



## 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 August 1, 2023

The Planning Board met on Tuesday August 1, 2023 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Terence Boland, Chair, Randi Holland, Sean Hennigan, Angela Marcolina and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present.

#### Minutes

The Planning Board reviewed the May 2, 2023 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the May 2, 2023 minutes as written.

#### Form A

None

#### Matters of Appointment

**Public Hearing – 255 Ballardvale Street - Map R2 Parcel 26A - Sign Special Permit #23-04**  
**Sean Shah, Applicant**

PRESENT IN INTEREST: Sean Shah, Fastsigns

#### MATERIALS CONSIDERED:

SIGN SPECIFICATION received June 28, 2023

NARRATIVE dated June 27, 2023

S. Shah told the Board he is requesting the sign as proposed being 36" tall, the letters are 15" and the length is 197". He said what is allowed is 40 sq. ft. and this exceeds it by 9.25 sq. ft. V. Gingrich told the Board the sign is above the second floor of the building and anything above the first floor is limited to 10' in length and this proposal is for 197" exceeding that which is the bylaw exception. T. Boland said it is not an area exception and V. Gingrich said that is correct. V. Gingrich said the conditions are standard and there is an appeal period. S. Shah asked how long the appeal period is and why it is required. V. Gingrich responded 20 days and it is a state law.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing and approve the Sign Special Permit #23-04 for one (1) 36" x 197" (49.26 sq. ft.) wall sign, for the company "Seurat", to be located above the second floor of the building. The application was filed with the Planning Board on July 5, 2023. Said property is located at 255 Ballardvale Street and shown on Assessor's Map R2 Parcel 26A.

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TOWN OF WILMINGTON, MA

**Public Hearing – Lee Avenue – Map 58 Parcel 25 - 81G Roadway Improvement Plan  
Application #23-01 and Stormwater Management Permit #23-10 – Joseph Shammon,  
Applicant**

PRESENT IN INTEREST: Luke Roy, LJR Engineering  
Joseph Shammon

**MATERIALS CONSIDERED:**

PLAN: "Roadway Improvement Plan, Lee Avenue, Town of Wilmington" dated April 1, 2023,  
"Fire Truck Turning, Lee Avenue, Roadway Improvements, Wilmington, Massachusetts" dated  
April 1, 2023

STORMWATRE ANALYSYS dated April 2023

PLANNING REVIEW LETTER dated July 31, 2023

ENGINEERING MEMO dated July 31, 2023

L. Roy told the Board they submitted a roadway improvement plan for the Board's consideration for the proposed development of one single- family dwelling on an existing lot. He said the lot has frontage on Lee Avenue and it's across from former Lucci's Supermarket now McKinnons. He said it intersects with Perry Avenue which is a paper street. He said there are 3 existing homes on Lee Avenue and 230 Lowell Street is commercial and that's on the corner of Woburn and Lowell. The existing roadway is 18' feet of pavement with not much of a turnaround at the end. He said there is an existing watermain and hydrant. There are no curbs or berms or drainage treatment. It drains from the highest point on Lowell Street to the paper street portion of Perry Avenue and drains off to the south in a swale into a wetland area in the back. They are proposing to widen the pavement width of Lee Avenue from 18' to the minimum paved width of 20' and improve the turnaround with a half circle. He said they demonstrated a fire truck can maneuver in the half circle. The applicant will create a roadway easement for the turnaround. L. Roy said they are proposing some stormwater improvements to control and treat the stormwater. He said they are proposing a grassed infiltration swale in half the roadway as well as a roof drain infiltration system.

T. Boland asked if that is a public street that is 18' wide and V. Gingrich said the length of the improvement is from Lowell Street. L. Roy said in 1989 they extended the layout. S. Hennigan said he has a big problem with the applicant designing the project to drain onto someone else's property. He said the water will be draining into Mr. & Mrs. Webber's property. L. Roy said that is the way the stormwater drains now. He said that is the natural drainage pattern. L. Roy said they will not be making it any worse than it currently is. J. Shammon said in 2002 the water has been draining from Lowell Street into Lee. He said the catch basin is in the paper street. He said he has the statute that allows him to build in that paper street and no one uses that portion anyway. He said the water issue will be better. T. Boland said hopefully the situation will get better. V. Gingrich said staff questioned whether Perry Avenue could be used for drainage and consulted with Town Counsel. The opinion of Town Counsel was that it couldn't be used for drainage as shown because drainage doesn't qualify as one of those utilities and it obstructs other folks use of the paper street. V. Gingrich said the statute says you can put a sewer or water line under a roadway in but not a basin. She said Town Counsel looked at the plan and his opinion is this would not be allowed and J. Shammon cannot use his half of the street to preclude others' use of it. She said she is not an attorney. J. Shammon said he is. He said nobody has used this portion of street since 1999. Nobody uses this portion therefore nobody is giving up anything. S. Hennigan asked how the Board is supposed to know that nobody uses the street and J. Shammon said you can watch the pattern of who goes in and out. He said he is making easements on his property. He said the drainage comes in from Lowell Street. T.

