



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

Planning Board Minutes December 4, 2018

The Planning Board met on Tuesday, December 4, 2018 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 October 2, 2018 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the October 2, 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 LETTER dated July 31, 2018

ENGINEERING MEMO dated August 6, 2018

E-MAIL from Denise Buxton for Donald Conn dated September 5, 2018

V. Gingrich said they submitted new material today that will be reviewed.

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 January 31, 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 January 8, 2019 at 7:30 p.m. in Room 9 of the Town Hall.

Continued Public Hearing – Site Plan Review #18-12 and Stormwater Management Permit #18-11 for 911 Main Street - Map 25 Parcel 4 M.T. Pokkets Realty Trust, Applicant

PRESENT IN INTEREST: Attorney Michael Newhouse
Robert Autenzio Paul's Landscaping
Paul Autenzio, Paul's Landscaping
Thad Berry, ASB Design Group, LLC

MATERIALS CONSIDERED:

PLANS "Site Plan Review, 917 Main Street, Wilmington, MA" dated August 15, 2018 and last revised November 14, 2018

DRANAGE REPORT dated November 14, 2018

ENGINEERING MEMO dated September 5, 2018

LETTER from Michael J. Newhouse dated November 8, 2018

V. Gingrich said the approval had to be revised after M. Newhouse provided some comments. She said this application is unique since there will be no building permit and no occupancy permit. The approval was structured with a focus on construction. She said the conditions of approval are standard.

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

VOTED: To close the public hearing for Site Plan Review #18-12 and Stormwater Management Permit #18-11 for 911 Main Street.

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

VOTED: To approve with conditions Site Plan Review #18-12 for 911 Main Street as shown on plan entitled, "Site Plan Review, 917 Main Street, Wilmington, MA", Sheets 1 through 4, dated August 15, 2018 and last revised November 14, 2018, prepared by Thad D. Berry, P.E., ASB Design Group, LLC, 363 Boston Street, Route 1, Topsfield, MA 01983. Said property is located at 911 Main Street, Wilmington, MA 01887 and shown on Assessor's Map 25 Parcel 4.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on September 11, 2018, and closing on December 4, 2018, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Robert Autenzio, Trustee, M.T. Pokkets Realty Trust, 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 911-917 Main Street for additional pavement, concrete storage bins, and adjustments to the stormwater management system as shown on plan entitled "Site Plan Review, 917 Main Street, Wilmington, MA", Sheets 1 through 4, dated August 15, 2018 and last revised November 14, 2018, prepared by Thad D. Berry, P.E., ASB Design Group, LLC, 363 Boston Street, Route 1, Topsfield, MA 01983, submitted on August 16, 2018, (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:

<u>Date submitted</u>	<u>Description</u>
1. August 16, 2018	"Proposed Conditions Aerial Image (2018)" prepared by ASB Design Group, LLC and dated August 11, 2018.
2. August 16, 2018	"Stormwater Management Plans, 917 Main Street, Wilmington, MA" Sheets 1 through 4, prepared by Thad D. Berry, P.E., ASB Design Group, LLC and dated August 15, 2018.
3. November 14, 2018	"Drainage Revisions" letter from Thad D. Berry, P.E., ASB Design Group, LLC and dated November 14, 2018.
4. November 14, 2018	Drainage Report, prepared by Thad D. Berry, P.E., ASB Design Group, LLC and dated November 14, 2018.
5. November 14, 2018	"Water Quality Summary" letter from Thad D. Berry, P.E., ASB Design Group, LLC and dated October 31, 2018.

FINDINGS:

1. The Project site is shown on Map 25 Parcel 4 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.
7. All maintenance responsibilities for any equipment structures installed for this project will remain with the Owner.
8. This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review.

PRIOR TO ENDORSEMENT OF THE PLANS:

9. The Plans shall be revised to show the address of the property as 911 Main Street.
10. The Plans shall be revised to include all conditions of Site Plan approval.
11. The Plans shall be revised to show iron pins installed at all property corners.

PRIOR TO CONSTRUCTION AND DURING CONSTRUCTION:

12. Prior to the commencement of the work to be performed in accordance with the Site Plan, erosion controls shall be installed in accordance with the Stormwater Management Plan and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
13. 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.

