



## TOWN of WILMINGTON

### DEPARTMENT OF PLANNING & CONSERVATION

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

#### Planning Board Minutes May 4, 2021

The Planning Board met on Tuesday May 4, 2021 at 7:30 p.m. via remote participation. The following members were present: Michael Sorrentino, Chair; Angela Marcolina, Sean Hennigan and Terence Boland. Valerie Gingrich, Director of Planning & Conservation, and Sierra Pelletier, Assistant Planner were also present. Randi Holland was absent.

M. Sorrentino read the Governor's statement as follows: Pursuant to Governor Baker's Orders Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A, §18, and imposing strict limitations on the number of people that may gather in one place, this meeting of the Wilmington Planning Board is being conducted via remote participation. **No in-person attendance of members of the public will be permitted**, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to participate in the meeting via Zoom can do so by going to this link:

<https://us02web.zoom.us/j/89301138323?pwd=K0FJc2ZiQUptRHMwe3pZS1B5QmlvUT09>

Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 893 0113 8323 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by following the steps previously noted then press \*9 on their telephone keypad or using the "raise hand" function on Zoom. This will notify the meeting host that the caller wishes to speak. In the event that despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able.

#### Minutes

There were no minutes to review.

#### Form A

**135 Wildwood Street – Map 63 Parcel 1 – “Plan of Land, 135 Wildwood Street, Wilmington, Massachusetts, (Middlesex County)” Carl Crupi, Applicant**

PRESENT IN INTEREST: Carl Crupi

#### MATERIALS CONSIDERED:

PLAN “Plan of Land, 135 Wildwood Street, Wilmington, Massachusetts (Middlesex County)”, dated March 29, 2021

C. Crupi told the Board he is subdividing the lot on Wildwood Street and proposing a 40,000 sq.ft. lot which is lot 2 leaving 125,000 sq.ft. for lot 1 which is 135 Wildwood Street. V. Gingrich said Planning and Engineering reviewed the plan and it meets all the requirements.

Upon motion duly made and seconded it was unanimously

RECEIVED  
TOWN CLERK  
JUN 15 AM 9:46  
WILMINGTON, MA

VOTED: To receive the ANR Plan and Application #21-05 for 135 Wildwood Street – Map 63 Parcel 1, “Plan of Land, 135 Wildwood Street, Wilmington, Massachusetts (Middlesex County)”

Upon motion duly made and seconded it was unanimously

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #21-05 for 135 Wildwood Street – Map 63 Parcel 1, “Plan of Land, 135 Wildwood Street, Wilmington, Massachusetts (Middlesex County)”

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled, “Plan of Land, 135 Wildwood Street, Wilmington, Massachusetts (Middlesex County)”, dated March 29, 2021.

**Matters of Appointment**

**Continued Public Hearing – Site Plan Review #21-01 and Stormwater Management Permit #21-01 for 687 Main Street - Map 39 Parcel 11A - Attorney John McKenna for U-Haul Real Estate Co., Applicant**

PRESENT IN INTEREST: John McKenna, Esq.

**MATERIALS CONSIDERED:**

PLAN “687 Main Street, Wilmington, Massachusetts” dated December 15, 2020  
STORMWATER DRAINAGE REPORT dated November 15, 2019 and last revised December 8, 2021  
PLANNING and CONSERVATION REVIEW LETTER dated January 29, 2021  
ENGINEERING AND FIRE DEPARTMENT MEMO dated January 28, 2021

Attorney J. McKenna told the Board this is a continuation to discuss the pavement that was done on the U-Haul site at 687 Main Street. He said they submitted a revised plan dated April 20, 2021 which shows less parking in the rear, infiltration and stormwater will be treated. The plan shows landscaping between parking spaces in the back where trucks are stored. He said there will be a strip of landscaping down the middle and the fire department suggested an area between the trucks so there is not one long line of trucks. Attorney J. McKenna said after several meetings with department heads they submitted a revised plan and received comments from the Planning Director. Attorney J. McKenna asked if the comments could be made a condition of approval. He said the Town Engineer had no further comments because they met all requirements. Attorney J. McKenna said U-Haul made an improvement to the site. V. Gingrich said the applicant needs to show parking count and ADA spaces to make sure they meet the requirements. Attorney J. McKenna asked if the meeting should be continued and they will submit revised plans so the Board can issue a decision at its next meeting.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to June 30, 2021 for Site Plan Review #21-01 and Stormwater Management Permit #21-01

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #21-01 and Stormwater Management Permit #21-01 for 687 Main Street to June 1, 2021 at 7:30 p.m.

