



## TOWN of WILMINGTON

### DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 [www.wilmingtonma.gov](http://www.wilmingtonma.gov) (978) 658-8238

### Planning Board Minutes

March 7, 2023

The Planning Board met on Tuesday March 7, 2023 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Terence Boland, Chair, Sean Hennigan and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present. Randi Holland and Angela Marcolina were absent.

#### Minutes

There were no minutes to review.

#### Form A

There were no ANR plans to review.

#### Matters of Appointment

**Public Hearing – 37 Upton Drive – Map R1 Parcel 18J - Sign Special Permit #23-01**  
**Jason Panillo, Poblocki Sign Co., Applicant**

A request to open the public hearing and continue it was received.

#### MATERIALS CONSIDERED:

PLAN "ALTA/NSPS Land Title Survey, 37 Upton Drive, Wilmington, Middlesex County, Massachusetts" dated February 10, 2021

SIGN SPECIFICATIONS dated August 18, 2022

E-MAIL from Jason Parillo dated March 7, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Sign Special Permit #23-01 for 37 Upton Drive to April 4, 2023 at 7:35 p.m.

**Public Hearing – Public Hearing – 362 Middlesex Avenue - Map 89 Parcel 6A**  
**Sign Special Permit #23-02, Jilian Arsenault, Spectrum, Applicant**

A request to open the public hearing and continue it was received.

#### MATERIALS CONSIDERED:

SIGN SPECIFICATIONS dated December 29, 2022 and last revised January 4, 2023

E-MAIL from Jilian Arsenault dated March 7, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Sign Special Permit #23-02 for 362 Middlesex Avenue to April 4, 2023 at 7:45 p.m.

RECEIVED  
TOWN CLERK  
2023 APR -5 AM 9:24  
TOWN OF WILMINGTON, MA

**Continue Public Hearing – Tobin Drive – Map 16 Parcel 22A – Definitive Subdivision #22-02  
Khalib Khan, Applicant**

PRESENT IN INTEREST – Andy Pojasek, Dana Perkins  
Khalib Khan

**MATERIALS CONSIDERED:**

PLAN "Definitive Subdivision, Rollins Road/Pembroke Street/Tobin Drive", dated December 7, 2022 and last revised February 21, 2023

WAIVER REQUEST LETTER from Andy Pojasek dated February 21, 2023

COVER LETTER from Andy Pojasek dated February 21, 2023

RESPONSE TO COMMENTS LETTER from Andy Pojasek dated February 21, 2023

A. Pojasek told the Board they revised plans to relocate the proposed property line that separates the existing residence and the proposed house. He said it was shifted further down the paved section of Tobin Drive to allow 40' of pavement in front of the existing house to have a classification of a hammerhead lot. T. Boland asked if Planning and Engineering are fine with the modifications and V. Gingrich said there were no additional comments, and any outstanding issues were worked into a draft decision. She reviewed the nonstandard conditions.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Definitive Subdivision #22-02 for Tobin Drive, as shown on plan entitled: "Definitive Subdivision, Rollins Road/Pembroke Street/Tobin Drive, Wilmington, Massachusetts"; dated December 7, 2022 and last revised February 21, 2023, prepared by Andrew M. Pojasek, P.E., and Gregory R. Corcoran, P.L.S., Dana F. Perkins, Inc., 1057 East Street, Tewksbury, MA 01876, for the property located at 6 Tobin Drive, and shown on Assessor's Map 16 Parcel 22A.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions and waivers the Definitive Subdivision #22-02 for Tobin Drive, as shown on plan entitled: "Definitive Subdivision, Rollins Road/Pembroke Street/Tobin Drive, Wilmington, Massachusetts"; dated December 7, 2022 and last revised February 21, 2023, prepared by Andrew M. Pojasek, P.E., and Gregory R. Corcoran, P.L.S., Dana F. Perkins, Inc., 1057 East Street, Tewksbury, MA 01876, for the property located at 6 Tobin Drive, and shown on Assessor's Map 16 Parcel 22A. The proposed subdivision is to divide the existing lot into two lots for one (1) new single-family dwelling. Approval is subject to the following standard and special conditions and waivers:

**PROCEDURAL HISTORY**

1. Application for Definitive Subdivision approval pursuant to M.G.L. Chapter 41, Section 81-L was made by the above-referenced owner and filed with the Planning Board on December 9, 2022. Definitive Subdivision Plan entitled: "Definitive Subdivision, Rollins Road/Pembroke Street/Tobin Drive, Wilmington, Massachusetts"; dated December 7, 2022, prepared by Andrew M. Pojasek, P.E., and Gregory R. Corcoran, P.L.S., Dana F. Perkins, Inc., 1057 East Street, Tewksbury, MA 01876, for the property located at 6 Tobin Drive, and shown on Assessor's Map 16 Parcel 22A and containing one (1) new lot.

