,000 is 6.25. She said you will see 6 units or more for multi-family. V. Gingrich said some people wish this requirement would be for all development in town. She said the proposal is to make that first step on what we all can agree on. She said requiring it for Multi-Family Districts will give us the most bang for our buck. R. Holland said the Conservation Subdivisions that have been approved should have some affordable units. V. Gingrich asked the Board if they ever think of the cost to the developers for building affordable units but more importantly, she explained that it takes a lot of money to maintain the larger homes. She said the rules are the affordable and market rate units are supposed to be the same and even though a family may qualify to pay a little more than \$200,000, she is concerned they will not be able to afford the upkeep. She said some towns have tried to do something so they don't have to look the same. V. Gingrich said an example is building a duplex that looks like a single family unit but she said it hasn't been proven to work yet. She said this Inclusionary Bylaw is a first step. S. Hennigan said there are not enough open land parcels in the single family districts left in town that we can put many units. V. Gingrich said this is a way of maintaining our affordable housing percentages, but it will not make up a deficit. V. Gingrich said if the town falls below 10%, this bylaw is not going to help get us back to 10%. She said it's a way to help us not fall further behind. D. Shedd said it would be helpful to see what other surrounding towns are doing and V. Gingrich agreed. V.

Gingrich said most surrounding towns have affordable requirements and some require all development within certain districts, like with Wilmington it would be all development within the multi-family districts. She said 4 to 6 units was a very popular threshold. She said 4 of our surrounding towns have affordable requirements for all development within certain districts and a couple had 4 to 6 units per project. D. Shedd asked where those towns are with respect to 10%. V. Gingrich said it changes all the time. Reading keeps fluctuating because they keep getting 40B projects so they are approaching 10% but are not there yet. She said North Reading does not have an inclusionary bylaw but they just had a 40B project on the Middleton side that could take them over the 10%. She said she cannot remember what Tewksbury's number is but they have been taking payments in lieu of housing units. She said we are in better shape than most of the surrounding towns. She said Woburn is not at 10%, T. Boland asked if we go down to 6 unit threshold because the density bonus will go to 7 units for the smallest project. V. Gingrich said the lowest the lowest percentage of affordable units after a density bonus is still above 10%. V. Gingrich said if you did 6 units with one affordable and got one extra market rate it would be 1 out of 7. She said if you give the density bonus, you will not always be at 15% all the time. T. Boland asked if requiring affordable units in a Conservation Subdivisions would be discouraging a conservation subdivision. D. Shedd said it would be a case by case basis. T. Boland is concerned that developers will be discouraged to propose conservation subdivisions and they work out well. M. Sorrentino said conservation subdivisions work for the developers but he's not so sure they always work so well for the town. V. Gingrich said it's nice when their open space links together like Murray Hill, Mill Road and Green Meadow. She said we prefer those and like open space but it does not always work. R. Holland said there are almost 30 units at Green Meadow and 3 could have been affordable. V. Gingrich said the price differential is so great but her bigger worry is the design piece and a family that is making limited income to keep up a large home like that. She said this is a first step and we should require the affordable units where they make the most sense and continue discussions to see how it can work anywhere else. V. Gingrich she is not a fan of payments in lieu of units. She said it has not worked out for Tewksbury at all and it puts the responsibility on the town to build affordable housing. D. Shedd said he would be curious to see if other towns did it and how it worked out for them, and if the towns get developer/builder or general contractor involved, or how exactly they went about the process of building affordable housing using those payments.

Resident, F. West, 2 Birchwood Road, said he had talks with V. Gingrich about affordable housing. He thinks the number should be higher than 15% and thinks it should be 25%. He said it could be a win/win in that the developer gets his money and the town gets more affordable units. He said as far as the single family homes, if you are building \$800,000 homes and need to include 2 or 3 affordable units, how do you build it? He said one avenue could be to take the money as opposed to affordable units and set up a fund so that money will only be used for affordable housing, and the town could work with Shawsheen Tech or use money from the Community Preservation Act or get money from the state and develop the St. Dorothy's property. He said to S. Hennigan who commented earlier there is not much land left, there is Siarappa Farm which would have 200 units, and Lowell Street near Lucci's where 57 units are being proposed, Walpole Fence and possibly the Textron property. He said there is a lot of land out there and some might be used for a different purpose right now but it's there and as prices continue to rise, developers have incentive to develop the land. He thinks single family houses should be included in the proposal.