Boland said the Board understands he is trying to make it better. J. Shammon said for decades the Webbers come in off Woburn Street and Mr. Griffith comes in off Lee Street, so he said they are not affecting anyone's use. He said they have a right and he understands that, but their rights are not being executed. J. Shammon said they are taking care of a problem that has been long standing and they are not giving up anything because they are not using it. T. Boland said he is an engineer, but he has an opinion from an attorney, Town Counsel, there is a paper street that would be made impassable. J. Shammon said that the condition it's in now it's impassable. He said it would not be impassable because there is still 20 ft to pass on. He said the Town Counsel said this is not allowed so he will not be convinced of anything different. J. Shammon said that statute is not the only method. He said half the street can be used to pass on and he said two cars cannot pass on Lee Street and that's an existing road. R. Holland said if you put a catch basin in the center of the street to mitigate drainage, that's an issue and she takes exception to it. She said if the applicant were to put the drainage structure on the edge of his property line or edge of paper street which is permitted then you can improve the drainage in a controlled manner. R. Holland said the applicant needs to control his drainage within his property. J. Shammon said the water runs from Lowell Street not just his property. He said a public servant can put in the catch basin because the source of the water is off Lowell Street. J. Shammon asked V. Gingrich to share Town Counsel's e-mail with him and she agreed.

J. Lucci spoke about a letter he received and expressed concern. J. Webber, 6 Perry Avenue told the Board the existing retaining wall has more water behind it than it did 40 years ago. He said there are a lot of dead trees. He said the project at 250 Woburn Street had engineered drawings and it didn't turn out the way it was proposed. He urged the Board members to take a walk down there to see for themselves. Resident S. McGrath, 22 Perry Avenue asked why the plans show the paving stopping midway up the road and asked why others had to pave the complete way up the roads. L. Roy explained why they are only required to improve a portion of the road. T. Boland said they need to keep working on the plan that everyone can agree with.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to September 30, 2023 for 81G Roadway Improvement Plan Application #23-01 and Stormwater Management Permit #23-10.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for 81G Roadway Improvement Plan Application #23-01 and Stormwater Management Permit #23-10 to September 5, 2023 at 7:40 p.m. in the Town Hall Auditorium.

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

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

**MATERIALS CONSIDERED:**

LETTER from Attorney Michael J. Newhouse dated July 26, 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 September 30, 2023.

Upon motion duly made and seconded it was unanimously

**VOTED:** To continue the public hearing for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to September 5, 2023 at 7:50 p.m. in the Town Hall Auditorium.

**Continued Public Hearing - 203 Lowell Street – Map 48 Parcel 73 – Site Plan Review #23-11 Stormwater Management Permit #23-09 and Multi-Family Special Permit #23-02 David Roache for 203 Lowell St. Owner LLC, Applicant**

**PRESENT IN INTEREST:** Doug Lees, Land Engineering Environmental Services, Inc.  
David Roche, Procopio Companies

**MATERIALS CONSIDERED:**

PLAN "Wilmington Retail Special Permit" dated June 15, 2023

NARRATIVE dated June 15, 2023

STORMWATER MANAGEMENT & EROSION CONTROL PLAN dated October 18, 2018 and last revised June 14, 2023

ENGINEERING MEMO dated July 11, 2023

D. Roche discussed with the Board some modifications to the commercial components to the property. They started the foundation for the residential building. Building A was a drive-thru bank building. They have a letter of intent from a coffee shop user so they made some modifications to the layout of the area. The L shape building at the corner of Lowell and Woburn Streets was going to be a three-story office and retail building will now be a single-story retail building. He said they made minor modifications to the residential building.

D. Roche said the coffee shop is oriented more to Lowell Street with an outdoor dining area and the retail building changes to a more linear layout. He said the queuing length has been brought up for the drive-thru and it can handle 15 cars with additional room for another 4 or 5 cars. He said the EV charging will be installed away from the building. The amenity space is at the ground floor of the building and they are slightly increasing the size of the patio. They are not proposing any exterior changes. He told the Board to let him know if they want any specific changes. He talked about the design and said they will be using a wood look material. R. Holland said she prefers stucco or other more durable or something longer lasting than EIFS.

He asked about signage and said he would prefer not to come back for approval. Both T. Boland and V. Gingrich said the applicant would need to file a sign special permit application.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to September 30, 2023 for Site Plan Review #23-11 and Stormwater Management Permit #23-09 for 203 Lowell Street to September 5, 2023 at 7:35 p.m.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-11, Stormwater Management Permit #23-09 and Multi-Family Special Permit #23-02 for 203 Lowell Street to September 5, 2023 at 7:35 p.m.