POST CONSTRUCTION:

14. As-Built Plans in form(s) and format(s) acceptable to the Town shall be submitted to the Engineering Director and Director of Planning and Conservation.
15. Trash pick-up on the site shall occur during normal business hours.
16. The Applicant shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
17. The Applicant 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.
18. The Applicant 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 Applicant 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.
19. 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 and located within the site shall be the Applicant's responsibility.

20. Snow in excess of the areas provided for snow storage on the Site Plan is to be removed from the site within five (5) days of a snow event. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
21. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project and located within the site shall be the Owner's responsibility.
22. Final As-Built Plans in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Town Engineer and Director of Planning and Conservation.

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

VOTED: To approve with conditions Stormwater Management Permit #18-11 for 911 Main Street as shown on plan entitled, "Stormwater Management Plans, 917 Main Street, Wilmington, MA", Sheets 1 through 4, dated August 15, 2018 and last revised November 14, 2018, prepared by Thad D. Berry, P.E., ASB Design Group, LLC, 363 Boston Street, Route 1, Topsfield, MA 01983.

**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**

December 7, 2018

ISSUED for Property located at 911 Main Street, Wilmington, MA 01887 (Map 25 Parcel 4)

Case No.: Stormwater Management Permit **#18-11**

Applicant: Mr. Robert Autenzio, Trustee, C/O Michael J. Newhouse, Esq., Law Office of Michael J. Newhouse & Associates, 20 Middlesex Avenue, Wilmington, MA 01887

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and plan entitled, "Stormwater Management Plans, 917 Main Street, Wilmington, MA", Sheets 1 through 4, dated August 15, 2018 and last revised November 14, 2018, prepared by Thad D. Berry, P.E., ASB Design Group, LLC, 363 Boston Street, Route 1, Topsfield, MA 01983; material submitted on August 16, 2018, subject to the following conditions:

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 October 2, 2018.

Special Conditions

1. Erosion controls shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of construction.
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 Operation and Maintenance Plan shall be recorded.

Continued Public Hearing – 81G Application #18-01 for Sherwood Road Map 8 Parcel 18 - Jonathan Langone, Applicant

PRESENT IN INTEREST: Doug Lees, Land Engineering & Environmental Services, Inc.
Jonathan Langone

MATERIALS CONSIDERED:

PLANS "Sherwood Road Improvement Plan in Wilmington, Massachusetts" dated August 14, 2018 and last revised November 20, 2018

ENGINEERING MEMOS dated September 5, 2018, November 5, 2018, & December 3, 2018

D. Lees said the Board continued the meeting because there were a few changes that needed to be included in revised plans. Some monumentation was added to sheet 2.

M. Sorrentino read Engineering comments.

V. Gingrich said when an 81G is approved, before house construction starts the road should be to binder but this case is different because the Town Engineer does not want any pavement work done now that winter is here. Paving will be done prior to occupancy.

Resident, C. Sylvester, 10 Sherwood Road, said there is going to be another 31,000 gallons of rain water a year estimating a 20' x 40' house and a 12' x 20' driveway. That didn't count decks or widening the street. He said he has an issue with moving the clay pipe as it dumps into the wetlands where it is. He said you are not supposed to change the flow of the water. C. Sylvester said the applicant is proposing to remove four maple trees which absorb as much as 100 gallons of water a day. He asked what will absorb the water once the maples are removed. He asked if the applicant is removing the clay pipe so they don't have to pay for the maintenance of it. He said he pays for the pipe on his property to be cleaned. Resident, J. Downs, 9 Sherwood Road, asked what the width of the road will be and D. Lees answered 20'. J. Downs asked if two emergency vehicles can pass safely with that width. He said if this road is going to be built it should be built up to standard. He said when a plow comes up the street, it cleans only one plow blade width and they are lucky if it's an 8' blade width. D. Lees said 20' is wide enough for two vehicles to pass. M. Sorrentino told residents the flow pattern is not

