



## 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 2, 2022

The Planning Board met on Tuesday August 2, 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 the June 7, 2022 minutes

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

VOTED: To approve the June 7, 2022 minutes as written.

#### Form A

There were no ANR plans to review.

#### Matters of Appointment

Continued Public Hearing - 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

PRESENT IN INTEREST: Robert G. Peterson, Esq.

#### MATERIALS CONSIDERED:

PLAN "Proposed Site Development, 225 Andover Street, Wilmington, MA 01887" dated May 12, 2022 and last revised June 18, 2022

RESPONSE TO COMMENTS LETTER from Michael Joyce dated June 2, 2022 and revised July 13, 2022

Attorney R. Peterson told the Board they submitted revised plans. He said there were some concerns from the Town Engineer and Deputy Fire Chief regarding the security gate. Deputy Chief Pozzi sent a letter stating he is satisfied. The Town Engineer had a concern regarding the gate location so the gate was relocated to address that concern. V. Gingrich said all the comments from staff were either addressed in the revised plan set or made conditions of approval. V. Gingrich reviewed the draft conditions.

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 #22-11, Stormwater Management Permit #22-09, Parking Relief Special Permit #22-02 and Groundwater Protection District Special Permit #22-02 for 225 Andover Street

RECEIVED  
TOWN CLERK  
2022 OCT 11 PM 3:21  
TOWN OF WILMINGTON, MA

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 #22-11 for 225 Andover Street as shown on plan entitled "Proposed Site Development, 225 Andover Street, Wilmington, MA 01887", dated May 12, 2022, last revised June 18, 2022, prepared by Michael G. Joyce, P.E., Joyce Consulting Group, Civil Engineers, 439 Washington Street, 3<sup>rd</sup> Floor, Braintree, MA 02184 and James J. Abely, P.L.S., Vineyard Engineering & Environmental Services Inc., 17 Salem Street, Medford, MA 02155. Said property is located at 225 Andover Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 108.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on June 7, 2022 and closing on August 2, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Chris Capozzoli, 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 construction of a 3-story self-storage facility with a footprint of 26,458 sq. ft. with associated parking and stormwater management, as shown on plan entitled "Proposed Site Development, 225 Andover Street, Wilmington, MA 01887", dated May 12, 2022, last revised June 18, 2022, prepared by Michael G. Joyce, P.E., Joyce Consulting Group, Civil Engineers, 439 Washington Street, 3<sup>rd</sup> Floor, Braintree, MA 02184 and James J. Abely, P.L.S., Vineyard Engineering & Environmental Services Inc., 17 Salem Street, Medford, MA 02155, 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

"Traffic Assessment" dated May 11, 2022, prepared by Jason R. Plourde, P.E., VHB

"Stormwater Report" dated May 12, 2022, prepared by Michael G. Joyce, P.E., Joyce Consulting Group

"Response to review comments for 225 Andover Street" dated June 2, 2022, updated July 13, 2022

#### **FINDINGS:**

1. The Project site is shown on Map R1 Parcel 108 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. The lighting plan shall be revised to keep all light on the subject property.

**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 the 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 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. The Applicant shall maintain the construction entrance in an appropriate manner throughout the course of construction to prevent sediment from accumulating in Andover Street. Street sweeping and replacement of the stones for the construction entrance may be needed from time to time throughout the phases of construction. The Applicant will be responsible for immediate removal of any sediment tracked onto Andover Street during the course of construction, as directed by Town staff.
17. It is the responsibility of the Applicant to adhere to the Town's Earth Removal Bylaw (Section 32 of the Town's Inhabitant By-laws) and file for a permit through the Board of Selectmen, if necessary.

#### **PRIOR TO OCCUPANCY:**

18. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
19. The Applicant shall install a toxic gas monitoring system inside the proposed warehouse.
20. All rooftop HVAC equipment shall be screened.
21. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
22. 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.
23. 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:**

24. 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.
25. 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.
26. No outdoor storage is permitted.
27. No indoor vehicle storage is permitted.
28. The Owner shall use good housekeeping practices as outlined in the Operation and Maintenance Plan to maintain the site and keep it in good working condition. The Owner shall provide copies of completed maintenance and inspection logs for the construction period and copies of logs of the long-term pollution prevention plan to the Department of Planning & Conservation.
29. The Project shall be operated in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project shall be the Owner's responsibility.
30. Snow shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.

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

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

VOTED: To issue the Stormwater Management Permit for 225 Andover 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**

August 15, 2022

ISSUED for Property located at 225 Andover Street, Wilmington, Massachusetts (Map R1 Parcel 108)

Case No.: Stormwater Management Permit #22-09

Applicant: Chris Capozzoli, 27 Duane Drive, North Reading, MA 01864

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Proposed Site Development, 225 Andover Street, Wilmington, MA 01887", dated May 12, last revised June 18, prepared by Michael G. Joyce, P.E., Joyce Consulting Group, Civil Engineers, 439 Washington Street, 3<sup>rd</sup> Floor, Braintree, MA 02184 and James J. Abely, P.L.S., Vineyard Engineering & Environmental Services Inc., 17 Salem Street, Medford, MA 02155. Said property is located at 225 Andover Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 108, materials 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