**Continued Public Hearing – 200 Ballardvale Street – Map R2 Parcel 7 - Sign Special Permit #23-03 – Vasu Patel, Applicant**

PRESENT IN INTEREST – Vasu Patel, Fastsigns

**MATERIALS CONSIDERED:**

SIGN SPECIFICATION received June 28, 2023

NARRATIVE dated June 27, 2023

V. Patel told the Board he is proposing a 2' x 3' sign to direct vendors and visitors. It will be installed on a specified island. It will be brushed aluminum with aluminum base. T. Boland asked where on the property it is being installed and V. Patel said inside the parking lot on a specified island. V. Gingrich said there were no comments at CDTR. There were no comments from the Board or audience. V. Gingrich said there are no special conditions for this.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing and approve the Sign Special Permit #23-03 for one (1) 36" x 24" (6 sq.ft.), 45.75" high directional sign, for the company "Tracelink", to be located within the existing parking lot on a landscaped island. The application was filed with the Planning Board on June 16, 2023. Said property is located at 200 Ballardvale Street and shown on Assessor's Map R2 Parcel 7.

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

PRESENT IN INTEREST: 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 and last revised May 31, 2023

DRAINAGE CALCULATIONS dated June 21, 2023

D. Lees told the Board he submitted plans addressing the few concerns and the Planning Department sent out a draft decision. He said it is an existing vacant non-confirming lot with 50'

of frontage. The Board of Health approved the septic design. T. Boland asked if the Town Engineer is satisfied, and V. Gingrich said yes. There were no concerns from the Board Members or the audience. V. Gingrich said there are no special conditions and they met all requirements on the plan.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing and approve the Special Permit #23-01 for a Non-Conforming Lot under Chapter 139 of the Acts of 1998, as shown on plans entitled, "Special Permit Plan, 15 Nickerson Avenue, Wilmington, Massachusetts, Map 72 – Parcel 20" dated May 4, 2023, last revised May 31, 2023, prepared by Douglas E. Lees, P.L.S., Land Engineering & Environmental Services, Inc., 1 Bridgeview Circle, Tyngsboro, MA 01879. The application was filed with the Planning Board on May 12, 2023. Said property is located at 15 Nickerson Avenue and shown on Assessor's Map 72 Parcel 20.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the Special Permit #23-01 for a Non-Conforming Lot under Chapter 139 of the Acts of 1998, as shown on plans entitled, "Special Permit Plan, 15 Nickerson Avenue, Wilmington, Massachusetts, Map 72 – Parcel 20" dated May 4, 2023, last revised May 31, 2023, prepared by Douglas E. Lees, P.L.S., Land Engineering & Environmental Services, Inc., 1 Bridgeview Circle, Tyngsboro, MA 01879. The application was filed with the Planning Board on May 12, 2023. Said property is located at 15 Nickerson Avenue and shown on Assessor's Map 72 Parcel 20.

The public hearing was opened on June 6, 2023 and closed on August 1, 2023. By a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.1 of the Zoning Bylaws of the Town of Wilmington.

We, the Wilmington Planning Board, as requested by Joe Langone, under the provisions of Chapter 139 of the Acts of 1998 considered a single-family home proposal at 15 Nickerson Avenue (Assessors Map 72 Parcel 20), as shown on plans entitled "Special Permit Plan, 15 Nickerson Avenue, Wilmington, Massachusetts, Map 72 – Parcel 20" dated May 4, 2023, last revised May 31, 2023, prepared by Douglas E. Lees, P.L.S., Land Engineering & environmental Services, Inc., 1 Bridgeview Circle, Tyngsboro, MA 01879 (the "Project Proposal") (the "Proposal"), do hereby vote to **APPROVE** the Project Proposal as shown on Special Permit Plan, subject to the Findings and Conditions below.

#### **MATERIALS:**

The following materials in addition to the Application & Site Plans were submitted into the public record:

Response letter from Doug Lees, Land Engineering & Environmental Services, Inc., dated May 31, 2023

Drainage Calculations from Doug Lees, Land Engineering & Environmental Services, Inc., dated June 21, 2023