being changed. C. Sylvester argued that the flow pattern is being changed with the pipe changes. Resident, A. O'Brian, 7 Sherwood Road, asked if the pipe is illegal, why put any pipe there? V. Gingrich said it is not illegal but typically the Town would prefer that those pipes run within the right-of-way. A. O'Brian said if they are going to remove it, why put anything in rather than let the water flow naturally like it always has. C. Sylvester said that pipe was not on the maps when he moved into town. V. Gingrich said that pipe is considered a wetland connection with a wetland on each side. V. Gingrich said the flow does not change. She said the roof runoff will go into the ground in an infiltration chamber. She said the same water is going in the pipe and the same water is going out. V. Gingrich asked D. Lees to show the diagonal versus the right angle of the existing and proposed pipes. D. Lees said the Town asked that it be pulled into the right-of-way. He said the water goes into the same wetlands. V. Gingrich said 20' is the minimum the Board typically approves for roadway width and in this case you have wetland on one side and hydrant on the other and with these pinch points, 20' is as wide as this roadway can be. J. Downs complained about getting water in his basement. D. Lees said J. Downs is asking for more pavement and the applicant is improving the roadway by reducing the environmental impact. J. Downs asked how the Town decides what is accepted. V. Gingrich explained the street acceptance policy. She said when a street is accepted that's when the Town takes over maintenance. R. Holland said that she was on the Unaccepted Ways Committee and explained how the roads were accepted. C. Sylvester asked what is replacing the maple trees that are being removed. D. Lees said they will be replaced with shrubs which will also provide a barrier at the edge of the wetland which will prevent any dumping of leaves into it. C. Sylvester said shrubs will not take as much water as the trees. M. Sorrentino asked if there were any additional comments and there were none.

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

VOTED: To close the public hearing and approve with conditions an 81-G application and plan entitled: "Sherwood Road Improvement Plan," dated August 14, 2018 and last revised November 20, 2018, scale 1"=20', prepared by Douglas E. Lees, P.E., Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsborough, MA 01879 concerning the property located at 7 Edwards Road, and shown on Assessor's Map 8, Lot 18 subject to the Findings and Conditions below.

MATERIALS:

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

1. Letter from Doug Lees, P.E. dated August 14, 2018.
2. Letter from Doug Lees, P.E. dated October 24, 2018.
3. Letter from Matt Dusenberry, dated November 20, 2018.
4. Detail Plan, dated August 30, 2018 and last revised November 20, 2018, prepared by Douglas E. Lees, P.E., Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsborough, MA 01879.
5. Subsurface Sewage Disposal Plan, dated July 13, 2018 and last revised November 20, 2018, prepared by Douglas E. Lees, P.E., Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsborough, MA 01879.

FINDINGS:

1. The Project includes complete full-depth roadway reconstruction, improvements, and widening for approximately 250 feet of Sherwood Road starting at the intersection with Edwards Road.

2. The Roadway Improvement 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 Chapter 41 Section 81-G of the MA General Laws.
3. 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:

1. Roadway improvements shall be constructed in accordance with any other applicable regulations of the Town of Wilmington.
2. Roadway improvements shall be constructed within one (1) year from the date of this approval, unless an extension is granted by the Planning Board.
3. Any modification to the approved plans must receive the prior approval of the Planning Board.

SPECIAL CONDITIONS:

4. No heavy equipment or vehicles shall drive over the existing clay drain pipe, unless protected by a method approved by the Town Engineer and Department of Planning & Conservation. The existing drainage shall be protected throughout the entirety of construction until it is removed.
5. The Applicant must ensure the new pavement interlocks with the existing pavement at each end.

PRIOR TO ENDORSEMENT:

6. A note shall be added to the plans calling for the complete removal of the existing clay drain pipe from proposed DMH-1 to the outfall and restoring the ground surface as appropriate.
7. Sheet 2 of the plans shall be revised to include monumentation (to be set) and all parcel lines.
8. The Subsurface Sewage Disposal Plan shall be revised to show the proposed drain line and iron pins at all four corners of the parcel.
9. Spot grades or other contour information to show drainage from the driveway toward the infiltration trench shall be added to the plans.
10. A construction sequence schedule for pipe removal, pipe installation, road construction, house construction, and all other proposed work shall be submitted to the Department of Planning & Conservation and Town Engineer for review and approval.
11. A detail shall be provided for review and approval by the Town Engineer for protection of the existing 12-inch clay pipe from vehicular loads and heavy equipment during construction.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT/CONSTRUCTION:

12. At least one (1) week prior to the commencement of earth moving activities, the applicant or designated authority shall schedule a pre-construction meeting with the Department of Planning & Conservation and the Engineering Division.
13. A Simple Stormwater Permit shall be obtained.
14. Prior to the commencement of construction, erosion controls shall be installed and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.

