



## 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 4, 2020

The Planning Board met on Tuesday August 4, 2020 at 7:30 p.m. via remote participation. The following members were present: Michael Sorrentino, Chair; Randi Holland, Angela Marcolina, Sean Henningan and Terence Boland. Valerie Gingrich, Director of Planning & Conservation, and Sierra Pelletier, Assistant Planner were also present.

M. Sorrentino read the Governor's statement as follows: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, members of the public who wish to watch and listen to the meeting may do so in the following manner: WCTV (Channel 9 – Comcast Xfinity; Channel 37 Verizon Fios, and live stream [wctv.org](http://wctv.org)). This meeting of the Wilmington Planning Board is being conducted via remote participation. **No in-person attendance of members of the public will be permitted,** but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 835-8253-5055 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by following the steps previously noted then press \*9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. All callers using this feature will be placed in queue in the order they entered the prompt. In the event that despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able.

#### Minutes

The Planning Board reviewed minutes of February 4, 2020.

Upon motion duly made and seconded it was

VOTED: To approve the minutes of February 4, 2020 as written.

#### Form A

**100 & 104 West Street – Map 71 Parcels 3 & 5, “Approval Not Required Plan, 100-104 West Street, Wilmington, Mass.” Derek Santini of SF Development Corp., Applicant**

#### MATERIALS CONSIDERED:

PLAN “Approval Not Required Plan, 100-104 West Street, Wilmington, Mass”, dated February 11, 2020 and last revised July 20, 2020.

V. Gingrich explained the plan to the Board. She said there is a shift in the lot line for Lot 4A which is being moved 2'. Attorney R. Peterson said that is the only change on the plan.

RECEIVED  
TOWN CLERK  
2021 JAN - 7 AM 10:38  
TOWN OF WILMINGTON, MA

Upon motion duly made and seconded it was unanimously

VOTED: To receive the ANR Plan and Application #20-05 for 100 & 104 West Street – Map 71 Parcels 3 & 5, “Approval Not Required Plan, 100-104 West Street, Wilmington, Mass” Derek Santini of SF Development Corp., Applicant

Upon motion duly made and seconded it was unanimously

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #20-05 for 100 & 104 West Street – Map 71 Parcels 3 & 5, “Approval Not Required Plan, 100-104 West Street, Wilmington, Mass” Derek Santini of SF Development Corp., Applicant

Upon motion duly made and seconded it was unanimously

VOTED: That endorse plan entitled, “Approval Not Required Plan, 100-104 West Street, Wilmington, Mass”, dated February 11, 2020 and last revised July 20, 2020.

**Matters of Appointment**

**Site Plan Review #20-02 & Stormwater Management Permit #20-02 and Public Hearing – Parking Relief Special Permit #20-02 for 330 Ballardvale Street – Map R3 Parcels 29 & 29C Edward O’Connor, C.E. Cyr Construction Co., Inc., Applicant**

PRESENT IN INTEREST: Edward O’Connor, C.E. Cyr Construction Co., Inc.  
John Judd, Gateway Consultants, Inc.  
Ron Basta, Monogram Gourmet Foods

PLAN “296 & 330 Ballardvale St., Wilmington, MA, Prepared for Monogram Gourmet Foods, LLC” dated July 9, 2020  
Stormwater Management Report to Accompany Site Plan dated July 9, 2020  
Planning Review Letter dated July 30, 2020  
Engineering memo dated August 4, 2020

E. O’Connor told the Board he is the contractor hired by Monogram Foods and submitted a new plan for the modified parking area. He said unfortunately he did not receive the Town Engineer’s comments until the afternoon, which was disappointing but they will address the concerns and submit a revised plan as soon as possible. M. Sorrentino asked if the Town Engineer’s comments were mostly regarding stormwater and V. Gingrich said they were. She said the applicant should be able to respond to the comments relatively quick. E. O’Connor said that J. Judd was on the call to address some concerns. E. O’Connor asked what could be done about the Town Engineer holding up the project and not providing comments quickly once they submit their revised plan. M. Sorrentino asked V. Gingrich if she thought there was a chance the applicant could close at the next hearing and if there was a possibility of having draft conditions. V. Gingrich said that is the hope and if the J. Judd has any questions, he should reach out to get his concerns addressed. V. Gingrich said she requests two weeks to review plans and get comments back to the applicant and that has been the policy with everyone’s application.

