



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

Planning Board Minutes

April 4, 2023

The Planning Board met on Tuesday April 4, 2023 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Terence Boland, Chair, Randi Holland, Sean Hennigan, Angela Marcolina and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present.

Minutes

The Planning Board reviewed the February 7, 2023, and March 7, 2023 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the February 7, 2023 minutes as written.

Upon motion duly made and seconded, with three in favor and two abstentions (R. Holland and A. Marcolina) it was

VOTED: To approve the March 7, 2023 minutes as written.

Form A

14&18 Liberty Street – “Plan of Land, 14 & 18 Liberty Street, Assessor’s Map 77 Parcels 22 & 23, Wilmington, Massachusetts (Middlesex County)”, John Gillis, Applicant

PRESENT IN INTEREST: John Gillis

MATERIALS CONSIDERED:

PLAN “Plan of Land - Pershing Street, Wilmington, Massachusetts”, dated January 30, 2023

J. Gillis told the Board he made the requested changes to the plan and would answer any questions the Board has. T. Boland asked if it was one lot and J. Gillis said it was two parcels. He said it has the correct area and frontage. V. Gingrich pointed out there are existing structures. She said those structures will need to be demolished or other approvals granted.

Upon motion duly made and seconded it was unanimously

VOTED: To receive the ANR Plan and Application #23-02 for 14 & 18 Liberty Avenue, Map 77 Parcels 22 & 23 - “Plan of Land, 14 & 18 Liberty Street, Assessor’s Map 77 Parcels 22 & 23, Wilmington, Massachusetts (Middlesex County)” dated March 23, 2023

Upon motion duly made and seconded it was unanimously

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application Map 77 Parcels 22 & 23 - “Plan of Land, 14 & 18 Liberty Street, Assessor’s Map 77 Parcels 22 & 23, Wilmington, Massachusetts (Middlesex County)” dated March 23, 2023

RECEIVED
TOWN CLERK
2023 MAY -3 PM 2:12
TOWN OF WILMINGTON, MA

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled, "Plan of Land, 14 & 18 Liberty Street, Assessor's Map 77
Parcels 22 & 23, Wilmington, Massachusetts (Middlesex County)" dated March 23, 2023

Matters of Appointment

Petitioned Zoning Article to Amend Section 4.1.9 of the Zoning Bylaw

PRESENT IN INTEREST: Patrick Giroux

P. Giroux, 19 Brattle Street, told the Board he Chairs the Fourth of July Committee. He said he would like to modify the process in which Fairs, Bazaars, Antique Shows and Carnivals come into town. He said he is familiar with the process of approving a carnival and the measures the town and Fourth of July Committee undergo to ensure a safe and fun tradition. He said the committee meets with the town annually to review the plans for celebration. Fire Department, Police Department, DPW, Health Department, Building Department, Town Manager and more meet. At this meeting concerns surrounding the carnival are addressed. An applicant also needs approval from the zoning board of appeals for a special permit to conduct a carnival on town-owned land. That Board has the prevue of approving the hours of operation, the number of days of the carnival. He said this request will be going before Town Meeting this year to try and stream line the process to grant the permitting authority with the Select Board where it is currently with he Board of Appeals.

T. Boland read the Article. T. Boland asked if it eliminates a meeting and P. Giroux said they are trying to streamline the process. He said the Committee has been doing this now for 41 years. He said they already need to go before the Select Board for other items and they are just hoping to streamline the process. R. Holland said it takes it out of the Zoning Board of Appeals. R. Holland said it is not a zoning change and V. Gingrich said it is in the Bylaw so it is a zoning change. No comments in the audience or board.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for the Petitioned Zoning Article to Amend Section 4.1.9 of the Zoning Bylaw

Upon motion duly made and seconded it was unanimously

VOTED: To approve the Article to Amend Section 4.1.9 of the Zoning Bylaws to change the special permit granting authority from the Board of Appeals to the Select Board

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

PRESENT IN INTEREST: Jason Parillo, Poblocki Sign Co., LLC

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

J. Parillo read the statement he submitted as follows:

The property at 37 Upton Drive has two entrances that cannot be visible at the same time. As a car drives north on Upton Drive, it would be beneficial for the property address and tenant names to be clearly identified at both entrances. The concern is that vehicular traffic would have to go around the curve and mix with traffic entering and exiting 38 Upton Drive. The same would be true for traffic coming down Upton Drive from Jonspin Road. Having signs at both entrances will help to reduce traffic at the corner of Upton Drive where the Building A entrance is located. Allowing 37 Upton Drive to have a sign at each entrance will benefit the public. He said the purpose is to redirect traffic to the correct entrances. He said the signs would match the others. T. Boland said the Board has seen this in the past. V. Gingrich said there is an entrance on one street, a hard corner and an entrance on the other side. V. Gingrich said the draft decision has standard conditions.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Sign Special Permit #23-01 for two (2) 48.67 sq. ft. freestanding industrial signs, one to be located at each entrance to the property located off Upton Drive. The application was filed with the Planning Board on February 9, 2023. Said property is located at 37 Upton Drive and shown on Assessor's Map R1 Parcel 18K.

Upon motion duly made and seconded it was unanimously

VOTED: To approve Sign Special Permit #23-01 for two (2) 48.67 sq. ft. freestanding industrial signs, one to be located at each entrance to the property located off Upton Drive. The application was filed with the Planning Board on February 9, 2023. Said property is located at 37 Upton Drive and shown on Assessor's Map R1 Parcel 18K.

The public hearing was opened on March 7, 2023 and closed on April 4, 2023. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.2 of the Zoning Bylaws of the Town of Wilmington. Approval is subject to the following Findings and Conditions.

MATERIALS:

"Planning Board Narrative" prepared by Jason Parillo

"M1 double sided, non illuminated monument" dated October 6, 2022

"ALTA/NSPS Land Title Survey, 37 Upton Drive, Wilmington, Middlesex County, Massachusetts, dated February 10, 2021, prepared by Gregory R. Cocoran, Dana F. Perkins, and Poblocki Sign Company

FINDINGS:

1. The signage to be erected is on a parcel on Map R1 Parcel 18K on the Town of Wilmington's Assessor's Map.
2. The Planning Board determined that the sign should be permitted in the public interest, since the parcel is located on a corner with entrances on each side.
3. The application materials comply with the requirements of Section 6.3 of the Wilmington Zoning Bylaws and the Board's Special Permit Rules and Regulations.

4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

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

1. This Special Permit shall be valid for these proposed signs only. Any change in signage, other than placement or replacement of Tenant name(s) on the freestanding monument sign, shall be reviewed by the Planning Board.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If the sign has not been erected within two (2) years of a Special Permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the applicant, its employees, and all tenants.
5. Bylaw Exception: (Section 6.3.6.1.a) "Granted" two freestanding signs measuring 48.67 sq. ft. each, the building having a 310' front wall, and the maximum allowable freestanding sign is one (1) sign with a total square footage of 50 sq. ft.
6. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

Continued Public Hearing – Site Plan Review #23-01, Stormwater Management Permit #23-01 for 90 Eames Street - Map 38 Parcel 3A - Eames Street LLC, Applicant

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

PRESENT IN INTEREST: Robert G. Peterson Sr., Esq.

MATERIALS CONSIDERED:

PLAN "Eames Street LLC, Warehouse Storage Facility, Wilmington, Massachusetts" dated December 2022

STORMWATER MANAGEMENT PLAN, WAREHOUSE STORAGE FACILITY, WILMINGTON, TRAFFIC MEMORANDUM from William Lyons, Jr. dated September 4, 2021

SOUND STUDY dated March 3, 2022

MASSACHUSETTS dated December 2022

SAMPLE TANK PHOTO received January 5, 2023

LETTER from Attorney Robert G. Peterson dated March 28, 2023

Attorney R. Peterson Sr. asked the Board to continue the public hearing to July 11, 2023 and extend the action deadline to July 31, 2023. He said the matter is currently in litigation between this applicant and the prior applicant.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to July 31, 2023 for Site Plan Review #23-01 and Stormwater Management Permit #23-01.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-01 and Stormwater Management Permit #23-01 for 90 Eames Street to July 11, 2023 at 7:30 p.m. in the Town Hall Auditorium.

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

PRESENT IN INTEREST: Jason Parillo, Poblocki Sign Co., LLC

MATERIALS CONSIDERED:

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

E-MAIL from Jilian Arsenault dated March 7, 2023

J. Parillo told the Board this is for a plate letter sign for the second floor for Mayflower. He said it is a painted aluminum sign that will be pin mounted to the clapboard. T. Boland said the only need for the special permit is due to the sign length. V. Gingrich told the Board the sign is above the first story and the limit on signs above the first story is 10' in length and this sign exceeds that. She said the square footage would fit into what is allowed for a wall sign. S. Hennigan asked how much over the length it is and T. Boland said it's 15' and S. Hennigan asked why it is so big. J. Parillo said if you look at the scale of the building it's appropriate and they want the best visibility. S. Hennigan asked if it is the only sign and if it is in the front and J. Parillo said yes. T. Boland asked if it is facing the train station and V. Gingrich said it is. S. Hennigan asked if it is non-illuminated and J. Parillo said that is correct.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Sign Special Permit #23-02 for 362 Middlesex Avenue for a 177.79" x 31.30" (38.644 sq. ft.) wall sign, reading "Mayflower", to be located above the second floor on the entrance side of the building.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the Sign Special Permit #23-02 for 362 Middlesex Avenue for a 177.79" x 31.30" (38.644 sq. ft.) wall sign, reading "Mayflower", to be located above the second floor on the entrance side of the building. The application was filed with the Planning Board on February 9, 2023. Said property is located at 362 Middlesex Avenue and shown on Assessor's Map 89 Parcel 6A.

The public hearing was opened on March 7, 2023 and closed on April 4, 2023. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.2 of the Zoning Bylaws of the Town of Wilmington. Approval is subject to the following Findings and Conditions.