## **FINDINGS:**

1. The Project to be constructed is on Map 72 Parcel 20 on the Town of Wilmington's Assessor's Map.
2. The lot contains at least 5,000 square feet and 50 feet of frontage.
3. The lot met any applicable requirements for area and frontage at the time such lot was recorded or endorsed.
4. The lot has not been held in common ownership with any adjacent land since the date of nonconformance with area or frontage requirements.
5. The lot is located on Nickerson Avenue, an accepted way.
6. Town water is available to the lot.
7. The Planning Board determined that the construction and maintenance of a 24'x36' single-family dwelling with 6' front porch at this property as shown on the Site Plans will be consistent with public health, safety and welfare and without any substantial detriment to the public good and should be permitted in the public interest.
8. The Project Proposal as set forth in the Special Permit and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards and guidelines of Chapter 139 of the Acts of 1998 and the Board's Special Permit Rules and Regulations.
9. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

## **CONDITIONS:**

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

1. The Project shall be constructed and operated in accordance with the Special Permit.
2. The Project shall be approved 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 this Special Permit approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed in of the office of the Town Clerk, and/or the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all tenants.
5. Any substantial changes to the Site Plan shall be subject to the Special Permit review process. Minor field adjustments may be allowed with review and approval of the Director of Planning & Conservation.

## **SPECIAL CONDITIONS:**

6. Prior to endorsement of the Plan, the Applicant must obtain septic system approval from the Wilmington Director of Public Health.
7. Prior to issuance of a Building Permit, the Applicant must obtain a Simple Stormwater Management Permit.

**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 and last revised July 21, 2023

RESPONSE LETTER from John Perry dated July 21, 2023

ENGINEERING MEMO dated July 11, 2023

M. Buckman and N. Tuhacek introduced themselves. V. Gingrich said there were some minor changes, and a draft decision was prepared. T. Boland asked if some striping was changed. V. Gingrich said she did not believe any striping changed. They reviewed the draft.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing and approve with conditions Parking Relief Special Permit #23-02 for 12 Industrial Way as shown on plan entitled “12 Industrial Way, Permit Drawings, 12 Industrial Way, Town of Wilmington, Middlesex County, Massachusetts”; dated May 11, 2023, last revised July 21, 2023, prepared by Ian C. Wisuri, P.L.S. and Frank Holmes, P.E., Langan Engineering and Environmental Services, Inc., 100 Cambridge Street, Suite 1310, Boston, MA 02114. Said property is located at 12 Industrial Way, Wilmington, MA 01887 and shown on Assessor’s Map 46 Parcels 134.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on June 6, 2023 and closing on August 1, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Keith Edwards, under the provisions of Section 6.5 and Section 6.4.3.2 (Parking Relief) of the Zoning Bylaws of the Town of Wilmington and Board’s Site Plan Review Rules and Regulations, to consider the improvement of existing parking areas and stormwater management, as shown on plan entitled “12 Industrial Way, Permit Drawings, 12 Industrial Way, Town of Wilmington, Middlesex County, Massachusetts”; dated May 11, 2023, last revised July 21, 2023, prepared by Ian C. Wisuri, P.L.S. and Frank Holmes, P.E., Langan Engineering and Environmental Services, Inc., 100 Cambridge Street, Suite 1310, Boston, MA 02114, submitted on May 12, 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” Meghan Bruckman, P.E., and John Plante, P.E., dated May 2023, last revised June 2023.



"Warehouse Office Fitout" dated April 14, 2023, prepared by Ebrell Architecture + Design, 3 Walker Lane, Boxford, MA 01921.

Response Letter from John Perry, Langan Engineering, dated July 21, 2023.

### **FINDINGS:**

1. The Project site is shown on Map 46 Parcel 134 on the Site Plan.
2. The proposed Project includes the repaving and restriping of existing parking areas, improvements to ADA accessibility, and stormwater management improvements, requiring 111 parking spaces for 1,395 square feet of office space and 85,113 square feet of industrial space. The approval is for the provision of 51 parking spaces.
3. According to the application for a Parking Relief Special Permit, the proposed usage is expected to have a parking demand of 34 spaces during weekday mornings and 37 spaces during weekday afternoons.
4. The Planning Board determined that in accordance with Section 6.4.3.2, the reduction in parking spaces can be granted without substantial detriment to the neighborhood.
5. The 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.
6. 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.
7. 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. This Special Permit granted for Parking Relief for 12 Industrial Way shall be valid for the proposed use only. Any change in use shall meet the parking requirements or apply for a Special Permit.
3. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
4. If no substantial construction has commenced within two (2) years of a Site Plan approval and a Special Permit approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, within twenty (20) days after the decision has been filed with the Town Clerk. The two-year period shall run from the date of the final decision on the appeal.
5. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.

6. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
7. All provisions of the Wilmington Zoning Bylaw pertaining to parking (Section 6.4) shall be met unless an exception is specifically provided in this decision.
8. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.

**PRIOR TO ENDORSEMENT:**

9. The lighting plan shall be revised to eliminate light spillover across the property line to private property.

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

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

**PRIOR TO THE START OF CONSTRUCTION:**

11. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Engineering Division. The developer shall submit a construction schedule at the time of the pre-construction meeting.
12. 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.
13. 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.
14. 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.
15. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

**DURING CONSTRUCTION:**

16. 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.
17. 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.
18. 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:**

19. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
20. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.