**Public Hearing – Site Plan Review #21-04 and Stormwater Management Permit #21-04 for 26 Upton Drive - Map R1 Parcel 18G - Cellco Partnership d/b/a Verizon Wireless by Crown Castle USA Inc., Its agent, Applicant**

PRESENT IN INTEREST: Daniel Klasnick, Esq.

**MATERIALS CONSIDERED:**

PLAN "Verizon Site Number: 5063228, Verizon Fuze Project ID: 2571781, Verizon Location Code: 432596, Crown BU #: 875104, Wilmington 9 MA-B, 26 Upton Drive, Wilmington, MA 01887" dated December 23, 2020 and last revised April 19, 2021

STRUCTURAL ANALYSIS dated November 19, 2020

EXISTING SURFACE PHOTO received March 8, 2021

PLANNING REVIEW LETTER dated March 29, 2021

LETTER from Attorney Dan Klasnick dated April 20, 2021 responding to Planning Review letter  
ENGINEERING MEMO dated April 5, 2021

Attorney D. Klasnick told the Board Verizon is looking to collocate its equipment on the existing tower located on 26 Upton Drive. The property is zoned General Industrial and in the Ground Water Protection District. He said the area is an industrial park near Rte. 125. D. Klasnick said there is a 51' x 51' fenced area that includes the ground equipment of two existing wireless service providers and there is and an existing 114' monopole tower that contains the antennas of two other wireless service providers. He said Verizon's collocation will result in a negligible increase of impervious area and is consistent with the Federal Law regarding the installation on an existing telecommunications tower. Verizon will install a 10' x 20' concrete pad with a platform cover that will be contained in the fenced in area. Their equipment cabinets will be installed on the concrete pad. They will also install a new ice bridge which will accommodate the cabling. All the fiber and electrical will be underground within the fenced in area. There is an existing meter bank that will be attached to a telco box. He said they designed a stormwater system based on the Town Engineer's recommendations. A silt fence will be installed during construction. Verizon will install its antennas at 92'.

M. Sorrentino asked if that satisfactorily answered all questions. S. Hennigan asked if there is a limit on a number of communication networks that are allowed to be in one area. Attorney D. Klasnick said as long the tower can structurally support the antennas and the antennas are spaced 10' apart. He said the limitation is based upon the capacity of to support the antennas and the height of tower. S. Hennigan asked if there is interference between carriers and Attorney D. Klasnick said it is common to collocate. M. Sorrentino asked if there are any questions from the public. V. Gingrich said there are no questions.

Upon motion duly made and seconded it was unanimously

VOTED: To close the Public Hearing for Site Plan Review #21-04 and Stormwater Management Permit #21-04 for 26 Upton Drive.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #21-04 for 26 Upton Drive as shown on plan entitled, "Verizon Site Number: 5063228, Verizon Fuze Project ID: 2571781, Verizon Location Code: 432596, Crown BU #: 875104, Wilmington 9 MA-B, 26