MATERIALS:

Proposed Sign Renderings, dated December 29, 2022, prepared by Spectrum Signs & Graphics

FINDINGS:

1. The signage to be erected is on a parcel on Map 89 Parcel 6A on the Town of Wilmington's Assessor's Map.
2. The Planning Board determined that the sign should be permitted in the public interest.
3. The application materials comply with the requirements of Section 6.3 of the Wilmington Zoning Bylaws and the Board's Special Permit Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

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

1. This Special Permit shall be valid for this tenant and this proposed sign only. Any change in tenant or change in signage shall be reviewed by the Planning Board.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If the sign has not been erected within two (2) years of a Special Permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the applicant, its employees, and all tenants.
5. Bylaw Exception: (Section 6.3.6.1.a) "Granted" one wall sign measuring 38.644 sq. ft., with a length of 177.79" (14.82'), above the first floor, where the allowed length of any sign above the first floor being 10'.
6. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

**Continued Public Hearing – 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**

PRESENT IN INTEREST: Michael J. Newhouse, Esq.
Brenton Cole, Granite Engineering
Jeff Merritt, Granite Engineering

MATERIALS CONSIDERED:

PLAN "Non-Residential Site, 230, 234 & 240 Ballardvale Street, Wilmington, Massachusetts, Middlesex County" dated January 12, 2023 and last revised March 21, 2023, "Fire Truck Exhibit" dated January 12, 2023 and last revised

CCTV Report dated received March 24, 2023
STORMWATER MANAGEMENT REPORT last revised March 21, 2023
RESPONSE LETTER from Michael Lambert dated March 21, 2023

Attorney M. Newhouse said there were only a couple of outstanding issues which he believes were addressed in the last couple of weeks. B. Cole told the Board they believe the revised plan has addressed if not all, most of the issues. He said they received one minor comment from Engineering that he believes he only needs to send a letter to the Town Engineer stating the pipes are in good condition. He said they sent a camera through the pipes so they can confirm the condition is good. T. Boland said the last thing is the revised truck turnaround layout. B. Cole said they provided the truck turnaround template and the Town Engineer was satisfied. V. Gingrich said she had comments with respect to the snow storage areas with respect to the proximity to the wetlands. She said the applicant provided a draft sketch to show a new location. V. Gingrich suggested the applicant update the plan set so that a decision can be issued and plan signed at the same time.

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 May 31, 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 May 2, 2023 at 7:35 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

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

MATERIALS CONSIDERED:

PLAN "Definitive Subdivision Birch Street" dated April 25, 2022 and last revised March 20, 2023,
"Fire Truck Maneuvering" dated October 24, 2022 and last revised March 20, 2023
CONSTRUCTION MANAGEMENT PLAN NARRATIVE dated March 21, 2023
STORMWATER ANALYSIS dated April 2022 and last revised March 2023
PLANNING REVIEW LETTER dated February 7, 2023
FIRE DEPARTMENT MEMOS received February 7, 2023 and dated March 30, 2023
E-MAILS from Luke Roy dated March 1, 2023 and March 2, 2023
LETTER from Attorney Michael J. Newhouse dated March 3, 2023
LETTER for Janet Sullivan dated April 3, 2023
ENGINEERING MEMO dated April 4, 2022

Attorney M. Newhouse told the Board the last hearing they attended was in January. He said there were a list of items from January, and he believes they have addressed them to the extent that they can. T. Boland asked V. Gingrich to mention some of the outstanding technical issues. V. Gingrich said there is a Town Engineer memo. She talked about the waiver for the undersized turn-around. She said the Fire Department, Town Engineer, Planning and Conservation

Department all recommend against that turnaround waiver for safety reasons. She said the proposed grade of 10% on Birch Street, while it is an existing section, the use will be increased with seven new homes, so she recommended exploring changing the grade with the test pits that came back with the pipeline. She said the Board has not allowed an undersized turnaround for a subdivision of this size in the past. She said Cheyenne off Concord Street was a 5-lot subdivision and it has a full turnaround. She said there are safety concerns if the ladder truck needs to back down that roadway. V. Gingrich said the proposed underground infiltrator system is shown within the roadway. She said the Board has never approved underground infiltrators within roadways. She said they need a lot of maintenance, and you see them in industrial sites where a company is able to maintain them. She said when a road is upgraded it becomes a public way and this is something that DPW doesn't want to take it on. She said if DPW doesn't want to take it on it is hard to see an individual homeowner taking on that responsibility. She said the Fire Department commented on the subdivision regulations that call for a fire hydrant every 500'. She said the subdivision is calling out hydrants on the section where they are building the new homes. The Deputy Fire Chief said it is important to have fire hydrants at the beginning of Birch Street. T. Boland said there are Fire Department and DPW issues that are hard to overlook. He said he is inclined to take the recommendations. He said they were hoping to see a better layout and recommends the applicant work on coming up with a better layout. Attorney M. Newhouse said at the Board's suggestion with respect to the turnaround, they have looked at various alternatives and continue to provide changes to the plan. He said they provided the turnaround template using the model of the ladder truck for Wilmington. He said the ladder truck has been demonstrated to make a 3-point turn at the end of the proposed roadway and at the proposed turnaround at Hall Street. He said the applicant's representatives met with Kinder Morgan, uncovered the pipe, confirmed the elevations and it is his understanding that based on that site visit, Kinder Morgan would consent to the application for the proposed work. He said he believes Kinder Morgan would support that position. Attorney M. Newhouse said regarding the undersized turnaround, he said he is not familiar with all the subdivision applications presented to the Board but what makes this one different in many respects is that this street already exists. He said this is a subdivision of 7 homes which is smaller than many subdivisions that the Board has insisted have the full-size cul-de-sac. He said with respect to the underground infiltration system, he believes it meets all applicable regulations. He said the Board approves various applications at various times where the property owner or association of property owners maintain certain infrastructures. He said they would like the town to maintain the infrastructure, but they got the clear message that the town isn't inclined to manage that. He said he is prepared to create an association that every buyer will be informed to maintain the infrastructure. T. Boland said with respect to DPW's recommendation for the underground drainage basin, if that's not working, stormwater management is not working. He said this street looks like a sensitive area for stormwater management to not work. He said there is a lot wet behind it. T. Boland read letter submitted by J. Sullivan dated April 3, 2023.

Resident, C. Scopa, 10 Hall Street, said the turnaround is a big concern for the residents. He asked if the lots could be cut down in size. He said people walk in the street now while walking their dog and the street would be cut in half during construction which is a big concern to residents.

Attorney M. Newhouse said given the zoning requirements, he does not believe the lot sizes can be cut down in size. He said to sacrifice a building lot for a full-size cul-de-sac when there is another option, doesn't make sense. Attorney M. Newhouse asked if the Board would allow him to consult with his client and the Chair agreed. Attorney M. Newhouse said his client sees no harm in continuing for a month to see if there is a way to address some of the issues.

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 May 31, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to May 2, 2023 at 7:40 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

PRESENT IN INTEREST: Robert G. Peterson, Jr., Esq.
Ben Minnix, Eaglebrook Engineering

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

V. Gingrich told the Board this would have been approved at the last meeting but there were not enough members to vote on the Special Permit pieces. T. Boland asked if there is anything that the Board should know about with respect to the decisions and V. Gingrich said the decisions are similar to those of 168 Lowell Street. She said the plan changes were made prior to approval.

Upon motion duly made and seconded it was unanimously

VOTED: To close public hearing for Site Plan Review #22-15 and 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.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Multi-Family Special Permit #22-01, Inclusionary Housing Special Permit #22-01, Groundwater Protection District Special Permit #22-03, and Site Plan Review #22-15 for Cross Street, as shown on plan entitled, "Proposed Permit Site Plans, Cross Street, Wilmington, Massachusetts", dated May 11, 2022 and last revised February 16, 2023, prepared by Michael J. Juliano, P.E., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923. Said property is located off Cross Street, Wilmington, MA 01887 and shown on Assessor's Map 40 Parcel 11. Approval is as follows:

A public hearing was advertised and held on July 5, 2022 at 8:25 p.m., Town Hall, 121 Glen Road, Wilmington. The public hearing was continued to August 2, 2022, September 13, 2022,

October 4, 2020, November 1, 2022, December 6, 2022, January 3, 2023, February 7, 2023, March 7, 2023, and closed on April 4, 2023.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on July 5, 2022 and closing on April 4, 2023, by a motion duly made and seconded, it was voted:

"We the Wilmington Planning Board, as requested by Jonathan Main, One Cross, LLC, under the provisions of Section 3.8.15, Section 6.5, Section 6.6.8.1, Section 6.6.7.7, and Section 6.11 of the Zoning Bylaws of the Town of Wilmington and Board's Special Permit Rules and Regulations and Site Plan Review Rules and Regulations, to consider the contemplated multi-family site plan development including eighteen (18) units, three (3) of which are to be restricted as affordable units, for property addressed Cross Street (Assessor's Map 40 Parcel 11), as shown on the plan entitled, "Proposed Permit Site Plans, Cross Street, Wilmington, Massachusetts", dated May 11, 2022 and last revised February 16, 2023, prepared by Michael J. Juliano, P.E., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, (the "Plan") (the "Project"), do hereby vote to **APPROVE** the Special Permits and Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

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

Description

Architectural Plans, prepared by Peter L. Sandorse, Phoenix Architects, dated May 11, 2022, last revised September 28, 2022.

"Trip-Generation Letter" prepared by Jason R. Plourde, P.E., P.T.P., VHB, 2 Bedford Farms Drive, Suite 200, Bedford, NH 03110, dated April 21, 2022, last revised January 10, 2023.

Lighting Detail, "VIPER Area/Site" prepared by Beacon Products, 701 Millennium Boulevard, Greenville, SC, 29607, dated May 24, 2022.

"Stormwater Analysis & Calculations and Notice of Intent Report for Cross Street, Wilmington, Massachusetts" prepared by Michael J. Juliano, P.E., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, dated May 11, 2022, last revised September 28, 2022.

"Site Plan Review – Narrative re. to Site Design Standards" prepared by Robert G. Peterson, Jr., Esq., The Law Office of Attorney Robert G. Peterson, 314 Main Street, Wilmington, MA 01887, dated September 29, 2022.

"Response to Engineering Review No. 2" prepared by Michael J. Juliano, Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, dated September 15, 2022.

Response letter, prepared by Robert G. Peterson, Jr., Esq., The Law Office of Attorney Robert G. Peterson, 314 Main Street, Wilmington, MA 01887, dated September 29, 2022.