21. 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.
22. 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:**

23. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash.
24. 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.
25. 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.
26. 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.
27. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
28. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
29. 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.

**Continued Public Hearing – 190 Main Street – Map 44 Parcel 178 – Site Plan Review #23-10 Stormwater Management Permit #23-08, Groundwater Protection District Special Permit #23-02 and Parking Relief Special Permit #23-03 – Richard Gallant for Gallant Memorial Arena LLC, Applicant**

PRESENT IN INTEREST: Chris Lovett, VHB  
Richard Gallant

#### **MATERIALS CONSIDERED:**

PLAN: "Ristuccia Memorial Arena Expansion, 190 Main Street, Wilmington, MA 01887" dated June 12, 2023 and last revised July 18, 2023  
RESPONSE TO COMMENTS dated July 18, 2023

C. Lovett told the Board the proposed project is an expansion of the arena to add a sheet of ice on the west side of the building. It's located at 190 Main Street about 43,000 sq.ft. including the ice surface. There will be locker-room upgrades, a shooting room and pro shop at the front of the building. He said they will make the parking lot work more efficiently as part of the project. He said they will pull the pavement away from the wetlands. They are proposing 178 parking

spaces, which is 2 less than the required amount. C. Lovett said the project also included stormwater improvements. He said he has been working with the Town Engineer with respect to the stormwater system. He said there will be water, sewer and traffic peer reviews. He said the highest traffic counts are during hockey season. Peak time is between 5:00 & 6:00 and weekends it's 6:00 to 7:00. T. Boland asked if the parking calculation was submitted. C. Lovett said the initial counts were submitted and then they did a comparison and that was submitted with the update. T. Boland said the parking situation concerns him. He said the amount of people that may be in the facility at the same time is concerning. He said the response letter basically said the applicant is aware and will make changes but didn't elaborate. V. Gingrich said the plans are still being reviewed by Planning and Engineering and the funds for the traffic peer review have not been received so that hasn't started yet. T. Boland stressed his concern again about the number of people that will be in the parking lot. He said there are 11 locker rooms shown on the floor plan. C. Lovett said two locker rooms an hour will be used and at most only 8 will be used at one time. T. Boland said it's the overlap that is worrisome. C. Lovett said there are 20 kids per team and two teams per set of ice for a total of 160 kids. There are 2 sheets of ice with two teams on each sheet of ice so that's four teams with 20 kids per team. S. Hennigan said during practice sometimes they put three teams on one sheet. T. Boland said when the Board talks about parking special permits it's for where are cars going to park when it exceeds the space. R. Gallant said they don't expect them to exceed the spaces. R. Holand said the back side seems tight.

S. Dixon, 62 Washington Avenue, said her lot is further downstream from the wetlands and asked how this will impact all the surrounding wetlands. C. Lovett asked if she was north or south and she said south. C. Lovett said there will be little to no runoff because they are building a large infiltration area so the volume will be less. She said her lot is a breeding ground for bugs and she does not understand how what they are proposing will not impact her property. T. Boland asked if they will be filing with the Conservation Commission and V. Gingrich said they are in front of Conservation now. P. Moser said the impervious area is over the limit now. V. Gingrich said the Town Engineer will review the stormwater but hasn't had a chance yet. R. Holland said one concern she has is that there is some overflow of people that drive through the parking lot to the childcare area going over curbs. She said it is an uncontrolled situation. C. Lovett said there will be a curb and right now there is gravel but it can be blocked off to prevent that. D. Lees said there are 90 commercial condos and this design makes it better access. T. Boland said his concern is there is no spillover for parking.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to September 30, 2023 for Site Plan Review #23-10, Stormwater Management Permit #23-08.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-10, Stormwater Management Permit #23-08, Groundwater Protection District Special Permit #23-02 and Parking Relief Special Permit #23-03 for 190 Main Street to September 5, 2023 at 7:55 p.m. in the Town Hall Auditorium

**Continued Public Hearing – 708R Woburn Street – Map 57 Parcel 54E - Conservation Subdivision Special Permit #23-01 – S&K Associates, Applicant**

