



## 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 July 5, 2022

The Planning Board met on Tuesday July 5, 2022 at 7:30 p.m. in the Town Hall Auditorium.

The following members were present: Terence Boland, Chair, Randi Holland, Sean Hennigan, Angela Marcolina and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present.

#### Minutes

The Planning Board reviewed minutes of May 3, 2022.

Upon motion duly made and seconded with one abstention (P. Moser) it was

VOTED: To approve the minutes of May 3, 2022 as amended.

#### Form A

100 Research Drive - "Approval Not Required Plan", MBRT 100 Research LLC, Joseph A. Martignetti, Applicant

#### MATERIALS CONSIDERED:

PLAN "Approval Not Required Plan" dated June 23, 2022

V. Gingrich told the Board lot 1A is the project the Board recently approved for a 10,000-sf. building. She said they are dividing the lot so there is a building on each lot and the lot meets the zoning requirements. The plan has been reviewed by the Engineering Department and all requirements have been met. She said the plan is appropriate for signature.

Upon motion duly made and seconded it was unanimously

VOTED: To receive the ANR Plan and Application #22-05 for 1100 Research Drive, Map R3 Parcel 401 - "Approval Not Required Plan"

Upon motion duly made and seconded it was unanimously

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #22-05 for 100 Research Drive, Map R3 Parcel 104 - "Approval Not Required Plan"

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled, "Approval Not Required Plan", dated June 23, 2022

RECEIVED  
TOWN CLERK  
2022 SEP 16 PM 3:51  
TOWN OF WILMINGTON, MA

**278 – 282 Chestnut Street – “278 & 282 Chestnut Street, Map 14 Parcels 5 & 5C”  
Joseph Langone, Applicant**

PRESENT IN INTEREST – Doug Lees, Land Engineering & Environmental Services, Inc.

**MATERIALS CONSIDERED:**

PLAN “Plan of Land in Wilmington, Massachusetts” dated June 16, 2022 and last revised July 5, 2022

D. Lees told the Board there are two lots now. The proposal is to move a lot line so both lots will have adequate area of frontage. T. Boland asked if the movement was to get the circle in and D. Lees said no. V. Gingrich said the Engineering and Planning Departments reviewed it and it meets all the requirements and is ready for endorsement.

Upon motion duly made and seconded it was unanimously

VOTED: To receive the ANR Plan and Application #22-06 for 278 & 282 Chestnut Street, Map 14 Parcels 5 & 5C - “Plan of Land in Wilmington, Massachusetts” dated June 16, 2022 and last revised July 5, 2022

Upon motion duly made and seconded it was unanimously

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #22-06 for 278 & 282 Chestnut Street, Map 14 Parcels 5 & 5C - “Plan of Land in Wilmington, Massachusetts” dated June 16, 2022 and last revised July 5, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled, “Plan of Land in Wilmington, Massachusetts” dated June 16, 2022 and last revised July 5, 2022

**Matters of Appointment**

**Continued Site Plan Review #22-11, Stormwater Management Permit #22-09, Parking Relief Special Permit #22-02 and Groundwater Protection District Special Permit #22-02 for 225 Andover Street - Map R1 Parcel 108 – Pack Self Storage, LLC, Applicant**

A request to extend the action deadline for Site Plan Review #22-11, Stormwater Management Permit #22-09 and continue the public hearing for Site Plan Review #22-11, Stormwater Management Permit #22-09, Parking Relief Special Permit #22-02 and Groundwater Protection District Special Permit #22-02 for 225 Andover Street was received.

**MATERIALS CONSIDERED:**

E-MAIL from Attorney Robert Peterson dated June 30, 2022

Upon motion duly made and seconded with four in favor and one abstention (P. Moser) it was

VOTED: To extend the action deadline for Site Plan Review #22-11, Stormwater Management Permit #22-09, to August 31, 2022.

Upon motion duly made with four in favor and one abstention (P. Moser) it was

VOTED: To continue the public hearing for Site Plan Review #22-11, Stormwater Management Permit #22-09, Parking Relief Special Permit #22-02 and Groundwater Protection District Special Permit #22-02 for 225 Andover Street to August 2, 2022 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 Kristen Costa dated June 30, 2022

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 August 31, 2022.

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 August 2, 2022 at 7:40 p.m. in the Town Hall Auditorium.

**Continued Public Hearing - Site Plan Review #22-02, and Stormwater Management Permit #22-02 for 30 Upton Drive - Map R1 Parcel 18H, Stephen Albano, Applicant**

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

**MATERIALS CONSIDERED:**

PLAN "Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington, Massachusetts" dated January 5, 2022 and last revised June 21, 2022

RESPONSE TO COMMENTS from Devin Howe dated June 21, 2022

RESPONSE TO TRAFFIC from Devin Howe dated June 21, 2022

RESPONSE TO ENGINEERING from Devin Howe dated June 21, 2022

DEADLINE EXTENSION from Matt Costa dated July 5, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to August 31, 2022 for Site Plan Review #22-02 and Stormwater Management Permit #22-02 for 30 Upton Drive.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing Site Plan Review #22-02 and Stormwater Management Permit #22-02 for 30 Upton Drive to August 2, 2022 at 7:45 p.m. in the Town Hall Auditorium.

