



TOWN of WILMINGTON
DEPARTMENT OF PLANNING & CONSERVATION

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

Planning Board Minutes
March 21, 2017

The Planning Board met on Tuesday, March 21, 2017 at 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 3, 2014. The following members were present: Michael Sorrentino, Chairman; Randi Holland; Terence Boland; Sean Hennigan; and David Shedd. Valerie Gingrich, Director of Planning & Conservation, and Carolyn Cronin were also present.

Theresa Manganelli, 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 45: To see if the Town will vote to amend the Zoning By-law as follows by adding Research and Development Use as a separate use classification 3.6.7 and amend Table 1 Principle Use Regulations with a new Research and Development Use; or take any other action related thereto:

1. by adding a new Section 3.6.7 to read as follows:

Research and Development (R&D) – establishments devoted to investigation, experimentation, and testing activities related to the fields of electronics, engineering, geology, physics, or other scientific area.

2. by amending Section 3.6.6 to read as follows:

General Manufacturing – Manufacturing operations, including but not limited to, bottling works; laundry or dry cleaning plant; indoor breeding laboratory for medical or scientific research; monument works; concrete mixing and block plants; manufacturing of textile products; welding shops; manufacture of paper products, light metal products, hardware and office supplies; fabrication of electronic components, precision instruments, or other high technology products; trucking terminal; or other similar general manufacturing plants and facilities; provided that all smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise and vibration are effectively confined to the premises or disposed in a manner so as not to pose a present or potential hazard to human health, safety, welfare or the environment.

3. by amending Table 1 Principle Use Regulations to read as follows:

TABLE 1 PRINCIPAL USE REGULATIONS

NOTE: All principal uses are subject to definitions and conditions in corresponding classification of uses contained in Section 3 of this By-law. Further, special permits allowed by this by-law may be subject to minimum special permit; see Section 3.8.

PRINCIPAL USES		RESIDENTIAL DISTRICTS				NEIGHBORHOOD MIXED USE	BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			SITE PLAN REV	GWPD
		R10	R20	R60	O55	NM	NB	GB	CB	GI	HI	L/O			
3.2	EXTENSIVE USES														
3.2.1	Agriculture	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	NR	*	
3.2.2	Greenhouses	No	SP	SP		Yes	SP	Yes	No	Yes	Yes	Yes	R	*	
3.2.3	Conservation	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	NR	*	
3.2.4	Recreation	SP	SP	SP		Yes	SP	Yes	No	Yes	Yes	Yes	R	*	
3.2.5	Earth Removal	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	No	NR	*	