2. A public hearing on the Definitive Subdivision application was first held on January 3, 2023. The public hearing was continued to February 7, 2023, and the public hearing closed on March 7, 2023.
3. The plans and other submission material were reviewed by the Planning Board and the departments represented in the Community Development Technical Review Team. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

## **DECISION**

### **STANDARD CONDITIONS:**

1. Subdivision shall be constructed in accordance with the requirements of the Subdivision Rules and Regulations (with the exception of the waivers listed below) and any other applicable regulations of the Town of Wilmington, including:
  - a. State Wetlands Protection Act.
  - b. Title 5 and local regulations of the Board of Health.
  - c. Requirements of the Water and Sewer Department and Fire Department.
2. Any modification to the approved plans must receive the prior approval of the Planning Board.
3. The conditions of approval of this subdivision shall be placed on the original plans prior to endorsement by the Planning Board.
4. Following the statutory 20-day appeal period, the Planning Board will sign the original subdivision plans, which shall be recorded at the Middlesex North Registry of Deeds. Prior to the endorsement of plans, the following items must be submitted for approval by the Planning Board:
  - a. A Covenant or financial surety, in a form and amount acceptable to the Planning Board, to secure the construction of ways and installation of municipal services, including required description of mortgages and assents of mortgages..
  - b. Required Covenant shall reflect a condition that the work under the approved subdivision plan shall be completed within one (1) year from the date of approval of the plan. Failure to complete the work prior to that deadline shall require a new application and Definitive Plan in accordance with the then in effect Rules and Regulations to be filed with and approved by the Board unless an extension of time is requested and granted.
  - c. Acceptable form of grants of easements.
5. Within five (5) days of the transfer of ownership of the subdivision, the Planning Board shall be notified in writing of the new property owner's name and address.
6. A financial surety of 10% of the total value of the work within the subdivision shall be held by the Planning Board for eighteen (18) months following completion of streets and municipal services to ensure maintenance of the subdivision infrastructure.
7. At least one (1) week prior to the start of work, a pre-construction meeting shall be scheduled with the Department of Planning & Conservation, Engineering Division, and any

other Town Department to review the construction schedule, permitted drawings, and permit conditions.

8. At the time of the pre-construction meeting, the developer may also be required to submit a soil erosion and sedimentation control plan, information on plans for stockpiling of earth materials, and/or any plans for hauling of earth materials) for review and approval by the Planning Board or its agent.
9. It is the responsibility of the Applicant to review and comply with the Town's Inhabitant bylaw related to an Earth Removal Permit.
10. The Developer shall be required to show evidence that all required local, state, or federal permits and approvals have been obtained at the time of the pre-construction meeting.
11. The Applicant shall assume the cost of construction monitoring and other consultant costs and fees incurred in connection with ensuring compliance with these conditions. An estimate of hours required and costs of monitoring shall be provided at the time of the pre-construction meeting. The Applicant shall, prior to the start of construction, be required to place on deposit with the Planning Board an amount sufficient to cover the anticipated cost of monitoring by the Planning Board or its agent. Any remaining funds at the conclusion of the 18-month monitoring period set forth in Condition 6 shall be returned to the Applicant. If additional funds are required, the Applicant shall provide such funds within fourteen (14) days to the Department of Planning & Conservation.
12. If a covenant is utilized, prior to the release of the lot within the subdivision, the following conditions shall be met:
  - a. The Wilmington Board of Health shall have approved on-site septic system plans.
  - b. The construction of the roadway shown on the subdivision plan shall be completed through the binder course, as well as corresponding utilities.
  - c. Acceptable form and amount of surety shall be on deposit with the Planning Board along with a proposed schedule of release. If partial release of surety is to be requested, the Planning Board may, at its discretion, require deposits to be broken down in amounts of anticipated requests for release.
13. Upon completion of work in the subdivision and prior to final release of surety, the Developer shall submit As-Built Plans and Street Acceptance Plans for Rollins Road, Pembroke Street, and Tobin Drive for review and approval by the Planning Board.
14. During construction, work shall not start before 7:00AM and be shall be completed by 7:00PM Monday-Friday. No work is allowed on Sundays and Holidays. Work on Saturdays may be permitted with written consent from the Department of Public Works. Construction equipment shall not be started prior to 7:00AM.
15. Notice of the start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of construction.

#### **SPECIAL CONDITIONS:**

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

1. Notwithstanding any future amendment to the Wilmington Zoning Bylaw, Massachusetts G.L. c. 40A, or any other legislative act:
  - a. The maximum number of dwelling units to be constructed in this subdivision shall be one (1).
  - b. The tract of land on which the single-family structure is to be located shall not be altered or used except as granted by the Definitive Subdivision Plan issued March 7, 2023.
2. The applicant has agreed to and shall install a self-contained residential sprinkler system within the proposed single-family home.

