



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

Planning Board Minutes

December 6, 2022

The Planning Board met on Tuesday December 6, 2022 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Terence Boland, Chair, Randi Holland, Sean Hennigan, and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present. Angela Marcolina was absent.

Minutes

There were no minutes for the Planning Board to review.

Form A

There were no ANR plans to review

Matters of Appointment

Public Hearing – 66 Concord Street – Map 91 Parcel 122 - Sign Special Permit #22-03
Batten Brothers, Inc., Applicant

RECEIVED
TOWN CLERK
2023 FEB - 8 PM 3:07
TOWN OF WILMINGTON, MA

PRESENT IN INTEREST: Jeff Sabra

MATERIALS CONSIDERED:

PLAN "Beth Israel Lahey Clinic", 66 Concord Street., Wilmington, Massachusetts" dated July 19, 2022

FLOOR PLAN dated August 24, 2022

SIGN ALLOWANCE ALLOCATION – SOUTH FAÇADE dated October 18, 2022

SIGN ALLOWANCE ALLOCATION – EAST FAÇADE dated October 18, 2022

J. Sabra told the Board that Cummings allocates a certain frontage for signage frontage for various tenants. He said the applicant currently has a sign on the Fordham Road side as well as on the Concord Street side which they would like to replace it. He said their new brand has thrown them some curve balls because what they call bluebird stick up above the lettering. T. Boland said there are 2 signs, 1 on Concord Street and 1 on Fordham and they are being replaced in the exact same place and J. Sabra said that was correct. S. Hennigan said they are a lot bigger, and J. Sabra said yes from a square footage. There were no questions from the Board and no questions from the audience. V. Gingrich said the special permit is valid for that specific tenant. She said the exception is they don't have a front wall on the sides of the building so technically they wouldn't be able to have a sign there but at one point they did have front walls and there is enough room for them to have a sign. V. Gingrich said they need a special permit because of the larger sign, and they technically don't have a front wall.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for to close the public hearing for the Sign Special Permit #22-03 for two (2) 51.50" x 197.70" (70.71 sq. ft.) wall signs, both reading "Beth Israel Lahey Health Primary Care", one to be located on Concord Street and one to be

located along Fordham Road. The application was filed with the Planning Board on November 10, 2022. Said property is located at 66 Concord Street and shown on Assessor's Map 91 Parcel 122.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the Sign Special Permit #22-03 for two (2) 51.50" x 197.70" (70.71 sq. ft.) wall signs, both reading "Beth Israel Lahey Health Primary Care", one to be located on Concord Street and one to be located along Fordham Road. The application was filed with the Planning Board on November 10, 2022. Said property is located at 66 Concord Street and shown on Assessor's Map 91 Parcel 122.

The public hearing was opened and closed on December 6, 2022. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.6 of the Zoning Bylaws of the Town of Wilmington. Approval is subject to the following Findings and Conditions.

MATERIALS:

Email from Jeff Turri regarding overall signage allocation, received November 29, 2022

"First Floor Plan" dated August 24, 2022

Sign Allocation information, received November 22, 2022

FINDINGS:

1. The signage to be erected is on a parcel on Map 91 Parcel 122 on the Town of Wilmington's Assessor's Map.
2. The Planning Board determined that the sign should be permitted in the public interest.
3. The application materials comply with the requirements of Section 6.3 of the Wilmington Zoning Bylaws and the Board's Special Permit 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:

1. This Special Permit shall be valid for this tenant and these proposed signs only. Any change in tenant or change in signage shall be reviewed by the Planning Board.
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 the sign has not been erected within two (2) years of a Special Permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or 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 tenants.
5. Bylaw Exception: (Section 6.3.6.1.a) "Granted" two wall signs measuring 70.71 sq. ft. each (141.42 sq. ft. total) where the business has no front wall and 120 sq. ft. is the maximum total wall sign size.
6. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

**Continued Public Hearing –Site Plan Review #22-16, Stormwater Management Permit
Public Hearing – Site Plan Review #22-17 and Parking Relief Special Permit #22-03
353 Middlesex Avenue – Map 79 Parcel 31B - John O'Donnell, Applicant**

PRESENT IN INTEREST – Eugene T. Sullivan, Eugene T. Sullivan, Inc.

MATERIALS CONSIDERED:

PLAN "Site Improvements for Iron Mountain, 353 Middlesex Avenue, Wilmington, Massachusetts", dated November 9, 2022

RESPONSE LETTER from Eugene Sullivan dated November 9, 2022

STORM DRAINAGE MANAGEMENT REPORT dated November 8, 2022

LETTER from Michael Sanders of Kleinfelder dated December 6, 2022

E. Sullivan, Jr. told the Board they revised the plans and clarified things regarding the business that will be occupying the property such as hours of operation, staff, and other things of that nature. They addressed issues that DPW, Police and Engineering had regarding Waltham Street, moved the fence back on the property, added striping to define where vehicles can and cannot go and provided more snow storage on the property as well as added some stormwater improvements to the property. He said they added a subsurface stormwater basin along the frontage of the building, between the building and Middlesex Avenue with the intent to collect some of the roof runoff. There were no comments from staff. P. Moser asked if the front is a fire lane and E. Sullivan said the front it is how the lot is accessed.