PRINCIPAL USES			RESIDENTIAL DISTRICTS				NEIGHBORHOOD MIXED USE	BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS			SITE PLAN REV	GWPD	
			R10	R20	R60	O55	NM	NB	GB	CB	GI	HI	LI/O		
3.3	RESIDENTIAL USES														
3.3.1	Single Family Dwelling		Yes	Yes	Yes		No	Yes	No	No	No	No	NR	*	
3.3.2	Accessory Apartments		Yes	Yes	Yes		No	Yes	No	No	No	No	N	*	
3.3.3	Community Housing Facility		SP	SP	SP		SP	SP	SP	SP	No	No	NR	*	
3.3.4	Municipal Building Reuse		SP	SP	SP		SP	SP	SP	SP	No	No	NR	*	
3.3.5	Multi-Family Housing		No	No	No		SP	No	No	SP	No	No	R	*	
3.3.6	Over 55 Housing		No	No	No	SP	No	No	No	No	No	No	R	*	
3.4	GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES														
3.4.1	Municipal Use		Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	NR	*	
3.4.2	Educational		Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	NR	*	
3.4.3	Religious		Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	NR	*	
3.4.4	Philanthropic		SP	SP	SP		Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.4.5	Nursery School		SP	SP	SP		Yes	Yes	Yes	Yes	No	No	R	*	
3.4.6	Hospital & Nursing Home		SP	SP	SP		SP	SP	SP	SP	No	No	R	*	
3.4.7	Public Service Utility		SP	SP	SP		Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.4.8	Wireless Communications **		No	No	No		No	No	SP	No	SP	SP	R	*	
3.5	BUSINESS USES														
3.5.1.1	Retail Store under 30,000 sf		No	No	No		Yes	Yes	Yes	Yes	SP	SP	SP	R	*
3.5.1.2	Retail Store over 30,000 sf		No	No	No		No	No	No	No	SP	SP	SP	R	*
3.5.2	Business/Professional Office		No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.5.3	Bank		No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.5.4	Limited Service Restaurant		No	No	No		SP	No	SP	Yes	SP	Yes	R	*	
3.5.5	General Service Restaurant		No	No	No		SP	No	SP	SP	No	SP	R	*	
3.5.6	Hotel or Motel		No	No	No		SP	No	SP	SP	SP	SP	R	*	
3.5.7	Lodge and Club		No	No	No		Yes	SP	Yes	Yes	Yes	Yes	R	*	
3.5.8	Funeral Home		No	No	No		Yes	No	Yes	No	No	No	R	*	
3.5.9	Veterinary Care		No	No	No		SP	No	SP	SP	SP	SP	R	*	
3.5.10	Personal Service Shop		No	No	No		Yes	Yes	Yes	Yes	No	Yes	R	*	
3.5.11	Craft Shop/Bldg Trade		No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.5.12	Commercial/Trade School		No	No	No		Yes	SP	Yes	SP	Yes	Yes	R	*	
3.5.13	Amusement Facility		No	No	No		No	No	Yes	SP	Yes	Yes	R	*	
3.5.14	Auto Service /Car Wash		No	No	No		No	No	SP	No	No	No	R	*	
3.5.15	Auto Repair/Body Shop/Rental		No	No	No		No	No	SP	No	SP	SP	R	*	
3.5.16	Vehicular Dealership		No	No	No		No	No	SP	No	No	No	R	*	
3.5.17	Parking Facility		No	No	No		Yes	No	Yes	Yes	Yes	Yes	R	*	
3.5.18	Adult Uses***														
3.5.19	Pet Care Facility		No	No	No		SP	No	SP	No	SP	No	R	*	
3.5.20	Reg. Marijuana Dispensary		No	No	No		No	No	No	No	SP	SP	R	*	
3.6	INDUSTRIAL USES														
3.6.1	Warehouse		No	No	No		No	No	No	No	Yes	Yes	R	*	
3.6.2	Bulk Material Storage/Sales		No	No	No		No	No	No	No	Yes	Yes	R	*	
3.6.3	Heavy Vehicular Dealer/Repair/Rental		No	No	No		No	No	No	No	SP	SP	R	*	
3.6.4	Light Industrial		No	No	No		No	No	No	No	Yes	Yes	R	*	
3.6.5	Limited Manufacturing		No	No	No		No	No	No	No	SP	SP	R	*	
3.6.6	General Manufacturing		No	No	No		No	No	No	No	SP	SP	R	*	
3.6.7	Research and Development		No	No	No		No	No	No	No	SP	Yes	R	*	
3.7	PROHIBITED USES														
3.7.1	Prohibited Uses		No	No	No		No	No	No	No	No	No	NR	*	

* Uses within the Ground Water Protection Districts may be subject to additional regulation. See Section 6.6 Ground Water Protection Districts.

** Monopoles allowed by SP on Town-owned land; and attachments allowed by SP on existing structures in all zoning districts.

*** Overlay District. See Section 6.7

Planning Board

V. Gingrich said to summarize the proposed article, R&D is currently classified as General Manufacturing, which is one of our heaviest manufacturing uses. This article is pulling R&D out and allowing it to be an as of right use without going through any special process in the Highway Industrial areas and a special permit use in the General Industrial Zone.

There were no questions or concerns from the audience.