**Continued Public Hearing – Site Plan Review #22-07, Stormwater Management Permit #22-04 and Parking Relief Special Permit #22-01 for 278 Lowell Street – Map 72 Parcel 1B  
Keith Ronan, Applicant**

PRESENT IN INTEREST – Robert G. Peterson, Jr., Esq.  
Rick Salvo, Engineering Alliance, Inc.  
Keith Ronan

**MATERIALS CONSIDERED:**

PLAN “Proposed Commercial Building for Wrap Solutions, 278 Lowell Street, (Tax Map 72 Lot 1B) Wilmington, Massachusetts 01887” dated April 4, 2022 and last revised June 24, 2022  
RESPONSE TO PLANNING BOARD COMMENTS from R. Salvo dated June 9, 2022  
RESPONSE TO ENGINEERING COMMENTS from R. Salvo dated June 9, 2022  
E-MAIL from Resident Jolene Lewis dated June 27, 2022  
LETTER from Resident, Ron Reppucci dated June 20, 2022

Attorney R. Peterson, Jr. said they took into consideration comments from the Town Engineer. He said they also received results from Kleinfelder and R. Salvo will talk about the changes. He said the Town Engineer has drainage infrastructure installed off the roadway that straddles the property line but they don't have an easement to maintain it so the applicant offered a 10' easement to accommodate that infrastructure future maintenance. The second change involved installation of an overflow structure to prevent excess stormwater water from going into the municipal system. This will keep the water on this property if a storm exceeds a 100-year storm. The final change was along the rear property line. He said they increased the fence height to 8'. R. Salvo said behind the fence they increased the spacing of the evergreen trees to 12' on center and increased the number of trees. T. Boland asked if the Town Engineer is satisfied. V. Gingrich said that any small items were worked into the conditions of the decision. T. Boland asked the Board if they had additional question and there were none. He asked K. Ronan what his business does and how and if there is a need to dispose of something how is that done. K. Ronan said his business was established in 2009 specializing in interior and exterior wrappers. They have state of the art printers in their design labs, laminators in their production area and wrap installation in the bays that are temperature controlled. He said the vehicle must be clean. He said they use soap and water to apply the wrap. He said the wrappers are printed on latex printers then laminate the graphics, cut and prepare them for installation. K. Ronan said the client is instructed to bring in a clean, unwaxed vehicle the day prior to installation. The vehicle is left inside a climate-controlled area. He said the area is prepped using soap and water. He showed a picture with the lights taped off. He said they do not want to be removing car parts and once the wrap is complete the vehicle is pulled out for the client to pick up. The entire process takes between 24-36 hours. He showed pictures of the shop and said it's a dust free environment. K. Ronan said they are working on Wilmington fire fighter truck trailers at their Woburn shop. R. Holland asked how many vehicles in one given day would the applicant be wrapping, and K. Ronan said the capacity is now 3. Attorney R. Peterson, Jr. said the vehicles are brought into a climate-controlled environment. There would be no idling of the vehicles. T. Boland asked how many employees are working at one time and K. Ronan said between 12 and 14. Prior to taking comments or concerns from the audience, T. Boland explained the purpose of the Planning Board is to review Site Plan Review, Stormwater Management and Parking Relief. He said there was a question raised regarding whether it is the correct use for the zone and the Planning Board is going off the recommendation of the Building Department.

Resident, R. Reppucci, 19 Nickerson Avenue said that K. Ronan said he only uses soap and water and they don't remove any car parts. He asked if propane torches were used to heat the

wraps and K. Ronan said they have the option to use heat guns to heat the vinyl. T. Boland asked if they often use propane or electric heat guns and K. Ronan said they use either or. R. Reppucci said the applicant's YouTube videos shows him removing mirrors off the side of a truck and there are several videos of the applicant holding a propane torch. R. Reppucci said the owner is leaving things out in his presentation on how the wrap process takes place and that's not fair for the Planning Board. Resident, J. Lewis, 13 Nickerson Avenue said she wanted a clear answer from the Board regarding the plan from 1994 which clearly shows an 80' setback along the back of Burger King and this property that was not 20' as is being proposed. She said it's preferable to keep mature trees in a buffer. T. Boland said her letter was in the packet. V. Gingrich said she found the old file for the Burger King lot and at one point they were all the same lot. She said when it was proposed to subdivide them the Burger King lot did not have the adequate lot width, so they asked for a variance from the Board of Appeals to create that lot without the correct amount of width and as a concession, they agreed to an 80' buffer in the rear to make up for the lack of lot width. J. Lewis said that's not what the plan said. V. Gingrich said the variance decision applies to that property. J. Lewis asked why the plan showed it and T. Boland said the Board can't answer that. He said the decision was issued by the Board of Appeals. Resident, A. Thain, 25 Nickerson Avenue, asked if a building permit was issued or if it comes following a decision. T. Boland said the building permit has not been issued and he's not sure if it is issued immediate after the public hearing closes. A. Thain said there is obviously an issue with the zoning. He said there are five car wrapping businesses in the local area: 2 in Wakefield, 1 in Stoneham, 1 in Malden and 1 in Woburn. They are all zoned Light Industrial. A. Thain said all the neighboring towns that have this business that work on 6,000 lb vehicles to 14,000 lb vehicles, is denoted in the town's bylaw as Light Industrial. He is concerned about the fact that neighboring communities are calling this a Light Industrial use and we are not. T. Boland said he understands what the neighbors are saying, and the issues have been raised and the Board is working based on the recommendation of the Building Department. R. Reppucci said the residents have the right to challenge it and asked if that's what the appeal process is. V. Gingrich said that with an appeal to the Building Inspector's determination, the Board cannot advise them on. She said the use as determined by the Building Inspector, Craft and Building Trade Use, because it is a printing use. She said that use would be allowed in the Light Industrial district as well as General Business. V. Gingrich said just because a use is located in an Industrial district doesn't mean it can't go in another district. A. Thain said they sent a certified letter to the Building Inspector, June 22, 2022, and they have not heard back. V. Gingrich said she was told by the Building Inspector that because the use is not autobody repair, the vehicle weight will not come into play with this. Resident, F. Zecha, 1 Nickerson Avenue, asked if all the decision can be appealed. T. Boland said that is something they need look into. F. Zecha asked about the water flowing in the back and then asked about the wildlife. He said his three concerns are air quality, water runoff and wildlife. T. Boland said the Board requested an extra plan to show they could fit the extra parking. F. Zecha asked how many employees there are and T. Boland said, the applicant said between 12-14.