15. Prior to the issuance of a Building Permit for the dwelling, an acceptable form of surety shall be provided for the completion of the roadway improvement project.
16. Prior to any construction or earth moving activities within the project area, a detailed plan for protection of the existing clay drain pipe must be submitted to the Department of Planning & Conservation and the Engineering Division for review and approval. The existing drainage shall be protected throughout the entirety of construction until it is removed.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY:

17. The Applicant or designated authority shall give reasonable notice (at least 24 hours) to the Engineering Division for inspection prior to installation of the proposed roadway section (i.e., sub-grade, grave base, binder, and wearing surface) and prior to backfilling any proposed stormwater management system.
18. All monumentation shall be set and shown on the As-Built Plan.
19. Roadway improvements and drain line replacement shall be completed.
20. Prior to the release of surety and the issuance of a Certificate of Occupancy for the new dwelling, final As-Built Plans for the roadway improvement project and the new dwelling, in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineer and Director of Planning & Conservation.
21. The Operation & Maintenance Plan shall be recorded.

Continued Public Hearing - Site Plan Review #18-13 and Stormwater Management Permit #18-12 for 65 Industrial Way - 56 Parcel 122 - Arthur Kanavos for 65 Industrial Way LLC, Applicant

PRESENT IN INTEREST: Arthur Kanavos

MATERIALS CONSIDERED:

PLANS "Proposed Parking Plan, 65 Industrial Way in Wilmington, Massachusetts", dated October 16, 2018 and last revised November 20, 2018

BOARD of APPEALS DECISIONS: Case 73-90, Case 67-91, Case 97-92, Case 70-94

ENGINEERING MEMOS dated November 13, 2018 and December 3, 2018

LETTER from Arthur W. Kanavos dated September 21, 2018

A. Kanavos asked about the timing of the project on the outside of the building because of the weather, and asked who determines the price of the bond for remaining work to be done at the time occupancy is issued. M. Sorrentino said the Town Engineer decides. V. Gingrich said because we are going into winter, the decision was structured a little different. She said a bond is issued by the applicant and the Town Engineer sets the amount. A. Kanavos will post a bond and the Town will hold it until all work is completed. V. Gingrich said they put a completion date of October of next year into the decision.

M. Sorrentino read Engineering memo into the record.

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

VOTED: To close the public hearing and approve with conditions Site Plan Review #18-13 for 65 Industrial Way as shown on plan entitled, "Proposed Parking Plan, 65 Industrial Way in Wilmington, Massachusetts", dated October 16, 2018 and last revised November 20, 2018, prepared by Frederick W. Russell, P.E., 154 Aldrich Road, Wilmington, MA 01887. Said property is located at 65 Industrial Way, Wilmington, MA 01887 and shown on Assessor's Map 56 Parcel 122.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) closing on December 4, 2018, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by 65 Industrial Way LLC, 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 65 Industrial Way for sealcoating and restriping the parking lot, converting an existing door to a drive-in door, installing a forklift door, and increasing open space as shown on plan entitled "Proposed Parking Plan, 65 Industrial Way in Wilmington, Massachusetts", dated October 16, 2018 and last revised November 20, 2018, prepared by Frederick W. Russell, P.E., 154 Aldrich Road, Wilmington, MA 01887, submitted on October 18, 2018, (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:

<u>Date submitted</u>	<u>Description</u>
1. November 27, 2018	"Operation & Maintenance Manual for the Storm Drainage Facilities Located at: 65 Industrial Way, Wilmington, Massachusetts," prepared by Eugene T. Sullivan, P.E., Consulting Engineers, 230 Lowell Street, Suite 2A, Wilmington, MA 01887, and dated November 9, 2018.

FINDINGS:

1. The Project site is shown on Map 56 Parcel 122 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.
7. This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review.

PRIOR TO ENDORSEMENT:

8. The plans shall be revised to label existing and proposed open space.

PRIOR TO CONSTRUCTION AND ISSUANCE OF A BUILDING PERMIT:

9. The Wilmington Fire Department shall review and approve all building plans prior to construction.
10. Prior to the commencement of construction, erosion controls shall be installed and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.

PRIOR TO OCCUPANCY:

11. The Operation & Maintenance Plan shall be recorded.
12. In the event that winter season conditions prohibit final landscaping and/or finish paving course and striping from being installed prior to tenant 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. All site work shall be completed in accordance with the approved site plans by October 1, 2019.

