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TOWN OF WILMINGTON, MA.

TOWN OF WILMINGTON, MASSACHUSETTS

PLANNING & CONSERVATION
DEPARTMENT

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**Planning Board Minutes
February 2, 2016**

The Planning Board met on Tuesday, February 2, 2016 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Michael Sorrentino Chair; Randi Holland; D. Shedd; Terence Boland; and Sean Hennigan. Valerie Gingrich, Director of Planning & Conservation was also present.

Minutes

The Planning Board had no Minutes to review.

Form A

High Street & Middlesex Avenue - Map 96 Parcels 7 & 8 "Plan of Land in Wilmington, Massachusetts (Middlesex County)" - Carl Crupi, Applicant

MATERIALS CONSIDERED:

PLAN "Plan of Land in Wilmington, Massachusetts (Middlesex County)" dated January 25, 2016.

V. Gingrich explained the plan to the Board. She said the lots meet frontage and the area requirements. L. Roy pointed out that one is a frontage exception lot.

Upon motion duly made and seconded it was

VOTED: To receive the ANR Plan and Application #16-01 for High Street & Middlesex Avenue, plan entitled, "Plan of Land in Wilmington, Massachusetts (Middlesex County)" dated January 25, 2016, Carl Crupi, Applicant

Upon motion duly made and seconded it was

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #16-01 for High Street & Middlesex Avenue, plan entitled, "Plan of Land in Wilmington, Massachusetts (Middlesex County)" dated January 25, 2016, Carl Crupi, Applicant

The Board endorsed the plan.

Matters of Appointment

Public Hearing - Garden of Eden Definitive Subdivision #16-01 & Stormwater Management Permit #16-01- Map 2 Parcels 201-206, 223-225 and Map 3 Parcels 207-222, Joseph Langone, Applicant

PRESENT IN INTEREST – Joseph Langone
Doug Lees, Land Engineering & Environmental Services

MATERIALS CONSIDERED:

PLANS "Site Development Plan, Garden of Eden, Wilmington, Massachusetts" dated January 7, 2016, "Sketch Plan in Wilmington, Massachusetts" dated June 11, 2015 last revised August 13, 2015

ELEVATIONS - various pages with different dates

STORMWATER POLLUTION PREVENTION PLAN dated January 4, 2016

COMMENTS from DPW dated January 26, 2016, Fire Department dated January 26, 2016

LETTER to applicant from Planning Director dated January 26, 2016

D. Lees introduced J. Langone and told the Board he is presenting a proposed subdivision from the recently approved Conservation Subdivision. He said the land is off Chestnut Street.

M. Sorrentino asked for Board comments. R. Holland asked for the square footage of hammerhead lot and D. Lees said 28,000 sq.ft.. M. Sorrentino said the Town Engineer is not happy with the submitted Stormwater Management Report. D. Lees said he met with the Town Engineer and will address all concerns.

M. Sorrentino read DPW and Fire Department Memos into the record and the review letter issued from Planning.

V. Gingrich talked about the CDTR meeting and the project design related issues. She said after the Town Engineer visited the site, he believes the site distance for the subdivision entrance would be better if shifted to the south. The Riverfront Alternatives Analysis needs a more rigorous assessment to state why the applicant cannot move the roadway south, away from the riverfront area. Also, the town recommends paving for the cul-de-sac parking area rather than gravel as proposed by the applicant. V. Gingrich said, with respect to the Fire Department's comment about the hammerhead lot driveways, the applicant could consider using shared driveways. She talked about the drainage swale and said there are questions about the swale graded through the site running between the house lots.

D. Shedd asked how the swales and raingardens will be maintained. D. Lees said raingardens will be maintained by the individual home owners and swales will be maintained by the town. He said he did not take credit for the raingardens in his stormwater calculations. D. Shedd asked how the town is expected to access the swale in back and D. Lees said there will be easements that are agreeable to town. D. Shedd asked if there will be guardrails and D. Lees said there is a 3 to 1 slope so therefore there is no need.

