



TOWN OF WILMINGTON, MASSACHUSETTS

PLANNING & CONSERVATION
DEPARTMENT

(978) 658-8238
(978) 658-3311
FAX (978) 658-3334

**Planning Board Minutes
December 6, 2016**

The Planning Board met on Tuesday, December 6, 2016 at 7:30 p.m. in Room 9 of the Town Hall. The following members were present: Michael Sorrentino Chair; Randi Holland; Terence Boland; Sean Hennigan and David Shedd. Valerie Gingrich, Director of Planning & Conservation and Carolyn Cronin, Assistant Planner were also present. was absent.

Minutes

The Planning Board reviewed minutes from September 6, 2016, October 4, 2016 and November 1, 2016.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the September 6, 2016 and October 4, 2016 minutes as written.

Upon motion duly made and seconded with one abstention (S. Hennigan), it was

VOTED: To approve the November 1, 2016 minutes as written.

Form A

There were no ANR plans to review.

Matters of Appointment

**Continued Public Hearing – Site Plan Review #16-03 for 66-68 Industrial Way
Map 56 Parcel 125 - Michael Cronin for Dagle Electrical Const. Corp., Applicant**

PRESENT IN INTEREST – Michael Cronin, Dagle Electrical
John Barrows – Salem Village Consulting

MATERIALS CONSIDERED:

PLANS "Stormwater Management Site Plan, 66 Industrial Way, Wilmington, MA" dated October 3, 2016 and last revised on November 22, 2016
COMMENTS from DPW dated October 25, 2016

J. Barrows told the Board he responded to the Town Engineer's comments and submitted a revised set of plans. He said the applicant is still working on getting an agreement from the abutter. M. Cronin told the Board the attorneys are in the process of drafting the agreement. V. Gingrich explained to the Board that the agreement is needed prior to the Board endorsing the plans. V. Gingrich reviewed the Stormwater Management Permit.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing and approve with conditions Site Plan Review Application #16-03 and Stormwater Management Permit #16-07 for 66 Industrial Way as shown on plan entitled: "Proposed Site Plan, 66 Industrial Way, Wilmington, MA" prepared by Stephen M. Melesciuc, PLS, dated November 14, 2016 and last revised on November 22, 2016 and "Stormwater Management Site Plan, 66 Industrial Way, Wilmington, MA" prepared by John A. Barrows, PE, dated October 3, 2016 and last revised on November 22, 2016. Said property is located at 66-68 Industrial Way, Wilmington, MA 01887 and shown on Assessor's Map 56 Parcel 125. The decision is as follows:

We, the Wilmington Planning Board, as requested by James Industries, LLC, under the provisions of Section 6.5 of the Zoning By-Laws 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 66 Industrial Way (Assessors Map 56, Parcel 125, as shown on both plan sets entitled: "Proposed Site Plan, 66 Industrial Way, Wilmington, MA" prepared by Stephen M. Melesciuc, PLS, dated November 14, 2016 and last revised on November 22, 2016 and "Stormwater Management Site Plan, 66 Industrial Way, Wilmington, MA" prepared by John A. Barrows, PE, dated October 3, 2016 and last revised on November 22, 2016, (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.	October 25, 2016	"Stormwater Management Site Plan, 66 Industrial Way, Wilmington, MA" prepared by John A. Barrows, PE, of Salem Village Consulting, 90 Pine Street, Danvers, MA 01923 dated October 3, 2016 and last revised on November 22, 2016.
	November 17, 2016	"MA DEP Checklist for Stormwater Report" prepared by John A. Barrows, PE.

FINDINGS:

1. The Project site is located at Map 56 Parcel 125.

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. If there is an appeal, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this approval shall apply to and be binding upon the applicant, its employees and all successors and assigns in interest or contract.

PRIOR TO ENDORSEMENT:

5. The Applicant shall provide a letter of acknowledgement from the adjacent land owner (beneficiary) to confirm that they are aware of the proposed scope of work.

PRIOR TO COMPLETION OF WORK:

6. An easement deed shall be drafted and recorded at the Registry of Deeds specifying said rights, restrictions, and responsibilities within the Utility Easement. A copy of the recorded easement deed shall be provided to the Engineering Division.

POST OCCUPANCY:

7. The Applicant shall maintain or replace landscaping as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping in presentable and healthy condition.
8. 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.

