



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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Planning Board Minutes March 19, 2019

The Planning Board met on Tuesday, March 19, 2019 at 7:00 p.m. in the Auditorium, Town Hall jointly with the Finance Committee to hear Articles on the Town Meeting Warrant for Annual Town Meeting, May 4, 2019. The following members were present: Michael Sorrentino, Chairman; Randi Holland; Terence Boland; Sean Hennigan; and David Shedd. Valerie Gingrich, Director of Planning & Conservation, and Sierra Pelletier, Assistant Planner were also present.

John Doherty, Finance Committee Chair, called the meeting to order and turned it over to Michael Sorrentino to chair the Planning Board public hearing on zoning, sale of Town-owned land and other articles of interest to the Planning Board.

ARTICLE 39: To see if the Town will vote to amend the Zoning By-law by deleting Section 3.9 in its entirety; or take any other action related thereto.

Planning Board

M. Sorrentino said Section 3.9 was a temporary moratorium on recreational marijuana establishments through the end of 2018. This section is no longer needed since a permanent ban on marijuana establishments was approved in 2017 (Section 3.7.2 of the bylaws). He asked if there were any questions or if anyone wanted a discussion.

There were no questions or concerns from the audience.

ARTICLE 40: To see if the Town will vote to amend the Zoning By-law by deleting Section 9.8.5 through Section 9.8.5.3 in its entirety and replacing it with a new Section 9.8.5 as follows; or take any other action related thereto:

9.8.5 Local Preference

The maximum number of local preference units permitted by the Department of Housing and Community Development (DHCD) shall be provided. Applicants shall submit a marketing plan which describes how the affordable housing units will be marketed to potential homebuyers. The plan shall meet all requirements of DHCD and applicable state and federal laws and regulations so that the affordable units are eligible to be placed on the Town's Subsidized Housing Inventory.

Planning Board

M. Sorrentino said this article changes the local preference requirement to correspond with what the State requires so that the affordable units count toward the Town's 10% requirement. This simplified section refers back to the State's requirement rather than creating its own requirements.

The percentage of local preference units stays the same, approximately 70%, but the details of who qualifies as a resident is different. Current residents, Town employees, people who work in Town and families of students in Wilmington Schools are all eligible for local preference according to the State. He asked if there were any questions or if anyone wanted a discussion.

There were no questions or concerns from the audience.

ARTICLE 41: To see if the Town will vote to amend the Zoning By-law by amending the affordable housing requirement in Section 9 as follows; or take any other action related thereto:

Delete the last sentence of Section 9.6.2 to read as follows:

9.6.2 Maximum density: Eight units per acre, excluding all but 25% of wetland resource areas as defined in Massachusetts General Law Chapter 131 Section 40.

Amend Section 9.8 by deleting the last two words of the title, adding a new Section 9.8.1 and renumbering the remainder of Section 9.8:

9.8 Affordable Housing

9.8.1 All Over 55 Housing Developments shall include at least 15% affordable housing units.

Planning Board

M. Sorrentino said this article takes the affordable housing requirement out of the density section and puts it in the affordable housing section. It also proposes to increase the affordable housing requirement from 10% to 15% to match the proposed Inclusionary Bylaw and so that we keep pace with the 10% requirement. He asked if there was anyone that wanted a discussion.

There were no questions or concerns from the audience.

ARTICLE 42: To see if the Town will vote to amend the Zoning By-law by creating a new Section 6.11 for Inclusionary Zoning as follows; or take any other action related thereto:

Add a new Section 6.11:

6.11 Inclusionary Housing

6.11.1 Purpose and Intent

The purpose of this Inclusionary Housing By-law is to:

- a. Expand and diversify the Town of Wilmington's housing stock to provide more varied housing options;
- b. Increase the supply of housing that is affordable to low-income and very low-income households;
- c. Develop and maintain housing that is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

It is the intent of this Section that affordable housing units created pursuant to this By-law shall qualify for inclusion in the Chapter 40B Subsidized Housing Inventory (SHI) under the regulations and guidelines of the Massachusetts Department of Housing and Community Development (DHCD). It is the intent that all housing will comply with federal and state fair housing laws.

6.11.2 Definitions

In this Section the following terms shall have the following meanings:

6.11.2.1 Affordable Housing Units – Housing units that are restricted for sale or rent to individuals and families within specific income ranges and sales prices which meet the DHCD and M.G.L. Chapter 40B requirements for inclusion in the Town's SHI.