"Response to Engineering Review No. 3" prepared by Michael J. Juliano, Eaglebrook

Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, dated January 18, 2023.

"Traffic Engineering Peer Review" prepared by Ko Ishikura, Green International Affiliates, Inc., 100 Ames Pond Drive, Suite 200, Tewksbury, MA 01876, dated January 5, 2023.

"Traffic Engineering Peer Review" prepared by Ko Ishikura, Green International Affiliates, Inc., 100 Ames Pond Drive, Suite 200, Tewksbury, MA 01876, dated February 3, 2023.

"Traffic Engineering Peer Review" prepared by Ko Ishikura, Green International Affiliates, Inc., 100 Ames Pond Drive, Suite 200, Tewksbury, MA 01876, dated February 23, 2023.

PROCEDURAL HISTORY

1. Applications to construct a multi-family development including eighteen (18) units, three (3) of which are to be restricted as affordable units, pursuant to Section 3.8.15, Section 6.11, and Section 6.5 of the Wilmington Zoning Bylaws, was made by the above-referenced Owners and *Applicant* and filed with the Planning Board on June 10, 2022.
2. A public hearing was held on July 5, 2022 and was continued to August 2, 2022, September 13, 2022, October 4, 2020, November 1, 2022, December 6, 2022, January 3, 2023, February 7, 2023, March 7, 2023 and closed on April 4, 2023.
3. The plans and other submission material were reviewed by the Planning Board and the departments represented in the Community Development Technical Review. 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.

FINDINGS

1. The Project site is shown on Map 40 Parcel 11 and the project includes eighteen (18) units, three (3) of which are to be restricted as affordable units.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards and guidelines of Section 3.8.15, Section 6.5, and Section 6.11 of the Wilmington Zoning Bylaw and the Board's Special Permit Rules and Regulations and Site Plan Review Rules and Regulations.
3. The Site Plan and ancillary materials submitted by the Applicant comply with the provisions, requirements, standards and guidelines of Section 3.8.15, Section 6.5, and Section 6.11 of the Wilmington Zoning Bylaw and the Board's Special Permit Rules and Regulations and Site Plan Review Rules and Regulations. The three (3) affordable units meet the requirement of Section 6.11 of the Wilmington Zoning Bylaw and no density bonus units have been provided.
4. The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw and complies with the requirements of the Bylaw. The proposed development was conceived and presented to the public prior to the creation of Section 6.4.4.2.a - Building and Site Design in the Central Business District and Neighborhood Mixed Use District.
5. The proposed project renders the site more than 15% impervious at 17.2%.
6. Infiltration is provided on-site to meet the requirements of Section 6.6.7.7 of the Wilmington Zoning Bylaw.

7. These Special Permit and Site Plan Review approvals are granted in conjunction with Stormwater Management Permit #22-11.
8. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

DECISION

In view of the foregoing, the Planning Board hereby decides that the aforesaid property is a proper parcel to be developed under Section 3.8.15, Section 6.5, and Section 6.11 of the Wilmington Zoning Bylaws. It is therefore decided to grant Special Permits and Site Plan Review approval for the development of eighteen (18) units, three (3) of which are to be restricted as affordable units, in accordance with the Site Plan entitled, "Proposed Permit Site Plans, Cross Street, Wilmington, Massachusetts", dated May 11, 2022 and last revised February 16, 2023, prepared by Michael J. Juliano, P.E., and the terms and conditions stated below. The following shall be required at the Applicant's sole expense, unless otherwise noted:

1. The Project shall be constructed and operated in accordance with the approved Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
4. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
5. 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 under these Special Permits shall be eighteen (18).
 - b The tract of land on which the structures are to be located shall not be altered or used except
 - i as granted by these Special Permits;
 - ii as shown on the Site Plan entitled, "Proposed Permit Site Plans, Cross Street, Wilmington, Massachusetts", dated May 11, 2022 and last revised February 16, 2023, prepared by Michael J. Juliano, P.E., as referenced above; and
 - iii as in accordance with subsequent amendments to the Special Permits.
 - c The entire tract of land, or any portion thereof, and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with these Special Permits. If the Applicant petitions for amendment to these Special Permits, they must submit all plans and information to the change as required by applicable rules.
6. If no substantial construction has commenced within two (2) years of approval, approval shall lapse and a new application, fees and a public hearing shall be required.
7. Any substantial changes to the Site Plan shall be subject to the Special Permit review process. Minor field adjustments may be allowed with review and approval of the Director of Planning & Conservation.
8. Within five (5) days of transfer of ownership of the property, the Planning Board shall be notified in writing of the new property owner's name and addresses.
9. As required by Section 6.11, the Project shall include three (3) affordable dwelling units, two one-bedroom and one two-bedroom, to be counted on the Town's Subsidized Housing Inventory (SHI) with the Department of Housing and Community Development (DHCD). The affordable housing units shall be Units 105, 204, 301 upon initial lease up, shall be

dispersed throughout the building, and shall be constructed in accordance with Section 6.11 of the Zoning Bylaw.

10. The affordable units shall be subject to an affordable housing restriction and shall be marketed as required by the DHCD to count on the SHI.
11. Affordable housing units shall include the same materials and finishes as market rate units.
12. The affirmative fair marketing plan and tenant selection plan for the three (3) affordable units shall include a local preference for Wilmington residents as allowed by DHCD.
13. The Owner shall be responsible for hiring a property management firm or housing consultant (agent) that is qualified in DHCD's Local Initiative Program compliance for on-going marketing and monitoring of the affordable units. The agent shall comply with the affordable housing restriction, affirmative fair housing marketing plan and tenant selection plan. Records shall be made available to the Town upon request and for annual compliance monitoring.
14. Maintenance of the premises, including but not limited to roadway maintenance and repair, snow plowing and removal, landscaping, trash removal/recycling, and any other amenities associated with the Project shall remain the responsibility of the Owner.
15. The Project's stormwater management system shall be inspected, operated, and maintained in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair, and replacement of all drainage structures constructed pursuant to the project shall be the Owner's responsibility.
16. All domestic water mains and services constructed for the project on the project site shall meet the requirements of the Town's Water and Sewer Division and shall remain private. The operation, maintenance, repair, and replacement of all water pipes, mains, fittings, and appurtenances on the property shall be the owner's responsibility.
17. All landscaping, fencing, and lighting shall be maintained by the Owner for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
18. The site shall be maintained in a clean and tidy condition, clear of debris and trash.
19. Snow shall be stored in designated areas only. Any snow exceeding on-site capacity shall be removed from the site within five (5) days of a snow event. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.

PRIOR TO ENDORSEMENT:

20. Following the 20-day appeal period, the Planning Board will sign the plans, and the Special Permit Decision shall be recorded at the Middlesex North Registry of Deeds.
21. Prior to endorsement, these conditions of approval of the Special Permit shall be listed on the cover page of the Site Plan set.
22. The total impervious area percentage should be added to the plan set.

PRIOR TO START OF CONSTRUCTION/DURING CONSTRUCTION:

23. At least one (1) week prior to the start of work, a pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Engineering Division to review the construction schedule, permitted drawings, and permit conditions.
24. At the time of the pre-construction meeting, the developer will be required to submit a schedule of work, project contacts, soil erosion and sedimentation control plan, and information on plans for stockpiling of earth materials and/or any plans for hauling of earth materials (if approved under the Earth Removal Bylaw) for review by the Department of Planning & Conservation and Engineering Division.
25. At the time of the pre-construction conference, the developer shall provide evidence that all required local, state, and federal permits and approvals have been obtained.

26. Prior to the start of construction, if applicable, the Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
27. Prior to construction, the Applicant shall install erosion controls to be inspected by the Department of Planning & Conservation and Engineering Division at least two (2) business days prior to the start of construction.
28. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of construction.
29. During construction work will not start before 7:00 a.m. and will be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment will not be started before 7:00 a.m.
30. The Applicant shall maintain the construction entrance in an appropriate manner throughout the course of construction to prevent sediment from accumulating in Lowell Street. Street sweeping and replacement of the stones for the construction entrance may be needed from time to time throughout the phases of construction. The Applicant will be responsible for immediate removal of any sediment tracked onto Cross Street during the course of construction, as directed by Town staff.
31. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to backfilling any proposed underground stormwater management system, sewer, water, or installation of any other critical design components.
32. The Applicant shall notify the Engineering Division in writing prior to any unsuitable earth material being removed from the site and provide an estimated quantity. If the total earth removal exceeds 450 cubic yards, an Earth Removal Permit will be required.

PRIOR TO ISSUANCE OF BUILDING PERMIT:

33. The Wilmington Fire Department shall review and approve all building plans.
34. Prior to the issuance of a building permit, the Local Affordable Unit Application for the three (3) affordable housing units shall be approved by the DHCD.

PRIOR TO ISSUANCE OF OCCUPANCY:

35. The Applicant shall perform a radio strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
36. Prior to the issuance of Certificate of Occupancy, the Regulatory Agreement for the three (3) affordable units, in a form acceptable to the Town and DHCD, shall be recorded.
37. Prior to the issuance of Certificate of Occupancy, the Operation and Maintenance Plan shall be recorded.
38. Prior to the issuance of the Certificate of Occupancy for the property, all site work shall be substantially completed in accordance with the approved site plans and final As-Built Plans for the project, in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineering Division and Department of Planning & Conservation. In the event that winter season conditions prohibit final landscaping and/or finish paving course from being installed prior to tenant occupancy, the Applicant may post a bond, in a form and amount acceptable to the Director of Planning & Conservation and Town Engineer, covering the cost of completion. This will be considered on a case by case basis. The Applicant must have received all other required Department sign-offs on Occupancy prior to eligibility.

Upon motion duly made and seconded it was unanimously

VOTED: To issue the Stormwater Management Permit #22-11 as follows:

ISSUED for Property located off Cross Street, Wilmington, Massachusetts (Map 40 Parcel 11)

Case No.: Stormwater Management Permit #22-11

Applicant: Jonathan Main, One Cross, LLC, 21 Girard Road, Stoneham, MA 02180

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Proposed Permit Site Plans, Cross Street, Wilmington, Massachusetts", dated May 11, 2022 and last revised February 16, 2023, prepared by Michael J. Juliano, P.E., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923. Said property is located off Cross Street, Wilmington, MA 01887 and shown on Assessor's Map 40 Parcel 11, material originally submitted on June 10, 2022, subject to the following conditions:

MATERIALS:

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

Description

Architectural Plans, prepared by Peter L. Sandorse, Phoenix Architects, dated May 11, 2022, last revised September 28, 2022.

