



## 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

June 6, 2023

The Planning Board met on Tuesday June 6, 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

There were no minutes to review.

#### Form A

**Main Street – Map 25 Parcels 5, 5A & 5B – “Consolidation Plan of Land, 905 Main Street, Owners: Jonathan & Sonia LaRock, Assessor’s Map 25 Lots 5, 5A and 5B, Wilmington, Massachusetts” Jonathan LaRock, Applicant**

#### MATERIALS CONSIDERED:

PLAN “Consolidation Plan of Land, 905 Main Street, Owners: Jonathan & Sonia LaRock, Assessor’s Map 25 Lots 5, 5A and 5B, Wilmington, Massachusetts”

V. Gingrich told the Board the applicant divided the lot about a year ago and the Board questioned it because it’s mostly wetlands. She said things changed and the applicant wants to put the land back together.

Upon motion duly made and seconded it was unanimously

VOTED: To receive the ANR Plan and Application #23-03 for 905 Main Street, Map 25 Parcels 5, 522 & 23 - “Plan of Land, 14 & 18 Liberty Street, Assessor’s Map 25 Parcels 5, 5A & 5B, Wilmington, Massachusetts” dated May 17, 2023

Upon motion duly made and seconded it was unanimously

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #23-03 for 905 Main Street, Map 25 Parcels 5, 522 & 23 - “Plan of Land, 14 & 18 Liberty Street, Assessor’s Map 25 Parcels 5, 5A & 5B, Wilmington, Massachusetts” dated May 17, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled, “Plan of Land, 14 & 18 Liberty Street, Assessor’s Map 25 Parcels 5, 5A & 5B, Wilmington, Massachusetts” dated May 17, 2023

RECEIVED  
TOWN CLERK  
2023 SEP 12 AM 11:52  
TOWN OF WILMINGTON, MA

### **Matters of Appointment**

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

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

#### **MATERIALS CONSIDERED:**

LETTER from Attorney Michael J. Newhouse dated May 25, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to July 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 July 11, 2023 at 7:35 p.m. in the Town Hall Auditorium.

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

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

#### **MATERIALS CONSIDERED:**

E-Mail from K. Costa requesting to continue dated May 26, 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 July 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 July 11, 2023 at 7:40 p.m. in the Town Hall Auditorium

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

PRESENT IN INTEREST: Rob Peterson, Esq.  
Anthony Martignetti

**MATERIALS CONSIDERED:**

PLAN: "Proposed Materials Processing and handling Facility, 885-889 Woburn Street, Wilmington, Massachusetts" dated January 11, 2023 and last revised May 23, 2023 "Lighting Plan" dated March 13, 2023

STORMWATER MANAGEMENT REPORT dated January 2023 and last revised May 2023

PHOTOMETRIC EXHIBITS dated May 25, 2025

CUT/FILL REPORT dated March 9, 2023, received May 22, 20223

PHOTOMETRIC EXHIBITS dated May 25, 2025

SEWER MEMORANDUM from Green Seal Environmental, LLC dated May 25, 2023

RESPONSE LETTER TO BOARD from Green Seal Environmental, LLC dated May 25, 2023

RESPONSE TO TEC LETTER from A. Martignetti dated April 5, 2023

LETTER from Attorney R. Peterson dated May 2, 2023

PARKING TABULATING receive June 1, 2023

V. Gingrich said the application has been in front of the Board for a few months and the applicant revised the plans and provided responses. She said the applicant said they have done all they can to address the concerns. She said this is a lot different than a typical application because this use has protections under the zoning act where Site Plan Review is not required, and special permits can only be reasonable conditions and cannot be denied. She said the Board is being asked to accept the request to withdraw the Special Parking Permit. She told the Board the applicant is requesting to withdraw the Parking Special Permit and a Site Plan Review draft decision has been prepared. V. Gingrich said Town Counsel advised that if the site plan does not meet the parking requirements, the Board should consider a condition that acknowledges that if they don't meet the requirements a special parking permit is needed. She provided a draft decision. Attorney R. Peterson, Jr. said he is unaware of Counsel's position relative to parking. He said he had a constructive conversation at 6:00 p.m. regarding what can and cannot be required under Chapter 40A Section 9. He said the zoning override of Chapter 40A Section 9 precludes the applicant from having to meet any parking requirements, so they do not have to meet Parking Special Permit requirements. Attorney R. Peterson, Jr. said it was agreed that reducing parking was warranted and the best course of action for the site. He discussed withdrawing the Parking Relief Special Permit with Town Counsel and they discussed Chapter 40A Section 9. Attorney R. Peterson, Jr. talked about the Georgetown facility that went through land court who ultimately decided this type of facility is not subject to Site Plan Review and they have almost the identical bylaw in Georgetown. He said the difference is that Georgetown has a need for a Special Permit for a Transfer Station and our bylaw does not. He said this is not a typical Site Plan Review approval. This has already been going on for five years and the Planning Director and Town Engineer will have more time to review different aspects. He told Town Counsel he was agreeable to the decision he received at 4:00 p.m. that did not mention anything about a Parking Special Permit. Attorney R. Peterson, Jr. suggested the Board issue the decision and not hold the project up any further. V. Gingrich said she brought it up with Town Counsel and she asked the applicant if the finding #5 is problematic if #8 is not acceptable. Attorney R. Peterson, Jr. said he would be fine with it because they do not meet the parking requirements but there are no parking requirements at the DEP level. A. Martignetti said the parking lot needs to function. Attorney R. Peterson, Jr. said they believe they have done their best to meet the needs of the town. T.