R. Salvo said they used the latest rainfall data available and talked about the hundred-year storm that adds 8" in a 24-hour period. He said there are 3 systems. One in front of the site, one on the side and one in the rear. He said there is no runoff, and all rainwater stays on the property. He said the water is stored in large chambers underground.

Resident asked how many trees are being removed and R. Salvo said 20' from each side of the property line and 30' to 50' in the rear. The resident asked if there is any recourse if the project is approved and then the property floods. R. Salvo said the plans are being reviewed by the Town Engineer who is very particular about stormwater management. R. Salvo said this is an appointment only business. He explained the reason for the Parking Relief Special

Permit is because the applicant does not need that many spaces. R. Holland said if you have a 100-year storm on that site, you will get 8" of water on that site over a 24-hour period, some will run into the ground and the rest will run off. She said the water is held on site. R. Holland said the Town Engineer is very particular and an applicant will be required to make revisions until he is satisfied. Resident, J. Almeida, 13 Nickerson Avenue, asked if the stonewall will be removed. T. Boland said no. He asked the applicant to look at the plan and make sure there will be enough trees in the winter to block the neighboring residents. J. Lewis asked what kind of trees and R. Salvo said Balsam firs. R. Reppucci questioned where the fence and trees would be. Attorney R. Peterson, Jr. said it was discussed at the last meeting. R. Reppucci asked who is responsible for maintaining the fence and trees and T. Boland said the property owner. R. Reppucci asked if that is the same owner that owns the Burger King and T. Boland said he did not know. J. Almeida asked where the snow will be piled and R. Salvo said 2 1/2' on the curb line. T. Boland asked if there is a snow storage area and R. Salvo showed the area on the plan. A. Thain said the plan doesn't match the stakes on the site. T. Boland said it will be built to the plan. Resident, N. Thain, 25 Nickerson Avenue asked why the owner has to have their business 20' from her property. She asked why the owner has to devalue the property she and her husband worked so hard for. She said he doesn't care about anything but his wallet. T. Boland said he designed it to meet bylaws.

Attorney R. Peterson, Jr. said they had a discussion with the Building Inspector, and they are not seeking a zoning change. He said this is a more desirable use and asked the residents to think about that. A. Thain said they were going to show elevations. R. Salvo showed a rendering of the building and explained it. T. Boland asked what the hours of operation are and K. Ronan said 8:00 am to 5:00 pm Monday through Friday.

Upon motion duly made and seconded with four in favor and one abstention (P. Moser) it was

VOTED: To extend deadline action for Site Plan Review #22-07 and Stormwater Management Permit #22-04 to August 5, 2022.

Upon motion duly made and seconded with four in favor and one abstention (P. Moser) it was

VOTED: To close the public for Site Plan Review #22-07, Stormwater Management Permit #22-04 and Parking Relief Special Permit #22-01 for 278 Lowell Street.

**Public Hearing – Site Plan Review #22-12 and Stormwater Management Permit #22-10 for 100-110 Fordham Road Map 91 Parcel 121 – Fordham Park LLC, Applicant**

PRESENT IN INTEREST – Jill Elmstrom Mann, Mann & Mann, PC  
Jeff Merritt, Granit Engineering  
Brenton Cole, Granite Engineering

**MATERIALS CONSIDERED:**

PLAN "Non-Residential Site Plan, 100-110 Fordham Road, Tax Map 91 Lot 121, 100-110 Fordham Road, Wilmington, Massachusetts", dated May 12, 2022 and last revised June 21, 2022, "Overview Plan – As-Built Survey, Phase II & III, 100-110 Fordham Road, Wilmington, Massachusetts, Northern Middlesex County" dated December 22, 2020, , "Overview Plan – As-Built Survey, 100-110 Fordham Road, Wilmington, Massachusetts, Northern Middlesex County" dated April 17, 2020

Attorney J. Elmstrom Mann told the Board there were no comments from Planning or other Departments. She said she received copies of draft decisions and believe they are fair and

reasonable. She told the Board she would be happy to answer any questions. T. Boland asked if anyone in audience wished to speak and there were none. V. Gingrich reviewed the decisions and said all requirements were met on the plan.

Upon motion duly made and seconded with four in favor and one abstention (P. Moser) it was

VOTED: To close the public hearing for Site Plan Review #22-12 and Stormwater Management Permit #22-10 for 100-110 Fordham Road.

Upon motion duly made and seconded with four in favor and one abstention (P. Moser) it was

VOTED: To approve with conditions Site Plan Review #22-12 for 100-110 Fordham Road as shown on plan entitled "Non-Residential Site Plan, 100-110 Fordham Road, Tax Map 91 Lot 121, 100-110 Fordham Road, Wilmington, Massachusetts", dated May 12, 2022, last revised June 21, 2022, prepared by Brenton Cole, P.E., Granite Engineering, 150 Dow Street, Tower 2, 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.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on June 7, 2022 and closing on July 5, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Adam Binnie, 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 proposal to raze buildings A and C and to construct a new 118,950 square foot industrial building, as shown on plan entitled "Non-Residential Site Plan, 100-110 Fordham Road, Tax Map 91 Lot 121, 100-110 Fordham Road, Wilmington, Massachusetts", dated May 12, 2022, last revised June 21, 2022, prepared by Brenton Cole, P.E., Granite Engineering, 150 Dow Street, Tower 2, Suite 421, Manchester, NH 03101, submitted on May 13, 2022, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

## **MATERIALS:**

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

### Description

"Stormwater Management Report" dated May 12, 2022, prepared by Brenton Cole, P.E.

"Transportation Impact Assessment" dated May 2022, prepared by Scott W. Thornton, P.E., Vanasse & Associates, Inc.

As-built Survey Plan prepared by Michael R. Dahlberg, P.L.S., KNA, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110

## **FINDINGS:**

1. The Project site is shown on Map 91 Parcel 121 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. Minor field adjustments may be approved by the Director of Planning & Conservation.