Resident S. Sullivan, 60 Lawrence Street, told the Board she has concerns about the open space requirements and feel that it is not enough. M. Sorrentino asked her if she meant in general or in the Over 55 District. S. Sullivan said the inclusionary bylaw. She does not want to lose open space in exchange for affordable units.

## **New Business**

### **Request to waive Site Plan Review for 111 Eames Street – Map 37 Parcel 9B – Dustin Schrougham, Applicant**

PRESENT IN INTEREST: Jeremy Pufky, Pepsi Co.  
Paul Ware, Pepsi Co.

#### **MATERIALS CONSIDERED:**

PLANS "Pepsi Beverages Company, 111 Eames Street, Wilmington, MA", dated December 15, 2018

PROJECT DESCRIPTION dated November 16, 218

E-MAIL from Jeremy Pufky dated December 19, 2018

J. Pufky told the Board they are putting a freezer on the premises to sell chilled beverages. P. Ware said they store empty pallets outside that get picked up every week and a half but they will have to be picked up every two days instead once the freezer is installed. M. Sorrentino asked if they are shipping food and P. Ware said no. He said there will be gel packs to keep things cool. V. Gingrich said the freezer will be placed on existing pavement so there is no new impervious area. R. Holland said it is behind a screened planting area.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing and approve the request to waive Site Plan Review for 111 Eames Street for the installation of a prefabricated 16'x30' freezer on existing asphalt along the southwest exterior wall of the existing warehouse, north of the northern set of existing docks. There will be no change to parking or impervious area.

### **Review Open Meeting Law Complaint filed by Susan Rogers and review draft response**

V. Gingrich said there was a draft response in the Planning Board packets. She explained there was an Open Meeting Law complaint filed by Susan Rogers. V. Gingrich said that Town Counsel reviewed the complaint and prepared a draft response. She said if the Board has any changes they can incorporate them. V. Gingrich said the response is due by the end of the week. She said if there are changes or edits they will be done tonight and if not, it is appropriate to vote to issue it as a response. T. Boland said what he read is true and asked the Board if anything should be added. The Board agreed that all information was complete.

Upon motion duly made and seconded, with four in favor and one abstention (D. Shedd) it was

VOTED: To accept the response to the Open Meeting Law Complaint as drafted.

## **Director's Report**

V. Gingrich told the Board a letter went out to the owners of a property on Olney Avenue. She said there were improvements made to the street. She said they paved and expanded without any approvals. M. Sorrentino said it wasn't just paved but expanded as well. V. Gingrich said yes both length and width. M. Sorrentino asked if it was the neighbors getting together or just an individual. V. Gingrich said she was not sure but the letter went to the property owner. M. Sorrentino asked if it is an unaccepted way and V. Gingrich said it is. M. Sorrentino asked if somebody complained and V. Gingrich said yes. V. Gingrich said it should be looked at for the

impervious area and where the water is going for stormwater. V. Gingrich said the drainage pattern triggered a complaint so she sent the owner a letter stating that the Planning Department was made aware of some improvements without permits or approvals from the Planning Board. The letter asked the owner to come in to discuss the approvals needed. V. Gingrich said they should complete a 81G Application and a Simple Stormwater Management Permit. T. Boland asked if they repaved their driveway and weren't aware they were doing something wrong. She said the letter is to say come in and let's talk about what permits you need.

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

VOTED: To adjourn the meeting at 8:43 p.m.

NEXT PLANNING BOARD MEETING: February 5, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cheryl Licciardi", written in a cursive style.

Cheryl Licciardi  
Recording Clerk