Upton Drive, Wilmington, MA 01887, Existing 114'6" Monopole," dated December 23, 2020 and last revised April 19, 2021, prepared by Graham M. Andres, PE, Tower Engineering Professionals, 326 Tryon Road, Raleigh, NC 27603. Said property is located at 26 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18G.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closing on May 4, 2021, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Attorney Daniel Klasnick on behalf of Cellco Partnership d/b/a Verizon Wireless by Crown Castle USA Inc., its agent, 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 the contemplated site plan for the installation of six (6) antennas on a new platform mount and six (6) remote radio heads on an existing wireless communications facility tower, and construction of a 10'x20' concrete pad, equipment cabinets, and other appurtenances inside the existing fenced area, as shown on plan entitled, "Verizon Site Number: 5063228, Verizon Fuze Project ID: 2571781, Verizon Location Code: 432596, Crown BU #: 875104, Wilmington 9 MA-B, 26 Upton Drive, Wilmington, MA 01887, Existing 114'6" Monopole," dated December 23, 2020 and last revised April 19, 2021, prepared by Graham M. Andres, PE, Tower Engineering Professionals, 326 Tryon Road, Raleigh, NC 27603, submitted on March 11, 2021, (the "Site Plan") (the "Project"), do hereby vote to APPROVE the Site Plan and the Project, subject to the Findings and Conditions below.

#### MATERIALS:

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

Date submitted	Description
March 11, 2021	Letter from Daniel D. Klasnick, Duval & Klasnick LLC, dated March 10, 2021.
March 11, 2021	Structural Analysis Report, prepared by Truc Lac, PE, SE, Crown Castle, 2000 Corporate Drive, Canonsburg, PA, dated November 19, 2020.
March 11, 2021	Stormwater Letter, prepared by Martin L. Piercey, PE, Tower Engineering Professionals, Inc., 326 Tryon Road, Raleigh, NC 27603-5263, dated March 10, 2021 and last revised April 14, 2021.
March 11, 2021	Plan "12'6" Low Profile Platform with Twelve 2-7/8" Antenna Mounting Pipes, and Handrail", prepared by Site Pro 1, dated March 24, 2014 and last revised July 14, 2014.
March 17, 2021	Letter from Daniel D. Klasnick, Duval & Klasnick LLC, dated March 10, 2021.
March 17, 2021	Property Owner Letter of Authorization from Peter R. Crocker, 26 Upton Drive, LLC, dated March 10, 2021.

- March 31, 2021      Permission to Open the Public Hearing Beyond 30 Days, signed by Daniel D. Klasnick, received March 31, 2021.
- April 20, 2021      Letter & Response to Comments, prepared by Daniel D. Klasnick, Duval & Klasnick LLC, dated April 20, 2021.
- April 20, 2021      Plan "As-Built Survey, 875104, Crocker Property, 26 Upton Rd.,  
Wilmington, MA 01887, Middlesex County," prepared by Jeremiah Raitt,  
PLS, dated April 12, 2021.

#### FINDINGS:

1.      The Project site is shown on Map R1 Parcel 18G 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.

#### 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.

7. 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.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

8. The Wilmington Fire Department shall review and approve the building plans.

PRIOR TO START OF CONSTRUCTION:

9. 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 conference.
10. Erosion controls shall be installed in accordance with the Plan and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.

DURING CONSTRUCTION:

11. 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.

POST CONSTRUCTION:

12. All site work shall be substantially completed in accordance with the approved site plans.
13. 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.
14. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash.

Upon motion duly made and seconded it was unanimously

VOTED: To issue the Stormwater Management Permit for 26 Upton Drive as follows:

**DECISION OF THE WILMINGTON PLANNING BOARD  
AS PERMIT GRANTING AUTHORITY FOR STORMWATER MANAGEMENT PERMITS  
UNDER SECTION 51 OF THE BYLAWS OF THE INHABITANTS OF THE TOWN OF  
WILMINGTON**

May 7, 2021

ISSUED for Property located at 26 Upton Drive, Wilmington, Massachusetts (Map R1 Parcel 18G)

Case No.: Stormwater Management Permit #21-04

Applicant: Daniel Klasnick, Esq., Duval & Klasnick LLC, Counselors at Law  
PO Box 254, Boxford, MA 01921