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

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

### **PRIOR TO THE START OF CONSTRUCTION:**

8. 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.
9. 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.
10. 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.
11. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.



## **DURING CONSTRUCTION:**

12. 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.
13. 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.
14. It is the responsibility of the Applicant to adhere to the Town's Earth Removal Bylaw (Section 32 of the Town's Inhabitant By-laws) and file for a permit through the Board of Selectmen, if necessary.

## **PRIOR TO OCCUPANCY:**

15. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
16. The Applicant shall install a toxic gas monitoring system inside the proposed warehouse.
17. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
18. Prior to the issuance of a Certificate of Occupancy, As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
19. 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:**

20. The Owner shall be responsible for removing and maintaining vegetation along the site frontage consistently to ensure that sight lines remain unobstructed at the site driveway intersections with Fordham Road.
21. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash. All dumpsters located on the Project site shall be enclosed by a fence and be of a side entry design. Dumpsters shall remain closed and enclosures locked.
22. 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.
23. 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.
24. Snow shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
25. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
26. 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. close the public for Site Plan

Review #22-07, Stormwater Management Permit #22-04 and Parking Relief Special Permit #22-01 for 278 Lowell Street

Upon motion duly made and seconded with four in favor and one abstention (P. Moser) it was

VOTED: To issue Stormwater Management Permit #22-10 for 100-110 Fordham Road 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**

July 6, 2022

ISSUED for Property located at 100-110 Fordham Road, Wilmington, Massachusetts (Map 90 Parcel 121)

Case No.: Stormwater Management Permit #22-10

Applicant: Adam Binnie, Fordham Park, LLC, 126 Daniel Street, #200, Portsmouth, NH 03801

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Non-Residential Site Plan, 100-110 Fordham Road, Tax Map 91 Lot 121, 100-110 Fordham Road, Wilmington, Massachusetts"; dated May 12, 2022, last revised June 21, 2022, prepared by Brenton Cole, P.E., Granite Engineering, 150 Dow Street, Tower 2, 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, material originally submitted on May 13, 2022, 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" dated May 12, 2022, prepared by Brenton Cole, P.E.

"Transportation Impact Assessment" dated May 2022, prepared by Scott W. Thornton, P.E., Vanasse & Associates, Inc.

As-built Survey Plan prepared by Michael R. Dahlberg, P.L.S., KNA, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110

**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 October 2, 2018.

### **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 July 6, 2022

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

PRESENT IN INTEREST – Rob Peterson, Jr., Esq  
Ben Minnix, Eaglebrook Engineering & Survey, LLC  
Jonathan Main

### **MATERIALS CONSIDERED:**

Plan “Proposed Permit Site Plans, Cross Street, Wilmington, Massachusetts” dated May 11, 2022

RENDERINGS received June 9, 2022

LIGHTING DETAILS dated May 24, 2022

LETTER from Jason Plourde, VHB dated April 21, 2022

STORMWATER ANALYSIS & CALCULATIONS dated May 11, 2022

PLANNING REVIEW LETTER dated June 29, 2022

ENGINEERING MEMO dated July 5, 2022

Attorney R. Peterson, Jr. told the Board they are proposing Multi-Family development across from Yentile Park. There will be two buildings each having 8 units for a total of 16 units which is different than what was originally proposed. He said they are before the Conservation Commission. He has requested a continuance to address more of their concerns. T. Boland said since this is the first time the Board is seeing the project and issues are being worked out for the Conservation Commission and DEP, he requested the applicant address what is in the works with them as well. B. Minnix showed the Board the existing condition plan showing a 3-acre lot with wetland. He said there are comments that need to be addressed. He said property is on Cross Street, between Main Street and Lowell Street. He showed the general site layout. B. Minnix said they have 33 parking spaces but only 32 spaces are required. He said there are 2 buildings with 8 units each. He said they are proposing a sidewalk along the front of the parking lot. He said at the back of the parking lot they are proposing a retaining wall with varying heights and the highest point is 9 feet. Conservation wants the retaining wall pulled away from the wetlands. He showed the Board the drainage and grading plan. They are proposing a stormwater mitigation plan to meet the requirements. He talked about the stormwater flow that discharges to the wetlands. He said the existing flow now goes towards the wetlands. He said they will use catch basins at each entrance and along the back of the retaining wall. He showed the Board the truck turning plan. There are existing sewer and gas lines on Main Street. T. Boland asked for an explanation of the different buffers. V. Gingrich talked about the Conservation Commission's policies. She said they like to see a 15' no disturb area. She said depending of the type of project, they like to see 25' no structure, no build which includes retaining walls for residential projects. V. Gingrich said for commercial projects such as this, the Conservations Commission would like to see 50' as no build, no structure. She said this is a tight site and they are definitely not meeting those policies so the Commission would need to approve something that doesn't meet their policies. T. Boland asked if the Board would be getting direction from the Conservation Commission prior to having to make its decision. V. Gingrich said Cross Street will not be on the Commission's agenda until August so they will be before the Planning Board the day before the Conservation meeting. Attorney R. Peterson, Jr. said it is their goal to meet needs of the Conservation Commission so that when they come before the Planning Board, the concerns are addressed. T. Boland asked to see the architectural plans. R. Holland said she would like to see a little delineation. T. Boland said looking from the grading point on the elevation, it looks as though it's street, parking lot, foundation. B. Minnix agreed. T. Boland asked about the lighting plan and said there is lighting around building A but none around building B. He said the Board will ask that it doesn't cross the property line and they are downward facing. R. Holland expressed concern about the 9' retaining wall and T. Boland said the Conservation Commission has concerns with that as well and they will be taking a look at that. P. Moser asked where the snow removal is and B. Minnix said it will be in the landscaped area of the parking. T. Boland asked if they figured two parking spots per unit because he is concerned there may be a problem with the park across the street when they have games. Attorney R. Peterson, Jr. said it was discussed with Officer D. Furbish. There is designated one spot per unit since they are single units and one spot for visitor parking.