**PRIOR TO CONSTRUCTION AND ISSUANCE OF A BUILDING PERMIT:**

3. Prior to issuance of a building permit, a Simple Stormwater Management Permit must be issued for the new single-family home.
4. Prior to issuance of a building permit, the Fire Department shall review the building plans.
5. Erosion controls shall be installed in accordance with the Stormwater Management Plan and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
6. The applicant shall demonstrate compliance with NPDES permit filing requirements and shall submit one (1) copy of the checklist for the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation AND one (1) copy to the Engineering Division prior to commencing construction.
7. The Applicant or designated authority shall give reasonable notice to the Engineering Division for inspection prior to installing any utility, roadway sub-base, pavement, proposed stormwater management system or installation of other critical design components identified during the pre-construction meeting.

**PRIOR TO OCCUPANCY:**

8. The bounds along the street and iron rods at property corners of the new lot shall be installed.
9. All roadway improvements shall be completed per the approved plan set. At the discretion of the Director of Planning & Conservation and Town Engineer, the installation of the top course of pavement may be extended due to winter conditions.

**WAIVERS:**

The Planning Board has reviewed the request for waivers of the Subdivision Rules and Regulations and approves or denies the same as specifically contained hereinafter.

1. Approves a waiver of Section V(B) 2 to allow the Applicant to show the proposed house lot scaled to 1"=60'.
2. Approves a waiver of Section V(B)a.24 to allow the project to be exempt from the Town of Wilmington Stormwater Bylaws and Regulations, and the Massachusetts Stormwater

Policy. Applicant is required to file for a Simple Stormwater Management Permit to show infiltration on the house lot.

3. Approves a waiver of Section V(B) a.25 to allow the Applicant to only show all existing trees within the right of way.
4. Approves a waiver of Section VI(A)a.1 to allow a minor street right of way width of less than 50 feet. Pembroke Street, Rollins Road, and Tobin Drive all have a right of way width of 40 feet.
5. Approves a waiver of Section VI(A)a.5 to allow any property lines located at street intersections to remain, all are existing.
6. Approves a waiver of Section VI(A)d.4 to allow existing roadway grades to remain.
7. Approves a waiver of Section VI(A)e.1 to allow the dead-end street to remain as is, longer than 500 feet, without adjustments.
8. Approves a waiver of Section VI(A)e.2 to allow the Applicant to improve the roadway as shown on the plans, without a turn-around, and instead utilize a "T-shaped" turnaround where the road dead ends on Pembroke Street to Tobin Drive.
9. Approves a waiver of Section VI(A)f.1 to allow the Applicant to construct the roadway without installing Type VA vertical granite curb. Existing conditions of the roadways do not include curbing.
10. Approves a waiver of Section VI(A)g.1 to allow the Applicant to construct the roadway without installing granite curb cuts/curbing. Existing conditions of the roadways and driveways do not include curbing.
11. Approves a waiver of Section VI(A)i.1 & 2 to allow for the construction of the roadway without sidewalks.
12. Approves a waiver of Section VI(A)j.1 to allow for the construction of the roadway without a grass plot.
13. Approves a waiver of Section VI(A)j.3 to allow for the construction of the roadway without streetlights as none exist.
14. Approves a waiver of Section VI(A)k.1 to allow for the construction of the roadway without the required pavement width and to allow for Rollins Road and Pembroke Street to have a pavement width of sixteen (16) feet and to allow Tobin Drive to have a pavement width of twenty (20) feet.
15. Approves a waiver of Section VI(A)k.2 to allow for the construction of the roadway with a 12" base.
16. Approves a waiver of Section VI(A)m.2 to allow for the construction of the roadway without street lights.

17. Approves a waiver of Section VI(D)1 to allow for the construction of the roadway without a public water system.
18. Approves a waiver of Section VI(D)4 to allow for the construction of the roadway without hydrants.
19. Approves a waiver of Section VI(H)1 to allow for the construction of the roadway without stormwater since the project is exempt per the Town's Comprehensive Stormwater Management Bylaw.
20. Approves a waiver of Section VI(I)1 to allow for monumentation only on Tobin Drive and the new single-family lot.
21. Approves a waiver of Section VI(I)2 to allow for monumentation only on Tobin Drive and the new single-family lot.

**Continued Public Hearing – 230, 234, & 240 Ballardvale Street – Map R2 Parcels 23E, 23F and 23G - Site Plan review #23-03 and Stormwater Management Permit #23-02  
Atlantic Oliver Ballardvale LLC, Applicant**

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

**MATERIALS CONSIDERED:**

LETTER from Michael Lambert dated February 27, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #23-03 and Stormwater Management Permit #23-02 for 230, 234, 240 Ballardvale Street to April 28, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-03 and Stormwater Management Permit #23-02 for 230, 234, 240 Ballardvale Street to April 4, 2023 at 7:50 p.m. in the Town Hall Auditorium.