"Traffic Assessment" dated May 11, 2022, prepared by Jason R. Plourde, P.E., VHB

"Stormwater Report" dated May 12, 2022, prepared by Michael G. Joyce, P.E., Joyce Consulting Group

"Response to review comments for 225 Andover Street" dated June 2, 2022, updated July 13, 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 August 15, 2022

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

VOTED: To approve with conditions Ground Water Protection District (GWPD) Section 6.6.7.7 Special Permit #22-02 for 225 Andover Street as shown on plan entitled, "Proposed Site Development, 225 Andover Street, Wilmington, MA 01887", dated May 12, 2022 and last revised June 18, 2022, prepared by Michael G. Joyce, P.E., Joyce Consulting Group, Civil Engineers, 439 Washington Street, 3<sup>rd</sup> Floor, Braintree, MA 02184 and James J. Abely, P.L.S., Vineyard Engineering & Environmental Services Inc., 17 Salem Street, Medford, MA 02155. Said property is located at 225 Andover Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 108.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on June 7, 2022 and closing on August 2, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Chris Capozzoli, under the provisions of Sections 6.6.8.1 and 6.6.7.7 of the Zoning Bylaws of the Town of Wilmington to consider GWPD Special Permit #22-02 as shown on plan entitled, "Proposed Site Development, 225 Andover Street, Wilmington, MA 01887", dated May 12, 2022 and last revised June 18, 2022, prepared

by Michael G. Joyce, P.E., Joyce Consulting Group, Civil Engineers, 439 Washington Street, 3<sup>rd</sup> Floor, Braintree, MA 02184 and James J. Abely, P.L.S., Vineyard Engineering & Environmental Services Inc., 17 Salem Street, Medford, MA 02155, and do hereby vote to GRANT the Special Permit as shown on the submitted plan, subject to the Findings and Conditions below.

### **MATERIALS:**

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

#### **Description**

"Traffic Assessment" dated May 11, 2022, prepared by Jason R. Plourde, P.E., VHB

"Stormwater Report" dated May 12, 2022, prepared by Michael G. Joyce, P.E., Joyce Consulting Group

"Response to review comments for 225 Andover Street" dated June 2, 2022, updated July 13, 2022

### **FINDINGS:**

1. The proposed project renders the site more than 15% impervious at 65.4%.
2. Infiltration is provided on-site to meet the requirements of Section 6.6.7.7 of the Wilmington Zoning Bylaw.
3. This Special Permit approval is granted in conjunction with Site Plan Review #22-02, Stormwater Management Permit #22-02 and Parking Special Permit #22-02.
4. The Applicant satisfactorily addressed the comments made by the Planning Board.

### **CONDITIONS:**

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

1. This Special Permit for GWPB Section 6.6.7.7 of the Zoning Bylaws allows 65.4% impervious surface at 225 Andover Street shall be valid for this use only.
2. The Project shall be constructed and operated in accordance with the Site Plan.
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. 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. All recharge areas and systems shall be maintained in full working order by the owner.

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

**VOTED:** To approve with conditions Parking Relief Special Permit #22-02 for 225 Andover Street as shown on plan entitled "Proposed Site Development, 225 Andover Street, Wilmington, MA 01887", dated May 12, 2022 and last revised June 18, 2022, prepared by Michael G. Joyce, P.E., Joyce Consulting Group, Civil Engineers, 439 Washington Street, 3<sup>rd</sup> Floor, Braintree, MA 02184 and James J. Abely, P.L.S., Vineyard Engineering & Environmental Services Inc., 17 Salem Street, Medford, MA 02155. Said property is located at 225 Andover Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 108.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on June 7, 2022, and closing on August 2, 2022 by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Chris Capozzoli, under the provisions of Section 6.4.3.2 (Parking Relief) of the Zoning Bylaws of the Town of Wilmington to consider Parking Relief Special Permit #22-02 as shown on plan entitled: "Proposed Site Development, 225 Andover Street", dated May 12, 2022 and last revised June 18, prepared by Michael G. Joyce, P.E., Joyce Consulting Group, Civil Engineers, 439 Washington Street, 3<sup>rd</sup> Floor, Braintree, MA 02184 and James J. Abely, P.L.S., Vineyard Engineering & Environmental Services Inc., 17 Salem Street, Medford, MA 02155, and do hereby vote to GRANT the Parking Relief as shown on the submitted plan, subject to the Findings and Conditions below.

**MATERIALS:**

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

Description

"Traffic Assessment" dated May 11, 2022, prepared by Jason R. Plourde, P.E., VHB

"Response to review comments for 225 Andover Street" dated June 2, 2022, updated July 13, 2022

**FINDINGS:**

1. The proposed Project includes constructing a 3-story self-storage facility with a footprint of 26,458 square feet, requiring 89 parking spaces. The approval is for the provision of 32 parking spaces.
2. According to the Trip Generation Memo prepared by Jason R. Plourde, P.E., VHB. the proposed usage is expected to require nine (9), and eight (8) parking spaces would be required on a typical Saturday.
3. 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.
4. The Applicant satisfactorily addressed the comments made or submitted by the Planning Board.