M. Sorrentino read a resident's letter. V. Gingrich explained the letter is because there is a concern that construction vehicles will be crossing the brook and going onto other parcels. V. Gingrich stated that it would be very hard to do so since the brook is between the areas and

the town could not allow it. D. Shedd asked if there will be iron pins in the ground and the applicant agreed.

V. Gingrich explained there is a form that will say what a street tree is and that the street tree cannot be removed without town approval. She said the existing trails are nice and J. Langone is planning to use something that is a combination of gravel and stone dust. R. Holland asked if there will be trail markers and V. Gingrich said the town would like that. J. Langone asked if the town would consider loam and seed. D. Shedd asked if trails need to comply with ADA laws and V. Gingrich answered no.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for the above referenced project to March 8, 2016 at 7:45 p.m. in the Town Hall Auditorium.

Board of Appeals

At its meeting on Tuesday, February 2, 2016 the Planning Board voted to recommend as follows:

Case 1-16: 102 Lowell Street Map 49 Parcel 102

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Case 2-16: 104 Lowell Street Map 49 Parcel 104

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Cases 3-16: 39 Reno Road Map 36 Parcel 95

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval.

Old Business

Request to establish surety for North Wilmington Estates Definitive Subdivision #09-02 Map R2 Parcels 1 & 1A, North Wilmington Estates, LLC

A request to establish surety for was received.

MATERIALS CONSIDERED:

LETTER from Stephen Lawrenson

Comments - DPW estimates dated September 22, 2015

V. Gingrich showed the Board the plan and there was extensive discussion regarding the water main. M. Sorrentino questioned the amount of surety and asked D. Shedd to review it. D. Shedd agreed with DPW's figure.

V. Gingrich said they are doing site improvements at McDonald and Salem Street.

Upon motion duly made and seconded, it was unanimously

VOTED: To establish surety in the amount of six hundred forty-five thousand, three hundred twenty-nine dollars and zero cents (\$645,329.00) for the completion of North Wilmington Estates from Station 0+00 to Station 19+30 (McDonald Road), Station 0+25 to 2+00 (Sgt. Veloza Way), 0+00 to 2+00 (McGrane Road) and off-site roadway and utility improvements beginning at the corner of McDonald Road and Salem Street and continuing to the entrance of North Wilmington Estates. Surety was presented in the form of a Tri-Party Agreement among North Wilmington Estates, LLC (Carlos A. & Irene C. Pereira), Town of Wilmington by its Planning Board, and Bank of New England (Paul Surprenant). he next Planning Board meeting.

**Request to accept surety for North Wilmington Estates Definitive Subdivision #09-02
Map R2 Parcels 1 & 1A, North Wilmington Estates, LLC**

A request to accept surety for was received.

MATERIALS CONSIDERED:
LETTER from Stephen Lawrenson

Upon motion duly made and seconded, it was unanimously

VOTED: To accept surety in the amount of six hundred forty-five thousand, three hundred twenty-nine dollars and zero cents (\$645,329.00) for the completion of North Wilmington Estates from Station 0+00 to Station 19+30 (McDonald Road), Station 0+25 to 2+00 (Sgt. Veloza Way), 0+00 to 2+00 (McGrane Road) and off-site roadway and utility improvements beginning at the corner of McDonald Road and Salem Street and continuing to the entrance of North Wilmington Estates. Surety was presented in the form of a Tri-Party Agreement among North Wilmington Estates, LLC (Carlos A. & Irene C. Pereira), Town of Wilmington by its Planning Board, and Bank of New England (Paul Surprenant).

**Request to release lots for North Wilmington Estates Definitive Subdivision #09-02
Map R2 Parcels 1 & 1A, North Wilmington Estates, LLC**

A request for to release lots for North Wilmington Estates was received.