Resident, Peter Reinhart, 318 Middlesex Avenue, asked if trees could be added along Waltham Street and E. Sullivan said they can't because it is in the right-of-way and it would defeat the snow storage idea. V. Gingrich reviewed the decision.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #22-17 for 353 Middlesex Avenue and 1 Waltham Street as shown on plan entitled "Site Improvements for Iron Mountain, 353 Middlesex Avenue, Wilmington, Massachusetts", dated November 9, 2022, prepared by Eugene T. Sullivan, P.E., Eugene T. Sullivan, Inc., 230 Lowell Street, Suite 2A, Wilmington, MA 01887, and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Said property is located at 353 Middlesex Avenue and 1 Waltham Street, Wilmington, MA 01887 and shown on Assessor's Map 79 Parcels 31B & 31E.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #22-17 for 353 Middlesex Avenue and 1 Waltham Street as shown on plan entitled "Site Improvements for Iron Mountain, 353 Middlesex Avenue, Wilmington, Massachusetts", dated November 9, 2022, prepared

by Eugene T. Sullivan, P.E., Eugene T. Sullivan, Inc., 230 Lowell Street, Suite 2A, Wilmington, MA 01887, and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Said property is located at 353 Middlesex Avenue and 1 Waltham Street, Wilmington, MA 01887 and shown on Assessor's Map 79 Parcels 31B & 31E.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on October 4, 2022 and closing on December 6, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by John O'Donnell, 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 site work for fencing, landscape buffer, mill and overlay of the existing parking lot, and changes to the building exterior, as shown on plan entitled "Site Improvements for Iron Mountain, 353 Middlesex Avenue, Wilmington, Massachusetts", dated September 6, 2022, last revised November 9, 2022, prepared by Eugene T. Sullivan, P.E., Eugene T. Sullivan, Inc., 230 Lowell Street, Suite 2A, Wilmington, MA 01887, and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184 submitted on September 10, 2022, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

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

Description

Comment Letter dated September 23, 2022, from Peter Reinhart, Abutter.

"Storm Drainage Management Report" dated November 8, 2022, prepared by Eugene T. Sullivan, P.E.

Response letter to Town Staff and Abutter comments dated November 9, 2022, from Eugene T. Sullivan, P.E.

FINDINGS:

1. The Project site is shown on Map 79 Parcels 31B & 31E on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

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

GENERAL:

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

PRIOR TO ENDORSEMENT:

7. Every sheet of the plan set should have a signature block for the Planning Board. The signature block should have five (5) lines for signatures and one (1) line for the date. The signature block should also be large enough for signatures.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

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

PRIOR TO THE START OF CONSTRUCTION:

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

DURING CONSTRUCTION:

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

PRIOR TO OCCUPANCY:

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

POST CONSTRUCTION:

21. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Project site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed and enclosures locked.
22. Dumpster service shall only occur during business hours.
23. The Owner shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
24. The Owner shall use good housekeeping practices as outlined in the Operation and Maintenance Plan to maintain the site and keep it in good working condition. The Owner shall provide copies of completed maintenance and inspection logs for the construction period and copies of logs of the long-term pollution prevention plan to the Department of Planning & Conservation.
25. The Project shall be operated in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project shall be the Owner's responsibility.
26. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
27. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
28. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Parking Relief Special Permit #22-03 for 353 Middlesex Avenue and 1 Waltham Street, as shown on plan entitled "Site Improvements for Iron Mountain, 353 Middlesex Avenue, Wilmington, Massachusetts", dated November 9, 2022, prepared by Eugene T. Sullivan, P.E., Eugene T. Sullivan, Inc., 230 Lowell Street, Suite 2A, Wilmington, MA 01887, and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Said property is located at 353 Middlesex Avenue and 1 Waltham Street, Wilmington, MA 01887 and shown on Assessor's Map 79 Parcels 31B & 31E.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Parking Relief Special Permit #22-03 for 353 Middlesex Avenue and 1 Waltham Street, as shown on plan entitled "Site Improvements for Iron Mountain, 353 Middlesex Avenue, Wilmington, Massachusetts", dated November 9, 2022, prepared by Eugene T. Sullivan, P.E., Eugene T. Sullivan, Inc., 230 Lowell Street, Suite 2A, Wilmington, MA 01887, and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Said property is located at 353 Middlesex Avenue and 1 Waltham Street, Wilmington, MA 01887 and shown on Assessor's Map 79 Parcels 31B & 31E.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on October 4, 2022, and closing on December 6, 2022 by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by John O'Donnell, under the provisions of Section 6.4.3.2 (Parking Relief) of the Zoning Bylaws of the Town of Wilmington to consider Parking Relief Special Permit #22-03 as shown on plan entitled: "Site Improvements for Iron Mountain, 353 Middlesex Avenue, Wilmington, Massachusetts", dated November 9, 2022, prepared by Eugene T. Sullivan, P.E., Eugene T. Sullivan, Inc., 230 Lowell Street, Suite 2A, Wilmington, MA 01887, and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, and do hereby vote to GRANT the Parking Relief as shown on the submitted plan, subject to the Findings and Conditions below.

MATERIALS:

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

Description

Comment Letter dated September 23, 2022, from Peter Reinhart, Abutter.

"Storm Drainage Management Report" dated November 8, 2022, prepared by Eugene T. Sullivan, P.E.

Response letter to Town Staff and Abutter comments dated November 9, 2022, from Eugene T. Sullivan, P.E.

FINDINGS:

1. The proposed Project includes site work for fencing, landscape buffer, mill and overlay of the existing parking lot, and changes to the building exterior, requiring 53 parking spaces. The approval is for the provision of 17 parking spaces.

2. According to the Tenant Information prepared by Eugene T. Sullivan, P.E., Eugene T. Sullivan, Inc., the proposed usage is expected to consist of 10-12 staff members daily and 3-5 groups of visitors consisting of 4-6 people weekly.
3. The Planning Board determined that in accordance with Section 6.4.3.2, the reduction in parking spaces can be granted without substantial detriment to the neighborhood.
4. The Applicant satisfactorily addressed the comments made or submitted by the Planning Board.

CONDITIONS:

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

1. This Special Permit granted for Parking Relief for 353 Middlesex Avenue shall be valid for the proposed tenant only. Any change in use or tenant shall meet the parking requirements or apply for a Special Permit.
2. If construction has not commenced within two (2) years of a Special Permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed with the Town Clerk. The two-year period shall run from the date of the final decision on the appeal.
3. All provisions of the Wilmington Zoning Bylaw pertaining to parking (Section 6.4) shall be met unless an exception is specifically provided in this decision.