J. Judd told the Board that he can address the Town Engineer’s comments and wants to make sure that there are no additional comments from the Board. V. Gingrich said revised plans

should be submitted by the 25<sup>th</sup> of August for the September 8<sup>th</sup> meeting. E. O'Connor asked if there will be another CDTR meeting or more of a John and Paul discussion. M. Sorrentino said the engineers will deal with each other. V. Gingrich said the technical review meeting is just at the beginning of a submission. E. O'Connor asked how it will work on the 8<sup>th</sup> of September. M. Sorrentino said if your submission is acceptable, the meeting will close and possibly draft decision will be discussed. There is a wait because this is a special permit. V. Gingrich said a special permit has an appeal period and once the appeal period has ended, plans can be endorsed. R. Basta asked how long the appeal period is and V. Gingrich said 20 days. The Board had no further questions. M. Sorrentino asked if there were any callers that had questions. There were none.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to September 30, 2020.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Parking Relief Special Permit #20-02 for 296 and 330 Ballardvale Street and to September 8, 2020 at 7:40 p.m.

**Continued Public Hearing – Site Plan Review #20-04 & Stormwater Management Permit #20-04 & Parking Relief Special Permit #20-03 for 100 Eames Street – Map 38 Parcels 4 & 4 C – 100 Eames Street LLC, Applicant**

PRESENT IN INTEREST: Attorney Robert G. Peterson  
Jamie Gerrity, Gerrity Stone  
Patrick McCarty, McCarty Engineering

**MATERIALS CONSIDERED:**

PLANS "Site Plan Review Documents, March 12, 2020 (Revised July 6, 2020)" dated March 12, 2020 and last revised July 6, 2020, "Layout & Materials Plan" dated March 12, 2020 and last revised August 3, 2020 & "Truck Turning Plan" dated May 18, 2020 and last revised August 3, 2020

PARKING ANALYSIS EMAIL from Jamie Gerrity dated July 29, 2020

V. Gingrich said revised plans were received and said a draft decision was prepared but she asked that the applicant to provide an overview.

P. McCarty said that due to a power outage today, he does not have a lot of materials to review with the Board. He said they added some spot grades at the rear of the building. He showed the plan and described the area saying there is a break in the curb to allow water to flow into the infiltration basin. He said the Town Engineer requested the spot grade at that location and requested that the water quality volumes include what comes off the roof top. P. McCarty said the applicant would be happy to have those as conditions of approval. He talked about traffic and said they added parking bumpers where the sidewalk is flush with the pavement. J. Gerrity said the parking area on Eames Street was removed. P. McCarty said the parking count was reduced so a Special Permit for Parking Relief was filed by Attorney R. Peterson. P. McCarty said they reviewed the draft conditions and would like to discuss conditions 16 and 18 of the Site Plan Review Application Decision. He said condition 16 is requesting that vertical granite curbing be installed along the property frontage and the applicant is requesting bituminous as every other neighboring property has. M. Sorrentino said

he cannot speak for the Town Engineer but he would think that granite is best because the road is very busy with truck traffic. P. McCarty said they conducted a speed study. He said the driveway location as proposed exceeds both stopping sight and intersection sight distances. He said Green International is still suggesting a slight adjustment to move the driveway 15' over and they are requesting to keep it as proposed because it makes the right-hand turn onto Eames Street easier. Also with respect to condition 34 is a duplicate of 23. Attorney Peterson said they discussed amongst themselves that condition 26, they would asked that an alternative be proposed rather than to speed feedback sign due to the great expense.

V. Gingrich said Wing Wong is on the call to discuss traffic. She said the applicant is proposing less parking. Attorney Peterson said on the western portion of the parcel there are 44 parking spots when 87 would be required. The operations currently require 25 spaces. He said for the Gerrity use they are providing 59 spaces when 67 are required. They will not have more than 47 vehicles at any given time. M. Sorrentino asked when moving ahead maybe ten years or so, as the site changes, will adjustments be made and Attorney R. Peterson said he would assume but he would probably be retired as well. Attorney R. Peterson said it would be, because a new Site Plan Review application would be required. M. Sorrentino asked how the Town Engineer feels about the driveway and V. Gingrich said while they agree with shifting it as the Peer Reviewer suggested, it meets the requirements as designed so it is up to the Board. W. Wong said they made a recommendation for a less aggressive shift. P. McCarty showed the Board the plan and discussed that turning onto Eames Street will be easier. T. Boland commented that right turns into the site from Eames Street will be more difficult. The Board discussed the pros and cons of shifting the alignment and decided it could remain as proposed.