V. Gingrich reviewed comments made in the Planning review letter. V. Gingrich said the Town Engineer recommended Green International (the consultants that are designing Rte. 38 corridor project) do a peer review and look at pedestrian connectivity from this site to Lowell Street as well as across the street from the park. She said if the applicant and Board agree, that can be started soon. She said if the peer is started soon, they could have comments for the next meeting. Everyone agreed.

Resident, R. Dupont, 59 Lowell Street, said his driveway is on Lowell Street and he is concerned about traffic. He said there was a traffic count, and the Town has it. V. Gingrich

said she did not have it at the meeting. R. Dupont said the applicant is saying the water runs backwards. He said it runs through his back yard as well as his neighbors back yards. T. Boland asked the applicant if the water is running down back, what happens to the other side of Cross Street?

B. Minnix said the water goes across Cross Street and explained. Attorney R. Peterson, Jr. said the previous plan had an arrow that was incorrect, but the plan is correct now. T. Boland said this is under review with the Town Engineer. He said the Town Engineer is looking to see that nothing gets generated by the proposed work and no water will discharge where it wasn't before. R. Dupont asked how that will work. He said when they build, there will be more water. How will that be prevented. T. Boland explained the recharge system and said it will go in the ground. Attorney R. Peterson, Jr. said this development will not exceed any runoff currently existing on the site. He said they need to show what is their preconstruction and post construction. R. Dupont said they are intruding the wetlands with their wall and T. Boland said Conservation is still reviewing that. V. Gingrich said there is a traffic memo from the applicant that the town engineer would like reviewed by Green International as well as the trip generation and pedestrian connectivity. She said the applicant is looking at pedestrian connectivity from their site to the surrounding network, Lowell Street, and the park. They show sidewalk to Main Street. R. Dupont said there is no access from Lowell Street. V. Gingrich asked if he meant as a pedestrian. R. Dupont said there are no sidewalks on that side and asked if they were putting sidewalks on their property. He said if that's the case everything would be pushed further back putting it closer to the wetlands. Attorney R. Peterson, Jr. said the sidewalks on the plan are on the applicant's property and the setbacks are being met. Resident, E. Godzick, 34 Lowell Street, asked how far back from the street is the retaining wall and asked if the property is all wetlands. T. Boland said it's not all wetlands. B. Minnix showed the wetland line. He said it's about 65' from the pavement. Resident, P. Godzick, 16 Muse Avenue, said on the Main Street side, where is the culvert. T. Boland asked if he was talking about a culvert on Main Street. P. Godzick said he's lived there all his life and there is water on both sides of Main Street. V. Gingrich asked what direction and P. Godzick said towards Butters. V. Gingrich said there are old drainage plans that could be looked at. V. Gingrich said this is not a stream, it's a wetland and they flow in different directions. V. Gingrich said the direction of any kind of flow is not as important. She said that any stormwater that is generated be retained. Attorney, R. Peterson, Jr. said this is similar to one he built in Wakefield at 600 North Avenue.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the Public Hearing for Site Plan Review #22-15 and Stormwater Management Permit #22-11 for Cross Street to August 2, 2022 at 7:55 p.m. in the Town Hall Auditorium.

### **Board of Appeals**

Continued Case 6-22 for 100-104 West Street – Map 71 Parcels 3 & 5 – 100 West Street, LLC, Applicant

V. Gingrich told the Board there was a Board of Appeals meeting July 27, 2022. The applicant gave a presentation of the project. They are having some peer reviews being conducted. TEC will do the traffic, civil and stormwater peer review. Kleinfelder is going to do the water analysis and Arcadis will do the sewer study. They had questions for the applicant to talk about at future meeting regarding snow management, parking demand, vehicle circulation and utility wires along West Street. There were no members of the public at the meeting so there

were no public comments. The public hearing was continued to August 10, 2022 at 7:00 p.m. and hope is the peer reviews will be completed so they can be reviewed. S. Hennigan asked if the Board could be provided information as well. T. Boland said the Planning Board meeting is August 2<sup>nd</sup> and information for the August 10<sup>th</sup> meeting should be received 2 weeks prior to the meeting. V. Gingrich said she received some information and will provide it to the Board through One-Drive. T. Boland said the Board would like to start providing comments rather than provided them all at the end.

### **Old Business**

There was no Old Business

### **New Business**

#### **Decision for Site Plan Review #21-18 for 773 Salem Street - Map R1 Parcel 23 Ellen Freyman, Esq. for Verizon, Applicant**

PRESENT IN INTEREST: Stephen Sobey, Esq. for Verizon

T. Boland said the Board asked for conditions regarding the structural issues. V. Gingrich reviewed the draft decision. She said there is a condition post construction and preconstruction that the work that's described in the structural report be completed during construction and post construction that they confirm it was completed.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #21-18 for 773 Salem Street as shown on plans entitled "Wilmington 4 MA, 773 Salem Street, Wilmington, MA 01887" dated July 28, 2021 and last revised May 24, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, N. Andover, MA 01845 and "Mount Modification Drawings" dated July 20, 2021, prepared by Eric T. Anderson, P.E., Maser Consulting, 2000 Midlantic Drive, Suite 100, Mount Laurel, NJ 08054. 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 January 4, 2022 and closing on June 7, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Verizon Wireless, 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 to remove 9 existing antennas and replace 8 new antennas, remove 1 junction box and replace with 2 new junction boxes, remove 6 remote radio heads and install 12 new remote radio heads, and remove 1 hybrid cable and replace with 2 new hybrid cables at the existing facility as shown on plan entitled "Wilmington 4 MA, 773 Salem Street, Wilmington, MA 01887" dated July 28, 2021 and last revised May 24, 2022, prepared by Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, N. Andover, MA 01845 and "Mount Modification Drawings", dated July 20, 2021, prepared by Eric T. Anderson, P.E., Master Consulting, 2000 Midlantic Drive, Suite 100, Mount Laurel, NJ 08054, submitted on December 10, 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:

### Description

Structural Analysis Report prepared by B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated June 11, 2021

Structural Analysis Report prepared by B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated January 27, 2022

Structural Analysis Report prepared by B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated February 1, 2022

Structural Analysis Report prepared by B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, revised February 25, 2022

"Self-Supporting Tower Reinforcement Mapping Report" prepared by Structural Components, LLC, 1870 W. 64<sup>th</sup> Lane, Unit A, Denver, CO 80221, dated March 18, 2022

Memorandum from TEC, 146 Dascomb Road, Andover, MA 01810, dated April 1, 2022

Opinion Letter from B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated April 19, 2022

Opinion Letter from B+T Group, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, dated May 25, 2022

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

Memorandum from TEC, 146 Dascomb Road, Andover, MA 01810, dated June 7, 2022

TIA Condition Assessment from Reese Tower Services, dated August 29, 2019

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

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

### **DURING CONSTRUCTION:**

8. As directed by the Opinion Letter from B+T Group dated May 25, 2022, the recommendations of the TIA Assessment from Reese Tower Services, dated August 29, 2019 that was previously submitted for the tower shall be implemented to eliminate further deterioration.

### **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 letter shall be provided by a licensed structural engineer that confirms substantial completion of all structural modifications and improvements as recommended by the TIA Assessment from Reese Tower Services dated August 29, 2019.

## **Decisions for 81G Application #21-01 and Stormwater Management Permit #21-14 for 11 Commonwealth Avenue - Map 40 Parcel 168A – S & K Associates, LLC, Applicant**

PRESENT IN INTEREST – Doug Lees, Land Engineering

V. Gingrich said they worked out some wording with the Town Engineer about the pitch of the roadway not being 1% when it's supposed to be. She said there is wording in the decision that following the binder coat they need to provide an as-built plan showing that .5% has been achieved. Again, after the final coat the developer will submit a plan showing they meet the .5%. T. Boland asked if D. Lees was satisfied with the decision and D. Lees said yes.



Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions an 81G application and plan entitled, "Commonwealth Avenue in Wilmington, Massachusetts" dated November 10, 2021, last revised May 11, 2022, scale 1"=20', prepared by Douglas E. Lees, P.E., Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsboro, MA 01879, concerning the property located at 11 Commonwealth Avenue, and shown on Assessor's Map 40, Lot 168A subject to the Findings and Conditions below.

#### **MATERIALS:**

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

1. Authorization Letter from Stephen Downs, 8 Commonwealth Avenue
2. "Stormwater Management & Erosion Control Plan" prepared by Douglas E. Lees, Land Engineering & Environmental Services, Inc., dated November 10, 2021, last revised May 11, 2022
3. Letters from Douglas E. Lees, Land Engineering & Environmental Services, Inc., dated January 10, 2022, February 14, 2022, April 15, 2022, May 11, 2022, May 31, 2022
4. Letter & Alternative Analysis Plans from Michael J. Newhouse, Esq., Newhouse Law, P.C., dated April 19, 2022

#### **FINDINGS:**

1. The Project includes the extension of Commonwealth Avenue through the frontage of 11 Commonwealth Avenue with a partial turnaround located on 8 Commonwealth Avenue.
2. The Roadway Improvement 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 Chapter 41 Section 81G of the MA General Laws.
3. 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.
4. This permit does not grant or alter any property rights. It shall be the responsibility of the Applicant to ensure that it has the right and ability to undertake the work authorized under this permit.
5. Relief from the Official Map is required from the Wilmington Zoning Board of Appeals.

#### **CONDITIONS:**

1. Roadway improvements shall be constructed in accordance with any other applicable regulations of the Town of Wilmington.
2. Roadway improvements shall be constructed within one (1) year from the date of this approval, unless an extension is granted by the Planning Board.

3. Any modification to the approved plans must receive the prior approval of the Planning Board.

**PRIOR TO THE ISSUANCE OF A BUILDING PERMIT/CONSTRUCTION:**

4. Easements in a form approved by Town Counsel for access and drainage shall be executed and recorded.
5. 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.
6. An interim as-built plan shall be provided following construction of the binder course with spot grades demonstrating the constructed roadway adheres to the approved design requirement of ½ percent profile grade and approved roadway cross slope(s) to ensure proper roadway drainage.
7. At least one (1) week prior to the commencement of earth moving activities, the applicant or designated authority shall schedule a pre-construction meeting with the Department of Planning & Conservation and the Engineering Division.
8. At the time of the pre-construction conference, the developer will be required to submit a schedule of work, project contacts, soil erosion and sedimentation control plan, information on plans for stockpiling of earth materials and/or any plans for hauling of earth materials (if approved under the Earth Removal Bylaw) for review by the Department of Planning & Conservation and Engineering Division.
9. Prior to the commencement of construction, erosion controls shall be installed and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
10. Notice of start of construction shall be distributed to abutting properties and properties fronting on Commonwealth Avenue two (2) weeks prior to the commencement of construction.
11. 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.
12. Prior to the issuance of a building permit for the dwelling, the roadway shall be completed through binder course and an acceptable form of surety shall be provided for the completion of the roadway improvement project.

**PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

13. The Applicant or designated authority shall give reasonable notice (at least 24 hours) to the Engineering Division for inspection prior to installation of the proposed roadway section (i.e., sub-grade, grave base, binder, and wearing surface) and prior to backfilling any proposed stormwater management system.
14. Iron pins shall be installed at all lot corners.