Upon motion duly made and seconded it was unanimously

VOTED: To issue Stormwater Management Permit #22-19 as follows:

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

December 29, 2022

ISSUED for Property located at 353 Middlesex Avenue and 1 Waltham Street, Wilmington, Massachusetts (Map 79 Parcels 31B & 31E)

Case No.: Stormwater Management Permit #22-19

Applicant: John O'Donnell, Atlantic Oliver 353 Middlesex LLC, 125 High Street, Suite 220, Boston, MA 02110

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Site Improvements for Iron Mountain, 353 Middlesex Avenue, Wilmington, Massachusetts", dated November 9, 2022, prepared by Eugene T. Sullivan, P.E., Eugene T. Sullivan, Inc., 230 Lowell Street, Suite 2A, Wilmington, MA 01887, and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Said property is located at 353 Middlesex Avenue and 1 Waltham Street, Wilmington, MA 01887 and shown on Assessor's Map 79 Parcels 31B & 31E, material originally submitted on November 10, 2022, subject to the following conditions:

MATERIALS:

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

Description

Comment Letter dated September 23, 2022, from Peter Reinhart, Abutter.

“Storm Drainage Management Report” dated November 8, 2022, prepared by Eugene T. Sullivan, P.E.

Response letter to Town Staff and Abutter comments dated November 9, 2022, from Eugene T. Sullivan, P.E.

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 placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
2. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
3. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.

4. The Stormwater Management Operation and Maintenance (O&M) Plan shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

ISSUED ON December 29, 2022

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

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

MATERIALS CONSIDERED:

E-MAIL from Kristen Costa dated December 2, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street to January 31, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive to January 3, 2023 at 8:15 p.m. in the Town Hall Auditorium.

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

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

MATERIALS CONSIDERED:

E-MAIL from Jake Modestow dated November 28, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to January 31, 2023 for Site Plan Review #22-16, Stormwater Management Permit #22-13

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street, Map 44 Parcel 178B to January 3, 2023 at 8:30 p.m. in the Town Auditorium.

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

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

MATERIALS CONSIDERED:

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

NARRATIVE dated September 16, 2022

TRAFFIC MEMO dated September 16, 2022

PARKING BREAKDOWN received September 21, 2022

E-MAIL from R. O'Connell dated December 2, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Site Plan Review #22-19 and Stormwater Management Permit #22-15 for 40-50 Fordham Road, Map 91 Parcels 131 & 131A, and Map 99 Parcel 1 to January 31, 2023.

Upon motion duly made and seconded it was

VOTED: To continue the public hearing for Site Plan Review #22-19 and Stormwater Management Permit #22-15 for 40-50 Fordham Road, Map 91 Parcels 131 & 131A, and Map 99 Parcel 1 to January 3, 2023 at 7:45 in the Town Hall Auditorium.

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

PRESENT IN INTEREST: Michael Newhouse, Esq.
Luke Roy, LJR Engineering

MATERIALS CONSIDERED:

PLAN "Definitive Subdivision Birch Street" dated April 25, 2022 and last revised October 24, 2022, "Fire Truck Maneuvering, Birch Street, Wilmington, Massachusetts" dated October 24, 2022

STORWATER ANALYSIS dated April 2022 and last revised October 2022

RESPONSE to Planning Department comments dated November 8, 2022

RESPONSE to Engineering comments dated November 8, 2022

LETTER from Attorney Michael J. Newhouse dated November 9, 2022

RESIDENT J. SULLIVAN letter dated November 30, 2022

RESIDENT M & C SCOPA letter received December 1, 2022

PLANNING REVIEW LETTER dated December 6, 2022

ENGINERRING MEMO dated December 6, 2022

Attorney M. Newhouse told the Board there were numerous comments and they responded and have received more comments. Attorney M. Newhouse said they are hoping to get clear direction from the Board relative to their requests. He said they recognize there are numerous items that need to be addressed in terms of stormwater management. He said there are other

waiver requests that he believes can be worked through. He said if they don't know what is palliative to the Board, they will have to change the design considerably. Attorney M. Newhouse said on the second page of the Engineering memo, item 2, which deals with the maximum center line grade for the street, item 3 pertains to the length of the dead-end street, item 4 relates to the proposed turn-around at the end of a dead-end street and item 5 relates to driveway curb cuts. He said they would also like to discuss the road width. Attorney M. Newhouse said if the Board is inclined to grant waivers for items 2 through 5, they will address the new issues but if the Board does not want to grant them, he said they will need to redesign the subdivision. Attorney M. Newhouse said there is an existing section of roadway where the centerline grade is 10% and the subdivision rules should be 6%. He said the civil engineer believes the sight lines are fine. He said the existing portion of the roadway at 10% can accommodate emergency vehicles and construction vehicles. The existing Right-of-Way is above an existing gas line. He said the dead-end street is the same thing unless they come from March Road. He said they managed to increase the turnaround a bit from 42' to 46'. He said it is not possible to put in a 100' diameter cul-de-sac. T. Boland said item 3, the length of the street, he does not personally have a problem with that, item 4, the turnaround of 46' he asked V. Gingrich what the last one was. V. Gingrich said Darby Lane was a full turn-around. There was a brief discussion of past projects that included turnarounds. S. Hennigan said you would lose a lot at the end to construct a turnaround. He said emergency vehicles can get down the road. T. Boland said they have allowed half circles in the past, but he is unsure if 46' is the right diameter. P. Moser said the Board should see what the need is from the Fire Department. T. Boland said he is not against a waiver but would like to know what Engineering and the Fire Department feel is reasonable. He said he is not inclined to grant something the Fire Department is adamantly against. Attorney M. Newhouse said he appreciates the Board relying on other Department recommendations, but he pointed out that they looked at other things that will allow the emergency vehicles to leave. He said the 100' diameter is for ease of an emergency vehicle getting out. He said you go to every cul-de-sac in Wilmington, he is not sure you would find them in the state they should be. He said in smaller neighborhoods you will find basketball hoops, hockey nets and cars. R. Holland said an emergency vehicle going down Hall Street cannot turn around. It needs to back out. R. Holland suggested extending the circle into lot 6 a bit which would get it closer to 100'. T. Boland said the road bends towards lot 7 and away from March Road. He asked if there is a way to straighten that out. L. Roy said there is a slight angle because there is a drop-off there. V. Gingrich asked L. Roy to push the house on the last lot further to create more space while not losing a lot. He said he looked at it. He said with the grade drop-off to the wetlands and septic system, there is not a lot of wiggle room to push that back because there is such a grade difference. They discussed a way that would allow the Fire Truck to make a three-point turn rather than having to back out of the street. T. Boland said the lot sizes are not equal. He said the ones down at the end are narrower than the two at the beginning. L. Roy said the reason is the two at the beginning straddle the gas transmission easement. T. Boland asked if anything can be done to widen the last lot to not have to deal with the drop-off. P. Moser said he would be inclined to vote no without hearing from the Fire Department because sometimes there may be more than one vehicle on the scene. P. Moser asked if the Fire Department said they need 100', what would the options be? L. Roy said the Fire Department commented on the initial submission with just standard language. T. Boland asked if lot 5 could be flipped and L. Roy said yes. R. Holland talked about an accident that occurred at the intersection of Federal Street and Woburn Street because of the person went right through the stop sign. T. Boland said to go back to item 2 and asked L. Roy to explain. L. Roy said the existing paved road is at 10%. He said the waiver request has to do with the existing part of Birch Street. T. Boland asked what the grade is on the new section being built and L. Roy said coming down at 6%. He said the waiver is for an existing section of an already existing road. P. Moser said presumably this will be accepted