- 6.11.2.2 **Applicant** – A person or entity who applies for a special permit under this Section. "Applicant" shall include an owner, or his/her agent or representative, or his/her assigns.
- 6.11.2.3 **Area Median Income** – The median income for households within the designated metropolitan statistical area that includes the Town of Wilmington, as reported annually and adjusted for household size by the United States Department of Housing and Urban Development for the Boston Metropolitan Statistical Area.
- 6.11.2.4 **Board** – Town of Wilmington Planning Board, who shall serve as the Special Permit Granting Authority for projects subject to this Section.
- 6.11.2.5 **DHCD** – Massachusetts Department of Housing and Community Development.
- 6.11.2.6 **Eligible Household** – Any household whose total income is at or below eighty percent (80) percent of the area median income adjusted for household size.
- 6.11.2.7 **Local Initiative Program (LIP)** – A program administered by the DHCD pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit as defined in M.G.L. Chapter 40B, Sections 20-23.
- 6.11.2.8 **Low-Income Household** – Household with income that does not exceed eighty (80) percent of the area median income adjusted for household size as determined by the United States Department of Housing and Urban Development, then in effect.
- 6.11.2.9 **Market-Rate Housing Units** – Housing units that are not restricted to certain rent or sale prices.
- 6.11.2.10 **M.G.L.** – The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation or particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.
- 6.11.2.11 **Off-Site Unit** – An affordable housing unit produced by the applicant on a site other than the primary residential development.
- 6.11.2.12 **Subdivision** – Any subdivision as defined in the Subdivision Control Law (M.G.L. Chapter 41, Sections 91K-GG), or any division of land under M.G.L. Chapter 41, Section 81P, into lots for residential use, and as defined in the Town of Wilmington Subdivision Rules and Regulations.
- 6.11.2.13 **Subsidized Housing Inventory (SHI)** – The DHCD Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.
- 6.11.2.14 **This Section** – Section 6.11 of the Town of Wilmington Zoning By-laws in its entirety.
- 6.11.2.15 **Town** – The Town of Wilmington.
- 6.11.2.16 **Very Low-Income Household** – Household with income that does not exceed fifty (50) percent of the area median income

adjusted for household size as determined by the United States Department of Housing and Urban Development, then in effect.

6.11.3 Applicability

This Section applies to construction of at least six (6) new dwelling units in the Neighborhood Mixed Use District or Central Business District.

New residential development in a Conservation Subdivision Design can provide affordable housing units should the applicant volunteer, and therefore be subject to this Section.

Developments may not be segmented or phased to avoid compliance with this Section. Unless otherwise directed by the Board as a condition of approval, all affordable housing units shall be developed/provided concurrently and proportionately with the development of market-rate housing units. Segmenting land or properties over any ten-year period with the effect of avoiding inclusionary housing requirements by either subdividing one parcel of land into two parcels of land or dividing a project that would otherwise be subject to this Section into phases in such a way that would not result in the creation of affordable housing units shall be prohibited. Said ten-year period shall be measured from and to the dates of Building Permit applications.

A Special Permit and Building Permit will not be issued for a development subject to this Section unless the applicant provides the percentage of the total dwelling units in the development as affordable housing units as described herein.

6.11.4 Special Permit

The development of any project under this Section shall require the grant of a Special Permit and Site Plan Review from the Planning Board. A Special Permit under this Section shall be granted if the proposal meets the requirements of this Section, provided that nothing herein shall be intended to limit the discretion of any Special Permit Granting Authority under any other section of this By-law.

6.11.5 Provision of Affordable Housing Units

Affordable housing units shall be provided at a minimum for low-income households, and providing housing units for very low-income households is strongly encouraged when possible. Nothing in this Section shall preclude an applicant from providing additional affordable housing units, or greater affordability, or both, than the minimum requirements.

6.11.5.1 Percentage Requirement

In any development subject to this Section at least fifteen (15) percent of the dwelling units shall be affordable to eligible households. The affordability requirements of this Section do not apply to density bonus unit(s) (Section 6.11.5.2).

In the event that a development providing on- or off-site units has a fractional affordable housing unit of 0.5 or greater, it shall be rounded up to the next whole number. In the event that the fractional affordable housing unit is less than 0.5, the applicant may choose whether or not to round up to the next whole number.