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and Site Plan entitled, "Verizon Site Number: 5063228, Verizon Fuze Project ID: 2571781, Verizon Location Code: 432596, Crown BU #: 875104, Wilmington 9 MA-B, 26 Upton Drive, Wilmington, MA 01887, Existing 114'6" Monopole," dated December 23, 2020 and last revised April 19, 2021, prepared by Graham M. Andres, PE, Tower Engineering Professionals, 326 Tryon Road, Raleigh, NC 27603, for the property located at 26 Upton Drive and shown on Assessor's Map R1 Parcel 18G, material originally submitted on March 11, 2021, subject to the following conditions:

#### **MATERIALS:**

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

<u>Date submitted</u>	<u>Description</u>
March 11, 2021	Letter from Daniel D. Klasnick, Esq., Duval & Klasnick LLC, dated March 10, 2021.
March 11, 2021	Structural Analysis Report, prepared by Truc Lac, PE, SE, Crown Castle, 2000 Corporate Drive, Canonsburg, PA, dated November 19, 2020.
March 11, 2021	Stormwater Letter, prepared by Martin L. Piercey, PE, Tower Engineering Professionals, Inc., 326 Tryon Road, Raleigh, NC 27603-5263, dated March 10, 2021 and last revised April 14, 2021.
March 11, 2021	Plan "12'6" Low Profile Platform with Twelve 2-7/8" Antenna Mounting Pipes, and Handrail", prepared by Site Pro 1, dated March 24, 2014 and last revised July 14, 2014.
March 17, 2021	Letter from Daniel D. Klasnick, Esq., Duval & Klasnick LLC, dated March 10, 2021.
March 17, 2021	Property Owner Letter of Authorization from Peter R. Crocker, 26 Upton Drive, LLC, dated March 10, 2021.
March 31, 2021	Permission to Open the Public Hearing Beyond 30 Days, signed by Daniel D. Klasnick, received March 31, 2021.
April 20, 2021	Letter & Response to Comments, prepared by Daniel D. Klasnick, Esq., Duval & Klasnick LLC, dated April 20, 2021.
April 20, 2021	Plan "As-Built Survey, 875104, Crocker Property, 26 Upton Rd., Wilmington, MA 01887, Middlesex County," prepared by Jeremiah Raitt, PLS, dated April 12, 2021.

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

### **SPECIAL CONDITIONS**

1. If applicable, a Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
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.

ISSUED ON May 7, 2021

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan for 26 Upton Drive entitled, "Verizon Site Number: 5063228, Verizon Fuze Project ID: 2571781, Verizon Location Code: 432596, Crown BU #: 875104, Wilmington 9 MA-B, 26 Upton Drive, Wilmington, MA 01887, Existing 114'6" Monopole," dated December 23, 2020 and last revised April 19, 2021, prepared by Graham M. Andres, PE, Tower Engineering Professionals, 326 Tryon Road, Raleigh, NC 27603.

**Public Hearing – Site Plan Review #21-06 and Stormwater Management Permit #21-06 for 26 Upton Drive - Map R1 Parcel 18G - VaporIO, Inc., Applicant**

PRESENT IN INTEREST: Michael Dolan, Esq.

MATERIALS CONSIDERED:

PLAN "Site I.D.: Upton, Crown BU No. 875104, VEM 180 Installation, Site Address: 26 Upton Drive, Wilmington, MA 01887", dated March 19, 2020 and last revised April 13, 2021



EXISTING SURFACE PHOTO receive March 8, 2021  
PHOTOS & Schematics received March 11, 2021  
LETTER from Attorney Michael Dolan dated March 10, 2021  
PLANNING REVIEW LETTER dated March 29, 2021  
ENGINEERING MEMO dated March 4, 2021