ARTICLE 46: To see if the Town will vote to amend Section 6.1.2 of the Zoning By-law of the Town of Wilmington to read as follows; or take any other action related thereto:

Applicability - This Zoning By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. c. 40A, s. 5 subsequent to which this Zoning By-law, or any relevant part thereof, was adopted. However, in the case of the issuance of a building or special permit, construction or operation thereunder shall conform to the provisions of this By-law unless the construction or use has commenced within a period of not more than twelve months after the issuance of the permit and, in cases involving construction, such construction is continued through to completion expeditiously. Such prior, lawfully existing nonconforming uses and structures may continue provided that no modification of the use or structure is accomplished, unless authorized hereunder.

Planning Board

There were no questions or concerns from the audience.

ARTICLE 47: To see if the Town will vote to amend the Zoning By-law by adding the following new last sentence to Section 5.3.1 Setback of Structures; or take any other action related thereto:

In determining such average where an adjoining side lot is a corner lot having two frontages, only the frontage sharing the same street as the subject lot shall be used to calculate the average front yard.

Planning Board

There were no questions or concerns from the audience.

ARTICLE 48: To see if the Town will vote to amend the Zoning By-law by deleting Section 4.2.8 in its entirety; or take any other action related thereto.

4.2 **Accessory Apartments** - An accessory apartment is authorized as an accessory use in a single family dwelling subject to the following conditions:

4.2.8 A certificate of occupancy shall be issued to the owner only and is not transferable. A new owner shall apply to the Inspector of Buildings for a new certificate of occupancy.

Planning Board

There were no questions or concerns from the audience.

ARTICLE 49: To see if the Town will vote to amend the Zoning By-law by adding a new Section 3.9 as follows; or take any other action related thereto.

3.9 Temporary Moratorium on Recreational Marijuana Establishments

3.9.1 Purpose

On November 8, 2016, the voters of the Commonwealth voted in favor of a ballot initiative petition for a law to regulate the possession, use, cultivation, production, distribution and sale of marijuana and marijuana products by adults 21 years of age or older through a licensing program yet to be fully defined and regulations yet to be adopted. That Law expressly states that municipalities may, among other things, adopt by-laws that impose reasonable safeguards on the operation of marijuana establishments, including by-laws that govern the time, place and manner of marijuana establishment operations and number of marijuana

establishments, provided that such by-laws are not unreasonably impracticable or in conflict with the law or regulations.

Currently under the Zoning By-law, marijuana establishments are not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana establishments. Marijuana establishments are a new use and the regulation of marijuana establishments raises novel and complex legal, planning and public safety issues. The Town needs time to study and to consider addressing such use and issues, as well as the potential impacts of regulations to be made by the Cannabis Control Commission.

The purpose of this section is intended to provide the Town with adequate time to study, reflect and decide how to govern the time, place and manner of marijuana establishment operations and the number of marijuana establishments through by-laws that are not unreasonably impracticable and that are consistent with the Law and the regulations to be developed by the Cannabis Control Commission to implement the Law.

3.9.2 Definitions

The following definitions shall apply to this Section 3.9, inclusive. Other terms that are not expressly defined herein shall have the definition and meaning given to them by the Law. All other terms shall be given their ordinary, plain meaning.

"Consumer," a person who is at least 21 years of age.

"Law," Chapter 94G of the General Laws, as implemented by Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016, as any of the same may be amended from time to time.

"Manufacture," to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana " or "Marihuana," all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (2) Hemp; or
- (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana cultivator," an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment," a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer," an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products," products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility," an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer," an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

"Process" or "processing," to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined above.

3.9.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on all uses of land and structures for marijuana establishments under the Law. Marijuana establishments shall not be permitted in any zoning district in the Town so long as this Section 3.9 is effective, as set forth in Section 3.9.4 below. Use variances for marijuana establishments shall be strictly prohibited.

3.9.4 Expiration

This Section 3.9 shall be in effect through the end of June 30, 2018.

Planning Board

There were no questions or concerns from the audience.