POST CONSTRUCTION:

13. The Applicant shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
14. The Applicant 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.
15. The Applicant shall use good housekeeping practices as outlined in the Operation & Maintenance Plan to maintain the site and keep it in good working condition. The Applicant 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.
16. 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 and located within the site shall be the Applicant's responsibility.

17. Snow in excess of the areas provided for snow storage on the Site Plan is to be removed from the site within five (5) days of a snow event. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
18. The operation and maintenance of all drainage structures pursuant to the Project and located within the site shall be the Owner's responsibility.
19. Final As-Built Plans in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Town Engineer and Director of Planning & Conservation.

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

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 January 31, 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 January 8, 2019 at 7:45 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 #18-12 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

ENGINEERING MEMO dated November 13, 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 January 31, 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 January 8, 2019 at 8:00 p.m. in the Town Hall Auditorium.

Board of Appeals

At its meeting on Tuesday, December 4, 2018 the Planning Board voted to recommend as follows:

Case 19-18: 7 Concord Street (Map 62 Parcel 29)

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend upholding the Building Inspector's determination that short-term rentals are not an allowed use.

Case 20-18: 10 Nelson Way (Map 87 Parcel 4H)

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The applicant has proposed an adequate system for groundwater recharge.

Case 21-18: 85 Park Street (Map 100 Parcel 117)

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The applicant has proposed an adequate system for groundwater recharge.

Old Business

Inclusionary Zoning Update

V. Gingrich asked the Board if it believed the Inclusionary Zoning Bylaw is in good enough shape to get out to the public. It can go out on WCTV. She said they tried to strike a compromise so we are looking at 15%. Some people said 10%, some said 25%. V. Gingrich said 15% will help the Town maintain the required percentage once we get back to 10%. She said while it would be nice to apply this to all development, she's not sure if it would be a good idea to apply to single-family subdivisions. She thinks the development community will push back because the market rate for a single-family dwellings is \$700,000, almost \$800,000 for the newer larger homes whereas the affordable units will go for \$200,000. The difference is substantial. With a conventional subdivision we can't give density bonuses. She said if it's a cluster or conservation subdivision, we can give density bonuses. R. Holland said a conventional subdivision has not been done in 9-10 years and V. Gingrich agreed. R. Holland said even if we get 10% in the two districts currently proposed to have inclusionary zoning, it will not keep us at 10%. V. Gingrich said the draft included the option for the developer of a conservation subdivision to volunteer to provide affordable units. T. Boland said there is never going to be 8 single-family homes in a neighborhood and V. Gingrich said single-family is not allowed in a Neighborhood Mixed Use. M. Sorrentino said the applicant would have to volunteer to provide affordable units. S. Hennigan argued that the Board should require an applicant to offer affordable units. V. Gingrich said the affordable units are to be built to look like the market rate units. V. Gingrich said she is concerned to require affordable units in a

large-sized home development because the family eligible for affordable units may not be able to afford the upkeep and maintenance of a large home. M. Sorrentino said that dwelling needs to be defined so people know it could mean apartments. D. Shedd said when it is being presented to the public, it's easier for people to see if you can compare Wilmington to other surrounding towns and what they are doing. There was a discussion regarding the parcels that could be used. T. Boland said what would be the hypothetical effect of this 10 years down the line. V. Gingrich said that if other areas such as North Wilmington are rezoned in the future to Neighborhood Mixed Use, then this would apply to those areas. Condos and apartments will be appealing to seniors and young professionals. She said \$350,000 is more affordable than \$800,000. She said the Facility Master Plan identified property for senior housing and one was the parcel next to St. Dorothy's which could be used for Over 55 apartments. Seventy units would match our Over 55 bylaw density and if developed as apartments with 25% affordable all those units would count only if 25% or more are affordable and that's the right number to get us back to 10%. It's one rental project of medium size. She told the Board elderly residents come to the office all the time saying they don't want to leave Wilmington but can no longer afford and maintain their home. T. Boland asked if the Selectman did not support the St. Dorothy's idea because this bylaw was not in place and V. Gingrich said there was a shift in the discussion as to why we didn't have an Inclusionary Bylaw. M. Sorrentino asked if it should be called low income household which is defined as 80% of the area median income. V. Gingrich said the median income in Wilmington is \$103,000. V. Gingrich said that is why they want to have workshops to interact with people to explain the details. She asked if the Board thought it was ready to get the draft out to the public. The Board agreed it was. D. Shedd said to provide more examples of what other towns are doing. T. Boland said also show what is not successful. D. Shedd asked how far below Wilmington will be when the next census comes out and V. Gingrich said 9%. V. Gingrich said once you are below 10% an applicant can submit a 40B.