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

**MATERIALS CONSIDERED:**

PLAN: "Conceptual Site Plan" dated February 14, 2023

PLANNING REVIEW LETTER dated July 6, 2023

ENGINEERING MEMO dated July 20, 2023

D. Lees told the Board the site is located close to 203 Lowell Street behind the former Lucci's Market, now McKinnon's. He said this was before the Board quite some time ago under a different applicant. He said they received approval for the Conservation Subdivision Design but it stalled at the Definitive Subdivision phase. He said there is a little over an acre of wetlands. There is an ORAD approving the wetland boundary that is still valid. He said this will be a subdivision with 26' of pavement and a turnaround at the end. D. Lees said 6 individual house lots are proposed. He said there is an existing sewer up the street and they will extend it. It will be pressure sewer up Woburn Street. He said the previous applicant received approval for sewer for 5 lots. Test pits were done on site and the soil is not suitable for septic systems. He said at CDTR they discussed increasing the buffer area around the back. He said there are no houses in the back, it is all wetlands. He talked about a paper street and showed the location on the plan. He said it is not really abutting other properties. He said stormwater is draining towards wetlands. He said he has read the comments. He said they are coming up with house plans to demonstrate outdoor living space. T. Boland asked V. Gingrich to go over the Conservation Subdivision Design process. V. Gingrich said it is a two-step process. She said the Board should discuss open space and whether it's in the public interest to grant this special permit for a more condensed development that includes open space. She said if the special permit is granted it would move on to the definitive subdivision where they would actually show the division of lots, give very specific grading and all the technical details. T. Boland asked about the quality of the open space here but asked if this property is too wet for trails. V. Gingrich said there is surface water on a portion of them. She said there is a vernal pool off site, and it is wet. She said there are wetlands on one side and it's not necessarily of public value other than a little buffer to the wetlands and D. Lees said a little buffer to the neighbors. T. Boland asked if the open space becomes town-owned land and V. Gingrich said there are a few options. She said it can become a town-owned open space but in this case they proposed it be held in the homeowner's association. They would have to do a conservation restriction to deed restrict the open space. She said it's appropriate in this case because they are not proposing it be owned by anyone. R. Holland talked about Ashwood Avenue and V. Gingrich talked about Green Meadow Drive that linked Mill Road and Murray Hill so the trails linked. She said it was a lot more usable open space. P. Moser said this is the first CSD he has done as a member of the Planning Board and felt he needed a little guidance, and all Board members explained the process. V. Gingrich said the Conservation Commission likes to see 25' structure setback and 15' no disturb. T. Boland said there is a comment about the sidewalk and asked if there is a rail along the side with the culvert and D. Lees said yes.

Resident B Churchill, 708 Woburn Street, said the property is very wet. She said there is a current that runs through the three houses. She is concerned the water will affect her home. She said the road is just barely wide enough for a truck. D. Lees said the wetland extends underneath the roadway a bit. He said the wetlands were flagged and reviewed by the Conservation Commission. B. Churchill asked if members of the public could get copies of the perc tests. D. Lees said a week ago they did test pits, 5 holes, not perc tests. V. Gingrich said

they were not submitted to the town. She said the town will need to see test pits when the stormwater is designed. She said the application would probably be brought to the Water & Sewer Commission.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Conservation Subdivision Design Special Permit #23-01 for 708R Woburn Street to September 5, 2023 at 8:05 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 action deadline and continue the public hearing was received.

**MATERIALS CONSIDERED:**

E-MAIL from Newhouse Builders dated July 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 September 30, 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 September 5, 2023 at 8:15 p.m. 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**

PRESENT IN INTEREST: Jill Elmstrom Mann

Jeff Merrit, Granite Engineering, LLC

Brenton Coles, Granite Engineering, LLC

**MATERIALS CONSIDERED:**

PLAN "Amended Non-Residential Site Plan, 100-110 Fordham Road, Tax Map 91 Lot 121, 100-110 Fordham Road, Wilmington, Massachusetts", dated April 3, 2023 and last revised July 18, 2023

PLANNING REVIEW LETTER dated March 31, 2023

RESPONSE LETTER from Brenton Cole dated July 18, 2023

Attorney J. Elmstrom Mann told the Board it took a while because they had to finalize their lease agreement. She said they created the full mezzanine and they needed to revise the traffic report which was done and shows no impact. She said revised site plan and architectural plans were submitted. Attorney J. Elmstrom Mann said the building is the same with more windows to accommodate the office space. She said the project is a warehouse on the first floor and set up for the demonstration of robotics. She pointed out that they use compact car spaces on the plan which is allowed and she wanted that noted because the decision reflects different number of

space. T. Boland asked how many spaces and Attorney J. Elmstrom Mann said there is an additional 123 for a total of 509 spaces. T. Boland said there were no concerns from Engineering or the Board. There were no concerns from the Board or the audience. They reviewed the decisions.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #23-08 for 100-110 Fordham Road as shown on plan entitled "Amended Non-Residential Site Plan", dated April 3, 2023, last revised July 18, 2023, 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.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #23-08 for 100-110 Fordham Road as shown on plan entitled "Amended Non-Residential Site Plan", dated April 3, 2023, last revised July 18, 2023, 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 April 4, 2023 and closing on August 1, 2023, 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 addition of 123 parking spaces and removal of 14 loading dock spaces to accommodate the addition of 40,000 sq. ft. of mezzanine space dedicated to Office/Research & Development within the 118,950 sq. ft. warehouse, as shown on plan entitled "Amended Non-Residential Site Plan", dated April 3, 2023, last revised July 18, 2023, prepared by Brenton Cole, P.E., Granite Engineering, 150 Dow Street, Tower 2, Suite 421, Manchester, NH 03101, submitted on March 10, 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