ARTICLE 50: To see if the Town will vote to accept as public ways the following described streets, as recommended by the Planning Board and laid out by the Selectmen (Massachusetts General Laws Ch. 41 and Ch. 82 as amended) and shown on certain Definitive Subdivision plans approved in accordance with "Rules and Regulations Governing the Subdivision of Land in the Town of Wilmington, Massachusetts," which plans are recorded at the Middlesex North Registry of Deeds and copies of which are on file in the office of the Town Clerk; and to authorize the Selectmen to acquire by purchase, gift or eminent domain such land and slope, drainage and other easements as may be necessary to effectuate the purpose of this Article; and further to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money to be spent by the Town Manager with the approval of the Board of Selectmen for such purposes.

Cheyenne Drive – A certain parcel of land known as “Cheyenne Drive” also shown as “Parcel A” on a plan entitled “Plan of Land in Wilmington, Massachusetts prepared for Cheyenne Estates Realty Trust, Street Acceptance Plan, Cheyenne Estates, Cheyenne Drive” prepared by Design Consultants, Inc. dated Jan. 19, 2016 to be recorded herewith and as further described below:

Beginning at a stone bound at the southwest corner of Cheyenne Drive at the intersection of southerly sideline of Concord Street and land now or formerly of Carroll; thence:

S 68°09'42" E Along the southerly sideline of Cheyenne Drive a distance of seventy-one and 94/100 (71.94) feet to a stone bound at land now or formerly of Duncan and Wilson; thence

Along a curve to the left with a radius of twenty-five and 00/100 (25.00) feet and a length of twenty-six and 95/100 (26.95) feet by said Duncan and Wilson land to a stone bound; thence:

S 20°06'10" W Along the easterly sideline of Cheyenne Drive a distance of seventy-five and 00/100 (75.00) feet by said Duncan and Wilson land to a stone bound; thence:

S 69°53'50" E Along the easterly sideline of Cheyenne Drive a distance of five and 00/100 (5.00) feet by said Duncan and Wilson land to a point at the corner of Lot 1; thence:

Along a curve to the left with a radius of seventy-five and 00/100 (75.00) feet and a length of one hundred six and 58/100 (106.58) feet by Lot 1 to a stone bound; thence:

Along a curve to the right with a radius of one hundred twenty-five and 00/100 (125.00) feet and a length of one hundred ninety-three and 44/100 (193.44) feet by Lot 1 and Lot 2 to a stone bound; thence:

Along a curve to the left with a radius of thirty and 00/100 (30.00) feet and a length of twenty-eight and 50/100 (28.50) feet by Lot 2 to a stone bound; thence:

Along a curve to the right with a radius of sixty and 00/100 (60.00) feet and a length of two hundred ninety-seven and 85/100 (297.85) feet by Lots 2, 4A, 5B, 5A, 4B and 6 to a stone bound; thence:

Along a curve to the left with a radius of thirty and 00/100 (30.00) feet and a length of twenty-three and 32/100 (23.32) feet by Lot 6 to a stone bound; thence:

Along a curve to the left with a radius of seventy-five and 00/100 (75.00) feet and a length of one hundred twenty-three and 20/100 (123.20) feet by Lot 6 to a stone bound; thence:

Along a curve to the right with a radius of one hundred twenty-five and 00/100 (125.00) feet and a length of one hundred twelve and 31/100 (112.31) feet by Lot 6 to a stone bound; thence:

N 81°48'17" W Along the westerly sideline of Cheyenne Drive a distance of seven and 60/100 (7.60) feet by Lot 6 to land now or formerly Haggerty & Drewicz to a point; thence:

Along a curve to the right along said land now or formerly Haggerty & Drewicz with a radius of two hundred thirteen and 35/100 (213.35) feet and a length of forty-two and 68/100 (42.68) feet by said Haggerty and Drewicz land to a point; thence:

N 20°06'10" E Along land now or formerly Haggerty & Drewicz and Carroll a distance of ninety-six and 57/100 (96.57) feet to a stone bound at land now of formerly Carroll; thence:

Along a curve to the left along land now or formerly Carroll with a radius of twenty-five and 00/100 (25.00) feet and a length of thirty-two and 94/100 (32.94) feet to a stone bound and the point of beginning.