Boland said the Board can vote on a Site Plan Review because it meets the requirements, but the issue is it does not meet the parking requirements. He said if there is no Parking Relief Special Permit then how does it meet the Site Plan Review requirements and why is the Board giving approval for Site plan Review if it's not required. Attorney R. Peterson, Jr. said it's an administrative exercise. He said the idea of them not having to be before the Board is new as of December 2022 and J. Martignetti said it is not new, it was reaffirmed in December 2022. Attorney R. Peterson said it was a decision of land court in December of 2022 and they applied in January 2023 and they felt it was a good exercise to go through Site Plan Review. A. Martignetti said it was a respectful way to conduct business in the town. T. Boland said the parking requirement may be required. V. Gingrich said that the Building Department will make sure they have what they need for a building permit approval. The applicant thanked the Board and staff.

Upon motion duly made and seconded it was unanimously

VOTED: To accept the request to withdraw Parking Relief Special Permit #23-01 for 885 & 889 Woburn Street.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #23-04 for 885 & 889 Woburn Street as shown on plan entitled "Proposed Materials Processing and Handling Facility, 885-889 Woburn Street, Wilmington, Massachusetts, Site Plan Review", dated January, 2023, last revised May 23, 2023, prepared by Stuart D. Clark, P.E., Green Seal Environmental, LLC, 114 State Road, Building B, Sagamore Beach, MA 02562 and Michael J. Juliano, P.L.S., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923. Said property is located at 885 & 889 Woburn Street, Wilmington, MA 01887 and shown on Assessor's Map 37 Parcels 4 & 4A.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #23-04 for 885 & 889 Woburn Street as shown on plan entitled "Proposed Materials Processing and Handling Facility, 885-889 Woburn Street, Wilmington, Massachusetts, Site Plan Review", dated January, 2023, last revised May 23, 2023, prepared by Stuart D. Clark, P.E., Green Seal Environmental, LLC, 114 State Road, Building B, Sagamore Beach, MA 02562 and Michael J. Juliano, P.L.S., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923. Said property is located at 885 & 889 Woburn Street, Wilmington, MA 01887 and shown on Assessor's Map 37 Parcels 4 & 4A.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on February 7, 2023 and closing on June 6, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Anthony C. Martignetti, 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 37,312 sq. ft. solid waste handling facility, with associated parking, stormwater management, and related site work, as shown on plan entitled "Proposed Materials Processing and Handling Facility, 885-889 Woburn Street, Wilmington, Massachusetts, Site Plan Review", dated January, 2023, last revised May 23, 2023, prepared by Stuart D. Clark, P.E., Green Seal Environmental, LLC, 114 State Road, Building B, Sagamore Beach, MA 02562 and Michael J. Juliano, P.L.S., Eaglebrook

Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, submitted on January 13, 2023, (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

"Stormwater Management Report" prepared by Green Seal Environmental, LLC, dated January 2023, last revised May 2023  
Sewer Service Memorandum prepared by Green Seal Environmental, LLC, dated May 25, 2023  
Site Information Document submitted on February 3, 2023  
"Cut/Fill Report" prepared by Stuart D. Clark, P.E., dated March 9, 2023  
"Lighting Plan" prepared by LSI Industries, Inc., dated March 13, 2023  
Response to comments letter prepared by Jack O'Leary, Green Seal Environmental, LLC, dated March 29, 2023  
Response to TEC letter, prepared by Anthony C. Martignetti, 887 Woburn LLC, dated April 5, 2023  
Engineering Narrative prepared by Jack O'Leary, Green Seal Environmental, LLC, dated April 5, 2023  
Comment Letter prepared by Greenman-Pederson, Inc., dated April 19, 2023  
Response to comments letter prepared by Stuart D. Clark, P.E., Green Seal Environmental, LLC, dated May 25, 2023  
Parking Tabulation chart, received May 31, 2023

## **FINDINGS:**

1. The Project site is shown on Map 37 Parcels 4 & 4A 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 Site Plan does not meet the parking requirements of the Wilmington Zoning Bylaw and parking relief may be required.