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

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

**MATERIALS CONSIDERED:**

PLAN "Definitive Subdivision Birch Street" dated April 25, 2022 and last revised January 20, 2023

E-MAILS from Luke Roy dated March 1, 2023 and March 2, 2023

LETTER from Attorney Michael J. Newhouse dated March 3, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to April 30, 2023.

Upon motion duly made and seconded it was unanimously

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

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

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

**MATERIALS CONSIDERED:**

Plan “Proposed Permit Site Plans, Cross Street, Wilmington, Massachusetts” dated May 11, 2022 and last revised February 16, 2023

RESPONSE TO PEER REVIEW COMMENTS from Michael Juliano dated February 16, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to April 30, 2023 for Site Plan Review #22-15 and Stormwater Management Permit #22-11.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-15, Stormwater Management Permit #22-11, Groundwater Protection District Special Permit #22-03, Multi-Family Special Permit #22-01 and Inclusionary Housing Special Permit #22-01 for Cross Street to April 4, 2023 at 8:00 p.m. in the Town Hall Auditorium.

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

PRESENT IN INTEREST: Kristen Costa, L.A. Associates  
Craig Newhouse

**MATERIALS CONSIDERED:**

PLAN “Definitive Subdivision Plan, Eagleview Subdivision, Marion Street, Wilmington, Massachusetts” dated December 8, 2021 and last revised December 14, 2022, Grading and Drainage sheet dated December 8, 2021 and last revised December 14, 2022

WAIVER REQUEST from C. Newhouse dated February 15, 2023

CROSS SECTIONS ROADWAY WETLAND CROSSING dated February 15, 2023

ROADWAY-CROSSING received February 16, 2023

ENGINEERING MEMO dated March 1, 2023

ENGINEERING E-MAIL dated March 2, 2023



K. Costa told the Board they are here to follow up with the request for waivers that has been formally submitted. She talked about the comment from the Town Engineer regarding reducing pavement. She said they requested reducing the pavement at that second crossing from 28' to 26' and eliminating the entire sidewalk on the southerly side of the road. She said they would also like to reduce the width of the sidewalks at the crossings on the northly side. She said told the Conservation Commission about the waiver request and asked them to submit something in support of it to the Planning Board. She said although they were in favor of the waiver request because of the lesser impact, they were not comfortable formally submitting any comments because it is not something they do and since they are unfamiliar with the Planning Board regulations they decided not to. T. Boland read the Town Engineer's memos and one mentioned the future extension to connect to Eagleview on the other side and he said sidewalks should be on both sides. T. Boland said he agrees with the Town Engineer. He said he does not mind narrowing the roadway but knowing that it will be extending and the impact it would have. He asked if the rest of the Board had comments. K. Costa said they have a 3<sup>rd</sup> option after reviewing the Town Engineer's memo. She said they could keep both sidewalks but narrow them a foot. She said that will have lesser impact. C. Newhouse said the total impact, the way the waivers are requested are 681 s.f of lesser impact and he said if they did the option of narrowing the roadways and both sidewalks at both crossings, the total would be 451 s.f. S. Hennigan said 4' is not very big especially with the number of people that will be using the sidewalk. T. Boland said he is going to say no. He said it would make people step into the street which is already narrow. T. Boland said the sidewalk on his street is about 4' and nobody walks by each other. They walk into the street. P. Moser said he does not want to narrow both sidewalk and the road. K. Costa asked if the Board would be voting on the waiver request and T. Boland said they would not be voting separately on the waivers.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street to April 28, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive to April 4, 2023 at 8:05 p.m. in the Town Hall Auditorium

**Public Hearing – 885 & 889 Woburn Street - Map 37 Parcel 4 & 4A - Site Plan Review #23-04 Stormwater Management Permit #23-03 - 887 Woburn, LLC, Anthony C. Martignetti, Applicant**

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

MATERIALS CONSIDERED:

LETTER from Attorney R. Peterson dated March 7, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #23-04 and Stormwater Management Permit #23-03 for 885 & 889 Woburn Street, Map 37 Parcels 4 & 4A to April 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-04 and Stormwater Management Permit #23-03 for 885 & 889 Woburn Street, Map 37 Parcels 4 & 4A to April 4, 2023 at 8:10 p.m. in the Town Hall Auditorium.

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

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

**MATERIALS CONSIDERED:**

PLAN "Site Plan for ALRIG USA, Proposed Multi-Tenant Development" dated August 30, 2022 and last revised February 10, 2023, "Wilmington Fire Truck Exhibit" dated August 22, 2022 and last revised February 10, 2023 "ALTA/NSPS Land Title Survey" dated May 19, 2022 and last revised December 13, 2023

STORM WATER MANAGEMENT REPORT dated August 4, 2022 and last revised February 9, 2023

RESPONSE TO COMMENTS from J. Modestow dated February 10, 2023

LETTER from Jake Modestow dated March 7, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to April 28, 2023 for Site Plan Review #22-16, Stormwater Management Permit #22-13 for 208 Main Street.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street, Map 44 Parcel 178B to April 4, 2023 at 8:15 p.m. in the Town Auditorium.