and T. Boland said he was not sure of the process. V. Gingrich said to have the street accepted, all the property owners on the street need to give up their property rights and there is Town Meeting process and deed process that goes along with it. She said it doesn't become a public way just because it goes under subdivision control, but it goes onto the Official Map which creates frontage. She said they don't own that land under private right-of-way. V. Gingrich said in the comments the Town Engineer spoke about the slope across the turnaround being 12%. Is that something you would be looking for relief from? L. Roy said he does not believe it is 12%. P. Moser said that L. Roy and the Town Engineer should agree on what the percentage is. T. Boland wanted to discuss the sidewalks and road width. He said he is fine with sidewalks on one side, but the Board needs to agree. He said 24' road is not wide enough, and he said to stay consistent it should be 26'. R. Holland asked if the right-of-way is 40'. L. Roy said Birch Street is 50'. L. Roy said they need to accommodate stormwater and infrastructure and if wider it can cause greater speeds on the street. He said Bay Street is on the Official Map and it's the next street over and it's 20'. L. Roy said initially they did not have granite curb on the westerly side. Attorney M. Newhouse said they will look at increasing the width of the street. T. Boland said he personally does not feel 24' is an adequate width given the fact there would be trailers and other large vehicles. Attorney M. Newhouse said they are aware the Planning Department received letters from abutters and one letter specifically asked what reconfiguration will be done around Hall Street. T. Boland said it would be appropriate to have the residents in the audience speak.

Residents, C. and M. Scopa, 10 Hall Street, said they sent a letter of their concerns. C. Scopa said he would like to understand what this means and what he stands to lose or gain with respect to his property. M. Scopa said they are questioning item #18 of the Engineering memo which reads: The Hall Street intersection has been realigned and plans have been revised to indicate removing the existing encroachment on private property. The widened section of Hall Street shall taper back into the existing roadway section (of Hall Street) as is typical. The plans shall be revised and resubmitted for review accordingly. M. Scopa said their property goes a bit into Birch Street where it turns on Hall Street. She said since that chunk is their land, she asked what it means if they remove the encroachment and what would she and her husband need to do or not do. C. Scopa said when they purchased the home in 2020 and their property line is on Birch Street and at some point they may want to put a fence in because he feels like a lot of privacy is lost. T. Boland asked what item in the memo they were referring to because he didn't see anything calling out 10 Hall Street in comment #18. C. Scopa said in the previous Engineering memo item #36 specifically references 10 Hall Street. M. Newhouse said they are being asked to straighten out a road that already exists. He said have they have no problem providing more curb where the Planning Board suggests. He said he assumes 10 Hall Street owners would like the pavement removed and loam and seed. M. Scopa said she does not want anyone working on this project to go on her property. M. Newhouse acknowledged her statement. C. Scopa asked if the power pole is being relocated, will they lose power at any point during this project. M. Newhouse said if a pole relocation is required there is a separate regulatory process. The owner of the pole will need to give permission for the relocation, the new pole is installed then the power is rerouted, and the other pole removed. He said the owner of the pole will be either Reading Light or Verizon. M. Scopa said she has concerns of their property being blocked and told the Board she needs to take her elderly mother to many doctor appointments. She said Birch Street is a mess and she needed to replace all four of her tires recently. M. Newhouse said the applicant will enforce that residents have access and egress at all times for emergencies. Resident J. Livermore, 9 March Road, said she is concerned about the environmental impact and water table, not only on March Road but on Allenhurst and surrounding streets. She said she thought she was specific enough at the last meeting when she asked about the grading and asked if anyone in Planning has been down to

look at the land. T. Boland asked the applicant if they will be filing with the Conservation Commission and L. Roy said yes. J. Livermore asked how much fill will be brought in to build the houses. L. Roy said the grading and drainage plan shows all that. J. Livermore asked if they are specific for lots and L. Roy said that information needs to be tabulated. T. Boland said on lot 2 there is a 98' contour line that goes right across it and the top of foundation is at 103' so in front of the house you go up 2' and in the back its staying flat. J. Livermore asked what happens to the water being displaced by the fill. L. Roy said the homes may be constructed in uplands and J. Livermore said there are no uplands. L. Roy said they will be filing a Notice of Intent and as part of that process they will delineate and identify the wetland areas. J. Livermore asked if abutters will be notified separately about the meeting and T. Boland said yes. J. Livermore said all their property values will decrease. She said if they open it to March Road it will be used as a cut through because the traffic backs up from Wildwood to Rte. 129. She said none of the residents on the surrounding streets will be supporting a cut through on March Road. T. Boland said everyone recognizes that's not an ideal situation. He said the Engineering memo needs to be addressed. P. Moser would like the Fire Department's input on the turn-around, but he understands it wouldn't be good to have a cut through on March Road. T. Boland said the Board has the Fire Department recommendation and the Board needs to review it. V. Gingrich said the Fire Department reviews revised plans as they are submitted. She said a turning plan is always helpful. L. Roy said they did show the turning movement on Hall Street as far as the ladder truck and he also provided a fire truck turning template.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to January 31, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to January 3, 2023 at 7:55 p.m. in the Town Hall Auditorium.