## **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. The Town's understanding is that the project requires further review by MassDEP to determine compliance with the State Stormwater Policy. Any changes to the design resulting from MassDEP review shall be submitted to the Director of Planning & Conservation for review (see Condition 6).

### **PRIOR TO ENDORSEMENT:**

8. The Photometric Plan shall be revised and included in the plan set, the footcandles should not cross property boundaries onto private property.
9. The Parking compliance table shall be provided on the Site Layout Plan and shall include calculations for both industrial and office space.
10. A signature block shall be included on the right side of every sheet and in the same area, the block shall include five (5) lines for signatures and one (1) line for the date.
11. The square footage of the building, including the second floor, shall be shown on the architectural plans.
12. The plans shall be revised to make the hydrant and fire department connection at the southeast corner of the building accessible to fire apparatus. The fence shall be relocated per the Wilmington Fire Department.
13. Revised plans shall include a detailed site circulation signage plan.
14. The Applicant is required to contact the Town's Water Consultant, Kleinfelder, to complete a hydraulic analysis report at the Applicant's expense. The report shall be submitted to the Engineering Division and the Department of Planning & Conservation. Any necessary plan changes detailed in the report shall be incorporated into the plan set prior to endorsement.
15. The diameter of the existing sewer service (to be re-used) shall be added to the plan set.
16. The hydraulic model (for proposed drain pipe sizing) shall be revised to include nodes for each proposed catch basin (modeled as a pond with insignificant storage) and computed using Dynamic Storage Indication reach routing method. The revised model shall be submitted to the Engineering Division and the Department of Planning & Conservation for

review accordingly. Any changes to drain pipe sizes shall be included in the plan set and submitted to the Director of Planning & Conservation.

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

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

**PRIOR TO THE START OF CONSTRUCTION:**

18. 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.
19. 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.
20. 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.
21. 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.
22. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

**DURING CONSTRUCTION:**

23. 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.
24. 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.
25. 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.
26. Should the Massachusetts Water Resources Authority (MWRA) not permit the trench drain discharges for sanitary sewage flow from the site, the Applicant must provide documentation of the holding tank to the Engineering Division.
27. The Applicant or their contractor shall locate all existing water services located on-site (to be abandoned). This work shall be coordinated with the Department of Public Works Water and Sewer Division. All existing water services shall be properly abandoned at the water main in Woburn Street.
28. Existing drainage infrastructure could not be located along the westerly side of the site (that discharges to the rail property). Per the Applicant's stormwater report, during construction, the Applicant will excavate these areas for inspection of the existing drain pipes. The work shall be coordinated with the Engineering Division for purposes of observation. Any plan revisions resulting from the investigation shall be submitted to the Director of Planning & Conservation accordingly.

**PRIOR TO OCCUPANCY:**

29. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
30. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
31. 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.
32. 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:**

33. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash.
34. 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.
35. 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.
36. 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.
37. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
38. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
39. 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 #23-03 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**

June 9, 2023

ISSUED for Property located at 885 & 889 Woburn Street, Wilmington, Massachusetts (Map 37  
Parcels 4 & 4A)

Case No.: Stormwater Management Permit #23-03

Applicant: Anthony C. Martignetti, 887 Woburn LLC, 885 & 889 Woburn Street, Wilmington, MA

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Proposed Materials Processing and Handling Facility, 885-889 Woburn Street, Wilmington, Massachusetts, Site Plan Review", dated January, 2023, last revised May 23, 2023, prepared by Stuart D. Clark, P.E., Green Seal Environmental, LLC, 114 State Road, Building B, Sagamore Beach, MA 02562 and Michael J. Juliano, P.L.S., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923. Said property is located at 885 & 889 Woburn Street, Wilmington, MA 01887 and shown on Assessor's Map 37 Parcels 4 & 4A, 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

"Stormwater Management Report" prepared by Green Seal Environmental, LLC, dated January 2023, last revised May 2023

Sewer Service Memorandum prepared by Green Seal Environmental, LLC, dated May 25, 2023

Site Information Document submitted on February 3, 2023

"Cut/Fill Report" prepared by Stuart D. Clark, P.E., dated March 9, 2023

"Lighting Plan" prepared by LSI Industries, Inc., dated March 13, 2023

Response to comments letter prepared by Jack O'Leary, Green Seal Environmental, LLC, dated March 29, 2023

Response to TEC letter, prepared by Anthony C. Martignetti, 887 Woburn LLC, dated April 5, 2023

Engineering Narrative prepared by Jack O'Leary, Green Seal Environmental, LLC, dated April 5, 2023

Comment Letter prepared by Greenman-Pederson, Inc., dated April 19, 2023

Response to comments letter prepared by Stuart D. Clark, P.E., Green Seal Environmental, LLC, dated May 25, 2023

Parking Tabulation chart, received May 31, 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.