"Trip-Generation Letter" prepared by Jason R. Plourde, P.E., P.T.P., VHB, 2 Bedford Farms Drive, Suite 200, Bedford, NH 03110, dated April 21, 2022, last revised January 10, 2023.

Lighting Detail "VIPER Area/Site" prepared by Beacon Products, 701 Millennium Boulevard, Greenville, SC, 29607, dated May 24, 2022.

"Stormwater Analysis & Calculations and Notice of Intent Report for Cross Street, Wilmington, Massachusetts" prepared by Michael J. Juliano, P.E., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, dated May 11, 2022, last revised September 28, 2022.

"Site Plan Review – Narrative re. to Site Design Standards" prepared by Robert G. Peterson, Jr., Esq., The Law Office of Attorney Robert G. Peterson, 314 Main Street, Wilmington, MA 01887, dated September 29, 2022.

"Response to Engineering Review No. 2" prepared by Michael J. Juliano, Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, dated September 15, 2022.

Response letter, prepared by Robert G. Peterson, Jr., Esq., The Law Office of Attorney Robert G. Peterson, 314 Main Street, Wilmington, MA 01887, dated September 29, 2022.

"Response to Engineering Review No. 3" prepared by Michael J. Juliano, Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, dated January 18, 2023.

"Traffic Engineering Peer Review" prepared by Ko Ishikura, Green International

Affiliates, Inc., 100 Ames Pond Drive, Suite 200, Tewksbury, MA 01876, dated January 5, 2023.

"Traffic Engineering Peer Review" prepared by Ko Ishikura, Green International Affiliates, Inc., 100 Ames Pond Drive, Suite 200, Tewksbury, MA 01876, dated February 3, 2023.

"Traffic Engineering Peer Review" prepared by Ko Ishikura, Green International Affiliates, Inc., 100 Ames Pond Drive, Suite 200, Tewksbury, MA 01876, dated February 23, 2023.

STANDARD CONDITIONS

1. Waivers granted: None
2. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
3. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
4. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
5. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
6. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on June 2, 2020.

SPECIAL CONDITIONS

1. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
2. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
3. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
4. The Stormwater Management Operation and Maintenance (O&M) Plan shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

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

A request to extend the action deadline and continue the public hearing for Eagleview Drive Definitive Subdivision #21-01 and Stormwater Management Permit #21-15 was received.

MATERIALS CONSIDERED:

E-mail from K. Costa dated March 21, 2023

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 May 31, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive to May 2, 2023 at 7:50 p.m. in the Town Hall Auditorium

**Continued Public Hearing – 885 & 889 Woburn Street - Map 37 Parcel 4 & 4A
Site Plan Review #23-04 and 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 April 3, 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 May 31, 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 May 2, 2023 at 7:55 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

PRESENT IN INTEREST: Jake Modestow, Stonefield Engineering & Design

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

FIRE DEPARTMENT MEMO dated March 2, 2023

ENGINEERING MEMO dated March 7, 2023

J. Modestow told the Board they made a few changes and most had to do with the peer review. He said they shifted the building back approximately twenty feet. He said now they have one-way flow around the property from the rear to the front. They incorporated green space and realigned the intersection. He said they added additional striping. They shifted the building over to align driveways. McDonald's access is not blocked. He said there are two tenants and a potential third. He said there are some comments that still need to be addressed. T. Boland asked how it will work with the three tenants and J. Modestow said there is plenty of parking. V. Gingrich said if it remains retail the parking will not change. T. Boland asked if parking on the right is the existing parking and J. Modestow said yes. T. Boland asked what the dark gray area represented and J. Modestow said it would be new asphalt. T. Boland said the one thing they are trying to improve is the traffic at the intersection so K. Dandrade from TEC will address any issues. K. Dandrade said they submitted a second letter for the project dated March 6, 2023. He said J. Modestow's summary was somewhat accurate but there are still concerns about the onsite operations. He said the parking lot is close to Rte. 38 where there is a lot of traffic. K. Dandrade said his comments have to do with parking in proximity to the building and the cross access with McDonald's creates a complicated situation. He asked the Board to look at his comments and he directed them to comments 6 and beyond. He said that inside the parking lot they rely too heavily on striping. He said parking spots will become blocked if there is a backup in the queuing. K. Dandrade said he sees a potential issue with the McDonald's parking lot also. He outlined a conversation that occurred with the rink owner about a shared access. T. Boland said this is an opportunity to make a terribly troubled intersection in the town better. T. Boland said the Board is looking to improve it as best they can. T. Boland asked what ability is there to interact with the McDonald's flow of traffic and does the wide end of the building need to be facing the street? T. Boland said the entrance and exit of the site is right at the light which is oriented in a strange way. K. Dandrade said this is a unique opportunity. J. Modestow said they started this process with V. Gingrich and then they formally submitted to DOT. He said DOT has no issues with the signal or its capacity for additional traffic. He said when they submitted the application there was no plan in place to join the abutting properties. He said the applicant does not own the property. J. Modestow said the applicant has a good relationship with McDonald's but the concern from McDonald's has been access. K. Dandrade said the biggest challenge is proximity to Rte. 38. J. Modestow said if they have cross access they are increasing traffic and creating more concern for the intersection.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to May 31, 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 May 2, 2023 at 8:05 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
David Wilkerson, Camber

MATERIALS CONSIDERED:

E-MAIL from David Wilkinson dated March 3, 2023

M. Costa told the Board he could give a recap, but the Board has draft approvals. M. Costa said he has a comment on condition #28 and read the condition, "The Applicant shall prepare and submit a field survey, conceptual design plans, and a Functional Design Report (FDR) for the public improvements at the two I-93 interchange intersections with Salem Street (Route 62)" He said with the respect to the field survey if MassDOT has recent plans of that intersection, can they just use those plans. Can the Board change that to say submit adequate plans that are acceptable to the Department of Public Works and Engineering Department. V. Gingrich said she doesn't believe there will be anything recent from MassDOT. T. Boland asked V. Gingrich if she would be willing to change that condition. V. Gingrich said she wasn't sure because the town would need a field survey. T. Boland suggested just leaving the condition the way it is so the town gets something resent to review.

Upon motion duly made and seconded it was unanimously

VOTED: To accept the request to withdraw without prejudice Sign Special Permit #22-02 for 800 Salem Street, Map R1 Parcel 24.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #22-22, Stormwater Management Permit #22-16, Groundwater Protection District Special Permit #22-07 for 800 Salem Street, Map R1 Parcel 24.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #22-22 and Groundwater Protection District (GWPD) Section 6.6.7.7 Special Permit #22-07 for 800 Salem Street as shown on plan entitled "Plans to Accompany Permit Documents for Warehouse Facility, 800 Salem Street, Wilmington, Massachusetts", dated October 6, 2022, last revised January 20, 2023, prepared by Todd P. Morey, P.E., Beals Associates Inc., 2

Park Plaza Suite 200, Boston, MA 02116 and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Said property is located at 800 Salem Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 24.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on November 1, 2022 and closing on April 4, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by David Wilkinson, under the provisions of Section 6.6.8.1, Section 6.6.7.7, and Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider a new 237,880 square foot warehouse with associated stormwater management facilities and site work, as shown on plan entitled "Plans to Accompany Permit Documents for Warehouse Facility, 800 Salem Street, Wilmington, Massachusetts", dated October 6, 2022, last revised January 20, 2023, prepared by Todd P. Morey, P.E., Beals Associates Inc., 2 Park Plaza Suite 200, Boston, MA 02116 and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184, submitted on October 7, 2022, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

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

Description

"Site Plan Review & Special Permit" dated October 6, 2022, prepared by Beals Associates, Inc.
"Operation & Maintenance Control Plan" dated October 6, 2022, last revised January 20, 2023, prepared by Beals Associates, Inc.
"Stormwater Management Report" dated October 2022, last revised December 2022, prepared by Beals Associates, Inc.
"Transportation Impact Assessment" dated September 2022, prepared by Jeffrey S. Dirk, P.E., PTOE, FITE, Vanasse & Associates, Inc.
Response Letter dated December 20, 2022, prepared by Vanasse & Associates, Inc.
Review Letter dated December 2, 2022, prepared by TEC.
Review Letter dated January 9, 2023, prepared by TEC.

FINDINGS:

1. The Project site is shown on Map R1 Parcel 24 on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The proposed project renders the site more than 15% impervious at 37%.

5. Infiltration is provided on-site to meet the requirements of Section 6.6.7.7 of the Wilmington Zoning Bylaw.
6. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

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

GENERAL:

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.
7. This Special Permit for GWPD Section 6.6.7.7 of the Zoning Bylaws allows 37% impervious surface at 800 Salem Street and shall be valid for this warehouse use only.

PRIOR TO ENDORSEMENT:

8. Plans should be revised on Sheet C121 to separate overlapping notes.
9. Sheets 121 and 122 should be revised to correctly label the amount of trailer spaces proposed.
10. Landscape plans shall contain plant labels.
11. The planting plan for the construction stormwater wetland shall be revised to include six (6) River Birch trees and at least twenty (20) additional native FAC or FACW shrubs for review and approval from the Department of Planning & Conservation.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

12. The Wilmington Fire Department shall review and approve building plans.
13. Since Salem Street is currently under a five (5) year moratorium for all non-emergency street opening/trenching, the Owner/Applicant acknowledged and agreed that the proposed water service work (in Salem Street) will require a temporary pavement patch over the trench and a permanent pavement patch consisting of a curb to curb overlay (1.75" mill and overlay). The curb to curb permanent paving trench limits shall be reviewed and approved by the Department of Public Works prior to issuance of a Building Permit.