**CONDITIONS:**

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

1. This Special Permit granted for Parking Relief for 225 Andover Street shall be valid for the proposed self-storage facility only. Any change in use shall meet the parking requirements or apply for a Special Permit.
2. If construction has not commenced within two (2) years of a Special Permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed with the Town Clerk. The two-year period shall run from the date of the final decision on the appeal.
3. 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.



**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 August 2, 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 September 30, 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 September 13, 2022 at 7:35 p.m. in the Town Hall Auditorium.

**Continued Public Hearing - Site Plan Review #22-02, Stormwater Management Permit #22-02 and Ground Water Protection District Special Permit #22-04 for 30 Upton Drive - Map R1 Parcel 18H, Stephen Albano, Applicant**

**PRESENT IN INTEREST – Devin Howe, Beals Associates LLC**

**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

LETTER from Devin Howe dated June 28, 2022

D. Howe asked if the Board needs to open the hearing for the Ground Water Protection District Special Permit. T. Boland said the applications are now concurrent. D. Howe said they have been working with the town and he received draft decisions. T. Boland asked what changed that the applicant needed to file for Ground Water Protection District Special Permit and V. Gingrich said they were always in need of that permit. S. Hennigan asked if the Town Engineer is satisfied with the Stormwater and V. Gingrich said he is. V. Gingrich said the Town Engineer reviewed the plan and decisions and all his comments were addressed or are being made a condition of approval. V. Gingrich reviewed the decisions.

Upon motion duly made and seconded it was unanimously

**VOTED:** To close the public hearing for Site Plan Review #22-02, Stormwater Management Permit #22-02 and Ground Water Protection District Permit #22-04 for 30 Upton Drive.

Upon motion duly made and seconded it was unanimously

**VOTED:** To approve with conditions Site Plan Review #22-02 for 30 Upton Drive as shown on plan entitled "Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington Massachusetts", dated January 5, 2022, last revised June 21,

2022, prepared by Todd P. Morey, PE, Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772. Said property is located at 30 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18H.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on February 1, 2022 and closing on August 2, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Stephen Albano, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the construction of a 49,290 sq. ft. warehouse with associated parking and stormwater management, as shown on plan entitled "Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington Massachusetts", dated January 5, 2022, last revised June 21, 2022, prepared by Todd P. Morey, PE, Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772, submitted on January 7, 2022, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

## **MATERIALS:**

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

### Description

"Operation and Maintenance Control Plan" dated January 5, 2022, prepared by Beals Associated, Inc.

"Stormwater Management Permit" dated January 5, 2022, last revised April 29, 2022, prepared by Beals Associates, Inc.

"Traffic Impact and Access Study" dated December 2021, prepared by Rebecca L. Brown, P.E., Greenman-Pedersen, Inc.

"Traffic Engineering Peer Review" dated February 24 and May 17, 2022, prepared by The Engineering Corp

"Traffic Engineering Peer Review Response Letter" dated April 29 and June 21, 2022, from Beals Associates, Inc.

"Dept. of Planning & Conservation Response Letter" dated April 29 and June 21, 2022, from Beals Associated, Inc.

"Engineering Division Response Letter" dated April 29 and June 21, 2022

## **FINDINGS:**

1. The Project site is shown on Map R1 Parcel 18H on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and

guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.

3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

### **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. The proposed hydrant location at the southern corner of the existing building shall be consistent on all sheets of the plan and avoid conflict with landscaping.
8. The photometric plan shall be revised to clearly show property boundaries and demonstrate that no light is shown beyond the property boundaries.

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

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

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

10. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction meeting.

11. At the time of the pre-construction meeting, the Applicant shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
12. 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 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 Applicant shall install a toxic gas monitoring system inside the proposed warehouse.
19. The Applicant shall approach MassDOT to implement time-of-day plans with the newly implemented traffic control signal at the intersection of Route 125 / Andover Street.
20. Improvements at the Andover Street / Upton Drive intersection shall be completed if the improvements have not already been constructed or construction has not yet begun as part of the 36 & 38 Upton Drive development.
21. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
22. 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.
23. 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:**

24. 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.
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.

Upon motion duly made and seconded it was unanimously

VOTED: To issue Stormwater Management Permit #22-02 for 30 Upton Drive as follows:

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

August 10, 2022

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

Case No.: Stormwater Management Permit #22-02

Applicant: Stephen Albano, 79 Chestnut Hill Road, Amherst, NH 03031

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington Massachusetts", dated January 5, 2022, last revised June 21, 2022, prepared by Todd P. Morey, PE, Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772. Said property is located at 30 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18H, material originally submitted on January 7, 2022, subject to the following conditions:

**MATERIALS:**

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

Description

"Operation and Maintenance Control Plan" dated January 5, 2022, prepared by Beals Associated, Inc.

"Stormwater Management Permit" dated January 5, 2022, last revised April 29, 2022, prepared by Beals Associates, Inc.

"Traffic Impact and Access Study" dated December 2021, prepared by Rebecca L. Brown, P.E., Greenman-Pedersen, Inc.

"Traffic Engineering Peer Review" dated February 24 and May 17, 2022, prepared by The Engineering Corp

"Traffic Engineering Peer Review Response Letter" dated April 29 and June 21, 2022, from Beals Associates, Inc.