ISSUED ON June 9, 2023

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

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

**MATERIALS CONSIDERED:**

LETTER from J. Kline dated May 25, 2023

Upon motion duly made and seconded it was unanimously

**VOTED:** To extend the action deadline for Site Plan Review #22-16 and Stormwater Management Permit #22-13 for 208 Main Street to July 31, 2023.

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 July 11, 2023 at 7:45 p.m. in the Town Auditorium.

**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 April 28, 2023

FINAL CONSTRUCTION CONTROL DOCUMENT dated December 22, 2022, received May 8, 2023

STRUCTURAL ANALYSIS REPORT dated May 5, 2023

V. Gingrich said TEC reviewed revised plans and one of the documents we got was from the engineer from the previous project confirming that the construction drawings and installation were as designed. She said we didn't get what we asked for but TEC said they saw evidence, but the Town and TEC was satisfied.

Upon motion duly made and seconded it was unanimously

**VOTED:** To close the public hearing for Site Plan Review #23-07 for 773 Salem Street as shown on plan entitled "Wilmington MA Salem St, MAL03079, 773 Salem Street, Wilmington, MA 01887"; dated April 4, 2022, last revised April 28, 2023, prepared by Abraham Rokach, P.E., Fullerton Engineering Consultants, LLC, 1100 E. Woodfield Road, Suite 500, Schaumburg, Illinois 60173. Said property is located at 773 Salem Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 23.

Upon motion duly made and seconded it was unanimously

**VOTED:** To approve with conditions Site Plan Review #23-07 for 773 Salem Street as shown on plan entitled "Wilmington MA Salem St, MAL03079, 773 Salem Street, Wilmington, MA 01887"; dated April 4, 2022, last revised April 28, 2023, prepared by Abraham Rokach, P.E., Fullerton Engineering Consultants, LLC, 1100 E. Woodfield Road, Suite

500, Schaumburg, Illinois 60173. Said property is located at 773 Salem Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 23.

This is to certify, following a public hearing of the Wilmington Planning Board (Board) opening on March 7, 2023 and closing on June 6, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Smartlink, AT&T, 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 development for property addressed at 773 Salem Street for the removal of existing equipment and installation of new sector frames, antennas, RRUs, and various other equipment both on the tower and on the ground at the existing facility as shown on plan entitled "Wilmington MA Salem St, MAL03079, 773 Salem Street, Wilmington, MA 01887"; dated April 4, 2022, last revised April 28, 2023, prepared by Abraham Rokach, P.E., Fullerton Engineering Consultants, LLC, 1100 E. Woodfield Road, Suite 500, Schaumburg, Illinois 60173, submitted on February 9, 2023, (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

Drawings prepared by Pirod Inc., 1545 Pidco Dr., Plymouth, IN 46563-0128, dated July 29, 1999

Structural Analysis Report prepared by Infinigy, 1033 Watervliet Shaker Road, Albany, NY 12205, dated November 20, 2019

Structural Analysis Report prepared by B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated November 22, 2022

"Mount Analysis Report" prepared by Barbara T. Kotecki, P.E., Fullerton, 1100 E. Woodfield Rd., Suite 500, Schaumburg, IL 60173, dated May 20, 2022

Structural Analysis Report prepared by B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated August 23, 2022

"Final Construction Control Document" prepared by Daniel P. Hamm, P.E., TEP Northeast, 45 Beechwood Drive, North Andover, MA 01845, dated December 22, 2022

Geotechnical Investigation Report prepared by Delta Oaks Group, 4904 Professional Court, 2<sup>nd</sup> Floor, Raleigh, NC 27609, dated November 14, 2019

Memorandum from TEC, 282 Merrimack Street, 2<sup>nd</sup> Floor, Lawrence, MA 01843, dated March 29, 2023

Opinion Letter from B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated April 4, 2023

Memorandum from TEC, 282 Merrimack Street, 2<sup>nd</sup> Floor, Lawrence, MA 01843, dated April 25, 2023

Structural Analysis Report prepared by B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated May 5, 2023

Memorandum from TEC, 282 Merrimack Street, 2<sup>nd</sup> Floor, Lawrence, MA 01843, dated May 15, 2023

### **FINDINGS:**

1. The Project site is shown on Map R1 Parcel 23 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.

### **PRIOR TO ENDORSEMENT**

7. The plans shall include a signature block for Planning Board member signatures. The signature block should be on every page, on the right side, and include five (5) lines for signatures and one (1) line for the date.

### **PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

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

### **POST CONSTRUCTION:**

9. Final As-Built Plans in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineering Division and Director of Planning and Conservation.
10. A Final Construction Control Document, completed by a registered design professional, shall be submitted to the Department of Planning & Conservation.