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

PRESENT IN INTEREST: Matt Costa, Beals Associates

**MATERIALS CONSIDERED:**

E-MAIL from David Wilkinson dated March 3, 2023

M. Costa told the Board they are requesting to continue the public hearing.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to April 28, 2023 for Site Plan Review #22-22 and Stormwater Management Permit #22-16 for 800 Salem Street, Map R1 Parcel 24.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-22, Stormwater Management Permit #22-16, Groundwater Protection District Special Permit #22-07 and Sign Special Permit #22-02 for 800 Salem Street, Map R1 Parcel 24 to April 4, 2023 at 8:20 p.m. in the Town Hall Auditorium

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

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

**MATERIALS CONSIDERED:**

PLAN "Site Development Plans for Public Utility Development, 326 Ballardvale Street, Wilmington, MA" dated September 21, 2022 and last revised March 15, 2023

RESPONSE LETTER from Tim Williams dated March 15, 2023

TRANSMITTAL LETTER from Tim Williams dated March 15, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to April 30, 2023 for Site Plan Review #22-24 and Stormwater Management Permit #22-18.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-24, Stormwater Management Permit #22-18 and Parking Relief Special Permit #22-04 for 326 Ballardvale Street to April 4, 2023 at 8:25 p.m. in the Town Hall Auditorium.

**Public Hearing – Site Plan Review #23-07 for 773 Salem Street - Map R1 Parcel 23 Kristina Cottone Robinson for Smartlink, AT&T, Applicant 773 Salem Street**

PRESENT IN INTEREST: Kristina Cottone Robinson

**MATERIALS CONSIDERED:**

PLAN "Wilmington MA, Salem St" dated April 4, 2022 and last revised December 6, 2022

STRUCTURAL ANALYSIS REPORT dated November 22, 2022

K. Cottone Robinson told the Board that AT&T is swapping out some equipment. She said the tower has gone through a few modifications in the past. She said she is representing AT&T and that all the information she provided is the same as the other carriers. She said she discussed this with K2 Towers who is the tower owner. K. Cottone Robinson said the Structural Analysis was done by the same group that the other projects used. She briefly went through the structural report siting different comments. She said the report stated the tower's foundation has sufficient capacity to carry the proposed configuration. No modifications are required at this time. She said the report also said tower modifications had been installed. K. Cottone Robinson said they have pulled 2 permits. She said she is being asked for a peer review and she asked for a validation for that. She said everything is the same as the previous carrier. T. Boland asked for an explanation. V. Gingrich said it was last year that swapping of equipment happened for Verizon. She said the tower owner committed to doing some maintenance on the tower. V. Gingrich said she received an e-mail from the tower owner with photos saying that work had been done. She requested they

provided a statement from a structural engineer saying that work had been done. She said she has not received that yet. V. Gingrich said the peer review is being requested because of the over 99% capacity. She said TEC, the same firm that did the last peer review would do the structural analysis for this one. T. Boland asked what was done and V. Gingrich said she thinks they had to install new mounting mechanisms. She said this tower is close to a public roadway and the Town has had to push for maintenance on this in the past. T. Boland asked what she was waiting for and V. Gingrich said she would like a statement from a structural engineer confirming all items in their report were made. V. Gingrich said she was told by the tower owner that happened but the condition states that information must come from a structural engineer. T. Boland asked if she feels it will come at some point and V. Gingrich said she was unsure. K. Cottone Robinson said that some department here has all the information they need but she does not have it. She said a permit wouldn't be issued if the work wasn't completed. V. Gingrich said the language was different for the previous approval. K. Cottone Robinson argued that AT&T should have to have a peer review because AT&T is in good standing. S. Hennigan said the Town never received confirmation that the modifications to the tower were ever done properly or at all. T. Boland asked if it is the tower owner's responsibility and V. Gingrich said yes but Verizon was working with the owner. V. Gingrich said she reached out to get a proposal from TEC and received it back. She said the total fee would be \$6,300.00. She said TEC could have it done for the April meeting if this gets done quickly. T. Boland said the peer review is needed because the previous structural engineer is not backing up the work. S. Hennigan and T. Boland both agreed that the Board could not move forward with another project if the previous project was not closed out. Therefore, a peer review is needed. P. Moser agreed a peer review is needed. K. Cottone Robinson asked if the peer review comes back that work is needed, who would that fall on. T. Boland said that is between the tower owner and the applicant. T. Boland said if there is something that needs to be fixed, it will fall on the owner and applicant. V. Gingrich said as soon as funds are received, TEC will start on the peer review.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-07 for 773 Salem Street to April 4, 2023 at 8:30 in the Town Hall Auditorium.