14. A final design plan set for the planned improvements within Salem Street (Route 62), which includes a final grading plan along the roadway shoulder (between the two entrances) to address localized flooding issues in Salem Street, refinements to the traffic island geometry, clarifications to the guardrail type (AASHTO-rated steel W-beam guardrail), and other items that may be updated as part of the Town's review, shall be provided to the Department of Planning & Conservation and the Engineering Division for review and approval. The Applicant shall fund reasonable peer review fees for any review of detailed plans and construction monitoring, if warranted, for the planned off-site improvements.

PRIOR TO THE START OF CONSTRUCTION:

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

DURING CONSTRUCTION:

20. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.
21. The Applicant shall give reasonable notice to the Engineering Division for visual observation and witness prior to backfilling any proposed underground stormwater management system or installation of any other critical design components.
22. A vacuum sweeper or regenerative air sweeper shall be available and utilized throughout the duration of construction. The Contractor will be responsible for monitoring the trucking route for spillage and dust control throughout construction and will remove any sediment that is found. The Applicant or their designated representative will inspect the route at least two (2) times per day.
23. The Applicant shall execute the Construction Traffic Monitoring Plan (CTMP) as outlined in Vanasse & Associates, Inc., response letter dated December 20, 2022.
24. It is the responsibility of the Applicant to adhere to the Town's Earth Removal Bylaw (Section 32 of the Town's Inhabitant By-laws) and file for a permit through the Board of Selectmen, if necessary.

PRIOR TO OCCUPANCY:

25. All off-site improvements to Salem Street shall be completed.
26. The Applicant shall schedule a site visit with the Town Engineer to review the as-built grading along the shoulder of Salem Street and address any outstanding punch list items.
27. The Applicant shall prepare and submit timing and phasing adjustments to maximize the efficiency at the intersection of Salem Street (Route 62)/Woburn Street. The Applicant shall

fund reasonable peer review fees for any review of detailed plans and phasing adjustments accordingly.

28. The Applicant shall prepare and submit a field survey, conceptual design plans, and a Functional Design Report (FDR) for the public improvements at the two I-93 interchange intersections with Salem Street (Route 62).
29. The Applicant shall provide a right-of-way alteration plan for the affected section of Salem Street for the Town's approval prior to filing with the Registry of Deeds
30. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
31. Prior to issuance of a Certificate of Occupancy, a strip easement along the frontage to accept overland flow of stormwater runoff from Salem Street and for DPW to have the ability to regrade or remove built up sediment, if necessary, shall be finalized and executed by the Owner. The Owner shall provide the fully executed drain easement in a form approved by Town Counsel.
32. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
33. Prior to the issuance of Occupancy, As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
34. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of a Certificate of Occupancy. In the event that winter season conditions prohibit final landscaping and/or finish paving course from being installed prior to occupancy, the Applicant may post a bond, in a form and amount acceptable to the Director of Planning & Conservation and Town Engineer, covering the cost of completion. This will be considered on a case-by-case basis. The Applicant must have received all other required Department signoffs on Occupancy prior to eligibility.

POST CONSTRUCTION:

35. Within six months of Occupancy, traffic counts at the proposed site driveways and at the critical intersections along Salem Street (Woburn Street and I-93), shall be submitted to the Department of Planning & Conservation and DPW to confirm the actual traffic generated by the site and its impact on the adjacent roadway system.
36. The Owner shall execute the Transportation Demand Management (TDM) program as described in the Vanasse & Associates TIA report dated September 2022.
37. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Project site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed, and enclosures locked.
38. Dumpster service shall only occur during business hours.
39. The Owner shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
40. The Owner shall use good housekeeping practices as outlined in the Operation and Maintenance Plan to maintain the site and keep it in good working condition. The Owner shall provide copies of completed maintenance and inspection logs for the construction period and copies of logs of the long-term pollution prevention plan to the Department of Planning & Conservation.
41. The Project shall be operated in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project shall be the Owner's responsibility. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.

42. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
43. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plane entitled "Plans to Accompany Permit Documents for Warehouse Facility, 800 Salem Street, Wilmington, Massachusetts", dated October 6, 2022, last revised March 28, 2023, prepared by Todd P. Morey, P.E., Beals Associates Inc., 2 Park Plaza Suite 200, Boston, MA 02116 and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Said property is located at 800 Salem Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 24.

Upon motion duly made and seconded it was unanimously

VOTED: To issue the Stormwater Management Permit #22-16 as follows:

ISSUED for Property located at 800 Salem Street, Wilmington, Massachusetts (Map R1 Parcel 24)

Case No.: Stormwater Management Permit #22-16

Applicant: David Wilkinson, WCV-800 Salem LLC, 1 International Plans, Suite 1440, Boston, MA 02110

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and Plan entitled "Plans to Accompany Permit Documents for Warehouse Facility, 800 Salem Street, Wilmington, Massachusetts", dated October 6, 2022, last revised January 20, 2023, prepared by Todd P. Morey, P.E., Beals Associates Inc., 2 Park Plaza Suite 200, Boston, MA 02116 and Steven M. Horsfall, P.L.S., Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Said property is located at 800 Salem Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 24, material originally submitted on October 7, 2022, subject to the following conditions:

MATERIALS:

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

"Site Plan Review & Special Permit" dated October 6, 2022, prepared by Beals Associates, Inc.

"Operation & Maintenance Control Plan" dated October 6, 2022, last revised January 20, 2023, prepared by Beals Associates, Inc.

"Stormwater Management Report" dated October 2022, last revised December 2022, prepared by Beals Associates, Inc.

"Transportation Impact Assessment" dated September 2022, prepared by Jeffrey S. Dirk, P.E., PTOE, FITE, Vanasse & Associates, Inc.

Response Letter dated December 20, 2022, prepared by Vanasse & Associates, Inc.

Review Letter dated December 2, 2022, prepared by TEC.

Review Letter dated January 9, 2023, prepared by TEC.

STANDARD CONDITIONS

1. Waivers granted: None
2. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
3. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
4. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
5. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
6. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on June 2, 2020.

SPECIAL CONDITIONS

1. A Stormwater Pollution Prevention Plan shall be submitted prior to any land disturbing activity at the site.
2. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
3. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
4. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
5. The Stormwater Management System Operations and Maintenance (O&M) Manual, and Long-Term Pollution Prevention Plan (LTPPP) shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

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

PRESENT IN INTEREST: Robert G. Peterson, Sr., Esq.
Hamid Jafari, Reading Municipal Light Department

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

Attorney R. Peterson, Sr. told the Board all the issues raised by Planning, Fire and Engineering have been addressed. He talked about the memo he received from Deputy Chief Pozzi prior to the February hearing. He said the fire hydrant on the site needed to be relocated and that was done. He said they relocated the fence as suggested. Deputy Chief Pozzi had a question about the access and egress because the driveway is one way. Attorney Peterson said it can only be one way because of the elevation of the site. He said they used the wrong template for the ladder trucks so that was corrected when they were given the right template from the Town Engineer. He said the Deputy Chief is satisfied. V. Gingrich called attention to conditions #10. "The Applicant shall provide a structural design stamped and sealed by a structural engineer, licensed in the State of Massachusetts, for proposed retaining walls exceeding the height requirements prescribed by the current edition of the Massachusetts Building Code." and #11. "The Applicant shall submit CCTV [video] of the existing sewer line to the connection in Ballardvale Street to the Department of Public Works to confirm the condition of the pipe and identify any repairs (if necessary). All necessary repairs shall be constructed by the Applicant prior to occupancy of the building." They need to be done before construction. She said the Parking Special Permit is being approved as well.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #22-24 and Stormwater Management Permit #22-18 and Parking Relief Special Permit #22-04 for 326 Ballardvale Street.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #22-24 for 326 Ballardvale Street as shown on plan entitled "Site Development Plans for Public Utility Development, 326 Ballardvale Street, Wilmington, MA"; dated October 6, 2022, last revised March 15, 2023, prepared by Timothy J. Williams, P.E., and Norman I. Lipsitz, P.L.S., Allen & Major Associates, Inc., 100 Commercial Way Suite 5, Woburn, MA 01801-8501. Said property is located at 326 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R3 Parcel 25A.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on November 1, 2022 and closing on April 4, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Robert G. Peterson, Sr., under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan

Review Rules and Regulations, to consider a new 10,000 square foot storage building and a high voltage electrical substation, as shown on plan entitled "Site Development Plans for Public Utility Development, 326 Ballardvale Street, Wilmington, MA"; dated October 6, 2022, last revised March 15, 2023, prepared by Timothy J. Williams, P.E., and Norman I. Lipsitz, P.L.S., Allen & Major Associates, Inc., 100 Commercial Way Suite 5, Woburn, MA 01801-8501, submitted on October 7, 2022, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

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

Description

"Drainage Report" dated October 6, 2022, last revised December 23, 2022, prepared by Allen & Major Associates, Inc.

Response to Comment Letter dated December 23, 2022, January 26, 2023, February 21, 2023, and March 15, 2023, prepared by Timothy J. Williams, P.E.

FINDINGS:

1. The Project site is shown on Map R3 Parcel 25A on the Site Plan.
2. The proposed Project includes site work for a new 10,000 square foot building and a high voltage electrical substation. The parking relief approval is for the allowance of no striped parking spaces.
3. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Planning Board determined that in accordance with Section 6.4.3.2, the reduction in parking spaces can be granted without substantial detriment to the neighborhood.
5. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
6. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

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

GENERAL:

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Special Permit granted for Parking Relief for 326 Ballardvale Street shall be valid for the proposed use only. Any change in use shall meet the parking requirements or apply for a Special Permit.

3. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
4. If no substantial construction has commenced within two (2) years of a Site Plan and Special Permit approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
5. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
6. All provisions of the Wilmington Zoning Bylaw pertaining to parking (Section 6.4) shall be met unless an exception is specifically provided in this decision.
7. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
8. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

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

PRIOR TO THE START OF CONSTRUCTION:

10. The Applicant shall provide a structural design stamped and sealed by a structural engineer, licensed in the State of Massachusetts, for proposed retaining walls exceeding the height requirements prescribed by the current edition of the Massachusetts Building Code.
11. The Applicant shall submit CCTV [video] of the existing sewer line to the connection in Ballardvale Street to the Department of Public Works to confirm the condition of the pipe and identify any repairs (if necessary). All necessary repairs shall be constructed by the Applicant prior to occupancy of the building.
12. Water and Sewer Commission approval for the private utility easements shown on the plan shall be obtained.
13. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction meeting.
14. At the time of the pre-construction meeting, the Applicant shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
15. The Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
16. Erosion controls shall be installed around all areas of work as a limit of disturbance and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
17. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

DURING CONSTRUCTION:

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

PRIOR TO USE OF THE SITE/OCCUPANCY:

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

POST CONSTRUCTION:

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

Upon motion duly made and seconded it was unanimously

VOTED: To issue Stormwater Management Permit #22-18 for 326 Ballardvale Street as follows:

ISSUED for Property located at 326 Ballardvale Street, Wilmington, Massachusetts (Map R3 Parcel 25A)

Case No.: Stormwater Management Permit #22-18

Applicant: Robert G. Peterson, Sr., Esq., 314 Main Street, Wilmington, MA 01887

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Site Development Plans for Public Utility Development, 326 Ballardvale Street, Wilmington, MA"; dated October 6, 2022, last revised March 15, 2023, prepared by Timothy J. Williams, P.E., and Norman I. Lipsitz, P.L.S., Allen & Major Associates, Inc., 100 Commercial Way Suite 5, Woburn, MA 01801-8501. Said property is located at 326 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R3 Parcel 25A, material originally submitted on October 7, 2022, subject to the following conditions:

MATERIALS:

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

Description

"Drainage Report" dated October 6, 2022, last revised December 23, 2022, prepared by Allen & Major Associates, Inc.

Response to Comment Letter dated December 23, 2022, January 26, 2023, February 21, 2023, and March 15, 2023, prepared by Timothy J. Williams, P.E.

STANDARD CONDITIONS

7. Waivers granted: None
8. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
9. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
10. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
11. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
12. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the

Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on June 2, 2020.

SPECIAL CONDITIONS

4. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
5. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
6. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
4. The Stormwater Management Operation and Maintenance (O&M) Plan shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy and/or use of the site.

Continued 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

TOWER DRAWINGS dated July 29, 1999

GEOTECHNICAL INVESTATION REPORT dated November 14, 2019

STRUCTURAL ANALYSIS REPORT dated November 20, 2019

STRUCTURAL ANALYSIS REPORT dated August 23, 2022

MOUNT ANALYSIS REPORT from Fullerton dated May 20, 2022

OPINION LETTER from B&T Group dated April 4, 2023

OPINION LETTER from B&T Group dated April 5, 2023

K. Cottone Robinson told the Board the reason for this continued hearing is because it is a response to the peer review. She said in the morning she had a discussion with B&T in response to the TEC peer review. She submitted a letter regarding the response to the peer review. She reviewed the letter from B&T Group and read each response. She said with respect to the top level, that is a different carrier and she is not privy to the information. Item #5 K. Cottone Robinson told the Board there was a carrier at the top when TEC went out there is nothing because they were doing some modifications so there appears there is no top carrier. T. Boland asked why the plans don't reflect the project and K. Cottone Robinson said structural analysis reflects the work. She said other carriers are at different timelines for their own projects. She said when this was reviewed it was at a lesser load. T. Boland said the AT & T design was done load was done and at the time there were three levels of antennas. When the peer reviewer went out there were only two levels. He asked if the top level would be going back now and K. Cottone Robinson said she had no idea because every carrier keeps their own plan. T. Boland asked if there is another set of documents for the tower with construction going on. He asked what was the work in progress that TEC witnessed and K. Cottone Robinson said she isn't told what other carries are doing. T. Boland said it's not whether or not it will pass. The issue is whether the

documentation presented is correct or not. K. Cottone Robinson argued that even if she gets everything revised, by the time they get to build another carrier will be up on the tower. T. Boland said at that point he would ask that person to make sure they had AT&T information. K. Cottone Robinson stated that AT&T is not going anywhere. T. Boland suggested everything be revised to reflect what is existing there. V. Gingrich said she would like the B&T group to sign and stamp their letter and provided an electronic version for the Board. She suggested that TEC have time to review everything. K. Cottone Robinson asked if there was anything she could address and T. Boland said no. P. Moser asked if there was a response saying the previous tower updates had been to the Town's satisfaction and V. Gingrich said it was not. She said TEC did a visual inspection of the tower and they commented but the Board has not received the letter they requested. P. Moser said it would be helpful to receive information from the owner as to what is taking place on the tower. K. Cottone Robinson said the carrier has vacated and the mounting pipes are still on the tower. She said new carriers can come along and use them or replace them. She said there is another carrier interested and the carrier and K2 are figuring out a leasing strategy.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to May 31, 2023 for Site Plan Review #23-07 for 773 Salem Street.

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 May 2, 2023 at 8:10 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 28, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to May 31, 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 May 2, 2023 at 8:15 in the Town Hall Auditorium.

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

PRESENT IN INTEREST: Devin Howe, Beals Associates

MATERIALS CONSIDERED:

None

D. Howe told the Board he has no new materials to present. He said he received the two decisions, and they are satisfied with the decisions. There were no questions from the Board or audience. V. Gingrich told the Board the decisions were mirrored on the previously approved decisions for this project.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #23-06 and Ground Water Projection District (GWPD) Section 6.6.7.7 Special Permit #23-01 for 30 Upton Drive as shown on plan entitled “Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington Massachusetts”, dated January 5, 2022, last revised January 12, 2023, prepared by Todd P. Morey, PE, Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #23-06 and Ground Water Projection District (GWPD) Section 6.6.7.7 Special Permit #23-01 for 30 Upton Drive as shown on plan entitled “Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington Massachusetts”, dated January 5, 2022, last revised January 12, 2023, prepared by Todd P. Morey, PE, Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772. Said property is located at 30 Upton Drive, Wilmington, MA 01887 and shown on Assessor’s Map R1 Parcel 18H.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on February 7, 2023, and closing on April 4, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Stephen Albano, under the provisions of Section 6.6.8.1, Section 6.6.7.7, and Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board’s Site Plan Review Rules and Regulations, to consider the construction of a 42,161 sq. ft. warehouse with associated parking and stormwater management, as shown on plan entitled “Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington Massachusetts”, dated January 5, 2022, last revised January 12, 2023, prepared by Todd P. Morey, PE, Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772, submitted on January 13, 2023, (the “Site Plan”) (the “Project”), do hereby vote to APPROVE the Site Plan and the Project and GRANT the Special Permit, subject to the Findings and Conditions below.

MATERIALS:

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

Description

“Site Plan Review Amendment” dated January 2023, prepared by Beals Associates, Inc.

“Stormwater Management Permit” dated January 5, 2022, last revised January 12, 2023, prepared by Beals Associates, Inc.

Response to Comment Letter dated February 7, 2023, prepared by Beals Associates, Inc.

FINDINGS:

1. The Project site is shown on Map R1 Parcel 18H on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board’s determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board’s Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board’s Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.
5. The Project is an amendment to the previously issued approvals for Site Plan Review #22-02 and Ground Water Protection District Special Permit #22-04 and includes a decrease in the size of the proposed warehouse and number of proposed loading docks.
6. The proposed project renders the site more than 15% impervious at 49.3%.
7. Infiltration is provided on-site to meet the requirements of Section 6.6.7.7 of the Wilmington Zoning Bylaw.

CONDITIONS:

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

GENERAL:

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will

- be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
 5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
 6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.
 7. This Special Permit for GWPD Section 6.6.7.7 of the Zoning Bylaws allows 49.3% impervious surface at 30 Upton Drive and shall be valid for this warehouse use only.

PRIOR TO ENDORSEMENT:

8. The plans shall be revised to include stormwater pretreatment as shown in the Response to Comment Letter dated February 7, 2023, prepared by Beals Associates, Inc.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

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

PRIOR TO THE START OF CONSTRUCTION:

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

DURING CONSTRUCTION:

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

PRIOR TO OCCUPANCY:

18. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
19. The Applicant shall install a toxic gas monitoring system inside the proposed warehouse.
20. The Applicant shall approach MassDOT to implement time-of-day plans with the newly implemented traffic control signal at the intersection of Route 125 / Andover Street.
21. Improvements at the Andover Street / Upton Drive intersection shall be completed if the improvements have not already been constructed or construction has not yet begun as part of the 36 & 38 Upton Drive development.
22. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
23. Prior to the issuance of a Certificate of Occupancy, As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
24. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of a Certificate of Occupancy. In the event that winter season conditions prohibit final landscaping and/or finish paving course from being installed prior to occupancy, the Applicant may post a bond, in a form and amount acceptable to the Director of Planning & Conservation and Town Engineer, covering the cost of completion. This will be considered on a case-by-case basis. The Applicant must have received all other required Department signoffs on Occupancy prior to eligibility.

POST CONSTRUCTION:

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

Upon motion duly made and seconded it was unanimously

VOTED: To issue Stormwater Management Permit #23-05 for 30 Upton Drive as follows:

ISSUED for Property located at 30 Upton Drive, Wilmington, MA (Map R1 Parcel 18H)

Case No.: Stormwater Management Permit #23-05

Applicant: Stephen Albano, Stephen A & Jean E Albano Trust, c/o Albano Realty Trust, 79 Chestnut Hill Road, Amherst, NH 03031

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington, Massachusetts"; dated January 5, 2022, last revised January 12, 2023, prepared by Todd P. Morey, P.E., Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772. Said property is located at 30 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18H, material originally submitted on January 13, 2023, subject to the following conditions:

MATERIALS:

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

Description

"Site Plan Review Amendment" prepared by Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, dated January 2023.

"Stormwater Management Report" prepared by Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, dated January 5, 2022, last revised January 12, 2023.

Response to Comment Letter dated February 7, 2023, prepared by Beals Associates, Inc.

STANDARD CONDITIONS

1. Waivers granted: None
2. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
3. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
4. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
5. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
6. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the

Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on June 2, 2020.