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled "Wilmington MA Salem St, MAL03079, 773 Salem Street, Wilmington, MA 01887"; dated April 4, 2022, last revised April 28, 2023, prepared by Abraham Rokach, P.E., Fullerton Engineering Consultants, LLC, 1100 E. Woodfield Road, Suite 500, Schaumburg, Illinois 60173. Said property is located at 773 Salem Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 23.

### **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:**

REQUEST TO EXTEND DEADLINE AND CONTINUE PUBLIC HEARING from Attorney M. Dolan dated May 25, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Site Plan Review #22-25 for 26 Upton to July 31, 2023.

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 July 11, 2023 at 7:50 in the Town Hall Auditorium.

**Continued 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 extend the action deadline and continue the public hearing was received.

**MATERIALS CONSIDERED:**

E-MAIL from Jill Elmstrom Mann dated May 25, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to July 31, 2023 for Site Plan Review #23-08.

VOTED: To continue the public hearing for Site Plan Review #23-08 and Stormwater Management Permit #23-06 for 100-110 Fordham Road to July 11, 2023 at 7:55 p.m. in the Town Hall Auditorium.

**Public Hearing – 15 Nickerson Avenue – Map 72 Parcel 20 - Non-conforming Special Permit #23-01 Northeastern Development Corp., Applicant**

PRESENT IN INTEREST: Kristen Costa, L.A. Associates  
Doug Lees, Land Engineering  
Joseph Langone, Northeastern Development Corp.

**MATERIALS CONSIDERED:**

PLAN "Special Permit Plan, 15 Nickerson Avenue, Wilmington, Massachusetts, Map 72 – Parcel 20" dated May 4, 2023

PLANNING REVIEW LETTER dated May 26, 2023

LETTER from Jamie Magaldi dated May 26, 2023

RESPONSE LETTER from Doug Lees dated May 31, 2023

K. Costa told the Board the lot area is 9,250 with 54' of paved frontage on a public way and there are no wetlands on the site. She said they have an approved septic. K. Costa said this lot is in an existing neighborhood on an established street. She said they are proposing a 3-bedroom 24'x36' colonial with farmers porch in the front and rear deck. The proposed house is similar to the ones at 41 & 39 Westdale Avenue. She said a stone trench is proposed along the driveway to mitigate runoff and the roof runoff is directed to recharge chambers in the ground. There will be straw wattles on the easterly side. She said there was an opinion submitted to the town and confirmed by Town Counsel that it qualifies. She told the Board they received Planning Department comments, and that D. Lees revised the plan and prepared a letter addressing concerns. She provided each member with a copy.

D. Lees told the Board a Simple Stormwater Management Permit will be required prior to issuance of a permit. The proposed plan will show there will be no run-off to neighboring properties. He said the site is relatively flat. The applicant is proposing to construct a single-family home on an existing non-confirming lot. He said the plan indicates it will have 4 bedrooms, but it is 3-bedrooms. He said there is sufficient space for 2 vehicles to park outside the right-of-way. T. Boland asked if Paul should be asked about the runoff to the abutting properties now or later and V. Gingrich said that was DPWs only comment so it was included in the Planning Department letter. V. Gingrich said the applicant needs to demonstrate now there is no increase in runoff. D. Lees said the septic plan shows all the details.

Resident J. Lewis, 13 Nickerson Avenue said they had woods on three sides of their house and now they will have none. She said she would really like two trees on the property saved. She said there are two white oaks, and one is way at the front and the other has a stake in front of it and half the tree is on her property and she would like her half of the tree to remain alive. She said they always had to abide by the rules but now the surrounding properties don't have to abide by any rules. Resident, J. Almeida, 13 Nickerson Avenue said that lots established prior to 1934 before do not have to conform to any setbacks and J. Lewis said they understand that the Board will grant approval. J. Langone said that he will keep the white oak that is on the property line. Resident A. Thain was going to make a comment that the drawings were inaccurate. He said the property is not in a straight line. He said there is a tree partly on the applicant's property and partly on his property. T. Boland said the applicant is not going to touch a tree that is not on his property. He asked the resident what his question is and A. Thain said the plan is not accurate. T. Boland asked if he was saying the property line is not a straight line and A. Thain said yes. He mentioned that the plan for Wrap Solutions was not drawn accurately. D. Lees asked A. Thain if he was saying his property line is not perpendicular to the road and A. Thain said that is correct. D. Lees said he surveyed the property, and he is a Professional Land Surveyor, and he took another Professional Land Surveyor from his office with him. He said the neighborhood was surveyed. He told A. Thain that where he thinks his lot line is, is not where it actually is. P. Moser asked if the lot is defined on the map by four corners and distances and variances of the four sides and D. Lees responded there is no variance because it is a plan from 1924 and they are all 25' across the front. He mentioned that 13 Nickerson had been surveyed and J. Lewis said she had that done when they moved there. J. Almeida said they had granite markers installed.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Non-conforming Special Permit #23-01 for 15 Nickerson Avenue to July 11, 2023 at 8:00 p.m. in the Town Hall Auditorium.