"Dept. of Planning & Conservation Response Letter" dated April 29 and June 21, 2022, from Beals Associates, Inc.

"Engineering Division Response Letter" dated April 29 and June 21, 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**

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 August 10, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Ground Water Protection District (GWPD) Section 6.6.7.7 Special Permit #22-04 for 30 Upton Drive as shown on plan entitled, "Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington Massachusetts", dated January 5, 2022 and last revised June 21, 2022, prepared by Todd P. Morey, PE, Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772. Said property is located at 30 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 18H.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closing on August 2, 2022, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Stephen Albano, under the provisions of Sections 6.6.8.1 and 6.6.7.7 of the Zoning Bylaws of the Town of Wilmington to consider GWPD Special Permit #22-04 as shown on plan entitled, "Plans to Accompany Permit Documents for Upton Park, 30 Upton Drive, Wilmington Massachusetts", dated January 5, 2022 and last revised June 21, 2022, prepared by Todd P. Morey, PE, Beals Associates Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, and Michael A. Pustizzi, P.L.S., Precision Land Surveying, Inc., 32 Turnpike Road, Southborough, MA 01772, and do hereby vote to GRANT the Special Permit as shown on the submitted plan, subject to the Findings and Conditions below.

#### **MATERIALS:**

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

##### Description

"Operation and Maintenance Control Plan" dated January 5, 2022, prepared by Beals Associated, Inc.

"Stormwater Management Permit" dated January 5, 2022, last revised April 29, 2022, prepared by Beals Associates, Inc.

#### **FINDINGS:**

1. The proposed project renders the site more than 15% impervious at 49.5%.
2. Infiltration is provided on-site to meet the requirements of Section 6.6.7.7 of the Wilmington Zoning Bylaw.
3. This Special Permit approval is granted in conjunction with Site Plan Review #22-02 and Stormwater Management Permit #22-02.
4. The Applicant satisfactorily addressed the comments made by the Planning Board.

#### **CONDITIONS:**

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

1. This Special Permit for GWPD Section 6.6.7.7 of the Zoning Bylaws allows 49.5% impervious surface at 30 Upton Drive shall be valid for this warehouse use only.
2. The Project shall be constructed and operated in accordance with the Site Plan.

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. 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. All recharge areas and systems shall be maintained in full working order by the owner.

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

PRESENT IN INTEREST – 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 and last revised July 25, 2022

ARCHITECTURAL Plans dated July 25, 2022

STORMWATER ANALYSIS & CALCULATIONS dated May 11, 2022 and last revised July 25, 2022

Attorney R. Peterson, Jr. told the Board he submitted revised plans late last week and was told that they would not be reviewed in time for the meeting. He told the Board he wanted to go over the changes because they would be meeting with the Conservation Commission tomorrow. He said they have some concerns relative to the site layout especially with the retaining wall being close to the buffer. He said the met via zoom with the Town Engineer and Planning Director and he believes the concerns have been addressed. He told the Board the Town Engineer wanted a water test which is being done by Kleinfelder to make sure there is sufficient water pressure at the site. He said they were also requested to have a peer review traffic study and they will comply. R. Peterson said the Commission asked for a wildlife study and even though they are not required, they did it and there were some recommendations. T. Boland asked if they are still working on it. R. Peterson said he believes what the Board has now is final. There were no questions from the Board or audience.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline to September 30, 2022 for Site Plan Review #22-15, and Stormwater Management Permit #22-11.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-15, Stormwater Management Permit #22-11, Groundwater Protection District Special Permit #22-03, Multi-Family Special Permit #22-01 and Inclusionary Housing Special Permit #22-01 for Cross Street to September 13, 2022 at 7:40 p.m. in the Town Hall Auditorium.



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

PRESENT IN INTEREST – Michael Newhouse, Esq.  
Luke Roy, LJR  
Mike Tkachuk

**MATERIALS CONSIDERED:**

PLAN “Definitive Subdivision, Birch Street, Town of Wilmington, Assessors’ May 49, Parcels 4, 4A, 5, 6, 7, 8, 9 & 11” dated April 25, 2022  
STORMWATER ANALYSIS dated April 2022  
PLANNING REVIEW LETTER dated July 28, 2022  
LETTER from resident Janet Sullivan, 7 Birch Street, dated July 26, 2022

Attorney M. Newhouse told the Board this subdivision is for 7 units on Birch Street which is off Lowell Street at the intersection where the Ninety-Nine restaurant is located. Birch Street is a dead-end street. He said he could have filed an 81G application but after talking with the Planning Director and Town Engineer his client agreed to file a Definitive Subdivision. He said there were two homes constructed a while ago and this proposal will construct the roadway. He said they will construct the homes without cutting through March Road.

L. Roy said the site is approximately 6.5 acres located in the R20 zoning district. The frontage of the site is on an existing right-of-way, Birch Street. He said Birch Street is paved from Lowell Street up to Hall Street. He said the topography of the site is high elevation and slopes down towards the back where there is a wetland. He said approximately 1/2 to 2/3 of the site is in the Ground Water Protection District. L. Roy said the proposal is to subdivide the 6.5 acres into 7 frontage exception lots. The proposal is to improve the existing paved portion and extend the road to construct a turnaround. He said from the beginning of the site to the turnaround area it’s approximately 750’. He said they will continue the 24’ wide paved section. He said the lots will have septic systems. There will be a sidewalk and granite curb along the west side. The lots will be on town water which will be an extension on the 8’ water main. He showed the high point of the roadway on the plan and how the stormwater system will function.