SPECIAL CONDITIONS

1. Prior to endorsement, the plans shall be revised to include stormwater pretreatment as shown in the Response to Comment Letter dated February 7, 2023, prepared by Beals Associates, Inc.
2. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
3. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
4. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
5. The Stormwater Management Operation and Maintenance (O&M) Plan shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

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

PRESENT IN INTEREST: Doug Lees, Land Engineering and Environmental Services
David Roche, Procopio Companies

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

D. Roache told the Board he prepared a presentation but there is really no change from the previous meeting. He said they are affirming the interior layout of the parking garage, adding structural elements that has rearranged the elevator and ADA parking. He said they adjusted the façade from a dark gray to a more color schemed. The site plan had some adjustment to the landscaping. The trees are the same as what is on file with the 2019 plan. The residential building is Building C which is 50 apartment buildings which will be build as soon as they receive their permit. He said there is a standalone building for a bank with a drive-thru and another 3-story mixed-use building. He said they intend to come back to the Board with proposed changes to the commercial building. He said they will not be able to get an occupancy permit on the residential units until they apply for the other building permits. pull permits for the other two. T. Boland asked if both buildings, bank and mixed-use will change. D. Roache said the bank building will change somewhat but they are still working with potential tenants, so they are not sure about the changes, but it will all be within the same vicinity. There were no questions from the Board or audience. V. Gingrich said this was similar to the first decision, but she worked in

that they need to complete all the work associated with the residential building and prior to an occupancy permit the applicant will obtain a building permit and construction of those buildings shall have begun.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #23-02 and Multi-Family Special Permit #23-01 for 203 Lowell Street.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Multi-Family Special Permit #23-01 and Site Plan Review #23-02 for 203 Lowell Street, as shown on plan entitled "Wilmington Residential Special Permit Amendment, 203 Lowell Street, Wilmington, MA 01887", dated January 10, 2023 and last revised March 22, 2023, prepared by Douglas E. Lees, P.E., P.L.S., Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsboro, MA 01879, Michael D'Angelo, R.L.A., MDLA, 840 Summer Street, Suite 201A, Boston, MA 02127, and Alberto Cabre, R.A., Joe The Architect, LLC, 343 Medford Street, Suite 4C, Somerville, MA 02145. Said property is located at 203 Lowell Street, Wilmington, MA 01887 and shown on Assessor's Map 48 Parcel 73. Approval is as follows:

A public hearing was advertised and held on February 7, 2023 at 9:15 p.m. at Town Hall, 121 Glen Road, Wilmington. The public hearing was continued to March 7, 2023, and April 4, 2023.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on February 7, 2023 and closing on April 4, 2023, by a motion duly made and seconded, it was voted:

"We the Wilmington Planning Board, as requested by 203 Lowell St Owner LLC, under the provisions of Section 3.8.15 and Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Special Permit Rules and Regulations and Site Plan Review Rules and Regulations, to consider the contemplated mixed-use site plan development including a 3,100 square foot bank, a 23,788 square foot retail/office building with retail on the first floor and office on the second and third floors, and 50 residential units for property addressed 203 Lowell Street (Assessor's Map 48 Parcel 73), as shown on the plan entitled "Wilmington Residential Special Permit Amendment, 203 Lowell Street, Wilmington, MA 01887", dated January 10, 2023 and last revised March 22, 2023, prepared by Douglas E. Lees, P.E., P.L.S., Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsboro, MA 01879, Michael D'Angelo, R.L.A., MDLA, 840 Summer Street, Suite 201A, Boston, MA 02127, and Alberto Cabre, R.A., Joe The Architect, LLC, 343 Medford Street, Suite 4C, Somerville, MA 02145, (the "Plan") (the "Project"), do hereby vote to **APPROVE** the Special Permit Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

The following materials in addition to the Site Plan referenced above are made part of this Decision:

Description

Retail/Office Building Floor Plans and Elevations dated September 28, 2019
Bank Building Floor Plans and Elevations dated September 4, 2019

Transportation Impact Assessment dated May 2019 and the Response to Traffic Engineering Peer Review letter from Vanasse & Associates, Inc. dated August 2, 2019 Stormwater Report, prepared by Land Engineering & Environmental Services, Inc., dated October 18, 2018; March 18, 2019; April 23, 2019; and last revised July 22, 2019. Response to Comment Letter dated February 16, 2023, prepared by David Roache, The Procopio Companies

PROCEDURAL HISTORY

4. The original Multi-Family Special Permit #18-02 and Site Plan Review #18-16 decision was issued on November 8, 2019 following a public hearing with the Planning Board that opened on November 13, 2018 and closed on October 1, 2019.
5. An application to amend Multi-Family Special Permit #18-02 and Site Plan Review #18-16 to construct a mixed-use development including multi-family residential units pursuant to Section 3.8.15 of the Wilmington Zoning Bylaws was made by the above-referenced owners and applicant and filed with the Planning Board on January 13, 2023.
6. A public hearing was held on February 7, 2023, March 7, 2023 and closed on April 4, 2023.
7. The plans and other submission material were reviewed by the Planning Board and the departments represented in the Community Development Technical Review. 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.

FINDINGS

1. The Project site is shown on Map 48 Parcel 73 and contains a 3,100 square foot bank building, a 23,788 square foot retail/office building with retail on the first floor and office on the second and third floors, and a 50-unit three-story multi-family building.
2. The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw and complies with the requirements of the Bylaw.
3. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards and guidelines of Section 6.5 and Section 3.8.15 of the Wilmington Zoning Bylaws and the Board's Special Permit Rules and Regulations.
4. The Site Plan and ancillary materials submitted by the Applicant comply with the provisions, requirements, standards and guidelines of Section 6.5 and Section 3.8.15 of the Wilmington Zoning Bylaws and the Board's Special Permit Rules and Regulations.
5. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.
6. No signage is approved with this decision.
7. The project may be phased to allow for occupancy of each building separately as detailed in the conditions that follow.

AMENDMENTS TO PLANS AND DECISION ISSUED NOVEMBER 8, 2019

Amendments to the project included phasing the occupancy of the three buildings with safeguards to ensure that all components of the mixed-use development are constructed. The footprint, garage parking layout and elevations of the residential building have been revised. Landscaping has also been revised.

AMENDED DECISION

In view of the foregoing, the Planning Board hereby decides that the aforesaid property is a proper parcel to be developed under Section 3.8.15 and Section 6.5 of the Wilmington Zoning Bylaws. It is therefore decided to grant a Special Permit for the development of a 3,100 square foot bank building, a 23,788 square foot retail/office building with retail on the first floor and office on the second and third floors, and fifty (50) residential units in accordance with the Site Plan entitled: "Wilmington Residential Special Permit Amendment, 203 Lowell Street, Wilmington, MA 01887", dated January 10, 2023 and last revised March 22, 2023, prepared by Douglas E. Lees, P.E., P.L.S., Michael D'Angelo, R.L.A., MDLA, Suite 201A, and Alberto Cabre, R.A., and the terms and conditions stated below. The following shall be required at the Applicant's sole expense, unless otherwise noted:

1. The Project shall be constructed and operated in accordance with the approved Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
4. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
5. 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 under this Special Permit shall be fifty (50).
 - b The tract of land on which the structures are to be located shall not be altered or used except
 - i as granted by this Special Permit;
 - ii as shown on the Site Plan entitled: "Wilmington Residential Special Permit Amendment, 203 Lowell Street, Wilmington, MA 01887", dated January 10, 2023 and last revised March 22, 2023, prepared by Douglas E. Lees, P.E., P.L.S., Michael D'Angelo, R.L.A., MDLA, and Alberto Cabre, R.A., as referenced above; and
 - iii as in accordance with subsequent amendments to the Special Permit.
 - c The entire tract of land, or any portion thereof, and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit. If applicant petitions for amendment to this Special Permit, he must submit all plans and information to the change as required by applicable rules.
6. If no substantial construction has commenced within two (2) years of approval, approval shall lapse and a new application, fees and a public hearing shall be required.
7. Any substantial changes to the Site Plan shall be subject to the Special Permit review process. Minor field adjustments may be allowed with review and approval of the Director of Planning & Conservation.
8. Within five (5) days of transfer of ownership of the property, the Planning Board shall be notified in writing of the new property owner's name and addresses.
9. Maintenance of the premises, including but not limited to roadway maintenance and repair, snow plowing and removal, landscaping, trash removal/recycling, and any other amenities associated with the Project shall remain the responsibility of the Owner.
10. The Project's stormwater management system shall be inspected, operated, and maintained in accordance with the Operation and Maintenance Plan. The operation, maintenance,

repair, and replacement of all drainage structures constructed pursuant to the project shall be the Owner's responsibility.

11. All domestic water mains and services constructed for the project on the project site shall meet the requirements of the Town's Water and Sewer Division and shall remain private. The operation, maintenance, repair, and replacement of all water pipes, mains, fittings, and appurtenances on the property shall be the owner's responsibility.
12. All landscaping, fencing, and lighting shall be maintained by the Owner for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
13. The site shall be maintained in a clean and tidy condition, clear of debris and trash. Dumpsters shall remain closed and enclosures locked.
14. Deliveries to the commercial buildings shall be made only during non-business hours.
15. Transportation Demand Measures (TDM) shall be implemented as described in the Transportation Impact Assessment dated May 2019 and the Response to Traffic Engineering Peer Review letter from Vanasse & Associates, Inc. dated August 2, 2019, which are attached hereto and incorporated herein by reference.
16. The Owner shall maintain the required sight distance triangle areas at the site entrances as noted on the approved plans.
17. Snow shall be stored in designated areas only. Any snow exceeding on-site capacity shall be removed from the site within five (5) days of a snow event. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.

PRIOR TO ENDORSEMENT:

18. Prior to endorsement, these conditions of approval of the Special Permit shall be listed on the cover page of the Site Plan set.
19. Following the 20-day appeal period, the Planning Board will sign the plans, which shall be recorded the Middlesex North Registry of Deeds.
20. Prior to endorsement, but no later than January 1, 2020, the Owner has agreed to and shall provide a fully executed permanent twelve (12) foot wide easement, in a form approved by Town Counsel, along the length of the Project's Lowell Street frontage to the Town of Wilmington for all purposes for which a public way may be used, including to facilitate planned roadway improvements. The Owner has agreed to work cooperatively with the Town in facilitating planned transportation improvements at the intersection of Lowell Street and Woburn Street.
21. Prior to endorsement but no later than January 1, 2020, the Owner has agreed to provide a fully executed easement along the Project's Lowell Street frontage to Reading Municipal Light Department and Verizon for relocation of utility poles for the planned roadway improvements.