15. Prior to the release of surety and the issuance of a Certificate of Occupancy for 11 Commonwealth Avenue, final As-Built Plans for the roadway improvement project and the construction of 11 Commonwealth Avenue, in form(s) and format(s) acceptable to the Town Engineering Director shall be submitted to the Engineering Division and Director of Planning and Conservation.
16. Final as-built plans shall provide spot grades to confirm that the roadway was constructed per the approved design plan with ½ percent profile and gutter line grade and the approved roadway cross slopes to ensure proper roadway drainage.
17. The Operation & Maintenance Plan shall be recorded.

**POST OCCUPANCY:**

18. All maintenance responsibilities per the Operation and Maintenance Plan for all drainage structures installed for this project will remain with the Owner of 11 Commonwealth Avenue.

Upon motion duly made and seconded it was unanimously

VOTED: To issue the Stormwater Management Permit #21-14 for 11 Commonwealth Avenue 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**

July 7, 2022

ISSUED for Property located at 11 Commonwealth Avenue, Wilmington, Massachusetts (Map 40 Parcel 168A)

Case No.: Stormwater Management Permit #21-14

Applicant: Stephen Copp, S & K Associates, LLC, 26 Highland Circle, Needham, MA 02494

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Commonwealth Avenue in Wilmington, Massachusetts", dated November 10, 2021, last revised May 11, 2022, prepared by Douglas E. Lees, P.E., Land Engineering & Environmental Services, Inc., 1 Bridgeview Circle, Suite 16, Tyngsboro, MA 01879. Said property is located at 11 Commonwealth Avenue, Wilmington, MA 01887 and shown on Assessor's Map 40 Parcel 168A, material originally submitted on November 10, 2021, subject to the following conditions:

**MATERIALS:**

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

Description

Letter from Douglas E. Lees, Land Engineering & Environmental Services, Inc., dated January 10, 2022

Earth Volume Calculations, prepared by Land Engineering & Environmental Services, Inc., dated February 14, 2022

Earthwork Worksheet, prepared by Land Engineering & Environmental Services, Inc., dated April 15, 2022

Letter & Alternative Analysis Plans from Michael J. Newhouse, Esq., Newhouse Law, P.C., dated April 19, 2022

"Stormwater Management & Erosion Control Plan" prepared by Douglas E. Lees, Land Engineering & Environmental Services, Inc., dated November 10, 2021

"Stormwater Management & Erosion Control Plan" prepared by Douglas E. Lees, Land Engineering & Environmental Services, Inc., dated November 10, 2021, last revised May 11, 2022

## **STANDARD CONDITIONS**

7. Waivers granted: None
8. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
9. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook.
10. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
11. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.
12. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E of the Town of Wilmington Comprehensive Stormwater Management Regulations adopted February 2, 2010 and last amended on October 2, 2018.

## **SPECIAL CONDITIONS**

4. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
5. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
6. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.

4. The Stormwater Management Operation and Maintenance (O&M) Plan shall be recorded at the Registry of Deeds prior to any issuance of a Certificate of Occupancy.

ISSUED ON July 7, 2022

**Decision for Site Plan Review #22-10 and Stormwater Management Permit #22-08  
910 Salem Street - Map R1 Parcel 28 – Benevento Family Ltd. Partnership, Applicant**

PRESENT IN INTEREST – Robert Peterson, Esq.

MATERIALS CONSIDERED:

None

V. Gingrich said there were no comments and there are only standard conditions.

Upon motion duly made and seconded with four in favor and one abstention (P. Moser) it was

VOTED: To approve with conditions Site Plan Review #22-10 for 910 Salem Street as shown on plan entitled “Benevento Sand and Stone, AC Tank Containment Stormwater Management, 900 Salem Street, Wilmington, Massachusetts”, dated May 2022, prepared by Taber L. Midgley, P.E., EA Engineering, Science, and Technology, Inc., PBC, 301 Metro Center Blvd, Suite 102, Warwick, RI 02886. Said property is located at 910 Salem Street, Wilmington, MA 01887 and shown on Assessor’s Map R1 Parcel 28.

This is to certify, following a public hearing of the Wilmington Planning Board (Board) opening and closing on June 7, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Benevento Family Limited Partnership, 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 proposal to erect a new 30,000 gallon liquid asphalt storage tank and reconstruct the secondary containment area , as shown on plan entitled “Benevento Sand and Stone, AC Tank Containment Stormwater Management, 900 Salem Street, Wilmington, Massachusetts”, dated May 2022, prepared Taber L. Midgley, P.E., EA Engineering, Science, and Technology, Inc., PBC, 301 Metro Center Blvd, Suite 102, Warwick, RI 02886, submitted on May 13, 2022, (the “Site Plan”) (the “Project”), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

**MATERIALS:**

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

Description

Stormwater Management Plan, prepared by EA Engineering, Science, and Technology, Inc., PBC, dated May 2022

**FINDINGS:**

1. The Project site is shown on Map R1 Parcel 28 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. Minor field adjustments may be approved by the Director of Planning & Conservation.

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

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

### **PRIOR TO THE START OF CONSTRUCTION:**

8. 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.
9. 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.
10. If applicable, the Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
11. 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.