Said Cheyenne Drive containing 31,082 square feet, more or less as shown on Plan Book 220 Plan 56.

or take any other action related thereto.

Board of Selectmen

There were no questions or concerns from the audience.

ARTICLE 51: To see if the Town will vote to amend the Zoning By-Laws and Zoning Map of the Town of Wilmington to rezone from General Business (GB) to Residential 20 (R-20) a parcel of land bounded and described as follows; or take any other action related thereto.

The land with buildings thereon situated in Wilmington, Middlesex County, Massachusetts, being identified as Lot 2 on a Plan of Land in Wilmington, Mass.; Owned by John R. & Roberta J. Forest; Scale 1"=40'; Dated: Aug 10, 1993; Prepared by Robert E. Anderson Inc., Reg. Professional Engineer, Professional Land Surveyor, 178 Park Street, North Reading, Mass. Said plan is recorded with the Middlesex North Registry of Deeds at Plan Book 183 as Plan No. 96.

Being a portion of the land conveyed to from John R. Forrest and Roberta J. Forrest by deed of John R. Marshall and Delores L. Marshall dated December 30, 1986 and recorded with the Middlesex North Registry of Deeds at Book 3865, Page 306.

The property is also shown on the Town of Wilmington Assessor's Map 72 as Lot 1B.

The property address is 278 Lowell Street.

As Petitioned for by Derek Santini and others

Resident, D. Santini, 276 Lowell Street, asked the Planning Board and Finance Committee to approve Article 51. He said he owns the residential property abutting 278 Lowell Street and he also owns Mobil-On-The-Run at the corner of Lowell Street and West Street. D. Santini said he is requesting approval of the article because he believes it is in the best interest of the neighborhood and the town overall. He said there are significant traffic concerns at that location and he believes some of the uses discussed for the area are uses not conducive to that location with the traffic generation they could cause. He said he would like the site rezoned to residential. D. Santini said one of the proposed uses is a gas station and since he owns a competing business, he is protecting the best interest of his business.

L. Martinson asked if D. Santini would live in a house at that location and D. Santini answered possibly. He said he owns the property next door to one of those possible uses. J. Doherty III asked D. Santini if he owns 278 Lowell Street and D. Santini answered no. J. Doherty III asked if the property owner knew of the petition and D. Santini said he did.

Attorney A. Harrington, representing the owners of 278 Lowell Street, J. and R. Forrest, requested on behalf his clients that the Board oppose Article 51 since it was brought forward by D. Santini who is a person that has an economic interest in seeing that the property is not commercially developed. He said since Mr. Santini owns the abutting property and the Mobil-On-The-Run gas station ¼ mile away, he will personally benefit if the property is rezoned. Attorney Harrington said if the property is rezoned, it would hurt his client's property value. He said there are no plans to construct a gas station at 278 Lowell Street and his client's property has been zoned General Business (GB) for approximately 30 years. He also pointed out that the town draws more revenue by taxing the property as commercial.

D. Santini said there is contradiction to the fact there has been no discussion of a gas station proposed and showed a leaflet that was published in the 2014 Town Crier where there is direct discussion about about the use of Global Fuel gas station.

M. Sorrentino pointed out that nothing about the development of a gas station was brought before the Planning Board as a use for that site.

There were no other questions or concerns from the audience

ARTICLE 52: To see if the Town will vote to declare the "OFFICIAL MAP" of the Town of Wilmington dated January 1, 1973, prepared for the Planning Board by the Engineering Department and adopted by the Town of Wilmington under Article 17 of the Warrant for Special Town Meeting of June 25, 1973 and recorded at the Middlesex North Registry of Deeds on August 20, 1973 in Book of Plans M Plan 712, Invalid, abandoned and not in compliance with Massachusetts General Laws Chapter 41 Section 81E; or take any other action related thereto.