Attorney M. Dolan told the Board they received comments and made the appropriate changes to the plans and discussed with the Town Engineer how to address the increase in impervious surface. He said they have a system like the previous applicant. He said they are proposing an equipment enclosure rather than antennas on a tower, measuring 10'8" wide x 20'8" long and 20' above the ground on proposed concrete pads. He said within the enclosure will be amplifiers, cable wires, fiber and other associated equipment. T. Boland asked if the transformer is part of the project and Attorney M. Dolan said they will be installing a transformer pad outside the compound but does not interfere with the wetlands. There were no comments from the public.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #21-06 and Stormwater Management Permit #21-06 for 26 Upton Drive.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #21-06 for 26 Upton Drive as shown on plan entitled, "Site I.D.: Upton, Crown BU No. 875104, VEM 180 Installation, Site Address: 26 Upton Drive, Wilmington, MA 01887", dated March 19, 2020 and last revised April 13, 2021, prepared by Shayah A. M. Smiley, P.E., P. Marshall & Associates, LLC, 1000 Holcomb Woods Parkway, Suite 210, Roswell, GA 30076. Said property is located at 26 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18G.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closing on May 4, 2021, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Attorney Michael R. Dolan on behalf of VaporIO, Inc., 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 the contemplated site plan for the installation of a 27'8" x 15'8" x 5" concrete pad to support a proposed 21'8" x 10'8" x 20' equipment shelter and associated electronic equipment and other appurtenances associated with the wireless communications facility, as shown on plan entitled, "Site I.D.: Upton, Crown BU No. 875104, 2020 VEM 180 Installation, Site Address: 26 Upton Drive, Wilmington, MA 01887", dated March 19, 2020 and last revised April 13, 2021, prepared by Shayah A. M. Smiley, P.E., P. Marshall & Associates, LLC, 1000 Holcomb Woods Parkway, Suite 210, Roswell, GA 30076, submitted on March 11, 2021, (the "Site Plan") (the "Project"), do hereby vote to APPROVE the Site Plan and the Project, subject to the Findings and Conditions below.

## MATERIALS:

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

Date submitted	Description
March 11, 2021	Letter from Michael R. Dolan, Esq., Brown Rudnick LLP, dated March 10, 2021.
March 11, 2021	List of Requested Waivers, undated.
March 11, 2021	Property Owner Letter of Authorization from Peter R. Crocker, dated January 14, 2021.
March 11, 2021	Notice of Variance and Special Permit Case 51-2003 from Town of Wilmington Board of Appeals, dated August 28, 2003, recorded at the Middlesex North Registry of Deeds September 25, 2003, Document Detail Report dated January 17, 2021.
March 11, 2021	Vapor Edge Modules Renderings & Information, and Accompanying Plan "VEM-180 ART 2 Exterior Specs", dated May 18, 2020 and last revised June 18, 2020.
April 1, 2021	Permission to Open the Public Hearing Beyond 30 Days, signed by Jeffrey Barbadora, received April 1, 2021.
April 20, 2021	Plan "As-Built Survey, 875104, Crocker Property, 26 Upton Rd., Wilmington, MA 01887, Middlesex County," prepared by Jeremiah Raitt, PLS, dated April 12, 2021.
April 20, 2021	Plan ("VEM-180 ART 2 Exterior Specs"), dated July 11, 2017 and last revised October 13, 2020.

## FINDINGS:

1. The Project site is shown on Map R1 Parcel 18G 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.

## 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.
7. 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.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

8. The Wilmington Fire Department shall review and approve the building plans.

PRIOR TO START OF CONSTRUCTION:

9. 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 conference.
10. Erosion controls shall be installed in accordance with the Plan and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.

DURING CONSTRUCTION:

11. 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.

POST CONSTRUCTION:

12. All site work shall be substantially completed in accordance with the approved site plans.
13. 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.
14. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash.

Upon motion duly made and seconded it was unanimously

VOTED: To issue the Stormwater Management Permit #21-06 for 26 Upton Drive as follows:

**DECISION OF THE WILMINGTON PLANNING BOARD  
AS PERMIT GRANTING AUTHORITY FOR STORMWATER MANAGEMENT PERMITS  
UNDER SECTION 51 OF THE BYLAWS OF THE INHABITANTS OF THE TOWN OF  
WILMINGTON**

May 7, 2021

ISSUED for Property located at 26 Upton Drive, Wilmington, Massachusetts (Map R1 Parcel 18G)