**Public Hearing – 12 Industrial Way – Map 46 Parcel 134 – Site Plan Review #23-09  
Stormwater Management Permit #23-01 and Parking Relief Special Permit #23-02  
Keith Edwards, Applicant**

PRESENT IN INTEREST: Nick Tuhacek  
Mehgan Buckman

**MATERIALS CONSIDERED:**

PLAN "12 Industrial Way Permit Drawings, 12 Industrial Way, Town of Wilmington, Middlesex County, Massachusetts" dated May 11, 2023

STORMWATER MANAGEMENT REPORT dated May 2023

LETTER from John Perry dated May 11, 2023

PLANNING REVIEW LETTER dated May 26, 2023

ENGINEERING MEMO dated June 6, 2023

M. Buckman told the Board the applicant will be restriping to improve the current condition. N. Tuhacek told the Board he is the Project and Property Manager. M. Buckman continued saying the property is located in the General Industrial zone and they are not proposing any changes to the use or changes to the building footprint. She said they are proposing to repave the western part of the parking lot. They are reducing the impervious footprint by 0.06 acres. The other improvements include vertical granite curbing along the right-of-way. M. Buckman said the primary reason is to improve the accessibility to the site. She said they are proposing a



ramp at the south-central entrance of the building to provide ADA accessible access. M. Buckman said the striping provides clear ADA accessible handicap parking. There are 3 parking spots that are accessible, and they will clearly be marked with signage. She said the drainage pattern will not change but stormwater improvements have been proposed. She said the Town Engineer suggested a small depression for an infiltration basin and they will also have a rain garden. T. Boland asked if the plan she was proposing included some of the changes made to address the comments in the Town Engineer's memo and she said yes. N. Tuhacek said they are trying to attract a warehouse user so they are giving a facelift to the property. He said they would like a tenant that is using the building for dry storage. She said they will respond to the other comments such as traffic. T. Boland said it seems like an improvement.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-09, Stormwater Management Permit #23-07, and Special Permit for Parking Relief #23-02 for 12 Industrial Way, Map 72 Parcel 20 to July 11, 2023, at 8:05 p.m. in the Town Hall Auditorium.

### **Board of Appeals**

At its meeting on June 6, 2023, the Planning Board (Board) voted to recommend as follows:

Case 9-23 for 12 Nelson Way – Map 87 Parcel 46 – Jon Garon, Applicant

J. Wierzbicki told the Board the applicant is requesting to construct and inground pool in the Ground Water Protection District. They are proposing an underground infiltration system for roof runoff and driveway runoff. V. Gingrich needs to get feedback from the Town Engineer.

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

VOTED: To recommend approval, should the Town Engineer confirm that adequate infiltration is shown on the plan. Groundwater recharge is proposed to mitigate the impervious area in the Groundwater Protection District.

### **Old Business**

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

V. Gingrich said there was a Board of Appeals meeting last month. She said TEC is reviewing the project as the peer reviewer and they have applied to the Conservation Commission and that will be peer reviewed as well. She said they met with the team and pushed back on the septic option. She said they may build duplexes or triplexes. S. Hennigan asked why they don't just reduce the number of units and V. Gingrich said the applicant is saying they can't build economically with less than 12 units. P. Moser said since this is a 40B, the Zoning Board of Appeals doesn't have a lot of control. V. Gingrich said there are certain things the Board can control and certain things they can't. She said they cannot make the project uneconomical for them. V. Gingrich said Town Counsel is involved. She said next month is the next meeting but no plans have been submitted.

**New Business**

**Request to release lot and accept surety for Tobin Drive - Map 16 Parcel 22A  
Definitive Subdivision #22-02 - Khalib Khan, Applicant**

PRESENT IN INTEREST: Khalib Khan

**MATERIALS CONSIDERED:**

PERFORMANCE BOND dated May 4, 2023

RECORDED FORM H – COVENANT TO SECURE THE CONSTRUCTION OF WAYS AND  
INSTALLATION OF MUNICIPAL SERVICES

V. Gingrich told the Board the binder course is down and surety has been received so the lot is ready to be released.

Upon motion duly made and seconded it was unanimously

VOTED: To release lot (6 Tobin Drive). Surety in the amount of thirty-one thousand, two hundred fifty-one dollars and zero cents (\$31,251.00) has been submitted in the form of a Right of Way Performance and Completion Bond.