V. Gingrich said Engineering and DPW are still working on comments, and she said there is a letter from an abutter. V. Gingrich said one of the comments she made is with public safety you do not want a street to dead-end but she noted that she does know the abutters do not want the street to connect to March Road. She outlined a few issues that she saw that are different than the Board has typically been approving with subdivisions such as the width of the road, sidewalks on one side and whether to require granite curbing, T. Boland questioned the waiver for the granite curbing without the grass strip. Attorney M. Newhouse said it made sense to have a 24’ right-of-way since it’s not going to be a cut-through street and it will only serve 9 homes. He said one of the abutters had concerns about speed, he said the 24’ might be less inviting. He said these items would be consistent with an 81G and that’s what they could have filed so that was the rationale behind the request for waivers. T. Boland asked what the circumference is for the turning circle and L. Roy said it’s 42 and T. Boland said its 84 diameter. V. Gingrich told the Board that the Fire Department’s comments will be seen in a memo from Engineering. T. Boland read a letter from J. Sullivan, 7 Birch Street. T. Boland said some of the concerns have been addressed and the other concerns will be looked at. S. Hennigan asked if the Fire Department went out with the truck to see if they could make the circle and Attorney M. Newhouse said in a perfect world the Fire Department would have a cut through street on every street for safety reasons. T. Boland asked the condition of Hall Street and if it’s wooded. L. Roy said there is a little grass. R. Holland asked if the residents of the

existing homes can connect to town water. L. Roy showed how they will bring in the water line and showed the homes that will be on town water. R. Holland asked where the existing house between Hall Street and Birch Street get their water from and L. Roy said they get their water from Bay Street.

Resident, J. Livermore, 9 March Road, said there is a significant height difference from the road to the land. She asked for the height of the houses in comparisons to the grade of the street and how much fill will be brought to the site. She fears it will substantially affect the water table in her yard as well as the residents of Allenhurst. L. Roy talked about the grading and agreed with the resident that there is quite a drop off. He said that section will be raised significantly. J. Livermore said there is a 15' drop. She asked what it will do to the water table because she believes it will cause water damage to Allenhurst. L. Roy said if his plan is very detailed with the existing grades and proposed grades and he tried to explain the proposed plan. J. Livermore pointed out one specific lot and L. Roy explained the grading at the street is at 110 and the top of the foundation will be 108. He said there will be fill in all the front yards with walk out basements and minimal foundation showing in the front. He said even after all the grading these homes will be lower than the other homes. J. Livermore said she would like to walk the lot with L. Roy. J. Livermore said this is near the water shed and since there is sewer on the main road why can't they connect to sewer. T. Boland asked if the easement is the problem and L. Roy said no. He said he is not sure they can connect given the restrictions. V. Gingrich said there are districts where you are allowed to have sewer and the Town tries to limit the places where sewer can go so we can replenish the water supply. She said with septic the water goes back in the ground but with sewer the water goes down to Deer Island, out of town, out of the watershed. J. Livermore said the 7<sup>th</sup> lot is behind the buffer line. L. Roy said it is not a no build buffer, it's just jurisdictional for conservation. J. Livermore said there are 2 other house lots. She is concerned with the water table and there is supposed to be a 50' buffer of trees between the current homes. L. Roy said they looked at other parcels in the area. Resident, F. DiNatale, 8 March Road, said there were people marching around there. T. Boland asked who she was referring to and she said the builder's attorneys. M. Newhouse said it was not him. F. DiNatale said it was a while ago when she signed off on the paper street, she had made it known it was important to keep the tree line, so they do not have to see all the new homes being built. She said her neighbor at 6 March Road has had some sink holes and believes his yard will fall apart since this development will make the area worse. L. Roy said there will be a certain amount of disturbance. He said the grading is designed to improve the area. T. Boland said they are required to build a stable road. They can't create new problems based on stormwater. R. Holland suggested the plan identifies the trees that will be removed and what will remain, and L. Roy agreed. T. Boland said there is a proposed tree line on the plan. R. Sullivan, 7 Birch Street, said the original road is 17' wide. He said after you go past the gas line the road is little wider. He said the road will end up going through his raised flower bed and he asked who he will hold accountable for that. He said his lamppost will have to be removed as well as his mailbox. He asked if the road could be changed to have a little curb in front of his house. L. Roy said the widening that is occurring is on the west side so the road will not increase close to R. Sullivan's property. Residents C. and M. Scopa, 10 Hall Street, said their biggest concern is access in and out of their street during construction. They have a concern about the proposal to extend Birch Street from where it is now. They asked how the road will be kept clear during construction so they could have access to and from their home. They are upset that the animals will have no place to live, and the pink lady slippers will have no place to grow. They are upset that the development is such a large scale. R. Sullivan asked about stormwater and L. Roy talked about the stormwater system and pointed out the catch basin locations. J. Livermore asked what systems are in place to assess the water table as it affects Allenhurst and what is the responsibility of the developer as it relates to the people that are not considered direct abutters. M. Newhouse

said the developer is held to the stormwater standards. He said the package the applicant's engineer submitted is large and needs to be reviewed by the Town Engineer and that's going to take time. T. Boland said this is a sensitive site and the Town Engineer will review it and keep impacts at a minimum. J. Livermore suggested perk tests be done in March, April or May because they will see ducks floating then. T. Boland said we should have comments from the Town Engineer at next Planning Board meeting. T. Woods, 8 Allenhurst Way, is concerned he will be flooded out. He also had concerns regarding the turnaround and asked if the Fire Department needs access through March Road, what will happen. T. Boland said the Planning Board will work with the Fire Department.