MATERIALS CONSIDERED:
LETTER from Stephen Lawrenson

Upon motion duly made and seconded, it was unanimously

VOTED: To release lots 1 thru 10 and execute Form J, "Release of Lots in Exchange for Provision of Surety".

New Business

Decision for Site Plan Review #15-11 for 102 & 104 Lowell Street and Stowmwater Management Permit #15-08 - Map 40 Parcel 171 & Map 49 Parcel 51A - Joseph Langone, Applicant

PRESENT IN INTEREST – Dennis Griecci, Andover Consultants
Joseph Langone, Northeastern development

MATERIALS CONSIDERED:

PLAN "Existing Conditions & Site Details, 102/104 Lowell Street, Wilmington, Mass" dated October 27, 2015 and last revised December 21, 2015

ELEVATION dated October 21, 2015

STORMWATER REPORT dated October 27, 2015

LETTER from Dennis Griecce, Andover Consultants dated October 27, 2015

COMMENTS – DPW memo dated November 30, 2015 and DPW e-mail dated December 22, 2015

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions Site Plan Review Application #15-11 for 102 & 104 Lowell Street as shown on plan entitled: "Site Plan for 102/104 Lowell Street, Wilmington, MA" prepared by Dennis A. Griecci, P.E, dated October 27, 2015 and last revised December 21, 2015. Said property is located at 102 & 104 Lowell Street, Wilmington, MA 01887 and shown on Assessor's Map 40 Parcel 171 and Map 49 Parcel 51A. The decision is as follows:

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on December 1, 2015 and closing on January 5, 2016, by a motion duly made and seconded at their February 2, 2016 meeting, it was voted:

We, the Wilmington Planning Board, as requested by 102 Lowell Street Realty Trust, 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 102 & 104 Lowell Street (Assessors Map 40, Parcel 171 and Map 49 Parcel 57A), as shown on the plan set entitled: "Site Plan for 102/104 Lowell Street, Wilmington, MA" prepared by Dennis A. Griecci, P.E, dated October 27, 2015 and last revised December 21, 2015, (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:

Date submitted

Description

1. October 29, 2015 "Stormwater Report for 102 /104 Lowell Street, Wilmington, MA", dated October 27, 2015 and revised December 14, 2015". Prepared by Dennis A. Griecci, P.E of Andover Consultants, Inc. 1 East River Place, Methuen, MA 01844.
2. October 29, 2015 Architectural Elevations and Floor Plans for Proposed Building; 102 Lowell Street, Wilmington, MA dated October 21, 2015. Prepared by Paul Davies & Associates, Architects, Inc. of 635 Rogers Street, Lowell, MA.

FINDINGS:

The Project site is located at Map 40 Parcel 171 and Map 49 Parcel 57A.

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.

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.

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.

The Project is located within the Groundwater Protection District and requires a Special Permit from the Board of Appeals.

CONDITIONS:

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

GENERAL:

The Project shall be constructed and operated in accordance with the Site Plan.

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.

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.

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 OF THE SITE PLAN:

Groundwater Protection District Special Permit from the Wilmington Board of Appeal for relief from Section 6.6.7.7 of the zoning bylaw must be granted, recorded and added to the site plan.

PRIOR TO ISSUANCE OF A BUILDING PERMIT/PRIOR TO CONSTRUCTION:

A stone construction entrance shall be installed by the contractor prior to the commencement of construction.

The Wilmington Fire Department shall review and approve all building plans prior to construction.

PRIOR TO THE ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:

Final As-Built Plans in form(s) and format(s) acceptable to the Town Engineering Director shall be submitted to the Engineering Director and Director of Planning and Conservation. In the event weather conditions or other circumstances beyond the Applicant's reasonable control delay the completion of landscaping or similar aesthetic site features shown on the Site Plan, the final Certificate of Occupancy shall be issued provided the Applicant posts a bond, in a form reasonably acceptable to the Director of Planning & Conservation and the Town Engineer, covering the cost of completion of the unfinished site work.