6.11.5.2 Density Bonus

The Board may allow an increase in the total number of market-rate housing units by a number equal to the required affordable housing unit(s), not to exceed ten (10) bonus market-rate housing units. The allowed units per acre or lot coverage may be increased, parking requirements may be decreased, and/or open space may be reduced by the amount necessary to permit the bonus market-rate housing units. The affordability requirements of this Section do not apply to density bonus unit(s).

The chart below illustrates the calculation of new market-rate, affordable and bonus housing units.

Total Number of Housing Units Proposed	Number of Affordable Housing Units Required	Number of Market-Rate Housing Units	Bonus Market-Rate Housing Units	New Total Market-Rate Housing Units (with Bonus)	New Total Units (Market-Rate & Affordable)	Effective Affordable Housing Unit Percentage
6	1	5	1	6	7	14.3%
10	2	8	2	10	12	16.7%
12	2	10	2	12	14	14.3%
15	2	13	2	15	17	11.8%
20	3	17	3	20	23	13%
25	4	21	4	25	29	13.8%
30	5	25	5	30	35	14.3%

6.11.5.3 Methods of Providing Affordable Housing Units

On-site units are the preferred method of providing affordable housing units under this Section.

As an alternative to on-site provision of affordable housing units, an applicant subject to this Section may also be allowed by the Board as part of the Special Permit to develop, construct, rehabilitate or dedicate affordable housing units off-site, only in unique and extraordinary circumstances, for which the applicant must provide a narrative to meet this criterion.

All requirements of this Section that apply to on-site provision of affordable housing units shall apply to provision of off-site affordable housing units, except as provided for in Section 6.11.6.2.b.

6.11.6 Siting and Design

6.11.6.1 Siting and Type of Affordable Housing Units

On-site affordable housing units constructed or otherwise provided under this Section shall be proportionately distributed throughout the project in terms of both location and unit size/type. For example, a development consisting of a mix of single-family homes, townhouses, and a small apartment building shall include affordable housing units of each housing type. On-site affordable housing units shall also, on average, be as accessible to common amenities, such as open space or services, as the market-rate housing units in the same development.

Applications to the Planning Board shall include a plan showing the proposed locations of the affordable housing units.

6.11.6.2 Minimum Design and Construction Standards

On- and off-site affordable housing units shall comply with the DHCD LIP's minimum design and construction standards for SHI as they may be amended. Requirements for the following conditions shall be complied with as specified, in addition to compliance with the above.

- a. New construction of market-rate and affordable housing units. Affordable housing units shall be comparable in size, number of bedrooms, design, appearance, construction and quality of materials with market-rate housing units, though designer and high-end finishes, fixtures and appliances are not required. Mechanical systems and energy efficiency shall conform to the same specifications as apply to the market-rate housing units. Affordable housing units shall have the same floor area as the median market-rate housing units of the same number of bedrooms. The number of bedrooms in affordable housing units shall be comparable to the bedroom mix in market-rate housing units in the development, unless otherwise required to count on the SHI.
- b. Affordable housing units provided on- or off-site by restricting existing homes as affordable housing units, rather than creating new construction. Units do not have to appear similar in terms of design and appearance to market-rate housing units. Home inspections by a licensed inspector are required, and all systems and major items must have more than ten (10) years of useful life remaining.

6.11.7 Marketing and Affordability of Affordable Housing Units

6.11.7.1 Marketing Plan

Applicants under this By-law shall submit a marketing plan which describes how the affordable housing units will be marketed to potential homebuyers. The plan shall meet all requirements of DHCD and applicable state and federal laws and regulations so that the affordable housing units are eligible to be placed on the Town's SHI. No Building Permit for any units in the development subject to this Section shall be issued until the marketing plan is approved by DHCD.

6.11.7.2 Local Preference

The maximum local preference units under DHCD guidelines shall be provided.

6.11.7.3 Income Requirements and Selling/Renting Prices

The maximum housing purchase price or rent for affordable housing units created under this Section shall be consistent with affordability guidelines established by DHCD or a successor agency for eligible households, and shall not exceed the

maximum purchase price or rent guidelines of the program used to qualify affordable housing units for inclusion on the SHI.