9. The Applicant shall maintain the Project site in a clean and tidy condition clear of debris and trash. Any dumpsters located on the exterior of the buildings shall be enclosed by a fence and be of a side entry design.
10. Snow shall not be pushed into stormwater management areas. Drainage structures shall remain clear of snow.

Public Hearing - Preliminary Subdivision #16-01 for Highland Estates - Map 10 Parcels 5, 5A & 6 - James Castellano, Applicant

PRESENT IN INTEREST – James Castellano, Lilly Oak Hill, LLC
Jack Szemplinski, Benchmark Engineering
Steve Erickson, Norse Environmental Services

MATERIALS CONSIDERED:

PLANS "Highland Estates, Subdivision of Land in Wilmington, Massachusetts" dated August 16, 2016

STORMWATER MANAGEMENT & EROSION CONTROL REPORT "Highland Estates, 45 Hopkins Street, Wilmington, Massachusetts" dated August 16, 2016

LETTER from Attorney Charles F. Houghton, dated November 10, 2016, Attorney Thomas M. McDonough, Norse Environmental Services Inc., dated September 2016 and Jack A. Szemplinski, Benchmark Engineering, Inc., dated November 2016

COMMENTS from DPW dated December 5, 2016

J. Szemplinski told the Board the property is bordered by Billerica, Lubbers Brook and Sarafina's Way. He said the resource area includes wetlands and J. Szemplinski showed the additional wetlands. He said the property is 12 acres and it will be serviced by municipal water. The applicant is proposing 15 homes. The site is split in two by two detention areas. J. Szemplinski said there were a number of comments that suggested a possible conservation subdivision. He said the applicant would have to file with the Conservation Commission because of the wetlands. He also told the Board there was ledge that may require blasting. J. Szemplinski said there was a suggestion to pull back the cul-de-sac area from the river front area. He said that S. Erickson will address the wetland area. He also pointed out that Lot 9 is a frontage exception lot and 8 is a hammerhead lot.

M. Sorrentino read DPW comments into the record.

V. Gingrich addressed her comments. She explained there is a paper street and after consulting with Town Counsel, it should be shown on the plan until it is extinguished. J. Castellano agreed. She talked about the Wetland Regulations allowing for structural stormwater management measures to be located within the Riverfront Area without counting toward the 10% only when there is no practicable alternative. She said as submitted, the plan shows approximately 30% disturbance with Stormwater Pond #2 entirely within the Riverfront area. Shifting the stormwater pond into the Riverfront area in order to gain an additional house lot does not meet the intent or requirements of the Wetlands Regulations. V. Gingrich asked the applicant to pull the development away from the riverfront area or construct a conservation subdivision. She talked briefly about the work that needs to be addressed with the Conservation Commission. She outlined what should be revised.

J. Castellano told the Board that he is aware of the comments and they will all be addressed. J. Szemplinski said the applicant will be asking the Board for a waiver for the road width. D. Shedd asked what other waivers will be requested. J. Szemplinski said they have not

identified them at this point. V. Gingrich answered the pavement width, and length, for sure. D. Shedd pointed out the steep profile and asked if it would be a waiver. J. Szemplinski said it is not that steep. M. Sorrentino asked if there is going to be blasting for the ledge. J. Castellano said it is too early to know how the ledge will be removed. M. Sorrentino asked what type of houses are proposed. J. Szemplinski said the homes will be 2,500 s.f. – 2,600 s.f. with a two car garage.

J. Weaver, 147 Cook Street, Billerica, asked what impact this project will have on the brook that is right near her house. She said she has concerns that a lot of wetlands will be impacted. J. Szepinski said there are strict requirements that must be followed. J. Castellano said each newly constructed home or new additions in Wilmington have a Stormwater Management Permit that is required and the rainwater is collected and the water will not run off the property to affect other properties. M. Sorrentino told the applicant again that the Board would prefer to see a Conservation Subdivision constructed.

Resident, M. Brown, 43 Hopkins Street, told the Board his house is on ledge and he asked how it will be affected by the blasting. M. Sorrentino explained that as part of any blasting, the insurance company will take pictures of his house to make sure there is no damage to the property.

There was a discussion regarding ledge disturbance and J. Castellano said he will be cautious. There was a question about the time of the blasting if it takes place. S. Erickson said that will be specified when they finalize the plans. He said they are not at a point in the planning that they know if it will be necessary or not to blast. L. Simpson, 86 Alexander Road, Billerica, told the Board his property is on the town line in Billerica but he gets his water from Wilmington. He asked when he would find out if his water will be affected. J. Castellano talked about the new water main installed by the Leonard Lane Developer and the developer of Lt. Buck Drive.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for the Planning Board to February 28, 2017.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for Highland Estates to February 7, 2017 at 7:45 p.m. in Room 9 of the Town Hall.