PRIOR TO ISSUANCE OF BUILDING PERMIT:

22. The Wilmington Fire Department shall review and approve all building plans.
23. Condominium documents, if applicable, shall be submitted for review prior to the issuance of the first building permit. The documents shall include details regarding maintenance (i.e., refuse pick-up, upkeep, snow plowing) and the stormwater management Operation and Maintenance Plan.
24. The Owner shall provide a fully executed drain easement, in a form approved by Town Counsel, along the Project's Woburn Street frontage to the Town for perpetual operation and maintenance of the existing twenty-four (24) inch drain line.

PRIOR TO START OF CONSTRUCTION/DURING CONSTRUCTION:

25. At least one (1) week prior to the start of work, a pre-construction conference shall be scheduled with the Department of Planning & Conservation and Engineering Division to review the construction schedule, permitted drawings, and permit conditions.
26. At the time of the pre-construction conference, the developer will be required to submit a schedule of work, project contacts, soil erosion and sedimentation control plan, information on plans for stockpiling of earth materials and/or any plans for hauling of earth materials (if approved under the Earth Removal Bylaw) for review by the Department of Planning & Conservation and Engineering Division.
27. At the time of the pre-construction conference, the developer shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
28. Prior to the start of construction, if applicable, the Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
29. Prior to construction, the applicant shall install erosion controls to be inspected by the Department of Planning & Conservation and Engineering Division at least two (2) business days prior to the start of construction.
30. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of construction.
31. During construction work will not start before 7:00 a.m. and will be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment will not be started before 7:00 a.m.
32. The Applicant shall maintain the construction entrance in an appropriate manner throughout the course of construction to prevent sediment from accumulating in Lowell Street and Woburn Street. Street sweeping and replacement of the stones for the construction entrance may be needed from time to time throughout the phases of construction. The Applicant will be responsible for immediate removal of any sediment tracked onto Lowell Street and Woburn Street during the course of construction, as directed by Town staff.
33. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to backfilling any proposed underground stormwater management system, sewer, water, or installation of any other critical design components.

PRIOR TO ISSUANCE OF OCCUPANCY:

34. The Applicant has agreed to and shall provide a fair share traffic mitigation contribution to the Lowell Street Corridor in the amount of \$49,000 prior to issuance of the first Certificate of Occupancy.
35. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall perform a radio signal strength survey at each facility to ensure proper Emergency Responder Radio Coverage.
36. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall submit a progress as-built plan for the project. All site work within Area 1 shall be completed prior to occupancy of the residential building. All site work within Area 2 and Area 3 shall be completed prior to occupancy of either the bank building or retail/office building, whichever is first.
37. Prior to the issuance of the first Certificate of Occupancy, all stormwater management systems for all phases of the project shall be completed and the Project Engineer shall confirm that the systems were constructed in accordance with the approved design. The progress as-built plan shall include all systems with a table of as-built storage volumes and

as-built outlet control structure schedule(s). The progress as-built shall be certified by a Professional Engineer and/or Professional Land Surveyor.

38. Prior to issuance of the first Certificate of Occupancy, a construction management and interim traffic control plan shall be submitted to the Department of Planning & Conservation for review and approval.
39. Prior to the issuance of the first Certificate of Occupancy, the Operation and Maintenance Plan shall be recorded.
40. Prior to the issuance of the first Certificate of Occupancy, binder pavement shall be installed throughout all phases.
41. To ensure the project is constructed as a mixed-use development, prior to issuance of a Certificate of Occupancy for the residential building, the applicant has agreed that a building permit for the retail/office building and bank building shall be obtained and construction of those buildings shall have begun.
42. Prior to the issuance of the last Certificate of Occupancy for the property, final As-Built Plans for the project, in form(s) and format(s) acceptable to the Town Engineer, shall be submitted to the Engineering Division and Department of Planning & Conservation. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of the last Certificate of Occupancy. In the event that winter season conditions prohibit final landscaping and/or finish paving course from being installed prior to tenant occupancy, the Applicant may post a bond, in a form and amount acceptable to the Director of Planning & Conservation and Town Engineer, covering the cost of completion. This will be considered on a case-by-case basis. The Applicant must have received all other required Department sign-offs on Occupancy prior to eligibility.

**Public Hearing - Site Plan Review #23-08 and Stormwater Management Permit #23-06
100-110 Fordham Road - Map 91 Parcel 121 – Fordham Park LLC, Applicant**

A request to continue the public hearing was received.

MATERIALS CONSIDERED:

PLAN "100-110 Fordham Road, Amended Site Plan", dated March 6, 2023

PLANNING REVIEW LETTER dated March 31, 2023

E-MAIL from Jill Elmstrom Mann dated March 31, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-08 and Stormwater Management Permit #23-06 for 100-110 Fordham Road to May 2, 2023 at 8:20 p.m. in the Town Hall Auditorium.

Board of Appeals

At its meeting on April 4, 2023, the Planning Board (Board) voted to recommend as follows:

Case 7-23: 1 Pond Street – Map 34 Parcel 151

J. Wierzbicki told the Board it is requesting to extend the existing nonconforming single-family dwelling. They are looking to build a 2-story addition. It is 7.6' from the side currently in a R10 zone where 15' is required for side yard setback.

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

VOTED: To recommend disapproval. The proposed addition increases the existing nonconforming dwelling. It is recommended that the applicant revisit the proposed layout to decrease the proposed nonconformity.

Old Business

**Board of Appeals Case 4-23 for 79 Nichols Street – Map 35 Parcel 29
Golden Realty Trust, Applicant**

V. Gingrich said this is going to remain on the agenda in order to provide updates regarding the Zoning Board of Appeals. She said a proposal from TEC was received which was forwarded to the applicant for the peer review of the project. That peer review will begin once funds are received.

New Business

**Request to establish surety for Tobin Drive – Map 16 Parcel 22A – Definitive Subdivision #22-02
Khalib Khan, Applicant**

PRESENT IN INTEREST – Khalib Khan

MATERIALS CONSIDERED:

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

FORMS H&K

LETTER from Andy Pojasek dated April 3, 2023

V. Gingrich said the plans were submitted and they are here for signature. She said as part of this process surety has to be established for the roadway work. She said the applicant submitted a covenant to secure the ways. She said the lot is held until the road is at binder at which point the lot can be released. P. Moser asked what is meant by holding a lot and if it meant the road needs to meet a certain standard before the Board releases the lot. V. Gingrich said the lot is held in the covenant until the road is at binder. She said once there is an approved septic then the Board can release the lot for the building permit.

Upon motion duly made and seconded it was unanimously

VOTED: To establish surety for 6 Tobin Drive Definitive Subdivision #22-02.

**Request to endorse plan for Tobin Drive – Map 16 Parcel 22A – Definitive Subdivision #22-02
Khalib Khan, Applicant**

PRESENT IN INTEREST – Khalib Khan

MATERIALS CONSIDERED:

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

FORMS H&K

LETTER from Andy Pojasek dated April 4, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan for 6 Tobin Drive Definitive Subdivision #22-02 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.

**Site Plan Review Waiver Request #23-04 for 2 Lowell Street, unit 6A – Map 41 Parcel 137A
Charles Ashland LLC, Applicant**

PRESENT IN INTEREST: Michael Graney, Charles Ashland LLC

MATERIALS CONSIDERED:

FLOOR PLAN received March 24, 2023

LETTER from Joseph Langone dated March 23, 2023

LETTER from Michael Graney dated March 23, 2023

M. Graney told the Board they are looking to take over the proposed space as they are under the impression it is zoned for their use. V. Gingrich said the parking requirements are the same from the previous use to this use. T. Boland said there shouldn't be any issue with signage. The Board had no questions and there were no questions from the audience.

Upon motion duly made and seconded it was

VOTED: To approve the request to waive Site Plan Review for the change of use from Fitness Use to Golf Simulator (Amusement Facility).

**Site Plan Review Waiver Request #23-05 for 625 Main Street – Map 40 Parcel 2A
Mike Capistran Athletics LLC, Applicant**

PRESENT IN INTEREST: Mike Newhouse, Esq.
Mike Capistran

MATERIALS CONSIDERED:

FLOOR PLAN dated October 13, 2022

LETTER from Joseph Langone dated March 23, 2023

LETTER from Attorney Michael Newhouse dated March 27, 2023

Attorney M. Newhouse introduced M. Capistran as the applicant and Principal of Mike Capistran Athletics. He is requesting the Board waive Site Plan Review for a property at 625 Main Street. He said this use would require the same parking per square foot. He said when this was initially approved it identified a future tenant. T. Boland asked what occupies the building now and V. Gingrich said it is the granite place and this would be the front left corner. T. Boland asked if there is anything occupying that space and M. Newhouse said the space is open and empty. The Board had no further questions.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the request to waive Site Plan Review for the change of use in the front portion of the existing building from Retail to Trade School (Fitness).

**Request to release building lot 17 (Assessor's Map 10 Parcel 6 for 47 Hopkins Street)
Highland Estates Definitive Subdivision #19-02 - James Castellano, Applicant**

MATERIALS CONSIDERED:

PLAN "Wilmington Crossing" dated August 23, 2022

NARRATIVE dated February 20, 2023

V. Gingrich said there is an approved septic plan and it is actually on Hopkins so the Board can release it.

Upon motion duly made and seconded it was unanimously

VOTED: To release lot 17 (Assessor's Map 10 Parcel 6 for 47 Hopkins Street). Surety in the amount of two hundred forty thousand, one hundred twenty-three dollars and zero cents (\$240,123.00) had previously been presented in the form of a Tri-Party Agreement. The executed Form J, Release of Lots in Exchange for Provision of Surety, is enclosed and must be recorded at the Registry of Deeds.

Discussion

Supreme Judicial Court's decision in the case of Barron v. Kolenda

V. Gingrich said this is just a FYI and on the agenda in case there are questions.

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

VOTED: To adjourn the meeting at 10.38 p.m.

NEXT PLANNING BOARD MEETING: May 2, 2023

Respectfully submitted,



Cheryl Licciardi
Recording Clerk