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

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

**MATERIALS CONSIDERED:**

E-MAIL from Attorney M. Dolan dated March 6, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to April 28, 2023 for Site Plan Review #22-25 for 26 Upton.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-25 for 26 Upton Drive to April 4, 2023 at 8:35 in the Town Hall Auditorium extend

**Continued Public Hearing – Site Plan Review #23-06, Stormwater Management Permit #23-05 and Groundwater Protection District Special Permit #23-01 for 30 Upton Drive  
Map R1 Parcel 18H - Stephen Albano, Applicant**

**MATERIALS CONSIDERED:**

E-MAIL from Devin Howe dated March 7, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #23-06, Stormwater Management Permit #23-05 to April 28, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-06, Stormwater Management Permit #23-05 and Groundwater Protection District Special Permit #23-01 for 30 Upton Drive to April 4, 2023 at 8:40 in the Town Hall Auditorium.

**Continued Public Hearing - Site Plan Review #23-05 and Stormwater Management Permit #23-04 - 38 Upton Drive - Map R1 Parcel 18 – Michael Cantalupa, Applicant**

PRESENT IN INTEREST: Matt Costa, Beals Associates

**MATERIALS CONSIDERED:**

LETTER from Matthew Costa dated March 7, 2023

M. Costa told the Board the applicant is withdrawing without prejudice. He said the potential tenant made a business decision to move elsewhere. He thanked the Board for their time with the review as well as the town staff.

Upon motion duly made and seconded it was unanimously

VOTED: To accept the request to withdraw without prejudice, Site Plan Review #23-05 and Stormwater Management Permit #23-04 applications for 38 Upton Drive.

**Continued Public Hearing - Site Plan Review #23-02 and Multi-Family Special Permit #23-01 203 Lowell Street - Map 48 Parcel 73 – 203 Lowell Street Owner LLC, Applicant**

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

**MATERIALS CONSIDERED:**

PLAN "Wilmington Residential Special Permit Amendment, 203 Lowell Street, Wilmington, MA 01887" dated January 10, 2023, "Site Development Plan, 203 Lowell Street, Wilmington, Massachusetts" dated October 18, 2018 and last revised February 17, 2023

RESPONSE LETTER dated February 16, 2023

FIRE DEPARTMENT MEMO dated March 2, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #23-02 and Multi-Family Special Permit #23-01 for 203 Lowell Street to April 28, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-02 and Multi-Family Special Permit #23-01 for 203 Lowell Street to April 4, 2023 at 8:45 in the Town Hall Auditorium

### **Board of Appeals**

At its meeting on March 7, 2023, the Planning Board (Board) voted to recommend as follows:

#### **Case 6-23: 9 Allen Park Drive – Map 49 Block 34 Parcel 134**

J. Wierzbicki told the Board the applicant is requesting a special permit in the Ground Water Protection District to build a 1600 sf addition increasing the total impervious up to 20.1% over the allowed 15%. They are proposing subsurface infiltration units for roof runoff and will need to file for a Simple Stormwater Management Permit. T. Boland asked if the Town Engineer had concerns and V. Gingrich said he is still reviewing it. T. Boland asked if they will need a Simple Stormwater Management Permit and V. Gingrich said if their addition is over 600 sf, they need to file a Simple Stormwater Management Permit Application. She said this item is on the Board of Appeals April agenda.

Upon motion duly made and seconded, it was by a vote of 3-0

VOTED: To recommend approval, should the Town Engineer confirm that adequate infiltration is shown on the plan. Groundwater recharge is proposed to mitigate the impervious area in the Groundwater Protection District. The Applicant will need to file a Simple Stormwater Management Permit application.

### **Old Business**

There was no Old Business.

### **New Business**

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

Upon motion duly made and seconded it was unanimously

VOTED: To table the decision for Site Plan Review #22-15, Stormwater Management Permit #22-11, Ground Water Protection District Special Permit #22-03 Inclusionary Housing Special Permit #22-01 and Multi-Family Special Permit #22-01 for Cross Street.

**Decision for 800 Salem Street - Map R1 Parcel 24 - Site Plan Review #22-22, Stormwater Management Permit #22-16 - Ground Water Protection District #22-07 and Sign Special Permit #22-02 - David Wilkinson for WCV-800 Salem LLC, Applicant**

Upon motion duly made and seconded it was unanimously

VOTED: To table the decision for Site Plan Review #22-22, Stormwater Management Permit #22-16 - Ground Water Protection District #22-07 and Sign Special Permit #22-02 for 800 Salem Street.