Continued Public Hearing - Definitive Subdivision #16-02 and Stormwater Management Permit #16-02 for Nelson Acres - Map 57 Parcel 54E- James Brothers & George Brothers, Applicant

A request to extend the action deadline and continue the public hearing for Nelson Acres Definitive Subdivision and Stormwater Management was received.

MATERIALS CONSIDERED:

PLANS "Ava Lane, Wilmington, MA" dated January 19, 2016

DRAINAGE REPORT dated February 4, 2016

ELEVATIONS dated December 31, 2015

LETTER from Richard W. Stuart dated February 23, 2016

COMMENTS from DPW dated March 7, 2016 and September 1, 2016

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for the Planning Board to January 31, 2017.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for Nelson Acres Definitive Subdivision and Stormwater Management Permit to January 3, 2016 at 7:45 p.m. in Room 9 of the Town Hall.

Continued Public Hearing – Site Plan Review #16-02, Parking Relief Spec. Permit #16-02 and Stormwater Management Permit #16-06 for 804 Woburn Street, Map 47 Parcel 2 Brian Lawlor, SMMA for Analog Devices, Applicant

PRESENT IN INTEREST – Brian Lawlor, SMMA
Dana Watts, SMMA

MATERIALS CONSIDERED:

PLANS "Analog Devices, Proposed Building #7, 804 Woburn Street, Wilmington, MA 01887" dated August 6, 2016 and last revised November 28, 2016

TRANSPORTATION IMPACT ASSESSMENT: Proposed R&D Expansion dated August 2016

HYDROCAD CALCULATIONS: Stormwater Report dated August 5, 2016

LETTER from Brian Lawlor dated August 11, 2016

COMMENTS from DPW dated August 31, 2016

B. Lawlor said he wanted to be sure all comments from the Town Engineer were addressed before he submitted revised plans and came back to the Board. He submitted revised plans and there is no effect to the layout. B. Lawlor told the Board there is more infiltration and higher treatment for the stormwater. He provided more detail on the parking structure and more detail on the pedestrian circulation to the site for Phase Two. He also told the Board that snow storage areas were added. B. Lawlor said Vanesse, the traffic consultant was asked to suggest where mitigation dollars could best be spent and he said that the money would be spent on the intersection at Lowell/Woburn Streets. B. Lawlor said that Analog will give the Town \$100,000.00 for traffic mitigation.

M. Sorrentino asked B. Lawlor to walk the Board through the project one more time. B. Lawlor told the Board this is for a new Building 7 for offices and R&D and the first floor will be a 500-seat cafeteria. Analog proposes to build a three story, 174,000 s.f. building. There will be construction of new parking area in Phase I and 513 spaces in the parking garage in Phase II. V. Gingrich said that when the building is built, that is when relief for the parking special permit comes into play. T. Boland asked if the new building will trigger any upgrades to the mechanical plant. D. Watts told the Board the building use is for office and dry testing R&D, similar to the other buildings and will have its own mechanical systems, not connect to the existing mechanicals.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for the above 804 Woburn Street. A decision will be issued at the January 3, 2017 Planning Board meeting.

Board of Appeals

At its meeting on Tuesday, December 6, 2016 the Planning Board voted to recommend as follows:

Case 25-16: Church St./Middlesex Ave.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Case 26-16: 8 Brand Ave.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Case 27-16: 150 Main St.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Old Business

There was no Old Business to discuss

New Business

Decision for Site Plan Review #16-03 for 66-68 Industrial Way - Map 56 Parcel 125 Michael Cronin for Dagle Electrical Construction Corp., Applicant

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions Site Plan Review Application #16-03 and Stormwater Management Permit #16-07 for 66 Industrial Way as shown on plan entitled: "Proposed Site Plan, 66 Industrial Way, Wilmington, MA" prepared by Stephen M. Melesciuc, PLS, dated November 14, 2016 and last revised on November 22, 2016 and "Stormwater Management Site Plan, 66 Industrial Way, Wilmington, MA" prepared by John A. Barrows, PE, dated October 3, 2016 and last revised on November 22, 2016. Said property is located at 66-68 Industrial Way, Wilmington, MA 01887 and shown on Assessor's Map 56 Parcel 125. The decision is as follows:

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2016 and last revised on November 22, 2016 and "Stormwater Management Site Plan, 66 Industrial Way, Wilmington, MA" prepared by John A. Barrows, PE, dated October 3, 2016 and last revised on November 22, 2016, (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. October 25, 2016	"Stormwater Management Site Plan, 66 Industrial Way, Wilmington, MA" prepared by John A. Barrows, PE, of Salem Village Consulting, 90 Pine Street, Danvers, MA 01923 dated October 3, 2016 and last revised on November 22, 2016.
2. November 17, 2016	"MA DEP Checklist for Stormwater Report" prepared by John A. Barrows, PE.