New Business

Request for a one year extension for 66-68 Industrial Way – Site Plan Review #16-03 and Stormwater Management Permit #16-07 – Map 56 Parcel 125, Dagle Electrical Construction Corp., Applicant

PRESENT IN INTEREST: Attorney Michael J. Field, Field & Schultz

MATERIALS CONSIDERED:

LETTER from Michael J. Cronin, Dagle Electrical Construction Corp., dated November 16, 2018.
E-MAIL from Attorney Michael Field, Filed & Schultz, dated November 27, 2018

V. Gingrich told the Board the project was approved in 2016 to expand the back right corner of 66 Industrial Way parking lot. They needed to take out some ledge and regrade to get the trucks around with a little more movability. They needed to relocate the sewer line that runs through their parcel to service the rear abutting parcel. The issue is there is a plan that shows an easement but there is no recorded easement. The Board required with the approval in 2016 that the rear abutter acknowledge the work that is going to be done prior to construction. The applicant and his attorney are having difficulty with that because it is questionable who will be responsible for the sewer line further down the road. D. Shedd asked if the sewer line could just be cut. V. Gingrich said the issue seems to be future responsibility for the sewer line.

Attorney M. Field told the Board he had a discussion with A. Kanavos, the rear abutter, who explained in more detail his concerns. Attorney M. Field said he would try to address the concerns. If concerns cannot be addressed, something else will have to be done.

Upon motion duly made and seconded, it was unanimously

VOTED: To grant a one-year extension to the approvals for Site Plan Review Application #16-03 and Stormwater Management Permit #16-07 since no substantial construction has commenced within two (2) years. The additional year will provide time for the applicant to work on satisfying condition #5 of Site Plan Review decision.

Request to waive Site Plan Review for 90 Industrial Way – Map 56 Parcel 5 – Jason Emord, Chapman Construction, Applicant

PRESENT IN INTEREST: Jason Emord

Bruce Ringwall, GPR Engineering Solutions for Land & Structures

MATERIALS CONSIDERED:

PLANS "Equipment Pads, General Industrial District, Site Plan Waiver Request, 90 Industrial Way, Wilmington, Massachusetts", dated November 2018

LETTER from Jason Emord, Chapman Construction dated November 20, 2018

B. Ringwall told the Board this is a commercial site with a clean room inside. They need to add a pad for a liquid nitrogen tank and a pad for HVAC equipment. He said the site is quite large and these are minor changes. B. Ringwall said there will be 12,636 sf of impervious surface added, meeting all the setbacks, not changing parking or circulation. R. Holland asked if there will be fencing for screening of the equipment and J. Emord said there will be a fence.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review for 90 Industrial Way for the installation of a 9,000 gallon liquid nitrogen storage tank as well as supporting HVAC equipment on the south side of the building which will be attached to concrete pads, enclosed with a chain link fence.

Request to endorse plans for Site Plan Review #18-14 – 375 Ballardvale Street Map R3 Parcel 50A - Mark E. Beaudry for FedEx Ground, Applicant

MATERIALS CONSIDERED:

PLANS "Site Plan for Bathroom Addition, 375 Ballardvale Street, Wilmington, Massachusetts 01887", Sheets 1 and 2, dated August 21, 2017 and last revised October 15, 2018

FLOOR PLANS "FedEx Ground Renovation & Security Building", dated September 7, 2018

LETTER & NARRATIVE prepared by Meridian Associates, Inc., dated October 17, 2018

V. Gingrich said this approval was to add the security building bathroom addition.

Upon motion duly made and seconded, it was unanimously

VOTED: To endorse plans for 375 Ballardvale Street, Site Plan Review #18-14 as shown on plan entitled, "Site Plan for Bathroom Addition, 375 Ballardvale Street, Wilmington, Massachusetts 01887", Sheets 1 and 2, dated July 6, 2017 and last revised November 14, 2018, prepared by Mark E. Beaudry, P.E., Meridian Associates, 69 Milk Street, Suite 302, Westborough, MA 01581. Said property is located at 375 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R3 Parcel 50A.