Case No.: Stormwater Management Permit #21-06

Applicant: Peter R. Crocker

c/o 26 Upton Drive, LLC, 565 Turnpike Street #80, North Andover, MA 01845

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and Site Plan entitled, "Site I.D.: Upton, Crown BU No. 875104, VEM 180 Installation, Site Address: 26 Upton Drive, Wilmington, MA 01887", dated March 19, 2020 and last revised April 13, 2021, prepared by Shayah A. M. Smiley, P.E., P. Marshall & Associates, LLC, 1000 Holcomb Woods Parkway, Suite 210, Roswell, GA 30076, for the property located at 26 Upton Drive and shown on Assessor's Map R1 Parcel 18G, material originally submitted on March 11, 2021, subject to the following conditions:

**MATERIALS:**

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

<u>Date submitted</u>	<u>Description</u>
March 11, 2021	Letter from Michael R. Dolan, Esq., Brown Rudnick LLP, dated March 10, 2021.
March 11, 2021	List of Requested Waivers, undated.
March 11, 2021	Property Owner Letter of Authorization from Peter R. Crocker, dated January 14, 2021.
March 11, 2021	Notice of Variance and Special Permit Case 51-2003 from Town of Wilmington Board of Appeals, dated August 28, 2003, recorded at the Middlesex North Registry of Deeds September 25, 2003, Document Detail Report dated January 17, 2021.
March 11, 2021	Vapor Edge Modules Renderings & Information, and Accompanying Plan "VEM-180 ART 2 Exterior Specs", dated May 18, 2020 and last revised June 18, 2020.
April 1, 2021	Permission to Open the Public Hearing Beyond 30 Days, signed by Jeffrey Barbadora, received April 1, 2021.

- April 20, 2021 Plan "As-Built Survey, 875104, Crocker Property, 26 Upton Rd., Wilmington, MA 01887, Middlesex County," prepared by Jeremiah Raitt, PLS, dated April 12, 2021.
- April 20, 2021 Plan ("VEM-180 ART 2 Exterior Specs"), dated July 11, 2017 and last revised October 13, 2020.

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

### SPECIAL CONDITIONS

1. If applicable, a Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
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.

ISSUED ON May 7, 2021

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan for 26 Upton Drive entitled, "Site I.D.: Upton, Crown BU No. 875104, VEM 180 Installation, Site Address: 26 Upton Drive, Wilmington, MA 01887", dated March 19, 2020 and last revised April 13, 2021, prepared by Shayah A. M. Smiley, P.E., P. Marshall & Associates, LLC, 1000 Holcomb Woods Parkway,

Suite 210, Roswell, GA 30076. Said property is located at 26 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18G.

**Public Hearing – Site Plan Review #21-05, Stormwater Management Permit #21-05, and Parking Relief Special Permit #21-01 for 225 Andover Street - Map R1 Parcel 108 – American Maplewood Properties LLC, Applicant**

PRESENT IN INTEREST: Robert G. Peterson, Esq.

R. Peterson told the Board he is requesting to extend the action deadline to June 30, 2021. Attorney R. Peterson told the Board the applicant is proposing to construct a self-storage facility. He said with respect to the comments made at the CDTR meeting, the applicant has decided to revise the plans and reduce the size of the building by 30% and increasing the number of parking spaces.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Site Plan Review #21-05 and Stormwater Management Permit #21-05 to June 30, 2021

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #21-05, Stormwater Management Permit #21-05 and Parking Relief Special Permit #21-01 for 225 Andover Street to June 1, 2021 at 7:45 p.m.

**Board of Appeals**

At its meeting on May 4, 2021, the Planning Board (Board) voted to recommend as follows:

**Case 7-21 90 Grove Avenue – Map 34 Parcel 9**

Upon motion duly made and seconded, it was unanimously

VOTED: This Special Permit is in conjunction with the proposed addition for which another Special Permit is requested (Case 8-21). If the Special Permit for Case 8-21 is granted, and the Engineering Division gives a positive recommendation based on the proposed project having sufficient infiltration to mitigate the impervious area in the Groundwater Protection District, the Planning Board recommends approval for this Special Permit Case 7-21.