6.11.7.4 Preservation of Affordability

As a condition of development, all affordable housing units provided under this Section shall be subject to an affordable housing restriction in a form consistent with LIP or any other applicable guidelines issued by DHCD, acceptable to the Planning Board, and that ensures affordable housing units can be counted toward Wilmington's SHI. The affordable housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of M.G.L. Chapter 184, Section 26 or Sections 31 and 32.

The affordable housing restriction shall contain limitations on use, occupancy, resale price and rents, and provide for periodic monitoring, by the Town or its designee as named in the deed rider as the monitoring agent, to verify compliance with and enforce said restriction. The purchaser of an affordable housing unit developed under this Section shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the Town, or its designee, a right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

The affordable housing restriction shall provide that in the event that any affordable rental unit is converted to a condominium unit, the condominium unit shall be restricted in perpetuity to ensure that it remains affordable to households in the same income range as prior to the condominium conversion.

The occupancy permit for any units in the development shall not be issued until the Regulatory Agreement in a form and format acceptable to the Town and DHCD is recorded at the Registry of Deeds or Registry District of the Land Court, and a copy provided to the Planning Board.

The affordable housing restriction shall provide that initial sales and rentals of affordable housing units and subsequent re-sales and re-rentals shall comply with federal, state and local fair housing laws, regulations, and DHCD LIP guidelines.

The applicant shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify affordable units for listing on the Chapter 40B SHI as LIP units.

6.11.8 Fees

The applicant shall be responsible for all consultant fees, including engineering, architectural, legal, housing consultant and planning fees, incurred by the Planning Board in connection with the application, review of relevant plans and documents, and ensuring that the affordable housing units are included on the Town's SHI.

6.11.9 Conflict with Other By-laws or Sections

The provisions of this Section shall be considered supplemental of existing sections of the Wilmington Zoning By-law. To the extent that a conflict exists

between this Section and others, the more restrictive section, or provisions therein, shall apply.

6.11.10 Severability

In the event that one or more of the provisions of this Section are found or determined to be illegal or unenforceable, or held invalid by a court of competent jurisdiction, such finding shall not affect the validity of any other provisions of this Section, which provisions will remain in full force and effect.

Planning Board

M. Sorrentino said rather than reading this entire article, he will summarize Article 42. To see if the Town will vote to amend the Zoning By-law by creating a new Section 6.11 for Inclusionary Zoning that requires 15% affordable housing units in multi-family development and turned it over to V. Gingrich for a brief explanation:

V. Gingrich said there is a handout in the back. She said inclusionary zoning is zoning that requires affordable housing units with residential development and the next logical questions is what is affordable. She said the State defines affordable and that is what this zoning bylaw is referring to. It is defined as the area median income (AMI) which is about \$107,000 per year per household, and they consider families that make up to 80% of that as qualifying for affordable. V. Gingrich said that the income limits are \$81,000 per family and \$56,800 for an individual. She gave some examples on the handout with statistics. She said 50% of Wilmington's households make less than AMI and 20% of Wilmington's households make less than \$50,000 so affordable housing would benefit the population in Town. She said this Inclusionary Bylaw works toward the 10% State requirement and it also helps us provided housing options for a bunch of different income levels. Inclusionary Bylaws are not meant to be a way to catch up with your numbers if you are in a deficit. The Inclusionary Bylaw is meant to make sure new development projects provide their share of affordable units. She said they had a number of meeting. V. Gingrich said this bylaw was developed by looking at the 2004 housing plan. She said they looked at many bylaws across the state and held some workshops in the fall to introduce the topic and get feedback. She said they received feedback, had numerous Planning Board meetings and a Board of Selectman meeting to talk about the topic so hopefully this is not something new. V. Gingrich said the proposal is that the Neighborhood Mixed-Use District and Central Business District, if a multi-family development is 6 or more units, the developer has to provide 15% of the units as affordable with this bylaw. She said the bylaw focuses on multi-family development. She said there was some discussion to see if this zoning could apply to single-family dwellings but it would not be easy and this discussion will be ongoing in the future. V. Gingrich said the threshold of 6 units was originally 8 but after discussions it was agreed to reduce it to 6 units which matches a lot of our surrounding towns. The percentage requirements of 15% is the most popular number in most other bylaws and higher than our 10% request and keeps us above 10% as we move forward but it's not so high that we have to have higher densities to make it cost-effective. V. Gingrich explained what a density bonus is. She said one additional market-rate unit for each affordable unit is provided in the bylaw. Building an affordable unit actually costs more than it will be sold for so affordable units are a loss to the developer. To help offset that, a density bonus was built in – for every affordable unit, the developer gets an additional market-rate unit. To allow for that, open space and parking requirements may be reduced. She talked about offsite construction where the affordable units would not have to be built within the proposed development but could be built at a different site. She said in the bylaw the preference is that all affordable units be built within the development. V. Gingrich said if there is a special case and it makes more sense to build at another location, she wanted that flexibility in the bylaw. If there is a small project where one affordable unit is required, a developer could purchase a ranch home in town and renovate the house, restrict it as affordable to meet that requirement which may be a benefit, potentially preserving a different type of housing stock. She said she would take questions through the Chairman. M. Sorrentino asked if there were any questions or if anyone wanted a discussion.