"Tenant 1 – Proposed Elevations and Exterior Renderings" dated March 2, 2023 revised June 21, 2023, prepared by NorthPoint Construction Management

"Updated Transportation Impact Assessment" dated July 2023, prepared by Vanasse & Associates Inc.

Response to comments letter dated July 18, 2023, prepared by Brenton Cole, P.E., Granite Engineering

**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 ENDORSEMENT:**

7. Sheets 2-4 of the plan set should be stamped and signed by a Massachusetts Registered Professional Engineer.

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

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



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

9. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction meeting.
10. 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.
11. 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.
12. 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.
13. Notice of start of construction work shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

#### **DURING CONSTRUCTION:**

14. 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.
15. 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.
16. 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:**

17. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
18. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
19. 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.
20. 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:**

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. Dumpster service shall only occur during business hours.

23. 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.
24. 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.
25. 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.
26. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
27. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
28. 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 #23-06 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**

August 3, 2023

ISSUED for Property located at 100-110 Fordham Road, Wilmington, Massachusetts (Map 91 Parcel 121)

Case No.: Stormwater Management Permit #23-06

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

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Amended Non-Residential Site Plan", dated April 3, 2023, last revised July 18, 2023, 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 March 10, 2023, subject to the following conditions:

**MATERIALS:**

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

Description

"Tenant 1 – Proposed Elevations and Exterior Renderings" dated March 2, 2023, revised June 21, 2023, prepared by NorthPoint Construction Management

"Updated Transportation Impact Assessment" dated July 2023, prepared by Vanasse & Associates Inc.

Response to comments letter dated July 18, 2023, prepared by Brenton Cole, P.E.,  
Granite Engineering

## **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 August 3, 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**

PRESENT IN INTEREST: Josh Kline

**MATERIALS CONSIDERED:**

PLAN "Site Plan for ALRIG USA, Proposed Multi-Tenant Development" dated August 30, 2022 and last revised July 18, 2023, "Wilmington Fire Truck Exhibit" dated August 22, 2022 and last revised February 10, 2023 "ALTA/NSPS Land Title Survey" dated May 19, 2022 and last revised December 13, 2023

RESPONSE LETTER from Joshua Kline dated March 7, 2023

E-MAIL from Chris Pozzi dated July 20, 2023

ENGINEERING MEMO dated July 31, 2023

J. Kline told the Board the applicant is working closely with the adjacent property owner and they are working with engineering as well. He said he would like to get some feedback on some of the most recent changes. He is hoping to get direction to move the applicant forward. J. Kline said he resubmitted plans with significant changes. He said they shifted back the driveway 47' and shifted the site back another 10' to try and help the intersection. He said they have met with the Town Engineer, and they are maintaining the existing stormwater system and proposing a new underground infiltration system. J. Kline said he received the engineering memo and he feels all concerns can be addressed. He said he has a question for the Board regarding the design of the sewer pump/injector pump. He said they would like it to be a condition of approval to design that system. He also asked if the CCTV inspections could be a condition of approval. T. Boland likes the traffic interaction has been moved 50' back from the street. He asked if it's all curbed in back. J. Kline said they are showing curbing on the plan and if it's not there they will put curbing and/or a fence or other barrier. P. Moser asked to be shown how someone goes in and out of the drive-thru. J. Kline said they looked at a lot of options with McDonalds and they are somewhat limited. They closed the connection of McDonalds cut-through and moved it back 50'. V. Gingrich said the Town Engineer sent comments yesterday. She said TEC is still reviewing the plans. J. Kline asked if they could have a meeting with TEC before they issue their letter. V. Gingrich said she can set that up. She asked if they ran a turning analysis on the winding path to make sure cars are going to be able to make that turn. J. Kline said the widths are all 22' minimum to meet the requirements of industry standards. V. Gingrich said the request of prior to a building permit are things the Town Engineer wanted done. J. Kline said they have significant work to do with MassDOT and they can't do that without Planning Board approval. They need to do sewer pump design and hydraulic water analysis. T. Boland said the Board wants to see that the Town Engineer is happy and they need his reassurance.

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 September 30, 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 September 5, 2023 at 8:20 p.m. in the Town Auditorium.