**Case 8-21 90 Grove Avenue – Map 34 Parcel 9**

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend disapproval. The proposed addition increases the size of the non-conforming house and is close to abutting properties. It appears the location of the proposed addition could shift to meet the required setbacks, so it is recommended that the applicant revisit the proposed layout to meet setbacks.

Case 9-21 7 Towpath Drive – Map 28 Parcel 33

Upon motion duly made and seconded, it was unanimously

VOTED: If the Engineering Division gives a positive recommendation based on the proposed project having sufficient infiltration to mitigate the impervious area in the Groundwater Protection District, the Planning Board recommends approval.

Case 10-21 for 625 Main Street – Map 40 Parcel 2A

Upon motion duly made and seconded, it was unanimously

VOTED: The proposed change of use requires Site Plan Review through the Planning Board. The Board reserves comment until the project has gone through the Site Plan Review process.

Case 11-21 for 26 Upton Drive – Map R1 Parcel 18G – VaporIO, Inc.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The project received Site Plan Review and Stormwater Management Permit approval at the May 4, 2021 meeting.

Case 12-21 for 26 Upton Drive – Map R1 Parcel 18G – Verizon

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The project received Site Plan Review and Stormwater Management Permit approval at the May 4, 2021 meeting.

Case 13-21 for 23 Miller Road – Map 34 Parcel 9

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The proposed addition, second story, deck, and farmer's porch do not appear to be more detrimental to the neighborhood.

Case 14-21 for 78 Grove Avenue – Map 34 Parcel 4

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The proposed impervious area appears to be under 2,500 square feet. This Special Permit is in conjunction with the proposed addition for which another Special Permit is requested (Case 15-21).

Case 15-21 for 78 Grove Avenue – Map 34 Parcel 4

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The proposed larger second story stays within the existing house footprint and does not appear to be more detrimental to the neighborhood.

**Old Business**

There was no Old Business

**New Business**

**Request to waive Site Plan Review #21-04 – 205-207 Lowell Street - Map 48 Parcel 73  
AeroVironment, Applicant**

PRESENT IN INTEREST: Kimberly Kohlepp  
Ryan Conner, Conner Design

V. Gingrich said they test drones. They are proposing to remove 160 sq.ft. of pavement and install a 160 sq.ft. shed so folks can come in out of the rain or inclement weather while flying the drones. She said the Engineering Department reviewed and had no concerns.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the request to waive Site Plan Review. This project includes removing 160 sq.ft. of pavement and replacing with lawn grass as well as the installation of 160 sq.ft. shed for staff and equipment cover while testing of robotic aircraft (drones) during inclement weather in accordance with plan entitled, "Tenant Improvement for Aerovironment, 205 Lowell Street, Wilmington, MA" dated October 17, 2019; prepared by William R. Bergeron, P.E., Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880 and received April 29, 2021.

**Request to endorse Site Plan Review #21-03 plans for 100-110 Fordham Road  
Map 91 Parcel 121 - Fordham Park LLC, Applicant**

Upon motion duly made and seconded it was unanimously


VOTED: To endorse plan 100-110 Fordham Road entitled "Non-Residential Site Plan, 100-110 Fordham Road Building 'D' Canopy, Tax Map 91 Lot 121, 100-110 Fordham Road, Wilmington, Massachusetts", dated January 22, 2021 and last revised March 15, 2021 and last revised April 16, 2021, prepared by Brenton Cole, PE, Granite Engineering, LLC, 150 Dow Street, Suite 421, Manchester, NH 03101. Said property is located at 100-110 Fordham Road, Wilmington, MA 01887 and shown on Assessor's Map 91 Parcel 121.

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

VOTED: To adjourn the meeting at 8:55 p.m.

NEXT PLANNING BOARD MEETING: June 1, 2021

Respectfully submitted, ~

  
Cheryl Licciardi  
Recording Clerk