### **DURING CONSTRUCTION:**

12. 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.
13. 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:**

14. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
15. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash.
16. 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.
17. 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.
18. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
19. 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 with four in favor and one abstention (P. Moser) it was

VOTED: To issue Stormwater Management Permit #22-08 for 910 Salem Street  
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**

July 7, 2022

ISSUED for Property located at 910 Salem Street, Wilmington, Massachusetts (Map R1 Parcel 28)

Case No.: Stormwater Management Permit #22-08

Applicant: Charles J. Benevento, Benevento Family Ltd. Partnership, 900 Salem Street, Wilmington, MA 01887

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Benevento Sand and Stone, AC Tank Containment Stormwater Management, 900 Salem Street, Wilmington, Massachusetts", dated May 2022, prepared by Taber L. Midgley, P.E., EA Engineering, Science, and Technology, Inc., PBC, 301 Metro Center Blvd, Suite 102, Warwick, RI 02886. Said property is located at 910 Salem Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 28, material originally submitted on May 13, 2022, subject to the following conditions:

## **MATERIALS:**

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

### Description

Stormwater Management Plan, prepared by EA Engineering, Science, and Technology, Inc., PBC, dated May 2022

## **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 October 2, 2018.

## **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 July 7, 2022



**Request to release building lots 11 (Assessor's Map 10 Lot 5J for 13 Darby Lane), 12 (Assessor's Map 10 Lot 5K for 11 Darby Lane), 14 (Assessor's Map 10 Lot 5M for 7 Darby Lane), 15 (Assessor's Map 10 Lot 5N for 5 Darby Lane) Highland Estates Definitive Subdivision #19-02 - James Castellano, Applicant**

**MATERIALS CONSIDERED:**

PLAN "Septic System Plan, Highland Estates, Tax Map 10 Lot 5K, 11 Darby Lane, Wilmington, Massachusetts", dated April 3, 2022

E-MAIL from J. Castellano dated June 15, 2022

V. Gingrich told the Board that of the requested list, the only lot with an approved septic plan is for Lot 12 which is 11 Darby Lane.

Upon motion duly made and seconded it was unanimously

**VOTED:** To release lot 12 (Assessor's Map 10 Lot 5K for 11 Darby Lane). Surety in the amount of two hundred forty thousand, one hundred twenty-three dollars and zero cents (\$240,123.00) had previously been presented in the form of a Tri-Party Agreement. The executed Form J, Release of Lots in Exchange for Provision of Surety, is enclosed and must be recorded at the Registry of Deeds.

**Site Plan Review Waiver #22-05 for 353 Middlesex Avenue – Map 79 Parcel 31B – Jim Taylor for Proficient Builders, Applicant**

**MATERIALS CONSIDERED:**

PLAN "353 Middlesex Avenue, Wilmington, Massachusetts" dated November 2, 2020

ARCHITECTURALS dated July 23, 2021 and last revised April 22, 2022

V. Gingrich told the Board it is the Art of the Event building in North Wilmington, off Waltham Street. She said there is sagging in the building in the front so they would like to replace the front of the building. She said they will put in new windows and the door will shift a bit. V. Gingrich said nothing would change on the site for parking. She said they have no tenant currently but once they do, they would need to go before the Board for parking and fulfilling all site plan review requirements. She said the Building Inspector agreed that the front of the building needed repair and quickly, so a waiver is a vehicle to accomplish that. R. Holland asked for confirmation that the applicant would come before the Board once they have a tenant and V. Gingrich said they would. T. Boland reiterated there would be no other work to the building and the waiver for the repair to the front of the building is that of the Building Inspector.

Upon motion duly made and seconded it was unanimously

**VOTED:** To approve the request to waive Site Plan Review to replace the existing front facade, windows and doors. These changes are shown on plan entitled, "1<sup>st</sup> Floor Plan Proposed" and "Ext. Elevations & Details Existing & Proposed" dated July 23, 2021 and last revised April 22, 2022, prepared by: Conner Design, 39 Norman Street, Suite 301, Salem, MA 01970.

**Endorse Site Plan Review #22-09 for 46 & 53 Jonspin Road - Map R1 Parcels 306C & 3055 - Todd Morey, Beals Associates for Northbridge Partners, Applicant**

**MATERIALS CONSIDERED:**

PLAN "Walkway Connection Plan, 46 & 53 Jonspin Road, Wilmington, MA" dated April 7, 2022

V. Gingrich told the Board this is for the crosswalk.

Upon motion duly made and seconded with four in favor and one abstention (P. Moser) it was

VOTED: To endorse plan for Site Plan Review #22-09 for 46 & 53 Jonspin Road, plan entitled "Walkway Connection Plan, 46 & 53 Jonspin Road, Wilmington, MA", dated April 7, 2022, last revised June 14, 2022, prepared by Todd P. Morey, P.E., Beals Associates, Inc., 2 Park Plaza Suite 200, Boston, MA 02116. Said property is located at 46 & 53 Jonspin Road, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcels 306C & 3055.

**Endorse plan for 26 Upton Drive - Map R1 Parcel 18G – Cellco Partnership dba Verizon, Applicant**

**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, Existing 114'-6" Monopole," dated April 14, 2021 and last revised April 29, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan for Site Plan Review #22-13 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 April 14, 2021 and last revised April 29, 2022, 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.

**Endorse plan for 26 Upton Drive - Map R1 Parcel 18G – T-Mobile Northeast, Applicant**

**MATERIALS CONSIDERED:**

PLAN "T-Mobile Site Number: 4BSM194A, BU #: 875104, Crocker Property, 26 Upton Drive, Wilmington, MA 01887, Existing 116'-0" Monopole", dated January 17, 2022 and last revised February 15, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan for Site Plan Review #22-14 for 26 Upton Drive entitled, "T-Mobile Site Number: 4BSM194A, BU #: 875104, Crocker Property, 26 Upton Drive, Wilmington, MA 01887, Existing 116'-0" Monopole", dated January 17, 2022 and last revised February 15, 2022, prepared by John Bosco, P.E., French & Parrello Associates, 1800 Route 34, Suite 101, Wall, NJ 07719. Said property is located at 26 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18G.

**Discussion**

**Update on projects under construction**

V. Gingrich told the Board that at North Wilmington Estates, it's come to the department's attention that they have a soil pile on the open space parcel. She said she touched base with the owner and told him to remove the soil and restore the area.

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

VOTED: To adjourn the meeting at 10:25 p.m.

NEXT PLANNING BOARD MEETING: August 2, 2022

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheryl Licciardi".

Cheryl Licciardi  
Recording Clerk