**Decision for 30 Upton Drive - Map R1 Parcel 18H - Site Plan Review #23-06, Stormwater Management Permit #23-05 and Groundwater Protection District Special Permit #23-01 Stephen Albano, Applicant**

Upon motion duly made and seconded it was unanimously

VOTED: To table the decision for Site Plan Review #23-06, Stormwater Management Permit #23-05 and Groundwater Protection District Special Permit #23-01 for 30 Upton Drive.

**Decision for 326 Ballardvale Street - Map R3 Parcel 25A - Site Plan Review #22-24, Stormwater Management Permit #22-18 and Parking Relief Special Permit #22-04 Hamid Jaffari for Reading Municipal Light Department, Applicant**

Upon motion duly made and seconded it was unanimously

VOTED: To table the decision for Site Plan Review #23-06, Stormwater Management Permit #23-05 and Groundwater Protection District Special Permit #23-01 for 30 Upton Drive

**Site Plan Review Waiver #23-02 – 844 Woburn Street – Map 46 Parcel 1 – Troy Morrell for Baystate Workgroup LLC, Applicant**

PRESENT IN INTEREST: Joseph R. Tarby, III, Esq.  
Troy Morell, Baystate Workgroup LLC

**MATERIALS CONSIDERED:**

PLAN "Site Plan" dated January 30, 2023

NARRATIVE received February 9, 2023

MEMO from Deputy Fire Chief dated February 15, 2023

Attorney J. Tarby, III told the Board Baystate Workgroup is a full-service junk removal company that is friendly to the environment. Items are brought to the building and sorted. They are then donated to several local charitable organizations. He said they are requesting 4 roll off containers to the rear of the building as shown on the plan and 1 storage container on vacant paved areas that do not impact parking or vehicular turning movements. They collect metals, carboard, wood will be placed in the roll off. In the storage container will be mattresses which are in the closed container. They are also taken off site. He said the plan shows the proposed location. Attorney J. Tarby, III said there are 106 parking spaces required for the site and there are 106 Parking spaces provided.

J. Wierzbicki said that Deputy Fire Chief Pozzi wants all combustibles kept away from the building and the applicant acknowledged that.

T. Boland asked if the containers get loaded on flat trucks to be driven away and Troy Morell said yes. T. Boland said there are four locations for these containers and one is in the back making it difficult to get to. T. Morell said the truck can reach the container. P. Moser asked if the mattress container cover is closed and the applicant responded yes.

Upon motion duly made and seconded it was

VOTED: To approve the request to waive Site Plan Review to allow 4 roll off containers and 1 storage container on vacant paved areas that do not impact parking or vehicular turning movements as shown of plan entitled "Site Plan" dated January 30, 2023 prepared by Eugene T. Sullivan, P.E, Eugene T. Sullivan, Inc., 230 Lowell Street, Wilmington, MA 01887. Per the Wilmington Fire Department, all combustible materials must be located away from the building.

**Site Plan Review Waiver #23-03 – 269 Main Street – Map 43 Parcel 4C – Danial Brennan for Starbucks, Applicant**

PRESENT IN INTEREST: Daniel Brennan, Starbucks Permit Agent

**MATERIALS CONSIDERED:**

PLAN "Wilmington Crossing" dated August 23, 2022

NARRATIVE dated February 20, 2023

D. Brennan told the Board they are renovating the store on Main Street. He said they are proposing to install a walk-up window at the storefront patio area during the same time that one of the wall signs will be replaced. T. Boland asked how big the sign will be and D. Brennan said it is close to the same size as the original sign. V. Gingrich told the Board the signage needs its own building permit and Planning checked and it does meet the Bylaw regulations so with the waiver request, the Board is only looking at the pickup window change.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the request to waive Site Plan Review to allow the installation of a walk-up window at the storefront patio area as shown on plan entitled "Wilmington Crossing" dated August 23, 2022 prepared by Kenneth I Fisher, AIA RA, Gensler, One Beacon Street, Boston, MA 02108.

**Endorse plan for 377 Ballardvale Street – Map R3 Parcel 50B – Attorney Michael R. Dolan for DISH Wireless L.L.C., Applicant**

A request to endorse plan was received.

**MATERIALS CONSIDERED:**

PLAN "DISH Wireless L.L.C., Project Information, BOBOS00226A, Crown Castle BU#875010, 377 Ballardvale, Wilmington, MA 01887"; dated November 22, 2021, last revised December 16, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To endorse the plan entitled "DISH Wireless L.L.C., Project Information, BOBOS00226A, Crown Castle BU#875010, 377 Ballardvale, Wilmington, MA 01887"; dated November 22, 2021, last revised December 16, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845.