FINDINGS:

5. The Project site is located at Map 56 Parcel 125.
6. 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.
7. 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.
8. 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:

11. The Project shall be constructed and operated in accordance with the Site Plan.
12. 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.
13. 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. If there is an appeal, the two-year period shall run from the date of the final decision on the appeal.
14. The provisions of this approval shall apply to and be binding upon the applicant, its employees and all successors and assigns in interest or contract.

PRIOR TO ENDORSEMENT:

15. The Applicant shall provide a letter of acknowledgement from the adjacent land owner (beneficiary) to confirm that they are aware of the proposed scope of work.

PRIOR TO COMPLETION OF WORK:

16. An easement deed shall be drafted and recorded at the Registry of Deeds specifying said rights, restrictions, and responsibilities within the Utility Easement. A copy of the recorded easement deed shall be provided to the Engineering Division.

POST OCCUPANCY:

17. The Applicant shall maintain or replace landscaping as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping in presentable and healthy condition.
18. 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.
19. The Applicant shall maintain the Project site in a clean and tidy condition clear of debris and trash. Any dumpsters located on the exterior of the buildings shall be enclosed by a fence and be of a side entry design.
20. Snow shall not be pushed into stormwater management areas. Drainage structures shall remain clear of snow.

**Request to waive Site Plan Review for 100-110 Fordham Road - Map 91 Parcel 121
Highland Development, Applicant**

PRESENT IN INTEREST – David Godfrey, Highland Development, LLC

MATERIALS CONSIDERED:

PLANS "Fordham Building D Renovations" dated September 20, 2016 and last revised October 3, 2016

LETTER from David Godfrey dated November 28, 2016

D. Godfrey told the Board they are only replacing pavers. There will be no additional changes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review and filing fees for 100-110 Fordham Road for renovations involving the construction of a new canopy entrance to the building. Parking and egress will not be changed.

**Request to establish surety for 81G Application #16-02 for 21 Pomfret Road
Map 84 Parcel 50, Kristen Costa for Applicant**

A request to establish surety for 81G Application #16-02 for 21 Pomfret Road was received.

Upon motion duly made and seconded, it was unanimously

VOTED: To establish and accept surety for the above referenced project in the amount of thirty-three, nine hundred ninety-six dollars and zero cents (33,996.00). Surety was presented in the form of a personal check

Request to initiate street acceptance for Cheyenne Drive Definitive Subdivision #04-01, Elm Tree Development, Applicant

A request to initiate street acceptance for Cheyenne Drive Definitive Subdivision was received.

Upon motion duly made and seconded, it was unanimously

VOTED: To initiate the process for street acceptance for Cheyenne Drive at the 2017 Annual Town Meeting. The entire fee ownership of the Right of Way for Cheyenne Drive must be released to the Town for this street to be accepted as a public way. Proof of ownership will be required prior to transfer of Title.

Discuss Zoning Bylaws changes

V. Gingrich talked about zoning changes to average front yard setbacks on corner lots and having a consistent street line. She talked about reclassifying Research and Development use (R&D) from General Manufacturing to Light Manufacturing. She talked about the changes that are needed to the Zoning Bylaw with respect to the accessory apartment section in particular. She said the Bylaw that affects accessory apartments require a new Certificate of Occupancy every time the house is sold. V. Gingrich pointed out the deed says the home must be owner occupied. She recommended removing the requirement for a new Certificate of Occupancy.

She told the Board the Town's Zoning Bylaw should be consistent with the changes in the state law regarding nonconforming uses. V. Gingrich said if you get a building permit under the old bylaw, there is now twelve months to build whereas before it was only six months.

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

VOTED: To adjourn the meeting at 9:15 p.m.

NEXT MEETING is January 3, 2017

Respectfully submitted,



Cheryl Licciardi
Recording Clerk