There were no questions or concerns from the audience.

ARTICLE 44: To see if the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington by voting to rezone from Residential 60 (R60) to Residential 10 (R10) the following described parcel of land; or take any other action related thereto.

The land at and known, Middlesex County, MA as more fully described in a deed recorded in Middlesex North District Registry of Deeds addresses: 54 McDonald Rd, Book 10565, Page 124, containing 11,000 sq ft of land Map 84 parcel 54. 47 McDonald Road, Book 10736, Page 302, containing 10,000 sq ft of land Map 84 parcel 63A.

As Petitioned for by David Brabant and others

M. Sorrentino summarized the article as whether the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington by voting to rezone 54 & 47 McDonald Road from Residential 60 (R60) to Residential 10 (R10) and asked if the petitioner was present.

Resident, D. Brabant, 54 McDonald Road, said both parcels in the article do not meet zoning setbacks and are non-conforming. He said he would like to construct an addition but he cannot without getting approval from the Zoning Board of Appeals. Resident, D. Donahue, 55 McDonald Road, said he is across the street from 54 and next to 47, both petitioners. He said he has been a Town resident for 30 years and part of the R60 zoning. He said he put an addition on by going through the ZBA for approval and it was never a problem. He said going through ZBA gives his neighbors the opportunity to see what he is doing beforehand to make sure the project will not overcrowd the area so he asked the Planning Board to deny the article. Resident, J. Heos, 61 McDonald Road, across the street from 54 McDonald Road, and said he agrees with D. Donahue's assessment. He said it is very difficult to get a fire truck in the road and this would increase a hazard in the neighborhood and asked that the Board deny it. M. Sorrentino asked if there were any more questions.

There were no more questions or concerns from the audience.

ARTICLE 45: To see if the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

Amend the zoning by-law and associated zoning map of the town of Wilmington by rezoning from Residential 60 (R60) to Residential 10 (R10) the following described parcels of land shown on Assessor's Map 84. Parcel 11, 15

As Petitioned for by Charles Fleming and others

M. Sorrentino recused himself since he is an abutter. R. Holland summarized the petitioned article as to whether the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington to rezone 14 Royal Street and 17 Royal Street from Residential 60 (R60) to Residential 10 (R10). She asked if the petitioner was present.

Resident, C. Fleming, said he lives at 17 Royal Street and his neighbor lives at 14 Royal Street. He lives in the home his parents built and he would like to build a new home that is easier for him to get around in, on the backside of his property. The house he lives in was built 70 years ago and no longer meets his needs. C. Fleming said he needs a house all on one level with a cellar that has no water in it, a house with wider doors so he can get into his bathroom, which in his current home is 5'x7'. He said he has owned this property for all these years and is hoping he can subdivide his land. He described his property as 100' wide by approximately 515' long so it can be done under R10 but he needs more than two lots because of the cost of putting in a road. He said he is limited to 3 lots. He said the sizes of the lots would be determined by the configuration of the land. He would also need a new septic system at some point so his lot would need to be larger and the other two would be about 15,000 sq.ft. with the remainder going to the lot he lives on now. He said he would sell two lots to have money for