W. Wong clarified that the speed feedback sign was a comment from before the speed study was conducted and is not necessary anymore. The Board agreed.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing and approve with conditions Parking Relief Special Permit #20-03 for 100 Eames Street, as follows:

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening and closing on August 4, 2020, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by James F. Gerrity, IV, 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 #20-03 as shown on plan entitled: "Site Plan Review Documents, March 12, 2020 (Revised July 6, 2020), Gerrity Stone, 100 Eames Street, Wilmington, Massachusetts 01887", dated March 12, 2020 and last revised July 6, 2020, prepared by Brian R. Marchetti, PE, McCarty Engineering, Inc., 42 Jungle Road, Leominster, MA 01453, and Gregory R. Corcoran, PLS, Dana F. Perkins, Inc., 1057 East Street, Tewksbury, MA 01876, 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:

<u>Date submitted</u>	<u>Description</u>
July 10, 2020	Response to Comments Letter, prepared by Patrick J. McCarty, PE, McCarty Engineering, Inc., dated July 9, 2020.
July 29, 2020	Parking Analysis, Email from Jamie Gerrity, GerrityStone.
July 30, 2020	Engineering Peer Review for Traffic and Parking, Comment Follow-up Letter, prepared by Wing C. Wong, PE, PTOE, Green International Affiliates, Inc., dated July 30, 2020.
August 3, 2020	Layout & Materials Plan, prepared by Brian R. Marchetti, PE, McCarty Engineering, Inc., dated March 12, 2020 and last revised August 3, 2020.
August 3, 2020	Truck Turning Plan, prepared by Brian R. Marchetti, PE, McCarty Engineering, Inc., dated May 18, 2020 and last revised August 3, 2020.

### **FINDINGS:**

1. The proposed Project includes constructing a 44,000 square foot commercial/industrial building with associated site improvements within an already developed industrial site. The Project includes increasing the total number of parking spaces from 85 to 103. The proposed build-out requires a total of 154 parking spaces. The approval is for the provision of 103 parking spaces.
2. For AllCoat (western portion of the parcel), 44 spaces are proposed where 87 are required, and the applicant has stated that the operations only require 25 spaces for its current and future employee count. For GerrityStone (eastern portion), 59 spaces are proposed where 67 are required. The applicant has stated that they have a total of 45 on-site employees, 8 off-site employees that would rarely come to the site, and an average of 5-8 customers throughout each day, adding that it would be unlikely that more than 47 vehicles would be parked there at a time.
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 100 Eames Street shall be valid for GerrityStone and AllCoat only. Any change in tenant, ownership or 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.

**SPECIAL CONDITIONS:**

1. Prior to endorsement, the Plan shall be revised to include a detail for parking blocks or other physical separation between the vehicle parking spaces and "flush sidewalk", in accordance with the Traffic Peer Review letter from Wing Wong, dated July 30, 2020.
2. The Owner has agreed to and shall regularly trim vegetation along the property frontage within the Eames Street right-of-way to maintain sufficient intersection sight distance for vehicles, in accordance with the Traffic Peer Review letter from Wing Wong, dated June 18, 2020.