## **Board of Appeals**

At its meeting on August 1, 2023, the Planning Board (Board) voted to recommend as follows:

### **Case 12-23: 800 Salem Street – Map R1 Parcel 24**

J. Wierzbicki told the Board the special permit is to ensure floodplain operation. They are filling floodplain and scooping out in another spot to make up for it. V. Gingrich said this is a resource area. T. Boland asked if there is any concerns with that and V. Gingrich said no.

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

VOTED: To recommend approval. The endorsed plans (Planning Board endorsed April 4, 2023) show how the alteration of Flood Plain is being compensated for.

### **Case 13-23: 203 Lowell Street – Map 48 Parcel 73**

V. Gingrich said it's a special permit for a limited-service restaurant in the Neighborhood Mixed Use district. She said the coffee shop requires a special permit.

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

VOTED: To recommend approval. The Board agreed that the limited-service restaurant in the Neighborhood Mixed Use district is an appropriate use.

### **Case 14-23: 400 Research Drive – Map R3 Parcel 403**

J. Wierzbicki told the Board the proposed use is manufacturing which is a special permit us in the Highway Industrial district. They will occupy 30,000 sf.

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

VOTED: To recommend approval. The Board agreed that the proposed manufacturing use within the Highway Industrial district is an appropriate use.

### **Case 4-23: 79 Nichols Street – Map 35 Parcel 29**

V. Gingrich told the Board 79 Nichols will be in front of the Board of Appeals August 23<sup>rd</sup>. She said she shared the revised plans with the Board. V. Gingrich said one on the subjects the town has commented on is they are proposing to use sewer for the development and staff has suggested they look at the possibility of septic. She said there is no hardship and a sewer line will have to be extended from Shawsheen and that would be a forced main that others could not tie into serving only this development. She said if the Board would like to comment on that it would be helpful. V. Gingrich said the soils are great for septic. T. Boland asked if it is out of the sewer district and there is no hardship, what is there and V. Gingrich said they brought up economic viability of the project. She said the Board of Appeals can request their financials. S. Hennigan said they are not in the sewer district and there is no hardship and no one else can tie in so it's not beneficial to anyone else. The Board agreed to comment against sewer to the Zoning Board of Appeals.

### **Old Business**

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

V. Gingrich said there is another meeting August 23, 2023. She said staff has commented on the possibility for them using septic. This is a now sewer district. There is no hardship. Sean said they are not in sewer district and no one else can tie in

### **New Business**

#### **Request to endorse plan for 26 Upton Drive – Map R1 Parcel 18G – Site Plan Review #22-25 – DISH Wireless L.L.C., Applicant**

#### **MATERIALS CONSIDERED:**

PLAN “DISH Wireless L.L.C., Project Information, BOBOS00795A, 26 Upton Drive, Wilmington, MA 01887”, dated December 11, 2021, last revised July 10, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled “DISH Wireless L.L.C., Project Information, BOBOS00795A, 26 Upton Drive, Wilmington, MA 01887”, dated December 11, 2021, last revised July 10, 2023, prepared by Daniel J. Corning, P.E., NB+C Engineering Services, LLC, 6095 Marshalee Drive, Suite 300, Elkridge, MD 21075. Said property is located at 26 Upton Drive, Wilmington, MA 01887 and shown on Assessor’s Map R1 Parcel 18G.

### **Discussion**

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

V Gingrich said they had a couple of informational sessions and some good feedback. She said they are putting a survey together and will look for the Board’s feedback. She said from the survey she wants opinions on height, opinions on location, opinions on parking, whether people would want extra height for active ground floor and is there anything the Board wants to ask the public. T. Boland said he wouldn’t want any extra height near the street like in the location of 635 Main Street. V. Gingrich says she thinks the town can pull in some of the 40B projects. She said she will be sending out the draft survey for the Board. She said the guidelines say you can do 10% affordable with no questions asked but if you go above that you need to show it’s economically feasible.

### **Update on Construction Projects**

V. Gingrich said she included a letter from North Wilmington Estates schedule. She said she is going to the site during the week because she has received various reports.

### **Façade Improvement Grant Program**

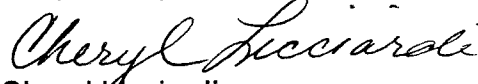
V. Gingrich said today was the deadline for the \$300,000 that was allocated. She said they received 12 applications and they are setting up a committee to review applications and award the grants. She said the Committee will be she and J. Wierzbicki and 2 members of the economic development committee and she asked if any Planning Board member wanted to join. R. Holland volunteered.

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

VOTED: To adjourn the meeting at 10:43 p.m.

NEXT PLANNING BOARD MEETING: September 5, 2023

Respectfully submitted,

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

Cheryl Licciardi  
Recording Clerk