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

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

MATERIALS CONSIDERED:

LETTER from Attorney Robert G. Peterson, Jr. dated December 6, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to January 31, 2022 for Site Plan Review #22-15, and Stormwater Management Permit #22-11.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-15, Stormwater Management Permit #22-11, Groundwater Protection District Special Permit #22-03, Multi-Family Special Permit #22-01 and Inclusionary Housing Special Permit #22-01 for Cross Street to January 3, 2023 at 8:05 p.m. in the Town Hall Auditorium.

**Continued Public Hearing – Non-Conforming Lot Special Permit #22-01 for
41 Westdale Avenue - Map 72 Parcel 5 & 16 - Northeastern Development Corp., Applicant**

PRESENT IN INTEREST: Joe Langone
Doug Lees, Land Engineering

MATERIALS CONSIDERED:

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

D. Lees told the Board the applicant is proposing to construct a single-family home on an existing non-confirming lot. He said at the November hearing, the Town Engineer asked them to look at options for snow storage and a turnaround. D. Lees said the better option was to extend the pavement 6' for snow storage and leave room for runoff in a small depression. The Board had no more concerns and there were no comments from the Town Engineer.

Resident, J. Lewis, 13 Nickerson Avenue, said the pavement is extending to where they mow their lawn and she said if the pavement slopes down and they store a lot of snow there, more water will be going on their property so she asked if they will be proposing a storm drain. D. Lees said they are extending the pavement just 6' with a 2' depression for runoff. J. Lewis was satisfied. She asked for a fence continuing up to Westdale and J. Langone told the Board they would like to leave as many trees as possible because it is a small narrow lot. T. Boland asked if there are now trees on the lot line and J. Langone said yes. He said he did not want to discuss a fence at this time.

In reviewing the decisions, D. Lees pointed out condition no. 8 "Prior to issuance of a Building Permit the parcels shall be combined with an ANR plan that is recorded at the Middlesex North Registry of Deeds". He said there are 2 tax map lots but with the original subdivision plan was recorded in 1924, there are actually 4 parcels with 2 parcels on Nickerson and 2 parcels on Westdale, 25'x100' each. He said they are merged and on one deed. He said there is only one buildable lot because it is in common ownership. V. Gingrich said this comes up every so often with the Assessor and a way to rectify it is with an ANR plan. She said D. Lees mentioned a lot consolidation plan. D. Lees said he can do a consolidation plan and have it recorded at the Registry so the applicant won't lose time coming back to the Planning Board for an ANR. T. Boland asked V. Gingrich if that gives the same outcome and V. Gingrich said she believes so and if the Board is fine with that avenue, it's fine. T. Boland said he is fine with filing a consolidation plan and not having the applicant do the ANR. T. Boland asked if the consolidation plan would be done before the permitting process and D. Lees said yes. V. Gingrich said the wording for condition #8 would be changed. V. Gingrich said the applicant will need to get a Simple Stormwater Permit for the new home prior to a building permit and she asked if they have a septic approval. J. Langone said he has it.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Special Permit #22-01 for a Non-Conforming Lot under Chapter 139 of the Acts of 1998, as shown on plans entitled, "Special Permit Plan" dated September 29, 2022, last revised November 21, 2022, prepared by Douglas E. Lees, P.L.S., Land Engineering & Environmental Services, Inc., 1 Bridgeview Circle, Tyngsboro, MA 01879. The application was filed with the Planning Board on October 7, 2022. Said property is located at 41 Westdale Avenue and shown on Assessor's Map 72 Parcels 5 & 16.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the Special Permit #22-01 for a Non-Conforming Lot under Chapter 139 of the Acts of 1998, as shown on plans entitled, "Special Permit Plan" dated September 29, 2022, last revised November 21, 2022, prepared by Douglas E. Lees, P.L.S., Land Engineering & Environmental Services, Inc., 1 Bridgeview Circle, Tyngsboro, MA 01879. The application was filed with the Planning Board on October 7, 2022. Said property is located at 41 Westdale Avenue and shown on Assessor's Map 72 Parcels 5 & 16.

The public hearing was opened on November 1, 2022 and closed on December 6, 2022. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.1 of the Zoning Bylaws of the Town of Wilmington.

We, the Wilmington Planning Board, as requested by Joe Langone, under the provisions of Chapter 139 of the Acts of 1998 considered a single-family home proposal at 41 Westdale Avenue (Assessors Map 72 Parcels 5 & 16), as shown on plans entitled "Special Permit Plan" dated September 29, 2022, last revised November 21, 2022, prepared by Douglas E. Lees, P.L.S., Land Engineering & Environmental Services, Inc., 1 Bridgeview Circle, Tyngsboro, MA 01879 (the "Project Proposal") (the "Proposal"), do hereby vote to **APPROVE** the Project Proposal as shown on Special Permit Plan, subject to the Findings and Conditions below.

MATERIALS:

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

Letter from Scott C. Garrant, Esq., dated July 22, 2022

FINDINGS:

1. The Project to be constructed is on Map 72 Parcels 5 & 16 on the Town of Wilmington's Assessor's Map.
2. The lot contains at least 5,000 square feet and 50 feet of frontage.
3. The lot met any applicable requirements for area and frontage at the time such lot was recorded or endorsed.
4. The lot has not been held in common ownership with any adjacent land since the date of nonconformance with area or frontage requirements.
5. The lot is located on Nickerson Avenue, an accepted way and Westdale Avenue, an unaccepted way.
6. Town water is available to the lot.