**Request to endorse plan for Cross Street – Map 40 Parcel 11 – One Cross, LLC, Applicant**

**MATERIALS CONSIDERED:**

PLAN “Proposed Permit Site Plans, Cross Street, Wilmington, Massachusetts” dated May 11, 2022 and last revised February 16, 2023 and issued for Planning Board signature May 30, 2023  
LETTERS from Benjamin Minnix dated May 24, 2023 and May 30, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To endorse 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 at Cross Street, Wilmington, MA 01887 and shown on Assessor’s Map 40 Parcel 11.

**Discussion**

**North Wilmington Estates Definitive Subdivision – Schedule for Completion**

V. Gingrich said at the beginning of the year she asked the developer for an updated completion schedule for the roadway elements and offsite mitigation to close out the subdivision now that it’s close to the end. She said the developer provided a schedule and a lot of items should have been completed in the spring. She said some of those items did not get completed according to the schedule so she did not sign off on the building permits for the last two units and asked them to provide an updated schedule. She said she linked the completion of elements to prior to a building permit for both buildings and prior to occupancy. She said she reviewed it with the Town Engineer to make sure it made sense. She said prior to a building permit for the first one of the two dwellings that are left to build they would need to restore the Open Space buffer where the stockpile is located that is along the buffer strip between Carlos’ property and the development, they would need to do landscaping and street tree planting and prior to a second building permit they need to finish the curbing, the sidewalk, facilitate the HOA transition and transfer the Open Space to the HOA. She said prior to occupancy on the first of

the two homes all of the above list plus the water line patch, guardrail fence and all of the paving must be completed. V. Gingrich said she received comments from a resident that may be worked into the schedule including the shared driveway paving, the gap at the park sidewalk, drainage issues around 99 McDonald Road. She said she is hoping these items get done soon but he cannot continue building until he completes the punch-list according to the schedule. T. Boland asked if the Board had any comments and mentioned the resident's letter that was shared with Board members. S. Hennigan would like the curbing and sidewalks completed prior to any building permits. T. Boland talked about the park sidewalk and the curbing and said it was discussed to not do the curbing and sidewalks until the trucks are done in the area. He said he would like the Town Engineer asked to see if that's realistic. V. Gingrich said there should not be a ton of heavy truck activity at this point and there is a lot of curbing and sidewalk to finish. She said things can be asked for sooner than later.

Resident, J. Mellen, 8 McGrane Road asked what will happen with McDonald Road since it is already an accepted street. He said now that the heavy trucks have damaged it, will the developer be required to repave the road or is it the Town that will and he asked when it is expected to happen. V. Gingrich said the developer will repave the existing McDonald Road. T. Boland said that will happen prior to occupancy one. V. Gingrich said the repaving of McDonald Road was part of the original permit and is included in the plan set. She said the idea was that it would be paved at the end of the project so there would be no more heavy truck traffic to cause damage. J. Mellen said the under structure of the road is not what it would be if it were built today and asked what repaving entails. He asked if the developer will add just a thin layer to the top that will last only a few years. V. Gingrich said the plan shows resurfacing a 1 ½" overlay from Salem Street to the new subdivision. Resident, D. Peterson, 66 McDonald Road said the trucks have been running over people's yards. He said there are a lot of people in the audience are in the construction field and 1 ½" is unacceptable. He said it will be destroyed in two years. T. Boland said the Board is going back to a 2014 approval. He said he cannot make the developer do something other than what his approval letter requires but the Board is trying to tie what the developer needs to do with what the town wants. He said the Board needs to make it so that the road meets standards that are in the developer's permit. V. Gingrich said it will be an overlay and any problems that occur will need to be resolved in the future. A resident commented that the Town will have to make the repairs and use the Town's tax dollars instead of asking the developer to grind and do the repair correctly now. He asked if any Board member agreed that 1 ½" of pavement is the best plan. Another resident said the Town Engineer has standards that a road should be like, and he didn't understand why the Board could not have the road be brought to the same standard. Another resident asked how long it will be before they see roadway improvements and if he will see it in his lifetime. T. Boland said all paving prior to occupancy one being signed doesn't mean anything other than the pavement needs to be done. D. Peterson said the town is going to allow the developer to make the road look pretty with a topcoat so that he can get his occupancy permits and then they will have to repave it down the line because it will not last. A resident said that he has been working closely with V. Gingrich for a while to keep track of the status of the workload of the development. He said they are starting to see progress. He said the road to Salem Street is not up to roadway standards. There are no sidewalks so no one can walk down McDonald safely. He said Carlos is on the hook for putting a topcoat on but not for widening the road. He said they agree with the timeline but once it is completed, residents in the McDonald Road and McGrane Road area will need more from the town. V. Gingrich said this Board will hold the developer to what he is required to do. She said future improvements for McDonald Road would have to be worked through DPW. V. Gingrich said the Board would like to get the schedule in place. Resident, M. Pelosi, 60 McDonald Road asked V. Gingrich if the occupancy for the last two units will be held until the road is paved, but he can build the homes. A resident