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 13, 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 said there is a peer review comment letter from TEC. They reviewed the traffic, civil engineering and stormwater. Comments from TEC and town staff were sent to the applicant. She said the next Zoning Board of Appeals meeting will be August 10, 2022. T. Boland asked if the Zoning Board of Appeals October meeting was before or after the Planning Board's meeting that month. V. Gingrich was not certain. She said the Zoning Board of Appeals has not always been sticking with its regular schedule since this is a big project.

#### **Case 8-22 for 9 Gowing Road – Map 92 Parcel 33 – J Kane by John Warford, Applicant**

J. Wierzbicki told the Board a Simple Stormwater was issued last year for construction of two additions and expansion of the driveway using porous pavement. They are filing for a special permit to work within the groundwater protection district which exceeds the 15% total impervious due to switching the driveway material from porous to regular pavement. They are proposing 20% impervious or 1,901 sf and infiltration of roof runoff is proposed to meet the stormwater requirements. It is the Planning Department's recommendation that the applicant refile a Simple Stormwater Permit application with the revised plan. T. Boland asked if they still need to go before the Board of Appeals and V. Gingrich said they do. T. Boland asked if the Board saw this previously and V. Gingrich said they did not because the applicant filed a Simple Stormwater Permit with the Planning Department but now, they need to go before the Board of Appeals for a special permit. She said they priced out the porous pavement and realized it's more expensive, so they are proposing to go back to regular pavement, and they are adding a roof infiltrator. R. Holland asked why they need to go before the Board of Appeals and V. Gingrich said because residential still goes before the Zoning Board of Appeals and commercial goes to the Planning Board. P. Moser asked if this is an existing construction or proposed and V. Gingrich said it is proposed but under construction under the previous permit.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. Groundwater recharge is proposed to mitigate the impervious area in the Groundwater Protection District. The Applicant will need to file a Simple Stormwater Management Permit application with the revised plan.

Case 9-22 for 11 Commonwealth Avenue – Map 40 Parcel 168A – S&K Associates, Applicant

J. Wierzbicki told the Board the applicant is requesting relief from the official map based on the design that the Board approved. V. Gingrich said Commonwealth Avenue is not on the Official Map. She said to get a building permit they need to have an actual street built and you would need to go to Town Meeting so you are building out your street, getting it approved at Town Meeting and then you can build your houses. She said that process is not agreeable to many people because there is risk involved. She said the practice has been to go to the Planning Board and get roadway improvements approved they go before the Board Appeals for relief. She told the Board this is how it has worked for the past few decades. V. Gingrich said Pomfret was another one but with the help of their attorney's that street was accepted which is more ideal.

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. Roadway improvements have been approved by the Planning Board. It is recommended that the roadway improvements be a condition of the Board of Appeals' approval.

**Old Business**

**Decision for Site Plan Review #22-07, Stormwater Management Permit #22-04 & 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.

**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

T. Boland said the Board closed the public hearing at the last meeting. V. Gingrich told the Board the draft decisions were sent to the applicant. She reviewed the decisions with the Board and applicant's attorney.

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 #22-07 for 278 Lowell Street as shown on plan entitled "Proposed Site Plan, 278 Lowell Street, (Tax Map 72 Lot 1B), Wilmington, Massachusetts", dated April 4, 2022, last revised June 24, 2022, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., 194 Central Street, Saugus, MA 01906 and George C. Collins, P.L.S., Boston Survey, Inc., Unit C-4 Shipway Place, Charlestown, MA 02129. Said property is located at 278 Lowell Street, Wilmington, MA 01887 and shown on Assessor's Map 72 Parcel 1B.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on May 3, 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 Keith Ronan, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider a new 10,000 square foot commercial building, associated stormwater management facilities, and site work, as shown on plan entitled "Proposed Site Plan, 278 Lowell Street, (Tax Map 72 Lot 1B), Wilmington, Massachusetts", dated April 4, 2022, last revised June 24, 2022, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., 194 Central Street, Saugus, MA 01906 and George C. Collins, P.L.S., Boston Survey, Inc., Unit C-4 Shipway Place, Charlestown, MA 02129, submitted on April 6, 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

Trip Generation Traffic Memorandum dated April 1, 2022, prepared by Scott W. Thornton, P.E., Vanasse & Associates, Inc.