the road and leave him enough so that his mortgage would not be large. He thanked the Board for allowing him to speak. Resident, D. Donahue, 55 McDonald Road, asked what the plans are for the other lot in the petition. Resident, L. Marsoobian, 14 Royal Street, said she would like to rezone and subdivide. They bought their house 10 years ago, and love their house, street and neighbors but they are starting to grow out of their house. She would like to put up a new home and move in and sell their existing home. L. Marsoobian said Royal Street is a dead-end and that makes it hard for plows or firetrucks so if this passes they will build a turn-around. D. Donahue said he is on McDonald Road but Royal Street ends at his corner. He said the growth of building in that area is extreme and the water table has increased significantly that he sympathizes with the man who has water in his cellar because his sump pump has been going since October. He said his pumping has gone from one month a year to 6 months now. He said subdividing the lots that were intended to be large parcels and then adding more houses shifts the water table and causes a detriment to the neighbors. He requested the Board deny the petition. C. Fleming said his family owned the property D. Donahue is referring to and his family granted the town the rights to put a culvert in under McDonald Road to drain the property. He said it worked well for many years. He said the culvert needed a ditch dug to it in order to drain the property correctly but the ditch was not maintained. He said when he lived next to the property, as long as the ditch was working, they did not get water. He said something needs to be done about cleaning the ditch. D. Donahue said he goes to the culvert every spring to clean it and it is draining a wetland. R. Holland asked if anyone else wanted to speak and there was not.

There were no further questions or concerns from the audience.

ARTICLE 46: To see if the Town will vote to authorize the Selectman to enter into an agreement, the terms of which shall be determined by the Selectman, to sell, convey or otherwise dispose of all or part of the following described parcel: following a determination made by the Town Manager that the land is not needed for any municipal purpose, and in accordance with Chapter 3, Section 16 of the By-Laws of the Inhabitants of the Town of Wilmington Revised and other applicable law; the parcel being located on Canyon Street, formally known as Park Road and described in the Town of Wilmington Assessor' records as Map 16, Lot 59; or take any other action related thereto.

As Petitioned for by Jean Marie Cole and others

M. Sorrentino asked if the petitioner was present.

Resident, J. M. Cole, said she sent a letter to the Town Manager and did not know if both Boards received a copy. She stated her name again and said she has been a resident for 50 years and requested to purchase Parcel 59 on Map 16 which is about 3¹/₄ of an acre of land, located off Marion Street on a paper street called Canyon Street. She said that parcel is adjacent to a parcel her family has owned since the 1800's. She said her son who lives with her is getting married to another Wilmington resident and she would like them to have a parcel of land to build on. She said she is trying to be considerate of conservation land and planning. Her intention is to work with the Town and negotiate some kind of agreement since the 6 acres that she owns is surrounded by Town property, J. M. Cole said she has a 30' Right-of-Way to Marion Street so she could put in a walking path so the town could enjoy the property. Resident, K. Ganley, 49 Marion Street, she asked the Board to look at the written comments that were submitted in regards to this and that the Town offer the abutters to the parcel right of first refusal so that they can keep it as green space. Resident, R. Cummings, 51 Marion Street, said he would like the abutters to have right to first refusal as well. He said prior to any sale the Town should hire a wetlands engineer to flag the area given its proximity to Mill Brook. He said the last time the Town flagged it was in 2000 and wetlands change every 20 years. He would like to make sure the wetlands have not shifted. Town Manager, J. Hull, said to clarify the process for sale of Town-owned land, after tonight's meeting, the Property Review Board and the Planning Director will meet. That Board is made up of a number of Town staff. They will look at this property and make a recommendation to him if they believe the property is surplus to the Town's needs. He said he takes the recommendation into consideration and make a determination as to whether the parcel is surplus.

J. Hull said if the property is deemed surplus, a request for proposal is prepared so the sale of the property would go out to competitive bid and the highest bidder can purchase the parcel. Resident, K. MacDonald, 140 Andover Street, asked J. Hull why land could be surplus this year and it was not surplus last year. J. Hull said each parcel that is petitioned for sale of Town-owned land is looked at differently because the circumstances are different. He said there is no one category from year to year. J. M. Cole said this parcel was surplus in 1975 taken by the town and in 1954 taken by the Town. She said it was auctioned in the 60's. There were no further questions or concerns from the audience

The Planning Board reconvened in Room 9 to discuss and vote – Proposed Warrant Articles for 2019 Annual Town Meeting.