There were no questions or concerns from the audience

As Petitioned for by Mark Nelson and others

The petitioner was not in attendance. V. Gingrich said eliminating the official map would cause uncertainty and potentially undue hardship to residents and take away an option for developing paper streets.

ARTICLE 53: To see if the Town will vote to sell 16 St. Paul Street as surplus land; or take any other action related thereto.

As Petitioned for by Edward Hill, Jr. and others

The petitioner was not in attendance. M. Sorrentino read a resident's letter (D. & E. Calvoo, 13 Saint Paul Street) into the records.

There were no other questions or concerns from the audience

ARTICLE 54: To see if the Town will vote to amend the Zoning By-laws and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

By rezoning from the present combination of Residential 10 (R10) and Residential 20 (R20) to Residential 10 (R10), the following described parcels of land:

Parcel 1

The land in Wilmington, Middlesex County, situated on Rhodes Street being Lots 489, 490, 491, 492, 493, 494, 495, 496 and 497 as shown on Plan of Lots at Silver Lake Gardens, Annex No. 1, belonging to J. W. Wilbur Co., Inc., said Plan being made by A.L. Elliot, Surveyor, dated December 2, 1918 and recorded with Middlesex North District Deeds in Book of Plans 35, Plan 82. Said lots measure each 30 feet in width by 100 feet in depth and each contain 3,000 square feet more or less.

Said Parcel being shown on Town of Wilmington Assessor's Map 54 as Parcel 60A.

For title reference, see deed recorded with Middlesex North District Registry of Deeds at Book 16520, Page 185.

Parcel 2

That certain parcel of land situated in Wilmington, in the County of Middlesex and Commonwealth of Massachusetts, bounded and described as follows:

Northwesterly by Rhodes Street, one hundred twenty (120) feet;

Northeasterly by lands now or formerly of Ernest Caporale et al and Cornelius McCabe et ux; two hundred (200) feet;

Southeasterly by Crescent (sic) Street, one hundred twenty (120) feet; and,

Southwesterly by lands now or formerly of Paul H. Elmstrom et al and Michael J. Bielecki et al, two hundred (200) feet.

All of said boundaries are determined by the Court to be located as shown on a plan drawn by Dana F. Perkins & Sons, Inc., Surveyors, dated May 22, 1967, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 16511, Land Court Case/Plan No. 35189A and being shown as Lots 1 and 2 thereon.

Said Parcel being shown on Town of Wilmington Assessor's Map 54 as Parcel 55.

For title references see Middlesex North District Registry of Deeds Land Court Department Certificate of Title Number 16511 and, pre-registration, deed at Book 1698, Page 577.

As Petitioned for by Scott C. Garrant and others

Attorney S. Garrant said Article 54 affects many lots in town. He said in 2010, the Planning Board brought several parcels before the Joint Public meeting to be rezoned. He said there are many parcels bisecting parcels in town and the parcel in Article 54 is split with two different zones. Attorney S. Garrant asked that both Boards recommend approval of Article 54. J. Eaton asked if this rezoning would resolve the issue with parcels in the area and S. Garrant said yes, and potential for two houses.

A resident expressed concern about water in the area.

There were no further questions or concerns from the audience

ARTICLE 55: 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.

By rezoning from Residential 10 (R10) to Neighborhood Business (NB) the following described parcels of land:

That certain parcel of land situated in Wilmington in the County of Middlesex and Commonwealth of Massachusetts, bounded and described as follows:

Westerly: by the State Highway, two hundred thirty-seven and 3/100 (237.03) feet;

Northwesterly: by the southeasterly line forming the junction of said State Highway and Glen Road, thirty-three and 45/100 (33.45) feet;

Northeasterly: by the southwesterly line of Glen Road, three hundred nineteen and 32/100 (319.32) feet;

Southeasterly: seventy-five (75) feet;
Northeasterly: fifty (50) feet, by Lot A-1, and
Southeasterly: by land now or formerly of Peter Neilson, one hundred fifty-four and 95/100 (154.95) feet;
Southwesterly: by land now or formerly of Annie Marsheral, one hundred ninety-two and 99/100 (192.99).