**Continued Site Plan Review #20-05 & Stormwater Management Permit #20-5 for  
66 Industrial Way - Map 56 Parcel 125 – Michael Cronin, Applicant**

PRESENT IN INTEREST: Michael Cronin, Dagle Electric Construction Corp.  
Attorney Michael Field, Field & Schultz

**MATERIALS CONSIDERED:**

Nothing new submitted

Attorney P. Sutton who represents the abutter, told the Board this is not a routine situation that the applicant has led the Board to believe. He said there are changes in pitch and depth. He said they tried to negotiate a proposal. Attorney P. Sutton said they haven't seen any lateral or vertical view and they believe there is ledge under that area. He said they have 200 occupants that rely on the sewer and sprinkler system and water pipe. Attorney P. Sutton said they would like to know how long it will take to change the pipes and how long the people working at 80 Industrial Way will be without these services. He said they are concerned about what will happen if there is blasting. Attorney P. Sutton said they were negotiating if there is a blockage and it's not fixed right away. M. Sorrentino asked if Attorney P. Sutton was saying that they haven't gotten any further than the last 5 or 6 meetings we've had. Attorney P. Sutton said he has a solution. He said the attorneys should allow A. Kanavos and Mr. Dagle to work out their problems. He requested that the Board continue the public hearing to September 8<sup>th</sup>. Attorney M. Field said this matter has been lingering before the Board for three years. He said Mr. Kanavos came to each meeting and said nothing. He said at one meeting he exchanged some pleasantries with A. Kanavos. He said Attorney P. Sutton did not come to any meetings. Attorney M. Field said that he sent about 60 e-mails to Attorney P. Sutton and that he has seen all kinds of plans. He said their engineers have met and Mr. Dagle was present for that meeting. He said that A. Kanavos is anything but a reasonably good neighbor. He said the change to the pipe can probably be done on a weekend. Attorney M. Field said there is no blasting involved. M. Sorrentino asked if M. Cronin would like to speak. M. Cronin said they will install the new work next to the old in a fashion that supports the old and will not interfere with the building occupants. The work will take place on a Saturday or Sunday. Water will be the same and drainage is simpler. He said they would like to know the schedules of the inhabitants of the building so they don't interfere. He said they would not blast but if there was

ledge they would use a hydraulic hammer. M. Sorrentino allowed Attorney P. Sutton another opportunity to speak. Attorney P. Sutton said it was the first time he heard of their proposal and suggested the Board continue the public hearing to September. He said the Board cannot give the applicant permission to work on their pipes without a court order. M. Field said they may have to go to Land Court. M. Sorrentino asked if the Board had any comments. S. Hennigan said he was still trying to understand what the Board is voting on. M. Sorrentino said the Board is voting on whether or not to close the public hearing. V. Gingrich asked if there were any members in the audience that wanted to speak. A. Kanavos said that he requested that he have one meeting without attorneys. He said that Mr. Dagle never showed up when he had the meeting with the engineers but sent M. Cronin. He said he asked what advantage it would be for him if this project took place. A. Kanavos said that he would have access to his pipes if something went wrong. M. Sorrentino explained that A. Kanavos is not giving up easement rights so he still would have access to his pipes as nothing has changed. A. Kanavos said there will be a fence and they will be parking their trucks there. He said he wants to have a conversation with Mr. Dagle. M. Sorrentino told A. Kanavos the issues he is having with this project are a private matter and nothing to do with the Board. M. Sorrentino ended the conversation and asked the Board to vote.

V. Gingrich said this was previously approved and it's back with some revisions. She said she spoke with Town Counsel about the decision. She reviewed the conditions of approval and said number 8 was added, and the following condition under "prior to endorsement" was tweaked after receiving feedback from the applicant. S. Hennigan asked why they are not having a return/receipt to ensure that someone actually signed for the letter. V. Gingrich said the trouble with that is they can refuse to sign so they did not want to complicate things.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Site Plan Review #20-05 for 66 Industrial Way.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions Site Plan Review #20-05 for 66 Industrial Way as shown on plans entitled: "Proposed Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", dated November 1, 2016 and last revised November 22, 2016, prepared by Stephen M. Melesciuc, PLS, 117 Hill Street Apt 504, Stoneham, MA 02180, and "Stormwater Management Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", 3-sheet plan set, dated October 3, 2016 and last revised November 22, 2016, prepared by Salem Village Consulting, 90 Pine Street, Danvers, MA 01923. Said property is located at 66 Industrial Way, Wilmington, MA 01887 and shown on Assessor's Map 56 Parcel 125.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on July 7, 2020 and closing on August 4, 2020, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Michael J. Cronin, under the provisions of Section 6.5 of the Zoning By-Laws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the contemplated site plan development for property addressed at 66 Industrial Way, to grade a portion of the parcel to create a waste management recycling area, expand the parking lot, and associated relocation of underground utilities, as shown on plans: "Proposed Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", dated November 1, 2016 and last revised November 22, 2016, prepared by