said he abuts wetlands and Carlos has a big pile on his property which will require big trucks for the removal. He suggested the applicant remove the debris prior to McDonald Road's final pavement. T. Boland and V. Gingrich said they are trying to explore resources. T. Boland said since the pile is on his property, the Board is unsure what they can do. A resident said if an individual homeowner wants to put on a deck, the Town is right there dragging them into court explain their violation. Resident, D. Leasha, 129 McDonald Road asked if the Board member would be willing to take a ride to see for themselves. Resident D. Donahue, 55 McDonald Road said he lived there for over 35 years. He said McDonald Road was a failed road and would be reconstructed as part of the original approval, not just a skim coat over the road. He asked what the McDonald Road group needs to do to get the town to repave the road since it has not been paved in 36 years. He said it was a failed road before the subdivision was even started. D. Donahue asked who is on the hook for repaving the road. T. Boland said the applicant is on the hook for certain requirements. He said the surety in place would not cover the repaving. He said there is no reason to not look for a solution and he does not want the town taking on completing the project. A McGrane Road resident said the Board understands the current plan is insufficient. He asked what they and the Board can do to make sure the road is done right. V. Gingrich said she can provide plans of what the developer is required to do. D. Donahue said the developer should do it right. Resident, C. Clemons, 127 McDonald Road said they have had conversations with C. Pereira and S. Lawrenson. She said in regard to the road, the developer is under the impression that they only need to put a topcoat on, not remove a tree, move a mailbox or deal with flower-beds or correcting drainage issues because that's not part of their purview. She said when they were enticed to purchase their home, they were told the horrible road (McDonald) would be corrected. She said the residents were told the horrible road would be corrected in two years but it's gone on a lot longer than two years. She said the town has made empty promises for 35 years because the road is accepted and the residents all pay property taxes to have the roads maintained and be safe and acceptable. She said 25 new children now live on McDonald Road. She said if it's up to DPW, they will be on their agenda next week. She said the residents in that area are trying to find a solution, but they would also like to hear the town say for 35 years we have neglected McDonald Road and we are going do it right. T. Boland said he understood and there is no reason not to continue looking for a solution. A resident spoke about the safety of the road. He asked what the Board and McDonald Road residents can do together to ensure the road is done right. He asked what course of action can be taken. V. Gingrich said she would be happy to provide the plan. She said it would be working with DPW to get McDonald Road on the schedule to be repaved. She said she is going to speak with the Director to see if there is anything else the town can do. The resident said if the developer is going to do the paving, they should meet the standards of the town. M. Pelosi asked if the developer has been given a deadline for the last two homes he need to build and T. Boland said no. V. Gingrich said the Board can rescind the approval, but the town would not be able to complete the development. They could take the surety but there isn't enough money to complete the work. Surety was accepted many years ago. T. Boland said the discussion was about the quality of the paving not about the actual paving. A resident asked if the Board can do something since the developer did not complete the development according to the decision and completion deadline and T. Boland said the Board can rescind the approval but the town would be left on the hook to finish and the remaining surety is not enough. C. Clemons requested that North Wilmington Estates be on all Planning Board agendas until the project is completed and T. Boland said the Board can't promise it will be on the agenda, but the Board is aware of the situation. He suggested that it will be on the agenda as an update but there will not be another 45 minute discussion.

Upon motion duly made and seconded it was unanimously

VOTED: Direct the Planning Director to withhold permit signatures for the remaining building lots per the schedule.

**As Of Right Multi-Family Zoning District - MBTA Communities Zoning Requirements (Section 3A)**

V. Gingrich said they looked into the West Street option and it's a good option and it can include the self-storage, Grace Chapel and Regency. She said if Regency is included it would be conforming to zoning. She said she looked and Metro and thought if that is included in a district that would make it conforming to zoning. P. Moser said then the Town would lose the affordability. She suggested keeping some of Jefferson and some of West Street as an option. V. Gingrich said that R. Holland suggested the Textron/warehouse area. She said she was advised that more people will see information on social media so she thought she would set up a webpage with some frequently asked questions and answers. A. Marcolina suggested posting it on the Community Page and V. Gingrich said it will be posted there. She said they will put up some Boards at the Senior Center and they will put out a survey in August.

**Election of Officers – Chair and Clerk**

Upon motion duly made and seconded it was unanimously

VOTED: To elect Terence Boland as Chair and Sean Hennigan as Clerk.

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

VOTED: To adjourn the meeting at 10:00 p.m.

NEXT PLANNING BOARD MEETING: July 11, 2023

Respectfully submitted, ..



Cheryl Licciardi  
Recording Clerk