**Request to release Surety for Over 55 Housing Special Permit Amendment #17-02
401 Andover Street – Map R3 Parcels 8 & 10, Stephen Wright, Applicant**

MATERIALS CONSIDERED:

E-MAIL from Stephen Wright dated November 20, 2018

ENGINEERING MEMO dated November 30, 2018

M. Sorrentino read the Engineering memo into the record.

Upon motion duly made and seconded, it was unanimously

VOTED: To reduce surety in the amount of eighty thousand, seven hundred seventy-seven dollars and zero cents (\$80,777.00) for the completion of work at the Spruce Farm Over 55 Development. Surety was presented in the form of a Tri-Party Agreement among Spruce Farm LLC, Reading Cooperative Bank, and the Town of Wilmington through its Planning Board.

**Request to endorse plans for 81G Application #18-02 for 1 Hudson Street
Map 70 Parcel 82A, Robert Marini for Richard Rapacki, Applicant**

MATERIALS CONSIDERED:

PLANS "Roadway Improvement Plan, 1 Hudson St., Wilmington, MA 01877" dated August 16, 2018

ENGINEERING MEMO dated September 27, 2018

V. Gingrich reminded the Board this is a paper street off Jordan Street off of Salem Street. Jordan deadends at 1 Hudson and they have a paved half circular driveway on their piece of the property. She said the Board asked for the turning radius, correct Wilmington zip code, and revision date on the plan and they made all requested changes.

Upon motion duly made and seconded, it was unanimously

VOTED: To endorse plans for 81-G Application plan entitled: "Roadway Improvement Plan, 1 Hudson St., Wilmington, MA 01887," dated: August 16, 2018 and last revised November 20, 2018, scale 1"=40', prepared by Robert E. Marini, P.E., NATIVetec, 31 Munroe Street, Lynn, MA 01901, concerning the property located on 1 Hudson Street and shown on Assessor's Map 70 Parcel 82A.

Director's Report

V. Gingrich told the Board we need to delete the temporary moratorium on recreational marijuana because now we have a prohibition. She also said she would like to update the local preference section of the Over 55 bylaw that has some outdated language that is in conflict with what the state requires so she would like to draft something that refers people back to the State and what it allows. She also suggested changing the Over 55 affordable requirement from 10% to 15%. M. Sorrentino asked about signs. V. Gingrich said they need more time to revisit that section. She said she was working on updates to the Subdivision Rules and Regulations. D. Shedd asked about the conflict of construction and design with respect to streets and V. Gingrich asked the Board how it feels about 28' width on minor streets vs 32' and the Board was divided. They said they want granite curbing and sidewalks.

Resident, J. Eaton, 18 Lawrence Street, told the Board it is reassuring that there will be an Inclusionary Zoning Bylaw and agrees with D. Shedd's comments about showing what other

neighboring communities are doing. He said Tewksbury is a sibling neighborhood to Wilmington so knowing what Tewksbury is doing will be a good contrast. He suggested not selling a development next to St. Dorothy's as medium size. He suggested finding a better way to package the wording so it will be better received. J. Eaton feels it's a good idea to include residents in the process as much as possible. D. Robertson from Tewksbury, talked about Tewksbury and said he understands that the Board hears the same complaint as he does about the housing crisis. He talked to people in the state about what grant monies might be available for feasibility to defray the costs and taking advantage of state grants. J. Eaton said it's a good idea to see what other communities do, such as what did Woburn do for traffic, or what did Burlington do for utilities, why did Tewksbury do what they did and why do they still have a problem. He said he is looking to work with Wilmington. He said he looks forward to seeing these regulations.

V. Gingrich said the town submitted both the Rte. 38 corridor project and the Woburn/Lowell Street intersection improvement projects to the MPO for scoring. She said she is doing a presentation about the Lowell/Woburn Street project at the next Board of Selectman meeting. D. Shedd said the access to the MBTA on Rte. 38 on the side where the old theatre is, they are proposing a fence to close that off to force pedestrian up to the light to cross to get to the station. D. Shedd said it would be nice to have a crossing. D. Robertson said Mr. Hull has been active about the strip of land for a signaling equipment box and he asked D. Robertson to reach out to Keolis and the MBTA and request they clean up the area.

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

VOTED: To adjourn the meeting at 9:35 p.m.

NEXT PLANNING BOARD MEETING: January 8, 2019

Respectfully submitted,



Cheryl Licciardi
Recording Clerk