POST OCCUPANCY:

The Applicant shall maintain or replace landscaping, fencing and lighting 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.

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. 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.

Snow in excess of the areas shown on the approved Site Plan shall be removed from the site within five days of an event. Snow shall not be pushed into wetlands or stormwater management areas. Drainage structures shall remain clear of snow.

**Decision for Pet Care Facility Special Permit #15-01 for 203 Lowell Street
Map 48 Parcel 73 - Attorney Robert Peterson for the Barking Dog, Ltd., Applicant**

MATERIALS CONSIDERED:

PLAN "Lot Subdivision Plan" dated December 7, 2014 and last revised July 27, 2015 and "Site Layout Plan" dated December 7, 2014 and last revised July 27, 2015

MEMORANDUM from ARCADIS dated March 8, 2015

LETTER from Eugene T. Sullivan dated June 23, 2015

COMMENTS – DPW memo dated January 4, 2016

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Pet Care Facility Special Permit #15-01 for 203 Lowell Street as follows:

This is to certify, following a public hearing of the Wilmington Planning Board (Board) opening on January 5, 2015 and closing on January 5, 2015, by a motion duly made and seconded at its meeting on February 2, 2016, it was voted:

We, the Wilmington Planning Board, as requested by The Barking Dog. Ltd., under the provisions of Section 3.5.19 (Pet Care Facility) and Section 3.8.14 (Minimum Special Permit Criteria) of the Zoning By-Law of the Town of Wilmington to consider Pet Care Facility Special Permit #15-01 for the Pet Care Facility, The Barking Dog. Ltd located at 203 Lowell Street (Assessors Map 48 Parcel 73), as shown on the plan entitled: "Site Layout Plan", prepared by Eugene T. Sullivan, Inc., dated December 7, 2014 and last revised July 27, 2015, submitted on December 10, 2015 do hereby vote to GRANT the Special Permit as shown on the submitted plan, subject to the Findings and Conditions below.

MATERIALS:

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

<u>Date submitted</u>	<u>Description</u>
December 10, 2015	Lot Subdivision Plan dated December 7, 2014 and last revised July 27, 2015

FINDINGS:

The proposed Pet Care Facility is located in the General Business District.
The proposed Pet Care Facility will be a freestanding building consisting of over 20,000 square feet, meeting the required minimum 15,000 square feet.
At least three of the required uses listed in Section 3.8.14 will be provided at the proposed Pet Care Facility.
The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington Departments.

CONDITIONS:

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

The project shall comply with all Rules and Regulations of the Board of Health at all times. If a building permit is not issued 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. 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.

This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review.

**Decision for Parking Relief Special Permit #15-01 for 203 Lowell Street
Map 48 Parcel 73 - Attorney Robert Peterson for the Barking Dog, Ltd., Applicant**

MATERIALS CONSIDERED:

PLAN "Lot Subdivision Plan" dated December 7, 2014 and last revised July 27, 2015 and "Site Layout Plan" dated December 7, 2014 and last revised July 27, 2015

MEMORANDUM from ARCADIS dated March 8, 2015

LETTER from Eugene T. Sullivan dated June 23, 2015

COMMENTS – DPW memo dated January 4, 2016

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Parking Relief Special Permit #15-01 for 203 Lowell Street as follows:

This is to certify, following a public hearing of the Wilmington Planning Board (Board) opening on January 5, 2015 and closing on January 5, 2015, by a motion duly made and seconded at its meeting on February 2, 2016, it was voted:

We, the Wilmington Planning Board, as requested by The Barking Dog. Ltd., under the provisions of Section 6.4.3.2 (Parking Relief) of the Zoning By-Laws of the Town of Wilmington to consider Parking Relief Special Permit #15-01 for the Pet Care Facility, The Barking Dog. Ltd located at 203 Lowell Street (Assessors Map 48 Parcel 73), as shown on the plan entitled: "Site Layout Plan", prepared by Eugene T. Sullivan, Inc., dated December 7, 2014 and last revised July 27, 2015, submitted on December 10, 2015 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:

<u>Date submitted</u>	<u>Description</u>
1. December 10, 2015	Lot Subdivision Plan dated December 7, 2014 and last revised July 27, 2015

FINDINGS:

1. A total of 44 parking spaces will be provided on site for the Pet Care Facility at 203 Lowell Street instead of the required 80 spaces for the 20,053 square foot retail building.
2. 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.
3. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington Departments.