All of said boundaries are determined by the Land Court to be located on subdivision plan 11903-B, drawn by S.C. Mitchell, C.E., dated Sept. 1, 1934, as approved by the court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 4659, and said land is shown as Lot A-2 on said plan.

Excepting and excluding from the above described land Lot 1 as shown on subdivision plan 11903-C, filed with Certificate of Title 8988, or a portion of said premises.

For title reference, see deed recorded as Document No. 199382, with Certificate of Title No. 0035735, recorded with the Middlesex Northern District Office of the Land Court in Book 181 Page 269.

The above described premises are sown as Parcel 137 on Wilmington Assessors Map 45.

As Petitioned for by Michael J. Newhouse and others

M. Newhouse introduced himself saying he resides at 437R Middlesex Avenue. He showed his plan and said he would like to rezone a portion of 80 Main Street, which is across the street from Silver Lake. The east side is in the Residential 10 (R10) Zone, and the other side is Neighborhood Business (NB). He said the portion hatched on the plan was not zoned (NB) but was grandfathered. M. Newhouse said he has been in law since 1993 and has been renting space. He said he has two sons and it would be nice to live next to his work place and in his case it would be helpful. He explained what Neighborhood Business (NB) Use means for the audience to understand. M. Newhouse said something like a limited service restaurant and full service restaurant could not go in that zone. He showed the house on the property and said he would like to raze the current structure and showed the house he would like to construct. He said the office will look like a home to be repurposed after his retirement. M. Newhouse said he found out about the sale of the property and the article had to be filed with the Town Clerk for the Joint Public meeting by the end of that same week. D. Shedd asked if there is historical significance to the property. M. Newhouse said he does not believe there is.

Veteran's Agent, L. Cimaglia asked what will happen to the monument on the property and M. Newhouse said there is a monument that memorializes Eaton and the monument will be maintained. It is a lasting tribute to Eaton.

M. Carter said he is a business owner at 84 Main Street. He said the zoning map does not include his parcel and pointed out that the assessors map is incorrect. M. Sorrentino said that would be looked into. M. Sorrentino asked if the property is not zoned Neighborhood Business, would M. Carter be opposed and M. Carter said no.

There were no additional questions or concerns from the audience

ARTICLE 56: To see if the Town will vote to amend the Zoning By-law and associated Zoning District Map of the Town of Wilmington by rezoning from General Industrial (GI) to Neighborhood Mixed Use Zoning District (NM) the following described parcel; or take any other action related thereto.

The land with the buildings thereon in said Wilmington, bounded and described as follows:

NORTHEASTERLY:	by Main Street, seven hundred eighty-three and 79/100 (783.79) feet;
SOUTHEASTERLY:	by Butters Row by two courses, one hundred thirty-nine and 28/100 (139.28) feet, and one hundred thirty-five (135) feet respectively;
SOUTHWESTERLY:	by land of the Boston and Main Railroad, eight hundred forty-nine and 21/100 (849.21) feet;
NORTHWESTERLY:	by land now or formerly of Walter C. LaDow et ux. about two hundred forty (240) feet.

The premises are shown as a portion of Lot "B" on a plan entitled, "Plan of Land in Wilmington, Mass., owned by Willie B. McIntosh", dated January 5, 1945, Dana F. Perkins, Civil Engineer and Surveyor, duly recorded with Middlesex North District Registry of Deeds.

For title reference, see deed recorded at the Middlesex North Registry of Deeds in Book 1382 Page 448.

The above described premises are shown as Parcel 1 on Assessors Map 40.