Stephen M. Melesciuc, PLS, 117 Hill Street Apt 504, Stoneham, MA 02180, and "Stormwater Management Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", 3-sheet plan set, dated October 3, 2016 and last revised November 22, 2016, prepared by Salem Village Consulting, 90 Pine Street, Danvers, MA 01923, (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:

<u>Date submitted</u>	<u>Description</u>
May 29, 2020	"Proposed Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", prepared by Stephen M. Melesciuc, PLS, 117 Hill Street Apt 504, Stoneham, MA 02180, dated November 14, 2016.
May 29, 2020	"Stormwater Management Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", 3-sheet plan set, prepared by John A. Barrows, PE, Salem Village Consulting, 90 Pine Street, Danvers, MA 01923, dated November 14, 2016.
May 29, 2020	"Stormwater Management Permit Application" (Stormwater Report), dated October 5, 2016.
May 29, 2020	"Operation and Maintenance & Long Term Pollution Prevention Plan for Storm Water Controls", dated October 4, 2016.
June 24, 2020	Letter from Peter H. Sutton, dated June 24, 2020.
July 2, 2020	Letter from Michael S. Field, dated July 2, 2020.

#### **FINDINGS:**

1. The Project site is shown on Map 56 Parcel 125 on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.



## **CONDITIONS:**

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

### **GENERAL:**

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of a Site Plan approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.
4. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
5. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
6. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval.
7. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.
8. The Applicant has submitted a utility plan dated November 22, 2016. This permit does not grant or alter any property rights. It shall be the responsibility of the Applicant to ensure that it has the right and ability to undertake the work authorized under this permit.

### **PRIOR TO ENDORSEMENT:**

9. The Applicant shall provide proof to the Department of Planning & Conservation that notification of the project has been sent to the adjacent land owner via certified mail.

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

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

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

11. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction conference.
12. If applicable, a Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
13. Erosion controls shall be installed in accordance with the Stormwater Management Plan and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.

**PRIOR TO OCCUPANCY:**

14. As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
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. 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 tenant 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 sign-offs on Occupancy prior to eligibility.

**POST CONSTRUCTION:**

17. 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.
18. 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.
19. 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.
20. 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.
21. Snow shall be stored in designated areas only. Any snow exceeding on-site capacity shall be removed from the site within five (5) days of a snow event. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
22. 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 #20-05 for 66 Industrial Way 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 13, 2020

ISSUED for Property located at 66 Industrial Way, Wilmington, Massachusetts (Map 56 Parcel 125)

Case No.: Stormwater Management Permit #20-05

Applicant: Michael J. Cronin, Dagle Electrical Const. Corp., 68 Industrial Way, Wilmington, MA 01887

The Wilmington Planning Board has reviewed and approved the Stormwater Management Permit application and plans entitled, "Proposed Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", dated November 1, 2016 and last revised November 22, 2016, prepared by Stephen M. Melesciuc, PLS, 117 Hill Street Apt 504, Stoneham, MA 02180, and "Stormwater Management Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", 3-sheet plan set, dated October 3, 2016 and last revised November 22, 2016, prepared by Salem Village Consulting, 90 Pine Street, Danvers, MA 01923. Said property is located at 66 Industrial Way, Wilmington, MA 01887 and shown on Assessor's Map 56 Parcel 125; material originally submitted on May 29, 2020, subject to the conditions below.

## **MATERIALS**

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

<u>Date submitted</u>	<u>Description</u>
May 29, 2020	"Proposed Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", prepared by Stephen M. Melesciuc, PLS, 117 Hill Street Apt 504, Stoneham, MA 02180, dated November 14, 2016.
May 29, 2020	"Stormwater Management Site Plan, 66 Industrial Way, Assessors Map 56 Parcel 125, Wilmington, MA", 3-sheet plan set, prepared by John A. Barrows, PE, Salem Village Consulting, 90 Pine Street, Danvers, MA 01923, dated November 14, 2016.
May 29, 2020	"Stormwater Management Permit Application" (Stormwater Report), dated October 5, 2016.
May 29, 2020	"Operation and Maintenance & Long Term Pollution Prevention Plan for Storm Water Controls", dated October 4, 2016.
June 24, 2020	Letter from Peter H. Sutton, dated June 24, 2020.
July 2, 2020	Letter from Michael S. Field, dated July 2, 2020.