CONDITIONS:

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

This Special Permit granted for Parking Relief for a Pet Care Facility at 203 Lowell Street shall be valid for this use only.

If a building permit is not issued 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, and/or the two-year period shall run from the date of the final decision on the appeal.

This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review.

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.

Request to waive Site Plan Review for 377 Ballardvale Street - Map R3 Parcel 50B Kristen Champagne, representative for Verizon Wireless, Applicant

A request to waive Site Plan Review for 377 Ballardvale Street was received.

MATERIALS CONSIDERED:

PLAN "Wilmington N, MA HD – 377 Ballardvale Street, Wilmington, MA 01887" dated June 16, 2015

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review and filing fees for Bell Atlantic Mobile of MA d/b/a/ Verizon Wireless located at 377 Ballardvale Street. The proposal is to replace nine (9) panel antennas and add nine (9) radio head filters and three (3) surge arrestors. The associated cabling and radio units will be mounted at the same height level as the existing equipment.

Request to waive Site Plan Review for 65 Industrial Way - Map 56 Parcel 122 Kristen Champagne, representative for Verizon Wireless, Applicant

A request to waive Site Plan Review for 65 Industrial Way was received.

MATERIALS CONSIDERED:

PLAN "Verizon Wireless, Wilmington S. MA HD, 65 Industrial Way, Wilmington, MA" dated August 7, 2015

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review and filing fees for Bell Atlantic Mobile of MA d/b/a/ Verizon Wireless located at 65 Industrial Way. The proposal is to replace nine (9) panel antennas and add nine (9) radio head filters and two (2)

junction boxes. The associated cabling and radio units will be mounted at the same height level as the existing equipment.

**Request to waive Site Plan Review for 14 Jewel Drive - Map 24 Parcel 209A
Michael Howland, Applicant**

PRESENT IN INTEREST – David McWhan, HDO

MATERIALS CONSIDERED:

PLAN "No. 14 Jewel Street, Assessors Map 24 Lot 209-A"

D. McWhan told the Board there are 200 parking spaces and applicant is not requesting alterations to the site. The applicant would like to add one more loading bay on the backside of the building and relocate a stairwell.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review and filing fees for 14 Jewel, LLC. The project involves relocating an existing exit door and egress stair at the rear of the building and adding a loading door. All work would be contained to the existing loading area with no impact to parking.

**Request to release lots 1, 4, 5, & 36 for PHASE I of Murray Hill Def. Sub. #14-01
Map 4 Parcels 4K, 6 & 7, Craig S. Newhouse, C.S. Newhouse Builders, Inc.**

MATERIALS CONSIDERED:

LETTER for Craig Newhouse, C.S. Newhouse Builders Inc., dated February 1, 2016

A request to release lots 1, 4, 5, & 36 for PHASE I of Murray Hill Definitive Subdivision was received.

Upon motion duly made and seconded, it was unanimously

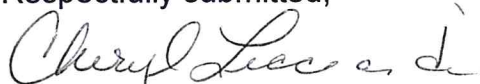
VOTED: To realease lots 1, 4, 5, & 36 for PHASE I of Murray Hill Definitive Subdivision

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

VOTED: To adjourn the meeting at 9:25 p.m.

NEXT MEETING is March 8, 2015

Respectfully submitted,



Cheryl Licciardi
Recording Clerk