ARTICLE 39: Amend the Zoning Bylaw by deleting Section 3.9 Temporary Moratorium on Recreational Marijuana Establishments in its entirety

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 40: Amend the Zoning Bylaw by deleting Section 9.8.5 through Section 9.8.5.3 in its entirety and replacing it with a new Section 9.8.5 Local Preference

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 41: Amend the Zoning Bylaw affordable housing requirement in Section 9 Over 55 Housing District

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 42: Amend the Zoning Bylaw by creating a new Section 6.11 for Inclusionary Zoning

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval (5-0).

ARTICLE 44: 54 & 47 McDonald Road - Map 84 Parcels 54 & 63A (petitioned)
Rezone from Residential 60 (R60) to Residential 10 (R10)

V. Gingrich told the Board parcels 54 & 47 are approximately 10,000 sf. M. Sorrentino said a lot of them were cottages. V. Gingrich said there are little pockets of R10 lots but the neighborhood is more of a R20 with the Conservation Subdivision. D. Shedd said if the Board recommends approval, that sets a precedence and the road needs improvements. There was a brief discussion about future roadway improvements associated with No. Wilmington Estates. V. Gingrich said they would like to look at this comprehensively so that it is not spot zoning and the Board can look at this next year. R. Holland mentioned the rezoning of last year that even with the Planning Board's recommendation, one passed at Town Meeting. S. Hennigan asked if the petitioner tried to get more neighbors on board and V. Gingrich did not know. R. Holland said when she rezoned her property, she got about seven or eight

of her neighbors to be part of the rezoning petition. V. Gingrich said they are only asking for the size that they are so that they can have reasonable setbacks. She said now he has to meet R60 setbacks. V. Gingrich asked the Board if they want to look at rezoning comprehensively.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval because rezoning should be done in a comprehensive manner to avoid spot zoning (4-0 and 1 abstention).

ARTICLE 45: 17 & 14 Royal Street - Map 84 Parcels 11 & 15 (petitioned)
Rezone from Residential 60 (R60) to Residential 10 (R10)

V. Gingrich told the Board after looking at this, if one were to subdivide 17 Royal Street, it can be three buildable lots.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval because rezoning should be done in a comprehensive manner to avoid spot zoning (4-0 and 1 abstention).

ARTICLE 46: Disposition of Town-owned land - Canyon Street - Map 16 Parcel 59
(petitioned)

S. Hennigan said this was confusing as the petitioner explained it and V. Gingrich said she would explain. She said the Town took it by tax title in some year and auctioned it then took it again so the Town still owns it. S. Hennigan asked if it is undeveloped land and V. Gingrich said it is woodland and partially wetland. V. Gingrich said the parcel she owns is completely wetland and that parcel is behind the petitioned parcel, which is behind it. V. Gingrich said the Town has a very large parcel adjacent and goes behind the Ipswich River. She said it is a buildable lot but Canyon Street would have to be extended to access it. R. Holland asked if it could be done as 81G. V. Gingrich said there is potential for conservation value there and potential for creating a turnaround for Canyon Street. V. Gingrich told the Board that buildable lots are not typically put out as surplus. V. Gingrich said there is a possibility to use it for an affordable home in the future. V. Gingrich said the Property Review Board meets tomorrow and makes a recommendation to the Town Manager and he decides whether the property is surplus or not. D. Shedd asked what purpose is the Planning Board's vote. V. Gingrich said if the property is deemed surplus, the Planning Board recommends to Town Meeting to sell or to keep the property. S. Hennigan asked if the petitioner understands that someone may outbid her to acquire the land and V. Gingrich said that is unclear but it was said and has been said a couple times. D. Shedd asked if the public can access the land and V. Gingrich said the parcel is very wet. She said the Conservation Agent and S. Pelletier went out to check it out. D. Shedd asked if it is in floodplain and V. Gingrich said it is not in floodplain. M. Sorrentino said this parcel would be hard for the petitioner to win if it is deemed surplus because developers will bid on it. V. Gingrich said it could be an affordable home in the future. V. Gingrich said she received comments from the Recreation Department requesting the Board disapprove the petitioner's request because the land has potential recreational value.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval of sale if the parcel should be declared surplus (5-0).

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

VOTED: To adjourn the meeting at 8:25 p.m.

NEXT PLANNING BOARD MEETING is April 2, 2019

Respectfully submitted,~

A handwritten signature in cursive script, reading "Cheryl Licciardi".

Cheryl Licciardi
Recording Clerk