"Volume Calculation Figure" dated May 9, 2022

Architectural Plans dated April 4, 2022, prepared by J.P.L. Consulting

"Drainage Calculations and Stormwater Management Plan" dated April 4, 2022, last revised June 24, 2022

Response to Comment Letters prepared by Richard A. Salvo, P.E. and dated May 9, 2022

## **FINDINGS:**

1. The Project site is shown on Map 72 Parcel 1B 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. 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.
12. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

## **DURING CONSTRUCTION:**

13. 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.
14. 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.
15. 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:**

16. The Applicant shall perform a radio signal strength survey at the facility to ensure proper Emergency Responder Radio Coverage.
17. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
18. 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.
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.
20. The Applicant has agreed to donate and shall provide a fully executed drainage easement to the Town of Wilmington for future operation and maintenance of the existing municipal drainage infrastructure located along the parcel's frontage. Said easement shall be provided as depicted on the approved and endorsed site plan set.

## **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 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 with four in favor and one abstention (P. Moser) it was

VOTED: To issue Stormwater Management Permit #22-04 for 278 Lowell Street, Map 72 Parcel 1B 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 4, 2022

ISSUED for Property located at 278 Lowell Street, Wilmington, Massachusetts (Map 72 Parcel 1B)

Case No.: Stormwater Management Permit #22-04

Applicant: Keith Ronan, d/b/a Wrap Solutions, 30 Sixth Road, Unit H, Woburn MA 01801

The Wilmington Planning Board has reviewed and approved the Stormwater Management application Plan entitled "Proposed Site Plan, 278 Lowell Street, (Tax Map 72 Lot 1B), Wilmington, Massachusetts", dated April 4, 2022, last revised June 24, 2022, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., 194 Central Street, Saugus, MA 01906 and George C. Collins, P.L.S., Boston Survey, Inc., Unit C-4 Shipway Place, Charlestown, MA 02129. Said property is located at 278 Lowell Street, Wilmington, MA 01887 and shown on Assessor's Map 72 Parcel 1B, material originally submitted on April 6, 2022, subject to the following conditions:

**MATERIALS:**

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

Description

Trip Generation Traffic Memorandum dated April 1, 2022, prepared by Scott W. Thornton, P.E., Vanasse & Associates, Inc.

"Volume Calculation Figure" dated May 9, 2022

Architectural Plans dated April 4, 2022, prepared by J.P.L. Consulting

"Drainage Calculations and Stormwater Management Plan" dated April 4, 2022, last revised June 24, 2022

Response to Comment Letters prepared by Richard A. Salvo, P.E., dated May 9, 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**

7. 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.
8. 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.
9. 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 4, 2022

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

VOTED: To approve with conditions Parking Relief Special Permit #22-01 for 278 Lowell Street as shown on plan entitled "Proposed Site Plan, 278 Lowell Street, (Tax Map 72 Lot 1B), Wilmington, Massachusetts", dated April 4, 2022 and last revised June 24, 2022, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., 194 Central Street, Saugus, MA 01906 and George C. Collins, P.L.S., Boston Survey, Inc., Unit C-4 Shipway Place, Charlestown, MA 02129. Said property is located at 278 Lowell Street, Wilmington, MA 01887 and shown on Assessor's Map 72 Parcel 1B.

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 Keith Ronan, under the provisions of Section 6.4.3.2 (Parking Relief) of the Zoning Bylaws of the Town of Wilmington to consider Parking Relief Special Permit #22-01 as shown on plan entitled: "Proposed Site Plan, 278 Lowell Street, (Tax Map 72 Lot 1B), Wilmington, Massachusetts", dated April 4, 2022 and last revised June 24, 2022, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., 194 Central Street, Saugus, MA 01906, and George C. Collins, P.L.S, Boston Survey, Inc., Unit C-4 Shipway Place, Charlestown, MA 02129, and do hereby vote to GRANT the Parking Relief as shown on the submitted plan, subject to the Findings and Conditions below.

### **MATERIALS:**

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

#### Description

Trip Generation Traffic Memorandum dated April 1, 2022, prepared by Scott W. Thornton, P.E., Vanasse & Associates, Inc.

"Volume Calculation Figure" dated May 9, 2022

Architectural Plans dated April 4, 2022, prepared by J.P.L. Consulting

"Drainage Calculations and Stormwater Management Plan" dated April 4, 2022, last revised June 24, 2022

Response to Comment Letters prepared by Richard A. Salvo, P.E., dated May 9, 2022

### **FINDINGS:**

5. The proposed Project includes constructing a 10,000 square foot commercial building, requiring 39 parking spaces. The approval is for the provision of 23 parking spaces.
6. According to the Trip Generation Memo prepared by Scott W. Thornton, P.E., Vanasse & Associates, Inc. the proposed usage is expected to generate fifty (50) total vehicle trips on an average weekday, with a total of fourteen (14) employees expected to be on site.
7. 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.
8. The Applicant satisfactorily addressed the comments made or submitted by the Planning Board.

### **CONDITIONS:**

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

4. This Special Permit granted for Parking Relief for 278 Lowell Street shall be valid for the proposed commercial building only. Any change in use shall meet the parking requirements or apply for a Special Permit.
5. If construction has not commenced within two (2) years of a Special Permit approval, the approval shall lapse and then a new application, fees and public hearing will be required, provided that if there is an appeal to the Land Court within twenty (20) days after the decision has been filed with the Town Clerk. The two-year period shall run from the date of the final decision on the appeal.
6. All provisions of the Wilmington Zoning Bylaw pertaining to parking (Section 6.4) shall be met unless an exception is specifically provided in this decision.