7. The Planning Board determined that the construction and maintenance of a 24'x36' single-family dwelling with 6' front porch at this property as shown on the Site Plans will be consistent with public health, safety and welfare and without any substantial detriment to the public good and should be permitted in the public interest.
8. The Project Proposal as set forth in the Special Permit and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards and guidelines of Chapter 139 of the Acts of 1998 and the Board's Special Permit Rules and Regulations.
9. 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:

1. The Project shall be constructed and operated in accordance with the Special Permit.
2. The Project shall be approved 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 this Special Permit 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 Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or 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 tenants.
5. Any substantial changes to the Site Plan shall be subject to the Special Permit review process. Minor field adjustments may be allowed with review and approval of the Director of Planning & Conservation.

SPECIAL CONDITIONS:

6. Prior to endorsement of the Plan, the Applicant must obtain septic system approval from the Wilmington Director of Public Health.
7. Prior to endorsement, the Plan shall be revised so that the signature block for the Planning Board has five (5) lines for signatures and one (1) line for the date.
8. Prior to issuance of a Building Permit the parcels shall be combined with a lot consolidation plan that is recorded at the Middlesex North Registry of Deeds.
9. Prior to issuance of a Building Permit, the Applicant must obtain a Simple Stormwater Management Permit.
10. Prior to issuance of a Certificate of Occupancy, work in Westdale Avenue shall be completed as shown on the plan.

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

PRESENT IN INTEREST: Matt Costa, Beals Associates
Brandon Nelson, Camber Development
Teddy Kearney, Wheelock Street Capital

MATERIALS CONSIDERED:

PLANNING REVIEW LETTER dated November 9, 2022

ENGINEERING MEMO dated November 18, 2022

M. Costa did a presentation and went over what was discussed at the last meeting. He showed a plan on a board and said the site is the Lynch distribution facility on Salem Street with Benevento to the side, Rte. 62 on the bottom, showing I-93, Woburn Street, town line North Reading and Wilmington, Wilmington Firing Range. He said there is natural heritage on the site and flood plain. M. Costa said they are proposing a 237,880 sq.ft. warehouse with protentional tenants on either side and loading docks in the back. There is supporting parking on either side of the building. He said there are two main access points. M. Costa said they filed with both Planning and Conservation October 6th and had their first meeting in November. He said they received Engineering comments on November 18, 2023 with Planning and Conservation a bit before that. He said he has the TEC traffic peer review and will be meeting with Conservation Commission tomorrow. He met with TEC and he understands the traffic consultant's comments. He said the parking spaces they wanted to call reserve is unacceptable so the label will be removed. He said they will install six electric charging spaces as well. He said there is a water tank in the back to support the fire suspension system with a small pump house to pump the water tank. M. Costa said the Town Engineer is happy with the Stormwater design. He said one of the concerns was that material would be removed from the site but the majority of the material will remain on site. He said they raised the building up 8' to use the materials. He said Jamie Lynch, the previous owner stopped operating on the site and his equipment will be auctioned off in a week or so. M. Costa said daily monitoring will be done to ensure that the ground remains clean and there will be a street sweeper on site. He said there should not be too many restrictions on hours of operation but anything that could be done to monitor noise should be. There are no close abutters to this site with the firing range in the back being the closest and about 1,000' away from the closest residential building and Benevento next door. M. Costa said he would like to avoid having one dedicated truck entrance. He said the way the site is designed it allows full circulation for trucks. He said it's important to have that full circulation to access the last couple of spots. M. Costa said most important in order to get to the last few loading docks, the truck backs its way in and you need full circulation or you will end up with a large pavement radius. M. Costa explained that driver side reverse when they back up and look through their driver's side window to back into their spot versus looking across their seat and passenger window. He said curb cuts were designed to accommodate trucks in a 24' wide existing road onto Salem Street. He said when a truck is turning onto a small width roadway like Salem Street, in order to keep it from crossing over the center line it needs that larger radius. M. Costa said they can provide additional striping or raised concrete medians but snow removal and ice can cause problems with that and trucks would have the grip so they believe striping is the best solution. M. Costa said they have observed that flooding is caused by the sediment that is building up along the side of the road. He said since there are no curbs along Salem Street, sediment from along the roadway builds up and they have catch basins for that. He said in the O&M, in the event there is a large amount of sediment build up, causing flooding, every six months they will monitor it or if there is a call they will make sure the

sediment is removed so there is no flooding issues out there. M. Costa said their traffic consultant, Vanasse and the Town's TEC have agreed on the traffic volumes, calculations, crash data. He said the two big traffic items are Woburn Street and Salem Street and they are working out the signal timing. He said at the intersection of Rte. 62 and Woburn Street they acknowledge there is an issue with timing near the I-93 ramps, but they will not be making it worse. M. Costa said the last is the left turn lane and showed the location. He said if you were to widen the lane you would be dealing with the Martin's Brook crossing. He said there will be some small queuing of cars, but they don't anticipate them being able pass on the right.

T. Boland said the applicant went over Engineering comments so they can discuss traffic. He said he hates when 18 wheelers drive out and take up the whole road making a right turn. He said he's not sure what the striping will do and if that makes it more dangerous if you have cars coming out of all parts of the driveway. He questioned the left turn lane and sight line of the left turning trucks. He said there were a few items with respect to intersection of Woburn Street and I-93. He said he doesn't totally understand what's being recommended or acknowledged.

K. Dandrade, TEC, said in his observation there is a consistent stream of traffic both east bound and west bound. He said the tractor trailers require a longer gap to turn left onto the site. He said there was a disconnect between the traffic study and the site plan where the traffic study suggested all trucks will use the western driveway verses what was on the site plan and that's why the comments were tailored. They are looking to have full access for both cars and trucks. He said there could be some changes in the radius. He talked about what was done in another town with similar circumstances to see if maybe it would work with this site. He said there a couple of different options that may work that he would review with Beals.