## **STANDARD CONDITIONS**

1. Waivers granted: None
2. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways or wetland resource areas.
3. The development shall comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP)

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

4. The Applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
5. The Applicant shall inspect and maintain the site and stormwater management systems. Maintenance requirements for the site shall remain in perpetuity with the parcel.

### **SPECIAL CONDITIONS**

1. If applicable, a Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
2. Erosion controls shall be placed around all areas of disturbance and shall be inspected by the Department of Planning & Conservation two (2) business days prior to the start of any land disturbing or land altering activity.
3. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to installing any stormwater management system or any other critical design components.
4. Snow shall not be pushed into stormwater management areas and drainage structures shall remain clear of snow.
5. The Operation and Maintenance Plan shall be recorded prior to issuance of a Certificate of Occupancy.

### **Board of Appeals**

At its meeting on August 4, 2020, the Planning Board (Board) voted to recommend as follows:

#### **Case 15-20 for 100 Eames Street – Map 38 Parcels 4 & 4C**

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. Furthermore, the impervious area is proposed to decrease by 3,554 sq. ft. or 0.4% of the site. The project recently received Site Plan Review, Stormwater Management Permit, and Parking Relief Special Permit approval.

### **Old Business**

There was no Old Business

## **New Business**

### **Decision for Sign Special Permit #20-01 for 196 Ballardvale Street, Map R2 Parcel 7E Adam Quinn, Applicant**

PRESENT IN INTEREST: Adam Quinn

#### **MATERIALS CONSIDERED:**

Sign Specification - sign reading "the Habit BURGER GRILL DRIVE THRU"

V. Gingrich said there is a decision for the sign special permit with no special conditions and asked that the Board take a vote.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve with conditions the Sign Special Permit #20-01 for two (2) 47.5" x 159.2" (52.5 sq. ft.) wall signs reading "The Habit Burger Grill Drive Thru", one on the front and one on the rear of the multi-tenant building. The application was filed with the Planning Board on June 12, 2020. Said property is located at 196 Ballardvale Street and shown on Assessor's Map R2 Parcel 7E.

The public hearing was opened and closed on July 7, 2020. At its meeting on August 4, 2020, by a motion duly made and seconded, the Board voted to approve the Special Permit, as presented, under the provisions of Section 6.3.2 of the Zoning Bylaws of the Town of Wilmington. Approval is subject to the following Findings and Conditions.

#### **MATERIALS:**

No materials in addition to the Sign Specifications were submitted into the public record.

#### **FINDINGS:**

1. The signage to be erected is on a parcel on Map R2 Parcel 7E on the Town of Wilmington's Assessor's Map.
2. The Planning Board determined that the sign should be permitted in the public interest.
3. The application materials comply with the requirements of Section 6.3 of the Wilmington Zoning Bylaws and the Board's Special Permit 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:

1. This Special Permit shall be valid for this applicant and these proposed signs only. Any change in applicant or change in signage shall be reviewed by the Planning Board.
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 the sign has not been erected 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 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. This decision in no way invalidates any of the previous conditions required by the Planning Board on this property through Site Plan Review or other Special Permits.
5. The provisions of this conditional approval shall apply to and be binding upon the applicant, its employees, and all tenants.
6. Bylaw Exception: (Section 6.3.6.1.a) "Granted" two (2) wall signs, measuring 47.5" x 159.2" (52.5 sq. ft.) each and 105 sq. ft. total, added to the front and rear of the Habit Burger tenant space in a building, which exceeds the total allowed sign square footage for the tenant space (52.5 sq. ft.) based on its linear frontage of 35 feet.
7. All provisions of the Wilmington Zoning Bylaw pertaining to signage (Section 6.3) will be met unless an exception is specifically provided in this decision.