### **New Business**

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

### **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

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

VOTED: To endorse plans entitled "Proposed Site Plan, 278 Lowell Street, (Tax Map 72 Lot 1B), Wilmington, Massachusetts", dated April 4, 2022, last revised June 24, 2022.

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

**MATERIALS CONSIDERED:**

Plan "Commonwealth Avenue in Wilmington, Massachusetts" dated November 10, 2021 and last revised May 11, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To endorse the plan for 81G application 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.

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

PLAN "Benevento Companies, Inc., AC Tank Containment Stormwater Plan, Wilmington, Massachusetts" dated May 2022

RECORDED OPERATION & MAINTENANCE PLAN FOR THE BENEVENTO ASPHALT CEMENT TANK, WILMINGTON, MASSACHUSETTS dated July 2022

Upon motion duly made and seconded it was unanimously

VOTED: To endorse the plan for Site Plan Review #22-10 for 910 Salem Street 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, Rhode Island 02886. Said property is located at 910 Salem Street, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcel 28.

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

**MATERIALS CONSIDERED:**

PLAN "Wilmington 4 MA, 773 Salem Street, Wilmington, MA 01887" dated July 28, 2021 and last revised May 24, 2022

Upon motion duly made and seconded it was unanimously

VOTED: To endorse the plan for Site Plan Review #21-18 for 773 Salem Street entitled "Mount Modification Drawings", dated July 20, 2022 and last revised May 24, 2022, prepared by Eric T. Anderson, P.E., Mt. Laurel Office, 2000 Midlantic Drive, Suite 100, Mount Laurel, NJ 08054 and Daniel P. Hamm, P.E., Hudson Design Group LLC, 45 Beechwood Drive, North Andover, MA 01845.

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

**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

Upon motion duly made and seconded it was unanimously

VOTED: To endorse the plan for Site Plan Review #22-12 for 100-110 Fordham Road 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.

**Request to Waive Site Plan Review #22-06 for 65 Industrial Way – Map 56 Parcel 122 David Barbagello, Smartlink on behalf of AT&T, Applicant**

**MATERIALS CONSIDERED:**

PLAN “South Wilmington, MAL03076, FA#10000196, 65 Industrial Way, Wilmington, MA 01887” dated March 11, 2022 and last revised June 1, 2022

MOUNT ANALYSIS REPORT dated April 27, 2022

TOWER STRUCTURAL ANALYSIS REPORT dated April 29, 2022 and June 1, 2022

V. Gingrich told the Board the applicant is swapping out 9 antennas, a one for one replacement with no work on the ground at an existing wireless facility. This is appropriate for a waiver.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review for Review for the one to one swap out of nine (9) antennas, three (3) RRUs, and one (1) DC6 Squid on the existing cell tower. There are no other changes to the existing wireless facility, with open space remaining the same. These changes are shown on plan entitled, “South Wilmington, MAL03076, FA#10000196, 65 Industrial Way, Wilmington, MA 01887” dated March 11, 2022 and last revised June 1, 2022 prepared by: Infinigy, 1033 Watervilet Shaker Road, Albany, NY 12205.

**Discussion**

**Update on projects under construction: Darby Lane**

V. Gingrich talked about Darby Lane, Highland Estates development off Hopkins. She said a violation letter went out to the developer about a violation of the work hours that machines were starting before 7:00 a.m. She said the police responded to a complaint and they found that the machines were being started before 7:00 a.m. V. Gingrich said the developer said he would speak to his subcontractors to make sure that doesn't happen again. Resident, L. Bradley, 4 Sarafina's Way, asked that it be repeated so T. Boland explained what the Planning Director said. L. Bradley asked if they are still building the houses and V. Gingrich said there is one house under construction. L. Bradley said they were never told about the blasting and there is elevated dirt about 2 stories. V. Gingrich asked if she is referring to stockpiles. L. Bradley also said there are two roads and T. Boland said that could be the access road during

construction. L. Bradley asked if the access road will go away once the development is finished and both V. Gingrich and T. Boland said yes.

### **79 Nichols Street**

V. Gingrich said revised plans were submitted to Mass Housing. She said they show 12 units, most single family with one duplex. She said it is a conceptual plan and town staff will be reviewing it. She said there will be a lot more questions than comments. She said they will provide initial comments to MassHousing as they review it for site eligibility. V. Gingrich said they previously proposed 4 single families in the front, a crossing, and a 4-story apartment building in the back. MassHousing asked them to revise the plan to show something that fit better in the neighborhood. She asked the Board to comment on the draft letter when it sent to them so that input could go to the Selectman.

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

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

NEXT PLANNING BOARD MEETING: September 13, 2022

Respectfully submitted, -

A handwritten signature in black ink, reading "Cheryl Licciardi". The signature is fluid and cursive, with the first name "Cheryl" and last name "Licciardi" clearly distinguishable.

Cheryl Licciardi  
Recording Clerk