R. Holland found it interesting that Rte. 62 is 24' wide. M. Costa said with respect to #18, they have 322 parking spaces meeting the parking requirements which require 322 but TEC said it meets by five spaces and K. Dandrade said it's a typo. He suggested no Parking or Standing signs along the peripheral 30' driveway in order to provide clear and unobstructed access for truck and emergency apparatus. M. Costa said they would like to submit both Planning and Conservation at the same time so they are waiting for the Notice of Intent letter.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #22-22 and Stormwater Management Permit #22-16 for 800 Salem Street, Map R1 Parcel 24 to January 31, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-22, Stormwater Management Permit #22-16, Groundwater Protection District Special Permit #22-07 and Sign Special Permit #22-02 for 800 Salem Street, Map R1 Parcel 24 to January 3, 2023 at 8:40 p.m. in the Town Hall Auditorium.

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

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

MATERIALS CONSIDERED:
None

M. Costa told the Board the traffic report came back. He said all comments can be accommodated so there is nothing that will hang it up. V. Gingrich suggested K. Dandrade go over his report.

K. Dandrade said with the change there is an increase in trip generation. He talked about Rte. 125 and Andover Street. K. Dandrade recommended the capacity analysis be updated using newly collected data and if the analysis results continue to show over-capacity conditions for the movements at the signalization intersection it is recommended that the applicant coordinate with the Town's DPW and MassDOT to fund a 25% design for intersection improvements at Rte. 125 and Andover Street and Andover Street and Upton Drive. B. Masserlink said they have no problem updating the traffic counts. K. Dandrade would recommend the applicant stripe along the easterly end of Upton Drive better define lanes and/or shoulders within the expanse of pavement with accompanying graphical lane use signs. He also suggested a supplemental sign on Andover Street southbound just north of Upton Drive and Rte. 125. A monitoring plan should be considered and a condition of approval. K. Dandrade said as part of the previous approval the applicant committed to direct trucks under their control to use Jonspin Road as an alternate route to Upton Drive during weekday morning and evening peak commute hours to help manage the queuing at the intersection of Andover Street/Upton Drive.

M. Costa talked about the upcoming Zoning Board of Appeals meeting and he expects to receive approval.

V. Gingrich asked if they plan to submit a written response to TEC's comments. B. Masserlink said TEC's letter says they could be conditions of approval and he asked if the Board would approve his application subject to Board of Appeal approval so can draft conditions. V. Gingrich said the Board can close the hearing and issue a decision at the January meeting.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #22-23 and Stormwater Management Permit #22-17 for 38 Upton Drive to January 31, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #22-23 and Stormwater Management Permit #22-17 for 38 Upton Drive and issue the decision at the January 3, 2023 meeting.

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

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

MATERIALS CONSIDERED:

None

Upon motion duly made and seconded it was unanimously

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

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-24 and Stormwater Management Permit #22-18 for 326 Ballardvale Street to January 3, 2023 at 8:50 p.m. in the Town Hall Auditorium.

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

MATERIALS CONSIDERED:

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

LETTER from Michael R. Dolan, Esq. dated October 21, 2022

STRUCTURAL ANALYSIS dated October 3, 2021

Attorney M. Dolan told the Board that Dish is seeking to install antennas on the existing wireless facility. Dish currently has no antennas in Wilmington, and this will help fill a coverage gap. He said Dish is proposing 3 panel antennas on the tower at 118' center line height as well as equipment on the ground within the existing fence compound with no bump-outs as shown on the plan. Attorney M. Dolan said the property is located in the General Industrial zoning district. He said the existing tower was approved by Special Permit in August 28, 2003. T. Boland said the structural analysis is being peer reviewed. V. Gingrich suggested waiting for the peer review. Attorney M. Dolan asked for an approval with a condition that the peer review show a satisfactory structural analysis.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-25 for 26 Upton Drive to January 3, 2023 at 9:00 p.m. in the Town Hall Auditorium.

Board of Appeals

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

V. Gingrich said the applicant will be before the Board of Appeals next week and they submitted revised information with a little more information on sewer that needs to be reviewed by Arcadis who is our peer reviewer for the town. She said there are revised site plans that can be reviewed but the peer review process has not started. R. Holland asked if they will be requested to do some improvements to the intersection or access to I-93. V. Gingrich said that TEC reviewed the traffic piece and there were not any outstanding comments. She said the dollar amount of mitigation has not been talked about in detail. She said the town feels they should offer more mitigation than they initially offered. She said once there is more information on the sewer piece, the town will circle back to the transportation piece. R. Holland said they are building an apartment building with two wings with a number of units. V. Gingrich said everything is the same as it originally was. She said there will be 132 units. T. Boland said they got rid of the town houses in the front.

Case 12-22 for 278 Lowell Street – Map 72 Parcel 1B – Ronald Reppuci and Andrew Thain, Applicants

V. Gingrich said this is a repeat so the Board can vote the way they previously voted and the Board members agreed.

Upon motion duly made and seconded, it was by a vote of 5-0

VOTED: To defer to the Building Inspector and Zoning Board of Appeals on the matter of determining use since it is not within the purview of the Planning Board.

Old Business

Site Plan Waiver Request #22-09 for 200 Research Drive – Map R3 Parcel 402 Scott Foberg for P.S.I., Applicant

MATERIALS CONSIDERED:

PLAN "Wilmington Technology Park, Ballardvale Street, Wilmington, Mass" dated May 2, 1988 and last revised July 27, 1994, "ALTA/N8PS Land Survey" dated June 13, 2019
OPEN SPACE LETTER dated November 14, 2022

S. Foberg told the Board he represents the owners. They want to construct a concrete pad for a nitrogen tank. He told the Board he built the building as well as 600 and 800 Research Drive. The property was sold two times and plans have disappeared. He said he has the original plan but no as-built plan. He said they used the title plan for the sale. He said they have 48% open space after putting in the pad. T. Boland said the plan he has is clear.