**Request to endorse corrected Sheet 4 for Definitive Subdivision #19-02 for Highland Estates**

**MATERIALS CONSIDERED:**

PLAN "Lot Layout Plan, Highland Estates, Tax Map 10 Lots 5, 5A, 6, 36, 37, 38, 39, 40, 50, 51 and 52A, 45 Hopkins Street, Wilmington, Massachusetts, Sheet 4 of 16" dated May 10, 2019 and last revised July 8, 2020

V. Gingrich said there were some errors with the bearings but nothing physically changes. She requested that the Board vote to endorse plans.

Upon motion duly made and seconded, it was unanimously

**VOTED:** To endorse Definitive Subdivision #19-02 for Highland Estates, plan entitled "Highland Estates, Tax Map 10 Lots 5, 5A, 6, 36, 37, 38, 39, 40, 49, 50, 51, and 52A, 45 Hopkins Street, Wilmington, Massachusetts," dated May 10, 2019 and last revised July 8, 2020, prepared by Jack A. Szemplinski, P.E., and Andrew C. Bramhall, P.L.S., Benchmark Engineering, Inc., 1F Commons Drive, Suite 35, Londonderry, NH 03053, for the property located at 45 and 47 Hopkins Street, 8 Sarafina's Way, and abutting parcels off Sarafina's Way, Peabody Avenue, Lynn Avenue, and Reading Avenue, and shown on Assessor's Map 10 Parcels 5, 5A, 6, 36, 37, 38, 39, 40, 49, 50, 51, and 52A.

**Request to waive Site Plan Review #20-05 for 400 Research Drive – Map R3 Parcel 403, Harnum Industries, Ltd, Applicant**

**MATERIALS CONSIDERED:**

PLANS "Plan To Accompany Building Permit" dated March 19, 2020

RENDERING submitted July 20, 2020

LETTER from Pamela LaRoche dated July 10, 2020

V. Gingrich said the request is for a new concrete generator pad for equipment for a business that is located in the building. V. Gingrich said that parking is not impacted and they still meet their open space requirement. R. Holland asked if there are any windows near a flue. T. Boland asked where the nearest neighbor is. M. Sorrentino said this is in an industrial area.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review for 400 Research Drive for the placement of a precast 5.8' x 13' concrete pad as shown on plan entitled "Plan to Accompany Building Permit" dated March 19, 2020.

**Request to release surety for 16 Longview Road – 81G Application #19-01 - Map 88 Parcel 73 – Golden Realty Trust, Applicant**

**MATERIALS CONSIDERED:**

LETTER from Debra Ann Goldberg dated July 8, 2020

ENGINEERING MEMO dated August 4, 2020

V. Gingrich said the memo from the Engineering Director recommends the Board deny the request to release surety. She said the work was finished in May and surety is held for a specific time. The decision for this project says surety should be held for 12 months, which would be May of next year.

Upon motion duly made and seconded, it was unanimously

VOTED: To deny the request to release surety for the above referenced project. The applicant may request the release of surety following May 2021 which will be the twelve (12) months following completion of the roadway work in accordance with Condition No. 4 of the Planning Board's decision.

**Request to release surety for 4 Leslie Street – 81G Application #10-02 - Map 49 Parcels 47 & 48 – James Mangano, Applicant**

**MATERIALS CONSIDERED:**

LETTER from James Mangano dated July 8, 2020

ENGINEERING MEMO dated July 31, 2020

V. Gingrich said the memo from the Engineering Director recommends the Board release surety. She read the memo.

Upon motion duly made and seconded, it was unanimously

VOTED: To release final surety in the amount of four thousand, six hundred forty-three dollars and zero cents (\$4,643.00) plus interest for 4 Leslie Street from STA 0+0 (Elm Street) to STA 2+75 (westerly at Tennessee Gas easement).

**Discuss the Town's grant application for funding to complete a Municipal Vulnerability Preparedness Plan (MVP Plan) and Hazzard Mitigation Plan (HMP) Update**

V. Gingrich said the Town is submitting a grant application for funding to complete a Municipal Vulnerability Preparedness Plan (MVP Plan) and an update to the Town's Hazzard Mitigation Plan (HMP). She said it is being done as one process because they talk about many of the same things. She said the Town would love the Board to support this in the form of a support letter signed by the Chairman.

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

VOTED: To adjourn the meeting at 9:05 p.m.

NEXT PLANNING BOARD MEETING: September 8, 2020

Respectfully submitted,

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

Cheryl Licciardi  
Recording Clerk