**Endorse plan for 625 Main Street – Map 40 Parcel 2A – Attorney Michael R. Dolan for DISH Wireless L.L.C., Applicant**

**MATERIALS CONSIDERED:**

PLAN "DISH Wireless L.L.C., Project Information, BOBOS00656A, Crown Dish BU#806612, 625 Main Street, Wilmington, MA 01887"; dated December 27, 2021, last revised November 16, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled "DISH Wireless L.L.C., Project Information, BOBOS00656A, Crown Dish BU#806612, 625 Main Street, Wilmington, MA 01887"; dated December 27, 2021, last revised November 16, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845.

**Discussion**

**Request to reconsider vote and recommendation for ZBA Case 1-23 for 12 Polk Street Map 6 Parcel 40 – Mark Nelson, Applicant**

**Request for Planning Board members to visit site for ZBA Case 1-23 for 12 Polk Street Map 6 Parcel 40 – Mark Nelson, Applicant**

T. Boland reminded the Board that this case was before the Board in January. He said it is a case in front of the Zoning Board of Appeals. He said the Board recommended 81G improvements in January. T. Boland said that M. Nelson is requesting the Board reconsider. He said in January the Board made a recommendation to the Board of Appeals and the Board is not inclined to reconsider. M. Nelson said he wanted to provide the Board with some history. He told the Board he has been building homes and constructing roads in Wilmington since 1984. He said the 81G concept never came into play until he ended up in land court from 1994 until 2000. He said Judge Kilbourne's decision on page 10 specifically states private driveways are not subject to 81G. M. Nelson told the Board he invested 15 years and \$140,000 attempting to obtain a building permit. He said it is in Land Court now with the Town as the Plaintiff and he as the Defendant. He said there were two appeals in the Appeals Court that were sent back because they were premature. He said one is regarding the Official Map that is invalid. M. Nelson said the Zoning Board of Appeals wears 2 hats. They are the Official Map Board of Appeals so they are the granting authority as far as issuing a permit. He talked about the court case. He said the Town's Official map is invalid. He said the Board of Appeals is the permitting authority. He said he was surprised to hear the Planning Board wants an 81G. He said he was never notified the Planning Board had a hearing on his application or he would have been there and would have provided plenty of evidence. He said he has submitted overwhelming proof that he's entitled to a building permit. He said the old subdivision plan goes back to 1909. M. Nelson continued talking about the court case with Judge Kilbourne. He told the Board he wants a building permit to build a house for himself and his daughter. M. Nelson said he developed the entire neighborhood up there. He said he invested a million dollars constructing the roadways. He put 2000 feet of roadway, 30 telephone poles, extensive drainage throughout and he installed the infiltrator systems that the town did not want. He said it's in the headwaters of the Ipswich River. He said there is 54 acres in the back that is the Wildlife Refuge. M. Nelson said the property across the street was transferred to the Conservation Commission in the late 90's. He said he put a gate up in 1998 that goes across Polk Street. He said he maintained the roadway for the last 35 years. He said it's a private way. He said it will never be open to the public. M. Nelson said the 81G Application that the

town has was never adopted under the 81Q. He said he is looking for the Planning Board to change their recommendation that the 81G is not a requirement. He said he will never fill out an 81G Application because it is not valid, and it recommends that he put in a 42-foot cul-de-sac and give the Town and easement which he said is never going to happen. He told the Board he filed a petition to buy the Town Owned land to put a turn-around in. He suggested all Board Members take a site walk. He told the board to make it easy for the Board of Appeals. T. Boland said he appreciates all that and the information that was given but he doesn't see anything that will make him reconsider the recommendation made in January. M. Nelson said Wilmington is the only Town in Commonwealth that has the Official Map. He said it took him 15 years to get a building permit for 4 Poplar Street and 13 years to get the occupancy. He said he was forced to sell it for \$800,000.00 because he sold it without an occupancy permit, and it just sold for \$1,500,000.00. He told the Board he is currently homeless. T. Boland said the Board sees 81G Applications all the time and the applicants are held to the rules. T. Boland firmly said the Board is not reconsidering. He told M. Nelson he understands his position and said he hopes M. Nelson understood the Boards. M. Nelson said he is trying to educate the Board. He said there has been a gate up since 1988 and T. Boland asked if it is in a street and M. Nelson said it's a private way. S. Hennigan asked if there is ongoing litigation and V. Gingrich nodded. S. Hennigan said the Board should not be commenting and they already did in January. He said the Board is not going to reconsider. S. Hennigan suggested M. Nelson convince the Zoning Board of Appeals as to what he wants. M. Nelson said the Board should consider what Judge Kilbourne decided. M. Nelson said he is disappointed in the Board's decision. He said they could learn a little more.

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

VOTED: To adjourn the meeting at 9:40 p.m.

JOINT PUBLIC HEARING - FINANCE COMMITTEE AND PLANNING BOARD MEETING:  
March 21, 2023

NEXT PLANNING BOARD MEETING: April 4, 2023

Respectfully submitted,

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

Cheryl Licciardi  
Recording Clerk