Upon motion duly made and seconded it was

VOTED: To approve Site Plan Review Waiver Request #22-09 for 200 Research Drive for the construction of a 14' x 19' concrete pad for a bulk nitrogen holding tank.

New Business

Request to release surety for Garden of Eden Definitive Subdivision #16-01 and Amendment #17-01 – Map 2 parcels 201-206; 223-225; Map 3 Parcels 207-222, Joseph Langone, Northeastern Development Corp., Applicant

MATERIALS CONSIDERED:

LETTER from Joseph Langone, Northeastern Development Corp., dated November 8, 2022

V. Gingrich said Green Meadow Drive has been completed and paved. They are asking for surety to be released but we always hold 10% for 18 months or until the road is accepted. T. Boland said the applicant is asking for \$232,493.00 and the Town Engineer is recommending the release of \$195,370.00.

Upon motion duly made and seconded it was unanimously

VOTED: To reduce surety for the Garden of Eden Definitive Subdivision from Plan STA 10+25.2 to Plan STA 27+05.05 (Green Meadow Drive) in the amount of one hundred ninety-five thousand, three hundred seventy dollars and zero cents (\$195,370.00). Surety was presented in the form of a Tri-Party Agreement among Joseph A. Langone, Trustee of the Duffer Realty Trust, Town of Wilmington by its Planning Board, and Stoneham Bank. The Town is withholding the remaining 10% (of the original amount of surety) thirty-seven thousand, one hundred twenty-three dollars and zero cents (37,123.00) for 18 months or until the street is accepted by the town.

**Site Plan Waiver Request #22-10 for 101 Main Street – Map 45 Parcel 119
EZ Pizza, Applicant**

MATERIALS CONSIDERED:

PLAN partial plan received November 29, 2022

PICTURES received November 29, 2022

V. Gingrich said the applicant enclosed and covered some of the back of his building and it's considered a structure. V. Gingrich said it barely impacts the parking and it seemed as though he didn't realize he needed Planning Board approval before getting a building permit.

Upon motion duly made and seconded it was unanimously

VOTED: To approve Site Plan Review Waiver Request #22-10 for 101 Main Street for the construction of an entry way enclosure as shown in pictures submitted to the Planning Department on November 29, 2022.

Discussion

99 Fordham Road Parking Relief Special Permit #21-03 Amendment

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

MATERIALS CONSIDERED:

PLAN "Demolition Plan" dated February 23, 2022

ENGINEERING MEMO dated October 31, 2022

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

Attorney J. Elmstrom Mann introduced her team and told the Board the reason they are before the Board for a project that received approval. It involved a 246 space parking facility. She said they are before the Board to discuss a modification of a term of that decision. She said they filed for a public hearing to discuss the situation at the Board's January meeting. Attorney J. Elmstrom Mann said she is before the Board hoping to get relief to access the parking facility because they have completed all improvements. She said they would like to use the existing driveway to access this facility. Everything is completed except for the water main because the town ran into delays with waterline connection and the applicant cannot do its work until the town finished theirs. She said she notified all the abutters that the applicant would be looking for relief. Attorney J. Elmstrom Mann said this would be temporary and they would be back in January for permanent relief. T. Boland asked where the waterline goes and Attorney J. Elmstrom Mann said they provided as-built plans, but they were submitted late. Brenton Cole pointed out the area on the plan. P. Moser asked where the temporary access is and Attorney J. Elmstrom Mann said there are two driveways. They will use the second driveway that is currently in existence and there will be no conflict with Shriners. T. Boland said asked if the driveway was narrow and Attorney J. Elmstrom Mann said it's robust. T. Boland said maybe the construction fence makes it seem narrower than it is. B. Frisella said the construction fence will be coming down tomorrow, but some will be left in place. T. Boland asked if the use of the driveway being built is for street vans for employees and A. Binnie said yes.

C. Flynn, 79 Park Street, North Reading said she thought tonight was more of a discussion, not that a waiver was being approved and that's why not a lot of neighbors came. She said water drainage is a concern. She asked if that would affect her and her neighbors and Attorney J. Elmstrom Mann explained that it is not the stormwater system but the water line that has not affect to the parking lot. Attorney J. Elmstrom Mann said the town has a watermain that some portions needed to be replaced and the applicant cannot complete their work until the town finishes theirs. C. Flynn asked if there would be anymore blasting or construction trucks. Attorney J. Elmstrom Mann said no more blasting but there will be construction trucks. C. Flynn said a bunch of trees were supposed to be planted but there are only 6 and she asked if any more would be planted. B. Frisella said whatever is on the plan is installed. T. Boland said there is not an application that is in front of the Board today. Attorney J. Elmstrom Mann explained that the applicant is looking for temporary relief until the hearing but if the hearing results in a no they would stop using it. T. Boland said the Board understands what is being asked for but there has been no as built plans submitted at this point which is a concern of the Planning and Engineering Departments. V. Gingrich said it is because of the town the applicant is unable to complete their work so this is a reasonable request. She said as-built plans were received this evening and staff will check it out. She said it sounds as if Shriners will not be having events and A. Binnie said that is correct and they have control of the entirety of the hill.

V. Gingrich recommended that staff check it out with the as-built. T. Boland said the Board will approve the temporary use once staff inspects and S. Hennigan added, as long staff confirms it's been built as drawn and approved.

Upon motion duly made and seconded it was unanimously

VOTED: To grant temporary relief to allow the applicant to use the one driveway contingent upon inspection by staff that it conforms to as-built plan.

DISCUSS 2023 PLANNING BOARD MEETING DATES

The Board was satisfied with the 2023 proposed meeting dates.

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

VOTED: To adjourn the meeting at 10:55 p.m.

NEXT PLANNING BOARD MEETING: January 3, 2023

Respectfully submitted,


Cheryl Licciardi
Recording Clerk