As Petitioned for by Michael Welch and others

M. Newhouse said he is representing M. Welch and handed out renderings. He said the property is located at 635 Main Street, south of Wilmington center, at the intersection of the Butters Row Bridge and next to Salvation Army. He said M. Welch has had the property under contract for over a year. He obtained an extension and now would like to construct a new residential development on the site. The property is approximately 4.5 acres. There is a 16000 sq. ft. building there now. He said the Wilmington community wants diverse housing near other Town amenities. Across the street is GB, GI and behind the site is RR track and behind that is HI. M. Newhouse showed that the property can accommodate 49, 2-bedroom units. The same architect developed Rotary Park and others in Wilmington. He said they will be garden style in the rear. M. Newhouse said he does not represent the owner of the property. He said if the property is not rezoned, his interest will be complete.

There were no questions or concerns from the audience

The Planning Board reconvened in Room 9 to discuss and vote – Proposed Warrant Articles for 2017 Annual Town Meeting.

Article 45: Amend the Zoning Bylaw by adding a new Section 3.6.7 – Research & Development (R&D), amend Table 1 Principle Use Regulations with a new Research and Development Use, amend Section 3.6.6 removing Research & Development Use

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Article 46: Amend the Zoning Bylaw Section 6.1.2 - Nonconforming Uses and Structures

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Article 47: Amend the Zoning Bylaw Section 5.3.1 – Setback of Structures

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Article 48: Amend the Zoning Bylaw Section 4.2.8 – Accessory Apartments

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Article 49: Amend the Zoning Bylaw by adding a new Section 3.9 – Temporary Moratorium on
Recreational Marijuana Establishments

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Article 50: Street Acceptance – Cheyenne Drive

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

The roadway under consideration for acceptance was developed under subdivision control.

Article 51: Rezone from General Business (GB) to Residential 20 (R20)
Map 72 Parcel 1B – 278 Lowell Street

D. Shedd said it would set bad example. R. Holland agreed

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval.

Article 52: Declare "OFFICIAL MAP" invalid, abandoned and not in compliance with Mass. General
Laws Chapter 41 Section 81E

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval.

Article 53: Disposition of Town-owned land - 16 St. Paul Street - Map 54 Parcel 37

V. Gingrich said there are wetlands and high groundwater and development is not what the town wants. There is conservation land next to the parcel and there are already water problems in this area.

D. Shedd asked what the Town owns around it. V. Gingrich said the parcels to the north and east are owned by either Conservation Commission or are listed as Town Owned.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval.

Article 54: Rezone present combination of Residential 10 (R10) and Residential 20 (R20) to Residential 10 (R10) - Map 54 Parcels 55 & 60A

M. Sorrentino explained how the lot would be rezoned.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Article 55: Rezone from Residential 10 (R10) to Neighborhood Business (NB)
Map 45 Parcel 137 – 80 Main Street

V. Gingrich said the maps and history will be checked. D. Shedd said it is a good proposal but it is not clear. V. Gingrich said clarification will come within the motion at Town Meeting. D. Shedd asked about the monument and V. Gingrich said the Town will look into whether or not it is in the Right-of-Way or on private property. She said she will check with DPW if the monument can be moved to the Right-of-Way.

M. Newhouse said he would be happy to maintain the monument or grant the Town an easement for maintenance. He said he wanted the zoning to be clear.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Article 56: Rezone from General Industrial (GI) to Neighborhood Mixed Use (NM)
Map 40 Parcel 1 - 635 Main Street

V. Gingrich said it is not a bad idea and the town needs more housing options. She said she would like to look at it as a corridor. She said the park is across the street and she believes it is a good idea. V. Gingrich said the Town is looking for ways to increase the safety on Main Street. D. Shedd said he thinks it makes sense to rezone the property and if there are sidewalks, it may increase the businesses and development.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval.

Minutes

There were no Minutes to review.

Form A

There were no ANR plans to review

Board of Appeals

There were no Board of Appeals cases

Old Business

There was no Old Business.

New Business

There was no New Business.

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

VOTED: To adjourn the meeting at 8:17 p.m.

NEXT PLANNING BOARD MEETING is April 4, 2017

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cheryl Licciardi".

Cheryl Licciardi
Recording Clerk